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## Postsecondary Education & Workforce Committee

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### HB 1143

**Brief Description:** Concerning Washington college grant award amounts.

**Sponsors:** Representatives Mena, Simmons, Nance and Salahuddin.

#### Brief Summary of Bill

- Requires the maximum Washington College Grant award to annually increase by no more than the tuition growth factor for institutions of higher education that sign an affidavit attesting to certain nondiscrimination policies and are not subject to a prefinding settlement or final court order for discriminatory employment practices in violation of the Washington Law Against Discrimination.
- Fixes the maximum Washington College Grant award for institutions of higher education that do not sign an affidavit attesting to certain nondiscrimination policies and are subject to a prefinding settlement or final court order for discriminatory employment practices in violation of the Washington Law Against Discrimination.

**Hearing Date:** 1/21/25

**Staff:** Saranda Ross (786-7068).

#### **Background:**

##### Washington College Grant.

The Washington College Grant (WCG) is the state's largest financial aid program and provides grants to low-income students to pursue postsecondary education. The WCG is an entitlement

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program administered by the Washington Student Achievement Council (WSAC) with guaranteed grants for students who qualify. An eligible student may receive a WCG for five years or up to 125 percent of the published length of the student's program. Part-time students receive prorated awards.

The WCG award amounts vary based on the student's financial need and the institution the student attends. For students attending the state's public institutions of higher education, the maximum WCG is tuition and estimated fees for 15 quarter credit hours or the equivalent, including operating fees, building fees, and services and activities fees.

For students attending the following institutions of higher education, the 2019-20 academic year maximum WCG awards indicated below may increase annually by no more than the tuition growth factor:

private four-year not-for-profit institutions of higher education	\$9,739
private two-year not-for-profit institutions of higher education	\$3,694
private four-year for-profit institutions of higher education	\$8,517
private two-year for-profit institutions of higher education	\$2,823
Western Governors University-Washington	\$5,619

The tuition growth factor is an increase of no more than the average annual percentage growth rate of the median hourly wage for Washington for the previous 14 years as the wage is determined by the federal Bureau of Labor Statistics.

The Washington Law Against Discrimination.

The Washington Law Against Discrimination (WLAD) makes it an unfair practice for an employer to discriminate with regard to compensation or other terms or conditions of employment against an employee based on the individual's age, sex, marital status, sexual orientation, race, creed, color, national origin, citizenship or immigration status, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability.

The WLAD applies to employers that employ eight or more persons and does not include any religious or sectarian organization not organized for private profit.

Office of Student Financial Assistance.

The Office of Student Financial Assistance (Office) is created within the Washington Student Achievement Council. The Office administers state and federal financial aid and other education services programs.

### **Summary of Bill:**

#### Nondiscrimination Affidavit.

The Office of Student Financial Assistance (Office) must adopt rules to allow each institution of higher education to annually sign an affidavit attesting that it:

- prohibits discrimination on the basis of race, creed, color, national origin, citizenship or immigration status, sex, veteran or military status, sexual orientation, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability; and
- operates its education program or activity in a manner free of discrimination and does not exclude students from participation in an education program or activity, deny students from the benefits of an education program or activity, or subject students to discrimination on the basis of age, sex, marital status, sexual orientation, race, creed, color, national origin, citizenship or immigration status, veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability.

By signing the affidavit, an institution also attests that in acting in its capacity as an employer, it does not, because of age, sex, marital status, sexual orientation, race, creed, color, national origin, citizenship or immigration status, veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability:

- refuse to hire, promote, or confer tenure to any person;
- discharge or bar any person from employment;
- discriminate against any person in compensation or in other terms or conditions of employment; or
- conduct hiring practices that express any limitation, specification, or discrimination based on the above protected classes.

#### Exceptions to the Affidavit.

The affidavit contains the following exceptions:

- student exclusion from participation in, or denial of benefits of, an education program or activity based upon a bona fide qualification of the education program;
- hiring practices expressing limitations, specifications, or discrimination based upon a bona fide occupational qualification;
- refusal to hire, promote, or confer tenure based upon a bona fide occupational qualification or where a particular disability prevents the proper performance of the particular work involved;
- segregating washrooms or locker facilities on the basis of sex;
- basing terms and conditions of employment on the basis of sex if the Washington State

Human Rights Commission has deemed the particular employment practice to be appropriate for the practical realization of opportunity between the sexes;

- participation in theology academic programs and campus ministry departments, including the employment, promotion, or granting of tenure of faculty members for courses of study in theology.

#### Washington College Grant Award.

The maximum Washington College Grant (WCG) award must increase each year by no more than the tuition growth factor at institutions that: (a) have signed the affidavit; and (b) are not subject to a prefinding settlement or final court order for discriminatory employment practices in violation of the Washington Law Against Discrimination (WLAD).

The maximum WCG award is fixed at the current statutory award amounts for private institutions and Western Governors University-Washington, and the equivalent of 2024-25 tuition and fees for public institutions, if such institutions: (a) do not sign the affidavit; or (b) are subject to a prefinding settlement or a final court order for discriminatory employment practices in violation of the WLAD.

#### Prefinding Settlement or Final Court Order.

An institution subject to a prefinding settlement or a final court order for discriminatory employment practices in violation of the WLAD is not eligible for maximum WCG adjustments unless the institution has:

- fulfilled the conditions or obligations associated with any court order or settlement resulting from the violation; or
- taken significant and meaningful steps to correct the violation, as determined by the Washington State Human Rights Commission in matters in which the Commission is a party.

If an institution is involved in a court proceeding brought by the Attorney General, it may continue to receive the tuition growth factor until a final order adjudicates the matter.

**Appropriation:** None.

**Fiscal Note:** Requested on January 17, 2025.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.