

to RCW 70.38.025 (6) and (12) for the purpose of establishing the index to be used and procedures for making adjustments to the "expenditure minimum" for capital expenditures and to the annual operating costs for new "institutional health services" which are subject to the requirements of the certificate of need program established under the provisions of chapter 70.38 RCW. [Statutory Authority: RCW 70.38.025. 81-09-060 (Order 1641), § 248-156-010, filed 4/20/81.]

WAC 248-156-020 Definitions. For the purposes of chapter 248-156 WAC, the following words and phrases shall have the following meanings:

(1) "Certificate of need program" means that program established in accordance with the provisions of chapter 70.38 RCW.

(2) "Department" means the department of social and health services. [Statutory Authority: RCW 70.38.025. 81-09-060 (Order 1641), § 248-156-020, filed 4/20/81.]

WAC 248-156-030 Index and procedures for adjustment. (1) Index to be used. For the purposes of the certificate of need program, the United States Department of Commerce Composite Construction Cost Index shall be used in the annual adjustments of the following:

(a) The "expenditure minimum" as this term is defined in RCW 70.38.025 and WAC 248-19-220; and

(b) The minimum annual operating costs entailed in the provision of new "institutional health services," as this term is defined in RCW 70.38.025 and WAC 248-19-220, which will cause a new institutional health service to be subject to the provisions of chapter 248-19 WAC, the certificate of need rules and regulations.

(2) Procedure for adjustment.

(a) On or before the first day of each January, the department shall adjust and publish the adjusted expenditure minimum for capital expenditures and the adjusted minimum annual operating costs for institutional health services. Such adjusted minimums shall be in effect during the entire calendar year for which they are established.

(b) The adjustments in the minimums shall be based on the changes which occurred in the Department of Commerce Composite Construction Cost Index during the twelve month period ending the preceding October.

(c) The adjusted minimums shall be published by the department by public notice in one or more newspapers of general circulation within the state and through a written notice sent to each health systems agency, the hospital commission, each health care facility subject to the requirements of the certificate of need program, each statewide organization of such health care facilities, and the state health coordinating council. [Statutory Authority: RCW 70.38.025. 81-09-060 (Order 1641), § 248-156-030, filed 4/20/81.]

Title 250 WAC

COUNCIL FOR POSTSECONDARY EDUCATION

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

Chapters

- 250-18 Residency status for higher education.
- 250-20 State student financial aid program--Need grant and the Federal Program for state student incentive grant program Title 45, Code of Federal Regulations chapter 1, Part 192.
- 250-28 Rules and regulations to govern the administration, by the council for postsecondary education, of the western interstate commission on higher education student exchange program in the state of Washington.
- 250-32 Financial aid to blind students.
- 250-36 Higher education benefits to children of deceased or incapacitated veterans.
- 250-40 College work-study program.
- 250-44 Regulations for the administration of the displaced homemaker program.
- 250-55 Regulations for the administration of the Educational Services Registration Act.

Chapter 250-18 WAC

RESIDENCY STATUS FOR HIGHER EDUCATION

WAC	
250-18-010	Purpose and applicability.
250-18-015	Definitions.
250-18-020	Student classification.
250-18-025	Classification procedure.
250-18-030	Establishment of a domicile.
250-18-035	Evidence of financial independence.
250-18-040	Evidence of financial dependency.
250-18-045	Administration of residency status.
250-18-050	Appeals process.
250-18-055	Recovery of fees for improper classification of residency.
250-18-060	Exemptions from nonresident status.

WAC 250-18-010 Purpose and applicability. This chapter is promulgated by the council to establish the necessary regulations for the administration of residency status in higher education. Institutions shall apply the provisions of the regulations specified in chapter 250-18 WAC for the determination of a student's resident and nonresident status and for recovery of fees for improper classification of residency. [Statutory Authority: 1982 1st ex.s. c 37 § 4. 82-19-015 (Order 10-82, Resolution No. 83-1), § 250-18-010, filed 9/8/82.]

WAC 250-18-015 Definitions. (1) The term "institution" shall mean a public university, college, or community college within the state of Washington.

(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 expects to return when he or she leaves without intending to establish a new domicile elsewhere.

(3) The term "reside" shall mean the maintenance and occupancy of a primary residence in the state of Washington.

(4) The term "financially independent" shall be determined according to WAC 250-18-035.

(5) The term "dependent" shall mean a person who is not financially independent.

(6) The term "resident" for tuition and fee purposes shall be determined according to WAC 250-18-020.

(7) The term "nonresident" for tuition and fee purposes shall be determined according to WAC 250-18-020.

(8) The term "recovery of fees" shall apply to the amounts due to the institution or the student as a result of improper classification.

(9) The term "civil service" shall mean Washington state or federal government nonmilitary employment. [Statutory Authority: 1982 1st ex.s. c 37 § 4. 82-19-015 (Order 10-82, Resolution No. 83-1), § 250-18-015, filed 9/8/82.]

WAC 250-18-020 Student classification. (1) For a student to be classified as a "resident" for tuition and fee purposes, he or she shall:

(a)(i) Have established a bona fide domicile in the state of Washington primarily for purposes other than educational for the period of one year immediately prior to commencement of the first day of the semester or quarter for which he or she has registered at any institution; and

(ii) Be financially independent; or

(b) Be a dependent student, one or both of whose parents or legal guardians have maintained a bona fide domicile in the state of Washington for at least one year immediately prior to commencement of the semester or quarter for which the student has registered at any institution.

(2) A student shall be classified as a "nonresident" for tuition and fee purposes if he or she:

(a) Will be financially dependent for the current year or was financially dependent for the calendar year prior to the year in which application is made and who does not have a parent or legally appointed guardian who has maintained a bona fide domicile in the state of Washington for one year immediately prior to the commencement of the semester or quarter for which the student has registered at an institution;

(b) Attends an institution with financial assistance provided by another state or governmental unit or agency thereof wherein residency in that state is a continuing qualification for such financial assistance, such nonresidency continuing for one year after the completion of the quarter or semester for which financial assistance is provided. Such financial assistance relates to that which is provided by another state, governmental unit or agency thereof for direct or indirect educational

purposes and does not include retirements, pensions, or other noneducational related income. A student loan guaranteed by another state or governmental unit or agency thereof on the basis of eligibility as a resident of that state is included within the term "financial assistance;"

(c) Is not a citizen of the United States of America, unless such person holds permanent resident immigration status, "Refugee - Parolee," or "Conditional Entrant" status and further meets and complies with all applicable requirements of WAC 250-18-030 and 250-18-035.

(3) A person does not lose a domicile in the state of Washington by reason of residency in any state or country while a member of the civil or military service of this state or of the United States, nor while engaged in the navigation of the the waters of this state or of the United States or of the high seas if that person returns to the state of Washington within one year of discharge from said service with the intent to be domiciled in the state of Washington.

(4) Any resident dependent student who remains in this state when such student's parents or legal guardians, having theretofore, been domiciled in this state for a period of one year immediately prior to commencement of the first day of the semester or quarter for which the student has registered at any institution, move from this state, shall be entitled to continued classification as a resident student so long as such student is continuously enrolled during the academic year.

(5) Active duty United States military personnel who have been stationed in the state of Washington for one year shall be considered to have resided in the state for purposes primarily other than educational, and shall be considered financially independent. [Statutory Authority: 1982 1st ex.s. c 37 § 4. 82-19-015 (Order 10-82, Resolution No. 83-1), § 250-18-020, filed 9/8/82.]

WAC 250-18-025 Classification procedure. (1) After a student has registered at an institution, such student's classification shall remain unchanged in the absence of satisfactory evidence to the contrary. The provision of such evidence to the contrary may be initiated by the student or the institution.

(2) Application for a change in classification shall be accepted up to the thirtieth calendar day following the first day of the instruction of the quarter or semester for which application is made. Applications made after that date in any quarter or semester shall be considered to have been filed as of the first day of the subsequent quarter or semester.

(3) Any change in classification, either nonresident to resident, or the reverse, shall be based upon written evidence maintained in the files of the institution.

(4) Approval of an application for resident status shall be made only after satisfaction that the requirements of domicile and independency or dependency have been made in compliance with RCW 28B.15.012 and WAC 250-18-030 and 250-18-035. Reclassification from nonresident to resident status preliminarily approved sixty days or more prior to the satisfaction of a one-year

durational domicile shall be supplemented with additional documented proof of domicile if deemed necessary by the institution prior to final approval.

(5) The burden of proof that a student, parent, or legally appointed guardian has established a domicile in the state of Washington primarily for purposes other than educational lies with the student.

(6) Students who were classified as residents by an institution on or before May 31, 1982, and who are enrolled during calendar year 1982 under the provisions of RCW 28B.15.013, section 3, chapter 273, Laws of 1971 ex. sess. as last amended by section 1, chapter 15, Laws of 1979 ex. sess., shall not be required to submit evidence under provisions of RCW 28B.15.012 and 28B.15.013, chapter 37, Laws of 1982 1st ex. sess., so long as such students remain continuously enrolled during the academic year, unless the institution has cause to question the residency status of such students: *Provided*, That such students who were reclassified from nonresident to resident status after June 1, 1979, shall be required to submit evidence that they meet the requirements of RCW 28B.15.012 and 28B.15.013, chapter 37, Laws of 1982 1st ex. sess.: *Provided further*, That any reclassifications resulting from this special review shall be effective summer term, 1983.

(7) For any student classified as a resident or authorized to pay resident fees or exempted from the payment of the nonresident differential on a basis other than an established domicile in the state of Washington, the fee paying status of such student shall be subject to determination each term on the basis of chapter 28B.15 RCW. [Statutory Authority: 1982 1st ex.s. c 37 § 4. 82-19-015 (Order 10-82, Resolution No. 83-1), § 250-18-025, filed 9/8/82.]

WAC 250-18-030 Establishment of a domicile. The domicile of any person shall be determined according to the individual's situation and circumstances rather than by marital status or sex. The establishment of a domicile is not determined on the basis of a single factor; nor is a predetermined number of factors required. Institutions shall require evidence of a Washington domicile that would reasonably negate the existence of a domicile in a state other than Washington.

A nonresident student who is enrolled for more than six hours per semester or quarter shall be presumed to be in the state of Washington for primarily educational purposes. Such period of enrollment shall not be counted toward the establishment of a bona fide domicile of one year in this state unless such student proves that he or she has, in fact, established a bona fide domicile in this state primarily for purposes other than educational.

To aid the institutions in determining whether a student, parent, legally appointed guardian, or the person having legal custody of a student has established a bona fide domicile in the state of Washington primarily for purposes other than educational, the following factors are to be considered:

(1) Registration or payment of taxes or fees on a motor vehicle, mobile home, travel trailer, boat, or any other item of personal property owned or used by the

person for which state registration or the payment of a state tax or fee is required, for the one year immediately prior to commencement of the semester or quarter for which application is made;

(2) Valid Washington driver's license for the one year immediately prior to the commencement of the quarter or semester for which application is made;

(3) Permanent full-time employment in the state of Washington during the one year immediately prior to commencement of the semester or quarter for which application is made;

(4) Address and other pertinent facts listed on a true and correct copy of federal and state income tax returns for the calendar year prior to the year in which application is made;

(5) Location of voter registration for the one-year period immediately prior to commencement of the semester or quarter for which application is made;

(6) Address of student listed on selective service registration;

(7) Purchase of primary residence, lease agreement, or monthly rental receipts for one year immediately prior to commencement of the semester or quarter for which application is made;

(8) Residence status of the student in schools attended outside the state of Washington;

(9) Location of membership in professional, business, civic or other organizations;

(10) Location of checking account, savings account, and/or safety deposit box for one year immediately prior to commencement of the semester or quarter for which application is made. [Statutory Authority: 1982 1st ex.s. c 37 § 4. 82-19-015 (Order 10-82, Resolution No. 83-1), § 250-18-030, filed 9/8/82.]

WAC 250-18-035 Evidence of financial independence. A person is financially independent if he or she has not been and will not be claimed as an exemption and has not received and will not receive financial assistance in cash or in kind of an amount equal to or greater than that which would qualify him or her to be claimed as an exemption for federal income tax purposes by any person except his or her spouse for the current calendar year and for the calendar year immediately prior to the year in which application is made.

(1) To substantiate a reasonable presumption that a person is financially independent, the institution may require such documentation as deemed necessary, including but not limited to the following:

(a) That individual's sworn statement.

(b) A true and correct copy of the state and federal income tax return of the person for the calendar year immediately prior to the year in which application is made.

Should a person not have filed a state or federal income tax return because of minimal or no taxable income, documented information concerning the receipt of such nontaxable income may be submitted.

(c) A true and correct copy of the person's W-2 form filed for the previous calendar year.

(d) Other documented financial resources. Such other resources may include but not be limited to, the sale of personal or real property, inheritance, trust fund, state or financial assistance, gifts, loans, or statement of earnings of the spouse of a married student.

(e) A true and correct copy of the first and signature page of the state and federal tax returns of the parents, legally appointed guardians, or person or persons having legal custody of the student for the calendar year immediately prior to the year in which application is made.

The extent of the disclosure required concerning the parent's or legal guardian's state and federal tax returns shall be limited to the listing of dependents claimed and the signature of the taxpayer and shall not require disclosure of financial information contained in the returns.

(f) A student whose parents are both deceased or who has been made an official ward of the court may be required to provide documentation attesting to the fact of such circumstances.

(2) To aid institutions in determining the financial independence of a student whose parents, legally appointed guardian, or person having legal custody of the student do not provide the documentation because of total separation or other reasons from the student, documentation clearly stating the student's status and relationship with his or her parents or legal guardian from a responsible third person, e.g., family physician, lawyer, or social worker may be submitted.

(3) Information submitted by the student to the institution on the Washington Financial Aid Form may be used to affirm the authenticity of information submitted on an application.

(4) In all cases, the burden of proof that a student is financially independent lies with the student. [Statutory Authority: 1982 1st ex.s. c 37 § 4. 82-19-015 (Order 10-82, Resolution No. 83-1), § 250-18-035, filed 9/8/82.]

WAC 250-18-040 Evidence of financial dependency.

(1) To aid the institutions in determining whether a student is financially dependent and whether his or her parent, legally appointed guardian, or the person having legal custody of the student has maintained a bone fide domicile in the state of Washington for one year, the following factors are to be considered:

(a) Legal proof of guardianship or custody which shall be the responsibility of the student;

(b) Evidence of established domicile of parent, guardian, or custodian which shall be the responsibility of the student;

(c) The identification of the student as a dependent on the federal income tax return of the parents, legally appointed guardians or person having legal custody, which shall be proof of the student's financial dependency.

(2) Proof of a student's financial dependency for the current calendar year or the calendar year immediately prior to the year in which application is made which shall be the responsibility of the student. Additional documentation to substantiate dependency during the current calendar year may be required at a later time if deemed necessary by the institution.

(3) A student who provides evidence that he or she is a dependent and has a parent or legal guardian who has maintained a one-year domicile in the state of Washington shall not be required to establish a one-year domicile prior to classification of resident status, provided such a student may not be classified as a resident while receiving financial assistance from another state, governmental unit or agency thereof for educational purposes. [Statutory Authority: 1982 1st ex.s. c 37 § 4. 82-19-015 (Order 10-82, Resolution No. 83-1), § 250-18-040, filed 9/8/82.]

WAC 250-18-045 Administration of residency status. Administration of residency status shall be the responsibility of the institution's board of trustees or regents in compliance with RCW 28B.15.011 through 28B.15.014 and chapter 250-18 WAC.

Boards of trustees or regents shall designate an institutional official responsible for making decisions on resident and nonresident status of students, and for maintaining records and documentation in support of such decisions.

Institutions shall use a uniform state-wide form consistent with the provisions of chapter 250-18 WAC for the determination of change in residence status. [Statutory Authority: 1982 1st ex.s. c 37 § 4. 82-19-015 (Order 10-82, Resolution No. 83-1), § 250-18-045, filed 9/8/82.]

WAC 250-18-050 Appeals process. Any final institutional determination of classification shall be considered a ruling on a contested case and shall be subject to court review only under procedures prescribed by chapter 28B.19 RCW. [Statutory Authority: 1982 1st ex.s. c 37 § 4. 82-19-015 (Order 10-82, Resolution No. 83-1), § 250-18-050, filed 9/8/82.]

WAC 250-18-055 Recovery of fees for improper classification of residency. To aid the institutions in the determination of accuracy of statements made by a student, institutions shall require that a student affirm the authenticity of all information and supporting documentation provided by his or her signature thereon.

If erroneous, untrue, or incorrect information submitted results in an improper classification of resident or nonresident status, or if a final determination is reversed through the appeals process, institutions shall recover from the student or refund to the student as the case may be an amount equal to the total difference in tuition and fees had the proper classification been made. [Statutory Authority: 1982 1st ex.s. c 37 § 4. 82-19-015 (Order 10-82, Resolution No. 83-1), § 250-18-055, filed 9/8/82.]

WAC 250-18-060 Exemptions from nonresident status. In accordance with RCW 28B.15.014, certain nonresidents shall be exempted from paying the nonresident tuition and fee differential. Exemption from the nonresident tuition and fee differential shall apply only

during the term(s) such persons shall hold such appointments or be so employed. To be eligible for such an exemption, a nonresident student must provide documented evidence that he or she does reside in the state of Washington, and:

(1) Holds a graduate service appointment designated as such by an institution involving not less than twenty hours per week;

(2) Is employed for an academic department in support of the instructional or research programs involving not less than twenty hours per week; or

(3) Is a faculty member, classified staff member, or administratively exempt employee holding not less than a half-time appointment, or the spouse or dependent child of such a person. [Statutory Authority: 1982 1st ex.s. c 37 § 4. 82-19-015 (Order 10-82, Resolution No. 83-1), § 250-18-060, filed 9/8/82.]

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.
250-20-021	Program definitions.
250-20-031	Application procedure.
250-20-041	Award procedure.

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 34 Code of Federal Regulations, Part 692. 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 250-20-091. [Statutory Authority: RCW 28B-10.806. 81-13-038 (Order 2/81, Resolution 81-67), § 250-20-001, filed 6/16/81; 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) Be a resident of the state of Washington.

(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) 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.

(f) Have made a bona fide application for a Pell grant.

(g) Certify that he or she does not owe a refund on a state need grant, a Pell 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.10.822. 82-15-058 (Order 9-82, Resolution No. 82-52), § 250-20-011, filed 7/20/82. 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 250-20-021 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 [with] [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) "Washington resident" shall be defined as an individual who satisfies the requirements of RCW 28B.15.011 through RCW 28B.15.013 and council-adopted rules and regulations pertaining to the determination of residency.

(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 three 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 three 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, Pell 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.10.822. 82-15-058 (Order 9-82, Resolution No. 82-52), § 250-20-021, filed 7/20/82. Statutory Authority: RCW 28B.10.806. 81-13-038 (Order 2/81, Resolution 81-67), § 250-20-021, filed 6/16/81; 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 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.

(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. [Statutory Authority: RCW 28B.10.822. 82-15-058 (Order 9-82, Resolution No. 82-52), § 250-20-031, filed 7/20/82; 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 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 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.10.822. 82-15-058 (Order 9-82, Resolution No. 82-52), § 250-20-041, filed 7/20/82. 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.]

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
250-28-030 General administration.

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 executive coordinator of the council for postsecondary education or his or her designee. [Statutory Authority: RCW 28B.10.806. 82-15-057

(Order 8-82, Resolution No. 82-50), § 250-28-030, filed 7/20/82; Order 6-77, § 250-28-030, filed 9/6/77; Order 2-74, § 250-28-030, filed 9/6/74.]

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 250-32 WAC

FINANCIAL AID TO BLIND STUDENTS

WAC
250-32-040 Benefits.
250-32-060 Institutional responsibilities.
250-32-070 Administration.

WAC 250-32-040 Benefits. (1) 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. [Statutory Authority: RCW 28B.10.806. 82-15-055 (Order 6-82, Resolution No. 49), § 250-32-040, filed 7/20/82; Order 4-77, § 250-32-040, filed 5/11/77; Order 3-74, § 250-32-040, 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.

(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] [to] disburse state warrants sent by the council for postsecondary education on behalf of the student for approved expenditures. [Statutory Authority: RCW 28B.10.806. 82-15-055 (Order 6-82, Resolution No. 49), § 250-32-060, filed 7/20/82; Order

4-77, § 250-32-060, filed 5/11/77; Order 3-74, § 250-32-060, filed 9/6/74.]

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.

WAC 250-32-070 Administration. (1) The executive coordinator 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 executive coordinator may determine to be necessary.

(2) The executive coordinator 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. [Statutory Authority: RCW 28B.10.806. 82-15-055 (Order 6-82, Resolution No. 49), § 250-32-070, filed 7/20/82; 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 through 250-36-080 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 250-36-020 Definitions. [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.] Repealed by 82-15-056 (Order 7-82, Resolution No. 82-51), filed 7/20/82. Statutory Authority: RCW 28B.10.806.
- 250-36-030 Eligibility requirements. [Order 3-77, § 250-36-030, filed 5/11/77; Order 4-74, § 250-36-030, filed 9/6/74.] Repealed by 82-15-056 (Order 7-82, Resolution No. 82-51), filed 7/20/82. Statutory Authority: RCW 28B.10.806.
- 250-36-040 Benefits. [Order 3-77, § 250-36-040, filed 5/11/77; Order 4-74, § 250-36-040, filed 9/6/74.] Repealed by 82-15-056 (Order 7-82, Resolution No. 82-51), filed 7/20/82. Statutory Authority: RCW 28B.10.806.
- 250-36-050 Administration. [Order 3-77, § 250-36-050, filed 5/11/77; Order 4-74, § 250-36-050, filed 9/6/74.] Repealed by 82-15-056 (Order 7-82, Resolution No. 82-51), filed 7/20/82. Statutory Authority: RCW 28B.10.806.
- 250-36-060 Application—Substantiating evidence. [Order 3-77, § 250-36-060, filed 5/11/77; Order 4-74, § 250-36-060, filed 9/6/74.] Repealed by 82-15-056 (Order 7-82, Resolution No. 82-51), filed 7/20/82. Statutory Authority: RCW 28B.10.806.
- 250-36-070 Application approval of and certification. [Order 3-77, § 250-36-070, filed 5/11/77; Order 4-74, § 250-36-070, filed 9/6/74.] Repealed by 82-15-056 (Order 7-82, Resolution No. 82-51), filed 7/20/82. Statutory Authority: RCW 28B.10.806.

250-36-080 Payments from appropriated funds. [Order 3-77, § 250-36-080, filed 5/11/77; Order 4-74, § 250-36-080, filed 9/6/74.] Repealed by 82-15-056 (Order 7-82, Resolution No. 82-51), filed 7/20/82. Statutory Authority: RCW 28B.10.806.

WAC 250-36-020 through 250-36-080 Repealed.
See Disposition Table at beginning of this chapter.

Chapter 250-40 WAC

COLLEGE WORK-STUDY PROGRAM

WAC

- 250-40-030 Definitions.
- 250-40-040 Student eligibility and selection.
- 250-40-050 Restrictions on student placement and compensation.
- 250-40-070 Administration.

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

(2) "Budgetary cost" of attending an institution shall consist of that amount required to support the individual and his or her dependents during the period in which that individual is enrolled as a student. Budgets will reflect the latest recognized cost levels for room and board, transportation, books, supplies, personal expenses, and any other cost factors deemed necessary for consideration, consistent with WAC 250-40-040(2)(a).

(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 satisfies the requirements of RCW 28B.15.011 — 28B.15.013 and council-adopted rules and regulations pertaining to the determination of residency.

(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 employer producing a good or providing a service for sale or resale to others, can and agrees to provide employment of a demonstrable

benefit related to the student's postsecondary educational pursuits and which conducts business within the state of Washington, or any other employer approved by the council for postsecondary education. In approving an employer as eligible, the council or an institution acting as its agent will consider at the minimum:

(a) The relationship of the jobs to the students' educational objectives;

(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 has established a bona fide independent relationship and who demonstrates compliance with criteria for determining self-supporting status as contained in the program guidelines.

(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.12.060. 82-15-054 (Order 5-82, Resolution No. 82-53), § 250-40-030, filed 7/20/82. Statutory Authority: RCW 28B.10.806. 81-13-037 (Order 3/81, Resolution 81-68), § 250-40-030, filed 6/16/81; 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.]

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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, and demonstrate satisfactory progress toward degree or certificate completion.

(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(4) 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 satisfactory progress toward completion of his or her degree or program objective. The institution must submit its policy to the council annually for approval. The advisory committee authorized by WAC 250-40-070(4) will make recommendations to the council for approval or disapproval of each institution's policy.

(3) Priorities in placing students.

(a) The institution must, wherever possible, place students in positions which are related to their educational goals or career interests. At the time of job placement, the student who is able to obtain course- or career objective-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. 81-13-037 (Order 3/81, Resolution 81-68), § 250-40-040, filed 6/16/81; 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.

(a) State work-study students employed by public institutions of post-secondary education may not fill positions currently or formerly occupied by classified employees.

(b) In cases of governmental employment, state work-study students may fill positions which have been previously occupied but were vacated as a result of implementing previously adopted reduction in force policies in response to employment limitations imposed by federal, state or local governments.

(c) 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.

Students employed by public postsecondary educational institutions who are filling positions which are comparable to higher education personnel board classified positions must be paid entry level higher education personnel board wages for the position.

Determination of comparability must be made in accordance with state work study program operational guidelines.

Documentation must be on file at the institution for each position filled by a state work study student which is deemed by the institution as not comparable to an higher education personnel board position.

(3) 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. In the event that a student earns more money from employment than the institution anticipated when it awarded student financial aid, the excess is to be treated in accordance with the method specified in the state work-study operational guidelines.

(4) 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 an authorized 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.

(5) 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 (4) 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. The federally-funded college work-study program cannot be used to provide [the] employer share of student compensation.

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

(7) 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.

A student may not be concurrently employed in the same position by the state work-study program and the federal college work-study program and exceed the 19 hours per week average.

Further, the student cannot accept other on-campus employment which results in a waiver of the nonresident tuition and fee differential under RCW 28B.15.014.

(8) Types of work prohibited. Work performed by a student under the state work-study program shall not be sectarian related and shall not involve any partisan or nonpartisan political activity.

(9) 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.12.060, 82-15-054 (Order 5-82, Resolution No. 82-53), § 250-40-050, filed 7/20/82. Statutory Authority: RCW 28B.10.806, 81-13-037 (Order 3/81, Resolution 81-68), § 250-40-050, filed 6/16/81; 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.]

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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) Advisory committee. The council will appoint an advisory committee composed of representatives of eligible institutions, employee 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.

(5) 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.

(6) 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.

(7) 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.

(8) 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.

(9) Appeals. If the council is notified of any possible violations of these rules and regulations, satisfactory resolution shall be attempted by council staff. If satisfactory resolution cannot be achieved by council staff, the advisory committee authorized by WAC 250-40-070(4) shall review the appeal and make a recommendation to council staff. If satisfactory resolution still cannot be achieved, the person or institution initiating

the appeal may request a hearing with the council, which shall take action on the appeal.

(10) 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 and guidelines the institution will reimburse the students affected or the program in the appropriate amount. [Statutory Authority: RCW 28B.10.806. 81-13-037 (Order 3/81, Resolution 81-68), § 250-40-070, filed 6/16/81; 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.]

Chapter 250-44 WAC

REGULATIONS FOR THE ADMINISTRATION OF THE DISPLACED HOMEMAKER PROGRAM

WAC

250-44-010	Purpose.
250-44-020	Program administration.
250-44-030	Advisory committee.
250-44-040	Definitions.
250-44-050	Utilization of available contract funds.
250-44-090	Required assurances.
250-44-110	Length of contract periods.
250-44-120	Payments under approved contracts.
250-44-130	Calendar and closing dates for letters of intent, applications, and awards.
250-44-140	Form and content of application.
250-44-150	Criteria for selection of contracts to be awarded.
250-44-160	Procedure for selection of contracts to be awarded.
250-44-180	Amendment of contracts.
250-44-200	Program audits.
250-44-210	Evaluation reports.

WAC 250-44-010 Purpose. The Displaced Homemaker Act, RCW 28B.04 establishes guidelines under which the council for postsecondary education shall contract to establish both multipurpose service centers and programs of service 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 displaced homemaker program. [Statutory Authority: Chapter 28B.04 RCW, as amended. 82-15-018 (Order 2-82, Resolution No. 82-54), § 250-44-010, filed 7/12/82. 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 Program administration. Responsibility for all aspects of administration of the displaced homemaker program[,] 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: Chapter 28B.04 RCW, as amended. 82-15-

018 (Order 2-82, Resolution No. 82-54), § 250-44-020, filed 7/12/82. Statutory Authority: RCW 28B.10.806. 79-09-042 (Order 7-79, Resolution 80-4), § 250-44-020, filed 8/17/79.]

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 250-44-030 Advisory committee. (1) The executive coordinator shall establish an advisory committee, to be known as the displaced homemaker program advisory committee.

(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 displaced homemaker program[,] [, including content of program rules, guidelines, and application procedures;]

(b) To assist in coordination of activities under the act with related activities of other state and federal agencies, with particular emphasis on facilitation of coordinated funding. [Statutory Authority: Chapter 28B.04 RCW, as amended. 82-15-018 (Order 2-82, Resolution No. 82-54), § 250-44-030, filed 7/12/82. Statutory Authority: RCW 28B.10.806. 79-09-042 (Order 7-79, Resolution 80-4), § 250-44-030, filed 8/17/79.]

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

(1) "Act" means the Displaced Homemaker Act[,] RCW 28B.04, as amended.

(2) "Advisory committee" means the advisory committee established pursuant to WAC 250-44-030.

(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 \$9,000 on an annual basis \$750 monthly or \$174 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) "Displaced homemaker program" 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) through (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 activities which provide training for persons serving the needs of displaced homemakers.

(18) "Statewide outreach and information services" means activities designed to make general outreach and information services for displaced homemakers available throughout Washington in areas not directly served by multipurpose service centers or other programs of service under the displaced homemaker program. [Statutory Authority: Chapter 28B.04 RCW, as amended. 82-15-018 (Order 2-82, Resolution No. 82-54), § 250-44-040, filed 7/12/82. Statutory Authority: RCW 28B.10.806. 79-09-042 (Order 7-79, Resolution 80-4), § 250-44-040, filed 8/17/79.]

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 250-44-050 Utilization of available contract funds. (1) Each biennium the executive coordinator shall issue contract application guidelines which shall establish criteria for specific utilization of available contract funds. The guidelines shall set forth:

(a) The maximum initial contract amount for a multipurpose service center to be provided from funds available under the act for the 1983 fiscal year shall be \$40,000.

(b) The maximum initial contract amount for a contract for a program or programs of service from funds available under the act for the 1983 fiscal year shall be \$26,000.

(c) An initial reservation of funds for contracts to provide statewide outreach and information services and training for service providers.

(2) At least two multipurpose service centers in major population centers will be supported under the displaced homemaker program, provided adequate funds have been appropriated.

(3) Remaining funds will be used for contracts selected to provide geographic dispersion of displaced homemaker multipurpose service centers and programs of service. [Statutory Authority: Chapter 28B.04 RCW, as amended. 82-23-017 (Order 11/82, Resolution No. 83-21), § 250-44-050, filed 11/8/82; 82-15-018 (Order 2-82, Resolution No. 82-54), § 250-44-050, filed 7/12/82. Statutory Authority: RCW 28B.10.806. 79-09-042 (Order 7-79, Resolution 80-4), § 250-44-050, filed 8/17/79.]

WAC 250-44-090 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] [payment of any fees] for the services: *Provided*, That the executive coordinator may approve exceptions to this requirement upon determining that such exceptions would be in the best interest of displaced homemaker program objectives[;]

(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 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 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 chapter 250-44 WAC[;][.]

(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: Chapter 28B.04 RCW, as amended. 82-15-018 (Order 2-82, Resolution No. 82-54), § 250-44-090, filed 7/12/82. Statutory Authority: RCW 28B.10.806. 79-09-042 (Order 7-79, Resolution 80-4), § 250-44-090, filed 8/17/79.]

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 250-44-110 Length of contract periods. Contract periods for contracts awarded under the act shall be in accordance with each application proposal, subject to contract application guidelines issued by the executive coordinator.

(1) Contracts for operation of multipurpose service centers for the 1983 fiscal year may cover operations beginning as early as August 1, 1982 and ending June 30, 1983.

(2) Contracts for operation of programs of services for the 1983 fiscal year may cover operations beginning as early as September 1, 1982 and ending June 30, 1983. [Statutory Authority: Chapter 28B.04 RCW, as amended. 82-23-017 (Order 11/82, Resolution No. 83-21), § 250-44-110, filed 11/8/82; 82-15-018 (Order 2-82, Resolution No. 82-54), § 250-44-110, filed 7/12/82. 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[,] one month at a time[;] unless less frequent payments are requested by the contractor.

(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 just completed; 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 requested payment date. [Statutory Authority: Chapter 28B.04 RCW, as amended. 82-15-018 (Order 2-82, Resolution No. 82-54), § 250-44-120, filed 7/12/82. Statutory Authority: RCW 28B.10.806. 79-09-042 (Order 7-79, Resolution 80-4), § 250-44-120, filed 8/17/79.]

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 250-44-130 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] [applications], by Friday, June 11, 1982 as specified in the contract application guidelines.

(2) The executive coordinator or his designee will screen the letters of intent for multipurpose service centers, prepare a list of all eligible sponsoring organizations which filed letters of intent and distribute the list to all organizations on the list, by Thursday, June 17, 1982 [or] seven days from the filing date for letters of intent as specified in the contract application guidelines.

(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 dates for such applications] by 9:00 a.m., Monday, June 28, 1982 as specified in the contract application guidelines.

(4) Sponsoring organizations wishing to apply for contracts to operate programs of service and a statewide outreach and information services program shall submit to the executive coordinator a letter of intent, accompanied by appropriate documentation of nonprofit status in the case of nonpublic applicants, by Tuesday, July 6, 1982.

(5) The executive coordinator or his designee will screen the letters of intent for programs of service and a statewide outreach and information services program, prepare a list of all eligible sponsoring organizations which filed letters of intent, and distribute the list to all organizations on the list, by Friday, July 16, 1982, or seven days from the filing date for letters of intent as specified in the contract application guidelines.

(6) Applications for contracts for programs of service and a statewide outreach and information services program may be submitted by sponsoring organizations on the list pursuant to subsection 5 of this section by 9:00 a.m., Monday, July 26, 1982 as specified in the contract application guidelines.

(7) The executive committee of the council will approve awards of contracts[,] provided qualifying applications were received by the closing dates specified in this section [and] in the guidelines.

(8) In the event that available funds for contracts under the act are not fully utilized after approval of contracts the executive coordinator may either establish a new calendar for further consideration of applications and award of contracts or award supplemental funds to existing center[s] and programs by amendment of contracts in effect. [Statutory Authority: Chapter 28B.04 RCW, as amended. 82-23-017 (Order 11/82, Resolution No. 83-21), § 250-44-130, filed 11/8/82; 82-15-018 (Order 2-82, Resolution No. 82-54), § 250-44-130, filed 7/12/82. Statutory Authority: RCW 28B.10.806. 79-09-042 (Order 7-79, Resolution 80-4), § 250-44-130, filed 8/17/79.]

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 250-44-140 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. The contract application guidelines shall specify the number of copies of each application to be submitted to the executive coordinator. Copies may be reproduced, but at least two copies submitted shall have the original signature of the executive officer of the sponsoring organization.

(3) Contents of each application. Each application is to be submitted using the format and forms prescribed in the contract application guidelines. [Statutory Authority: Chapter 28B.04 RCW, as amended. 82-15-018 (Order 2-82, Resolution No. 82-54), § 250-44-140, filed 7/12/82. 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 as specified 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) 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 shall develop a 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 appropriate geographic distribution. [Statutory Authority: Chapter 28B.04 RCW, as amended. 82-15-018 (Order 2-82, Resolution No. 82-54), § 250-44-150, filed 7/12/82. 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[,] 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 system published in accordance with WAC 250-44-150(2);

(4) The executive coordinator will 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 executive committee of the council for approval. Upon approval by the executive committee the executive coordinator will award the contracts. [Statutory Authority: Chapter 28B.04 RCW, as amended. 82-15-018 (Order 2-82, Resolution No. 82-54), § 250-44-160, filed 7/12/82. Statutory Authority: RCW 28B.10.806. 79-09-042 (Order 7-79, Resolution 80-4), § 250-44-160, filed 8/17/79.]

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 250-44-180 Amendment of contracts. A contract may be amended by mutual agreement between the executive coordinator and the executive officer of the sponsoring organization. [Statutory Authority: Chapter 28B.04 RCW, as amended. 82-15-018 (Order 2-82, Resolution No. 82-54), § 250-44-180, filed 7/12/82. Statutory Authority: RCW 28B.10.806. 79-09-042 (Order 7-79, Resolution 80-4), § 250-44-180, filed 8/17/79.]

WAC 250-44-200 Program audits. The executive coordinator may 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: Chapter 28B.04 RCW, as amended. 82-15-018 (Order 2-82, Resolution No. 82-54), § 250-44-200, filed 7/12/82. 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 evaluation report regarding the displaced homemaker program at the end of the first two years, and a biennial evaluation beginning in January 1984. Such reports shall be reviewed with the council prior to official submission to the governor and the

legislature. [Statutory Authority: Chapter 28B.04 RCW, as amended. 82-15-018 (Order 2-82, Resolution No. 82-54), § 250-44-210, filed 7/12/82. Statutory Authority: RCW 28B.10.806. 79-09-042 (Order 7-79, Resolution 80-4), § 250-44-210, filed 8/17/79.]

Chapter 250-55 WAC

REGULATIONS FOR THE ADMINISTRATION OF THE EDUCATIONAL SERVICES REGISTRATION ACT

WAC

250-55-020	Definitions.
250-55-030	Exemptions.
250-55-040	Application, annual renewal, and amendments.
250-55-050	Bonding.
250-55-070	Program quality and content.
250-55-100	Catalogs and brochures.
250-55-110	Educational credentials.
250-55-120	Records.
250-55-150	Enrollment.
250-55-160	Minimum cancellation and refund policy.
250-55-220	Recognition of accrediting agencies and associations.

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 (13).

(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, 81-13-041 (Order 4/81, Resolution 81-64), § 250-55-020, filed 6/17/81; 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-020, filed 12/18/79.]

WAC 250-55-030 Exemptions. Notwithstanding any other exemption provision in this section, no institution or organization shall advertise, offer, sell, or award a degree or any other type of educational credential unless the student has enrolled in and successfully completed a prescribed program of study, as outlined in the institution's catalog: *Provided*, That this prohibition shall not apply to honorary credentials clearly designated as such on the front side of the diploma or certificate and awarded by institutions that offer other educational credentials requiring enrollment in and successful completion of a prescribed program of study, in compliance with the requirements of this chapter.

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 degrees that (1) are covered by the institution's accreditation or (2) have achieved candidacy status with the agency or association that has accredited the institution.

(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(13), 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 agency exemption procedure outlined in RCW 28B.05.130. The executive coordinator may suspend or modify any of the registration or other requirements contained in this chapter in a particular case if the executive coordinator finds (1) that such suspension or modification will not frustrate the purposes of this chapter and (2) that the educational services to be offered address a substantial, demonstrated need among residents of the state of Washington or that literal application of this chapter works a manifestly unreasonable hardship on the educational institution: *Provided*, That the chief administrative officer of the institution, after hearing, shall be entitled to appeal the decision of the executive coordinator to the council. An application for an agency exemption shall be submitted on a form developed by the executive coordinator.

(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. 81-13-041 (Order 4/81, Resolution 81-64), § 250-55-030, filed 6/17/81; 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 a registration renewal application, on a form developed by the executive coordinator, together with a signed, written statement from the chief administrative officer, attesting to the truth and accuracy of the information provided in the renewal application and pledging continued compliance with all the requirements of the act and this chapter.

(3) Additionally, the institution shall file an application amendment 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. 81-13-041 (Order 4/81, Resolution 81-64), § 250-55-040, filed 6/17/81; 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 received for 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. Release of such security shall be made in compliance with the provisions of RCW 28B.05.110(3): *Provided*, That, if the institution replaces the security with a surety bond, the executive coordinator may release the security 90 days after the effective date of the bond, unless there are outstanding claims against the institution. [Statutory Authority: RCW 28B.05.050. 81-13-041 (Order 4/81, Resolution 81-64), § 250-55-050, filed 6/17/81; 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-050, 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 other 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. Institutional policies concerning credit for prior learning shall specify administrative responsibilities, means of assessment, documentation procedures, and maximum number of credits allowable. 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. 81-13-041 (Order 4/81, Resolution 81-64), § 250-55-070, filed 6/17/81; 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-070, 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 states 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 "any person desiring information about the requirements of the act, or the applicability of those requirements to the institution, by name, may contact the council office."

(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 also shall 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 reenrollment 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) 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.

(12) 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.

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

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

(15) 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.

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

(17) 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.

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

(19) 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).

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

(21) 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.

(22) 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.

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

(24) A table of contents or index.

(25) 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. 81-13-041 (Order 4/81, Resolution 81-64), § 250-55-100, filed 6/17/81; 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-100, filed 12/18/79.]

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 250-55-110 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 or academic record that specifies the name of the institution, the name of student, all courses completed, and a key to or explanation of the institution's evaluation system: *Provided*, That the institution shall not be required to make copies of the transcript or academic record available unless all tuition and fees owed by the student to the institution had been paid. Each course entry shall include a title, the number of credits awarded, and a grade. The transcript or academic record 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 or academic record 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. 81-13-041 (Order 4/81, Resolution 81-64), § 250-55-110, filed 6/17/81; 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 or academic record 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 or academic records:

(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 interruption for unsatisfactory progress or conduct.

(d) 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 immediately notify the executive coordinator and 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 executive coordinator 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 executive coordinator may seek a court order to protect and, if necessary[,] take possession of the records. The executive coordinator shall make a determination concerning which records should be permanently maintained and

shall select an appropriate permanent location for such records. 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. 81-13-041 (Order 4/81, Resolution 81-64), § 250-55-120, filed 6/17/81; 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-120, filed 12/18/79.]

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

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

(b) 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.

(2) If the institution employs a formal enrollment agreement or contract, this document shall pertain only to requirements that are printed or entered on the agreement or contract. The student shall receive a copy of the agreement or contract signed by all parties to the agreement or contract. [Statutory Authority: RCW 28B.05.050. 81-13-041 (Order 4/81, Resolution 81-64), § 250-55-150, filed 6/17/81; 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 \$50. The amount of the maximum application fee may be adjusted at the discretion of the executive coordinator.

(b) All money paid by a successful applicant, less an application fee not to exceed \$50, 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 10 percent of tuition and fee charges for current term 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 calendar week of the current academic term, the tuition and fee charges retained by the institution shall not exceed twenty-five percent of the tuition and fees paid for that term plus a maximum application fee of \$50.

(e) Starting on the eighth calendar day of the current academic term and continuing through the fourteenth calendar day, the tuition and fee charges retained by the institution shall not exceed fifty percent of the tuition and fees paid for that term.

(f) Following completion of the first fourteen days 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.

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

(h) 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)(i) 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.

(i) 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.

(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, 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. 81-13-041 (Order 4/81, Resolution 81-64), § 250-55-160, filed 6/17/81; 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-160, filed 12/18/79.]

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 250-55-220 Recognition of accrediting agencies and associations. (1) Any accrediting agency or association desiring recognition for the purposes of WAC 250-55-030(5) shall demonstrate that the agency or association complies 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 Secretary 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 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. 81-13-041 (Order 4/81, Resolution 81-64), § 250-55-220, filed 6/17/81; 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-220, filed 12/18/79.]

Title 251 WAC HIGHER EDUCATION PERSONNEL BOARD

Chapters

251-04	General provisions.
251-06	Classification.
251-10	Separation--Discipline.
251-12	Appeals.
251-14	Collective bargaining.
251-18	Employment--Appointment.
251-20	Employee performance evaluation.
251-22	Holidays--Leave.

Chapter 251-04 WAC GENERAL PROVISIONS

WAC

251-04-020	Definitions.
251-04-040	Exemptions.
251-04-050	Higher education personnel board.
251-04-070	Personnel officers.

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

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

"Administrative employees" – Personnel whose responsibilities require them to spend at least 80% of their work hours as follows:

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

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

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

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

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

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