

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. 78-29

Administrative Order No. 71

(1) Be it resolved by the State Board for Community College Education acting at Olympia Technical Community College, Olympia, Washington that it does promulgate and adopted the annexed rules relating to:

Tuition and fee charges made to student registered at Washington community colleges, WAC 131-28-025, 131-28-026, 131-28-027.

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

This action is taken pursuant to Notice No. 78-06-047 filed with the code reviser on 05/23/78. Such rules shall take effect:

- [X] 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, find that an emergency exists and that the foregoing 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 such emergency is:

Such 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 (1977 c 19 § 2) that "every agency shall incorporate the most specific, but in 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 34.04 and WAC 1-12-065 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 he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

(5) The copy of this order 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 June 28, 1978

JUN 30 1978

CODE REVISER'S OFFICE

WSR 78-07-064

By John C. Mundt Director

Title

AMENDATORY SECTION (Amending Order 39, filed 6/27/75)

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 non-resident students, provided:

(i) that the respective maximums charged to any resident or non-resident student shall not exceed the amount specified in RCW 28B.15.500,

(ii) that the required non-resident differential is charged to students registered for seven or more credits (($\frac{1}{2}$ and)).

~~((iii))--that for such courses the district board of trustees may reduce, but not eliminate, the total combined tuition and fees charged if in its judgment such amount would constitute an exorbitant charge considering the nature and content of the course, special circumstances related to the cost of offering the course, or unique characteristics of the students for whom the course is intended--))~~

(c) shall be assessed for part-time students, exclusive of services and activities fees, for each credit of registration or its equivalent, at the rate of one-tenth of the total combined tuition ~~(($\frac{1}{2}$))~~ and operating ~~(($\frac{1}{2}$ and services and activities))~~ fees charged to full-time students consistent with RCW 28B.15.500.

 (2) The provisions of this section shall not apply to the ungraded courses set forth in WAC 131-28-026. ~~((apprenticeship-related training courses that meet the standards approved by the State Joint Apprenticeship Council pursuant to RCW 49.04.030, industrial first-aid courses, designed to meet the requirements of the Washington Industrial Safety and Health Act of 1973, parent education courses offered in conjunction with cooperative and pre-school education programs, and farm management courses that incorporate on-the-farm supervision, instruction, and work experience credit--Tuition and fees for such courses shall be those established by the district board of trustees subject to the approval of the State Board to the end that such charges shall be substantially uniform throughout the college system--))~~

(3) For community service ~~((regular or short))~~ 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; and

~~((b))--shall be based upon the number of credits assigned to such courses as listed in the official current catalog of the college, or for courses not so listed or given such credit designations, the number of credit equivalents as computed by the method for deriving such equivalents established by the State Board, and))~~

~~((c))~~ (b) shall be assessed at a ~~((uniform))~~ rate sufficient to defray the ~~((total))~~ direct and indirect costs of offering ~~((all))~~ such community service courses ~~((during any fiscal year, provided that the district board of trustees may reduce the special fee for any specific community service course if in its judgment assessing such fee at the uniform rate would constitute an exorbitant charge considering the nature and content of the course, special circumstances related to the cost of offering the course, or unique characteristics of the students for whom the course is intended))~~.

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

~~((5))--Fees-for-courses-and-programs-for-federally-indentured-apprentices shall-be-set-by-the-district-board-of-trustees--))~~

AMENDATORY SECTION (Amendatory Order 63, filed 9/13/77)

WAC 131-28-026 TUITION AND FEE CHARGES FOR CERTAIN UNGRADED COURSES.

(1) When in the judgment of a district board of trustees certain courses should be designated as ungraded courses and offered by tuition and fee rates that differ from the standard rates set by RCW 28B.15.500 and WAC 131-28-025, the board of trustees may propose such designations and tuition and fee levels. Implementation of such proposals shall be contingent upon approval of the State Director, who shall review such proposals with respect to the provisions of subsection 2 of this section and with respect to a general standard of system-wide consistency of tuition and fee charges when essentially similar services are provided.

(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 discreet 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.

(e) The course is not offered 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 non-wage-earning, 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 and fees, exclusive of special fees, charged by any Washington community college for the following ungraded courses shall be:

Course	Tuition	Operating Fee	Services and Activities Fee
<i>SJR</i> ((1)) (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	((10-50)) \$13.50 per year	((10-50)) \$13.50 per year	No Charge
((2)) (b) Department of Labor and Industries approved industrial first aid courses offered for the purpose of satisfying WISHA first aid certification requirements	No Charge	No Charge	No Charge

~~((3))~~ (c) Parent education involving cooperative pre-school program

One-half the stand-ard district charge per credit quarter less one-half of pre-school cooperative fee

One-half the stand-ard district charge per credit quarter less one-half of pre-school cooperative fee

No Charge

~~((4))~~ (d) Farm management and small business management

~~(((\$28.00)))~~
\$20.00
per ~~((two~~ member-family unit-per-year plus-\$14.00 for-each-additional family member)) year per person enrolled, minimum charge \$40.00 per year

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\$20.00
per ~~((two~~ member-family unit-per-year plus-\$14.00 for-each-additional family member)) year per person enrolled, minimum charge \$40.00 per year

No Charge

(e) Adult Basic Education courses supported by federal funds and English as a Second Language courses funded from such sources

No Charge

No Charge

No Charge

For the purpose of computing any refunds related to such tuition and fees charged for apprenticeship, small business management and farm management courses, the total tuition and fees charged on a yearly basis shall be prorated to a quarterly basis.

(5) Tuition, operating fees, and services and activities fees received pursuant to this section shall be accounted for and deposited in conformance with the provisions of RCW 28B.50.360, 28B.15.031, and 28B.15.041 respectively.

AMENDATORY SECTION (Amending Order 65, filed 9/13/77)

WAC 131-28-027 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 and their members, employees or agents shall establish a special fee to be paid by either each student enrolled or a total 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 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 appropriately designated so that they shall not be counted toward the official enrollment level of the college so that there will not be any state funding for such courses or services.

(5) 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) 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) 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.

State of Washington
STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Olympia

Rule Purpose and Implementation Statement

Pursuant to chapter 34.04 RCW and WAC 1-12-065, the following rule purpose and implementation statement is provided:

(1) The amended rules WAC 131-28-025, 131-28-026, and 131-28-027 are regulations covering the methods used by community colleges for assessing tuition and fee charges for course registrations and other educational services provided by such colleges. Authorization to promulgate such rules is contained in RCW 28B.15.500 and 28B.50.140(16). These statutes provide the State Board with rule making authority regarding charges made to part-time students; charges assessed for ungraded, non-credit, and short courses; and charges made for contractual educational services.

(2) The specific amendments provide for the following changes in existing State Board rules:

(a) WAC 131-28-025 was amended to remove an illegal provision. It also was amended to exempt part-time students registering for six or fewer credits from payment of non-resident tuition charges. This latter action is consistent with the provision of RCW 28B.15.012(2) that indicates any non-resident student enrolled for more than six credits shall be considered as attending for educational purposes only and therefore subject to non-resident classification for tuition and fee purposes. In addition, this section was amended to remove the reference to student services and activities fees, thus enabling colleges to vary the services and activities fee charged to part-time students in a manner consistent with the specific benefits obtainable by such students.

(b) WAC 131-28-026 was amended with a provision establishing a definition of "ungraded" courses for tuition and fee purposes and by establishing criteria by which a college can designate certain courses as "ungraded." In addition, increases for the tuition and fees for certain ungraded courses designated by the rule were increased.

(c) WAC 131-28-027 was amended to clarify the basis designating a course as a "contractual" course in instances when the instructor is a paid employee or personal services contractor of another state agency.

(3) Agency personnel who are responsible for drafting, implementing, and enforcing these rules are:

General Responsibility - John C. Mundt, Director (SCAN 234-7412)
Drafting - Gilbert J. Carbone, Assistant Director (SCAN 234-3650)
Enforcing - E. Frank Price, Associate Director (SCAN 234-3674)

All personnel are located at 319 7th Avenue, Olympia, Washington.

(4) Opposition to the amendments to WAC 131-28-026 were opposed by the presidents and trustees of the community colleges on the grounds that it infringed upon local determination of such charges. Proponents were representatives of an organization promoting educational opportunities for senior citizens and staff and members of the State Board. No opposition was apparent for the other amendments. The amendment to WAC 131-28-025 removing the illegal provision was made upon advice of counsel.