



RULE-MAKING ORDER

(RCW 34.05.360)

Resolutions 90-42 & 90-43 -- Administrative Order 122

CR-103 (10/1/89)

Agency: State Board for Community College Education

Permanent Rule

Emergency Rule

(1) Date of adoption: September 13, 1990

(2) Purpose: To revise and update rules governing community college operations related to admission of students, residency classification, definition of "special funds" for tenure purposes, an exceptional faculty awards program, tuition for certain "ungraded" courses, and waiver of tuition and fees for certain students, and repealing a section.

(3) Citation of existing rules affected by this order:

Repealed: 131-12-070

Amended: 131-12-010, 131-12-020, 131-16-400, 131-16-500, 131-28-026, & 131-28-090

Suspended: 131-16-450,

(4) Authority for adoption: RCW 28B.50.090(7)(d), 28B.50.090(10), 28B.50.851, chapter 29, Laws of Statute: 1990, 28B.15.502(4), 28B.15.522, 28B.50.140(3)
Other Authority:

(5.1) PERMANENT RULE ONLY 90-13-095 6/21/90
Pursuant to notice filed as WSR 90-16-067, -068, & -069 on 7/30/90 (date).

Describe any changes other than editing from proposed to adopted version:

In amending WAC 131-12-020 the Board deleted four references to the term "federal employee" because it was determined that eligibility of such persons for residency status had been removed from statute by legislative amendment.

(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:

(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)

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

SEP 20 1990

TIME: 4:02 AM
WSR 90-20-009

NAME (TYPE OR PRINT)

Gilbert J. Carbone

SIGNATURE

Assistant Director

DATE

9/20/90

AMENDATORY SECTION (Amending Order 3, filed 6/19/69)

WAC 131-12-010 MINIMUM STANDARDS FOR ADMISSION TO A COMMUNITY COLLEGE. Any applicant for admission to a community college shall be admitted when, as determined by the chief administrative officer of the district or his ~~((authorized--representative))~~ or her designee, such applicant:

(1) Is competent to profit from the curricular offerings of the college; and

(2) Would not, by his or her presence or conduct, create a disruptive atmosphere within the community college inconsistent with the purposes of the institution; and

(3) Is eighteen years of age or older; ~~or ((who-is-a-graduate--of-a-high-school-or-whose-application,-if-under-eighteen-years-of-age-and-not--a-graduate-of-a-high-school,-has-been-approved,-insofar-as-acquisition-of-approval-is-feasible,-by-the-principal-of-the-high-school-he-is-attending-or-which-he-last-attended))~~

(4) Is a high school graduate; or

(5) Has applied for admission under the provisions of a student enrollment options program such as Running Start or a successor program; or

(6) If not qualified under subsections (1) through (5) of this section, has filed a written release from a public, private, or home school he or she is attending or last attended: PROVIDED, That an applicant transferring from another institution of higher education who meets the above criteria, but who is not in good standing at the time of his transfer may be conditionally admitted to a community college on a probationary status as determined by the chief administrative officer of the community college district or his ((authorized representative)) or her designee.

AMENDATORY SECTION (Amending Order 3, filed 6/19/69)

WAC 131-12-020 DEFINITION OF RESIDENT STUDENT AND PROCEDURES FOR CLASSIFICATION. For tuition purposes, an applicant or enrolled student shall be deemed to be a resident student if he or she has been domiciled in the state of Washington for a full year prior to commencement of the quarter for which ~~((he-applies-or-is))~~ enrolled, or ~~((he))~~ is a ~~((federal-employee;))~~ military personnel, or a staff member of the community college, or the child or spouse of such ~~((federal-employee-or))~~ military personnel residing within the state or of a staff member of the community college. The definition of "domicile" shall be the legal definition.

The following procedures shall be followed by community colleges in making residency classifications:

(1) Upon receipt of an application for admission to the community college the applicant shall be classified as either a resident or non-resident as the facts may indicate.

(2) The notice of acceptance shall be accompanied by a statement of the applicant's residency classification and, in the case of those classified as nonresidents, a statement of the criteria and procedures to be followed for establishing resident status.

(3) Changes in residency classifications of applicants or enrolled students shall be made by the authorized college official as follows:

(a) In the case of applicants or enrolled students who have been classified as nonresident, upon presentation by the applicant or student or an authorized representative of sufficient proof that the applicant or enrolled student has been legally domiciled in the state of Washington for one year, or is a ~~((federal-employee;))~~ military personnel, or a staff member of the community college, or the child or spouse of a ~~((federal-employee-or))~~ military personnel residing within the state or of a staff member of the community college; and

(b) In the case of applicants or enrolled students who have been classified as residents, upon presentation or discovery of proof that such individual is legally domiciled outside the state of Washington.

(4) In the event of dispute or question regarding the residency status of any applicant or enrolled student, the matter shall be referred to the office of attorney general for advice.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 131-12-070 DEADLINE FOR COMPLIANCE AND FILING WITH DIRECTOR.

AMENDATORY SECTION (Amending Order 67, filed 9/13/77)

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 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 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 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.

(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 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.

~~((6) Pursuant to chapter 282, laws of 1977 ex. sess., the provisions of this section shall not be applicable to faculty members holding appointments in an educational program operated in a state correctional institution pursuant to a written contract with a community college district, provided such program has been in existence for five or more years under the administration of one or more community college districts.))~~

NEW SECTION

WAC 131-16-450 EXCEPTIONAL FACULTY AWARDS TRUST FUND. (1) Pursuant to chapter 29, Laws of 1990, the community college exceptional faculty award program shall be subject to the following limitations:

(a) All funds generated by and through this program shall be credited to the college district's exceptional faculty local endowment trust fund, from which only the earnings of such funds may be expended for the purpose of this program.

(b) Authorization to transfer funds from the exceptional faculty award trust fund in the state treasury to a college district endowment fund shall be contingent upon certification by the college district that no less than twenty-five thousand dollars of matching cash donations from private sources has been deposited in the district endowment fund.

(c) Grants to individual colleges shall not exceed:

(i) One grant to each college prior to June 30, 1991, unless all colleges have received one grant each;

(ii) Two grants to each college prior to December 31, 1991; and

(iii) Four grants to each college in any single biennium.

(d) Award of requested grants to colleges shall be contingent upon determination by the state board for community college education that the request is consistent with and meets the requirements of these guidelines. Further, if grant requests exceed available funds, the state board for community college education shall select the recipients.

(e) Funds granted for the purposes of the faculty awards program shall be held in trust by the district for the college to which such funds were specifically awarded.

(f) Each college district shall establish procedures by which awards may be named in honor of a donor, benefactor, or honoree; may designate the use of funds; and may renew or redesignate the award annually.

(g) By September 1 of each year beginning in 1991, each district shall report to the state board for community college education the amount of contributed endowment funds, their earnings, type of investments, and uses made during the previous fiscal year.

(h) The process for determining awards shall be subject to collective bargaining, except that the amount of individual awards and the recipient(s) shall be determined by the district board of trustees.

(i) Only persons holding faculty assignments as defined by RCW 28B.52.020(2) shall be eligible to receive awards under this section.

(2) The award of exceptional faculty grants from the district endowment fund shall be subject to the following limitations:

(a) The proceeds from the endowment fund shall be used to pay expenses for faculty awards, which may include in-service training, temporary substitute or replacement costs directly associated with faculty development programs, conferences, travel, publication and dissemination of exemplary projects; to make a one time supplement to the salary of the holder or holders of a faculty award, for the duration of the award; or to pay expenses associated with the holder's program area.

(b) Funds from this program shall not be used to supplant existing faculty development funds.

NEW SECTION

WAC 131-16-500 PERMISSIBLE COMPENSATION ELEMENTS FOR COMMUNITY COLLEGE PRESIDENTS. (1) RCW 28B.50.140(3) requires the state board for community college education to adopt rules defining the permissible elements of compensation which college boards may approve for community college presidents.

(2) Compensation (including salary) increases granted in accordance with this section shall not exceed the amount or percentage established for that purpose in the state Omnibus Appropriations Act as allocated to the college boards by the state board for community college education.

(3) For purposes of implementation of RCW 28B.50.140(3), the permissible elements of compensation for community college presidents are defined as: (a) Salary, (b) a stipend to compensate the president for providing and maintaining a private automobile for the president's use on college business, (c) medical, life, accidental death and dismemberment, long-term disability and liability insurance, (d) deferred compensation, (e) tax-deferred annuities, (f) relocation assistance, (g) deferred payment for accrued annual leave upon termination of employment in accordance with RCW 43.01.041, and (h) deferred payment for accrued sick leave upon retirement in accordance with RCW 41.04-.340; provided that benefits listed in (b) through (h) of this subsection shall not affect but may supplement such benefits otherwise applicable to presidents as state employees.

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

WAC 131-28-026 TUITION 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 rates that differ from the standard rates set by WAC 131-28-025, the board of trustees may propose such designations and tuition 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 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 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:

TUITION

COURSE	BUILDING FEE	OPERATING FEE	SERVICES AND ACTIVITIES FEE
(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	\$1.40 per credit	\$3.60 per credit	No charge

TUITION

COURSE	BUILDING FEE	OPERATING FEE	SERVICES AND ACTIVITIES FEE
(b) Department of labor and industries approved industrial first aid courses offered for the purpose of satisfying WISHA first aid certification requirements	Standard rate	Standard rate	No charge
(c) Parent education involving cooperative preschool program	The combined standard district charge per credit hour for tuition and operating fees less the preschool cooperative fee, with any remainder divided equally between tuition and operating fee		No charge
(d) Farm management and small business management	((Standard rate)) <u>\$1.85</u> per credit	((Standard rate)) <u>\$9.15</u> per credit	No charge
(e) Adult basic education, <u>English as a second language, and GED preparation</u> courses supported by federal funds ((and-English as-a-second language-courses funded-from such-sources))	No charge	No charge	No charge
(f) <u>Emergency medical technician and paramedic continuing education</u>	\$1.40 per credit	\$3.60 per credit	No charge

TUITION

COURSE	BUILDING FEE	OPERATING FEE	SERVICES AND ACTIVITIES FEE
(g) Courses specifically designed to provide skills and understandings particularly related to the problems of retirement and advanced age	\$1.00 per credit hour	\$1.00 per credit hour	No charge
(h) Courses providing advanced training and skill maintenance for journeypersons in cooperation with local joint apprenticeship and training committees	Standard rate	Standard rate	No charge

(5) 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.

(6) Tuition 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.

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

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

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 (~~chapter--50,--laws--of 1984,~~) 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 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) Enrollments made pursuant to this section shall be on a space available basis.

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

(5) 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) Persons enrolled pursuant to 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.