

Title 250 WAC

(Formerly: Commission on Higher Education and Council on Higher Education; Higher Education Facilities

Title 250 WAC: Council for Postsecondary Education

Commission)

Title 250 WAC

COUNCIL FOR POSTSECONDARY EDUCATION

(Formerly: Commission on Higher Education and Council on Higher Education; Higher Education Facilities Commission)

250-10-010, filed 9/17/79; Order 2-76, § 250-10-010, filed 9/13/76; Order 7-75, § 250-10-010, filed 8/26/75.]

Chapters

- 250-10** Bylaws--Council for postsecondary education.
- 250-16** Receipt and processing of applications for federal grants for higher education instructional equipment.
- 250-20** State student financial aid program--Need grant and the Federal Program for state student incentive grant program Title 45, Code of Federal Regulations chapter 1, Part 192.
- 250-28** Rules and regulations to govern the administration, by the council for postsecondary education, of the western interstate commission on higher education student exchange program in the state of Washington.
- 250-40** College Work-Study Program.
- 250-44** Regulations for the administration of the displaced homemaker pilot project.
- 250-50** Veterans education program unit.
- 250-55** Regulations for the Administration of the Educational Services Registration Act.

WAC 250-10-020 Purpose. The council was established to facilitate planning needed to maintain articulation and coordination among the parts of the increasingly complex system of postsecondary education in Washington. (Reference: RCW 28B.80.020) As the state agency encompassing a concern for all of postsecondary education, the council may be assigned specific coordinating and administrative functions in addition to its overall planning function. In performing all assigned functions it shall be the council's purpose to serve the broad public interest by seeking to foster a coordinated system of postsecondary education which is at once efficient in the utilization of limited resources, of high quality, responsive to changing public needs, and accountable for its activities and claims. [Statutory Authority: RCW 28B.80.080. 79-10-056 (Order 8-79, Resolution 80-2), § 250-10-020, filed 9/17/79; Order 7-75, § 250-10-020, filed 8/26/75.]

Chapter 250-10 WAC

BYLAWS--COUNCIL FOR POSTSECONDARY EDUCATION

WAC 250-10-022 General planning and coordinating functions. In general, the council will place priority on: Identifying the state's needs for education beyond secondary schools; assessing the effectiveness of current postsecondary education programs in fulfilling the state's needs; and recommending goals and long-term plans for Washington postsecondary education. In accordance with statute, the council may perform any of the following functions:

WAC

- 250-10-010 Name.
- 250-10-020 Purpose.
- 250-10-022 General planning and coordinating functions.
- 250-10-025 Repealed.
- 250-10-026 Functions on which all council members vote.
- 250-10-028 Other administrative responsibilities.
- 250-10-040 Term of office.
- 250-10-060 Organization of [the] council.
- 250-10-070 Meetings.
- 250-10-080 Committees.
- 250-10-090 Finances.
- 250-10-120 Reports.
- 250-10-150 Amendments.

(1) Engage in overall planning for postsecondary education in the state, which shall include the collection and analysis of necessary data from public, and, where appropriate, private institutions of postsecondary education. The purpose shall be to:

- (a) Assess and define the educational needs of the state to be served by postsecondary education;
- (b) Recommend and coordinate studies to ascertain how defined educational needs are being met;
- (c) Study and make recommendations concerning adult education, continuing education, public service and postsecondary educational programs;
- (d) Identify priorities among the defined needs and specify the resources necessary to meet them;
- (e) Differentiate roles of the community college system and the individual public institutions and identify the most effective division of responsibility among them in meeting defined needs. To facilitate this, review and recommend the creation of all new degrees and recommend which institutions shall award them; and evaluate proposals for the elimination of existing degrees. Identify changing conditions which may require the revision of these roles and division of responsibility of the institutions.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 250-10-025 Administering programs. [Order 2-76, § 250-10-025, filed 9/13/76; Order 7-75, § 250-10-025, filed 8/26/75.] Repealed by 79-10-056 (Order 8-79, Resolution 80-2), filed 9/17/79. Statutory Authority: RCW 28B.80.080.

(2) In the execution of the above planning responsibilities, develop criteria for the need for new baccalaureate institutions; and recommend the establishment,

WAC 250-10-010 Name. The name of this organization shall be the council for postsecondary education, hereinafter referred to as the "council". (Reference: RCW 28B.80.010)[.] [Statutory Authority: RCW 28B.80.080. 79-10-056 (Order 8-79, Resolution 80-2), §

location and role of any new public baccalaureate-granting institutions and review the plans for the community college system in terms of their articulation with planning for postsecondary education in the state.

(3) Study levels of fees and charges to students and, when necessary, make recommendations to the institutions, legislature, and governor.

(4) Study and make recommendations concerning admission and transfer policies.

(5) Review individual institutional operating budget requests to determine the conformity or lack thereof to the state's postsecondary education plan: Provided, that its review of community colleges be limited to the plan prepared by the state board for community college education.

(6) Review the individual institutional and capital budget requests to determine their conformity or lack thereof to the state's postsecondary education plan: *Provided*, That its review of community colleges be limited to the plan prepared by the state board for community college education.

(7) Study and make recommendations for the development of improved practices of administrative management in order to facilitate the most efficient operation of the public institutions and the avoidance of unnecessary duplication among the institutions.

(8) At the request of the governor, legislature, state board for community college education, or baccalaureate granting institutions of postsecondary education, and in conjunction with such legislative standing committees on higher education as may be in existence, study and make recommendations regarding legislation affecting postsecondary education. (Reference: RCW 28B.80.030)

(9) Be the clearinghouse for technological education, with responsibilities for compilation and distribution of information to support:

(a) Career guidance information of all programs and levels of technology;

(b) Assistance in curriculum development;

(c) Coordination of long-range technological planning; and

(d) Assistance in maximizing federal and other non-state funding grants for program development in technology.

(10) The council shall not duplicate the efforts of the Commission for Vocational Education which shall serve as the clearinghouse source for the compilation of all information for technological programs under the state plan for vocational education.

(11) The council shall incorporate within its long-range planning consideration of the delivery systems of advanced technological programs, the need for new or additional programs, and their proper organizational location. (Reference: RCW 28B.80.130)

(12) Develop such state plans as are necessary to coordinate the State of Washington's participation within the student exchange compact programs under the auspices of the Western Interstate Commission for Higher Education, as provided by chapter 28B.70.RCW. In addition to establishing such plans the council shall designate the state certifying officer for student programs.

(Reference: RCW 28B.80.150)[.] [Statutory Authority: RCW 28B.80.080. 79-10-056 (Order 8-79, Resolution 80-2), § 250-10-022, filed 9/17/79.]

WAC 250-10-025 Repealed. See Disposition Table at beginning of this chapter.

WAC 250-10-026 Functions on which all council members vote. The council with all members voting shall administer the following programs and responsibilities:

(1) Title IV-B and VI of the Higher Education Act of 1965; Title I of the Higher Education Facilities Act of 1963; and any other federal act pertaining to higher education which is not administered by another state agency. (Reference: RCW 28B.80.210 through 28B.80.220)

(2) Any state program or state administered federal program of student financial aid now or hereafter established. (Reference: RCW 28B.80.240)

(a) The state need grant program authorized by RCW 28B.10.800 through 28B.10.824.

(b) The college work/study program authorized by RCW 28B.12.010 through 28B.12.070.

(c) Determination of eligibility and need for benefits to children of deceased or totally incapacitated veterans under RCW 28B.10.250 through 28B.10.260.

(d) Assistance to blind students under RCW 28B.10.210 through 28B.10.220.

(3) The receipt and expenditure of federal funds and any private gifts or grants and such funds shall be expended in accordance with the conditions contingent to such grant. (Reference: RCW 28B.80.230)

(4) State 1202 Commission. The council is designated as the state commission as provided for in section 1202 of the Education Amendments of 1972 (public law 92-318), as now or hereafter amended; and shall perform such functions as are necessary to comply with federal directives pertaining to the provisions of such law.

(5) Responsibilities as the state approving agency for academic schools, colleges and universities, both public and private, pursuant to public law 89-358, under contract with the United States of America, Veterans Administration. (Reference: Executive Order EO-78-2)[.] [Statutory Authority: RCW 28B.80.080. 79-10-056 (Order 8-79, Resolution 80-2), § 250-10-026, filed 9/17/79.]

WAC 250-10-028 Other administrative responsibilities. The council shall administer the following additional functions and programs:

(1) Responsibilities for degree granting institutions under the Educational Services Registration Act (Substitute Senate Bill 2434, 46th Regular Session).

(2) The two-year pilot project of contracts for operation of multi-purpose service centers and programs under the Displaced Homemakers Act (Engrossed Senate Bill 2406, 46th Regular Session).

(3) Such other administrative responsibilities as may from time to time be assigned by statute or by executive order. [Statutory Authority: RCW 28B.80.080. 79-10-

056 (Order 8-79, Resolution 80-2), § 250-10-028, filed 9/17/79.]

WAC 250-10-040 Term of office. (1) Citizen members of the council shall serve for terms of six years, said terms expiring on June 30 of the sixth year of their term: *Provided*, That the term of the student citizen member shall not exceed three years and shall be coextensive with his or her tenure as a student except for summer sessions.

(2) The member of the council appointed by the Governor from the executive branch of government shall serve at the governor's pleasure.

(3) The term of the superintendent of public instruction, the executive director of the commission for vocational education, and the executive director of the state board for community college education shall be coextensive with their tenure in those respective offices.

(4) The president-representatives appointed by the governor shall serve for a four-year term, or until such earlier date as each shall cease to be the president of the institution or representative of a postsecondary group from which he or she was appointed. (Reference: RCW 28B.80.060). [Statutory Authority: RCW 28B.80.080. 79-10-056 (Order 8-79, Resolution 80-2), § 250-10-040, filed 9/17/79; Order 7-75, § 250-10-040, filed 8/26/75.]

WAC 250-10-060 Organization of [the] council. (1) Officers. The officers of the council shall be chairman, vice-chairman, and executive coordinator who shall function as the secretary of the council. The chairman and vice-chairman shall be citizen members of the council.

(2) Duties of officers.

(a) The chairman shall preside at all meetings of the council, shall act as an ex-officio member of all standing committees, and shall perform such other duties as pertain to the office.

(b) The vice-chairman shall perform the duties of the chairman in his or her absence, shall act as an ex-officio member of all standing committees and any other duties delegated by the chairman. The vice-chairman shall assume the duties of the chairman upon permanent departure of the chairman until such time as elections shall be held to elect a new chairman for the balance of the current term of office.

(c) The duty of the executive coordinator, in addition to administrative responsibilities assigned elsewhere in the bylaws, will be to keep a record of the proceedings of the council, notify all council members of meetings and to perform such other duties as shall be delegated by the chairman.

(3) Term of office. Term of office for chairman and vice-chairman will be for one council year beginning July 1 and ending June 30. The chairman and vice-chairman may serve for a maximum of three consecutive terms.

(4) Election of officers.

(a) The nominating committee shall be responsible for presenting nominations for chairman and vice-chairman.

(b) The chairman of the council shall appoint a nominating committee in April. The nominating committee shall consist of three citizen members and two members from the noncitizen membership of the council.

(c) The nominations shall be presented and elections held at the last council meeting of the council year. The chairman and vice-chairman shall be elected by a majority vote of the citizen members. The vote for chairman and vice-chairman will be by roll call vote of the members present. [Statutory Authority: RCW 28B.80.080. 79-10-056 (Order 8-79, Resolution 80-2), § 250-10-060, filed 9/17/79; Order 7-75, § 250-10-060, filed 8/26/75.]

WAC 250-10-070 Meetings. (1) Regular meetings. The council shall meet at least four times each year and at such other times as determined by the chairman or by a majority of the members. The dates of future meetings will be scheduled at least six months in advance.

(2) Place of meetings. The meetings of the council may be held at any place as determined by the chairman.

(3) Notice. Ten days notice of all meetings shall be given by mailing a copy of the notice and agenda to each member.

(4) Special meetings. The ten day notice may be waived for special or emergency meetings upon consent of at least three-fourths of all council members. In such cases, the provision of RCW 42.30.080 will govern due notification of the time, place and business to be transacted.

(5) Executive sessions. An executive session may be called by the chairman or by a majority of all council members. No official actions shall be taken at executive sessions which shall be binding without formal action at a regular or special meeting of the council. Executive sessions shall deal only with matters authorized by RCW 42.30.110.

(6) Agenda. The agenda shall be prepared by the executive coordinator in consultation with the chairman. Items may be submitted by all council members to the executive coordinator at least 15 days prior to the council meeting.

(7) Attendance of council members. Each member of the council is expected to attend all council and assigned committee meetings. In the event that a member is unable to attend a scheduled meeting, he or she is requested to provide the chairman or the executive coordinator with the reasons for the absence. In the case of individuals who are council members by virtue of their office or position, personal attendance is urged. If attendance is not possible, a representative may be sent who will be afforded full speaking privileges but shall not be able to move or second motions or vote. At the end of each council year, the chairman will send the attendance records of all members to the governor's office with the reasons for the absences duly noted. A copy will also be provided to each council member.

(8) Legislative and advisory committee liaison. Members of the legislature who are assigned to the council as

liaison and chairmen of major council advisory committees will be extended seats with the council at all council and standing committee meetings with full speaking privileges but shall not be able to move and second motions or vote. For purposes of this section, "major advisory committees" are the student advisory committee and the faculty advisory committee.

(9) Courtesy of the council. In the event that the governor, a member of the legislature, or a chief executive [office] [officer] of an institution of postsecondary education, is in attendance at a council or a standing committee meeting, the chairman may extend the "courtesy of the council" to such individual, inviting that person to sit with the council or committee with full speaking privileges on any and all issues coming before the council or committee.

(10) Voting procedures.

(a) Voting procedures for the council on all matters set forth in WAC 250-10-022 and 250-10-028 shall be as follows:

(i) Five citizen members shall constitute a quorum to conduct the affairs of the council. (Reference: RCW 28B.80.090)[.]

(ii) The chairman may vote on all matters coming before the council. In the case of a tie, the matter shall be referred to committee for further consideration.

(iii) A roll call of all council members shall be taken on all substantive matters dealing with postsecondary education policy. However, the nine citizen members of the council alone shall have the right to decide by five affirmative votes all matters coming before the council. (Reference: RCW 28B.80.050)[.]

(iv) All council members shall have the right to move and second motions.

(v) There shall be no proxy voting.

(b) Voting procedures for the council on all matters set forth in WAC 250-10-026 shall be as follows:

(i) All sixteen members shall have the right to vote.

(ii) Nine members, at least five of whom shall be citizen members, shall constitute a quorum to conduct the business of the council concerning matters set forth in WAC 250-10-026.

(iii) The chairman shall have the right to vote on all matters coming before the council. In the case of a tie, the matter shall be referred to committee for further consideration.

(iv) A roll call vote will be taken on all substantive matters.

(v) Decisions will be made by a majority vote of all council members present.

(vi) There shall be no proxy voting.

(11) Minutes. The minutes of the previous meeting shall be distributed to all council members 10 days prior to the next council meeting.

(12) Public attendance. All regular and special meetings shall be open to the public. All executive sessions shall be closed to the public.

(13) Press releases. All press releases and information concerning council activities shall be released from the council office.

(14) Public participation.

(a) Any person(s) or organization wishing to make a formal presentation at a regularly scheduled meeting of the council shall notify the executive coordinator in writing at least 48 hours prior to the time of the meeting.

(i) Such notification shall contain the person's or organization's name, address, and the topic to be presented to the council.

(ii) Permission to appear before the council shall be granted by the executive coordinator in consultation with the chairman.

(iii) Such permission shall include the date and time of the council meeting and time set for the formal presentation.

(15) The chairman of the council may, at his or her discretion, recognize anyone in the audience who indicates in writing at the time of the meeting a desire to speak at a formal meeting of the council, provided that such remarks by one person shall be limited to five minutes. [Statutory Authority: RCW 28B.80.080, 79-10-056 (Order 8-79, Resolution 80-2), § 250-10-070, filed 9/17/79; Order 2-76, § 250-10-070, filed 9/13/76; Order 7-75, § 250-10-070, filed 8/26/75.]

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 250-10-080 Committees. (1) Representation.

(a) All committees appointed shall reflect a geographical representation as well as citizen and educational representation.

(b) The chairman of each standing committee shall be a citizen member of the council.

(2) Executive committee.

(a) There shall be an executive committee which shall consist of the chairman, vice-chairman, and executive coordinator.

(b) The executive committee is authorized to deal with personnel, award of personal service contracts in excess of \$5,000, and housekeeping matters, subject to approval at the next council meeting. Official minutes of executive committee meetings will be signed by each member of the executive committee present and filed in the council office, and shall be available for review of any council member.

(3) Standing committees.

(a) The standing committees of the council shall be: (1) finance and (2) academic affairs. The council chairman shall appoint the chairman and other members of each committee subject to confirmation by the council. The chairman and vice-chairman shall be ex-officio voting members of each standing committee.

(b) Committee voting procedures:

(i) All regularly appointed members of a particular committee shall have the right to vote. Other members in attendance may enter into discussion, but shall have no vote.

(ii) There shall be no proxy voting.

(c) Notice of committee meetings shall be given to all council members.

(d) All questions decided by the committee shall be by majority of the committee members present.

(4) Council advisory committees. Council advisory committees shall be established as deemed necessary to the functioning of the council. Council advisory committees shall be limited in their jurisdiction to the purposes determined by the council. Procedures established with regard to council advisory committee meetings and duties are subject to approval by the council.

(5) Committee of the whole. The chairman may, from time to time, direct that items of major importance be discussed in committee of the whole. Meetings of the committee of the whole will be chaired by the chairman, or in the absence of the chairman, the vice-chairman, or by a citizen member designated by the chairman. When meeting as a committee of the whole, all council members shall have the right to vote. There shall be no proxy voting, however.

(6) Committee reports.

(a) Committee reports and recommendations shall be submitted to the council in writing except when committees are meeting in conjunction with the council.

(b) Minority reports may be submitted by regular members of the committee if signed by said member(s).

(7) Committee compensation.

(a) Council members attending committee meetings shall be reimbursed on the same basis as for attendance at regularly called council meetings.

(b) Compensation to persons other than council members for expenses incurred for attendance at officially called committee meetings shall be reimbursed on an actual expense basis and in accordance with regulations governing employee travel. [Statutory Authority: RCW 28B.80.080, 79-10-056 (Order 8-79, Resolution 80-2), § 250-10-080, filed 9/17/79; Order 7-75, § 250-10-080, filed 8/26/75.]

WAC 250-10-090 Finances. (1) Council funds. All council funds shall be expended subject to the approval of the chairman. All matters related to payment of compensation and other expenses of the council shall be subject to the State Budget and Accounting Act. (Reference: RCW 28B.80.080, Para. 5)[.]

(2) Budget approval. The executive coordinator shall prepare the budget which shall be reviewed by the executive committee and approved by the council.

(3) Allotment approval. The agency [allotment] [allotments] and reallocations shall be prepared and submitted by the executive coordinator and subsequently reviewed with the executive committee.

(4) Compensation. Members of the council will receive per diem in lieu of compensation, and travel expenditures in accordance with standard rates for part-time boards, councils, and commissions as certified by the state budget director. (Reference: RCW 28B.80.110)[.]

(5) Other funds. The council, in addition to any funds appropriated or allocated from the state legislature to carry out its purpose, may accept federal funds made available to the state for postsecondary education research or otherwise, under the terms of any act or acts

of Congress, or any private gifts or grants, such as federal funds or private funds to be expended in accordance with conditions contingent in such grant. (Reference: RCW 28B.80.120)[.] [Statutory Authority: RCW 28B.80.080, 79-10-056 (Order 8-79, Resolution 80-2), § 250-10-090, filed 9/17/79; Order 7-75, § 250-10-090, filed 8/26/75.]

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 250-10-120 Reports. (1) Reports will be made to the governor and the legislature not later than 30 days prior to each legislative session and at other times deemed appropriate by the council.

(2) All official reports or information concerning council activities or business will be issued by the executive coordinator, unless otherwise delegated. [Statutory Authority: RCW 28B.80.080, 79-10-056 (Order 8-79, Resolution 80-2), § 250-10-120, filed 9/17/79; Order 7-75, § 250-10-120, filed 8/26/75.]

WAC 250-10-150 Amendments. These bylaws may be amended at any regular or special meeting by a two-thirds vote of citizen members of the council, after appropriate rulemaking notification has been provided. [Statutory Authority: RCW 28B.80.080, 79-10-056 (Order 8-79, Resolution 80-2), § 250-10-150, filed 9/17/79; Order 7-75, § 250-10-150, filed 8/26/75.]

Chapter 250-16 WAC

RECEIPT AND PROCESSING OF APPLICATIONS FOR FEDERAL GRANTS FOR HIGHER EDUCATION INSTRUCTIONAL EQUIPMENT

WAC

250-16-001	Establishment of state plan.
250-16-010	Application acceptance procedures.
250-16-020	Eligibility verification procedures.
250-16-030	Maintenance of application case files.
250-16-040	Deadlines for acceptance of applications.
250-16-050	Scoring methods and priorities.

WAC 250-16-001 Establishment of state plan. (1) Pursuant to section 603 of Public Law 89-329, the state commission for Part A, Title VI, of the Higher Education Act of 1965, by section 157 of the Education Amendments of 1976, the state of Washington hereby submits to the United States commissioner of education, hereinafter referred to as the commissioner, its state plan for participation in the grant programs under Part A of Title VI of the act. The aforesaid state commission, hereinafter referred to as the state commission, will be the sole agency in the state to administer this plan.

(2) The organization and administrative provisions of the state commission are as follows:

(a) The legal name and official address of the state commission are:

Council for Postsecondary Education
908 East Fifth Street

Olympia, Washington 98504

(b) The titles of the principal officers of the state commission are:

Chairman
Vice chairman
Executive coordinator

The title of the chief staff assistant for the state commission shall be the administrator.

(c) Staff and administrative services to the state commission will be performed by an administrator employed for the purpose of administering the Higher Education Act, plus necessary administrative, secretarial, and clerical personnel and/or consultants appointed from time to time.

(d) Formal provisions for utilization of an advisory group, and/or for consultation with advisory groups or other agencies in the state have been established as follows:

(i) A standing committee on administration (committee A) has been established and is composed of citizen, educational, and legislative members and is broadly representative of all segments of higher education in the state.

(ii) Committee A will advise and make recommendations to the commission regarding development and reviews of the state plan and the determination of relative priorities of applications.

(iii) A task force composed of grant specialists who are broadly representative of institutions of higher education in the state which meet the general definition of section 3.0 has been organized by the state commission for the purpose of recommending changes to the state plan for Part A of Title VI.

(e) The state commission has adopted the following rules of procedure in accordance with state law (RCW 42.30.060) for conducting its business and reaching official decisions regarding applications submitted to it under Part A of Title VI of Public Law 89-329:

The state commission will conduct all official business, including all action under Title VI, Public Law 89-329, at formal meetings open to the public, notice of which shall be given in the manner provided by state law. Formal meetings will be conducted in accordance with Robert's Rule of Order, as modified by such rules as the state commission may adopt in the future. A copy of each such rule shall be forwarded to the commissioner.

[Statutory Authority: RCW 28B.80.220. 78-05-023 (Order 1-78), § 250-16-001, filed 4/14/78.]

WAC 250-16-010 Application acceptance procedures. (1) The state commission will accept all applications for grants under Part A of Title VI for all "accredited nonprofit institutions of higher education, including postsecondary trade and vocational schools which are eligible provided they comply with Title VI of the Civil Rights Act of 1974 and with Title IX of the Education Amendments of 1972," and which are not

"schools or departments of divinity,"* provided such applications are submitted on forms provided by the commission and the state and which bear a federal postmark on or before the closing date shown in WAC 250-16-040. The state commission will officially record the date of receipt of each application.

(2) Only one application under each category (i.e., "laboratory and other special equipment" and "television equipment for closed circuit direct instruction") may be submitted for any single campus of an institution for a particular fiscal year.

(3) Verification of an institution's classification according to Title VI-A of the Higher Education Act of 1965 (as amended) must be indicated on Form CPE/VI-A1 and accompany each application for Category I and II for submission to the state commission.

(4) For the purpose of completing this form, the following definition of "full time equivalent number of students" from section 171.1 of the Rules and Regulations for Title VI-A will apply: "Full time equivalent number of students" means for purposes of determining state allotments, the number of full time students enrolled in programs which consist wholly or principally of work normally creditable toward a bachelor's or higher degree plus one-third of the number of part time students enrolled in such programs, plus forty percent of the number of students enrolled in programs which are not chiefly transferable toward a bachelor's or higher degree, plus twenty-eight percent of the remaining number of students. Student enrollment figures for each fiscal year for the purpose of this computation shall be those listed in the most recent edition of the office of education publication "opening fall enrollment in higher education."

NOTE: *Section 2.2 of the Rules and Regulations for Title VI-A.

[Statutory Authority: RCW 28B.80.220. 78-05-023 (Order 1-78), § 250-16-010, filed 4/14/78; Order 1-68, § 250-16-010, filed 2/26/73; Order, § 250-16-010, filed 7/29/68, 9/22/67, 4/4/67.]

WAC 250-16-020 Eligibility verification procedures. Before determining the relative priority or federal share for any application for grant assistance under Part A of Title VI of the act, the state commission will verify the validity of data contained in the application and will verify that the institution and the project proposed in the application appear to meet basic eligibility requirements set forth in the act and the regulations governing administration of the act. In any case where in the opinion of the state commission a question exists as to the eligibility of an institution or of a project, one copy of the application will be forwarded promptly to the U.S. office of education for a clarification of such eligibility. In any such case, the state commission will continue to process and rank the application as if it were eligible but will delay final action on all applications under the same category considered as of the same closing date until notified by the U.S. office of education as of the disposition of the eligibility question. Maintenance of effort

under paragraph (c)(2) of section 171.3, conditions for grant approval, may be shown by comparing either: (i) The total expenditures in each of the two years; or (ii) the total expenditures, divided by the full time equivalent number of students in each of the two years.

In conjunction with provisions under section 171.4 (as amended), conditions for waiver of maintenance of effort provision are provided in this state plan. An institution qualified under these conditions may submit Form CPE/VI-A2 to the state commission for approval at the time of application.

For the purpose of completing CPE/VI-A2, the following definitions will apply:

(1) "New or relatively new institution" means less than five years old.

(2) "An older institution" means more than five years old.

(3) "Substantial" means more than five percent.

(4) "Large" means an increase of more than five percent of instructional and library expenditures less salaries and benefits.

(5) "Normal" means the level of instructional and library expenditures (less salaries and benefits) reported the base instructional fiscal year, adjusted by an inflationary state-wide factor based upon the consumer price index as determined by the office of commerce and economic development of the state of Washington. [Statutory Authority: RCW 28B.80.220. 78-05-023 (Order 1-78), § 250-16-020, filed 4/14/78; Order, § 250-16-020, filed 7/29/68, 9/22/67, 4/4/67.]

WAC 250-16-030 Maintenance of application case files. The state commission will establish a complete case file on each application received; inform applicants of official actions and determinations regarding applications, by letter or similar type of correspondence; and retain records regarding each case for at least three years after final action with respect to the application as taken by the state commission. [Statutory Authority: RCW 28B.80.220. 78-05-023 (Order 1-78), § 250-16-030, filed 4/14/78; Order, § 250-16-030, filed 7/29/68, 9/22/67, 4/4/67.]

WAC 250-16-040 Deadlines for acceptance of applications. The state commission will group applications for assignment of relative priorities and federal shares, in accordance with the following provisions:

(1) The following closing dates are established for assignment of relative projects:

(a) For applications for laboratory and other special equipment projects - January 15 for each fiscal year.

(b) For applications for closed-circuit instructional television projects - January 15 for each fiscal year.

(c) If the closing date established in (a) and (b) above fall on Saturday, Sunday, or legal holiday, the next regular working date thereafter shall be the effective closing date.

(2) All completed applications received by the specified closing date will be verified by the state commission review to be accurate and complete. Applications will be

separated by category and all applications in each category will be considered together and assigned relative priorities and recommended federal shares in accordance with the provisions of this plan.

(3) In any case where funds available in either section 601(b) or section 601(c) allotment to this state, as of the given closing date, are insufficient to cover all eligible applications, a reduced federal share (consisting of the funds remaining available in the appropriate allotment as of such closing date) will be offered to the first project in order of priority for which less than the full federal share as otherwise calculated is available. An applicant offered such a reduced federal share shall be entitled to reduce the scope of the project to a level not less than that required to qualify under the state plan for such a federal share amount. [Statutory Authority: RCW 28B.80.220. 78-05-023 (Order 1-78), § 250-16-040, filed 4/14/78; Order 1-68, § 250-16-040, filed 2/26/73; Order, § 250-16-040, filed 7/29/68, 9/22/67, 4/4/67.]

WAC 250-16-050 Scoring methods and priorities.

The state commission will determine separate relative priorities for Category I and Category II projects which appear to be eligible for funds allotted under Part A of Title VI of the act, by application of the following standards and methods:

(1) All applications for Category I and Category II must include basic educational and general expenditures per semester credit hour equivalent to determine priority factors. Form CPE/VI-A3 fulfills satisfactory completion of this requirement and must accompany application.

(a) Line 3.1. For the column headings of this form, show the month and day on which the institutional fiscal year ends. In columns (A) through (C), indicate the three institutional fiscal years preceding the closing date for which the application is filed. For example, for an application from an institution whose fiscal year coincides with the state fiscal year and filed for a closing date in the state fiscal year 1973, the column headings would be as follows:

Institutional Fiscal Year Ending			
1970	1971	1972	Total
(A)	(B)	(C)	(D)

"Institutional fiscal year" means for a particular institution or branch campus a period of one year, not necessarily corresponding with either the school year or the Federal fiscal year, at the end of which financial accounts are closed and reports made.

(b) Line 3.11. "Basic educational and general expenditures" means the total of all expenditures (including the estimated value of nonsalaried or contributed personal services) no matter by whom made, for a particular institution or branch campus of such institution, for: (i) General administration and general expense; (ii)

instruction and departmental research; (iii) libraries; and (iv) operation and maintenance of physical plant.

(c) Line 3.12. "Semester credit hour" means the unit of credit which the institution awards to a student for a class meeting one hour per week for a semester or a laboratory meeting two or three hours per week for a semester. For purposes of this definition the term "semester" means a period of at least fifteen weeks of instruction. Where credits are recorded at an institution or branch campus on the basis of some other length of term, such as a "quarter" or where credits are not normally recorded, the credit hours or other units of accomplishment so recorded are to be converted to semester hour equivalents for purposes of reporting in applications submitted under this program. Any such conversions to semester credit hour equivalents shall be supported by definitive explanations, satisfactory to the state commission.

(d) Line 3.2. "Laboratory and other special equipment and materials" means items of equipment and materials which are to be used in providing instruction in eligible subjects in institutions of higher education. The term does not include items for noninstructional uses such as organized research or general administration nor does it include general purpose furniture, radio or television broadcast apparatus or items for the maintenance or repair of equipment.

(e) Line 3.3. Capacity/enrollment ratio. This item applies only to applications for Category I projects.

(f) Line 3.31. "Capacity/enrollment ratio" means the ratio of square feet of assignable area of instructional and library facilities to the total student clock-hour enrollment divided by one hundred. For purposes of this definition, "student clock-hour enrollment" means the aggregate clock hours (sometimes called contact hours) per week in classes or supervised laboratory or shop work for which all resident students (i.e., students taking resident credit, irrespective of the time of day, place or workload of the student) are enrolled as of a particular date. Where formally established independent study programs exist, systematically determined equivalents of class or laboratory hours may be included under "student clock-hour enrollment", subject to verification and adjustment by the state commission.

"Classroom" means, for purposes of eligibility of projects under this program, a "general classroom," "instructional laboratory or shop," "other teaching facility," or "service area for teaching facilities." The term does not include faculty offices, library facilities not used for organized instruction, or any facilities under the categories of "instruction-related facilities" or "related supporting facilities."

(g) Line 3.32. "Assignable area" means square feet of area in facilities designed and available for assignment to specific functional purposes, as distinguished from area in a building used either for janitorial and building maintenance services or for nonassigned use (e.g., public washrooms and general service and circulation areas).

"Instructional and library facilities" means all rooms or groups of rooms used regularly for instruction of students, for faculty offices, or for library purposes. A room

intended and equipped for any of the purposes listed herein should be counted in the appropriate category, regardless of the building (e.g., administrative building, library building, or fieldhouse) in which it is located. Instructional and library facilities are subdivided into the following categories: (i) General classrooms; (ii) instructional laboratories or shops; (iii) other teaching facilities; (iv) service areas for teaching facilities; (v) library facilities; (vi) faculty offices.

(h) Line 3.4. Planned expansion--CCTV instruction. This item applies only to applications for Category II (television equipment and materials for closed-circuit direct instruction) projects.

(i) Line 3.5. "Television equipment for closed-circuit direct instruction" means fixed or movable equipment items which are suitable for use in originating, distributing and receiving programs or units of instruction by closed-circuit television in institutions of higher education. The term includes studio equipment, control and recording equipment, transmitters, receivers and associated distribution equipment, antennas, and supporting towers for instructional television fixed services as defined by the federal communications commission and for point-to-point microwave relay equipment, but does not include towers, antennas, or broadcast transmitters designed to operate on VHF or UHF frequencies in the standard broadcast band. "Closed-circuit direct instruction" includes all uses of television equipment and materials involving the distribution of television instruction from any source such as television cameras, film chains, video-tape recording or playback apparatus, monoscope devices or receiving antennas, to one or more television monitors or receivers at one or more viewing locations. The term does not include closed-circuit installations for any noninstructional uses, such as monitoring for security purposes.

(2) COMBINATION OF INSTITUTIONS. In applications submitted by a combination of institutions, the combination figures reported under this item must represent the total expenditures and the total semester credit hour equivalents of all participating institutions.*

The total instructional and library expenditures for each institution or branch campus** shall be summed for each year.

The semester credit hours or equivalents produced at each institution or branch campus should also be summed for each year.

Divide the sum total of instructional and library expenditures of the participating institutions by the sum total of semester credit hour equivalents produced by all the participating institutions.

These amounts must be supported by separate exhibits for each institution and must be attached to the application.

*In an application submitted by a combination of institutions, where participating institutions follow different methods of reporting credit hours or other units of accomplishments, conversions to semester credit hour equivalents must be approved by the state commission.

**"Branch campus" means a campus of an institution of higher education which is located in a community different from that in which its parent institution is located.

(3) SPECIFIC INSTRUCTIONS RELATING TO APPLICATIONS FOR COMBINATION OF INSTITUTIONS.

(a) The following steps should be taken in completing Form CPE/VI-A3.

(i) Compute the total basic educational and general expenditures for each institution.

(ii) Sum the total of all institutions.

(iii) Enter the sum total in 3.1(A), (B), and (C).

(b) The following steps should be taken in completing Line 3.2:

(i) Compute the total laboratory and other special equipment expenditures for each institution.

(ii) Sum the totals of all institutions.

(iii) Enter the sum total in 3.21 and 3.22(A), (B), and (C).

(c) The following steps should be taken in completing Line 3.5:

(i) Compute the total television equipment for closed-circuit direct instruction expenditures for each institution.

(ii) Sum the totals of all institutions.

(iii) Enter the sum total in 3.51 and 3.52(A), (B), and (C).

(d) The following steps should be taken in completing Line 3.4:

(i) Compute the total course offerings and projected student enrollments for each institution.

(ii) Sum the total of all institutions.

(iii) Enter the sum totals in 3.41 and 3.42.

(4) All applications will be separated into Category I and Category II, evaluated simultaneously, and placed in the rank order for each criterion.

(5) The total point score for each application will be determined by adding together the points awarded for each factor, and the applications will be listed in rank order by total point score. Higher priority will be assigned to an application with a higher score.

(6) In the event that two or more applications receive identical total scores, the state commission will determine which application shall receive the higher priority on the basis of, and in the order listed:

(a) Comparison of expenditures reported for Category I on 3.21 and 3.22 and for Category II on 3.51 and 3.52 to determine if expenditures have increased over the previous fiscal year indicating a maintenance of effort specifically related to equipment expenditures.

(b) Preference given to those institutions where no Title VI-A grant award is indicated (3.22 or 3.52) or the greatest number of years has elapsed since a grant was awarded.

(7) Relative priorities of laboratory and other special equipment projects will be determined as follows:

(a) The average of the basic educational and general expenditures per semester credit hour equivalent, at the institution or branch campus for which the project is submitted, for the three completed institutional fiscal

years immediately preceding the closing date for which the application is filed with the state commission. A maximum of 25 points to be assigned as follows, based on full time equivalent students enrolled in the fall term preceding the closing date for which the application is filed.

(i) In the case of institutions having more than fifteen percent of full time equivalent students enrolled in programs leading to advanced degrees beyond the baccalaureate, if expenditures are:

Below \$106.00	25 points
Between \$106.00 and \$111.99	22.5 points
Between \$112.00 and \$119.99	20 points
Between \$120.00 and \$127.99	17.5 points
Between \$128.00 and \$133.99	15 points
Between \$134.00 and \$139.99	12.5 points
Between \$140.00 and \$147.99	10 points
Between \$148.00 and \$169.99	7.5 points
Between \$170.00 and \$189.99	5 points
Between \$190.00 and \$207.99	2.5 points
Over \$208.00	0 points

(ii) In the case of institutions offering some graduate or professional programs, but having less than fifteen percent of full time equivalent students enrolled in programs leading to advanced degrees beyond the baccalaureate, if expenditures are:

Below \$62.00	25 points
Between \$62.00 and \$67.99	22.5 points
Between \$68.00 and \$75.99	20 points
Between \$76.00 and \$83.99	17.5 points
Between \$84.00 and \$89.99	15 points
Between \$90.00 and \$95.99	12.5 points
Between \$96.00 and \$103.99	10 points
Between \$104.00 and \$125.99	7.5 points
Between \$126.00 and \$143.99	5 points
Between \$144.00 and \$163.99	2.5 points
Over \$164.00	0 points

(iii) In the case of institutions having baccalaureate programs, but no advanced degree programs, if expenditures are:

Below \$50.00	25 points
Between \$50.00 and \$55.99	22.5 points
Between \$56.00 and \$61.99	20 points
Between \$62.00 and \$67.99	17.5 points
Between \$68.00 and \$73.99	15 points
Between \$74.00 and \$77.99	12.5 points
Between \$78.00 and \$85.99	10 points
Between \$86.00 and \$99.99	7.5 points
Between \$100.00 and \$113.99	5 points
Between \$114.00 and \$125.99	2.5 points
Over \$126.00	0 points

(iv) In case of other institutions of higher education, not included in paragraphs (i), (ii), or (iii) above, if expenditures are:

Below \$32.00	25 points
Between \$32.00 and \$37.99	22.5 points
Between \$38.00 and \$39.99	20 points
Between \$40.00 and \$43.99	17.5 points

Between \$44.00 and \$47.99	15 points	Points
Between \$48.00 and \$53.99	12.5 points	
Between \$54.00 and \$61.99	10 points	
Between \$62.00 and \$73.99	7.5 points	
Between \$74.00 and \$85.99	5 points	
Between \$86.00 and \$97.99	2.5 points	
Over \$98.00	0 points	

will receive no points and will be penalized five points _____ -5

Applications for institutions or branch campuses which have not been in operation for at least one academic year preceding the academic year in which the application is filed shall receive zero points under this standard.

(8) Relative priorities of closed-circuit instructional television projects will be determined as follows:

(b) The capacity/enrollment ratio* at the institution or branch campus for which the project is submitted, as of the fall term which opened preceding the closing date for which the application is filed. The applications will be ranked with institutions in the lowest ratio receiving the highest number of points. Institutions not in operation for one academic year preceding the academic year in which the application is filed shall receive zero points under this criterion.

(a) The average of the basic educational and general expenditures per semester credit hour equivalent, at the institution or branch campus for which the project is submitted, for the three completed institutional fiscal years immediately preceding the closing date for which the application is filed with the state commission. A maximum of 25 points to be assigned as follows, based on full time equivalent students enrolled in the fall term preceding the closing date for which the application is filed.

Range	Points
100 - 200	10
201 - 300	9
301 - 400	8
401 - 500	7
501 - 600	6
601 - 700	5
701 - 800	4
801 - 900	3
900 - 1,000	2
1,001 or more	1

(i) In the case of institutions having more than fifteen percent of full time equivalent students enrolled in programs leading to advanced degrees beyond the baccalaureate, if expenditures are:

Below \$106.00	25 points
Between \$106.00 and \$111.99	22.5 points
Between \$112.00 and \$119.99	20 points
Between \$120.00 and \$127.99	17.5 points
Between \$128.00 and \$133.99	15 points
Between \$134.00 and \$139.99	12.5 points
Between \$140.00 and \$147.99	10 points
Between \$148.00 and \$169.99	7.5 points
Between \$170.00 and \$189.99	5 points
Between \$190.00 and \$207.99	2.5 points
Over \$208.00	0 points

(d) Date of most recent laboratory and other special equipment grant received by the applicant.

	Points
No grant received _____	25
Most recent grant received three or more federal fiscal years prior to the federal fiscal year in which application is submitted _____	20
Most recent grant received two federal fiscal years prior to the federal fiscal year in which application is submitted -	15
Most recent grant received, one federal fiscal year prior to the federal fiscal year in which application is submitted; and, grant amount to less than \$500—	10
Most recent grant received one federal fiscal year prior to the federal fiscal year in which the application is submitted _____	0

*The ratio of square feet of assignable area of instructional and library facilities (defined on Line 3.32 of this state plan) to the total student clock-hour enrollment divided by 100. See Line 3.12 of this state plan for means of calculating student clock-hour equivalents.

(ii) In the case of institutions offering some graduate or professional programs, but having less than fifteen percent of full time equivalent students enrolled in programs leading to advanced degrees beyond the baccalaureate, if expenditures are:

Below \$62.00	25 points
Between \$62.00 and \$67.99	22.5 points
Between \$68.00 and \$75.99	20 points
Between \$76.00 and \$83.99	17.5 points
Between \$84.00 and \$89.99	15 points
Between \$90.00 and \$95.99	12.5 points
Between \$96.00 and \$103.99	10 points
Between \$104.00 and \$125.99	7.5 points
Between \$126.00 and \$143.99	5 points
Between \$144.00 and \$163.99	2.5 points
Over \$164.00	0 points

An institution using only twenty-five percent or less of the grant awarded in the most recent fiscal year for which a grant was received and the period authorized for its expenditure has expired

(iii) In the case of institutions having baccalaureate programs, but no advanced degree programs, if expenditures are:

Below \$50.00	25	points
Between \$50.00 and \$55.99	22.5	points
Between \$56.00 and \$61.99	20	points
Between \$62.00 and \$67.99	17.5	points
Between \$68.00 and \$73.99	15	points
Between \$74.00 and \$77.99	12.5	points
Between \$78.00 and \$85.99	10	points
Between \$86.00 and \$99.99	7.5	points
Between \$100.00 and \$113.99	5	points
Between \$114.00 and \$125.99	2.5	points
Over \$126.00	0	points

(iv) In case of other institutions of higher education, not included in paragraphs (i), (ii), or (iii) above, if expenditures are:

Below \$32.00	25	points
Between \$32.00 and \$37.99	22.5	points
Between \$38.00 and \$39.99	20	points
Between \$40.00 and \$43.99	17.5	points
Between \$44.00 and \$47.99	15	points
Between \$48.00 and \$53.99	12.5	points
Between \$54.00 and \$61.99	10	points
Between \$62.00 and \$73.99	7.5	points
Between \$74.00 and \$85.99	5	points
Between \$86.00 and \$97.99	2.5	points
Over \$98.00	0	points

Applications for institutions or branch campuses which have not been in operation for at least one academic year preceding the academic year in which the application is filed shall receive zero points under this standard.

(b) The ability of the applicant to effectively use educational television as evidenced by the number of planned additional undergraduate level courses to be programmed for closed circuit instruction or branch campus covered by the project as of the second fall term after the fall term preceding the closing date for which the application is filed.* Applications will be ranked with maximum points going to the application showing the greatest number of additional courses. The remaining points will be distributed arithmetically among the remaining applicants.

Number of Additional Courses	Points
Largest Number of Additional Courses	15
2nd Largest Number of Additional Courses	14
3rd Largest Number of Additional Courses	13
4th Largest Number of Additional Courses	12
5th Largest Number of Additional Courses	11
6th Largest Number of Additional Courses	10
7th Largest Number of Additional Courses	9
8th Largest Number of Additional Courses	8
9th Largest Number of Additional Courses	7
10th Largest Number of Additional Courses	6
11th Largest Number of Additional Courses	5
12th Largest Number of Additional Courses	4
13th Largest Number of Additional Courses	3
14th Largest Number of Additional Courses	2
All Other Applicants	1

(c) The ability of the applicant to effectively use educational television as evidenced by the projected number

of additional student enrollments in undergraduate level courses to be programmed for closed-circuit instruction at the institution or branch campus covered by the project as of the second fall term after the fall term preceding the closing date for which the application is filed.* Applications will be ranked with maximum points going to the application showing the greatest number of additional student enrollments. The remaining points will be distributed as described in WAC 250-16-050(7)(b) above.

Projected Enrollment Increase	Points
Largest Projected Enrollment Increase	15
2nd Largest Projected Enrollment Increase	14
3rd Largest Projected Enrollment Increase	13
4th Largest Projected Enrollment Increase	12
5th Largest Projected Enrollment Increase	11
6th Largest Projected Enrollment Increase	10
7th Largest Projected Enrollment Increase	9
8th Largest Projected Enrollment Increase	8
9th Largest Projected Enrollment Increase	7
10th Largest Projected Enrollment Increase	6
11th Largest Projected Enrollment Increase	5
12th Largest Projected Enrollment Increase	4
13th Largest Projected Enrollment Increase	3
14th Largest Projected Enrollment Increase	2
All Other Applicants	1

(d) Date of the most recent closed-circuit direct instruction television grant received by the applicant.

	Points
No grant received	5
Most recent grant received three or more federal fiscal years prior to the federal fiscal year in which the application is submitted	4
Most recent grant received two federal fiscal year prior to the federal fiscal year in which the application is submitted	3
Most recent grant received, one federal fiscal years prior to the federal fiscal year in which application is submitted; and, grant amounted to less than \$500-	2
Most recent grant received, one federal fiscal year prior to the federal fiscal year in which application is submitted -	0
An institution using only twenty-five percent or less of the grant awarded in the most recent fiscal year for which a grant was received and the period authorized for its expenditure has expired will receive no points and will be penalized five points	-5

*As used here "course" means a particular course offering (such as "English I") rather than an individual section of the same course. A course is to be

counted as programmed for closed-circuit direct instruction if 25 percent or more of the class hours scheduled during the term are scheduled as "television hours." Any class hour during which television will be used is to be considered a "television hour" regardless of the length of time television will be used during the hour. Attach list to application indicating each course title and number of students involved in the planned additional undergraduate level courses to be programmed for closed circuit television. This attachment is to include a list of all titles and numbers of students currently enrolled in programs for closed circuit television.

The state commission will determine federal share for projects which appear to be eligible for funds allotted under Part A of Title VI of the act, by application of the following standards and methods:

Federal shares for laboratory and other special equipment projects will be determined as follows:

The recommended federal share for each eligible project will be fifty percent of the estimated eligible project cost: *Provided*, That the federal share for any one project in any one fiscal year shall not exceed five percent of the state's allotment after all eligible projects have been recommended for federal shares of fifty percent of project cost of five percent of the state's allotment, such unallocated funds shall be assigned to projects in order of their priority until all projects have received a federal share of fifty percent of the eligible project cost, or until all funds for that closing date are allocated.

Federal shares for closed-circuit instructional television projects will be determined as follows:

The recommended federal share for each such eligible project will be fifty percent of the estimated eligible project cost, unless the applicant requests a lesser share.

The state commission will maintain a full record of all proceedings by which it establishes relative priorities and recommended federal shares for eligible projects considered according to each specified closing date, and will retain such records for at least three years after such closing date.

Promptly upon completing its consideration of applications as of each closing date and no later than March 31, the state commission will forward to the commissioner: (a) A current project report, on forms supplied by the commissioner for the pertinent category of applications, listing each application received for the particular fiscal year, each application returned to the applicant and the reason for return of such application, each application considered as of the closing date, and the priority and federal share determined according to the state plan for each project considered; and (b) the application form and exhibits in the number of copies requested by the commissioner, for each project assigned a priority high enough to qualify for a federal grant within the amount of funds available in the allotment for the state.

The state commission will promptly notify each applicant of the results of all final determinations regarding

its application as of each closing date, and the records of official state commission proceedings shall be a matter of public record within the state. Applications which are not recommended for a grant within the fiscal year in which they are filed will be retained by the state commission until notified that all recommended applications for the fiscal year have been approved by the commissioner. New applications will be required to be filed each fiscal year for any project which does not receive a recommendation for a grant and which the applicant desires to have reconsidered in a subsequent year.

The state commission will afford to every applicant which has filed an application with the state commission an opportunity for a fair hearing before the state commission as to any determination of the state commission adversely affecting such applicant.

An applicant so affected may request such a hearing by the following method:

Every applicant adversely affected by determination of the state commission shall, upon request made in writing and filed with the chairman of the state commission, be granted an opportunity for a hearing before the commission to determine whether or not the applicant should have been awarded a priority which would have qualified the project covered by the application to receive a federal grant within the funds available as of the closing date for which the application was considered.

An applicant may request such a hearing within ten days of notification by mail to such applicant of the determination of the state commission which is being appealed, and the state commission will begin public hearings on such appeals within twenty days of the closing date for submitting the appeals.

The state commission will notify the commissioner promptly of the nature of the complaint whenever an applicant requests a hearing, and of the results of the hearing upon completion.

The following fiscal arrangements and accounting procedures shall apply, in receiving and utilizing federal funds for state commission expenses, under subsection 601(d) of the act:

The administrator of the council for postsecondary education is the officer who has legal authority to receive federal funds and the state treasurer will provide for the custody of the federal funds.

The administrator of the council for postsecondary education or his designated representative will requisition and approve the expenditure of any federal funds for expenses of the state commission in administration of this plan.

The state treasurer will issue and sign warrants in payment of vouchers certified to by the administrator or his designated representative for expenses of the state commission in administration of this plan.

Federal funds received by the state for expenses of the state commission in administration of this plan will be deposited in the general fund with separate accounting as prescribed by the budget and accounting manual. Accounting procedures permit identity of revenues, expenditures, and balance remaining.

The accounts and documents supporting expenditures for expenses of the state commission in administration of this plan which will make possible an accurate expeditious audit of the utilization of the federal funds in accordance with the budget and accounting act are described as follows: State vouchers, warrant register document, warrant register, summary document, allotment and expenditures ledger account, program expenditures ledger account, program expenditure ledger account and/or management accounting systems records.

The above described accounts and documents supporting expenditures for expenses of the state commission in administration of this plan will be maintained in accordance with budget and accounting act until notification of completion of federal audit for the federal fiscal year concerned, and will be maintained by the council for postsecondary education, Olympia, Washington.

The estimated and actual expenditures for administration of the approved state plan will be reported in terms of the federal fiscal year, October 1 to September 30.

State law or regulation provides as follows with regard to allocation of expenditures to fiscal year periods where outstanding obligations or encumbrances carry from one fiscal year to another: The state employs an accrual system of accounting under which expenditures are charged to the fiscal period in which goods, materials or services are received. Encumbrances against allotments of appropriated funds are rendered upon issuance of orders or contracts for goods, materials or services to be received.

The extent and frequency of state audits of expenditures by the state agency under the approved state plan, including expenditures of federal funds, and the responsibility for corrective action regarding exceptions by the state auditors, are as follows: The state auditor will conduct a yearly audit of all expenditures made under this act and all receipts received under this act.

It shall be the duty of the state budget director to cause corrective action to be taken promptly regarding exceptions taken by the state auditor as provided in RCW 43.88.110.

If expenses of the state commission in administration of the state plan are mixed with expenses for activities not involved in administration of the state plan, the following methods will be used to determine the costs chargeable to preparation or administration of the state plan: In accordance with the budget and accounting act separate accounting will be maintained for direct expenses. Approved budget expenses that are mixed with activities not relating to administration of the state plan will be prorated on a percentage of staff basis.

The state commission will submit such advance estimates and periodic reports of eligible expenses incurred as the commissioner may require in order to disburse funds to the state commission. [Statutory Authority: RCW 28B.80.220, 78-05-023 (Order 1-78), § 250-16-050, filed 4/14/78; Order 1-68, § 250-16-050, filed 2/26/73; Order, § 250-16-050, filed 7/29/68, 9/22/67, 4/4/67.]

Chapter 250-20 WAC

STATE STUDENT FINANCIAL AID PROGRAM-- NEED GRANT AND THE FEDERAL PROGRAM FOR STATE STUDENT INCENTIVE GRANT PROGRAM TITLE 45, CODE OF FEDERAL REGULATIONS CHAPTER 1, PART 192

WAC

250-20-001	Applicability of rules.
250-20-011	Student eligibility.
250-20-015	Agreement to participate.
250-20-021	Program definitions.
250-20-041	Award procedure.
250-20-051	Grant[s] disbursement.
250-20-061	Program administration and audits.
250-20-081	Suspension or termination of institutional participation.

WAC 250-20-001 Applicability of rules. Unless specified, the term "State Need Grant" applies to both the State Need Grant Program and the federal program for State Student Incentive Grants. Institutions participating in the State Need Grant Program must comply with the regulations specified in chapter 250-20 WAC and conform to all requirements of the State Student Incentive Grant Program as specified in Chapter I, Part 192, Title 45, Code of Federal Regulations. A school which does not qualify as a "postsecondary institution" for State Need Grant purposes, but which meets the qualifications of the State Student Incentive Grant Program may participate in the latter program upon presentation of satisfactory evidence of the availability of local matching funds, and is also subject to compliance with WAC 250-20-001 through 250-20-081. [Statutory Authority: RCW 28B.10.806, 79-11-031 (Order 11-79, Resolution 80-18), § 250-20-001, filed 10/11/79.]

WAC 250-20-011 Student eligibility. (1) For a student to be eligible for a State Need Grant he or she must:

(a) Be a "needy student" or "disadvantaged student" as determined by the Council for Postsecondary Education in accordance with RCW 28B.10.802.

(b) Have been domiciled within the State of Washington for at least one year.

(c) Be enrolled or accepted for enrollment as a full-time undergraduate student [a]t [a] participating postsecondary institution or be a student under an established program designed to qualify him or her for enrollment as a full-time student at a postsecondary institution in the state of Washington.

(i) For purposes of Need Grant eligibility, the student must be enrolled in a course load of at least twelve credits per quarter or semester or, in the case of institutions which do not use credit hours[,] 24 clock hours per week unless it is documented that "full-time" for the particular course the student is pursuing is less than twelve credits per quarter or semester or 24 clock hours per week. Should a student be in such a course of study, he or she must be enrolled for the number of credit or clock hours accepted as full-time for that course of study. A grant recipient enrolled less than full-time may

not receive this grant for the term in question, but is eligible for reinstatement or reapplication for a grant upon return to full-time status. If, on the written recommendation of a counselor or a professor, and in accordance with agreement by the financial aid officer, the student enrolls in a course load less than full-time, the student will be allowed to retain his or her grant for that term. Correspondence courses may not be counted in the calculation of a full-time load.

(ii) In addition to enrolling full-time, the student is also expected to satisfactorily complete twelve credit hours per quarter or semester or[,] in the case of institutions which do not use credit hours 24 clock hours per week or the appropriate number of hours as documented.

Each institution must submit to the Council for Postsecondary Education for approval its policy for awarding financial aid to students who do not complete the required number of credit or clock hours. The financial aid office must have on record in each student's file justification [for][on] reawarding a Need Grant to any student who received a grant the previous academic term and did not complete a full-time course load during that term.

(iii) If the council is notified in writing that a Need Grant recipient will not attend the institution for a term during the academic year of the grand award, but plans to return that same academic year, a portion of the full year's grant may be awarded for those terms the student attends full-time.

(d) Not be pursuing a degree in theology.

(e) Be a citizen of the United States or in the process of becoming a citizen.

(f) Not have received a State Need Grant for more than eight semesters or twelve quarters or equivalent or a combination of these two. Upon receipt of a bachelor's degree, a student is no longer eligible. A fifth-year student in a program requiring five years for a bachelor's degree may receive a State Need Grant if he or she has not received a State Need Grant for the maximum number of quarters or semesters.

(g) Have made a bona fide application for a Basic Educational Opportunity Grant, but students attending Clover Park, L. H. Bates, and Bellingham Vocational-Technical Institutes shall be exempt from this requirement until July 1, 1980.

(h) Certify that he or she does not owe a refund on a State Need Grant, a Basic Educational Opportunity Grant [or a Supplemental Educational Opportunity Grant], and is not in default on a loan made, insured[,] or guaranteed under the National Direct Student Loan or Guaranteed Student Loan programs. [Statutory Authority: RCW 28B.10.806. 79-11-031 (Order 11-79, Resolution 80-18), § 250-20-011, filed 10/11/79; 79-07-021 (Order 5-79, Resolution 79-33), § 250-20-011, filed 6/15/79; Order 2-77, § 250-20-011, filed 4/13/77; Order 3-75, § 250-20-011, filed 4/25/75; Order 1-75, § 250-20-011, filed 3/7/75; Order 1-74, § 250-20-011, filed 4/9/74; Order 1-73, § 250-20-011, filed 7/2/73.]

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 250-20-015 Agreement to participate. In order to participate in the program a postsecondary institution must annually file an "Agreement to Participate" supplying the following information as appropriate: name and address of school (including central office and all campus sites), name and address of owner(s), or if a corporation the name and addresses of stockholders holding more than twenty-five percent of the stock and percentage of stock held, the date on which the school officially began instruction if in the last five years, type and date of last accreditation, enrollment information (unless reported to the State of Washington or in the Higher Education General Information Survey) and such other information as may be required to assure proper administration of the program. In addition the "Agreement to Participate" will also indicate the institution's agreement to abide by all program rules, regulations, and guidelines, to maintain and provide all pertinent information, records, and reports requested by the council, and to notify the council within thirty days of any change (other than student enrollment) to information reported on the agreement form. [Statutory Authority: RCW 28B.10.806. 79-11-031 (Order 11-79, Resolution 80-18), § 250-20-015, filed 10/11/79.]

WAC 250-20-021 Program definitions. (1) The term "needy student" shall mean a post-high school student of an institution of postsecondary education who demonstrates to the council the financial inability, either parental, familial, or personal, to bear the total cost of education for any semester or quarter.

(2) The term "disadvantaged student" shall mean a post-high school student who by reason of adverse cultural, educational, environmental, experiential or familial circumstance is ["unable to qualify for enrollment["] as a full-time student in a postsecondary institution, and who otherwise [qualified][qualifies] as a needy student and who is attending a postsecondary educational institution under an established program designed to qualify him or her for enrollment as a full-time student.

(3) The term "postsecondary institution" shall mean any public university, college, community college, or vocational-technical institute operated by the state of Washington political subdivision thereof, or any other university, college, school or institute in the state of Washington offering instruction beyond the high school level which is a member institution of one of the following accrediting associations: The Northwest Association of Schools and Colleges, the Association of Independent Colleges and Schools, the Cosmetology Accrediting Commission, or the National Association of Trade and Technical Schools, and if such institution agrees to participate in the program in accordance with all applicable rules and regulations. Any institution, branch, extension or facility operating within the state of Washington

which is affiliated with an institution operating in another state must be a separately accredited member institution of one of the above named accrediting associations.

(4) The term "domicile" shall denote a person's true fixed and permanent home and place of habitation. It is the place where he or she intends to remain and to which he or she, upon leaving, expects to return without intending to establish a new domicile elsewhere. Determination of "domicile" shall be in accordance with RCW 28B.15.011[-] [through] 28B.15.014.

(5) "Dependent student" shall mean any post-high school student who does not qualify as an independent student in accordance with WAC 250-20-021(6).

(6) "Independent student" shall mean any student whose parents (including step-parent(s)) do not acknowledge and accept a financial responsibility for the student and have on record in the financial aid office documentation attesting to requirements for independence. Such requirements include the following criteria:

(a) The student has not and will not be claimed as an exemption for federal income tax purposes by any persons except his or her spouse for the calendar year(s) in which a State Need Grant is received and the prior calendar year.

(b) The student has not and will not receive financial assistance of more than \$750 in cash or kind from his or her parent(s) in the calendar year(s) in which a State Need Grant is received and the prior calendar year.

(c) The student has not lived and will not live in the home of his or her parent(s) except during occasional temporary visits during the calendar year(s) in which [a State] [the] Need Grant is received and the prior calendar year.

(d) A special category of independent students consists of persons emancipated or independent by circumstances beyond their control. Examples are wards of court and orphans. An affidavit describing such circumstances is required in lieu of documentation of the family financial situation. Students in this category will be treated as independent applicants with a \$0 parental income and contribution.

(e) Married students will be considered as dependent or independent as appropriate.

(7) Definition[s] of "undergraduate students" will be in accord with definitions adopted for institutional use by the council.

(8) "Budgetary cost" shall consist of that amount required to support an individual as a student for nine months, taking into consideration cost factors for maintaining the student's dependents. The Council for Postsecondary Education will annually review and adjust budgets which will reflect the latest recognized cost levels for room and board, transportation, books, supplies, personal expenses and any other factors deemed necessary for consideration. The adopted budgets will be published concurrent with annual guidelines for program administration.

(9) "Total family contribution" for dependent students and students who have been independent from

their parents for less than five years shall mean the sum of the assumed parents' contribution, [expected student summer savings,] contribution from student assets, and additional student resources. For students who have been independent for five years or longer, "total family contribution" shall mean the sum of [expected student summer savings,] contribution from student[s] assets, and additional student resources.

(10) "Parents' contribution" shall mean the contribution toward college expenses expected from the student's parent(s) as related to the total financial strength of the parents.

(11) "Student assets" are comprised of those funds other than the student's expected summer savings and additional student resources as defined in WAC 250-20-021(13) to meet his or her educational expenses which were generated primarily through the student's own efforts. Examples of student assets are money in a savings account or in a trust fund.

(12) "Additional student resources" consist of those funds made available to the student primarily because of his or her student status such as G.I. Bill or veterans benefits. They also include financial support such as public assistance benefits, vocational rehabilitation funds, CETA funds, spouses' academic year income, those portions of agency funds designated for expenses other than tuition and fees, etc.

Funds administered by the institution, Basic Grants, BIA grants, those portions of agency funds designated for tuition and fees, and student[s] employment are to be used as matching funds[,] and as such are not included as "additional student resources".

(13) "State Need Index" is the difference between the appropriate ranking factor as identified in the following table[,] and the student's total family contribution. Ranking factors: Students living with parents - \$1970[;] Students living away from parents - \$2770[;] Two-person families - \$4065[;] plus an additional \$1000 for the first dependent and \$800 for each subsequent dependent.

(14) "Academic year" is that nine-month period of time from September to June during which a full-time student would normally be expected to complete the equivalent of two semesters or three quarters of instruction.

(15) "Clock hour" means a period of time which is the equivalent of either:

(a) A 50 to 60 minute class, lecture, or recitation, or

[(b) A 50 to 60 minute period of faculty-supervised laboratory, shop training or internship.] [Statutory Authority: RCW 28B.10.806. 79-11-031 (Order 11-79, Resolution 80-18), § 250-20-021, filed 10/11/79; 79-07-021 (Order 5-79, Resolution 79-33), § 250-20-021, filed 6/15/79; 78-05-063 (Order 2-78), § 250-20-021, filed 4/27/78, effective 6/1/78; Order 2-77, § 250-20-021, filed 4/13/77; Order 3-75, § 250-20-021, filed 4/25/75; Order 1-75, § 250-20-021, filed 3/7/75; Order 1-74, § 250-20-021, filed 4/9/74; Order 1-73, § 250-20-021, filed 7/2/73.]

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems

ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 250-20-041 Award procedure. (1) The council shall annually determine recipients of Washington State Need Grants from among Washington residents who have applied either directly or indirectly for a State Need Grant by ranking them according to their State Need Indexes.

(2) Grant receipt shall be determined by the inability of the student and family, if appropriate[,] to contribute to the postsecondary educational costs of the applicant as demonstrated by the State Need Index of the student.

(3) Maximum and minimum grant amounts will be established by the council each year.

(4) Students may receive the prorated portion of their State Need Grant for any academic period in which they are enrolled full-time. Depending on the availability of funds, students may receive a Need Grant for summer session attendance.

(5) Upon determination of grant recipients, the council will notify the institution[s] of [their][the] applicants who will receive a State Need Grant and the amounts of the grants.

(6) The institution will be expected, insofar as possible, to match the State Need Grant with other funds sufficient to meet the student's need. Matching moneys may consist of student financial aid funds and/or student self-help.

(7) All financial resources available to a State Need Grant recipient, when combined, may not exceed the amount computed as necessary for the student to attend a postsecondary institution. Should a Need Grant recipient be employed in a work/study position, however, the student may be allowed to earn up to \$200 above his or her need in order to continue employment to the end of the academic year.

(8) The institution will notify the student of receipt of the State Need Grant.

(9) Grant receipt for those students nominated by the institutions or applying directly to the council after the initial closing date will be determined in the same manner as described in WAC 250-20-041(1) and 250-20-041(2). [Statutory Authority: RCW 28B.10.806. 79-11-031 (Order 11-79, Resolution 80-18), § 250-20-041, filed 10/11/79; 79-07-021 (Order 5-79, Resolution 79-33), § 250-20-041, filed 6/15/79; Order 2-77, § 250-20-041, filed 4/13/77; Order 3-75, § 250-20-041, filed 4/25/75; Order 1-75, § 250-20-041, filed 3/7/75; Order 1-74, § 250-20-041, filed 4/9/74; Order 1-73, § 250-20-041, filed 7/2/73.]

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WAC 250-20-051 Grant[s] disbursement. (1) At intervals designated by the Executive Coordinator, financial aid officers from participating institutions will

submit the appropriate warrant order form to the Council for Postsecondary Education for each State Need Grant recipient certifying full-time enrollment and grant eligibility.

(2) Upon receipt of the warrant order forms, the Council for Postsecondary Education will forward warrants to the appropriate institution for each recipient.

(3) The student must acknowledge receipt for the State Need Grant each term agreeing to the conditions of award.

(4) All signed receipts for State Need Grants are to be returned to the council, along with all unclaimed warrants on or before the date specified by the council each term.

(5) Should a student recipient leave school by reason of failure or withdrawal at the end of the grading period, the unused portion of the grant will remain with the state.

(6) Should a student recipient withdraw from classes during the term in which he or she was awarded a State Need Grant, he or she shall be required to repay the appropriate amount to the council.

(a) Each institution must submit for council approval its policies and procedures for calculating the amount of State Need Grant funds to be returned to the council by students who withdraw from classes after having been awarded State Need Grants.

(b) The amount of State Need Grant funds to be returned to the council shall be determined by the institution in accordance with its council-approved policies and procedures.

(c) The institution shall advise the students and the council of amounts to be repaid.

(d) The council will advise the institution when the student has repaid the amount due. [Statutory Authority: RCW 28B.10.806. 79-11-031 (Order 11-79, Resolution 80-18), § 250-20-051, filed 10/11/79; 79-07-021 (Order 5-79, Resolution 79-33), § 250-20-051, filed 6/15/79; Order 2-77, § 250-20-051, filed 4/13/77; Order 3-75, § 250-20-051, filed 4/25/75; Order 1-75, § 250-20-051, filed 3/7/75; Order 1-74, § 250-20-051, filed 4/9/74; Order 1-73, § 250-20-051, filed 7/2/73.]

WAC 250-20-061 Program administration and audits. (1) The staff of the Council for Postsecondary Education[,] under the direction of the Executive Coordinator will manage the administrative functions relative to this program.

(2) The Council for Postsecondary Education will review institutional administrative practices to determine institutional compliance with rules and regulations and program guidelines. If such a review determines that an institution has failed to comply with program rules and regulations or guidelines, the council pursuant to the procedures of WAC 250-20-081 may suspend, terminate or place conditions upon the institution's participation in the program and require reimbursement to the program for any funds lost or improperly expended[.]

(3) Any student who has obtained a State Need Grant through means of a willfully false statement or failure to

reveal any material fact, condition, or circumstance affecting eligibility will be subject to applicable civil or criminal penalties. [Statutory Authority: RCW 28B.10.806. 79-11-031 (Order 11-79, Resolution 80-18), § 250-20-061, filed 10/11/79; 79-07-021 (Order 5-79, Resolution 79-33), § 250-20-061, filed 6/15/79; 79-02-066 (Order 1-79), § 250-20-061, filed 2/5/79; Order 2-77, § 250-20-061, filed 4/13/77; Order 3-75, § 250-20-061, filed 4/25/75, Order 1-75, § 250-20-061, filed 3/7/75; Order 1-74, § 250-20-061, filed 4/9/74; Order 1-73, § 250-20-061, filed 7/2/73.]

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 250-20-081 Suspension or termination of institutional participation. Upon receipt of a complaint or other evidence that an institution has failed or is failing to comply with program rules and regulations, the council staff shall notify the institution by mail of the nature of such allegations and conduct a review of the alleged violations.

If preliminary findings indicate that a violation or violations may have occurred or are occurring, the council staff shall attempt, through mediation and conciliation, to effect corrections and/or secure reimbursement from the institution in event any funds were expended out of compliance with the provisions of WAC 250-20-061(2).

If no agreement is reached through the mediation and conciliation process, the Executive Coordinator shall file a formal complaint with the council and notify the institution of the conduct which warrants the complaint. Based upon a finding pursuant to RCW 34.04.170, the complaint may include an order for a summary suspension pending proceedings for termination, suspension, reimbursement or other action.

The Executive Coordinator or a designated hearing officer shall conduct a hearing and make findings and conclusions in accordance with the Administrative Procedures Act, chapter 34.04 RCW. The findings, conclusions and any recommendations for action shall be submitted to the council for final action pursuant to RCW 34.04.110. The council may accept or reject, in whole or in part, any recommendations made by the hearing officer, may remand for further findings and/or take any other action the council deems appropriate under the circumstances. [Statutory Authority: RCW 28B.10.806. 79-11-031 (Order 11-79, Resolution 80-18), § 250-20-081, filed 10/11/79.]

Chapter 250-28 WAC

RULES AND REGULATIONS TO GOVERN THE ADMINISTRATION, BY THE COUNCIL FOR POSTSECONDARY EDUCATION, OF THE WESTERN INTERSTATE COMMISSION ON HIGHER EDUCATION STUDENT EXCHANGE PROGRAM IN THE STATE OF WASHINGTON

WAC

250-28-070 Award determination.

WAC 250-28-070 Award determination. (1) Student eligibility.

(a) A student certified to receive assistance through this program must meet Washington residency requirements. Residency requirements must have been satisfied by the application deadline.

(b) Each student must make separate application to participating optometry schools for admission or be enrolled in a participating optometry school.

(c) Each student supported through this program must maintain satisfactory progress toward degree completion.

(2) Application procedure.

(a) Each student should obtain appropriate application and need analysis forms from the certifying officer, complete and return the forms by the appropriate deadline.

(b) Deadlines for application will be established in accordance with western interstate commission for higher education guidelines.

(3) Ranking priorities. In the event funding is not sufficient to award all Washington applicants studying optometry at participating institutions, the following priorities, in the order listed, shall be used in determining recipients.

(a) The state will continue to support certified students as long as they continue to make satisfactory [academic] progress toward the award of their professional degrees.

(b) Applicants will be placed in rank order according to their financial need as determined by the uniform methodology system of need analysis. Those students with greater financial need will be offered priority over those with lesser financial need. [Statutory Authority: RCW 28B.10.806. 79-11-032 (Order 12-79, Resolution 80-20), § 250-28-070, filed 10/11/79; Order 6-77, § 250-28-070, filed 9/6/77.]

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

Chapter 250-40 WAC

COLLEGE WORK-STUDY PROGRAM

WAC

250-40-030 Definitions.
250-40-050 Restrictions on student placement and compensation.
250-40-070 Administration.

WAC 250-40-030 Definitions. (1) "Financial need" shall be the difference between the budgetary cost to the student attending an institution of postsecondary education and the total applicant resources which the institutional financial aid officer determines can reasonably be expected to be available to the student for meeting such costs.

(2) "Budgetary cost" of attending an institution shall consist of that amount required to support the individual and his or her dependents during the period in which that individual is enrolled as a student. Budgets will reflect the latest recognized cost levels for room and board, transportation, books, supplies, personal expenses, and any other cost factors deemed necessary for consideration.

(3) "Total applicant resources" for the dependent student shall mean the sum of the amounts which reasonably may be expected from the student and his or her spouse inclusive of expected summer savings to meet the student's cost of education, and the amount which reasonably may be expected to be made available to the student by his or her parents for such purpose. For the self-supporting student total applicant resources shall mean the amount which reasonably may be expected from the student and his or her spouse inclusive of expected summer savings to meet the student's cost of education.

(4) "Washington resident" shall be defined as an individual who has been domiciled within the state of Washington for at least one year. Domicile shall denote a person's true fixed and permanent home and place of habitation. It is the place where he or she intends to remain and to which he or she upon leaving, expects to return without intending to establish a new domicile elsewhere. Determination of domicile shall be in accordance with RCW 28B.15.011 through RCW 28B.15.014.

(5) "Eligible institution of postsecondary education" shall mean any postsecondary educational institution in the state of Washington accredited by the Northwest Association of Secondary and Higher Schools, or any public vocational-technical institute in the state of Washington.

(6) "Eligible employer" shall be defined as any eligible public institution of postsecondary education, any other nonprofit organization which is nonsectarian, or any profit-making nonsectarian organization which can and agrees to provide employment of a demonstrable benefit related to the student's postsecondary educational pursuits and which has been approved by the Council for Postsecondary Education for participation in the Work-Study Program. In approving an employer as eligible, the council will consider at the minimum:

(a) The relationship of the job to the student's educational objective;

(b) The potential for displacement of regular employees;

(c) The rate of pay as compared to salaries and wages provided other employees engaged in similar work;

(d) The employer's compliance with appropriate federal and state civil rights laws.

(7) "Dependent student" shall mean any post-high school student attending an eligible institution of postsecondary education who does not qualify as a self-supporting student in accordance with subsection (8) of this section.

(8) "Self-supporting student" shall be one who demonstrates compliance with all of the following criteria:

(a) The student will not be and has not been claimed as an exemption for federal income tax purposes by any person except his or her spouse for the calendar year(s) in which a Work-Study award is received and the prior calendar year.

(b) The student will not receive and has not received financial assistance of more than \$750 in cash or kind from his or her parent(s) in the calendar year(s) in which a Work-Study award is received and the prior calendar year.

(c) The student will not live and has not lived in the home(s) of his or her parent(s) except during limited vacation periods during the calendar year(s) in which an award is received and the prior calendar year unless the student reimburses the parent(s) for at least the value of the student's room and board and personal benefits. Vacation periods will not include summer vacation unless such vacation is for a limited time between the end of spring term and the beginning of summer term or summer employment, or the end of summer term or summer employment and the beginning of fall term. As a general rule, vacation periods should not exceed the length of break period between academic terms. Any individual variance from this guideline which would warrant special classification of the student as self-supporting must be approved by the Council for Postsecondary Education.

(9) "Half-time-student" means any student enrolled in exactly one-half of the credit hour or clock hour load defined by the institution as constituting expected full time progress toward the particular degree or certificate. [Statutory Authority: RCW 28B.10.806, 79-07-020 (Order 4-79, Resolution 79-33), § 250-40-030, filed 6/15/79; Order 5-77, § 250-40-030, filed 5/11/77; Order 6-75, § 250-40-030, filed 8/18/75; Order 6-74, § 250-40-030, filed 9/17/74.]

WAC 250-40-050 Restrictions on student placement and compensation.

(1) Displacement of employees. Employment of state work-study students may not result in displacement of employed workers or impair existing contracts for services. State work-study students employed by public institutions of postsecondary education may not fill positions currently or formerly occupied by classified employees. In all other cases, state work-study students may not fill positions which have been occupied by regular employees during the current or prior calendar or fiscal year.

(2) Rate of compensation. All work-study positions shall receive compensation equal to the entry level salary of comparable positions.

(3) Appeals. The council shall be notified of any violation of the requirements under (1) and (2) above. If satisfactory resolution cannot be made by the council,

the advisory committee authorized by WAC 250-40-070(6) shall review the appeal and make a recommendation to the council on the disposition of the appeal.

(4) Maximum total compensation. Earnings beyond the student's state work-study eligibility must be reported to the financial aid officer, and resulting adjustments made in the financial aid package. However, if necessary to complete a special state work-study assignment, or to continue employment to the end of an academic term, the student may be allowed, upon agreement of the financial aid officer, to earn up to an additional \$200 through the State Work-Study program without penalty. In addition, a student wishing to extend his or her experience beyond the \$200 maximum may, after all possible adjustments have been made in the financial aid package, replace expected family contribution by continuing in his or her employment position for the balance of the academic year if the employer pays 100 percent of the student's compensation.

(5) State share of student compensation. The state share of compensation paid students employed by state supported institutions of postsecondary education shall not exceed 80 percent of the student's gross compensation. The state share of compensation paid students employed by all other employers shall not exceed 65 percent of the student's gross compensation.

(6) Employer share of student compensation. The employer shall pay a minimum of 20 percent or 35 percent of the student's gross compensation as specified in subsection (5) above, plus the costs of any employee benefits including all payments due as an employer's contribution under the state workman's compensation laws, federal Social Security laws, and other applicable laws.

(7) Academic credit for state work-study employment. Students may receive academic credit for experience gained through state work-study employment.

(8) Maximum hours worked. Employment of a student in excess of an average of 19 hours per week over the period of enrollment for which the student has received an award or maximum of 40 hours per week during vacation periods will not be eligible for reimbursement from state funds. Further, the student cannot accept other on-campus employment which results in achievement of a change in residency status for tuition and fee purposes under RCW 28B.15.014.

(9) Types of work prohibited. Work performed by a student under the State College Work-Study Program shall not be sectarian related and shall not involve any partisan or nonpartisan political activity. [Statutory Authority: RCW 28B.10.806. 79-07-020 (Order 4-79, Resolution 79-33), § 250-40-050, filed 6/15/79; 78-08-007 (Order 3-78), § 250-40-050, filed 7/7/78; Order 5-77, § 250-40-050, filed 5/11/77; Order 6-75, § 250-40-050, filed 8/18/75; Order 6-74, § 250-40-050, filed 9/17/74.]

WAC 250-40-070 Administration. (1) Administering agency. The Council for Postsecondary Education shall administer the Work-Study Program. The staff of

the Council for Postsecondary Education under the direction of the executive coordinator will manage the administrative functions relative to the program and shall be authorized to enter into agreement with:

(a) Eligible public institutions for the placement of students and the reimbursement of employers for the state share of the student's compensation.

(b) Eligible private institutions for the placement of students.

(c) Employers of students attending eligible private institutions for the reimbursement of the state share of the student's compensation. Such agreements shall be written to ensure employer compliance with the rules and regulations governing the Work-Study Program.

(2) Responsibility of eligible public institutions. The institution will:

(a) Enter into contract with eligible organizations for employment of students under the Work-Study Program. Such agreements shall be written to ensure employer compliance with the rules and regulations governing the Work-Study Program.

(b) Determine student eligibility and arrange for placement.

(c) Arrange for payment of the state share of the student's compensation.

(3) Responsibility of eligible private institutions. The institution will:

(a) Assist the council in contracting with eligible employers.

(b) Determine student eligibility, arrange for placement with employers, and notify the council of such placement.

(4) Responsibility of eligible employers. The employer will:

(a) Arrange for payment of the student's compensation and benefits and request reimbursement of the state share from the institution or the Council for Postsecondary Education.

(b) When a federal or state agency is the employer, reimburse the institution or the Council for Postsecondary Education for the employer's share of the student's compensation.

(5) Responsibility of the Council for Postsecondary Education. The council will, for those students attending private institutions:

(a) Reimburse the employer for the state share of the student's wages; or

(b) When a federal or state agency is the employer, arrange for the payment of the student's compensation and benefits and request reimbursement of the employer's share.

(6) Advisory committee. The council will appoint an advisory committee composed of representatives of eligible institutions, employer organizations having membership in the classified service of the state's institutions of postsecondary education, a student and persons as may be necessary to advise the council staff on matters pertaining to the administration of the Work-Study Program. In addition, representatives from postsecondary educational advisory and governing bodies will be invited

to participate in advisory committee meetings when annual institutional allocations are being determined.

(7) Institutional administrative allowance. Contingent upon funds being made available to the Council for Postsecondary Education for the operation of the Work-Study Program, the public institutions will be provided an administrative expense allowance. In order to qualify for the allowance, the institution must demonstrate that financial support for student financial aid administration, exclusive of the administrative allowance, is at least equal to the level of support provided during the previous fiscal year.

(8) Institutional maintenance of effort. State funds provided under this program are not to be used to replace institutional funds which would otherwise be used to support student employment.

(9) Reports. The Council for Postsecondary Education will obtain periodic reports on the balance of each institution's Work-Study funds to ensure a proper distribution of funds among institutions. In addition, information will be gathered subsequent to the end of the academic year, describing the population served and the modes of packaging used.

(10) Agreement to Participate. As a precedent to participating in the State Work Study Program, each institution must acknowledge its responsibility to administer the program according to prescribed rules and regulations and guidelines.

(11) Program Reviews. The Council for Postsecondary Education will review institutional administrative practices to determine institutional compliance with rules and regulations and program guidelines. If such a review determines that an institution has failed to comply with program rules and regulations [or][and] guidelines the institution will reimburse the program in the appropriate amount. [Statutory Authority: RCW 28B.10.806. 79-11-030 (Order 10-79, Resolution 80-19), § 250-40-070, filed 10/11/79; 79-02-088 (Order 2-79), § 250-40-070, filed 2/7/79; Order 5-77, § 250-40-070, filed 5/11/77; Order 6-74, § 250-40-070, filed 9/17/74.]

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

Chapter 250-44 WAC

REGULATIONS FOR THE ADMINISTRATION OF THE DISPLACED HOMEMAKER PILOT PROJECT

WAC	
250-44-010	Purpose.
250-44-020	Project administration.
250-44-030	Advisory committee.
250-44-040	Definitions.
250-44-050	Utilization of available contract funds.
250-44-060	Eligibility to apply for contracts.
250-44-070	Standards to be met by applicants.
250-44-080	Eligible expenditures and matching requirements.
250-44-090	Required assurances.

250-44-100	Accounting, reporting, and records retention requirements.
250-44-110	Length of contract periods.
250-44-120	Payments under approved contracts.
250-44-130	Calendar and closing dates for letters of intent, applications, and awards.
250-44-140	Form and content of application.
250-44-150	Criteria for selection of contracts to be awarded.
250-44-160	Procedure for selection of contracts to be awarded.
250-44-170	Incorporation of applications in contracts.
250-44-180	Amendment of contracts.
250-44-190	Withholding of contract payments.
250-44-200	Program audits.
250-44-210	Evaluation reports.

WAC 250-44-010 Purpose. The Displaced Homemaker Act (chapter 73, Laws of 1979) established a two-year pilot project under which the council for postsecondary education shall contract to establish both multipurpose service centers and programs to provide necessary training opportunities, counseling and services for displaced homemakers so that they may enjoy the independence and economic security vital to a productive life. This chapter is promulgated by the council to establish necessary regulations for the operation of the pilot project. [Statutory Authority: RCW 28B.10.806. 79-09-042 (Order 7-79, Resolution 80-4), § 250-44-010, filed 8/17/79.]

WAC 250-44-020 Project administration. Responsibility for all aspects of administration of the pilot project, subject to these regulations, shall be vested in the executive coordinator of the council. The executive coordinator shall provide progress reports to the council and to the Governor and the appropriate committees of the legislature. [Statutory Authority: RCW 28B.10.806. 79-09-042 (Order 7-79, Resolution 80-4), § 250-44-020, filed 8/17/79.]

WAC 250-44-030 Advisory committee. (1) The executive coordinator shall establish an advisory committee, to be known as the displaced homemaker program advisory committee, to serve for the duration of the pilot project.

(2) The advisory committee shall be advisory to the executive coordinator and staff of the council, and is intended to provide an effective and efficient means for the consultation required by sections 4 and 8 of the act.

(3) Members of the advisory committee shall include one person from each of the agencies listed in section 8 of the act, plus such other persons as the executive coordinator deems necessary to provide adequate consultation and geographic and general public representation but total advisory committee membership shall not exceed 22 persons. At least one member of the advisory committee shall either be or recently have been a displaced homemaker.

(4) Functions of the advisory committee shall be:

(a) To provide advice on all aspects of administration of the pilot project, including content of program rules, guidelines, and application procedures;

(b) To assist in coordination of activities under the act with related program activities of other state and federal

agencies, with particular emphasis on facilitation of coordinated funding. [Statutory Authority: RCW 28B.10-.806. 79-09-042 (Order 7-79, Resolution 80-4), § 250-44-030, filed 8/17/79.]

WAC 250-44-040 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Act" means the Displaced Homemaker Act, Senate Bill No. 2406 (chapter 73, Laws of 1979).

(2) "Advisory committee" means the advisory committee established pursuant to WAC 250-44-040.

(3) "Appropriate job opportunities" means opportunities to be gainfully employed, as defined in subsection (9) of this section, in jobs which build upon all relevant skills and potential skills of the individual displaced homemaker, including opportunities in jobs which in the past may not generally have been considered traditional for women.

(4) "Center" means a multipurpose service center as defined in subsection (10) of this section.

(5) "Council" means the council for postsecondary education.

(6) "Displaced homemaker" means an individual who:

(a) Has worked in the home for ten or more years providing unsalaried household services for family members on a full-time basis; and

(b) Is not gainfully employed;

(c) Needs assistance in securing employment; and

(d) Meets one of the following criteria;

(i) Has been dependent on the income of another family member but is no longer supported by that income; or

(ii) Has been dependent on federal assistance but is no longer eligible for that assistance; or

(iii) Is supported as the parent of minor children by public assistance or spousal support, but whose youngest child is within two years of reaching majority.

(7) "Executive coordinator" means the executive coordinator of the council.

(8) "Executive officer" of the sponsoring organization means the chief executive or senior officer of the organization.

(9) "Gainfully employed" means employed for salary or wages on a continuing basis and earning at least \$7,800 on an annual basis (\$650 monthly or \$150 weekly).

(10) "Multipurpose service center" means a center contracted for under the act, which either provides directly, or provides information about and referral to, each type of program of service as defined in subsection (14) of this section.

(11) "Objective" means a purpose of a program of service which can be quantified and for which objective measurements of performance can be established.

(12) "Pilot project" means the program of contracts for multipurpose service centers and programs of service for displaced homemakers authorized by the act.

(13) "Program" means a program of service as defined in subsection (14) of this section.

(14) "Program of service" means one of the specific services listed in subdivisions (a) and (g) of this subsection, and meeting the criteria set forth in the subdivision.

(a) Job counseling services, which shall:

(i) Be specifically designed for displaced homemakers;

(ii) Counsel displaced homemakers with respect to appropriate job opportunities (as defined in subsection (3) of this section); and

(iii) Take into account and build upon the skills and experience of a homemaker and emphasize job readiness as well as skill development.

(b) Job training and job placement services, which shall:

(i) Emphasize short-term training programs and programs which expand upon homemaking skills and volunteer experience and which prepare the displaced homemaker to be gainfully employed as defined in subsection (9) of this section;

(ii) Develop, through cooperation with state and local government agencies and private employers, model training and placement programs for jobs in the public and private sectors;

(iii) Assist displaced homemakers in gaining admission to existing public and private job training programs and opportunities, including vocational education and apprenticeship training programs; and

(iv) Assist in identifying community needs and creating new jobs in the public and private sectors.

(c) Health counseling services, including referral to existing health programs, which shall:

(i) Include general principles of preventative health care;

(ii) Include health care consumer education, particularly in the selection of physicians and health care services, including, but not limited to, health maintenance organizations and health insurance;

(iii) Include family health care and nutrition;

(iv) Include alcohol and drug abuse; and

(v) Include other related health care matters as appropriate.

(d) Financial management services, which shall:

(i) Provide information and assistance with respect to insurance, taxes, estate and probate problems, mortgages, loans and other related financial matters; and

(ii) Include referral, wherever feasible and appropriate, to public legal assistance programs staffed by attorneys.

(e) Educational services, which shall:

(i) Include outreach and information about courses offering credit through secondary or postsecondary education programs, and other re-entry programs, including bilingual programming where appropriate; and

(ii) Include information about such other programs as the council may determine to be of interest and benefit to displaced homemakers, and for which appropriate informational materials have been provided by the council.

(f) Legal counseling and referral services, which shall:

(i) Be limited to matters directly related to problems of displaced homemakers;

(ii) Be supplemental to financial management services as defined in subdivision (d) of this subsection; and

(iii) Emphasize referral, wherever feasible and appropriate, to public legal assistance programs staffed by attorneys.

(g) General outreach and information services with respect to federal and state employment, education, health, public assistance, and unemployment assistance programs which the council may determine to be of interest and benefit to displaced homemakers, and for which the council distributes appropriate informational materials.

(15) "Reaching majority" means reaching age 18.

(16) "Sponsoring organization" means a public institution, agency or governmental entity, or a chartered private nonprofit institution or organization which has legal authority to submit an application, enter into a contract, and provide the programs of service covered by the application, and which agrees to provide supervision and financial management to ensure compliance with the terms and conditions of the contract.

(17) "Training for service providers" means a program to provide training for persons serving the needs of displaced homemakers. [Statutory Authority: RCW 28B.10.806. 79-09-042 (Order 7-79, Resolution 80-4), § 250-44-040, filed 8/17/79.]

WAC 250-44-050 Utilization of available contract funds. Specific utilization criteria shall be as set forth in this section.

(1) The maximum initial contract amount for a multipurpose service center to be provided from funds available under the act shall be \$70,000 for the contract period.

(2) The maximum initial contract amount for a contract for a program or programs of service from funds available under the act shall be \$42,000 for the contract period.

(3) The council may reserve no more than \$21,000 for one or more contracts to provide training for service providers from funds available under the act.

(4) Two multipurpose service centers in major population centers will be supported under the pilot project.

(5) If qualifying applications are received, at least one contract for multiple programs of service designed specifically to reach and serve residents of rural areas will be awarded.

(6) Remaining funds will be used for contracts selected to provide geographic dispersion of displaced homemaker programs of service, in relation to centers of population. [Statutory Authority: RCW 28B.10.806. 79-09-042 (Order 7-79, Resolution 80-4), § 250-44-050, filed 8/17/79.]

WAC 250-44-060 Eligibility to apply for contracts. An application for a contract to provide either a multipurpose service center or one or more programs of service for displaced homemakers or training for service providers may be submitted by a sponsoring organization, as defined in WAC 250-44-040, subsection (16).

(1) The council will require appropriate documentation of the nonprofit status of an applicant which is nonpublic.

(2) Letters of intent, accompanied by the required documentation of nonprofit status will be required prior to submission of an application, and will be screened by the council. Sponsoring organizations verified to be eligible will then be invited to submit applications.

(3) Consortiums of appropriate organizations are encouraged, but a single application by a single sponsoring organization, which will serve as fiscal agent for the consortium, is to be submitted for each proposed consortial center, program of service, or multiple programs of service to be operated by a consortium.

(4) A sponsoring organization which applies for and is not awarded a contract to operate a multipurpose service center may submit a subsequent application to operate one or more programs of service and/or training for service providers. [Statutory Authority: RCW 28B.10.806. 79-09-042 (Order 7-79, Resolution 80-4), § 250-44-060, filed 8/17/79.]

WAC 250-44-070 Standards to be met by applicants. In addition to eligibility as a public or nonprofit organization, each sponsoring organization will be required to provide evidence of adequate staff or governing board provisions to provide oversight and financial management services to ensure compliance with contract provisions and conditions. [Statutory Authority: RCW 28B.10.806. 79-09-042 (Order 7-79, Resolution 80-4), § 250-44-070, filed 8/17/79.]

WAC 250-44-080 Eligible expenditures and matching requirements. (1) Eligible expenditures. Expenditures eligible to be included in budgets under applications to provide multipurpose centers, programs of service or training for service providers, include all operating expenses needed to carry out the training, counseling, and referral services covered in the proposal, and to provide outreach activities related to the services, subject to the following limitations:

(a) No funds under the contract budgets may be utilized to provide subsistence or stipends for recipients of the services provided.

(b) No funds under the contract budgets may be utilized to pay for student tuition and fees for enrollment in education programs or courses except under specific prior approval by the executive coordinator.

(c) Any out-of-state travel or any subcontracts with other agencies or organizations, to be paid for with funds under contract budgets, must be specifically approved in advance by the executive coordinator or his designee; and

(d) Formula allocations of overhead or other expenses of the sponsoring organization not directly related to the provision of the services covered by the contract may not be included in the contract budget, but charges for direct services in support of the contract such as financial accounting services, printing services, transportation, etc., may be included.

(2) Although the contract budget may not support subsistence [subsistence], stipends, or tuition and fee payments (unless approved in advance) for recipients of services under the contract, sponsoring organizations are

encouraged wherever possible and appropriate to obtain and provide funds for such purposes from other sources (CETA, for example) in cases of financial need.

(3) Matching requirements. At least thirty percent of the funding for each center or program supported by a contract under the act must be provided by the sponsoring agency.

(a) Validation of the provision of required matching support will be provided by detail in the budget proposed in each application.

(b) Matching may be provided either in the form of supplemental funds, from any source other than the contract under the act, to pay for services separately accounted for in carrying out the activities covered by the contract, or in the form of contributed services or contributions in-kind also specifically and separately accounted for.

(c) Contributions in-kind may include materials, supplies, chargeable services such as printing services or transportation, salaries and fringe benefit costs for paid employees of the sponsoring organization to the extent such employees work directly in the provision of services under the contract or providing direct support such as secretarial or accounting support, and the equivalent value of contributed volunteer services on the same basis: *Provided*, that the dollar value of contributed volunteer services shall be calculated by determining the hourly rate for comparable paid positions for which the volunteer is fully qualified, and multiplying the hourly rate times the number of hours of service contributed. [Statutory Authority: RCW 28B.10.806. 79-09-042 (Order 7-79, Resolution 80-4), § 250-44-080, filed 8/17/79.]

WAC 250-44-090 Required assurances. No contract will be awarded unless the sponsoring organization includes in its application the following assurances:

(1) No person in this state, on the grounds of sex, age, race, color, religion, national origin, or the presence of any sensory, mental, or physical handicap, shall be excluded from participating in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with funds made available under the act;

(2) The sponsoring organization will actively seek to employ for all staff positions supported by funds provided under the act, and for all staff positions supported by matching funds under any contract, including supervisory, technical and administrative positions, persons who qualify as displaced homemakers;

(3) Services provided to displaced homemakers under the contract will be provided without charge to them for the services;

(4) First priority for all services provided under the contract will be given to persons who qualify in all regards as displaced homemakers. Other persons in need of the services due to similar circumstances may be assisted if provision of such assistance will not in any way interfere with provision of services to displaced homemakers as defined in the act. The sponsoring organization will include in its reports separate and distinct

accountability for services to displaced homemakers and to other persons in need of the services;

(5) The sponsoring organization agrees to comply in full with the accounting and reporting requirements set forth in WAC 250-44-100 and such other accounting and reporting requirements as may reasonably be established by the executive coordinator.

(6) The sponsoring organization agrees to participate in the pilot project evaluation procedures to be established pursuant to WAC 250-44-210, including the use of a specified uniform intake classification form for persons to whom services are provided, and specified uniform evaluation questionnaires;

(7) The sponsoring organization will actively seek to coordinate activities under the contract with related activities and services provided by other organizations;

(8) The sponsoring organization understands and agrees that payments from the council under the contract will be provided monthly in advance upon submission and approval of monthly payment requests in a form and containing information specified by the executive coordinator of the council, and that approval of monthly payments shall be conditioned upon the executive coordinator's determination that the sponsoring organization is in compliance with the terms of the contract and WAC chapter 250-44;

(9) The executive officer of the sponsoring organization has reviewed the application, including all assurances contained therein, and authorized to submit the application and execute a contract in accordance with the application if it is approved by the council; and

(10) The executive coordinator and staff of the council will be provided access to financial and other records pursuant to the contract. [Statutory Authority: RCW 28B.10.806. 79-09-042 (Order 7-79, Resolution 80-4), § 250-44-090, filed 8/17/79.]

WAC 250-44-100 Accounting, reporting, and records retention requirements. (1) Accounting. Sponsoring organizations shall maintain separate accounts for funds received under approved contracts and for matching funds expended and in-kind matching provided under such contracts. The accounting records shall include:

(a) Sufficient detail by object of expenditure to permit verification and reporting of expenditures according to object categories used in the budget format provided with the application; and

(b) Documentation of all expenditures charged to the contract or matching accounts, in the form of either;

(i) Direct charges supported by vouchers;

(ii) Journal vouchers for allocated portions of shared costs such as rental or communication costs, supported by explanations of allocation methods consistent with accounting practices generally used by the sponsoring organization; or

(iii) In the case of salary or wage charges for persons not employed one hundred percent on the contract or matching account, records of actual time worked as the basis for allocating charges.

(2) Reporting. Sponsoring organizations shall:

(a) Provide quarterly reports to the executive coordinator, in a format and containing information specified by the executive coordinator, sufficient to provide:

(i) An evaluation of outreach and participation in the services provided under the contracts; and

(ii) An evaluation of performance under the contract.

(b) Maintain such records as are necessary to provide information contained in the reports.

(3) Records retention. Sponsoring organizations shall retain accounting and other supporting records until notified by the executive coordinator of the completion of a program audit after the end of the contract period. This requirement is in addition to requirements of the state auditor's office applicable to public institutions and agencies. [Statutory Authority: RCW 28B.10.806. 79-09-042 (Order 7-79, Resolution 80-4), § 250-44-100, filed 8/17/79.]

WAC 250-44-110 Length of contract periods. Contract periods for contracts awarded under the act shall be in accordance with each application proposal, subject to the following limits:

(1) Contracts for operation of multipurpose service centers may cover operations beginning as early as November 1, 1979 and ending June 30, 1981;

(2) Contracts for operation of programs of services may cover operations beginning as early as January 1, 1980 and ending June 30, 1981; and

(3) Contracts for training for service providers may be for operations beginning as early as January 1, 1980 and ending June 30, 1981. [Statutory Authority: RCW 28B.10.806. 79-09-042 (Order 7-79, Resolution 80-4), § 250-44-110, filed 8/17/79.]

WAC 250-44-120 Payments under approved contracts. Payments to sponsoring organizations under approved contracts for multipurpose service centers, programs of service, and training for service providers shall be authorized and processed according to the following procedure:

(1) Payments will be made in advance, one month at a time;

(2) Sponsoring organizations will submit requests for payment in a form and containing information specified by the executive coordinator to include information on:

(a) Total payments received to date;

(b) Estimated expenditures to date;

(c) Estimated expenditures for the month in progress and the ensuing month; and

(d) Balance required to cover estimated expenditures.

(3) Upon approval of the request for payment, and receipt of the quarterly report for the most recent completed quarter under the contract, the executive coordinator will authorize disbursement of the funds.

(4) Requests for payments must be received in the council office at least two weeks prior to the beginning of the month to ensure payment by the first of the month on requests found to be in order. [Statutory Authority: RCW 28B.10.806. 79-09-042 (Order 7-79, Resolution 80-4), § 250-44-120, filed 8/17/79.]

WAC 250-44-130 Calendar and closing dates for letters of intent, applications, and awards. (1) Sponsoring organizations wishing to apply for contracts to operate multipurpose service centers shall submit to the executive coordinator a letter of intent, accompanied by appropriate documentation of nonprofit status in the case of nonpublic applicants, by no later than Friday, August 31, 1979.

(2) The executive coordinator or his designee will screen the letters of intent, prepare a list of all eligible sponsoring organizations which filed letters of intent and distribute the list to all organizations on the list, by no later than Wednesday, September 5, 1979.

(3) Applications for contracts for multipurpose service centers may be submitted by sponsoring organizations on the list pursuant to subsection 2 of this section. The closing date for such applications is Friday, September 14, 1979.

(4) The council will approve awards of two contracts for operation of multipurpose service centers, provided qualifying applications were received, on Thursday, October 4, 1979.

(5) Sponsoring organizations wishing to apply for contracts to operate programs of service shall submit to the executive coordinator a letter of intent, accompanied by appropriate documentation of nonprofit status in the case of a nonpublic applicant, by no later than Friday, October 19, 1979.

(6) The executive coordinator will screen the letters of intent, prepare a list of all eligible sponsoring organizations which filed letters of intent to apply to operate programs of service and distribute the list to all organizations on the list, by no later than Wednesday, October 24, 1979.

(7) Applications for contracts for programs of service may be submitted by sponsoring organizations on the list pursuant to subsection (6) of this section. The closing date for such applications is Friday, November 16, 1979.

(8) The council will approve award of contracts for operation of programs of service on Thursday, December 6, 1979.

(9) In the event that available funds for contracts under the act are not fully utilized after approval of contracts on December 6, 1979, the council may at its option either establish a new calendar for further consideration of applications and award of contracts or offer supplemental funds to existing centers and programs by amendment of contracts in effect. [Statutory Authority: RCW 28B.10.806. 79-09-042 (Order 7-79, Resolution 80-4), § 250-44-130, filed 8/17/79.]

WAC 250-44-140 Form and content of application.

(1) General instructions. All forms and narrative material should be typed, narrative material double-spaced. Legibility, clarity, and completeness are essential. All sections of the application must be completed. Unnecessarily elaborate brochures or other presentations beyond those sufficient to present a complete and effective application should be avoided. Elaborate art work, expensive paper and bindings are not necessary and will not count in favor of the application.

(2) Number of copies. Five copies of each application are to be submitted to the executive coordinator. Copies may be reproduced, but each copy submitted is to have the original signature of the executive officer of the sponsoring organization.

(3) Contents of each application. Each application is to be submitted on an application form to be provided by the executive coordinator, which will include the signature of the executive officer of the sponsoring organization and all required assurances, and will incorporate by reference the following documents:

(a) The proposal narrative, prepared in the format prescribed by the executive coordinator;

(b) The proposed contract budget, on forms to be supplied by the executive coordinator;

(c) A copy of the most recent external audit report of the sponsoring organization;

(d) Copies of letters of intent and/or agreements for the coordination of services with other organizations in relation to the multipurpose service center or programs of service covered by the application; and

(e) Any other relevant documents submitted in support of the application. [Statutory Authority: RCW 28B.10.806. 79-09-042 (Order 7-79, Resolution 80-4), § 250-44-140, filed 8/17/79.]

WAC 250-44-150 Criteria for selection of contracts to be awarded. (1) For each closing date established in WAC 250-44-130, applications will be ranked competitively according to their performance with respect to:

(a) Size of the potential population to be served;

(b) Demonstrated need for the proposed services;

(c) Experience and capabilities of the sponsoring organization;

(d) Explicit provisions for coordination of services with other organizations providing related services in the geographic area;

(e) Involvement of displaced homemakers in the planning and development of the proposal;

(f) The quality of the proposed center or program.

(2) The executive coordinator, in consultation with the advisory committee, shall develop an explicit system for evaluating applications with respect to the above-stated criteria, and make a description of the system available to sponsoring organizations which submit letters of intent to file applications.

(3) Final selection of applications to be approved will be based upon both relative ranking on factors listed in subsection (1) and on appropriate geographic distribution. [Statutory Authority: RCW 28B.10.806. 79-09-042 (Order 7-79, Resolution 80-4), § 250-44-150, filed 8/17/79.]

WAC 250-44-160 Procedure for selection of contracts to be awarded. The following steps will be employed in screening and selection of applications to be approved:

(1) Applications will be screened for eligibility and completeness;

(2) A panel of application readers will be established, to consist of council staff members designated by the

executive coordinator, one or more council members designated by the council chairman, members of the advisory committee who are not members of the legislature or employees of sponsoring organizations, and such other persons as may be deemed appropriate by the executive coordinator;

(3) Within each category of application as described in WAC 250-44-150(1), the panel of readers will evaluate and rank qualifying applications according to the explicit system published in accordance with WAC 250-44-150(2);

(4) The entire advisory committee will meet to consider evaluations prepared by the readers, and will develop a list of recommended approved applications to be awarded contracts;

(5) The list of recommended approved applications will be submitted to the council for its consideration and will be public information, and the council will by formal resolution determine which applications are approved for award of contracts. [Statutory Authority: RCW 28B.10.806. 79-09-042 (Order 7-79, Resolution 80-4), § 250-44-160, filed 8/17/79.]

WAC 250-44-170 Incorporation of applications in contracts. Each approved application will be incorporated into and made a part of the contract between the council and the sponsoring organization, to be signed by the executive coordinator and the executive officer of the sponsoring organization. [Statutory Authority: RCW 28B.10.806. 79-09-042 (Order 7-79, Resolution 80-4), § 250-44-170, filed 8/17/79.]

WAC 250-44-180 Amendment of contracts. A contract may be amended by mutual agreement between the executive coordinator and the executive officer of the sponsoring organization: *Provided*, that any contract amendment increasing the amount of financing from funds appropriated for the act shall require the council's approval. [Statutory Authority: RCW 28B.10.806. 79-09-042 (Order 7-79, Resolution 80-4), § 250-44-180, filed 8/17/79.]

WAC 250-44-190 Withholding of contract payments. If the executive coordinator determines that a sponsoring organization is not in compliance with contract provisions of this chapter, the executive coordinator shall suspend payments under the contract and shall file a report with the council and with the sponsoring organization of the reason for suspension of payments. The sponsoring organization may correct the state of non-compliance or may appeal the executive coordinator's determination to the council at its next regular meeting. If the executive coordinator finds that any claimed expenditures under the contract are not eligible under this chapter, the executive coordinator shall deduct such amounts from the next monthly advance payment. The sponsoring organization may, through the executive coordinator, request a hearing on the executive coordinator's decision before the council at its next regular meeting. [Statutory Authority: RCW 28B.10.806. 79-

09-042 (Order 7-79, Resolution 80-4), § 250-44-190, filed 8/17/79.]

WAC 250-44-200 Program audits. The executive coordinator shall arrange for a program audit, including review of accounts for expenditures under the contract, upon completion of the contract period. If any claimed expenditures are determined to be ineligible, the sponsoring organization shall be required to repay the amount of such ineligible expenditures. [Statutory Authority: RCW 28B.10.806. 79-09-042 (Order 7-79, Resolution 80-4), § 250-44-200, filed 8/17/79.]

WAC 250-44-210 Evaluation reports. The executive coordinator will prepare an interim evaluation report regarding the pilot project by December 31, 1980, and a final evaluation report by June 30, 1981. Such reports shall be considered and adopted by the council prior to official submission to the Governor and the legislature. [Statutory Authority: RCW 28B.10.806. 79-09-042 (Order 7-79, Resolution 80-4), § 250-44-210, filed 8/17/79.]

Chapter 250-50 WAC

VETERANS EDUCATION PROGRAM UNIT

WAC

250-50-010	Authority.
250-50-020	Responsibility.
250-50-030	Standards for accredited institutions.
250-50-040	Standards for nonaccredited institutions.
250-50-050	Policies and procedures.

WAC 250-50-010 Authority. Effective January 27, 1978, the council for postsecondary education was designated, by Executive Order 78-2, the state approving agency for academic schools, colleges and universities, both public and private, pursuant to Public Law 89-358 (Title 38, U.S. Code, subsection 1771(a)). [Statutory Authority: RCW 28B.80.120 and 28B.80.230. 79-03-086 (Order 3-79), § 250-50-010, filed 3/7/79, effective 4/9/79.]

WAC 250-50-020 Responsibility. As the state approving agency, the council for postsecondary education is responsible, for inspection and supervision, in connection with federal veterans education requirements, of academic institutions operating in Washington and for determining those courses of study which may be approved for the enrollment of veterans and other eligible persons. The council, as state approving agency, is also responsible for ascertaining whether a school at all times complies with its established standards relating to the course or courses of study which have been approved (Title 38, U.S. Code, sections 1772 and 1773). [Statutory Authority: RCW 28B.80.120 and 28B.80.230. 79-03-086 (Order 3-79), § 250-50-020, filed 3/7/79, effective 4/9/79.]

WAC 250-50-030 Standards for accredited institutions. In reviewing institutions accredited by an agency

or association included on the list of nationally-recognized accrediting agencies or associations, published by the United States commissioner of education, the council for postsecondary education shall apply the standards contained in section 1775, chapter 36, Title 38, U.S. Code as implemented by VA Regulation 14253 and published in the Policies and Procedures Manual of the state approving agency. [Statutory Authority: RCW 28B.80.120 and 28B.80.230. 79-03-086 (Order 3-79), § 250-50-030, filed 3/7/79, effective 4/9/79.]

WAC 250-50-040 Standards for nonaccredited institutions. In reviewing institutions not accredited by an agency or association included on the list of nationally-recognized accrediting agencies or associations, published by the United States commissioner of education, the council for postsecondary education shall apply the standards contained in section 1776, chapter 36, Title 38, U.S. Code as implemented by VA Regulation 14254 and published in the Policies and Procedures Manual of the state approving agency. [Statutory Authority: RCW 28B.80.120 and 28B.80.230. 79-03-086 (Order 3-79), § 250-50-040, filed 3/7/79, effective 4/9/79.]

WAC 250-50-050 Policies and procedures. The policies observed and the procedures followed by the council for postsecondary education in discharging its responsibilities as state approving agency shall be those published and distributed to all affected institutions in the Policies and Procedures Manual for the Veterans Education Program Unit consistent with chapter 36, Title 38, U.S. Code as implemented by the relevant VA Regulations. [Statutory Authority: RCW 28B.80.120 and 28B.80.230. 79-03-086 (Order 3-79), § 250-50-050, filed 3/7/79, effective 4/9/79.]

Chapter 250-55 WAC

REGULATIONS FOR THE ADMINISTRATION OF THE EDUCATIONAL SERVICES REGISTRATION ACT

WAC

250-55-010	Purpose.
250-55-020	Definitions.
250-55-030	Exemptions.
250-55-040	Application, annual renewal, and amendments.
250-55-050	Bonding.
250-55-060	Minimum standards.
250-55-070	Program quality and content.
250-55-080	Space, equipment, libraries, and personnel.
250-55-090	Personnel qualifications.
250-55-100	Catalogs and brochures.
250-55-110	Educational credentials.
250-55-120	Records.
250-55-130	Financial stability.
250-55-140	Advertising and business practices.
250-55-150	Enrollment.
250-55-160	Minimum cancellation and refund policy.
250-55-170	Nondiscrimination.
250-55-180	Duties of the executive coordinator.
250-55-190	Appeals.
250-55-200	Complaints and violations.
250-55-210	Hearings.
250-55-220	Recognition of accrediting agencies and associations.

WAC 250-55-010 Purpose. The Educational Services Registration Act (chapter 28B.05 RCW) established a requirement that all postsecondary educational institutions operating in Washington register with the Council for Postsecondary Education or the Commission for Vocational Education, unless specifically exempted from the registration requirement by the act. This chapter is promulgated by the council as a supplement to the act in order to establish necessary regulations for the registration of degree-granting institutions and certain dual-purpose institutions that are required to register with the council. [Statutory Authority: RCW 28B.05.050. 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-010, filed 12/18/79.]

WAC 250-55-020 Definitions. The definitions set forth in this section are intended to supplement the definitions in RCW 28B.05.030, and shall apply throughout this chapter, unless the context clearly indicates to the contrary:

(1) "Educational institution" or "institution" means a degree-granting institution or a dual-purpose institution as defined in RCW 28B.05.030(10) and (12).

(2) "Council" shall mean the Council for Postsecondary Education.

(3) "Executive coordinator" shall mean the executive coordinator of the council or the executive coordinator's designee.

(4) "Accrediting agency" or "accrediting association" shall mean an educational agency or association of regional or national scope which has adopted criteria reflecting the qualities of sound educational practices, and also provides for peer evaluations of institutions to determine whether or not said institutions operate at basic levels of quality.

(5) "Institutional accreditation" shall mean certification by an accrediting agency or association, recognized under WAC 250-55-220, that the institution as a whole is capable of achieving its educational objectives and fulfilling its commitment to students. Institutions that are candidates for accreditation or are on probation concerning their accreditation status shall not be judged to have institutional accreditation.

(6) "Charitable institution, organization or agency" shall mean any public or private not-for-profit entity organized substantially to provide or promote services to the general public without charge or for nominal payment and which substantially relies on contributions from the general public, the United States, or any state or political subdivision thereof for its operating expenses: *Provided*, That such entity is recognized by the United States Internal Revenue Service as being exempt under section 501(c)(3) of the Internal Revenue Code.

(7) "Avocational or recreational education" shall mean instruction that is clearly not being offered for the purpose of providing the student with employable skills or with competencies that upon completion of the program, course or class would be customarily applied to gainful employment.

(8) "The act" shall mean the Educational Services Registration Act (chapter 28B.05 RCW). [Statutory

Authority: RCW 28B.05.050. 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-020, filed 12/18/79.]

WAC 250-55-030 Exemptions. The following types of education and institutions are exempted from the provisions of the act and this chapter:

(1) Education offered or sponsored by a bona fide trade, business, professional, or fraternal organization primarily for that organization's membership or offered by that organization on a no-fee basis;

(2) Education solely avocational or recreational in nature, as defined in WAC 250-55-020(7), and institutions offering such education exclusively: *Provided*, That the institution does not advertise, promote, or offer educational credentials;

(3) Education offered by charitable institutions, organizations or agencies, as defined in WAC 250-55-020(6): *Provided*, That the institution, organization or agency does not advertise, promote, or offer educational credentials;

(4) Institutions that are established, operated, and governed by this state or its political subdivisions under the provisions of Titles 28A (Common Schools), 28B (Higher Education), and 28C (Vocational Education) RCW;

(5) Institutions that have received institutional accreditation from any accrediting association recognized by the council under the provisions of WAC 250-55-220: *Provided*,

(a) That this exemption shall pertain only to the types of educational credentials for which the institution is accredited;

(b) That an institution, branch, extension or facility operating within the state of Washington, which is affiliated with an institution operating in another state, must have separate institutional accreditation from a recognized accrediting association to qualify for this exemption;

(c) That an institution offering instruction on a federal installation solely to federal employees, and their dependents, shall not be required to have separate institutional accreditation in order to qualify for this exemption; and

(d) That a dual-purpose institution, as defined in RCW 28B.05.030(12), shall not be exempted under the provisions of both chapters 250-55 and 490-600 WAC unless it is specifically exempted under the provisions of both chapters.

(6) Any other institution to the extent that it has been exempted from some or all of the provisions of the act and this chapter in accordance with the hardship exemption procedure outlined in RCW 28B.05.130 and the hearing procedure outlined in WAC 250-55-210. An application for a hardship exemption shall be submitted on a form developed by the executive coordinator and shall include descriptive information about the institution, as required in WAC 250-55-040(1)(c); a list of the specific provisions for which an exemption is requested; an explanation of the hardship(s) created by those provisions; and an explanation of why, in the opinion of the chief administrator, the requested

exemption(s) would not unnecessarily frustrate the purposes of the act. [Statutory Authority: RCW 28B.05.050. 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-030, filed 12/18/79.]

WAC 250-55-040 Application, annual renewal, and amendments. (1) At the time of its initial registration, each institution shall:

(a) Pay the council an initial registration fee of \$200.00.

(b) File with the council a surety bond or other form of security, as specified in RCW 28B.05.110, and WAC 250-55-050.

(c) File with the council an application, on a form developed by the executive coordinator, which shall include the following information:

(i) Name, address, and degrees offered.

(ii) Whenever applicable, the names and addresses of the owner(s) of the institution, any shareholders holding more than a ten percent interest, and members of the institution's governing board.

(iii) Names and addresses of the chief administrative officer and all agents of the institution who are currently operating in the state of Washington.

(iv) A copy of each of the materials that the institution is required to supply to prospective students prior to enrollment in accordance with WAC 250-55-100.

(v) A list, with addresses, of all locations at which the institution offers instruction: *Provided*, That if the institution's primary campus is located in Washington, the list shall include all locations at which the institution offers instruction both in and outside of Washington.

(vi) The name of a bank or other financial institution that may be consulted as a financial reference.

(vii) Copies of the institution's current balance sheet and income statement covering the preceding year's operations. Institutions that have not operated prior to initial registration may submit a proposed operating budget for the succeeding twelve months in lieu of an income statement.

(viii) Copies of any enrollment agreements and/or student contracts employed by the institution.

(ix) Copies of any written agreements for library services required in WAC 250-55-080(3).

(x) If applicable, the file number of the institution's articles of incorporation on record with the Washington State Office of Secretary of State.

(xi) If applicable, a list of all programs approved by a licensing or certifying agency of the state of Washington.

(xii) A report of the institution's student enrollments in Washington during the past three calendar years: *Provided*, That if the institution has not operated prior to initial registration, the institution may substitute a report of the number of student applications received in Washington as of the date of the registration application.

(xiii) A signed, written statement from the chief administrative officer attesting to the truth and accuracy

of the information provided and pledging that the institution will comply with the requirements of the act and this chapter.

(2) At the time of each annual renewal, the institution shall:

(a) Pay the council a renewal fee of \$100.00.

(b) Provide evidence of continued compliance with the surety bond or security requirement specified in RCW 28B.05.110 and WAC 250-55-050.

(c) File an amended registration application, as specified in subsection (1)(c) of this section, indicating any changes from the information previously submitted, together with a signed, written statement from the chief administrative officer, attesting to the truth and accuracy of the information provided in the amended application and pledging continued compliance with all the requirements of the act and this chapter.

(3) Additionally, the institution shall file an amended application within thirty days of any change of circumstances which would require amendment of the information provided in compliance with subsections (1)(c) or (2)(c) of this section: *Provided*, That this requirement shall not pertain to changes in materials submitted under subsection (1)(c)(iv) of this section. All amended statements must be filed with the council and include a signed, written statement, as required in subsection (1)(c)(xiii) of this section.

(4) Any institution subject to the registration requirement shall grant to the executive coordinator or the executive coordinator's designee access to all records relevant to the requirements of the act and this chapter at any time during the normal business hours of the institution.

(5) A change of ownership or control of an institution shall nullify any previous registration of that institution, and the chief administrator, representing the new owners or governing body, shall comply with all the application requirements outlined in this section.

(6) If the council determines that any school is not maintained and operated, or cannot be reasonably maintained and operated, in compliance with the requirements of the act and this chapter, the council may deny the issuance or continuance of a certificate of registration or may establish conditions in conformity with these provisions which shall be met by said school prior to issuance or continuance of such a certificate: *Provided*, That the institution may appeal a denial of issuance under the provisions of WAC 250-55-190 and shall be entitled to a hearing concerning a denial of continuance under WAC 250-55-200. [Statutory Authority: RCW 28B.05.050. 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-040, filed 12/18/79.]

WAC 250-55-050 Bonding. In addition to the requirements set forth in RCW 28B.05.110, the following requirements shall pertain:

(1) The amount of the surety bond shall be ten percent of the preceding year's total tuition and fee charges to students receiving educational services in Washington, but not less than \$5,000 nor more than \$75,000. In the case of institutions that have not operated prior to the

date of their initial registration the bond amount for the first year of registration shall be based upon total anticipated tuition and fee charges for the next calendar year.

(2) In lieu of the surety bond provided for herein, the institution may furnish, file or deposit with the council, cash or other negotiable security acceptable to the executive coordinator, in an amount and of such proportions as required in the case of a surety bond in subsection (1) of this section. [Statutory Authority: RCW 28B.05.050. 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-050, filed 12/18/79.]

WAC 250-55-060 Minimum standards. Any educational institution that is required to register under the provisions of this chapter shall be maintained and operated in compliance with the standards outlined in this section and in WAC 250-55-070 through and including WAC 250-55-170.

(1) Every educational institution shall designate an individual as a "chief administrative officer." It shall be the responsibility of the chief administrative officer to ensure that the institution complies with the requirements of the act and this chapter.

(2) The institution must comply with all of its published policies and procedures. All institutional policies and procedures must be in compliance with the applicable requirements of the act and this chapter. Any changes in policies and procedures shall be inadmissible in any hearing conducted under WAC 250-55-210 unless the institution can demonstrate that all interested parties were notified on or before the effective date of the change.

(3) Nothing in this chapter shall be construed to supersede the requirements of other licensing or certifying agencies of the state of Washington, including but not limited to approval by the state board of education, under RCW 28A.04.120 and chapter 180-78 WAC, of any courses leading to teacher, school administrator and school specialized certification.

(4) Any institution that offers academic programs that may be completed solely by correspondence may be called upon by the council to demonstrate that the objectives of such programs can be achieved adequately without classroom, laboratory, clinical, or field instruction. [Statutory Authority: RCW 28B.05.050. 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-060, filed 12/18/79.]

WAC 250-55-070 Program quality and content. (1) The objectives and requirements for each program shall be provided to students in written form prior to enrollment. Each student's curriculum shall consist of a planned sequence of related courses designed to achieve the published objectives of the program.

(2) Each course shall be taught by a qualified faculty member, as specified in WAC 250-55-090(2).

(3) Each student must have access to academic counseling by a member of the faculty or a qualified academic counsellor.

(4) Admission to an associate or baccalaureate degree program shall normally require a high school diploma or

the equivalent and admission to a masters or doctoral degree program shall normally require completion of at least a baccalaureate degree or the equivalent, unless the institution can demonstrate, upon request from the council, that these are not the normally accepted practices in a particular field of study. This subsection is not intended to prohibit early admissions and dual-degree programs for which systematic procedures have been established and published in the institution's catalog.

(5) For the award of an associate degree, the institution shall require at least the equivalent of eighteen months of full-time study; for a baccalaureate degree, at least the equivalent of thirty-six months of full-time study; for a masters degree, at least the equivalent of nine months of full-time post-baccalaureate study; and for a doctorate, at least the equivalent of twenty-seven months of full-time post-baccalaureate study, unless the institution can demonstrate, upon request from the council, that this is not the normally accepted practice in a particular field of study. Credit for prior learning experience in lieu of full-time study may be included in accordance with subsection (9) of this section.

(6) Institutions that provide for the development of individualized degree programs shall have published policies and procedures for designing such programs.

(7) Any individualized courses, including but not limited to independent study, research, and internships, shall be based upon written agreements that specify the content of the course, as well as the specific responsibilities of the student and the instructor.

(8) All courses offered by correspondence or away from the institution's primary campus shall be consistent with, and comparable in content and quality to courses offered to resident students enrolled at the institution's primary campus.

(9) If the institution recognizes transfer credits from institutions and/or if it awards credit for prior learning experience and credit by examination, there shall be clearly defined, published policies and procedures for recognizing or awarding such credits. No more than fifty percent of the credits required for a degree or other credential shall be awarded for prior learning experience and/or for credits by examination: *Provided*, That exceptions to this requirement may be requested under WAC 250-55-030(6). [Statutory Authority: RCW 28B.05.050. 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-070, filed 12/18/79.]

WAC 250-55-080 Space, equipment, libraries, and personnel. (1) The institution shall have sufficient space and equipment to achieve all program and institutional objectives.

(2) All facilities and equipment owned or employed by the institution must comply with all local, state, and federal requirements pertaining to physical facilities and equipment, particularly with respect to fire, health, safety, and sanitation.

(3) The institution's library shall contain a collection of books, periodicals, newspapers, and other instructional materials sufficient for the needs of the educational programs of the institution, and shall be readily accessible

to the faculty and the students. If the institution does not maintain its own library, there shall be a written agreement with another institution or organization to provide for faculty and student access to a collection sufficient for the needs of the educational programs of the institution.

(4) Laboratories shall be fully equipped and students shall have access to sufficient supplies and materials for instruction in courses for which laboratory work is required. Laboratories also shall be sufficient in size to meet course requirements.

(5) The institution shall have qualified personnel sufficient to provide all services that are offered, including but not limited to instructional staff for all programs for which students are enrolled, academic and student personnel counselors, placement personnel, and a student financial aid administrator. [Statutory Authority: RCW 28B.05.050. 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-080, filed 12/18/79.]

WAC 250-55-090 Personnel qualifications. (1) Either the chief administrative officer or the chief academic officer shall have experience in the areas of teaching, academic program administration, and curriculum design.

(2) Members of the instructional staff shall be prepared, by formal education and experience, in specific subjects which they are assigned to teach. A minimum of seventy-five percent of the faculty members instructing in a baccalaureate program shall have at least a baccalaureate degree; a minimum of seventy-five percent of the faculty members instructing in a masters program shall have at least a masters degree; and a minimum of seventy-five percent of the faculty members instructing in a doctoral program shall have a doctoral degree or equivalent, unless the institution can demonstrate, upon request from the council, that these are not the normally accepted practices in a particular field of study.

(3) All other professional staff shall be qualified, by education and experience, to provide the services for which they are responsible.

(4) The owners, officers, agents and faculty of the institution shall be identified as persons of integrity in character and business practices, as may be attested to by responsible business or financial firms, credit associations, or other reputable persons. [Statutory Authority: RCW 28B.05.050. 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-090, filed 12/18/79.]

WAC 250-55-100 Catalogs and brochures. The institution shall provide students and other interested parties with a catalog or brochure, supplemented as necessary by other published materials. Whenever there are changes in institutional policies and procedures, the catalog or brochure shall be revised and published at least every two years, starting on or before September 30, 1980. The catalog or brochure, together with whatever supplementary materials may be necessary, shall include at least the following information:

(1) Identifying data, such as volume number, date of publication, and years for which the catalog is effective.

(2) The official name, address, and telephone number of the institution.

(3) A statement on the first page or cover of the catalog that says that the institution, by name, "is registered with the Washington State Council for Postsecondary Education under the Educational Services Registration Act and complies with the requirements and educational standards established for degree-granting institutions in the state of Washington," and that "in addition to any other legal remedies, in the event of an unresolved dispute between a student and the institution involving a requirement of the act or relevant council regulations, either party may seek the assistance of the executive coordinator of the council. Prior to seeking such assistance, however, the parties shall attempt to exhaust all institutional grievance and appeals procedures."

(4) A statement of the origin and objectives of the institution.

(5) Whenever applicable, a list of all institutional board members, including their firms and professional titles, or city of residence.

(6) A list of all institutional administrators and faculty members, including their titles and academic qualifications. In the case of faculty members, each entry shall also include the name of the faculty member's academic department and/or field(s) of instruction. If the institution employs part-time or temporary faculty who are not listed in the catalog, there shall be an explanation of the minimum qualifications required of such faculty members.

(7) An institutional calendar showing legal holidays, beginning and ending dates of each quarter, term, or semester, and other important dates.

(8) Institutional policy and regulations on enrollment with respect to enrollment dates and specific entrance requirements for each of the institution's programs.

(9) Institutional policy and regulations relative to leaves, absences, class cuts, make-up work, tardiness, and interruptions for unsatisfactory attendance.

(10) Institutional policy relative to standards of progress required of the student. This policy shall describe the institution's system for evaluating student performance, the minimum performance considered satisfactory, conditions for interruption for unsatisfactory performance, a description of the probationary period, if any, and conditions for reentrance for those students dismissed for unsatisfactory progress. A statement shall be made regarding progress records kept by the institution and furnished to the student.

(11) Institutional policy and regulations relating to student conduct and conditions for dismissal for unsatisfactory conduct.

(12) A detailed schedule of fees, charges for tuition, books, supplies, tools, student activities, laboratory fees, service charges, rentals, deposits, and all other student charges necessary for the completion of each course of study.

(13) Policy and regulations relative to the refund of the unused portion of tuition, fees, and other charges in the event the student does not enter the course, or withdraws, or is discontinued therefrom, in compliance with the provisions of WAC 250-55-160.

(14) A description of the institution's facilities.

(15) A description of the objectives, requirements, and length of each program offered.

(16) For each program or field of study that prepares students for a licensed or certified occupation, a statement that indicates whether or not the appropriate agency or association recognizes the program for purposes of licensing or certification in that occupation: *Provided*, That if a licensing authority does not review and approve academic institutions or programs, the institution shall provide students with the name and address of the licensing authority and indicate that a license is required to practice in the occupation for which the student is training. For all such programs, this information must be provided at the beginning of each program description in the catalog, brochure, and supplementary publications.

(17) Policy and procedures relative to the granting of credit for previous education and experience, in compliance with WAC 250-55-070(9).

(18) A statement explaining the transferability of the institution's credits to other institutions and the process by which a student may determine whether the institution's credits are transferable to another institution.

(19) If the institution offers multiple degrees, an indication of which courses qualify for credit toward each degree.

(20) If the institution offers individualized courses or programs, a description of the manner in which those courses or programs are designed, in compliance with WAC 250-55-070(6) and (7).

(21) A description of the types of financial assistance available to students enrolled in the institution.

(22) A description of any auxiliary services offered, including but not limited to housing, counseling, placement services, services for veterans and other special groups, and extracurricular activities.

(23) If the institution makes any claims about graduate placement or courses completion rates, in its catalog or elsewhere, the catalog shall indicate how an interested person can obtain specific, up-to-date information about these rates.

(24) Such other material facts concerning the institution and the program as are reasonably likely to affect the decision of the student to enroll.

(25) A table of contents or index.

(26) The catalog shall be supplemented with a printed schedule of courses to be offered each term. The schedule for any particular term shall be available to students at least two weeks prior to the beginning of classes. [Statutory Authority: RCW 28B.05.050, 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-100, filed 12/18/79.]

WAC 250-55-110 Educational credentials. (1) Upon satisfactory completion of education or training

and the payment of all tuition and fees owed by the student to the institution, the student shall be given appropriate educational credentials by the institution indicating that the course or courses of instruction or study have been satisfactorily completed by the student.

(2) In addition, for each student who graduates or withdraws, the institution shall prepare, permanently file, and make available a transcript that specifies all courses completed, provided that all tuition and fees owed by the student to the institution have been paid. Each course entry shall include a title, the number of credits awarded, and a grade. The transcript shall separately identify all credits awarded by transfer and for prior learning experience, correspondence courses, and credit by examination. If credits are awarded for prior learning experience, the transcript shall also indicate the nature of the experience for which credit was awarded. If instruction for a course took place at a location other than the primary campus of the institution, the location of the instruction shall also be indicated.

(3) No institution shall offer, print, or award a degree or any other type of educational certificate unless the student has enrolled in and completed a prescribed program of study, as outlined in the institution's catalog, that has been identified in the institution's registration application, annual renewal application, or amendments, as prescribed in WAC 250-55-040. [Statutory Authority: RCW 28B.05.050, 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-110, filed 12/18/79.]

WAC 250-55-120 Records. (1) In addition to the transcript requirement provided for under WAC 250-55-110(2), the institution shall maintain adequate records to document the performance and progress of each student. The records and accounts pertaining to each period of enrollment of each student shall be kept intact and in good condition by the educational institution for a period of at least three years following the termination of such enrollment period.

(2) The records to be retained shall include, but not necessarily be limited to, any of the following information that does not appear on permanently filed transcripts:

(a) Records and accounts which are evidence of tuition and fees charged to and received from or on behalf of all students.

(b) Records of previous education or training of students at the time of admission and records of credit, if any, granted by the institution at the time of admission, with the student so notified.

(c) Records of the student's grades and progress.

(d) Individual instructor's class records.

(e) Records of interruption for unsatisfactory progress or conduct.

(f) Records of refunds of tuition, fees, and other charges made to the student.

(3) Institutions shall maintain and have available for inspection for a period of thirty-six months following their use complete records and copies of all advertising, sales, and enrollment materials used by or on behalf of the institution.

(4) If any educational institution proposes to discontinue its operation, the chief administrative officer of the institution shall file with the council the original or legible true copies of all such information as is customarily required by colleges when considering students for transfer or advanced study, including but not necessarily limited to all records required in WAC 250-55-110(2) and subsection (1) of this section. In the event it appears to the council that any such records of an educational institution discontinuing its operations are in danger of being destroyed, secreted, mislaid, or otherwise made unavailable to the council, the council may seek a court order to protect and, if necessary, take possession of the records. The council shall select an appropriate permanent location for such records, and the institution shall be required to notify its students of such location prior to release of the bond or security filed under the provisions of WAC 250-55-050: *Provided*, That this notification requirement shall pertain only to students who have been enrolled during the past calendar year. [Statutory Authority: RCW 28B.05.050. 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-120, filed 12/18/79.]

WAC 250-55-130 Financial stability. The institution shall be financially sound and capable of meeting its legal financial obligations and fulfilling its commitments to students, as evidenced by financial information submitted under WAC 250-55-040(1)(c)(vii) and by any other financial information that the council might subsequently require, which may include an audited financial statement prepared by an independent certified public accountant. [Statutory Authority: RCW 28B.05.050. 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-130, filed 12/18/79.]

WAC 250-55-140 Advertising and business practices. (1) Neither the institution nor its agents shall engage in methods of advertising, sales, collection, credit, or other business practices which are false, deceptive, misleading, or unfair.

(2) An institution may not advertise or publicize that it is approved, recommended, or endorsed in any way by the Council for Postsecondary Education. [Statutory Authority: RCW 28B.05.050. 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-140, filed 12/18/79.]

WAC 250-55-150 Enrollment. (1) When a student enrolls for a course of instruction, the institution shall comply with the following requirements:

(a) The institution shall not require payment for tuition or any other fees in excess of \$125, including a maximum nonrefundable application fee of \$25, more than sixty days in advance of the first day of instruction.

(b) The institution shall not collect tuition and fees for more than one calendar year at a time. For courses in which the student may determine the amount of time required for completion, including but not limited to correspondence study, the institution may charge tuition for up to one calendar year at a time according to the average rate of course completion and, in addition, may

charge full fees for any materials provided to the student.

(c) Upon payment, the institution shall provide the student with a receipt or voucher for all tuition and fees collected.

(d) Prior to enrollment or before tuition and fees are collected, whichever is earlier, the institution shall provide the student with all the information specified in WAC 250-55-100. In addition, the institution shall require the student to sign a statement that he or she received a copy of the institution's policy pertaining to refund of tuition and fees.

(2) If the institution employs a formal enrollment agreement or contract, this document shall contain at least the following information:

(a) The title, identifying the document as a contract or agreement.

(b) The name and address of the institution.

(c) The course or program for which the student is enrolling, as identified in the catalog.

(d) The approximate time required to complete the course, specified in weeks, months, or years of full- or part-time study.

(e) The type of credential the student will receive upon successful completion of the course or program.

(f) An enumeration of all costs involved in completion of the program, together with an explanation of the method and terms of payment.

(g) The starting date of the course or program.

(h) Grounds for termination of the student by the school prior to completion of the course or program.

(i) Methods and conditions under which the student may voluntarily terminate enrollment.

(j) A detailed refund policy, as specified in WAC 250-55-160.

(k) An effective date, which shall not precede the date on which all parties to the contract have signed the document.

(l) An acknowledgement, in large or bold print, that all signers have read and received a copy of the contract.

(m) An enumeration of all other conditions, circumstances, or qualifications that may be imposed by the school.

(n) If contracts or promissory notes may be sold, discounted, or otherwise transferred, an authorization from the applicant (and financial sponsors, if any), together with a statement that the refund policy shall continue to apply.

(o) A statement identical to the catalog statement required under WAC 250-55-100(3). [Statutory Authority: RCW 28B.05.050. 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-150, filed 12/18/79.]

WAC 250-55-160 Minimum cancellation and refund policy. (1) Each institution required to register under this chapter shall publish its cancellation and refund policies in clear language that can be easily understood by prospective students. The policies shall apply to all terminations, for any reason, by either party.

(2) The refund policy for resident institutions shall, as a minimum, comply with the following requirements:

(a) An applicant rejected by the institution shall be entitled to a refund of all money paid, less any standard application fee, not to exceed \$25.

(b) All money paid by a successful applicant, less an application fee not to exceed \$25, shall be refunded to the applicant if requested in any manner within six business days after signing an enrollment agreement or making an initial payment, whichever comes later.

(c) If a successful applicant chooses to withdraw after the initial six day period but before the first day of instruction, the applicant shall be entitled to a refund of all moneys paid, less a maximum of \$125 for an applicant for full-time study, prorated accordingly for applicants for part-time study.

(d) Starting on the first day of classes and continuing through the first twenty-five percent of the current academic term, the tuition and fee charges retained by the institution shall not exceed seventy-five percent of the tuition and fees paid for that term plus a maximum application fee of \$25. If the student has paid any tuition or fees in advance for subsequent academic terms, these moneys shall be refunded in full.

(e) Following completion of twenty-five percent of the current academic term, the institution may retain one hundred percent of the tuition and fees paid for that term but shall refund any tuition and fees paid in advance for subsequent terms.

(f) For purposes of this section, an academic term shall not exceed sixteen weeks of instruction.

(g) The termination date for refund computation purposes shall be the date on which the student initially requests cancellation, or the date on which the institution withdraws the student under subsection (2)(h) of this section. The school may require written affirmation of cancellation or withdrawal provided such requirement is stated in the catalog and, if applicable, the enrollment agreement. The institution may require that such written affirmation be made by a parent or guardian if the student is below legal age.

(h) If a student, without notice to proper institutional authorities, fails to attend classes for a period of thirty calendar days during which resident classes are in session, the institution shall notify the student in writing that his or her enrollment has been terminated, effective the thirtieth calendar day and shall refund tuition and fees according to its published refund policy.

(i) Percentage of course completion shall be computed on the basis of the number of hours or days of instruction completed as a percentage of the total hours or days in the period for which tuition and fees were collected.

(j) The refund policy shall pertain to all charges with the exception of charges for materials that are not returned to the institution in their original condition within fifteen days of withdrawal or termination.

(k) The institution shall provide an exact *pro rata* refund to the student for any arbitrary and unilateral change by the institution of scheduled times for course instruction, reduction of contracted training time, reduction of course content, or other actions that effectively reduce the ratio of training to course costs, including but

not limited to termination of a course or program during the current academic term.

(l) Any money due the applicant or student shall be refunded within thirty days after written notice of cancellation or termination.

(3) For correspondence and home study schools, the following minimum refund policy shall pertain:

(a) An enrollment may be canceled by an applicant student within six days from the day on which an enrollment agreement is signed or the student submits tuition and fees to the institution, whichever is later. An applicant student requesting cancellation in whatever manner within this time shall be given a refund of all money paid to the institution or its representatives.

(b) From six days after the day on which the enrollment agreement is signed and until the time the institution receives the first completed lesson assignment from the student, upon cancellation, the institution is entitled to retain a registration fee of either \$25 or fifteen percent of the tuition up to \$100, whichever is less.

(c) After receipt of the first completed lesson assignment and up to and including the first ten percent of the course, if the student requests cancellation, the institution shall be entitled to retain the registration fee plus ten percent of the tuition.

(d) After completion of more than ten percent of the course and up to and including completion of twenty-five percent of the course, the institution shall be entitled to retain the registration fee plus twenty-five percent of the tuition.

(e) After completion of more than twenty-five percent of the course and up to and including completion of fifty percent of the course, the institution is entitled to retain the registration fee plus fifty percent of the tuition.

(f) After completion of more than fifty percent of the course, the institution is entitled to retain the full tuition.

(g) The amount of the course completed shall be the number of completed lesson assignments received by the institution as a percentage of the total lesson assignments in the course.

(h) Upon written notice of cancellation, all money due the student shall be refunded within thirty days.

(i) The refund policy shall pertain to all charges with the exception of charges for materials that are not returned to the institution in their original condition within fifteen days of withdrawal or termination. [Statutory Authority: RCW 28B.05.050. 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-160, filed 12/18/79.]

WAC 250-55-170 Nondiscrimination. The institution shall not discriminate on the basis of race, religion, sex, handicap, or national origin as prohibited by state or federal law. [Statutory Authority: RCW 28B.05.050. 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-170, filed 12/18/79.]

WAC 250-55-180 Duties of the executive coordinator. In addition to any other administrative responsibilities vested in the executive coordinator of the council under the act and this chapter, the executive coordinator

shall carry out the following administrative responsibilities:

(1) Process all registration applications, fee payments, and bonds or security deposits, to include the issuance of certificates of registration, signed by the executive coordinator, under the provisions of WAC 250-55-040.

(2) Pay any unsatisfied final judgment against a registered institution, from the resources available through the institution's surety bond or other security deposit, under the provisions of RCW 28B.05.110(3).

(3) Upon written notice from a registered institution, release the surety on the institution's bond, pursuant to RCW 28B.05.110(4).

(4) Upon written notice from a registered institution, return the institution's security deposit under the provisions of RCW 28B.05.110(3).

(5) In the event of impaired liability of the surety upon a bond under RCW 28B.05.110(1), notify the institution of suspension of registration until the bond liability in the required amount, unimpaired by unsatisfied judgment claims, shall have been furnished.

(6) Establish and maintain all records called for under the provisions of the act and this chapter. [Statutory Authority: RCW 28B.05.050. 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-180, filed 12/18/79.]

WAC 250-55-190 Appeals. Any dispute arising from the following actions shall require a hearing pursuant to WAC 250-55-210 and chapter 34.04 RCW:

(1) A denial of recognition of an accrediting agency or association under WAC 250-55-220.

(2) A denial of an exemption under WAC 250-55-030.

(3) A denial of a certificate of registration under WAC 250-55-040(6).

(4) A cease and desist order issued under the provisions of RCW 28B.05.140.

(5) Any action taken by the executive coordinator which is alleged to adversely affect an institution or a student and which is allegedly not in keeping with the intent and purpose of the act or this chapter. [Statutory Authority: RCW 28B.05.050. 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-190, filed 12/18/79.]

WAC 250-55-200 Complaints and violations. (1) Upon receipt of a complaint or other allegation that an institution has failed or is failing to comply with the provisions of the act or this chapter, the executive coordinator shall notify the institution by mail of the nature of such allegations and shall investigate the facts surrounding the allegations.

(2) If preliminary findings indicate that a violation or violations may have occurred or are occurring, the executive coordinator shall attempt, through mediation and conciliation to effect compliance and, in the case of a complaint, bring about a settlement between the institution and the complainant.

(3) If no agreement is reached through the mediation and conciliation process, the executive coordinator shall file a formal complaint with the council and notify the institution of the conduct which warrants the complaint.

Based upon a finding pursuant to RCW 34.04.170, the complaint may include an order for a summary suspension of registration, pending proceedings for revocation, suspension, or other action under the hearing procedure provided for in WAC 250-55-210.

(4) Nothing in this section shall be construed to require a complainant to exhaust the remedies of this section prior to proceeding under any other remedies available under the law. [Statutory Authority: RCW 28B.05.050. 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-200, filed 12/18/79.]

WAC 250-55-210 Hearings. Any hearing called for under the act, WAC 250-55-190, or 250-55-200 shall be conducted in the following manner:

(1) The executive coordinator or a designated hearing officer shall conduct a hearing and make findings and conclusions in accordance with the Administrative Procedure Act, chapter 34.04 RCW. The findings, conclusions, and any recommendations for action shall be submitted to the council for final action pursuant to RCW 34.04.110.

(2) The council may accept or reject, in whole or in part, any recommendations made by the hearing officer, may remand for further findings and/or take any other action the council deems appropriate under the circumstances, pursuant to the provisions of the act and this chapter. [Statutory Authority: RCW 28B.05.050. 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-210, filed 12/18/79.]

WAC 250-55-220 Recognition of accrediting agencies and associations. (1) Any accrediting agency or association desiring recognition for the purposes of WAC 250-55-030(5) shall comply with the following standards:

(a) Scope of operations:

(i) The agency or association is national or regional in its scope of operations;

(ii) It clearly defines in its charter, bylaws, or accrediting standards the scope of its activities, including the geographical area and the types and levels of institutions or programs covered.

(b) Organization:

(i) The agency or association has the administrative personnel and procedures to carry out its operations in a timely and effective manner;

(ii) It defines its fiscal needs, manages its expenditures, and has adequate financial resources to carry out its operations, as shown by an externally audited financial statement;

(iii) Its fees, if any, for the accreditation process do not exceed the reasonable cost of sustaining and improving the process;

(iv) It uses competent and knowledgeable persons, qualified by experience and training, and selects such persons in accordance with nondiscriminatory practices to participate on visiting evaluation teams; to engage in consultative services for the evaluation and accreditation process; and to serve on policy and decision-making bodies;

(v) It includes on each visiting evaluation team at least one person who is not a member of its policy or decision-making body or its administrative staff;

(vi) It accredits institutions that are classified as primarily postsecondary, are properly chartered and licensed to operate, and offer instruction leading to degrees, diplomas, or certificates with educational validity.

(c) Procedures:

(i) The agency or association maintains clear definitions of each level of accreditation status and has clearly written procedures for granting, denying, reaffirming, revoking, and reinstating such accredited statuses;

(ii) If it has developed a preaccreditation status, it provides for the application of criteria and procedures that are related in an appropriate manner to those employed for accreditation;

(iii) It requires, as an integral part of its accrediting purposes, institutional or program self-analysis and an on-site review by a visiting team.

(iv) It requires that the self-analysis shall be a qualitative assessment of the strengths and limitations of the institution, including the achievement of institutional objectives, and shall involve a representative portion of the institution's administrative staff, teaching faculty, students, governing body, and other appropriate constituencies.

(v) It provides written and consultative guidance to the institution or program and to the visiting team.

(vi) It publishes or otherwise makes publicly available the standards by which institutions are evaluated, the procedures utilized in arriving at decisions regarding the accreditation status of an institution, the current accreditation status of institutions and the date of the next currently scheduled review or reconsideration of accreditation, the names and affiliations of members of its policy and decision-making bodies, the name(s) of its principal administrative personnel, and a description of the ownership, control and type of legal organization of the agency or association;

(vii) It provides advance notice of proposed or revised standards to all persons, institutions, and organization significantly affected by its accrediting process, and provides such persons, institutions and organizations adequate opportunity to comment on such standards prior to their adoption;

(viii) Its purposes and objectives are clearly defined in its charter, bylaws, or accrediting standards.

(d) Responsiveness:

(i) The agency's or association's accreditation program takes into account the rights, responsibilities, and interests of students, the general public, the academic, professional, or occupational fields involved, and institutions;

(ii) It includes representatives of the public in its policy and decision-making bodies, or in an advisory or consultative capacity that assures attention by the policy and decision-making bodies;

(iii) It has written procedures for the review of complaints pertaining to institutional or program quality, as

these relate to the agency's standards, and demonstrates that such procedures are adequate to provide timely treatment of such complaints in a manner that is fair and equitable to the complainant and to the institution or program.

(e) Due process:

(i) The agency or association affords initial evaluation of the institution only when the chief executive officer of the institution applies for accreditation of the institution;

(ii) It provides for adequate discussion during an on-site visit between the visiting team and the faculty, administrative staff, students, and other appropriate persons;

(iii) It furnishes, as a result of an evaluation visit, a written report to the institution commenting on areas of strength, areas needing improvement and, when appropriate, suggesting means of improvement and including specific areas, if any, where the institution may not be in compliance with the agency's standards;

(iv) It provides the chief executive officer of the institution with an opportunity to comment upon the written report and to file supplemental materials pertinent to the facts and conclusions in the written report of the visiting team before the accrediting agency or association takes action on the report;

(v) It evaluates, when appropriate, the report of the visiting team in the presence of a member of the team, preferably the chairman;

(vi) It provides for the withdrawal of accreditation only for cause, after review, or when the institution does not permit reevaluation, after due notice;

(vii) It provides the chief executive officer of the institution with a specific statement of reasons for any adverse accrediting action, and notice of the right to appeal such action;

(viii) It establishes and implements published rules of procedure regarding appeals which will provide for no change in the accreditation status of the institution pending disposition of an appeal; the right to a hearing before the appeal body; supplying the chief executive officer of the institution with a written decision of the appeal body, including a statement of specifics.

(f) Ethical practices: The agency or association has a demonstrated ability and willingness to foster ethical practices among the institutions which it accredits, including equitable student tuition refunds and nondiscriminatory practices in admissions and employment.

(g) Evaluation: The agency or association maintains a program of evaluation of its educational standards designed to assess their validity and reliability.

(h) Application of standards: The agency or association accredits only those institutions which meet its published standards, and demonstrates that its standards, policies, and procedures are fairly applied and that its evaluations are conducted and decisions rendered under conditions that assure an impartial and objective judgment.

(i) Periodic review: The agency or association re-evaluates at reasonable intervals institutions which it has accredited.

(j) Specificity: The agency or association requires that any reference to its accreditation of accredited institutions clearly specifies the areas and levels for which accreditation has been received.

(k) Reliability:

(i) The agency or association demonstrates reliability, competence, and experience by providing evidence of the acceptance of its policies, evaluative criteria, procedures, and evaluation decisions by educators, educational institutions, other accrediting bodies, practitioners, and employers;

(ii) It has no less than two years' experience as an accrediting agency or association;

(iii) It reflects in the composition of its policy and decision-making bodies the community of interests directly affected by the scope of its accreditation.

(l) Autonomy:

(i) The agency or association performs no function that would be inconsistent with the formation of an independent judgment of the quality of an educational program or institution;

(ii) It provides in its operating procedures for protection against conflict of interest in the rendering of its judgments and decisions.

(2) Inclusion in the current list of accrediting agencies and associations recognized by the United States Commissioner of Education may be accepted by the council as evidence of compliance with the standards established in subsection (1) of this section: *Provided*,

(a) That the agency or association grants institutional accreditation, as defined in WAC 250-55-020(5); and

(b) That the council may at any time require such additional evidence and make such additional investigation as in its judgment may be necessary to verify compliance with the standards in subsection (1) of this section for purposes of granting, denying, or discontinuing recognition of an accrediting agency or association under this chapter.

(3) The council shall adopt and maintain an up-to-date a list of those accrediting agencies and associations which are recognized by the council as meeting the requirements of this section. [Statutory Authority: RCW 28B.05.050. 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-220, filed 12/18/79.]

**Title 251 WAC
HIGHER EDUCATION PERSONNEL
BOARD**

Chapters

- 251-04 General provisions.
- 251-06 Classification.
- 251-08 Compensation.
- 251-09 Hours of work--Premium pay.
- 251-10 Separation--Discipline.
- 251-12 Appeals.
- 251-14 Collective bargaining.
- 251-18 Employment--Appointment.

- 251-20 Employee performance evaluation.
- 251-22 Holidays--Leave.

**Chapter 251-04 WAC
GENERAL PROVISIONS**

- WAC
- 251-04-020 Definitions.
- 251-04-040 Exemptions.

WAC 251-04-020 Definitions. Unless the context clearly indicates otherwise, the words used in these rules shall have the meanings given in this section.

"ADMINISTRATIVE ASSISTANT EXEMPTION" - A president or vice president may have individual(s) acting as his/her administrative assistant(s). The employee normally performs supportive work for his/her superior as an individual contributor without subordinates.

"ADMINISTRATIVE EMPLOYEES" - Personnel whose responsibilities require them to spend at least 80% of their work hours as follows:

(1) Primary duty is office or nonmanual work directly related to the management policies or general business operations; and

(2) Must have the authority to make important decisions, customarily and regularly exercise discretion and independent judgment, as distinguished from using skills and following procedures; and

(3) Must regularly assist an executive or administrative employee, or perform work under, only general supervision along specialized or technical lines requiring special training, experience or knowledge; and

(4) Must be paid at a rate of at least \$672 per month exclusive of board, lodging or other facilities.

For persons whose salaries exceed \$1083 per month, the 80% limitation does not apply if the primary duty consists of responsible office or nonmanual work directly related to management policies or general business operations.

"AGRICULTURAL EMPLOYEES" - Employees performing work which includes farming and all its branches, including cultivating the soil, or growing or harvesting crops, or raising livestock, bees, fur-bearing animals, or poultry; or doing any practices performed by a farmer or on a farm as an incident to or in conjunction with such farming operations.

"ALLOCATION" - The assignment of an individual position to an appropriate class on the basis of the kind, difficulty, and responsibility of the work of the position.

"APPOINTING AUTHORITY" - A person or group of persons lawfully authorized to make appointments.

"AVAILABILITY" - Within a class or job category, the existence of qualified persons of the under-represented groups in the employed and unemployed workforce in that class or job category within the defined recruitment area.

"BOARD" - The higher education personnel board established under the provisions of the higher education personnel law.