

# Title 250 WAC

## COUNCIL FOR POSTSECONDARY EDUCATION

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

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### Chapter 250-04 WAC

#### GENERAL OPERATING RULES OF THE COMMISSION

#### WAC

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**WAC 250-04-010 Legal name and official address of the commission.** The legal name and official address of the State Commission are: Higher Education Facilities Commission, P.O. Box 527, Olympia, Washington (98501). [§ 250-04-010, filed 7/29/68, 9/22/67, 4/4/67.]

**WAC 250-04-020 Principal officers of the commission.** The titles of the principal officers of the State Commission are: Chairman, Vice Chairman. The title of the chief staff assistant for the State Commission shall be the Executive Secretary. [§ 250-04-020, filed 7/29/68, 9/22/67, 4/4/67.]

**WAC 250-04-030 Commission staff.** Staff and administrative services to the State Commission will be performed by an Executive Secretary employed for the purpose of administering the Higher Education Facilities Act, plus necessary administrative, secretarial and clerical personnel and/or consultants appointed from time to time. [§ 250-04-030, filed 7/29/68, 9/22/67, 4/4/67.]

**WAC 250-04-040 Coordination with other agencies.** The Commission, its members or staff, may confer from time to time with The Coordinating Council for Occupational Education and its staff or the State Board for Community College Education and its staff on matters regarding projects under Section 103 of the Act and with the presidents of the accredited four-year colleges and universities, or their representatives, on matters regarding projects under Section 104 of the Act. [§ 250-04-040, filed 7/29/68, 9/22/67, 4/4/67.]

**WAC 250-04-050 Rules of procedure.** The State Commission has adopted the following rules of procedure in accordance with State law, for conducting its business and reaching official decisions regarding applications submitted to it under Title I of P. L. 88-204:

The State Commission will conduct all official business, including all action under Title I, Public Law 88-204, at formal meetings open to the public, notice of which shall be given in the manner provided by State Law: *Provided*, That the Commission may at any such meeting hold executive sessions, from which the public may be excluded, for any purpose other than final adoption of rules, orders, or directives relating to the Commission's function under Public Law 88-204: *Provided*

further, That informal conferences may be held and/or staff liaison maintained as set forth in WAC 250-04-050. Formal meeting will be conducted in accordance with Robert's Rules 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. [§ 250-04-050, filed 7/29/68, 9/22/67, 4/4/67.]

**WAC 250-04-060 Records of proceedings.** The State Commission will maintain a full record of all proceedings by which it established 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 each such closing date. [§ 250-04-060, filed 7/29/68, 9/22/67, 4/4/67.]

**WAC 250-04-070 Reports and materials required by the U.S. office of education.** Promptly upon completing its consideration of applications as of each closing date, and no later than March 31 of each Federal fiscal year, the State Commission will forward to the Commissioner:

(1) A current project report, on forms supplied by the Commissioner, for the pertinent category of applications (i.e., Section 103 applications, Section 104 applications) listing each application received since the previous closing date, each application returned to the applicant and the reason for return of such application, each application considered as of the last closing date, and the priority and Federal share determined according to the State Plan for each project;

(2) 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;

and,

(3) Copies of correspondence documenting the offering and either the acceptance or rejection of partial Federal shares pursuant to the Regulations. [§ 250-04-070, filed 7/29/68, 9/22/67, 4/4/67.]

**WAC 250-04-080 Announcement of commission decisions and disposition of application materials.** The State Commission will promptly notify all applicants of the results of all State Commission determinations 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 such 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. [§ 250-04-080, filed 7/29/68, 9/22/67, 4/4/67.]

## Chapter 250-08 WAC PROVISION FOR HEARING REGARDING COMMISSION ACTIONS

### WAC

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| 250-08-010 | Opportunity for hearing.  |
| 250-08-020 | Procedure for requesting a hearing.   |
| 250-08-030 | Deadlines for commission action on a request for hearing.                   |
| 250-08-040 | Commission responsibility for notifying the U.S. commissioner of education. |

**WAC 250-08-010 Opportunity for hearing.** 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. [§ 250-08-010, filed 7/29/68, 9/22/67, 4/4/67.]

**WAC 250-08-020 Procedure for requesting a hearing.** 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. [§ 250-08-020, filed 7/29/68, 9/22/67, 4/4/67.]

**WAC 250-08-030 Deadlines for commission action on a request for hearing.** An applicant may request such a hearing within 10 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 20 days of the closing date for submitting the appeals and shall at least 3 days prior to the date fixed for the hearing notify such applicant in writing of the date, time and place of the hearing. [§ 250-08-030, filed 7/29/68, 9/22/67, 4/4/67.]

**WAC 250-08-040 Commission responsibility for notifying the U.S. commissioner of education.** The State Commission will notify the Commissioner promptly of the nature of the complaint whenever an applicant requests a hearing, and the results of the hearing upon its completion. [§ 250-08-040, filed 7/29/68, 9/22/67, 4/4/67.]

## Chapter 250-10 WAC BYLAWS--COUNCIL FOR POSTSECONDARY EDUCATION

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| 250-10-022 | General planning and coordinating functions. |

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250-10-120	Reports.
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250-10-150	Amendments.
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250-10-170	State Environmental Policy Act.

#### 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.
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**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), § 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.]

**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.]

**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:

(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.

(2) In the execution of the above planning responsibilities, develop criteria for the need for new baccalaureate institutions; and recommend the establishment, 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 250-10-026 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 250-10-030 Membership.** The council shall consist of members selected as follows:

(1) Nine citizen members to be appointed by the governor and confirmed by the senate as representatives of the public at large, one of whom shall be a full-time undergraduate student at the time of his or her appointment at a public or private postsecondary educational institution; the Superintendent of Public Instruction; one member of the executive branch of government appointed by the governor; one president of the public universities and four-year colleges of the state who is the chairman of the Council of Presidents; the executive director of the State Board for Community College Education; the executive director of the Commission for Vocational Education; one president of the state's private universities or four-year colleges; and one representative of postsecondary proprietary education; each appointed by the governor. (Reference: RCW 28B.80.040, Para. 1).

(2) Duties of Certain Members.

(a) It shall be the duty of the executive director of the State Board for Community College Education to represent not only the State Board for Community College Education, but also all the community colleges in the state and their respective governing boards and he or she is further directed and charged to act as a liaison between the council and the State Board for Community College Education and the boards of trustees of the community college districts in the state. (Reference: RCW 28B.80.040, Para. 2).

(b) It shall be the duty of the Superintendent of Public Instruction to represent the common school system presenting such information to the council as may be of assistance in the development of overall educational plans and articulation between the common school and

postsecondary systems of education. (Reference: RCW 28B.80.040, Para. 3).

(c) It shall be the duty of the executive director of the Commission for Vocational Education to represent vocational and technical education, presenting to the council such information regarding the state plan for vocational education and other data as may be of assistance in the development of overall educational plans. (Reference: RCW 28B.80.040, Para. 4). [Order 7-75, § 250-10-030, filed 8/26/75.]

**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 250-10-050 Vacancies.** Any vacancies among the citizen members appointed by the governor shall be filled by the governor subject to confirmation by the senate then in session, or if not in session, at the next session. Citizen members appointed under this section shall have full authority to act as such prior to the time the senate acts on their confirmation. Any vacancies among the other members shall be filled by the appointing authority which initially filled the position. (Reference: RCW 28B.80.070). [Order 7-75, § 250-10-050, 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 250-10-100 Personnel.** (1) Executive Coordinator. The council shall appoint an executive coordinator who shall serve at the pleasure of the council. The executive coordinator shall be the executive officer of the council and, under the administrative direction of the chairman of the Council for Postsecondary Education, will plan, organize, direct and coordinate all staff support activities for the council, or any of the council's established committees; will serve as executive officer of the council will be fully responsible for administering any state program or state administered federal program assigned to, or established by the council; and will control and supervise the staff personnel of the council. In the execution of assigned responsibilities, the executive coordinator may, subject to applicable rules and regulations, award personal service contracts of less than \$5,000.

(2) Staff. The council may employ and appoint such other assistants and employees as may be required. In addition, the council may appoint deputy coordinators who shall be assistant directors for the purpose of chapter 41.06 RCW, the State Civil Service Act, and any individual filling such a position shall serve at the pleasure of the council. (Reference: RCW 28B.80.080, Para. 3).

(3) Individuals appointed to classified positions shall be subject to the rules and regulations promulgated by the Higher Education Personnel Board.

(4) Use of State Agencies. The council shall make extensive use of those state agencies with responsibility

for implementing and supporting postsecondary education plans and policies; e.g., appropriate legislative groups, postsecondary institutions, the Office of Program Planning and Fiscal Management and the State Board for Community College Education. Outside consulting and service agencies may also be employed. The council may compensate these groups and consultants in appropriate ways. (Reference: RCW 28B.80.080, Para. 4). [Order 7-75, § 250-10-100, filed 8/26/75.]

**WAC 250-10-110 Legal counsel.** A member of the Attorney General's staff will serve as legal counsel for the council. [Order 7-75, § 250-10-110, filed 8/26/75.]

**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 250-10-130 Administrative Procedures Act.** Any directive, order or rule of the Council for Postsecondary Education will be promulgated in accordance with the Administrative Procedures Act. [Order 7-75, § 250-10-130, filed 8/26/75.]

**WAC 250-10-140 Rules of order.** *Roberts Rules of Order Newly Revised* shall serve as parliamentary authority for procedures not covered in these bylaws. [Order 7-75, § 250-10-140, 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.]

**WAC 250-10-160 Suspension of bylaws.** These bylaws or any portion may be suspended at any regular or special meeting for the duration of the meeting by an affirmative vote of two-thirds of the citizen members of the council. [Order 7-75, § 250-10-160, filed 8/26/75.]

**WAC 250-10-170 State Environmental Policy Act.** Pursuant to RCW 43.21C.120 and the State Environmental Policy Act Guidelines, chapter 197-10 WAC, the council has reviewed its authorized activities and finds that none of these activities or functions involve preparation of environmental impact statements and is therefore exempt from the regulations pertaining to the above cited law and adopted State Environmental Policy Act Guidelines. [Order 1-77, § 250-10-170, filed 3/10/77.]

## Chapter 250-12 WAC

### RECEIPT AND PROCESSING OF APPLICATIONS FOR FEDERAL GRANTS FOR HIGHER EDUCATION FACILITIES CONSTRUCTION

#### WAC

250-12-010	Application acceptance procedures.
250-12-020	Eligibility verification procedures.
250-12-030	Maintenance of application case files.
250-12-040	Deadlines for acceptance of applications.
250-12-050	Scoring methods and criteria.
250-12-060	Determination of matching federal share.
250-12-070	Definition of terms.

**WAC 250-12-010 Application acceptance procedures.** The State Commission will accept all applications for Title VII-A grants for institutions of higher education in the State provided such applications are submitted on forms provided by the Commissioner and which bear a Federal postmark on or before the closing date(s) shown in WAC 250-12-040 of this plan. The State Commission will officially record the date of receipt of each application by the State Commission. [Order 2-69, § 250-12-010, filed 2/26/73; § 250-12-010, filed 7/29/68, 9/22/67, 4/4/67.]

**WAC 250-12-020 Eligibility verification procedures.** Before determining the relative priority or Federal share for any application for grant assistance under Title VII-A of the Amendments, the State Commission will satisfy itself that the data contained in the application appear to be valid and that the institution or branch campus and the construction project proposed in the application appear to meet basic eligibility requirements set forth in the Amendments and the regulations governing administration of the Amendments. In any case where in the opinion of the State Commission a question may be raised as to the eligibility of an institution or of a project, the State Commission shall promptly forward a copy of the application to the 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 Office of Education of the disposition of the eligibility question. [Order 2-69, § 250-12-020, filed 2/26/73; § 250-12-020, filed 7/29/68, 9/22/67, 4/4/67.]

**WAC 250-12-030 Maintenance of application case files.** The State Commission will: Establish a complete case file on each Title VII-A application received; inform applicants of official actions and determinations by letter or similar type of correspondence; and retain records regarding each case for at least two years after final action with respect to any such application is taken by the State Commission. [Order 2-69, § 250-12-030, filed 2/26/73; § 250-12-030, filed 7/29/68, 9/22/67, 4/4/67.]

**WAC 250-12-040 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 receipt and consideration of completed applications:

(a) For applications with respect to Public Community Colleges and Public Technical Institutes (Section 702 Applications) – December 15 and February 15 for each fiscal year;

(b) For applications with respect to Institutions of Higher Education Other Than Public Community Colleges and Public Technical Institutes (Section 703 Applications) – December 15 and February 15 for each fiscal year;

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

(d) Closing dates after the first shall be effective only if funds are available in the applicable state allotment as of each such later closing date.

(2) All completed applications received by each specified closing date will be considered by the State Commission together with others of the same category and, if they appear to meet basic eligibility requirements, will be assigned relative priorities and recommended Federal shares in accordance with the provisions of this plan. Completed applications will be defined as applications consisting of all required documents.

(3) In any case where the funds available in either the Section 702 or the Section 703 allotment to this state, as of a given closing date are insufficient to cover all eligible applications, a partial Federal share (consisting of the funds remaining available in the appropriate allotment as of such closing date) will be offered for the first project in order of relative priority for which less than the full federal share as otherwise calculated is available.

(4) Institutions having applications held over for a later closing date will be required to update those sections of such applications from which data for scoring WAC 250-12-050 of the state plan are taken. This updating procedure must be followed in all cases where applications were submitted prior to the fall term of the academic year during which the closing date occurs, which fall term is considered to be "the fall term preceding the date of application" for purposes of completing those portions of the application forms that require updating. [Order 2-69, § 250-12-040, filed 2/26/73; § 250-12-040, filed 7/29/68, 9/22/67, 4/4/67.]

#### **WAC 250-12-050 Scoring methods and criteria.**

The State Commission will determine relative priorities for projects which appear to be eligible for funds allotted under Title VII-A of the Amendments, by application of the following standards and methods:

(1) Relative priorities of eligible projects for public community colleges and public technical institutes will be determined by the same standards and methods as those set forth for other institutions of higher education in WAC 250-12-050(2) below.

(a) In evaluating applications, a public institution with existing approved post-high school, community college or vocational-technical programs as of the fourth fall term preceding the date of application shall be considered by the Commission as being an "Established Institution," as defined by Federal regulations.

(b) For the purposes of applying criteria WAC 250-12-050(2)(a) and (b) to Section 702 applications, the projected enrollment for the third fall term after the date of application shall be the most recent enrollment projections provided to the Commission by the State Board for Community College Education.

(c) Projections so provided by the State Board for Community College Education will be published 30 days in advance of approval of the priority list to allow each institution to review them.

(2) Relative priorities of eligible projects for institutions other than public community colleges and public technical institutes will be determined as follows:

(a) Established institutions and new institutions will be evaluated simultaneously. All projects for which the criterion provides points will be placed in rank order for that criterion, and the point values assigned for placement in rank order shall be that shown under heading "Established Institutions" (includes established branch campuses) or under "New Institutions" (includes new branch campuses) as each is defined in Federal regulation.

(b) 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. In case of a tie in total points for two or more applications, the institution which expects the greatest numerical increase in undergraduate enrollment, as defined in (c)(i) below, shall be assigned the highest priority. In the event that the tie is still not broken, the institution which expects the greatest numerical increase in square feet of assignable space in instructional and library facilities at the campus where the project will be constructed shall be assigned the highest priority.

(c) For each criterion for which the ranking method of scoring is specified, the highest ranked will receive the maximum number of points and the remaining points, or fraction thereof to zero, will be distributed arithmetically among the remaining applicants. The increment shall be computed by dividing the maximum number of points by the number of applicants minus one. For example, if there are six applicants and the maximum number of points is 15, the highest would receive 15 points, and the others would receive in descending order, 12, 9, 6, 3, and 0. When more than one application is received from an institution for a particular closing date, criteria where ties occur shall not be considered as tied. Instead, the applications shall be ranked according to the priority assigned to them by the institution. In case of ties within any one criterion for applications from two or more institutions, the scores will be averaged.

(d) For each criterion for which the ranging method of scoring is specified, points will be awarded by percentage of the largest increase based on the relationship of one institution's growth to another. The greatest increase will receive the maximum number of points. The points shall be computed by dividing each growth increase by the largest growth increase submitted on the applications, and the percentage derived therefrom multiplied by the maximum number of points available. As an example:

Increase	Range Points
2,058	20.000
1,725	16.764
1,445	14.042
129	1.254

(e) Applications will not be accepted as complete until the institution can give reasonable assurance that the nonfederal share of funds is available as follows:

(i) Private colleges and universities must be able to give assurance that cash is either on hand or is secured by a letter of credit.

(ii) Public colleges and universities must be able to give assurance that funds are available and can be expended from local revenue sources, state appropriated funds, bond issues approved by voters, or from specially earmarked nontax revenues that the State Legislature as a matter of custom, has appropriated in the past.

(f) The specific scoring criteria that will be used to determine priorities are:

(i) Expansion of undergraduate enrollment capacity as evidenced by the planned and reasonably expected numerical increase in undergraduate enrollment at the campus where the project is to be constructed for the third fall term after the date of the application, expressed in full-time student equivalents for that fall term by relative ranging of all project applications. (Full-time equivalent is the quotient of the total fall quarter credit hours or their equivalent for which students are enrolled divided by 15.)

Established Institutions	New Institutions
Maximum 10 points	45 points

The projected enrollment for the third fall term after the date of application shall be the most recent enrollment projection provided to the Commission by the Council on Higher Education.

Projections will be published 30 days in advance of the approval of the priority list to allow each institution to review them.

(ii) Expansion of undergraduate enrollment capacity as evidence by the planned and reasonably expected percentage increase in undergraduate enrollment at the campus where the project is to be constructed for the third fall term after the date of the application, expressed in full-time student equivalents for that fall term by relative ranging of project applications from established institutions.

Established Institutions	New Institutions
Maximum 10 points	0 points

The projected enrollment for the third fall term after the date of application shall be the most recent enrollment projections provided to the Commission by the State Council on Higher Education.

Projections will be published 30 days in advance of the approval of the priority list to allow each institution to review them. If the institution has questions about the projections, they can then be taken to the Council on Higher Education in time to allow any revisions in the projections deemed necessary by the Council on Higher Education.

(iii) For new and established institutions, the amount by which the construction of the proposed project for which a Title VII-A grant is requested will increase or replace the square feet of assignable area in instructional and library facilities or health care facilities at the campus at which the facilities are to be constructed.

	Established Institutions	New Institutions
20,000 and over	15 points	35 points
10,000 to 19,999	10 points	20 points
0 to 9,999	5 points	10 points

(iv) The degree of utilization of existing facilities at the campus where the project is to be constructed, i.e., general classrooms (including lecture halls), instructional laboratories, shops, libraries and faculty offices, with points assigned for each type of facility, in accordance with the following tables:

(a) Classrooms

Average Clock Hours Per Week	Score	New Institutions
33 hours or more	6 points	0 points
32 - 32.9 hours	5 points	0 points
30 - 31.9 hours	4 points	0 points
28 - 29.9 hours	3 points	0 points
26 - 27.9 hours	2 points	0 points
24 - 25.9 hours	1 point	0 points
23.9 or under	0 points	0 points

(b) Class Laboratories

Average Clock Hours Per Week	Score	New Institutions
22 hours or more	6 points	0 points
21 - 21.9 hours	5 points	0 points
20 - 20.9 hours	4 points	0 points
19 - 19.9 hours	3 points	0 points
18 - 18.9 hours	2 points	0 points
16 - 17.9 hours	1 point	0 points
15.9 or under	0 points	0 points

(c) Fullness ratio of classrooms as measured by fall term enrollments for the school year immediately preceding the date of the application in terms of the number of students enrolled in relation to the established capacity of the classrooms. Point values will be distributed as follows:

Fullness Ratio	Score	Institutions
64% and over	6 points	0 points
62% - 63.9%	5 points	0 points
60% - 61.9%	4 points	0 points
54% - 59.9%	3 points	0 points
48% - 53.9%	2 points	0 points
42% - 47.9%	1 point	0 points
41.9% or less	0 points	0 points

(d) Fullness ratio of class laboratories as measured by fall term enrollments for the school year immediately

preceding the date of the application in terms of the number of students enrolled in relation to the established capacity of class laboratories. Point values will be distributed as follows:

Fullness Ratio	Score	New Institutions
83% and over	6 points	0 points
82% - 82.9%	5 points	0 points
81% - 81.9%	4 points	0 points
80% - 80.9%	3 points	0 points
78% - 79.9%	2 points	0 points
75% - 77.9%	1 point	0 points
74.9% or less	0 points	0 points

(e) Ability of existing library facilities to accommodate students, and faculty, as measured by the number of square feet of library open- and closed-stack, open-stack reading room space and study room space per full-time equivalent student and faculty member, as of the last fall term. Points will be divided among projects by relative ranking with the lowest square feet per FTE ranking first in the list.

	Established Institutions	New Institutions
Maximum	5 points	0 points

(f) Ability of existing library facilities to house the institution's book collection as measured by the total number of volumes per square foot of the net assignable open- and closed-stack, open-stack reading room space and study room space. Points will be divided among the projects by relative ranking with the greatest number of volumes per square foot ranking first in the list.

	Established Institutions	New Institutions
Maximum	6 points	0 points

(g) The extent to which faculty office space is crowded as expressed by the ratio of full-time equivalent faculty members to square feet of net assignable area for faculty office space.

	Established Institutions	New Institutions
Maximum	10 points	0 points

(v) The amount of the most recent previous grant award under Title VII-A for construction at the same campus. Possible score of 10 points, awarded as follows for new and established institutions:

(a) No grant under Title VII-A awarded within two years preceding the current closing date. — — — — 10 points

(b) A grant or grants under Title VII-A awarded within two years preceding the current closing date. Possible score of 10 points, assigned in accordance with cumulative dollar amounts as follows:

Less than \$100,000	10 points
\$100,000 — 199,999	9 points
200,000 — 299,999	8 points
300,000 — 399,999	7 points
400,000 — 499,999	6 points
500,000 — 599,999	5 points
600,000 — 699,999	4 points
700,000 — 799,999	3 points
800,000 — 899,999	2 points
900,000 — 999,999	1 point
Over \$999,999	0 points

(c) When computing the score for a project which is competing for a balance of a grant, such a project having received a partial grant previously due to insufficient Federal funds, the partial grant shall not be considered as a "grant" in terms of awarding points under this paragraph and the project shall be awarded the full 10

points, provided that if the total of any supplemental request is for more than the balance of the original Federal share, the project shall be scored in accordance with WAC 250-12-050(v)(b) above. If an institution applies for grants for two or more projects to be considered following a particular closing date, only one of these projects is eligible to receive any points. In this case, the institution shall rank the projects. The highest ranked shall be assigned the points.

(vi) Commitment of institutions to enroll veterans returning to civilian life. Percentage of full-time students enrolled at the campus at which the facilities are to be constructed for the fall term which opened immediately preceding the closing date for which the application is being considered who are veterans returning to civilian life.

(a) This percentage will be extracted from data submitted to the Office of Program Planning and Fiscal Management on the "Veterans Receiving Benefits" section within the Higher Education Enrollment Projection (HEEP) Data Collection Form. The count will be as of the 10th day of classes for the fall term preceding the date of application. The definitions shall be in conformance with the definitions used in the data collection document. Veterans counted are to be those receiving benefits; not the dependents of veterans who may be receiving benefits. For the purpose of this criterion the total of "full-time students enrolled" shall be obtained from the same data source (HEEP).

(b) Points will be distributed among projects by the ranging method with the greatest percentage receiving the maximum number of points.

	Established Institutions	New Institutions
Maximum	5 points	5 points

(vii) Commitment of institutions to enroll students from low income families. The percentage of full-time students enrolled at the campus at which the facilities are to be constructed for the fall term which opened immediately preceding the closing date for which the application is being considered, who are from families whose estimated gross annual income is \$9,000 or less.

(a) This percentage will be obtained from the latest state-wide survey of students which specifically addressed the issue of determining the gross family income of students. If a state-wide survey providing such information is not available on an institution-by-institution basis, the Council on Higher Education will conduct a survey of those institutions applying for Title VII-A grants and provide the necessary data.

(b) Points will be distributed among projects by the ranging method with the greatest percentage receiving the maximum number of points.

	Established Institutions	New Institutions
Maximum	5 points	5 points

[Order 2-69, § 250-12-050, filed 2/26/73; § 250-12-050, filed 7/29/68, 9/22/67, 4/4/67.]

**WAC 250-12-060 Determination of matching federal share.** The State Commission will determine Federal shares for projects which appear to be eligible for funds

allotted under Title VII-A of the Amendments by application of the following standards and methods:

(1) Federal shares for projects for public community colleges and public technical institutes will be determined as follows:

(a) The Federal share for each eligible project under Section 702 shall be 20% of the estimated eligible development cost: *Provided*, That the Federal share shall not exceed 20% of the state allotment for that fiscal year.

(b) For any closing date where all projects in the priority list are recommended for Federal shares of 20% of the eligible project development cost or 20% of the state allotment, and unallocated funds remain, such unallocated funds shall be offered to projects in the order of their priority until all projects have been offered a Federal share equal to 20% of the eligible project development cost or until all funds are allocated.

(c) If unallocated funds still remain, they shall be assigned to projects in order of their priority until all have been offered a Federal share equal to 50% of the eligible project development cost, or until all funds are allocated.

(2) Federal shares for projects for institutions of higher education other than public community colleges and public technical institutes will be determined as follows:

(a) The recommended Federal share for each eligible project under Section 703 will be 33 1/3% of the estimated eligible development cost, unless the applicant requests a lesser share: *Provided*, That the maximum Federal share for any project which contains more than one single construction activity shall be 5% of the estimated eligible development cost. For the purposes of this Federal share provision, a "single construction activity" includes all eligible construction on a single construction site and under one set of basic construction contracts, plus the eligible portion of the cost of any separate central utility facilities.

(b) If unallocated funds still remain, they shall be assigned to projects in order of their priority until all have been offered a Federal share equal to 50% of the eligible project development cost, or until all funds are allocated. [Order 2-69, § 250-12-060, filed 2/26/73; § 250-12-060, filed 7/29/68, 9/22/67, 4/4/67.]

**WAC 250-12-070 Definition of terms.** Terms used in this state plan which are either not defined in the applicable Federal regulations or whose definitions differ from the definitions set forth in the applicable Federal regulations are defined as follows for purposes of this state plan:

(1) In the case of a public community college or branch campus which has facilities for approved post-high school, community college or vocational-technical programs located at several different sites, all such facilities are considered, for the purpose of a Section 702 application, to be a single "campus."

(2) Full-time equivalency for teaching faculty — Determined by the percentage of the full calendar year for which the individual is on the payroll. For the purposes of this definition, a faculty member that is on duty for

nine months or more is considered a full-time faculty member.

(3) Full-time-equivalent undergraduate enrollment — The quotient of the total fall semester or quarter credit hours, or their equivalent, for which undergraduate students are enrolled divided by 15.

(4) Fullness ratio — The percentage of available student stations in a given category of rooms which are occupied when those rooms are occupied. The totals are calculated for each room in the category and an average is calculated for the entire category.

(5) Library volume — A physical unit of any printed, typewritten, handwritten, mimeographed or processed work contained in one binding or portfolio, hardbound or paperbound, which has been classified, cataloged or otherwise prepared for use. This term includes bound periodical volumes.

(6) Net assignable stack and open- and closed-stack reading room space — That portion of assignable library space that is identified as stack area or open- and closed-stack reading area in the Higher Education Facilities inventory and Classification Manual. [Order 2-69, § 250-12-070, filed 2/26/73; § 250-12-070, filed 7/29/68, 9/22/67, 4/4/67.]

## 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.
250-16-060	Determination of matching federal share.

**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
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 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.

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

(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
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

(8) Relative priorities of closed-circuit instructional television 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

\*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

(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:

1 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 years 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.]

**WAC 250-16-060 Determination of matching federal share.** 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:

(1) Federal shares for laboratory and other special equipment projects will be determined as follows: The recommended Federal share for each eligible project will be 50% of the estimated eligible project cost: *Provided*, That the Federal share for any one project in any one fiscal year shall not exceed 5% of the State's allotment for that fiscal year. Should funds remain in the State's allotment after all eligible projects have been recommended for Federal shares of 50% of project cost or 5% 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 50% of the eligible project cost, or until all funds for that closing date are allocated.

(2) Federal shares for closed-circuit instructional television projects will be determined as follows: The recommended Federal share for each such eligible project will be 50% of the estimated eligible project cost, unless the applicant requests a lesser share. [Order, § 250-16-060, 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.
250-20-031	Application procedure.
250-20-041	Award procedure.
250-20-051	Grant[s] disbursement.
250-20-061	Program administration and audits.
250-20-071	Appeal process.
250-20-081	Suspension or termination of institutional participation.
250-20-091	Eligibility of reciprocity students.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

250-20-020	Requirements. [Emergency and Permanent Order 1-72, § 250-20-020, filed 3/23/72; Order 2-70, § 250-20-020, filed 2/17/70.] Repealed by Order 1-73, filed 7/2/73.
250-20-025	Program definitions. [Emergency and Permanent Order 1-72, § 250-20-025, filed 3/23/72.] Repealed by Order 1-73, filed 7/2/73.
250-20-030	Method of award. [Emergency and Permanent Order 1-72, § 250-20-030, filed 3/23/72; Order 2-70, § 250-20-030, filed 2/17/70.] Repealed by Order 1-73, filed 7/2/73.
250-20-040	Grant renewal. [Emergency and Permanent Order 1-72, § 250-20-040, filed 3/23/72; Order 2-70, § 250-20-040, filed 2/17/70.] Repealed by Order 1-73, filed 7/2/73.
250-20-050	Refunds. [Emergency and Permanent Order 1-72, § 250-20-050, filed 3/23/72; Order 2-70, § 250-20-050, filed 2/17/70.] Repealed by Order 1-73, filed 7/2/73.
250-20-060	Student transfer. [Order 2-70, § 250-20-060, filed 2/17/70.] Repealed by Order 1-73, filed 7/2/73.
250-20-070	Application by only first-year entering students. [Order 2-70, § 250-20-070, filed 2/17/70.] Repealed by



- Emergency and Permanent Order 1-72, filed 3/23/72.
- 250-20-080 Ineligible applicants. [Order 2-70, § 250-20-080, filed 2/17/70.] Repealed by Emergency and Permanent Order 1-72, filed 3/23/72.
- 250-20-090 Voluntary repayment pledge. [Emergency and Permanent Order 1-72, § 250-20-090, filed 3/23/72; Order 2-70, § 250-20-090, filed 2/17/70.] Repealed by Order 1-73, filed 7/2/73.
- 250-20-100 Application and award procedures. [Order 1-70, § 250-20-100, filed 7/14/72; Emergency and Permanent Order 1-72, § 250-20-100, filed 3/23/72; Order 2-70, § 250-20-100, filed 2/17/70.] Repealed by Order 1-73, filed 7/2/73.
- 250-20-110 Field Audits. [Emergency and Permanent Order 1-72, § 250-20-110, filed 3/23/72.] Repealed by Order 1-73, filed 7/2/73.

**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 at 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 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 grant 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, 1981.

(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.

(2) An otherwise eligible student may not be awarded a State Need Grant if receipt of the Need Grant will result in a reduction of basic maintenance allowances provided by another state agency. [Statutory Authority: RCW 28B.10.806. 80-12-028 (Order 5-80, Resolution 82-4), § 250-20-011, filed 8/28/80; 80-05-025 (Order 3-80, Resolution 80-56), § 250-20-011, filed 4/14/80; 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 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 - 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 person 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 received 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 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) Definitions 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, 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 contribution from students 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 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; Single students living away from parents - 2770; Married couple, one student, or single parent with child - 4065; Married couple, both students - 5540. An additional 1000 may be added for the first dependent and [\$]800 added 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 hours" 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. 80-05-025 (Order 3-80, Resolution 80-56), § 250-20-021, filed 4/14/80; 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 250-20-031 Application procedure.** (1) Application for a State Grant must be made each year.

(2) All applications will be ranked anew each year.

(3) Application for a State Need Grant is accomplished through: (1) a student's application for admission to, and financial aid from, the institution of his or her choice, and nomination to the Council by that institution, or (2) direct application by the student to the Council on appropriate forms designed and/or utilized by the Council.

(4) Financial data must be generated in accordance with the method set forth by the Council for Postsecondary Education to assure that information will be consistent on a state-wide basis.

(5) Student nominations will be transmitted by participating institutions to the Council on forms designed and/or utilized and distributed by the Council.

(6) A Financial Aid Form or comparable financial status documents, and resulting financial need analysis must be on record in the financial aid offices for all nominations submitted to the Council.

(7) Students who have met the criteria for independence and who are being considered for State Need Grant receipt without parent data must demonstrate a history of financial need as documented by records on file in the institutional financial aid office of earnings and liabilities for the year immediately preceding enrollment.

(8) The Council shall establish annual application deadlines.

(9) Unless institutions are notified otherwise by the Council, nominations on all eligible State Need Grant recipients should be submitted throughout the academic year in progress.

(10) Grants made subsequent to the fall term awarding cycle will be funded from moneys made available from unexpended grant funds.

(11) The financial aid officer at each institution will be required to sign a statement attesting to the fact that all eligible financial aid applicants within State Need Grant parameters will be nominated and that financial information will be determined in strict adherence to program guidelines. [Order 2-77, § 250-20-031, filed 4/13/77; Order 1-76, § 250-20-031, filed 3/11/76; Order 3-75, § 250-20-031, filed 4/25/75; Order 1-75, § 250-20-031, filed 3/7/75; Order 1-74, § 250-20-031, filed 4/9/74; Order 1-73, § 250-20-031, filed 7/2/73.]

**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 of 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. The student will not be considered overawarded if: (1) he or she receives additional funds after the institution awards aid, and the total resources exceed his or her financial need by \$200 or less by the end of the academic year, or (2) the student earns more money from employment than the institution anticipated when it awarded the State Need Grant and the excess is treated in accordance with the method specified in the State Need Grant operational guidelines.

(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) above. [Statutory Authority: RCW 28B.10.806. 80-05-025 (Order 3-80, Resolution 80-56), § 250-20-041, filed 4/14/80; 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.]

**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 250-20-071 Appeal process.** (1) Should a student question his or her State Need Grant eligibility or nomination, the following procedures should be followed:

(a) The student should direct questions to the financial aid officer at the institution he or she attends.

(b) If the student is not satisfied with the response of the institutional financial aid officer, he or she should assemble all relevant academic, financial, and personal data and forward it to the Council for Postsecondary Education for review.

(c) The Council's division of student financial aid will review all material submitted and, if possible, will resolve the problem, advising the student of his or her eligibility and generating an award or, if the student is not eligible for a State Need Grant, advising the student of the reason for denial.

(d) The Council for Postsecondary Education will convene its review committee to consider the situation of any student whose State Need Grant eligibility is questionable, or upon the request of the student. If the committee finds the student eligible for State Need Grant receipt, it will advise the financial aid officer at the institution the student attends and will recommend to the Council that the student's State Need Grant nomination be processed immediately. If the review committee finds the student not eligible for State Need Grant receipt, it will advise the student of the reason for denial.

(e) If the student is not satisfied with the resolve by the review committee, the student's final recourse is submission of his or her case to the Council for Postsecondary Education. [Order 2-77, § 250-20-071, filed 4/13/77; Order 3-75, § 250-20-071, filed 4/25/75.]

**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.]

**WAC 250-20-091 Eligibility of reciprocity students.** State Need Grant eligibility of students attending an out-of-state institution under a reciprocity agreement is covered by the following regulations, which are authorized by chapter 13, Laws of 1980.

(1) A student who meets all State Need Grant eligibility criteria and who has been accepted at an eligible out-of-state institution, as defined in WAC 250-20-091(2) may receive a State Need Grant as long as that student continues attendance under the reciprocity program.

(2) "Eligible out-of-state institution" shall mean any nonprofit college or university in another state which has a reciprocity agreement with the state of Washington if the institution is specifically encompassed within or directly affected by such reciprocity agreement so long as it is accredited by the Northwest Association of Schools and Colleges, and agrees to participate in the State Need Grant program in accordance with all applicable rules and regulations.

(3) An out-of-state institution can be determined to be directly affected by a reciprocity agreement if:

(a) The institution is located within twenty-five miles of an institution specifically encompassed within a reciprocity agreement;

(b) Students from the county in which the institution is located are provided, pursuant to a reciprocity agreement, access to Washington institutions at resident tuition and fee rates to the extent authorized by Washington law; and,

(c) The institution demonstrates that, in the previous academic year, headcount enrollment at the institution by Washington residents from areas and categories encompassed by the reciprocity agreement was at least ten percent less than the number of such students enrolled during the 1979-80 academic year. [Statutory Authority: RCW 28B.10.806. 80-12-028 (Order 5-80, Resolution 82-4), § 250-20-091, filed 8/28/80.]

## Chapter 250-24 WAC

### RULES AND REGULATIONS ADMINISTERING THE STATE OF WASHINGTON TUITION SUPPLEMENT GRANT PROGRAM

#### WAC

250-24-010

Purpose of the tuition supplement grant program.

250-24-020

Statutory authorization.

250-24-030	General administration.
250-24-040	Grant determination.
250-24-050	Grant application and award.
250-24-060	Refund procedures.
250-24-070	Definitions.

**WAC 250-24-010 Purpose of the tuition supplement grant program.** Based upon the responsibility of this state to make ample provision for the education of all children residing within its borders, and recognizing the contributions made to the educational level of the citizens of this state by the independent and private institutions of higher education in Washington, the program provides a tuition supplement grant not to exceed \$100 per annum to each undergraduate resident attending accredited independent or private institutions of higher education within the state. [Order 1-71, § 250-24-010, filed 2/8/72.]

**WAC 250-24-020 Statutory authorization.** In accordance with Engrossed Senate Bill 419, chapter 56, Laws of 1971 ex. sess. of the Washington State Legislature, the Council on Higher Education is directed to develop and administer a State Plan to provide a tuition supplement program. [Order 1-71, § 250-24-020, filed 2/8/72.]

**WAC 250-24-030 General administration.** The name and address of the state agency responsible for the administration of the program is: The Council on Higher Education, 1020 East Fifth Street, Olympia, Washington 98504.

Each institution enrolling students participating in this program is to submit to the State Council on Higher Education, each year on or before July 1, the name of the office and specific person to be the sole contact for administration of the tuition supplement program. [Order 1-71, § 250-24-030, filed 2/8/72.]

**WAC 250-24-040 Grant determination.** (1) The Council will determine the allocation of the appropriation for each year of the biennium, recognizing that the objective is to make substantially equal grants per student in each year of the biennium.

(2) The full amount of the grant will be disbursed in the fall term.

(3) Each institution will estimate the number of eligible Washington residents who will be attending fall term and submit that estimate by August 1st.

(4) The Council on Higher Education will then determine the amount of each grant to be awarded in that upcoming fall term, provided however, that the grant shall not exceed \$100 per student.

(5) The Council will then notify each institution on or before August 15 of the amount of the individual tuition supplement grant to be awarded for the ensuing year. This figure will then be utilized by the institutions in determining a tuition supplement credit for the student in the upcoming fall term. [Order 1-71, § 250-24-040, filed 2/8/72.]

**WAC 250-24-050 Grant application and award.** On or before November 1, each institution will submit to the Council on Higher Education a listing of confirmed, full-time enrolled eligible residents as of the 10th class day.

(1) Accompanying the list is to be an application for each student.

(a) The student application will be on a form designed and produced by the Council on Higher Education and obtained by the student from the institution.

(b) This application form will contain the student's request for receipt of the grant, his and the institution's attestation that he is a resident, a full-time undergraduate student, not pursuing a degree in theology.

(c) This form will also assign to the attending institution the authority to receive the grant and credit the student's account.

(d) This form will contain a self-explanatory definition of residency requirements which will then be completed by the student and audited by the Council.

(2) Upon confirming the residency of each applicant, the Council will then forward to each institution a single state warrant covering resident students in attendance. [Order 1-71, § 250-24-050, filed 2/8/72.]

**WAC 250-24-060 Refund procedures.** (1) On or before January 15 each institution will submit to the Council on Higher Education a reconciliation of records form.

(a) The purpose of this document is to make final accounting of students receiving a tuition supplement grant.

(b) The actual number of full-time enrolled students will be reported.

(c) Any tuition and fee refunds will be calculated and made to the state in a single warrant.

(2) Refunds of tuition supplements will be in accordance with each institution's policy as published in the official catalogue.

(a) The State of Washington will be reimbursed for that portion of the grant which is equal to the percentage of refund to general tuition and fees which is granted by the institution.

(b) Any grant monies not utilized the first year will be added to the second year's general fund grant allocation. [Order 1-71, § 250-24-060, filed 2/8/72.]

**WAC 250-24-070 Definitions.** Definitions used in relation to the program.

(1) Institution. An independent or private institution of higher education accredited by the Northwest Association of Secondary and Higher Schools.

(2) Washington resident (ESB 594), chapter 273, Laws of 1971 ex. sess. the term "resident student" shall mean a student who has had a domicile in the State of Washington for the period of time required for voting for state officials in this state at the time of commencement of the semester or quarter for which he has registered at any institution and has established an intention to become a bona fide domiciliary of this state for other than education purposes.



(3) An eligible full-time student. An undergraduate resident student pursuing a minimum of twelve credit hours, or the equivalent thereof, and not pursuing a degree in theology. For the purposes of this program, a degree in theology shall be a degree designated as a Bachelor of Religion, Bachelor of Theology, or Bachelor of Divinity. [Order 1-71, § 250-24-070, filed 2/8/72.]

### 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

250-28-020	Purpose.
250-28-030	General administration.
250-28-060	Program definitions.
250-28-070	Award determination.
250-28-080	Award amount.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

250-28-040	Grant determination. [Order 2-74, § 250-28-040, filed 9/6/74.] Repealed by Order 6-77, filed 9/6/77.
250-28-050	Certifying students in processing of award. [Order 2-74, § 250-28-050, filed 9/6/74.] Repealed by Order 6-77, filed 9/6/77.

**WAC 250-28-020 Purpose.** The purpose of the program is to provide Washington residents with educational opportunities, otherwise unavailable to them, through preferential consideration for enrollment in institutions outside the state of Washington and through reduced obligations for tuition payments. Such benefits are available only to students enrolled in programs of optometry. [Order 6-77, § 250-28-020, filed 9/6/77; Order 2-74, § 250-28-020, filed 9/6/74.]

**WAC 250-28-030 General administration.** (1) The program shall be administered in accordance with these rules and regulations and with guidelines established by the western interstate commission for higher education, the coordinating agency for the thirteen member states comprising the Western Regional Educational Compact.

(2) The certifying officer for the administration of the program shall be the director of internal operations, division of student financial aid, council for postsecondary education. [Order 6-77, § 250-28-030, filed 9/6/77; Order 2-74, § 250-28-030, filed 9/6/74.]

**WAC 250-28-060 Program definitions.** (1) "Budgetary cost" shall consist of that amount required to support an individual as a student, taking into consideration cost factors for maintaining the student's dependents. Budgets will reflect the latest recognized cost levels for room and board, transportation, books, supplies, personal expenses and any other factors deemed necessary for consideration.

(2) "Certification" is the designation used by the state to declare that a student is eligible for support if that student is admitted to a participating institution.

(3) The term "financial need" shall be the difference between the appropriate budgetary cost and the student's total family contribution, as determined according to the uniform methodology system of need analysis.

(4) A "participating institution" shall be one recognized by the western interstate commission for higher education to participate in this program.

(5) The term "Washington resident" shall mean an individual who has satisfied the requirements of domicile in the state of Washington in accordance with RCW 28B.15.011 through 28B.15.014.

(6) The definition of "satisfactory progress" toward degree completion shall be in accordance with published definitions utilized by each participating institution.

(7) "Total family contribution" for a dependent student shall mean the sum of the assumed parents contribution, expected student summer savings, contribution from student assets and additional student resources. For a self-supporting student, "total family contribution" shall mean the sum of the expected student summer savings, contribution from student assets and additional student resources.

(8) The definition of "dependent student" and "self-supporting student" shall be in accordance with definitions utilized by the United States office of education for its institutionally-based financial aid programs. [Order 6-77, § 250-28-060, filed 9/6/77.]

**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.

**WAC 250-28-080 Award amount.** The amount of the award for each recipient will be equal to the level of support fees established by the western interstate commission for higher education. [Order 6-77, § 250-28-080, filed 9/6/77.]

## Chapter 250-32 WAC FINANCIAL AID TO BLIND STUDENTS

### WAC

250-32-020	Definitions.
250-32-030	Evidence of eligibility.
250-32-040	Benefits.
250-32-050	Allocations.
250-32-060	Institutional responsibilities.
250-32-070	Administration.

**WAC 250-32-020 Definitions.** (1) "Blind student" shall be defined as a person who (a) is unable to read because of defective eyesight and (b) is qualified for admission to an institution of postsecondary education within the state by reason of studies previously pursued.

(2) 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 - RCW 28B.15.014.

(3) The term "institution of postsecondary education" shall mean any public college, university or community college in the state of Washington which is recognized by the Northwest Association of Secondary and Higher Schools. [Order 4-77, § 250-32-020, filed 5/11/77; Order 4-75, § 250-32-020, filed 8/18/75; Order 3-74, § 250-32-020, filed 9/6/74.]

**WAC 250-32-030 Evidence of eligibility.** (1) Benefits of this program shall be limited to blind students as defined in RCW 28B.10.210. So that eligibility may be determined in compliance with the provisions therein prescribed, the following evidence shall be required.

(a) Inability to read because of defective eyesight. An application for benefits under this program shall be supported by evidence of inability to read because of defective eyesight. Such evidence may be a report or letter

from a physician skilled in treatment of the eye or a report or letter from the Services for the Blind (State Department of Social and Health Services).

(b) Domicile. The applicant must demonstrate to the satisfaction of the Council for Postsecondary Education and the postsecondary institution he or she attends that the requirement of domicile in the state of Washington has been met.

(c) Need for assistance. An application for benefits under this program shall be supported by evidence that the applicant does not have resources with which to totally finance his or her education. Applicants must supply information concerning their financial situation on the form specified by the Council for Postsecondary Education.

(d) Admission to a postsecondary institution. The applicant must be enrolled or accepted for enrollment as a student at a postsecondary institution within the state. An application for benefits under this program must be supported by a statement from the institution that the applicant has been admitted to that institution for purposes of pursuing a program of studies. [Order 4-77, § 250-32-030, filed 5/11/77; Order 3-74, § 250-32-030, filed 9/6/74.]

**WAC 250-32-040 Benefits.** (1) Tuition and laboratory fees exemption. A blind student who qualifies for benefits of this program shall be entitled to exemption from payment of tuition and laboratory fees.

(2) Financial assistance. A blind student who qualifies for benefits of this program shall be entitled to financial assistance in an amount not to exceed two hundred dollars per quarter, or so much thereof as may be necessary, the exact amount of the allocation to be determined in accordance with the regulations hereinafter set forth: *Provided*, That funds are appropriated to the Council for Postsecondary Education for such purpose: *Provided further*, That in the event the amount of funds applied for exceeds funds available, allocations to eligible applicants shall be made according to the order applications are received by the Council for Postsecondary Education. [Order 4-77, § 250-32-040, filed 5/11/77; Order 3-74, § 250-32-040, filed 9/6/74.]

**WAC 250-32-050 Allocations.** (1) Purpose. Funds appropriated to the Council for Postsecondary Education to carry out this program shall be allocated to eligible blind students for the purpose of providing said blind students with readers, books, recordings, recorders, or other means of reproducing and imparting ideas, while attending a postsecondary institution within the state of Washington, and for no other purpose.

(2) Determination of amount of allocation. The amount of an allocation shall be based on the number of credit hours for which the student registers for a designated quarter or semester in accordance with the allocation schedule shown in (3): *Provided*, That in the event the student fails to complete registration, or fails to register for the full number of credit hours specified for any period, or withdraws from a course or terminates his or her studies prior to the end of any period, the allocation

shall be adjusted accordingly: *Provided further*, That any unexpended portion of an allocation for any period shall become available for reallocation.

(3) Allocation schedule. Allocations shall not exceed the amount determined in accordance with the schedule herein set forth: *Provided*, That in the event a student is in need of additional assistance due to extraordinary circumstances and such need is substantiated by the postsecondary institution, a reasonable increase in the allocation may be allowed, but in no instance shall any allocation exceed two hundred dollars per quarter or three hundred dollars per semester.

#### ALLOCATION SCHEDULE

	<u>Credit Hours</u>	<u>Maximum Per Quarter</u>	<u>Maximum Per Semester</u>
Undergraduate			
Work	14 or More	\$ 200.00	\$ 300.00
	11 to 13	175.00	262.50
	7 to 10	150.00	225.00
	6 or less	100.00	150.00
Graduate Work	9 or more	200.00	300.00
	7 to 8	175.00	262.50
	5 to 6	150.00	225.00
	4 or less	100.00	150.00

[Order 4-77, § 250-32-050, filed 5/11/77; Order 3-74, § 250-32-050, filed 9/6/74.]

**WAC 250-32-060 Institutional responsibilities.** (1) Before an application for benefits under this program is approved, the institution which the applicant attends must:

(a) notify the Council for Postsecondary Education that the applicant has been admitted to that institution for purposes of pursuing a program of studies for a stated period and that tuition and laboratory fees will be waived for that period of time;

(b) accept the responsibility to notify the Council for Postsecondary Education in the event the applicant fails to complete registration, fails to register for the number of credit hours specified for any period, or withdraws from a course or terminates his or her studies prior to the end of any period;

(c) agree to counsel and assist the applicant in the procurement of readers, books and/or equipment and to arrange for and approve payments for such reader services, books and/or equipment pending reimbursement by the Council for Postsecondary Education from state funds allocated for that purpose; and

(d) agree on behalf of disburse state warrants sent by the Council for Postsecondary Education on behalf of the student for approved expenditures. [Order 4-77, § 250-32-060, filed 5/11/77; Order 3-74, § 250-32-060, filed 9/6/74.]

**WAC 250-32-070 Administration.** (1) The Director of Internal Operations, Division of Student Financial

Aid or his or her designee is authorized to act for the Council for Postsecondary Education in receiving, examining and approving applications consistent with statutory provisions, rules and regulations and such other requirements as the Director of Internal Operations, Division of Student Financial Aid may determine to be necessary.

(2) The Director of Internal Operations, Division of Student Financial Aid or his or her designee is authorized to administer the disbursement of funds allocated to blind students, such payments to be in accordance with pertinent statutory provisions, pertinent provisions of the regulations and such additional procedures and regulations as he or she may determine to be necessary. [Order 4-77, § 250-32-070, filed 5/11/77; Order 3-74, § 250-32-070, filed 9/6/74.]

#### **Chapter 250-36 WAC**

#### **HIGHER EDUCATION BENEFITS TO CHILDREN OF DECEASED OR INCAPACITATED VETERANS**

##### **WAC**

250-36-020	Definitions.
250-36-030	Eligibility requirements.
250-36-040	Benefits.
250-36-050	Administration.
250-36-060	Application—Substantiating evidence.
250-36-070	Application—Approval of and certification.
250-36-080	Payments from appropriated funds.

**WAC 250-36-020 Definitions.** (1) 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. The applicant must demonstrate to the satisfaction of the institution of postsecondary education that he or she meets the requirement of domicile in the state of Washington. Determination of "domicile" shall be in accordance with RCW 28B.15.011 – RCW 28B.15.014.

(2) The term "institution of postsecondary education" shall mean any public college, university or community college in the state of Washington which is recognized by the Northwest Association of Secondary and Higher Schools. [Order 3-77, § 250-36-020, filed 5/11/77; Order 5-75, § 250-36-020, filed 8/18/75; Order 4-74, § 250-36-020, filed 9/6/74.]

**WAC 250-36-030 Eligibility requirements.** (1) Eligibility is limited to persons:

(a) who are not under sixteen and not over twenty-two years of age;

(b) who have for twelve months had their domicile in the state of Washington;

(c) who are in need of the assistance;

(d) whose parents or one of them was killed or totally incapacitated from engaging in any normal employment by reason of service in the armed forces of the United States. [Order 3-77, § 250-36-030, filed 5/11/77; Order 4-74, § 250-36-030, filed 9/6/74.]

**WAC 250-36-040 Benefits.** (1) A person who has been determined eligible for the benefits of this program shall be entitled to:

(a) exemption from payment of tuition fees at a state supported institution of postsecondary education and

(b) payments for other expenses as specified in RCW 28B.10.250: *Provided*, That funds are appropriated to the Council for Postsecondary Education for such purpose. [Order 3-77, § 250-36-040, filed 5/11/77; Order 4-74, § 250-36-040, filed 9/6/74.]

**WAC 250-36-050 Administration.** The Director of Internal Operations for the Council's Division of Student Financial Aid or his or her designee is hereby authorized to act for the Council for Postsecondary Education in receiving, examining and approving applications consistent with statutory provisions and the regulations herein prescribed. [Order 3-77, § 250-36-050, filed 5/11/77; Order 4-74, § 250-36-050, filed 9/6/74.]

**WAC 250-36-060 Application—Substantiating evidence.** (1) Substantiating evidence to be required of the applicant in support of his or her application shall include but not be limited to the following:

(a) a notarized copy of applicant's birth certificate; or a statement of applicant's age by the school principal or other officer of a school which the applicant attended; or a statement of the applicant's age by an authorized agent of the Veterans Administration;

(b) a certified copy of adoption papers or other official documentation of adoption when the applicant is not the natural child of the deceased or incapacitated veteran;

(c) a statement bearing the signature of an official of one of the branches of the United States military service, or of the Veterans Administration, certifying that the death or total incapacitation of the applicant's parent was by reason of service in the armed forces of the United States. In the case of total incapacitation, the certification shall include a statement that the veteran is unable to engage in any normal employment. [Order 3-77, § 250-36-060, filed 5/11/77; Order 4-74, § 250-36-060, filed 9/6/74.]

**WAC 250-36-070 Application approval of and certification.** (1) Upon determination that an applicant meets all eligibility requirements, the Director of Internal Operations for the Council's Division of Student Financial Aid or his or her designee shall certify to the state institution of postsecondary education that the applicant is eligible for

(a) exemption from payment of tuition, and

(b) other benefits under this program: *Provided*, That funds have been appropriated and are available to the Council for Postsecondary Education for such purpose. [Order 3-77, § 250-36-070, filed 5/11/77; Order 4-74, § 250-36-070, filed 9/6/74.]

**WAC 250-36-080 Payments from appropriated funds.** Funds appropriated by the legislature for payments for registration fees and other special fees other

than tuition, and board and room, rent and books and supplies, to the extent of the appropriation therefore and subject to the limitation set forth in RCW 28B.10.260 shall be paid by the Director of Internal Operations, for the Council's Division of Student Financial Aid or his or her designee to the institution(s) of postsecondary education on behalf of eligible students certified, such payments to be in accordance with pertinent procedures to be prescribed by the Director of Internal Operations for the Council's Division of Student Financial Aid. [Order 3-77, § 250-36-080, filed 5/11/77; Order 4-74, § 250-36-080, filed 9/6/74.]

## Chapter 250-40 WAC COLLEGE WORK-STUDY PROGRAM

### WAC

250-40-020	Purpose.
250-40-030	Definitions.
250-40-040	Student eligibility and selection.
250-40-050	Restrictions on student placement and compensation.
250-40-060	Institutional application and allotment procedures.
250-40-070	Administration.

**WAC 250-40-020 Purpose.** The purpose of this act is to provide financial assistance to needy students attending eligible postsecondary institutions in the state of Washington by stimulating and promoting their employment; and to provide such needy students, wherever possible, with employment related to their academic pursuits. [Order 6-74, § 250-40-020, filed 9/17/74.]

**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 250-40-040 Student eligibility and selection.**

(1) Eligibility Criteria. In order to be eligible for employment under this program the student must:

(a) Demonstrate financial need.

(b) Be enrolled or accepted for enrollment as at least a half-time undergraduate, graduate or professional student or be a student under an established program designed to qualify him or her for enrollment as at least a half-time student at an eligible institution of postsecondary education.

(c) Be capable, in the opinion of the institution, of maintaining good standing in a course of study while employed under the program.

(d) Not be pursuing a degree in theology.

(2) Criteria for institutional determination of financial need and the making of awards.

(a) Budgetary costs will be determined by the institution subject to approval by the Council for Postsecondary Education. The advisory committee authorized by WAC 250-40-070(6) of these regulations will review each budget for reasonableness and make recommendations to the council for approval or disapproval.

(b) Total applicant resources shall be determined according to the uniform methodology system of need analysis. Institutional financial aid officers may make reasonable adjustments to the computed total applicant resources if individual circumstances warrant such adjustments. In addition, nonliquid assets in the form of equity in the primary residence and net worth of business or farm may be disregarded in the computation of total applicant resources.

Any adjustments must be documented and placed in the student's financial aid file.

(c) The work-study award shall be designed in such a manner that the sum total of financial aid awarded any one student will not exceed the difference between the total applicant's resources and the budgetary cost of education. In the case of students attending participating private institutions, the sum of the state share of the state work-study wages and a State Need Grant, if awarded, may not exceed the nontuition and required fee portion of the student's budgetary cost.

(d) Each institution must have a policy relating to the continuance of aid for students who enroll in but do not complete the number of credit or clock hours required to maintain at least half-time status. The institution must

submit its policy to the council for approval. The advisory committee authorized by WAC 250-40-070(6) will make recommendations to the Council for approval or disapproval of each institution's policy.

(3) Priorities in placing students.

(a) The institution should make every effort to provide opportunities for student employment in an area related to the student's course of study. At the time of job placement, the student who is able to obtain course related employment shall be awarded in favor of one who is not able to obtain such employment.

(b) At the time of job placement, and after consideration of (a) above, no eligible Washington resident shall be excluded in favor of a nonresident.

(c) It is the intent of the Work Study Program to assist those students from moderate income family backgrounds whose total applicant resources are insufficient to cover the total budgetary costs of education; and, who but for this program would normally be forced to rely heavily on loans. [Statutory Authority: RCW 28B.10.806, 80-05-024 (Order 2-80, Resolution 80-54), § 250-40-040, filed 4/14/80; Order 5-77, § 250-40-040, filed 5/11/77; Order 6-74, § 250-40-040, 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 or by common school districts which have entered into a special agreement with the Council for Postsecondary Education through the Superintendent of Public Instruction's office for the placement of students in a pilot program providing tutorial assistance 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.

(10) Relationship to formula staffing percentage. Placement of state work-study students in on-campus positions at public postsecondary educational institutions may not result in a level of employment in any budget program in excess of a formula staffing percentage specifically mandated by the Legislature. [Statutory Authority: RCW 28B.10.806, 80-05-024 (Order 2-80, Resolution 80-54), § 250-40-050, filed 4/14/80; 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 250-40-060 Institutional application and allotment procedures.** (1) The convening of a review committee. The council staff will convene its advisory committee in accordance with WAC 250-40-070(6) to act as a review committee for the purpose of recommending the allotment of funds to students by institution. Beginning with 1975-76 awards, institutions will be notified of funds available for their students by May 1 of the year prior to the academic year in which awards will be given, or whenever the legislative appropriation becomes known, whichever is later.



(2) Information to be used in review process. In its deliberations, the panel will make use of information available from the institution's application for federal funds, supplemented by any other relevant information made available to the council.

(3) Reallotments. If it is determined that an institution is unable to award all of the funds allotted it the council will reduce its allotment accordingly and will redistribute unutilized funds to other eligible institutions. [Order 5-77, § 250-40-060, filed 5/11/77; Order 6-74, § 250-40-060, 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

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**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 frustrate the purposes of the act.

(7) "Institutions not otherwise exempt that are of a religious character, but only as to those educational programs exclusively devoted to religious or theological objectives, and that are represented in an accurate manner in institutional catalogs and other official publications. The following procedures shall be employed in the implementation of this subsection:

(a) The executive coordinator shall ask the chief administrative officer of any institution that may qualify for an exemption on religious grounds to forward to the council office a copy of the institution's catalog and/or any other official publications that describe the nature of the institution and its programs. This information shall be used by the executive coordinator to verify the exemption status of the institution.

(b) For purposes of this subsection, "educational program exclusively devoted to religious or theological objectives" shall mean a program that has as its sole stated objective training in the religious beliefs of the controlling religious organization and/or preparation of students for occupations that are primarily church-related.

(c) In the case of a religious institution that offers both religious and secular programs of instruction, the requirements of RCW 28B.05 and WAC 250-55 shall pertain only to the secular programs of the institution.

(d) If the executive coordinator has reasonable cause to believe that certain religious or theological programs offered by a religious institution are not represented in a materially accurate manner in the institution's catalog and other official publications, the executive coordinator shall proceed according to the provisions of WAC 250-55-200." [Statutory Authority: RCW 28B.05.050. 81-01-086 (Order 6/80, Resolution 80-61), § 250-55-030, filed 12/19/80; 80-05-017 (Order 1/80, Resolution 80-61), § 250-55-030, filed 4/11/80; 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.]