

WSR 25-01-040

PROPOSED RULES

BELLEVUE COLLEGE

[Filed December 10, 2024, 8:52 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-23-037.

Title of Rule and Other Identifying Information: Organization and general operating policies of community college district VIII.

Hearing Location(s): On January 24, 2025, at 9:45 - 10:45 a.m., via Zoom. Join Zoom meeting <https://bellevuecollege.zoom.us/j/84729592165>, Meeting ID 847 2959 2165.

Date of Intended Adoption: March 19, 2025.

Submit Written Comments to: Loreen McRea Keller, 3000 Landerholm Circle S.E., Bellevue, WA 98007, email loreen.keller@bellevuecollege.edu.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Alignment with Bellevue College board of trustees policy manual and planned adoption of WAC as policy 1050.

Reasons Supporting Proposal: Update sections, move several sections from WAC, and align with Bellevue College board policy.

Statutory Authority for Adoption: Chapter 34.05 RCW; and RCW 28B.50.140.

Statute Being Implemented: RCW 28B.50.140(13).

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Lori McRea Keller, 3000 Landerholm Circle S.E., Bellevue, 20007 [98007], 425-564-6155.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Bellevue College is not one of the enumerated agencies required to conduct cost-benefit analyses under RCW 34.05.328(5).

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party.

Scope of exemption for rule proposal:

Is fully exempt.

December 10, 2024

Loreen M. Keller

Associate Director

Policy and Government Relations

OTS-6027.1

Chapter 132H-133 WAC

((~~ORGANIZATION AND GENERAL OPERATING POLICIES~~)) COMMERCIAL ACTIVITY OF COMMUNITY COLLEGE OF DISTRICT VIII

AMENDATORY SECTION (Amending WSR 92-19-049, filed 9/10/92, effective 10/11/92)

WAC 132H-133-010 Title. WAC 132H-133-010 (~~through 132H-133-150~~) and 132H-133-050 shall be known as the (~~organization and general operating policies~~) commercial policy of Community College District VIII.

AMENDATORY SECTION (Amending WSR 03-01-009, filed 12/5/02, effective 1/5/03)

WAC 132H-133-050 Commercial activity policy. (~~The mission of Community College District VIII, Bellevue Community College, is to provide comprehensive educational programs of the highest quality as provided for in the Community College Act of 1967. These programs will be responsive to the changing needs of the communities and the students served by our district and will be accessible to all those seeking to continue their education.~~)

To promote the mission of Bellevue (~~Community~~) College it is often necessary to engage in commercial activities that provide goods and services that meet special needs of students, faculty, staff, and members of the public participating in college activities and events.

Chapter 28B.63 RCW establishes standards for institutions of higher education to follow in conducting commercial activities. (~~The purpose of these laws is to require institutions of higher education to define the legitimate purposes under which commercial activities may be approved by a college or university and to establish mechanisms for review of such activities.~~) The purpose of the policy statement and standards that follow is to (~~assure~~) ensure that Bellevue (~~Community~~) College pursues commercial activities in compliance with chapter 28B.63 RCW and that all commercial activities of the college serve the mission of the college.

(1) **Policy statement.** Bellevue (~~Community~~) College may engage in the providing of goods, services, or facilities for a fee only when such are directly and substantially related to the educational mission of the college. Fees charged for goods, services (~~+~~), and facilities shall reflect their full direct and indirect costs, including overhead. They shall also take into account the price of such items in the private marketplace.

(2) **Approval and review of commercial activities.** The vice president of administrative services or designee shall be responsible for the approval of new commercial activities and the periodic review of existing ones. It shall be the responsibility of this (~~officer to assure~~) office to ensure that each commercial activity meets the criteria established for commercial activities of the college. Proposals for new or altered services shall be approved by the vice president of administrative services or designee prior to implementation.

(3) **Criteria for commercial activities serving members of the campus community.** Each of the following criteria shall be used in assessing the validity of providing goods or services to members of the campus community:

(a) The goods or services are substantially and directly related to the mission of the college.

(b) Provision of the goods, services, or facilities on campus represents a special convenience to the campus community or facilitates extracurricular activities.

(c) Fees charged for the goods, services, or facilities shall take into account the full direct and indirect costs, including overhead. They shall also reflect the costs of such items in the private marketplace.

(d) Procedures adequate to the circumstances shall be observed to ensure that the goods and services are provided only to (~~persons who are~~) students, faculty, staff, or invited guests.

(4) Criteria for providing commercial activities to the external community.

(a) The goods, services, or facilities provided relate substantially and directly to the mission of the college and are not commonly available or otherwise easily accessible in the private marketplace and are (~~in~~) in demand from the external community.

(b) Fees charged for the goods, services, or facilities shall take into account the full direct and indirect costs, including overhead. They shall also reflect the price of such items in the private marketplace.

(5) **Definitions and limitations.** "Commercial activity" means an activity which provides a product or service for a fee which could be obtained from a commercial source. This definition shall be used to determine which activities shall be governed by this policy, except that this policy shall not apply to:

(a) The initiation of or changes in academic or vocational programs of instruction in the college's regular, extension, evening, or continuing education programs;

(b) Fees for services provided in the (~~practicum~~) practical aspects of instruction;

(c) Extracurricular programs, including food services, athletic and recreational programs, and performing arts programs.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 132H-133-020 Purpose.

WAC 132H-133-040 Organization/operation information.