

Title 250 WAC

HIGHER EDUCATION COORDINATING BOARD

(Formerly: Postsecondary Education, Council for)

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DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

Chapter 250-36

HIGHER EDUCATION BENEFITS TO CHILDREN OF DECEASED OR INCAPACITATED VETERANS

- 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 Repealed by 82-15-056 (Order 7-82, Resolution No. 82-51), filed 7/20/82.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 Repealed by 82-15-056 (Order 7-82, Resolution No. 82-51), filed 7/20/82.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 Repealed by 82-15-056 (Order 7-82, Resolution No. 82-51), filed 7/20/82.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 Repealed by 82-15-056 (Order 7-82, Resolution No. 82-51), filed 7/20/82.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 Repealed by 82-15-056 (Order 7-82, Resolution No. 82-51), filed 7/20/82.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 Repealed by 82-15-056 (Order 7-82, Resolution No. 82-51), filed 7/20/82.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 Repealed by 82-15-056 (Order 7-82, Resolution No. 82-51), filed 7/20/82.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.

Chapter 250-04 WAC

GENERAL OPERATING RULES OF THE COMMISSION

WAC

- 250-04-010** Legal name and official address of the commission.
- 250-04-020** Principal officers of the commission.
- 250-04-030** Commission staff.
- 250-04-040** Coordination with other agencies.
- 250-04-050** Rules of procedure.
- 250-04-060** Records of proceedings.
- 250-04-070** Reports and materials required by the U.S. Office of Education.

250-04-080 Announcement of commission decisions and disposition of application materials.

WAC 250-04-010 Legal name and official address of the commission. The legal name and official address of the state commission are: Higher Education Facilities Commission, P.O. Box 527, Olympia, Washington 98501.

[Order, § 250-04-010, filed 7/29/68, 9/22/67, 4/4/67.]

WAC 250-04-020 Principal officers of the commission. The titles of the principal officers of the state commission are: Chairman, vice chairman. The title of the chief staff assistant for the state commission shall be the executive secretary.

[Order, § 250-04-020, filed 7/29/68, 9/22/67, 4/4/67.]

WAC 250-04-030 Commission staff. Staff and administrative services to the state commission will be performed by an executive secretary employed for the purpose of administering the Higher Education Facilities Act, plus necessary administrative, secretarial and clerical personnel and/or consultants appointed from time to time.

[Order, § 250-04-030, filed 7/29/68, 9/22/67, 4/4/67.]

WAC 250-04-040 Coordination with other agencies. The commission, its members or staff, may confer from time to time with the coordinating council for occupational education and its staff or the state board for community college education and its staff on matters regarding projects under section 103 of the act and with the presidents of the accredited four-year colleges and universities, or their representatives, on matters regarding projects under section 104 of the act.

[Order, § 250-04-040, filed 7/29/68, 9/22/67, 4/4/67.]

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

The state commission will conduct all official business, including all action under Title I, Public Law 88-204, at formal meetings open to the public, notice of which shall be given in the manner provided by state law: *Provided*, That the commission may at any such meeting hold executive sessions, from which the public may be excluded, for any purpose other than final adoption of rules, orders, or directives relating to the commission's function under Public Law 88-204: *Provided further*, That informal conferences may be held and/or staff liaison maintained as set forth in WAC 250-04-050. Formal meeting will be conducted in accordance with *Robert's Rules of Order*, as modified by such rules as the state commission may adopt in the future. A copy of each such rule shall be forwarded to the commissioner.

[Order, § 250-04-050, filed 7/29/68, 9/22/67, 4/4/67.]

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WAC 250-04-060 Records of proceedings. The state commission will maintain a full record of all proceedings by which it established relative priorities and recommended federal shares for eligible projects considered according to each specified closing date, and will retain such records for at least three years after each such closing date.

[Order, § 250-04-060, filed 7/29/68, 9/22/67, 4/4/67.]

WAC 250-04-070 Reports and materials required by the U.S. Office of Education. Promptly upon completing its consideration of applications as of each closing date, and no later than March 31 of each federal fiscal year, the state commission will forward to the commissioner:

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

(2) The application form and exhibits in the number of copies requested by the commissioner, for each project assigned a priority high enough to qualify for a federal grant within the amount of funds available in the allotment for the state; and,

(3) Copies of correspondence documenting the offering and either the acceptance or rejection of partial federal shares pursuant to the regulations.

[Order, § 250-04-070, filed 7/29/68, 9/22/67, 4/4/67.]

WAC 250-04-080 Announcement of commission decisions and disposition of application materials. The state commission will promptly notify all applicants of the results of all state commission determinations as of each closing date, and the records of official state commission proceedings shall be a matter of public record within the state. Applications which are not recommended for a grant within the fiscal year in which they are filed will be retained by the state commission until notified that all recommended applications for such fiscal year have been approved by the commissioner. New applications will be required to be filed each fiscal year for any project which does not receive a recommendation for a grant and which the applicant desires to have reconsidered in a subsequent year.

[Order, § 250-04-080, filed 7/29/68, 9/22/67, 4/4/67.]

Chapter 250-08 WAC PROVISION FOR HEARING REGARDING COMMISSION ACTIONS

WAC

250-08-010	Opportunity for hearing.
250-08-020	Procedure for requesting a hearing.
250-08-030	Deadlines for commission action on a request for hearing.

250-08-040 Commission responsibility for notifying the U.S. Commissioner of Education.

WAC 250-08-010 Opportunity for hearing. The state commission will afford to every applicant which has filed an application with the state commission an opportunity for a fair hearing before the state commission as to any determination of the state commission adversely affecting such applicant.

[Order, § 250-08-010, filed 7/29/68, 9/22/67, 4/4/67.]

WAC 250-08-020 Procedure for requesting a hearing. An applicant so affected may request such a hearing by the following method:

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

[Order, § 250-08-020, filed 7/29/68, 9/22/67, 4/4/67.]

WAC 250-08-030 Deadlines for commission action on a request for hearing. An applicant may request such a hearing within 10 days of notification by mail to such applicant of the determination of the state commission which is being appealed, and the state commission will begin public hearings on such appeals within 20 days of the closing date for submitting the appeals and shall at least 3 days prior to the date fixed for the hearing notify such applicant in writing of the date, time and place of the hearing.

[Order, § 250-08-030, filed 7/29/68, 9/22/67, 4/4/67.]

WAC 250-08-040 Commission responsibility for notifying the U.S. Commissioner of Education. The state commission will notify the commissioner promptly of the nature of the complaint whenever an applicant requests a hearing, and the results of the hearing upon its completion.

[Order, § 250-08-040, filed 7/29/68, 9/22/67, 4/4/67.]

Chapter 250-10 WAC

BYLAWS--COUNCIL FOR POSTSECONDARY EDUCATION

WAC

- 250-10-010 Name.
- 250-10-020 Purpose.
- 250-10-022 General planning and coordinating functions.
- 250-10-026 Functions on which all council members vote.
- 250-10-028 Other administrative responsibilities.
- 250-10-030 Membership.
- 250-10-040 Term of office.
- 250-10-050 Vacancies.
- 250-10-060 Organization of the council.
- 250-10-070 Meetings.
- 250-10-080 Committees.

- 250-10-090 Finances.
- 250-10-100 Personnel.
- 250-10-110 Legal counsel.
- 250-10-120 Reports.
- 250-10-130 Administrative Procedure Act.
- 250-10-140 Rules of order.
- 250-10-150 Amendments.
- 250-10-160 Suspension of bylaws.
- 250-10-170 State Environmental Policy Act.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

250-10-025 Administering programs. [Order 2-76, § 250-10-025, filed 9/13/76; Order 7-75, § 250-10-025, filed 8/26/75.] Repealed by 79-10-056 (Order 8-79, Resolution No. 80-2), filed 9/17/79. Statutory Authority: RCW 28B.80.080.

WAC 250-10-010 Name. The name of this organization shall be the council for postsecondary education, hereinafter referred to as the "council." (Reference: RCW 28B.80.010.)

[Statutory Authority: RCW 28B.80.080. 79-10-056 (Order 8-79, Resolution No. 80-2), § 250-10-010, filed 9/17/79; Order 2-76, § 250-10-010, filed 9/13/76; Order 7-75, § 250-10-010, filed 8/26/75.]

WAC 250-10-020 Purpose. The council was established to facilitate planning needed to maintain articulation and coordination among the parts of the increasingly complex system of postsecondary education in Washington. (Reference: RCW 28B.80.020) as the state agency encompassing a concern for all of postsecondary education, the council may be assigned specific coordinating and administrative functions in addition to its overall planning function. In performing all assigned functions it shall be the council's purpose to serve the broad public interest by seeking to foster a coordinated system of postsecondary education which is at once efficient in the utilization of limited resources, of high quality, responsive to changing public needs, and accountable for its activities and claims.

[Statutory Authority: RCW 28B.80.080. 79-10-056 (Order 8-79, Resolution No. 80-2), § 250-10-020, filed 9/17/79; Order 7-75, § 250-10-020, filed 8/26/75.]

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

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

- (a) Assess and define the educational needs of the state to be served by postsecondary education;
- (b) Recommend and coordinate studies to ascertain how defined educational needs are being met;

(c) Study and make recommendations concerning adult education, continuing education, public service and postsecondary educational programs;

(d) Identify priorities among the defined needs and specify the resources necessary to meet them;

(e) Differentiate roles of the community college system and the individual public institutions and identify the most effective division of responsibility among them in meeting defined needs. To facilitate this, review and recommend the creation of all new degrees and recommend which institutions shall award them; and evaluate proposals for the elimination of existing degrees. Identify changing conditions which may require the revision of these roles and division of responsibility of the institutions.

(2) In the execution of the above planning responsibilities, develop criteria for the need for new baccalaureate institutions; and recommend the establishment, location and role of any new public baccalaureate-granting institutions and review the plans for the community college system in terms of their articulation with planning for postsecondary education in the state.

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

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

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

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

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

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

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

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

(b) Assistance in curriculum development;

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

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

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

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

(12) Develop such state plans as are necessary to coordinate the state of Washington's participation within the student exchange compact programs under the auspices of the Western Interstate Commission for Higher Education, as provided by chapter 28B.70.RCW. In addition to establishing such plans the council shall designate the state certifying officer for student programs. (Reference: RCW 28B.80.150.)

[Statutory Authority: RCW 28B.80.080. 79-10-056 (Order 8-79, Resolution No. 80-2), § 250-10-022, filed 9/17/79.]

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

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

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

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

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

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

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

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

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

(5) Responsibilities as the state approving agency for academic schools, colleges and universities, both public and private, pursuant to Public Law 89-358, under contract with the United States of America, Veterans Administration. (Reference: Executive Order 78-2.)

[Statutory Authority: RCW 28B.80.080, 79-10-056 (Order 8-79, Resolution No. 80-2), § 250-10-026, filed 9/17/79.]

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

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

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

(3) Such other administrative responsibilities as may from time to time be assigned by statute or by executive order.

[Statutory Authority: RCW 28B.80.080, 79-10-056 (Order 8-79, Resolution No. 80-2), § 250-10-028, filed 9/17/79.]

WAC 250-10-030 Membership. The council shall consist of members selected as follows:

(1) Nine citizen members to be appointed by the governor and confirmed by the senate as representatives of the public at large, one of whom shall be a full-time undergraduate student at the time of his or her appointment at a public or private postsecondary educational institution; the superintendent of public instruction; one member of the executive branch of government appointed by the governor; one president of the public universities and four-year colleges of the state who is the chairman of the council of presidents; the executive director of the state board for community college education; the executive director of the commission for vocational education; one president of the state's private universities or four-year colleges; and one representative of postsecondary proprietary education; each appointed by the governor. (Reference: RCW 28B.80.040, Para. 1.)

(2) Duties of certain members.

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

(b) It shall be the duty of the superintendent of public instruction to represent the common school system presenting such information to the council as may be of assistance in the development of overall educational plans and articulation between the common school and postsecondary systems of education. (Reference: RCW 28B.80.040, Para. 3.)

(c) It shall be the duty of the executive director of the commission for vocational education to represent vocational and technical education, presenting to the council such information regarding the state plan for vocational education and other data as may be of assistance in the

development of overall educational plans. (Reference: RCW 28B.80.040, Para. 4.)

[Order 7-75, § 250-10-030, filed 8/26/75.]

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

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

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

(4) The president-representatives appointed by the governor shall serve for a four-year term, or until such earlier date as each shall cease to be the president of the institution or representative of a postsecondary group from which he or she was appointed. (Reference: RCW 28B.80.060.)

[Statutory Authority: RCW 28B.80.080, 79-10-056 (Order 8-79, Resolution No. 80-2), § 250-10-040, filed 9/17/79; Order 7-75, § 250-10-040, filed 8/26/75.]

WAC 250-10-050 Vacancies. Any vacancies among the citizen members appointed by the governor shall be filled by the governor subject to confirmation by the senate then in session, or if not in session, at the next session. Citizen members appointed under this section shall have full authority to act as such prior to the time the senate acts on their confirmation. Any vacancies among the other members shall be filled by the appointing authority which initially filled the position. (Reference: RCW 28B.80.070.)

[Order 7-75, § 250-10-050, filed 8/26/75.]

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

(2) Duties of officers.

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

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

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

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

(4) Election of officers.

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

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

(c) The nominations shall be presented and elections held at the last council meeting of the council year. The chairman and vice chairman shall be elected by a majority vote of the citizen members. The vote for chairman and vice chairman will be by roll call vote of the members present.

[Statutory Authority: RCW 28B.80.080. 79-10-056 (Order 8-79, Resolution No. 80-2), § 250-10-060, filed 9/17/79; Order 7-75, § 250-10-060, filed 8/26/75.]

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

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

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

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

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

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

(7) Attendance of council members. Each member of the council is expected to attend all council and assigned

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

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

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

(10) Voting procedures.

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

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

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

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

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

(v) There shall be no proxy voting.

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

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

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

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

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

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

(vi) There shall be no proxy voting.

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

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

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

(14) Public participation.

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

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

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

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

(15) The chairman of the council may, at his or her discretion, recognize anyone in the audience who indicates in writing at the time of the meeting a desire to speak at a formal meeting of the council, provided that such remarks by one person shall be limited to five minutes.

[Statutory Authority: RCW 28B.80.080, 79-10-056 (Order 8-79, Resolution No. 80-2), § 250-10-070, filed 9/17/79; Order 2-76, § 250-10-070, filed 9/13/76; Order 7-75, § 250-10-070, filed 8/26/75.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

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

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

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

(2) Executive committee.

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

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

the council office, and shall be available for review of any council member.

(3) Standing committees.

(a) The standing committees of the council shall be:

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

(b) Committee voting procedures:

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

(ii) There shall be no proxy voting.

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

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

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

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

(6) Committee reports.

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

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

(7) Committee compensation.

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

(b) Compensation to persons other than council members for expenses incurred for attendance at officially called committee meetings shall be reimbursed on an actual expense basis and in accordance with regulations governing employee travel.

[Statutory Authority: RCW 28B.80.080, 79-10-056 (Order 8-79, Resolution No. 80-2), § 250-10-080, filed 9/17/79; Order 7-75, § 250-10-080, filed 8/26/75.]

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

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

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

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

(5) Other funds. The council, in addition to any funds appropriated or allocated from the state legislature to carry out its purpose, may accept federal funds made available to the state for postsecondary education research or otherwise, under the terms of any act or acts of congress, or any private gifts or grants, such as federal funds or private funds to be expended in accordance with conditions contingent in such grant. (Reference: RCW 28B.80.120.)

[Statutory Authority: RCW 28B.80.080. 79-10-056 (Order 8-79, Resolution No. 80-2), § 250-10-090, filed 9/17/79; Order 7-75, § 250-10-090, filed 8/26/75.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 250-10-100 Personnel. (1) Executive coordinator. The council shall appoint an executive coordinator who shall serve at the pleasure of the council. The executive coordinator shall be the executive officer of the council and, under the administrative direction of the chairman of the council for postsecondary education, will plan, organize, direct and coordinate all staff support activities for the council, or any of the council's established committees; will serve as executive officer of the council will be fully responsible for administering any state program or state administered federal program assigned to, or established by the council; and will control and supervise the staff personnel of the council. In the execution of assigned responsibilities, the executive coordinator may, subject to applicable rules and regulations, award personal service contracts of less than \$5,000.

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

(3) Individuals appointed to classified positions shall be subject to the rules and regulations promulgated by the higher education personnel board.

(4) Use of state agencies. The council shall make extensive use of those state agencies with responsibility for implementing and supporting postsecondary education plans and policies; e.g., appropriate legislative groups,

postsecondary institutions, the office of program planning and fiscal management and the state board for community college education. Outside consulting and service agencies may also be employed. The council may compensate these groups and consultants in appropriate ways. (Reference: RCW 28B.80.080, Para. 4.)

[Order 7-75, § 250-10-100, filed 8/26/75.]

WAC 250-10-110 Legal counsel. A member of the attorney general's staff will serve as legal counsel for the council.

[Order 7-75, § 250-10-110, filed 8/26/75.]

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

(2) All official reports or information concerning council activities or business will be issued by the executive coordinator, unless otherwise delegated.

[Statutory Authority: RCW 28B.80.080. 79-10-056 (Order 8-79, Resolution No. 80-2), § 250-10-120, filed 9/17/79; Order 7-75, § 250-10-120, filed 8/26/75.]

WAC 250-10-130 Administrative Procedure Act. Any directive, order or rule of the council for postsecondary education will be promulgated in accordance with the Administrative Procedure Act.

[Order 7-75, § 250-10-130, filed 8/26/75.]

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

[Order 7-75, § 250-10-140, filed 8/26/75.]

WAC 250-10-150 Amendments. These bylaws may be amended at any regular or special meeting by a two-thirds vote of citizen members of the council, after appropriate rulemaking notification has been provided.

[Statutory Authority: RCW 28B.80.080. 79-10-056 (Order 8-79, Resolution No. 80-2), § 250-10-150, filed 9/17/79; Order 7-75, § 250-10-150, filed 8/26/75.]

WAC 250-10-160 Suspension of bylaws. These bylaws or any portion may be suspended at any regular or special meeting for the duration of the meeting by an affirmative vote of two-thirds of the citizen members of the council.

[Order 7-75, § 250-10-160, filed 8/26/75.]

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

[Order 1-77, § 250-10-170, filed 3/10/77.]

Chapter 250-12 WAC

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

WAC

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

WAC 250-12-010 Application acceptance procedures. The state commission will accept all applications for Title VII-A grants for institutions of higher education in the state provided such applications are submitted on forms provided by the commissioner and which bear a federal postmark on or before the closing date(s) shown in WAC 250-12-040 of this plan. The state commission will officially record the date of receipt of each application by the state commission.

[Order 2-69, § 250-12-010, filed 2/26/73; Order, § 250-12-010, filed 7/29/68, 9/22/67, 4/4/67.]

WAC 250-12-020 Eligibility verification procedures. Before determining the relative priority or federal share for any application for grant assistance under Title VII-A of the amendments, the state commission will satisfy itself that the data contained in the application appear to be valid and that the institution or branch campus and the construction project proposed in the application appear to meet basic eligibility requirements set forth in the amendments and the regulations governing administration of the amendments. In any case where in the opinion of the state commission a question may be raised as to the eligibility of an institution or of a project, the state commission shall promptly forward a copy of the application to the office of education for a clarification of such eligibility. In any such case, the state commission will continue to process and rank the application as if it were eligible but will delay final action on all applications under the same category considered as of the same closing date until notified by the office of education of the disposition of the eligibility question.

[Order 2-69, § 250-12-020, filed 2/26/73; Order, § 250-12-020, filed 7/29/68, 9/22/67, 4/4/67.]

WAC 250-12-030 Maintenance of application case files. The state commission will: Establish a complete case file on each Title VII-A application received; inform applicants of official actions and determinations by letter or similar type of correspondence; and retain records regarding each case for at least two years after final action with respect to any such application is taken by the state commission.

[Order 2-69, § 250-12-030, filed 2/26/73; Order, § 250-12-030, filed 7/29/68, 9/22/67, 4/4/67.]

(1990 Ed.)

WAC 250-12-040 Deadlines for acceptance of applications. The state commission will group applications for assignment of relative priorities and federal shares, in accordance with the following provisions:

(1) The following closing dates are established for receipt and consideration of completed applications:

(a) For applications with respect to public community colleges and public technical institutes (section 702 applications) - December 15 and February 15 for each fiscal year;

(b) For applications with respect to institutions of higher education other than public community colleges and public technical institutes (section 703 applications) - December 15 and February 15 for each fiscal year;

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

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

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

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

(4) Institutions having applications held over for a later closing date will be required to update those sections of such applications from which data for scoring WAC 250-12-050 of the state plan are taken. This updating procedure must be followed in all cases where applications were submitted prior to the fall term of the academic year during which the closing date occurs, which fall term is considered to be "the fall term preceding the date of application" for purposes of completing those portions of the application forms that require updating.

[Order 2-69, § 250-12-040, filed 2/26/73; Order, § 250-12-040, filed 7/29/68, 9/22/67, 4/4/67.]

WAC 250-12-050 Scoring methods and criteria. The state commission will determine relative priorities for projects which appear to be eligible for funds allotted under Title VII-A of the amendments, by application of the following standards and methods:

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

[Title 250 WAC—p 9]

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

(b) For the purposes of applying criteria WAC 250-12-050 (2)(a) and (b) to section 702 applications, the projected enrollment for the third fall term after the date of application shall be the most recent enrollment projections provided to the commission by the state board for community college education.

(c) Projections so provided by the state board for community college education will be published 30 days in advance of approval of the priority list to allow each institution to review them.

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

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

(b) The total point score for each application will be determined by adding together the points awarded for each factor, and the applications will be listed in rank order by total point score. Higher priority will be assigned to an application with a higher score. In case of a tie in total points for two or more applications, the institution which expects the greatest numerical increase in undergraduate enrollment, as defined in (e)(i) below, shall be assigned the highest priority. In the event that the tie is still not broken, the institution which expects the greatest numerical increase in square feet of assignable space in instructional and library facilities at the campus where the project will be constructed shall be assigned the highest priority.

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

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

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

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

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

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

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

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

Established Institutions	New Institutions
Maximum 10 points	45 points

The projected enrollment for the third fall term after the date of application shall be the most recent enrollment projection provided to the commission by the council on higher education.

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

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

Established Institutions	New Institutions
Maximum 10 points	0 points

The projected enrollment for the third fall term after the date of application shall be the most recent enrollment projections provided to the commission by the state council on higher education.

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

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

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

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

(a) Classrooms

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

(b) Class laboratories

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

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

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

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

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

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

Established Institutions	New Institutions
Maximum 5 points	0 points

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

Established Institutions	New Institutions
Maximum 6 points	0 points

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

Established Institutions	New Institutions
Maximum 10 points	0 points

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

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

Possible score of 10 points, assigned in accordance with cumulative dollar amounts as follows:

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

(c) When computing the score for a project which is competing for a balance of a grant, such a project having received a partial grant previously due to insufficient federal funds, the partial grant shall not be considered as a "grant" in terms of awarding points under this paragraph and the project shall be awarded the full 10 points, provided that if the total of any supplemental request is for more than the balance of the original federal share, the project shall be scored in accordance with WAC 250-12-050 (v)(b) above. If an institution applies for grants for two or more projects to be considered following a particular closing date, only one of these projects is eligible to receive any points. In this case, the institution shall rank the projects. The highest ranked shall be assigned the points.

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

(a) This percentage will be extracted from data submitted to the office of program planning and fiscal management on the "veterans receiving benefits" section within the higher education enrollment projection (HEEP) data collection form. The count will be as of the 10th day of classes for the fall term preceding the date of application. The definitions shall be in conformance with the definitions used in the data collection document. Veterans counted are to be those receiving benefits; not the dependents of veterans who may be receiving benefits. For the purpose of this criterion the total of "full-time students enrolled" shall be obtained from the same data source (HEEP).

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

Established Institutions	New Institutions
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Maximum 5 points	5 points
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(vii) Commitment of institutions to enroll students from low income families. The percentage of full-time students enrolled at the campus at which the facilities

are to be constructed for the fall term which opened immediately preceding the closing date for which the application is being considered, who are from families whose estimated gross annual income is \$9,000 or less.

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

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

Established Institutions	New Institutions
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Maximum 5 points	5 points
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[Order 2-69, § 250-12-050, filed 2/26/73; Order, § 250-12-050, filed 7/29/68, 9/22/67, 4/4/67.]

WAC 250-12-060 Determination of matching federal share. The state commission will determine federal shares for projects which appear to be eligible for funds allotted under Title VII-A of the amendments by application of the following standards and methods:

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

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

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

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

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

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

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

[Order 2-69, § 250-12-060, filed 2/26/73; Order, § 250-12-060, filed 7/29/68, 9/22/67, 4/4/67.]

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

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

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

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

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

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

(6) Net assignable stack and open- and closed-stack reading room space - that portion of assignable library space that is identified as stack area or open- and closed-stack reading area in the higher education facilities inventory and classification manual.

[Order 2-69, § 250-12-070, filed 2/26/73; Order, § 250-12-070, filed 7/29/68, 9/22/67, 4/4/67.]

Chapter 250-14 WAC

STATE ENVIRONMENTAL POLICY ACT (SEPA)

WAC

250-14-010 Purpose and applicability.

WAC 250-14-010 Purpose and applicability. It is the policy of the higher education coordinating board that capital projects proposed and developed or participated in by the board shall comply with the provisions of chapter 43.21C RCW, the State Environmental Policy Act (SEPA), and chapter 197-11 WAC, Guidelines for

SEPA implementation. The executive director of the board is hereby designated as the responsible official for carrying out this policy.

[Statutory Authority: Chapter 43.21C RCW. 90-20-013, § 250-14-010, filed 9/21/90, effective 10/22/90.]

Chapter 250-16 WAC

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

WAC

250-16-001	Establishment of state plan.
250-16-010	Application acceptance procedures.
250-16-020	Eligibility verification procedures.
250-16-030	Maintenance of application case files.
250-16-040	Deadlines for acceptance of applications.
250-16-050	Scoring methods and priorities.
250-16-060	Determination of matching federal share.

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

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

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

Council for Postsecondary Education
908 East Fifth Street
Olympia, Washington 98504

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

Chairman
Vice chairman
Executive coordinator

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

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

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

(i) A standing committee on administration (Committee A) has been established and is composed of citizen, educational, and legislative members and is broadly

representative of all segments of higher education in the state.

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

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

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

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

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

WAC 250-16-010 Application acceptance procedures. (1) The state commission will accept all applications for grants under part A of Title VI for all "accredited nonprofit institutions of higher education, including postsecondary trade and vocational schools which are eligible provided they comply with Title VI of the Civil Rights Act of 1974 and with Title IX of the Education Amendments of 1972," and which are not "schools or departments of divinity,"* provided such applications are submitted on forms provided by the commission and the state and which bear a federal postmark on or before the closing date shown in WAC 250-16-040. The state commission will officially record the date of receipt of each application.

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

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

(4) For the purpose of completing this form, the following definition of "full-time equivalent number of students" from section 171.1 of the rules and regulations for Title VI-A will apply: "Full-time equivalent number of students" means for purposes of determining state allotments, the number of full-time students enrolled in programs which consist wholly or principally of work normally creditable toward a bachelor's or higher degree

plus one-third of the number of part-time students enrolled in such programs, plus forty percent of the number of students enrolled in programs which are not chiefly transferable toward a bachelor's or higher degree, plus twenty-eight percent of the remaining number of students. Student enrollment figures for each fiscal year for the purpose of this computation shall be those listed in the most recent edition of the office of education publication "opening fall enrollment in higher education."

Note: *Section 2.2 of the rules and regulations for Title VI-A.

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

WAC 250-16-020 Eligibility verification procedures. Before determining the relative priority or federal share for any application for grant assistance under Part A of Title VI of the act, the state commission will verify the validity of data contained in the application and will verify that the institution and the project proposed in the application appear to meet basic eligibility requirements set forth in the act and the regulations governing administration of the act. In any case where in the opinion of the state commission a question exists as to the eligibility of an institution or of a project, one copy of the application will be forwarded promptly to the U.S. Office of Education for a clarification of such eligibility. In any such case, the state commission will continue to process and rank the application as if it were eligible but will delay final action on all applications under the same category considered as of the same closing date until notified by the U.S. Office of Education as of the disposition of the eligibility question. Maintenance of effort under paragraph (c)(2) of section 171.3, conditions for grant approval, may be shown by comparing either: (i) The total expenditures in each of the two years; or (ii) the total expenditures, divided by the full time equivalent number of students in each of the two years.

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

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

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

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

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

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

(5) "Normal" means the level of instructional and library expenditures (less salaries and benefits) reported the base instructional fiscal year, adjusted by an inflationary state-wide factor based upon the consumer price index as determined by the office of commerce and economic development of the state of Washington.

[Statutory Authority: RCW 28B.80.220. 78-05-023 (Order 1-78), § 250-16-020, filed 4/14/78; Order, § 250-16-020, filed 7/29/68, 9/22/67, 4/4/67.]

WAC 250-16-030 Maintenance of application case files. The state commission will establish a complete case file on each application received; inform applicants of official actions and determinations regarding applications, by letter or similar type of correspondence; and retain records regarding each case for at least three years after final action with respect to the application as taken by the state commission.

[Statutory Authority: RCW 28B.80.220. 78-05-023 (Order 1-78), § 250-16-030, filed 4/14/78; Order, § 250-16-030, filed 7/29/68, 9/22/67, 4/4/67.]

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

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

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

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

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

(2) All completed applications received by the specified closing date will be verified by the state commission review to be accurate and complete. Applications will be separated by category and all applications in each category will be considered together and assigned relative priorities and recommended federal shares in accordance with the provisions of this plan.

(3) In any case where funds available in either section 601(b) or section 601(c) allotment to this state, as of the given closing date, are insufficient to cover all eligible applications, a reduced federal share (consisting of the funds remaining available in the appropriate allotment as of such closing date) will be offered to the first project in order of priority for which less than the full federal share as otherwise calculated is available. An applicant offered such a reduced federal share shall be entitled to reduce the scope of the project to a level not less than that required to qualify under the state plan for such a federal share amount.

[Statutory Authority: RCW 28B.80.220. 78-05-023 (Order 1-78), § 250-16-040, filed 4/14/78; Order 1-68, § 250-16-040, filed 2/26/73; Order, § 250-16-040, filed 7/29/68, 9/22/67, 4/4/67.]

WAC 250-16-050 Scoring methods and priorities. The state commission will determine separate relative priorities for Category I and Category II projects which appear to be eligible for funds allotted under Part A of Title VI of the act, by application of the following standards and methods:

(1) All applications for Category I and Category II must include basic educational and general expenditures per semester credit hour equivalent to determine priority

factors. Form CPE/VI-A3 fulfills satisfactory completion of this requirement and must accompany application.

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

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

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

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

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

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

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

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

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

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

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

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

(i) Line 3.5. "Television equipment for closed-circuit direct instruction" means fixed or movable equipment items which are suitable for use in originating, distributing and receiving programs or units of instruction by closed-circuit television in institutions of higher education. The term includes studio equipment, control and recording equipment, transmitters, receivers and associated distribution equipment, antennas, and supporting towers for instructional television fixed services as defined by the federal communications commission and for point-to-point microwave relay equipment, but does not include towers, antennas, or broadcast transmitters designed to operate on VHF or UHF frequencies in the standard broadcast band. "Closed-circuit direct instruction" includes all uses of television equipment and materials involving the distribution of television instruction

from any source such as television cameras, film chains, video-tape recording or playback apparatus, monoscope devices or receiving antennas, to one or more television monitors or receivers at one or more viewing locations. The term does not include closed-circuit installations for any noninstructional uses, such as monitoring for security purposes.

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

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

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

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

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

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

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

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

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

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

(ii) Sum the total of all institutions.

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

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

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

(ii) Sum the totals of all institutions.

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

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

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

(ii) Sum the totals of all institutions.

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

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

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

(ii) Sum the total of all institutions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Range	Points
100 - 200	10
201 - 300	9
301 - 400	8

Range	Points
401 - 500	7
501 - 600	6
601 - 700	5
701 - 800	4
801 - 900	3
900 - 1,000	2
1,001 or more	1

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

	Points
No grant received _____	25
Most recent grant received three or more federal fiscal years prior to the federal fiscal year in which application is submitted _____	20
Most recent grant received two federal fiscal years prior to the federal fiscal year in which application is submitted -	15
Most recent grant received, one federal fiscal year prior to the federal fiscal year in which application is submitted; and, grant amount to less than \$500—	10
Most recent grant received one federal fiscal year prior to the federal fiscal year in which the application is submitted _____	0
An institution using only twenty-five percent or less of the grant awarded in the most recent fiscal year for which a grant was received and the period authorized for its expenditure has expired will receive no points and will be penalized five points _____	-5

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

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

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

Below \$106.00	25 points
Between \$106.00 and \$111.99	22.5 points
Between \$112.00 and \$119.99	20 points
Between \$120.00 and \$127.99	17.5 points

Between \$128.00 and \$133.99	15 points
Between \$134.00 and \$139.99	12.5 points
Between \$140.00 and \$147.99	10 points
Between \$148.00 and \$169.99	7.5 points
Between \$170.00 and \$189.99	5 points
Between \$190.00 and \$207.99	2.5 points
Over \$208.00	0 points

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

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

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

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

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

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

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

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

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

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

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

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

Projected Enrollment Increase	Points
14th Largest Projected Enrollment Increase	2
All Other Applicants	1

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

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

*As used here "course" means a particular course offering (such as "English I") rather than an individual section of the same course. A course is to be counted as programmed for closed-circuit direct instruction if 25 percent or more of the class hours scheduled during the term are scheduled as "television hours." Any class hour during which television will be used is to be considered a "television hour" regardless of the length of time television will be used during the hour. Attach list to application indicating each course title and number of students involved in the planned additional undergraduate level courses to be programmed for closed-circuit television. This attachment is to include a list of all titles and numbers of students currently enrolled in programs for closed-circuit television.

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

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

The recommended federal share for each eligible project will be fifty percent of the estimated eligible project cost: *Provided*, That the federal share for any

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

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

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

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

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

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

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

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

Every applicant adversely affected by determination of the state commission shall, upon request made in writing and filed with the chairman of the state commission, be granted an opportunity for a hearing before the commission to determine whether or not the applicant should have been awarded a priority which would

have qualified the project covered by the application to receive a federal grant within the funds available as of the closing date for which the application was considered.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The state commission will submit such advance estimates and periodic reports of eligible expenses incurred as the commissioner may require in order to disburse funds to the state commission.

[Statutory Authority: RCW 28B.80.220, 78-05-023 (Order 1-78), § 250-16-050, filed 4/14/78; Order 1-68, § 250-16-050, filed 2/26/73; Order, § 250-16-050, filed 7/29/68, 9/22/67, 4/4/67.]

WAC 250-16-060 Determination of matching federal share. The state commission will determine federal share for projects which appear to be eligible for funds allotted under Part A of Title VI of the act, by application of the following standards and methods:

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

(2) Federal shares for closed-circuit instructional television projects will be determined as follows: The

recommended federal share for each such eligible project will be 50% of the estimated eligible project cost, unless the applicant requests a lesser share.

[Order, § 250-16-060, filed 7/29/68, 9/22/67, 4/4/67.]

Chapter 250-18 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; or

(c) Be a student who was classified as a resident, based upon domicile, by an institution on or before May 31, 1982, who was enrolled at a state institution during any term of the 1982-83 academic year, so long as such student's enrollment (excepting summer sessions) is continuous; or

(d) Any student who has spent at least seventy-five percent of both his or her junior and senior years in high school in this state, whose parents or legal guardians have been domiciled in the state for a period of at least one year within the five-year period before the student graduates from high school, and who enrolls in a public institution of higher education within six months of leaving high school, for as long as the student remains continuously enrolled for three quarters or two semesters in any calendar year.

(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 or temporary resident immigration status, "refugee - parolee," or "conditional entrant" status or is not otherwise permanently

residing in the United States under color of law and further meets and complies with all applicable requirements of WAC 250-18-030 and 250-18-035;

(d) Is not otherwise qualified as a "resident" under subsection (1)(c) of this section.

(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.

[Statutory Authority: Chapter 28B.15 RCW as amended by 1982 1st ex.s. c 37 § 4. 87-21-079 (Order 5-87, Resolution No. 87-60), § 250-18-020, filed 10/21/87; 87-16-048 (Order 3-87, Resolution No. 87-58), § 250-18-020, filed 7/29/87. Statutory Authority: 1982 1st ex.s. c 37 § 4. 83-13-092 (Order 2-83, Resolution No. 83-65), § 250-18-020, filed 6/17/83; 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) 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. 83-13-092 (Order 2-83, Resolution No. 83-65), § 250-18-025, filed 6/17/83; 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) 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;

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

(8) 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.

Additional factors may be considered at the request of a student as supporting documentation of a one-year durational domicile. Such factors may include, but are not limited to:

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

(2) Location of membership in professional, business, civic or other organizations.

[Statutory Authority: 1982 1st ex.s. c 37 § 4. 83-13-092 (Order 2-83, Resolution No. 83-65), § 250-18-030, filed 6/17/83; 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 bona 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;

(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;

(4) Is an active duty military personnel stationed in the state of Washington or the spouse or dependent child of such person; or

(5) Is an immigrant having refugee classification from the U.S. Immigration and Naturalization Service or the spouse or dependent child of such refugee, if the refugee (a) is on parole status, or (b) has received an immigrant visa, or (c) has applied for United States citizenship.

[Statutory Authority: Chapter 28B.15 RCW as amended by 1982 1st ex.s. c 37 § 4. 87-21-079 (Order 5-87, Resolution No. 87-60), § 250-18-060, filed 10/21/87; 87-16-048 (Order 3-87, Resolution No. 87-58), § 250-18-060, filed 7/29/87. Statutory Authority: 1982 1st ex.s. c 37 § 4. 85-20-035 (Order 5-85, Resolution No. 86-2), § 250-18-060, filed 9/24/85; 84-14-024 (Order 3-84, Resolution No. 84-75), § 250-18-060, filed 6/26/84; 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.
250-20-015	Agreement to participate.
250-20-021	Program definitions.
250-20-031	Application procedure.
250-20-037	Reserve of funds.
250-20-041	Award procedure.
250-20-051	Grants disbursement.
250-20-061	Program administration and audits.
250-20-071	Appeal process.
250-20-081	Suspension or termination of institutional participation.
250-20-091	Eligibility of reciprocity students.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

250-20-020	Requirements. [Emergency and Permanent Order 1-72, § 250-20-020, filed 3/23/72; Order 2-70, § 250-20-020, filed 2/17/70.] Repealed by Order 1-73, filed 7/2/73.
250-20-025	Program definitions. [Emergency and Permanent Order 1-72, § 250-20-025, filed 3/23/72.] Repealed by Order 1-73, filed 7/2/73.
250-20-030	Method of award. [Emergency and Permanent Order 1-72, § 250-20-030, filed 3/23/72; Order 2-70, § 250-20-030, filed 2/17/70.] Repealed by Order 1-73, filed 7/2/73.
250-20-040	Grant renewal. [Emergency and Permanent Order 1-72, § 250-20-040, filed 3/23/72; Order 2-70, § 250-20-040, filed 2/17/70.] Repealed by Order 1-73, filed 7/2/73.
250-20-050	Refunds. [Emergency and Permanent Order 1-72, § 250-20-050, filed 3/23/72; Order 2-70, § 250-20-050, filed 2/17/70.] Repealed by Order 1-73, filed 7/2/73.
250-20-060	Student transfer. [Order 2-70, § 250-20-060, filed 2/17/70.] Repealed by Order 1-73, filed 7/2/73.
250-20-070	Application by only first-year entering students. [Order 2-70, § 250-20-070, filed 2/17/70.] Repealed by Emergency and Permanent Order 1-72, filed 3/23/72.
250-20-080	Ineligible applicants. [Order 2-70, § 250-20-080, filed 2/17/70.] Repealed by Emergency and Permanent Order 1-72, filed 3/23/72.
250-20-090	Voluntary repayment pledge. [Emergency and Permanent Order 1-72, § 250-20-090, filed 3/23/72; Order 2-70, § 250-20-090, filed 2/17/70.] Repealed by Order 1-73, filed 7/2/73.
250-20-100	Application and award procedures. [Order 1-70, § 250-20-100, filed 7/14/72; Emergency and Permanent Order 1-72, § 250-20-100, filed 3/23/72; Order 2-70, § 250-20-100, filed 2/17/70.] Repealed by Order 1-73, filed 7/2/73.

250-20-110 Field audits. [Emergency and Permanent Order 1-72, § 250-20-110, filed 3/23/72.] Repealed by Order 1-73, filed 7/2/73.

WAC 250-20-001 Applicability of rules. Unless specified, the term "state need grant" applies to both the state need grant program and the federal program for state student incentive grants. Institutions participating in the state need grant program must comply with the regulations specified in chapter 250-20 WAC and conform to all requirements of the state student incentive grant program as specified in 34 Code of Federal Regulations, Part 692.

[Statutory Authority: RCW 28B.10.800 - [28B.10.]822. 90-04-067, § 250-20-001, filed 2/5/90, effective 7/1/90. Statutory Authority: RCW 28B.10.806. 81-13-038 (Order 2/81, Resolution No. 81-67), § 250-20-001, filed 6/16/81; 79-11-031 (Order 11-79, Resolution No. 80-18), § 250-20-001, filed 10/11/79.]

WAC 250-20-011 Student eligibility. For a student to be eligible for a state need grant he or she must:

- (1) Be a "needy student" or "disadvantaged student" as determined by the higher education coordinating board in accordance with RCW 28B.10.802.
- (2) Be a resident of the state of Washington.
- (3) Be enrolled or accepted for enrollment as an 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.

(a) For purposes of need grant eligibility, the student must be enrolled, at time of disbursement, in a course load of at least six credits per quarter or semester or, in the case of institutions which do not use credit hours, twelve clock hours per week.

(b) A student enrolled less than half time may not receive this grant for the term in question, but is eligible for reinstatement or reapplication for a grant upon return to at least a half-time status. Correspondence courses may not comprise more than one-half of the student's minimum credit load for which aid is being considered.

(4) The state need grant recipient is expected to maintain satisfactory progress as defined in WAC 250-20-021(19).

(5) Not be pursuing a degree in theology.

(6) Not have received a state need grant for more than the equivalent of ten full-time semesters or fifteen quarters or equivalent combination of these two. Upon receipt of a bachelor's degree, a student is no longer eligible.

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

(8) 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 (Perkins) Loan or Guaranteed Student, and Income-Contingent Loan Programs.

[Statutory Authority: RCW 28B.10.800 - [28B.10.]822. 90-04-067, § 250-20-011, filed 2/5/90, effective 7/1/90. Statutory Authority:

RCW 28B.10.806. 87-16-046 (Order 2/87, Resolution No. 87-59), § 250-20-011, filed 7/29/87. 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 No. 82-4), § 250-20-011, filed 8/28/80; 80-05-025 (Order 3-80, Resolution No. 80-56), § 250-20-011, filed 4/14/80; 79-11-031 (Order 11-79, Resolution No. 80-18), § 250-20-011, filed 10/11/79; 79-07-021 (Order 5-79, Resolution No. 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.]

WAC 250-20-015 Agreement to participate. In order to participate in the program a postsecondary institution must annually file an "agreement to participate" supplying the following information as appropriate: Name and address of school (including central office and all campus sites), name and address of owner(s), or if a corporation the name and addresses of stockholders holding more than twenty-five percent of the stock and percentage of stock held, the date on which the school officially began instruction if in the last five years, type and date of last accreditation, enrollment information (unless reported to the state of Washington or in the integrated postsecondary education data system) and such other information as may be required to assure proper administration of the program. Along with the "agreement," all institutions must submit, for approval, a copy of their refund/repayment policy, student budgets, gift equity packaging policy and their satisfactory progress policy for state need grant recipients. In addition the "agreement to participate" will also indicate the institution's agreement to abide by all program rules, regulations, and guidelines, to maintain and provide all pertinent information, records, and reports requested by the board, and to notify the board within thirty days of any change (other than student enrollment) to information reported on the agreement form.

[Statutory Authority: RCW 28B.10.800 - [28B.10.]822. 90-04-067, § 250-20-015, filed 2/5/90, effective 7/1/90. Statutory Authority: RCW 28B.10.806. 87-16-046 (Order 2/87, Resolution No. 87-59), § 250-20-015, filed 7/29/87; 79-11-031 (Order 11-79, Resolution No. 80-18), § 250-20-015, filed 10/11/79.]

WAC 250-20-021 Program definitions. (1) The term "needy student" shall mean a post-high school student of an institution of postsecondary education who demonstrates to the higher education coordinating board the financial inability, either parental, familial, or personal, to bear the total cost of education for any semester or quarter. The determination of need shall be made in accordance with federal needs analysis formulas and provisions as recognized and modified by the board.

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

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

(4) "Washington resident" shall be defined as an individual who satisfies the requirements of RCW 28B.15.013 and board-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 who qualifies as an independent student for the receipt of federal aid. These qualifications include a student who has either:

(a) Reached his or her twenty-fourth birthday before January 1st of the aid year; or,

(b) Is a veteran of the U.S. Armed Forces; or,

(c) Is an orphan or ward of the court; or,

(d) Has legal dependents other than a spouse; or,

(e) Is a married student or a graduate/professional student and will not be claimed by parents as a U.S. income tax exemption in the aid year; or,

(f) Was not claimed by parents as a U.S. income tax exemption in either of the two calendar years prior to the academic year for which aid is being considered and had a total income and benefits for those two years sufficient to support his or herself; or,

(g) Is determined to be independent for the receipt of federal aid on the basis of the professional judgment of the aid administrator.

(7) Definitions of "undergraduate students" will be in accord with definitions adopted for institutional use by the board.

(8) "Student budgets" shall consist of that amount required to support an individual as a student for nine months and may take into consideration cost factors for maintaining the student's dependents. This should be the amount used to calculate the student's total need for all state and federal funds.

(9) "State need grant cost-of-attendance" is a standard average cost per sector, developed by the board, to determine the eligible students' exact award[.] The higher education coordinating board will consult with appropriate advisory committees and the representative

association of student financial aid administrators, to annually review and adjust the costs-of-attendance. The adopted budgets will be published concurrent with annual guidelines for program administration.

(10) "State need grant family contribution" for students with dependents shall mean the sum of the assumed parents' contribution, contribution from student assets, and all income including student's earnings. For students without dependents, the state need grant family contribution shall mean the sum of contributions from all the student's [(and spouse's)] assets[,] and income, excluding student earnings.

(11) "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.

(12) Funds administered by the institution[,] [such as] Pell grants, BIA grants, those portions of agency funds designated for tuition and fees, as well as funds available to the student because of his or her student status are to be used in calculating the student's overall need, but are not counted as part of the state need grant family contribution.

(13) "Maximum base grant" is a percentage of the state need grant costs-of-attendance. The percentage will be no less than fifteen percent and no more than twenty percent, dependent each year upon available funding.

(14) "Dependent care allowance" is a flat grant amount, to be determined by the board, which is in addition to the student's eligibility for the base grant. The allowance is awarded to those students who have dependents in need of care. The dependent must be someone (other than a spouse) living with the student. Care must be that assistance provided to the dependent which is paid to and provided by someone outside of the student's household.

[(13)](15) "State need grant award" is the difference between the maximum base grant and the student's total state need grant family contribution, plus a dependent care allowance, if applicable.

(16) "Academic year" is that period of time between July 1 and the following June 30 during which a full-time student would normally be expected to complete the equivalent of two semesters or three quarters of instruction.

(17) "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.

(18) "Gift equity packaging policy" is the institution's policy for assigning gift aid to all needy, eligible students.

(19) "Satisfactory progress" is the student's successful completion of a minimum number of credits for each term in which the grant was received. Each school's policy for measuring progress of state need grant recipients must define satisfactory as the student's completion of the minimum number of credits for which the aid was disbursed.

(a) The minimum satisfactory progress standard for full-time students is twelve credits per term or 300 clock hours per term. Satisfactory progress for three-quarter time students is nine credits per term or 225 clock hours per term. Satisfactory progress for half-time students is six credits per term or 150 clock hours per term.

(b) Each school's policy must deny further disbursements of the need grant at the conclusion of any term in which he or she fails to complete at least one-half (50%) of the minimum number of credits for which the aid was disbursed or otherwise fails to fulfill the conditions of the institution's satisfactory progress policy.

(c) The school may make disbursements to a student who is in a probationary status. "Probation" is defined as completion of at least one-half (50%), but less than all (100%) of the minimum number of credits for which the aid was calculated and disbursed. The school must have a probation policy, approved by the board, which limits the number of terms in which a student may receive the need grant while in a probationary status.

(d) The school's aid administrator may at any time, using professional judgment exercised on a case-by-case basis, reinstate a student back into a satisfactory progress status, in response to an individual student's extenuating circumstances.

[Statutory Authority: RCW 28B.10.800 - [28B.10.]822. 90-04-067, § 250-20-021, filed 2/5/90, effective 7/1/90. Statutory Authority: RCW 28B.10.806. 88-10-001 (Order 2/88, Resolution No. 88-11), § 250-20-021, filed 4/21/88; 87-16-046 (Order 2/87, Resolution No. 87-59), § 250-20-021, filed 7/29/87; 86-12-077 (Order 5/86), § 250-20-021, filed 6/4/86. 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 No. 81-67), § 250-20-021, filed 6/16/81; 80-05-025 (Order 3-80, Resolution No. 80-56), § 250-20-021, filed 4/14/80; 79-11-031 (Order 11-79, Resolution No. 80-18), § 250-20-021, filed 10/11/79; 79-07-021 (Order 5-79, Resolution No. 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 34.05.395 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.

(4) Financial data must be generated in accordance with the method set forth by the higher education coordinating board to assure that information will be consistent on a state-wide basis.

The board shall each year develop criteria which shall be used to determine eligible need analysis processors in a multiple processor system. Further, the board shall each year specify the student data elements essential for determining state need grant eligibility and shall authorize the forms and processes for collecting and analyzing such data.

(5) The burden of proof of a grant recipient's eligibility is with the institution. At a minimum:

(a) The institution must be able, on request of the board, to reconstruct the calculations and rationale for the student's grant eligibility and award amounts.

(b) The financial aid form or comparable financial status documents, with the resulting financial need analysis must be on record in the financial aid office for all grant recipients.

(c) The institution must also have on record justification for reawarding a need grant to any student who failed to make satisfactory progress.

(6) The board shall establish annual criteria by which the eligible student is to be identified, ranked, and awarded. That criteria shall include the state need grant cost-of-attendance for each sector, the maximum award, and the maximum state need grant family contribution.

(7) The institution shall examine the student's aid application to determine overall need and specific state need grant eligibility and the appropriate award, using the board-approved criteria.

(8) The board will make available to all participating institutions, a list of all students who owe state need grant repayments or have otherwise exhausted their state need grant eligibility. It is the institution's responsibility to ensure that no ineligible student receives a state need grant.

(9) 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 identified and served to the extent funds are available and that financial information will be determined in strict adherence to program guidelines.

(10) No group of students, such as single parents or part-time students, may be advantaged or disadvantaged in its access to the state need grant by any institutional awarding policy.

[Statutory Authority: RCW 28B.10.800 - [28B.10.]822. 90-04-067, § 250-20-031, filed 2/5/90, effective 7/1/90. Statutory Authority: RCW 28B.10.806. 88-10-001 (Order 2/88, Resolution No. 88-11), § 250-20-031, filed 4/21/88; 87-16-046 (Order 2/87, Resolution No. 87-59), § 250-20-031, filed 7/29/87. 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 250-20-037 Reserve of funds. The board shall annually reserve funds for the body of students at each institution. The percentage of state need grant funds to be reserved equals the proportion of grant dollars needed to fund the eligible students who are enrolled, as reported on the unit record report, at each school compared to the dollars needed to fund all state need grant eligible students enrolled in all participating schools.

[Statutory Authority: RCW 28B.10.800 - [28B.10.]822. 90-04-067, § 250-20-037, filed 2/5/90, effective 7/1/90.]

WAC 250-20-041 Award procedure. (1) The institution will offer grants to eligible students from funds reserved by the board. It is the institution's responsibility

to ensure that the reserve is not over expended within each academic year.

(2) Each eligible student receiving a grant must receive the maximum grant award for which he or she is eligible.

(3) The maximum state need grant award should not exceed the student's:

(a) Overall need;

(b) The maximum base grant minus state need grant family contribution, plus a dependent care allowance if eligible; or

(c) Gift equity packaging policy as determined by the institution.

(4) Eligible students shall receive a prorated portion of their state need grant for any academic period in which they are enrolled at least half-time, as long as funds are available. Students enrolled at a three-quarter time rate, at the time of disbursement, will receive seventy-five percent of their full-time base grant. Half-time students will receive fifty percent of their full-time base grant, at disbursement. Students eligible for a dependent care allowance, who are enrolled less than full-time will receive fifty percent of the full-time allowance. Depending on the availability of funds, students may receive a need grant for summer session attendance.

(5) 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.

(6) 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 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.

(7) The institution will notify the student of receipt of the state need grant.

(8) Any student who has received at least one disbursement and chooses to transfer to another participating institution within the same academic year, may apply to the board for funds to continue receipt of the grant at the receiving institution.

[Statutory Authority: RCW 28B.10.800 - [28B.10.]822. 90-04-067, § 250-20-041, filed 2/5/90, effective 7/1/90. Statutory Authority: RCW 28B.10.806. 87-16-046 (Order 2/87, Resolution No. 87-59), § 250-20-041, filed 7/29/87. 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 No. 80-56), § 250-20-041, filed 4/14/80; 79-11-031 (Order 11-79, Resolution No. 80-18), § 250-20-041, filed 10/11/79; 79-07-021 (Order 5-79, Resolution No. 79-33), § 250-20-041, filed 6/15/79; Order 2-77, § 250-20-041, filed 4/13/77; Order 3-75, § 250-20-041, filed 4/25/75; Order 1-75, § 250-20-041, filed 3/7/75; Order 1-74, § 250-20-041, filed 4/9/74; Order 1-73, § 250-20-041, filed 7/2/73.]

WAC 250-20-051 Grants disbursement. (1) At intervals designated by the executive director, financial aid administrators from participating independent colleges and proprietary institutions will submit the appropriate

warrant order form to the higher education coordinating board for each state need grant recipient certifying enrollment and grant eligibility.

(a) Upon receipt of the warrant order forms, the higher education coordinating board will forward warrants to the appropriate institution for each recipient.

(b) The student must acknowledge receipt for the state need grant each term agreeing to the conditions of award.

(c) All signed receipts for state need grants are to be returned to the board, along with all unclaimed warrants on or before the date specified by the board each term.

(d) A student-by-student reconciliation must be completed by the institution at the end of each term.

(2) All other institutions may request funds as necessary to make disbursements to students.

(a) Progress reports must be filed with the board at the end of each term.

(b) A student-by-student reconciliation must be filed with the board at the end of each academic year.

(3) No institution may disburse nor claim more funds than that amount reserved by the board for the body of students at each institution.

(4) Should a student recipient withdraw from classes during the term in which he or she received a state need grant, he or she shall be required to repay the appropriate amount according to the institution's approved repayment policy.

The institution shall advise the students and the board of amounts to be repaid.

(5) The board reserves the right, if funds are available, to pay to public institutions an administrative expense allowance for the shared responsibility of administering the program on the board's behalf. The allowance shall be calculated annually as a percentage of the need grant funds disbursed by the institution.

[Statutory Authority: RCW 28B.10.800 - [28B.10.]822. 90-04-067, § 250-20-051, filed 2/5/90, effective 7/1/90. Statutory Authority: RCW 28B.10.806. 87-16-046 (Order 2/87, Resolution No. 87-59), § 250-20-051, filed 7/29/87; 79-11-031 (Order 11-79, Resolution No. 80-18), § 250-20-051, filed 10/11/79; 79-07-021 (Order 5-79, Resolution No. 79-33), § 250-20-051, filed 6/15/79; Order 2-77, § 250-20-051, filed 4/13/77; Order 3-75, § 250-20-051, filed 4/25/75; Order 1-75, § 250-20-051, filed 3/7/75; Order 1-74, § 250-20-051, filed 4/9/74; Order 1-73, § 250-20-051, filed 7/2/73.]

WAC 250-20-061 Program administration and audits. (1) The staff of the higher education coordinating board under the direction of the executive director will manage the administrative functions relative to this program.

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

(3) Any student who has obtained a state need grant through means of a willfully false statement or failure to reveal any material fact, condition, or circumstance affecting eligibility will be subject to applicable civil or criminal penalties.

[Statutory Authority: RCW 28B.10.806. 87-16-046 (Order 2/87, Resolution No. 87-59), § 250-20-061, filed 7/29/87; 79-11-031 (Order 11-79, Resolution No. 80-18), § 250-20-061, filed 10/11/79; 79-07-021 (Order 5-79, Resolution No. 79-33), § 250-20-061, filed 6/15/79; 79-02-066 (Order 1-79), § 250-20-061, filed 2/5/79; Order 2-77, § 250-20-061, filed 4/13/77; Order 3-75, § 250-20-061, filed 4/25/75; Order 1-75, § 250-20-061, filed 3/7/75; Order 1-74, § 250-20-061, filed 4/9/74; Order 1-73, § 250-20-061, filed 7/2/73.]

WAC 250-20-071 Appeal process. Should a student question his or her state need grant eligibility or award, the following procedures should be followed:

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

(2) If the student is not satisfied with the response of the institution, he or she should assemble all relevant academic, financial, and personal data and forward it to the higher education coordinating board for review.

(3) The board's division of student financial aid will review all material submitted and, if possible, will resolve the problem, advising the student of his or her eligibility and generating an award or, if the student is not eligible for a state need grant, advising the student of the reason for denial.

(4) The higher education coordinating board will convene its review committee to consider the situation of any student whose state need grant eligibility is questionable, or upon the request of the student. If the committee finds the student eligible for state need grant receipt, it will advise the financial aid administrator at the institution the student attends and will recommend to the school that the student's state need grant award be processed immediately. If the review committee finds the student not eligible for state need grant receipt, it will advise the student of the reason for denial.

(5) If the student is not satisfied with the resolve by the review committee, the student's final recourse is submission of his or her case to the higher education coordinating board.

[Statutory Authority: RCW 28B.10.800 - [28B.10.]822. 90-04-067, § 250-20-071, filed 2/5/90, effective 7/1/90. Statutory Authority: RCW 28B.10.806. 87-16-046 (Order 2/87, Resolution No. 87-59), § 250-20-071, filed 7/29/87; Order 2-77, § 250-20-071, filed 4/13/77; Order 3-75, § 250-20-071, filed 4/25/75.]

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

If preliminary findings indicate that a violation or violations may have occurred or are occurring, the board staff shall attempt, through mediation and conciliation, to effect corrections and/or secure reimbursement from

the institution in event any funds were expended out of compliance with the provisions of WAC 250-20-061(2).

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

The executive director or a designated hearing officer shall conduct a hearing and make findings and conclusions in accordance with the Administrative Procedure Act, chapter 34.04 RCW. The findings, conclusions and any recommendations for action shall be submitted to the board for final action pursuant to RCW 34.04.110. The board may accept or reject, in whole or in part, any recommendations made by the hearing officer, may remand for further findings and/or take any other action the board deems appropriate under the circumstances.

[Statutory Authority: RCW 28B.10.806. 87-16-046 (Order 2/87, Resolution No. 87-59), § 250-20-081, filed 7/29/87; 79-11-031 (Order 11-79, Resolution No. 80-18), § 250-20-081, filed 10/11/79.]

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

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

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

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

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

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

(c) The institution demonstrates that, in the previous academic year, headcount enrollment at the institution by Washington residents from areas and categories encompassed by the reciprocity agreement was at least ten percent less than the number of such students enrolled during the 1979-80 academic year.

[Statutory Authority: RCW 28B.10.806. 80-12-028 (Order 5-80, Resolution No. 82-4), § 250-20-091, filed 8/28/80.]

Chapter 250-24 WAC

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

WAC

250-24-010	Purpose of the tuition supplement grant program.
250-24-020	Statutory authorization.
250-24-030	General administration.
250-24-040	Grant determination.
250-24-050	Grant application and award.
250-24-060	Refund procedures.
250-24-070	Definitions.

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

[Order 1-71, § 250-24-010, filed 2/8/72.]

WAC 250-24-020 Statutory authorization. In accordance with Engrossed Senate Bill 419, chapter 56, Laws of 1971 ex. sess. of the Washington state legislature, the council on higher education is directed to develop and administer a state plan to provide a tuition supplement program.

[Order 1-71, § 250-24-020, filed 2/8/72.]

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

Each institution enrolling students participating in this program is to submit to the state council on higher education, each year on or before July 1, the name of the office and specific person to be the sole contact for administration of the tuition supplement program.

[Order 1-71, § 250-24-030, filed 2/8/72.]

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

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

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

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

(5) The council will then notify each institution on or before August 15 of the amount of the individual tuition supplement grant to be awarded for the ensuing year. This figure will then be utilized by the institutions in determining a tuition supplement credit for the student in the upcoming fall term.

[Order 1-71, § 250-24-040, filed 2/8/72.]

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

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

(a) The student application will be on a form designed and produced by the council on higher education and obtained by the student from the institution.

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

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

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

(2) Upon confirming the residency of each applicant, the council will then forward to each institution a single state warrant covering resident students in attendance.

[Order 1-71, § 250-24-050, filed 2/8/72.]

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

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

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

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

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

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

(b) Any grant monies not utilized the first year will be added to the second year's general fund grant allocation.

[Order 1-71, § 250-24-060, filed 2/8/72.]

(1990 Ed.)

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

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

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

(3) An eligible full-time student. An undergraduate resident student pursuing a minimum of twelve credit hours, or the equivalent thereof, and not pursuing a degree in theology. For the purposes of this program, a degree in theology shall be a degree designated as a bachelor of religion, bachelor of theology, or bachelor of divinity.

[Order 1-71, § 250-24-070, filed 2/8/72.]

Chapter 250-28 WAC

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

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

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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

WAC 250-28-020 Purpose. The purpose of the program is to provide Washington residents with educational opportunities, otherwise unavailable to them, through preferential consideration for enrollment in institutions outside the state of Washington and through reduced obligations for tuition payments. Such benefits are available only to students enrolled in programs of optometry.

[Order 6-77, § 250-28-020, filed 9/6/77; Order 2-74, § 250-28-020, filed 9/6/74.]

WAC 250-28-030 General administration. (1) The program shall be administered in accordance with these rules and regulations and with guidelines established by the Western [Interstate] Commission for Higher Education, the coordinating agency for the thirteen member

states comprising the Western Regional Educational Compact.

(2) The certifying officer for the administration of the program shall be the 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 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

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

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

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

(4) A "participating institution" shall be one recognized by the Western Interstate Commission for Higher Education to participate in this program.

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

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

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

(8) The definition of "dependent student" and "self-supporting student" shall be in accordance with definitions utilized by the United States Office of Education for its institutionally-based financial aid programs.

[Order 6-77, § 250-28-060, filed 9/6/77.]

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

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

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

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

(2) Application procedure.

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

(b) Deadlines for application will be established in accordance with Western Interstate Commission for Higher Education guidelines.

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

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

(b) Applicants will be placed in rank order according to their financial need as determined by the uniform methodology system of need analysis. Those students with greater financial need will be offered priority over those with lesser financial need.

[Statutory Authority: RCW 28B.10.806. 79-11-032 (Order 12-79, Resolution 80-20), § 250-28-070, filed 10/11/79; Order 6-77, § 250-28-070, filed 9/6/77.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 250-28-080 Award amount. The amount of the award for each recipient will be equal to the level of support fees established by the Western Interstate Commission for Higher Education.

[Order 6-77, § 250-28-080, filed 9/6/77.]

Chapter 250-32 WAC

FINANCIAL AID TO BLIND STUDENTS

WAC

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

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

(2) The term "domicile" shall denote a person's true fixed and permanent home and place of habitation. It is the place where he or she intends to remain and to which he or she, upon leaving, expects to return without

intending to establish a new domicile elsewhere. Determination of "domicile" shall be in accordance with RCW 28B.15.011 - 28B.15.014.

(3) The term "institution of postsecondary education" shall mean any public college, university or community college in the state of Washington which is recognized by the Northwest Association of Secondary and Higher Schools.

[Order 4-77, § 250-32-020, filed 5/11/77; Order 4-75, § 250-32-020, filed 8/18/75; Order 3-74, § 250-32-020, filed 9/6/74.]

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

(a) Inability to read because of defective eyesight. An application for benefits under this program shall be supported by evidence of inability to read because of defective eyesight. Such evidence may be a report or letter from a physician skilled in treatment of the eye or a report or letter from the services for the blind (state department of social and health services).

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

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

(d) Admission to a postsecondary institution. The applicant must be enrolled or accepted for enrollment as a student at a postsecondary institution within the state. An application for benefits under this program must be supported by a statement from the institution that the applicant has been admitted to that institution for purposes of pursuing a program of studies.

[Order 4-77, § 250-32-030, filed 5/11/77; Order 3-74, § 250-32-030, filed 9/6/74.]

WAC 250-32-040 Benefits. (1) 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.]

(1990 Ed.)

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

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

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

ALLOCATION SCHEDULE

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

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

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

(a) Notify the council for postsecondary education that the applicant has been admitted to that institution for purposes of pursuing a program of studies for a stated period.

(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;

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(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 34.05.395 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 250-40 WAC COLLEGE WORK-STUDY PROGRAM

WAC

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

WAC 250-40-020 Purpose. The purpose of this act is to provide financial assistance to needy students attending eligible postsecondary institutions in the state of Washington by stimulating and promoting their employment; and to provide such needy students, wherever possible, with employment related to their academic pursuits.

[Order 6-74, § 250-40-020, filed 9/17/74.]

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

expected to be available to the student for meeting such costs.

(2) "Budgetary cost" of attending an institution shall consist of that amount required to support the individual and may include the costs of 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 board-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 higher education coordinating board. In approving an employer as eligible, the board 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 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. 88-10-002 (Order 3/88, Resolution No. 88-11), § 250-40-030, filed 4/21/88; 87-16-047 (Order 1-87, Resolution No. 87-59), § 250-40-030, filed 7/29/87; 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 No. 81-68), § 250-40-030, filed 6/16/81; 79-07-020 (Order 4-79, Resolution No. 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.]

Reviser's note: RCW 34.05.395 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 250-40-040 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 higher education coordinating board. The advisory committee authorized by WAC 250-40-070(4) of these regulations will review each budget for reasonableness and make recommendations to the board for approval or disapproval.

(b) Total applicant resources shall be determined according to the congressional 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] [resident] 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 board annually for approval. The advisory committee authorized by WAC 250-40-070(4) will make recommendations to the board 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.12.060. 88-10-002 (Order 3/88, Resolution No. 88-11), § 250-40-040, filed 4/21/88; 87-16-047 (Order 1-87, Resolution No. 87-59), § 250-40-040, filed 7/29/87. Statutory Authority: RCW 28B.10.806. 81-13-037 (Order 3/81, Resolution No. 81-68), § 250-40-040, filed 6/16/81; 80-05-024 (Order 2-80, Resolution No. 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.]

Reviser's note: RCW 34.05.395 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 250-40-050 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 postsecondary 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 a 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 accordance with congressional methodology. 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 shall not exceed 80 percent of the student's gross compensation in the following cases: (a) When employed by state supported institutions of postsecondary education at which they are enrolled, (b) when employed as tutors by the state's common school districts which have entered into a special agreement with the higher education coordinating board for placement of students in an authorized program providing tutorial assistance, and (c) when employed in tutorial or other support staff positions by nonprofit adult literacy service providers in the state of Washington who meet guideline criteria for participation in the 1985-87 adult literacy pilot program. 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 employer share of student compensation except when used for placement of students in tutorial or other support staff positions with adult literacy service providers in the state of Washington who meet guideline criteria for participation in the 1985-87 adult literacy pilot program.

(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 fees 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. 88-10-002 (Order 3/88, Resolution No. 88-11), § 250-40-050, filed 4/21/88; 87-16-047 (Order 1-87, Resolution No. 87-59), § 250-40-050, filed 7/29/87; 86-10-014 (Order 4/86), § 250-40-050, filed 4/30/86; 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 No. 81-68), § 250-40-050, filed 6/16/81; 80-05-024 (Order 2-80, Resolution No. 80-54), § 250-40-050, filed 4/14/80; 79-07-020 (Order 4-79, Resolution No. 79-33), § 250-40-050, filed 6/15/79; 78-08-007 (Order 3-78), § 250-40-050, filed 7/7/78; Order 5-77, § 250-40-050, filed 5/11/77; Order 6-75, § 250-40-050, filed 8/18/75; Order 6-74, § 250-40-050, filed 9/17/74.]

WAC 250-40-060 Institutional application and allotment procedures. (1) The convening of a review committee. The board staff will convene its advisory committee in accordance with WAC 250-40-070(6) to act as a review committee for the purpose of recommending the allotment of funds to students by institution. Beginning with 1975-76 awards, institutions will be notified of funds available for their students by May 1 of the year prior to the academic year in which awards will be given, or whenever the legislative appropriation becomes known, whichever is later.

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

(3) Reallotments. If it is determined that an institution is unable to award all of the funds allotted it the board will reduce its allotment accordingly and will redistribute unutilized funds to other eligible institutions.

[Statutory Authority: RCW 28B.12.060. 87-16-047 (Order 1-87, Resolution No. 87-59), § 250-40-060, filed 7/29/87; Order 5-77, § 250-40-060, filed 5/11/77; Order 6-74, § 250-40-060, filed 9/17/74.]

WAC 250-40-070 Administration. (1) [Administering agency] [The convening of a review committee]. The higher education coordinating board shall administer the work-study program. The staff of the higher education coordinating board under the direction of the executive director 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 board in contracting with eligible employers.

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

(4) Employer responsibilities:

(a) Before it may participate in the program, an eligible employer must enter into agreement with the higher education coordinating board or a public institution acting as its agent, thereby certifying its eligibility to participate and its willingness to comply with all program requirements.

(b) Certification of payment to students by the eligible organization shall be made under oath in accordance with RCW 9A.71.085 [9A.72.085].

(5) Advisory committee. The board 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 board 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.

(6) Institutional administrative allowance. Contingent upon funds being made available to the higher education coordinating board 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.

(7) 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.

(8) Reports. The higher education coordinating board 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.

(9) 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.

(10) Appeals. If the board is notified of any possible violations of these rules and regulations, satisfactory resolution shall be attempted by board staff. If satisfactory resolution cannot be achieved by board staff, the advisory committee authorized by WAC 250-40-070(5) shall review the appeal and make a recommendation to board staff. If satisfactory resolution still cannot be achieved, the person or institution initiating the appeal may request a hearing with the board, which shall take action on the appeal.

(11) Program reviews. The higher education coordinating board 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.12.060. 87-16-047 (Order 1-87, Resolution No. 87-59), § 250-40-070, filed 7/29/87; 85-20-034 (Order 4-85, Resolution No. 86-3), § 250-40-070, filed 9/24/85. Statutory Authority: RCW 28B.10.806. 81-13-037 (Order 3/81, Resolution No. 81-68), § 250-40-070, filed 6/16/81; 79-11-030 (Order 10-79, Resolution No. 80-19), § 250-40-070, filed 10/11/79; 79-02-088 (Order 2-79), § 250-40-070, filed 2/7/79; Order 5-77, § 250-40-070, filed 5/11/77; Order 6-74, § 250-40-070, filed 9/17/74.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

Chapter 250-44 WAC

REGULATIONS FOR THE ADMINISTRATION OF THE DISPLACED HOMEMAKER PROGRAM

WAC

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WAC 250-44-010 Purpose. The Displaced Homemaker Act, chapter 28B.04 RCW establishes guidelines under which the higher education coordinating board 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 board to establish necessary regulations for the operation of the displaced homemaker program.

[Statutory Authority: Chapter 28B.04 RCW, as amended. 87-16-061 (Order 4-87, Resolution No. 87-57), § 250-44-010, filed 7/31/87; 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 No. 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 director of the board. The executive director shall provide progress reports to the board and to the governor and the appropriate committees of the legislature.

[Statutory Authority: Chapter 28B.04 RCW, as amended. 87-16-061 (Order 4-87, Resolution No. 87-57), § 250-44-020, filed 7/31/87; 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 No. 80-4), § 250-44-020, filed 8/17/79.]

WAC 250-44-030 Advisory committee. (1) The executive director 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 director and staff of the board, 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 director deems necessary to provide adequate consultation and geographic and general public representation, but total advisory committee membership shall not exceed twenty-two 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. 87-16-061 (Order 4-87, Resolution No. 87-57), § 250-44-030, filed 7/31/87; 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 No. 80-4), § 250-44-030, filed 8/17/79.]

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

(1) "Act" means the Displaced Homemaker Act, chapter 28B.04 RCW, 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) "Board" means the higher education coordinating board.

(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 director" means the executive director of the board.

(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 an amount equal to the standard of need established under RCW 74.04.770.

(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 board may determine to be of interest and benefit to displaced homemakers, and for which appropriate informational materials have been provided by the board.

(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 board may determine to be of interest and benefit to displaced homemakers, and for which the board distributes appropriate informational materials.

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

(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) "State-wide outreach and information services" means activities designed to make general outreach and information services for displaced homemakers available throughout Washington including but limited to 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. 87-16-061 (Order 4-87, Resolution No. 87-57), § 250-44-040, filed 7/31/87; 85-10-022 (Order 1/85, Resolution No. 85-44), § 250-44-040, filed 4/23/85; 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 No. 80-4), § 250-44-040, filed 8/17/79.]

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

(a) The maximum contract amount for a multipurpose service center to be provided depending on available funds under the act during the 1989-91 biennium shall not exceed \$4,600 per month.

(b) The maximum contract amount for a contract for a program or programs of service depending on available funds under the act during the 1989-91 biennium shall not exceed \$3,200 per month.

(c) A reservation of funds for contracts to provide state-wide outreach and information services and/or 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. 89-08-056 (Order 1-89, Resolution No. HECB 89-3), § 250-44-050, filed 3/31/89; 87-16-061 (Order 4-87, Resolution No. 87-57), § 250-44-050, filed 7/31/87; 85-10-022 (Order 1/85, Resolution No. 85-44), § 250-44-050, filed 4/23/85; 84-14-084 (Order 2/84, Resolution No. 84-76), § 250-44-050, filed 7/3/84; 83-14-041 (Order 3/83, Resolution No. 83-66), § 250-44-050, filed 6/30/83; 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 No. 80-4), § 250-44-050, filed 8/17/79.]

WAC 250-44-060 Eligibility to apply for contracts.

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

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

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

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

[Statutory Authority: Chapter 28B.04 RCW, as amended. 87-16-061 (Order 4-87, Resolution No. 87-57), § 250-44-060, filed 7/31/87; 84-14-084 (Order 2/84, Resolution No. 84-76), § 250-44-060, filed 7/3/84. Statutory Authority: RCW 28B.10.806. 79-09-042 (Order 7-79, Resolution No. 80-4), § 250-44-060, filed 8/17/79.]

WAC 250-44-070 Standards to be met by applicants. In addition to eligibility as a public or nonprofit organization, each sponsoring organization will be required to provide evidence of adequate staff or governing board provisions to provide administrative and financial management oversight services to ensure compliance with contract provisions and conditions.

[Statutory Authority: Chapter 28B.04 RCW as amended. 84-14-084 (Order 2/84, Resolution No. 84-76), § 250-44-070, filed 7/3/84. Statutory Authority: RCW 28B.10.806. 79-09-042 (Order 7-79, Resolution No. 80-4), § 250-44-070, filed 8/17/79.]

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

outreach activities related to the services, subject to the following limitations:

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

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

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

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

(2) Although the contract budget may not support subsistence, stipends, or tuition and fee payments (unless approved in advance) for recipients of services under the contract, sponsoring organizations are encouraged whenever possible and appropriate to obtain and provide funds for such purposes from other sources (JTPA, for example) in cases of financial need.

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

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

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

(c) Contributions in-kind may include materials, supplies, chargeable services such as printing services or transportation, salaries and fringe benefit costs for paid employees of the sponsoring organization to the extent such employees work directly in the provision of services under the contract or providing direct support such as secretarial or accounting support, and the equivalent value of contributed volunteer services on the same basis: *Provided*, That the dollar value of contributed volunteer services shall be calculated by determining the hourly rate for comparable paid positions for which the volunteer is fully qualified, and multiplying the hourly rate times the number of hours of service contributed.

[Statutory Authority: Chapter 28B.04 RCW, as amended. 87-16-061 (Order 4-87, Resolution No. 87-57), § 250-44-080, filed 7/31/87; 84-14-084 (Order 2/84, Resolution No. 84-76), § 250-44-080, filed 7/3/84. Statutory Authority: RCW 28B.10.806. 79-09-042 (Order 7-79, Resolution No. 80-4), § 250-44-080, filed 8/17/79.]

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

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

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

(3) Services provided to displaced homemakers under the contract will be provided without payment of any fees for the services: *Provided*, That the executive director 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 director.

(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 board under the contract will be provided monthly or quarterly upon submission and approval of payment requests in a form and containing information specified by the executive director of the board, and that approval of payments shall be conditioned upon the executive director's determination that the sponsoring organization is in compliance with the terms of the contract and this chapter;

(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 board; and

(10) The executive director and staff of the board will be provided access to financial and other records pursuant to the contract.

[Statutory Authority: Chapter 28B.04 RCW, as amended. 87-16-061 (Order 4-87, Resolution No. 87-57), § 250-44-090, filed 7/31/87; 84-14-084 (Order 2/84, Resolution No. 84-76), § 250-44-090, filed 7/3/84; 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 No. 80-4), § 250-44-090, filed 8/17/79.]

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

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

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

(i) Direct charges supported by vouchers;

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

(iii) Records of actual time worked for persons not employed one hundred percent, but whose salary or wages are charged in part to the contract or matching account.

(2) Reporting. Sponsoring organizations shall:

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

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

(ii) An evaluation of performance under the contract.

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

(3) Records retention. Sponsoring organizations shall retain accounting and other supporting records until notified by the executive director of the completion of a program audit after the end of the contract period. This requirement is in addition to requirements of the state auditor's office applicable to public institutions and agencies.

[Statutory Authority: Chapter 28B.04 RCW, as amended. 87-16-061 (Order 4-87, Resolution No. 87-57), § 250-44-100, filed 7/31/87. Statutory Authority: RCW 28B.10.806. 79-09-042 (Order 7-79, Resolution No. 80-4), § 250-44-100, filed 8/17/79.]

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

(1) Contracts for operation of multipurpose service centers during the 1989-91 biennium may cover operations beginning as early as July 1, 1989, and ending June 30, 1991.

(2) Contracts for operation of programs of services during the 1989-91 biennium may cover operations beginning as early as July 1, 1989, and ending June 30, 1991.

[Statutory Authority: Chapter 28B.04 RCW as amended. 89-08-056 (Order 1-89, Resolution No. HECB 89-3), § 250-44-110, filed 3/31/89; 87-16-061 (Order 4-87, Resolution No. 87-57), § 250-44-110, filed 7/31/87; 85-10-022 (Order 1/85, Resolution No. 85-44), § 250-44-110, filed 4/23/85; 84-14-084 (Order 2/84, Resolution No. 84-76), § 250-44-110, filed 7/3/84; 83-14-041 (Order 3/83, Resolution No. 83-66), § 250-44-110, filed 6/30/83; 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 No. 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 on Invoice Voucher A 19-x form and to contain information specified by the executive director to include:

(a) Actual expenditures for request period;

(b) Expenditures listed by the following categories: Personnel, travel, facilities, advertising, supplies/materials, communications, and other.

(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 director will authorize disbursement of the funds.

(4) Requests for payments must be received in the board office at least two weeks prior to the requested payment date.

[Statutory Authority: Chapter 28B.04 RCW as amended. 87-16-061 (Order 4-87, Resolution No. 87-57), § 250-44-120, filed 7/31/87; 85-10-022 (Order 1/85, Resolution No. 85-44), § 250-44-120, filed 4/23/85; 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.]

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 director a letter of intent, accompanied by appropriate documentation of nonprofit status in the case of nonpublic applicants, by Monday, March 6, 1989, as specified in the contract application guidelines.

(2) The executive director or the director's 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 Monday, March 13,

1989, 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 Wednesday, April 5, 1989, as specified in the contract application guidelines.

(4) Sponsoring organizations wishing to apply for contracts to operate programs of service and a state-wide outreach and information services program shall submit to the executive director a letter of intent, accompanied by appropriate documentation of nonprofit status in the case of nonpublic applicants, by Monday, March 6, 1989.

(5) The executive director or the director's designee will screen the letters of intent for programs of service and a state-wide 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 Monday, March 13, 1989, 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 state-wide outreach and information services program may be submitted by sponsoring organizations on the list pursuant to subsection (5) of this section by Wednesday, April 5, 1989, as specified in the contract application guidelines.

(7) The executive director of the board 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 director may either establish a new calendar for further consideration of applications and award of contracts or award supplemental funds to existing centers and programs by amendment of contracts in effect.

[Statutory Authority: Chapter 28B.04 RCW as amended. 89-08-056 (Order 1-89, Resolution No. HECB 89-3), § 250-44-130, filed 3/31/89; 87-16-061 (Order 4-87, Resolution No. 87-57), § 250-44-130, filed 7/31/87; 85-10-022 (Order 1/85, Resolution No. 85-44), § 250-44-130, filed 4/23/85; 84-14-084 (Order 2/84, Resolution No. 84-76), § 250-44-130, filed 7/3/84; 83-14-041 (Order 3/83, Resolution No. 83-66), § 250-44-130, filed 6/30/83; 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 No. 80-4), § 250-44-130, filed 8/17/79.]

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

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

(2) Number of copies. The contract application guidelines shall specify the number of copies of each application to be submitted to the executive director. 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. 87-16-061 (Order 4-87, Resolution No. 87-57), § 250-44-140, filed 7/31/87; 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 No. 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 director 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) of this section and appropriate geographic distribution.

[Statutory Authority: Chapter 28B.04 RCW, as amended. 87-16-061 (Order 4-87, Resolution No. 87-57), § 250-44-150, filed 7/31/87; 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 No. 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 board staff members designated by the executive director, 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 director;

(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);

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(4) The executive director 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 director of the board for approval. Upon approval the executive director will award the contracts.

[Statutory Authority: Chapter 28B.04 RCW, as amended. 87-16-061 (Order 4-87, Resolution No. 87-57), § 250-44-160, filed 7/31/87; 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 No. 80-4), § 250-44-160, filed 8/17/79.]

WAC 250-44-170 Incorporation of applications in contracts. Each approved application will be incorporated into and made a part of the contract between the board and the sponsoring organization, to be signed by the executive director and the executive officer of the sponsoring organization.

[Statutory Authority: Chapter 28B.04 RCW, as amended. 87-16-061 (Order 4-87, Resolution No. 87-57), § 250-44-170, filed 7/31/87. Statutory Authority: RCW 28B.10.806. 79-09-042 (Order 7-79, Resolution No. 80-4), § 250-44-170, filed 8/17/79.]

WAC 250-44-180 Amendment of contracts. A contract may be amended by mutual agreement between the executive director and the executive officer of the sponsoring organization.

[Statutory Authority: Chapter 28B.04 RCW, as amended. 87-16-061 (Order 4-87, Resolution No. 87-57), § 250-44-180, filed 7/31/87; 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 No. 80-4), § 250-44-180, filed 8/17/79.]

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

[Statutory Authority: Chapter 28B.04 RCW, as amended. 87-16-061 (Order 4-87, Resolution No. 87-57), § 250-44-190, filed 7/31/87. Statutory Authority: RCW 28B.10.806. 79-09-042 (Order 7-79, Resolution No. 80-4), § 250-44-190, filed 8/17/79.]

WAC 250-44-200 Program audits. The executive director may arrange for a program audit, including review of accounts for expenditures under the contract, upon completion of the contract period. If any claimed

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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. 87-16-061 (Order 4-87, Resolution No. 87-57), § 250-44-200, filed 7/31/87; 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 No. 80-4), § 250-44-200, filed 8/17/79.]

WAC 250-44-210 Evaluation reports. The executive director 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 board prior to official submission to the governor and the legislature.

[Statutory Authority: Chapter 28B.04 RCW, as amended. 87-16-061 (Order 4-87, Resolution No. 87-57), § 250-44-210, filed 7/31/87; 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 No. 80-4), § 250-44-210, filed 8/17/79.]

Chapter 250-50 WAC

VETERANS EDUCATION PROGRAM UNIT

WAC

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

WAC 250-50-010 Authority. Effective January 27, 1978, the council for postsecondary education was designated, by Executive Order 78-2, the state approving agency for academic schools, colleges and universities, both public and private, pursuant to Public Law 89-358 (Title 38, U.S. Code, subsection 1771(a)).

[Statutory Authority: RCW 28B.80.120 and 28B.80.230. 79-03-086 (Order 3-79), § 250-50-010, filed 3/7/79, effective 4/9/79.]

WAC 250-50-020 Responsibility. As the state approving agency, the council for postsecondary education is responsible, for inspection and supervision, in connection with federal veterans education requirements, of academic institutions operating in Washington and for determining those courses of study which may be approved for the enrollment of veterans and other eligible persons. The council, as state approving agency, is also responsible for ascertaining whether a school at all times complies with its established standards relating to the course or courses of study which have been approved (Title 38, U.S. Code, sections 1772 and 1773).

[Statutory Authority: RCW 28B.80.120 and 28B.80.230. 79-03-086 (Order 3-79), § 250-50-020, filed 3/7/79, effective 4/9/79.]

WAC 250-50-030 Standards for accredited institutions. In reviewing institutions accredited by an agency or association included on the list of nationally-recognized accrediting agencies or associations, published by the United States Commissioner of Education, the council for postsecondary education shall apply the standards

contained in section 1775, chapter 36, Title 38, U.S. Code as implemented by VA Regulation 14253 and published in the policies and procedures manual of the state approving agency.

[Statutory Authority: RCW 28B.80.120 and 28B.80.230. 79-03-086 (Order 3-79), § 250-50-030, filed 3/7/79, effective 4/9/79.]

WAC 250-50-040 Standards for nonaccredited institutions. In reviewing institutions not accredited by an agency or association included on the list of nationally-recognized accrediting agencies or associations, published by the United States Commissioner of Education, the council for postsecondary education shall apply the standards contained in section 1776, chapter 36, Title 38, U.S. Code as implemented by VA Regulation 14254 and published in the policies and procedures manual of the state approving agency.

[Statutory Authority: RCW 28B.80.120 and 28B.80.230. 79-03-086 (Order 3-79), § 250-50-040, filed 3/7/79, effective 4/9/79.]

WAC 250-50-050 Policies and procedures. The policies observed and the procedures followed by the council for postsecondary education in discharging its responsibilities as state approving agency shall be those published and distributed to all affected institutions in the policies and procedures manual for the Veterans Education Program Unit consistent with chapter 36, Title 38, U.S. Code as implemented by the relevant VA regulations.

[Statutory Authority: RCW 28B.80.120 and 28B.80.230. 79-03-086 (Order 3-79), § 250-50-050, filed 3/7/79, effective 4/9/79.]

Chapter 250-55 WAC

REGULATIONS FOR THE ADMINISTRATION OF THE EDUCATIONAL SERVICES REGISTRATION ACT

WAC

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

WAC 250-55-010 Purpose. The Educational Services Registration Act (chapter 28B.05 RCW) established a requirement that all postsecondary educational

institutions operating in Washington register with the council for postsecondary education or the commission for vocational education, unless specifically exempted from the registration requirement by the act. This chapter is promulgated by the council as a supplement to the act in order to establish necessary regulations for the registration of degree-granting institutions and certain dual-purpose institutions that are required to register with the council.

[Statutory Authority: RCW 28B.05.050, 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-010, filed 12/18/79.]

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

(1) "Educational institution" or "institution" means a degree-granting institution or a dual-purpose institution as defined in RCW 28B.05.030 (10) and (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) Workshops or seminars lasting no longer than three calendar days for which academic credit is not awarded and continuing education courses approved under chapter 18.04, 18.15, 18.18, 18.78, 18.88 or 48.17 RCW.

(3) 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;

(4) 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;

(5) 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;

(6) Institutions that are licensed by the state of Washington.

(7) 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 (i) are covered by the institution's accreditation or (ii) 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.

(8) 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 (a) that such suspension or modification will not frustrate the purposes of this chapter and (b) 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.

(9) 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 chapter 28B.05 RCW and chapter 250-55 WAC 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, 83-20-007 (Order 5-83, Resolution No. 84-2), § 250-55-030, filed 9/22/83; 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 250-55-060 Minimum standards. Any educational institution that is required to register under the provisions of this chapter shall be maintained and operated in compliance with the standards outlined in this section and in WAC 250-55-070 through and including 250-55-170.

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

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

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

(4) Any institution that offers academic programs that may be completed solely by correspondence may be called upon by the council to demonstrate that the objectives of such programs can be achieved adequately without classroom, laboratory, clinical, or field instruction.

[Statutory Authority: RCW 28B.05.050, 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-060, filed 12/18/79.]

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

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

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

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

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

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

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

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

(9) If the institution recognizes transfer credits from 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 250-55-080 Space, equipment, libraries, and personnel. (1) The institution shall have sufficient space

and equipment to achieve all program and institutional objectives.

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

(3) The institution's library shall contain a collection of books, periodicals, newspapers, and other instructional materials sufficient for the needs of the educational programs of the institution, and shall be readily accessible to the faculty and the students. If the institution does not maintain its own library, there shall be a written agreement with another institution or organization to provide for faculty and student access to a collection sufficient for the needs of the educational programs of the institution.

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

(5) The institution shall have qualified personnel sufficient to provide all services that are offered, including but not limited to instructional staff for all programs for which students are enrolled, academic and student personnel counselors, placement personnel, and a student financial aid administrator.

[Statutory Authority: RCW 28B.05.050. 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-080, filed 12/18/79.]

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

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

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

(4) The owners, officers, agents and faculty of the institution shall be identified as persons of integrity in character and business practices, as may be attested to by responsible business or financial firms, credit associations, or other reputable persons.

[Statutory Authority: RCW 28B.05.050. 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-090, filed 12/18/79.]

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

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

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

(3) A statement on the first page or cover of the catalog that 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 reentrance for those students dismissed for unsatisfactory progress. A statement shall be made regarding progress records kept by the institution and furnished to the student.

(11) 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 34.05.395 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 34.05.395 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 250-55-130 Financial stability. The institution shall be financially sound and capable of meeting its legal financial obligations and fulfilling its commitments to students, as evidenced by financial information submitted under WAC 250-55-040 (1)(c)(vii) and by any other financial information that the council might subsequently require, which may include an audited financial statement prepared by an independent certified public accountant.

[Statutory Authority: RCW 28B.05.050, 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-130, filed 12/18/79.]

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

(2) An institution may not advertise or publicize that it is approved, recommended, or endorsed in any way by the council for postsecondary education.

[Statutory Authority: RCW 28B.05.050, 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-140, filed 12/18/79.]

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

(a) 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 training 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 34.05.395 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 250-55-170 Nondiscrimination. The institution shall not discriminate on the basis of race, religion, sex, handicap, or national origin as prohibited by state or federal law.

[Statutory Authority: RCW 28B.05.050, 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-170, filed 12/18/79.]

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

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

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

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

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

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

(6) Establish and maintain all records called for under the provisions of the act and this chapter.

[Statutory Authority: RCW 28B.05.050, 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-180, filed 12/18/79.]

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

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

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

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

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

(5) Any action taken by the executive coordinator which is alleged to adversely affect an institution or a student and which is allegedly not in keeping with the intent and purpose of the act or this chapter.

[Statutory Authority: RCW 28B.05.050, 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-190, filed 12/18/79.]

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

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

(3) If no agreement is reached through the mediation and conciliation process, the executive coordinator shall file a formal complaint with the council and notify the institution of the conduct which warrants the complaint. Based upon a finding pursuant to RCW 34.04.170, the complaint may include an order for a summary suspension of registration, pending proceedings for revocation, suspension, or other action under the hearing procedure provided for in WAC 250-55-210.

(4) Nothing in this section shall be construed to require a complainant to exhaust the remedies of this section prior to proceeding under any other remedies available under the law.

[Statutory Authority: RCW 28B.05.050, 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-200, filed 12/18/79.]

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

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

submitted to the council for final action pursuant to RCW 34.04.110.

(2) The council may accept or reject, in whole or in part, any recommendations made by the hearing officer, may remand for further findings and/or take any other action the council deems appropriate under the circumstances, pursuant to the provisions of the act and this chapter.

[Statutory Authority: RCW 28B.05.050, 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-210, filed 12/18/79.]

WAC 250-55-220 Recognition of accrediting agencies and associations. (1) Any accrediting agency or association desiring recognition for the purposes of WAC 250-55-030(5) shall 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 reevaluates 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.]

Chapter 250-60 WAC

STATE OF WASHINGTON TEACHER INCENTIVE LOAN PROGRAM FOR TEACHERS OF MATHEMATICS AND SCIENCE—CHAPTER 28B.15 RCW

WAC

RULES AND REGULATIONS

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250-60-120	Suspension or termination of institutional participation.

RULES AND REGULATIONS

WAC 250-60-010 Purpose. The purpose of the teacher incentive loan program for teachers of mathematics and science is to provide financial support in the form of long-term educational loans to applicants with demonstrated academic competency and financial need who intend to pursue a teaching career in mathematics or science in Washington public schools. The program is also intended to offer a financial incentive to those individuals by providing for the forgiveness of loan repayments in recognition of teaching service.

[Statutory Authority: 1983 1st ex.s. c 74, 83-24-078 (Order 6-83, Resolution No. 84-9), § 250-60-010, filed 12/7/83.]

WAC 250-60-020 Administration of program. The higher education coordinating board (HECB) is charged with the administration of the teacher incentive loan program for teachers of mathematics and science. When a responsibility of the HECB or board is referenced in these regulations, the authority needed to discharge that responsibility lies with the executive director or his or her designee.

[Statutory Authority: RCW 28B.15.760. 88-10-003 (Order 4/88, Resolution No. 88-11), § 250-60-020, filed 4/21/88. Statutory Authority: 1983 1st ex.s. c 74. 83-24-078 (Order 6-83, Resolution No. 84-9), § 250-60-020, filed 12/7/83.]

WAC 250-60-030 Student eligibility. (1) Initial eligibility. For a student to receive a mathematics/science loan, he or she must:

(a) Be a "needy student" as defined by the higher education coordinating board;

(b) Be a resident of Washington [as defined in WAC 250-18-010 through 250-18-060];

(c) Be enrolled or accepted for enrollment as a student at a participating institution;

(d) Be registered for at least ten credit hours or the equivalent for each term in which a loan is received;

(e) Have satisfied the institution's requirements for formal acceptance as a declared major in a program of teacher education in a field of mathematics or science leading to a degree, certificate, or primary endorsement;

(f) Demonstrate the capability of maintaining a 3.0 grade point average (on a 4.0 scale);

(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, guaranteed student loan [programs], or mathematics/science loan program[s];

(h) [Have attained junior status or higher; or]

[(i)] Be a certificated teacher who satisfies (a), (b), (c), (d), and (g) of this subsection and has been formally accepted into a program in teacher education leading to a degree, certificate[,] or primary endorsement in a field of science or mathematics.

(2) Continuing eligibility. For a student to maintain continuing eligibility for additional mathematics/science loans, he or she must:

(a) Continue to meet the basic eligibility requirements listed under subsection (1) of this section;

(b) Not have reached the ten thousand dollar cumulative borrowing limit of the program; and

(c) Satisfy academic progress requirements of the program by maintaining a 3.0 grade point average (on a 4.0 scale) for the time period the loan was received and successfully complete the required number of credit hours.

[Statutory Authority: RCW 28B.15.760. 88-10-003 (Order 4/88, Resolution No. 88-11), § 250-60-030, filed 4/21/88. Statutory Authority: 1983 1st ex.s. c 74. 83-24-078 (Order 6-83, Resolution No. 84-9), § 250-60-030, filed 12/7/83.]

Reviser's note: RCW 34.05.395 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 250-60-040 Institutional eligibility. For an institution of higher education to be eligible to participate in the mathematics/science loan program, the institution must:

(1) Be a college or university in the state of Washington which is a member institution of an accrediting association recognized as such by rule of the higher education coordinating board; and

(2) Be approved by the state board of education for offering an academic program leading to a teacher's certificate with an endorsement in a field of science or mathematics or be participating in a cooperative or joint teacher education program with another accredited institution that meets the requirements of this section.

[Statutory Authority: RCW 28B.15.760. 88-10-003 (Order 4/88, Resolution No. 88-11), § 250-60-040, filed 4/21/88. Statutory Authority: 1983 1st ex.s. c 74. 83-24-078 (Order 6-83, Resolution No. 84-9), § 250-60-040, filed 12/7/83.]

WAC 250-60-050 Agreement to participate. In order to participate in the program a postsecondary institution must annually file an "agreement to participate" [supplying the following information: Name and address of school (including central office and all campus sites), the date on which the school officially began instruction if in the last five years, type and date of last accreditation, enrollment information (unless reported to the state of Washington or in the higher education general information survey) and such other information as may be required to assure proper administration of the program. In addition the "agreement to participate" will also] [to] indicate the institution's agreement to abide by all program rules, regulations, and guidelines, to maintain and provide all pertinent information, records, and reports requested by the board, and to notify the board within thirty days of any change [(other than student enrollment)] to information reported on the agreement form.

[Statutory Authority: RCW 28B.15.760. 88-10-003 (Order 4/88, Resolution No. 88-11), § 250-60-050, filed 4/21/88. Statutory Authority: 1983 1st ex.s. c 74. 83-24-078 (Order 6-83, Resolution No. 84-9), § 250-60-050, filed 12/7/83.]

Reviser's note: RCW 34.05.395 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 250-60-060 Program definitions. (1) Financial aid terms:

(a) "Needy student" shall mean a post-high school student of an institution of postsecondary education who demonstrates to the board the financial inability, either parental, familial, or personal, to bear the total cost of education for any semester or quarter.

(b) "Financial need" shall be the difference between the budgetary cost to the student attending [an] [the]

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.

(c) "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 other cost factors deemed necessary for consideration[, consistent with WAC 250-40-040 (2)(a)].

(d) "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 parent(s) 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 parent(s) 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.

(e) "Washington resident" shall be defined as an individual who satisfies the requirements of WAC 250-18-010 through 250-18-060 pertaining to the determination of residency.

(f) "Dependent student" shall mean any post-high school student attending an eligible institution of postsecondary education who does not qualify as an independent student in accordance with (g) of this subsection.

(g) [has established a bona fide independent relationship and who demonstrates compliance with criteria for determining self-supporting status as contained in the program guidelines for the state work-study program.] "Independent student" shall mean any student who has either:

- (i) Reached his or her twenty-fourth birthday before January 1st of the aid year; or,
- (ii) Is a veteran of the United States armed forces; or,
- (iii) Is an orphan or ward of the court; or,
- (iv) Has legal dependents other than a spouse; or,
- (v) Is a married student or a graduate/professional student and will not be claimed by parents as a U.S. income tax exemption in 1988; or,
- (vi) Was not claimed by parents as a U.S. income tax exemption in either 1986 or 1987 and had a total income and benefits for those two years equal to or greater than \$4,000.

(2) Academic and program requirements:

(a) Minimum credit hour requirement[s]:

(i) Normal progress. Students receiving mathematics/science loans must be registered for a minimum of ten credit hours (per term) or the equivalent for each academic year for which a loan is received except as specified in [(a)](iii) of this subsection.

(ii) Calculation of equivalency. In recognition of the fact that participating institutions have different academic calendars and apply different full-time enrollment definitions to graduate and undergraduate students, the

10 credit hour equivalent standard is defined as follows: As 10 credit hours is 5/6ths (10/12) of the minimum 12 credit hours required for full-time undergraduate enrollment, a course load that by institutional standard is the equivalent of 5/6ths of a minimum full-time graduate course load satisfies the threshold course load requirement of the mathematics/science loan program.

(iii) Exceptions: Institutions may grant a one-year exception to the requirement for successful completion of 10 credit hours or equivalent per term of mathematics/science loan recipients when, in the institution's evaluation, special circumstances prevented the student from completing the required number of courses.

Each institution must send the board a copy of its policy for reawarding aid to mathematics/science loan recipients who have not satisfactorily completed the required number of credit hours the prior payment period. Each institution's policy must be approved by board staff before warrants will be sent to the institution.

If a student is reawarded a mathematics/science loan after having not completed a full-time course load the prior term, documentation must be maintained by the institution indicating that its [CPE] board-approved policy has been followed.

(b) Grade point average requirement[s]:

(i) Initial loans:

(A) General. First-time borrowers must demonstrate the capacity for academic achievement at a 3.0 or better grade point average in the qualifying program.

(B) Prior achievement of a 3.0 cumulative grade point average is considered to be a demonstration of capacity.

(C) Absence of a 3.0 grade point average. Institutions may certify applicants as meeting the demonstrated academic achievement criteria if, in the institution's judgment, additional factors, e.g., current academic average, faculty evaluation, test scores, job related success, etc., indicate the probability of a student meeting the 3.0 standard. Institutions must place a statement in the loan applicant's file specifying the basis for their judgment.

(D) Subsections (A) through [(C)][(D)] above do not apply to first-time borrowers who are currently certificated to teach in Washington state.

(ii) Subsequent loans. All borrowers are expected to earn a 3.0 or equivalent grade point average for those academic years for which they have received a mathematics/science loan. A one-year exception may be granted to an otherwise eligible borrower when, in the evaluation of the institution, the grade point average earned was due to special circumstances and is not indicative of the borrower's academic capability. Such an exception must be based on criteria no less stringent than the institution would apply to institutionally controlled aid awards with similar academic standards. A borrower must maintain an on-going 3.0 average for all terms completed during the exception year. Successful maintenance of the 3.0 average must be demonstrated for each term before funds for the following term can be released.

(c) Approved academic program:

Approved mathematics and science programs for the sole purpose of loan eligibility will be established by the

higher education coordinating board with the advice of the mathematics/science loan advisory committee, and in accordance with the state board of education regulations and guidelines concerning subject field teacher endorsements.

(3) Technical provisions:

General. In the drafting of specific loan definitions reference has been made to the Federal Guaranteed Student Loan Program (20 USC Sec. 1701 et seq.) in order to establish consistency between programs and follow accepted loan program standards.

(a) In-school period. The period of time during which a student continues enrollment on at least a half-time basis at a school satisfying guaranteed student loan school eligibility requirements. Where a break in such enrollment is shorter than the length of the grace period stipulated in [a] [the] student's promissory note, the student remains in the in-school period upon return to half-time status at a school participating in the guaranteed student loan program.

(b) Grace period. The nine-month period of time between the end of the in-school period and the beginning of the repayment period. The grace period begins on the first day of the month following the month in which the borrower leaves school or drops below half-time status. The grace period ends on the *last* day of the ninth month as written on the promissory note.

(c) Default. The failure of a borrower to make an installment payment when due, or to meet other terms of the promissory note under circumstances where the board finds it reasonable to conclude that the borrower no longer intends to honor the obligation to repay, provided that this failure persists for one hundred eighty days.

(d) Capitalization of interest. Capitalization means increasing the principal of a loan through the addition of accrued interest to the unpaid principal balance. Only interest which accrued during a period of time between the date the *first* repayment installment was due and the date it was made, when the borrower was late in beginning to repay the loan, may be capitalized on mathematics/science loans. The board may add the interest which accrued during a period of forbearance to the principal no earlier than the date repayment of principal is required to resume, and may add the interest which accrued due to late commencement of repayment to the principal no earlier than the date repayment of principal actually begins.

(e) Totally and permanently disabled. Inability to engage in any substantial gainful activity because of a medically determinable impairment that is expected to continue for a long and indefinite period of time or to result in death.

(f) "Public school" means a middle school, junior high school, or high school within the public school system referred to in Article IX of the state Constitution.

(g) "Forgiven" [or] [to] "to forgive" means to collect service as a teacher in a field of science or mathematics at a public school in the state of Washington in lieu of monetary payment.

(h) "Satisfied" means paid-in-full.

(i) Borrowing limits:

(i) Annual. The amount of any mathematics/science loan shall not exceed the demonstrated financial need of the student or two thousand five hundred dollars for each [nine month] academic year, whichever is less. Cost effective annual minimum loan limits may be set by the higher education coordinating board.

(ii) Summer session eligibility. The \$2,500 annual loan limit applies to a normal nine month academic year. An otherwise eligible borrower may also receive a mathematics/science loan for summer term attendance provided that the borrower will be registered for sufficient credit hours during the summer session to at least equal the 5/6ths of a full-time [academic] course load requirement for a regular [academic] term.

The higher education coordinating board will determine the availability of summer session loans and the maximum and minimum amount of said loans based upon available appropriations.

(iii) Cumulative. The total amount of such loans to an eligible student shall not exceed ten thousand dollars.

(j) Interest rate. The interest rate for the mathematics/science loan program shall be nine percent per annum on the unpaid balance of the loan.

(k) Repayment period. The period for repaying the loan principal and interest shall be ten years with payments accruing quarterly [beginning] nine months from the date the borrower graduated or failed to re-enroll as at least a half-time student in accordance with the provisions [established for the guaranteed student loan program]. However, where the borrower has received an authorized deferment or has been granted forbearance, the periods of deferment and/or forbearance are excluded from determination of the ten year repayment period.

(l) Forgiveness. Payments of loan principal and interest will be forgiven for any repayment period in which the borrower documents qualifying service as a teacher in a field of science or mathematics at a public school in the state of Washington in accordance with WAC 250-60-010.

(m) Loan cancellation. Where the borrower has died or become totally and permanently disabled, the loan is cancelled and the higher education coordinating board terminates all collection activity against the borrower or [his] [the] estate.

(n) Prepayment. A borrower may prepay the whole or any part of a loan at any time without penalty.

(o) Late charges. The higher education coordinating board may require that the borrower pay a late charge if the borrower fails to pay any or all of a required installment payment within thirty days after its due date or fails to provide written evidence that verifies eligibility for authorized deferment of the payment. A late charge may not exceed five cents for each dollar [or] [of] each installment [due or five dollars for each installment], whichever is less.

(p) Collection charges:

Permissible charges. The board may also require that the borrower pay for certain reasonable costs incurred by the board or its agent in collecting any installment

not paid when due. These costs may include attorney's fees, court costs, and long-distance phone calls.

(q) Deferments. For reasons of public policy and congruence with federal student aid program provisions, a borrower is entitled to have scheduled payments of principal deferred when engaged in certain activities during the repayment period. Interest shall not accrue during periods of deferment officially granted by the board or its agent. Should a borrower enter a status which normally entitles him/her to a deferment of repayment, prior to the expiration of the grace period (e.g., he/she serves in the armed forces or an action program, or is unemployed), the deferment period will not commence until the expiration of the grace period. Repayment of the loan resumes immediately after the deferment period is over without any additional grace period.

Deferment is authorized during periods when a borrower is engaged in at least one of the following activities:

(i) Full-time study at a school participating in the federal guaranteed student loan program.

(ii) Full-time study at a school which meets the definition of an institution of higher education or a vocational school and is operated by an agency of the federal government (e.g., the service academies).

(iii) Study under an eligible graduate fellowship program approved by the United States secretary of education.

(iv) Study under a rehabilitation training program approved by the secretary for disabled individuals.

(v) For a period not in excess of three years during which the borrower is a member of the armed forces of the United States, or is an officer in the commissioned corps of the United States Public Health Service.

(vi) For a period not in excess of three years during which the borrower serves as a volunteer under the Peace Corps Act.

(vii) For a period not in excess of three years during which the borrower serves as a full-time volunteer under Title I of the Domestic Volunteer Service Act of 1973 (ACTION programs).

(viii) For a period not in excess of three years during which the borrower is in service comparable to the service referred to in (q)(vi) and (vii) of this subsection as a full-time volunteer for an organization which is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code of 1954.

(ix) For a period not in excess of three years during which the borrower is temporarily totally disabled, or during which the borrower is unable to secure employment because he or she is caring for a spouse who is temporarily totally disabled.

(x) For a period not in excess of two years during which the borrower is serving an internship, the successful completion of which is required in order to receive recognition required to begin professional practice or service.

(xi) For a period not in excess of twelve months during which the borrower is conscientiously seeking and is unable to find full-time employment.

(r) Forbearance. A forbearance is a flexible, limited type of deferment or postponement granted by the board for the benefit of a borrower in order to prevent a default on a loan when the borrower is willing but temporarily unable to make scheduled payments or where the forgiveness provisions of the mathematics/science loan program would be ill served by requiring scheduled repayments. A forbearance postpones principal payments but does not stop the accruing of interest. The board may require the borrower to pay the interest which will accrue on the loan during a period of forbearance prior to approving the forbearance; or the board may add the interest which accrued during the period of forbearance to the principal amount of the loan on the date that repayment is required to resume.

A forbearance may, at the board's discretion, be granted when the borrower's economic circumstances demonstrate a current inability to make scheduled repayments if the board believes that the borrower is willing to and will be more able to resume repayment in the future. Forbearances may also be granted to those borrowers who though teaching in eligible Washington public schools, are temporarily unable to meet the course load or subject matter criteria for loan forgiveness.

A cumulative maximum for all forbearances is set at two years or eight quarterly repayments.

(s) Repayment of loans. Commencement of the repayment period:

(i) The repayment period begins [on the day following the day the grace period ends] [the first day of the full repayment quarter following the grace period]. Interest accrues from the first day of the first scheduled repayment period.

[Borrowers who have been granted deferments or forbearances will also reenter the repayment cycle on the same basis.]

(ii) Scheduling of repayments. In order to implement the forgiveness provisions of the mathematics/science loan program, standardized loan repayment quarterly schedules are established for all borrowers as follows:

January 1	–	March 31
April 1	–	June 30
July 1	–	September 30
October 1	–	December [30] [31]

The borrower will be placed in the repayment cycle starting with the first day of the first full repayment quarter following the commencement of his/her repayment period. Borrowers who have been granted deferments or forbearances will also reenter the repayment cycle on the same basis.

[Statutory Authority: RCW 28B.15.760. 88-10-003 (Order 4/88, Resolution No. 88-11), § 250-60-060, filed 4/21/88. Statutory Authority: 1983 1st ex.s. c 74. 83-24-078 (Order 6-83, Resolution No. 84-9), § 250-60-060, filed 12/7/83.]

Reviser's note: RCW 34.05.395 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 250-60-070 Application procedure and selection. (1) Student. In order to be eligible for a mathematics/science loan, a student must:

(a) Meet all program eligibility requirements as established by program regulations and guidelines.

(b) Submit annually, in accordance with institutional and board deadlines, a completed mathematics/science loan application form.

(c) Meet institutional requirements for the submission of a financial aid form or comparable financial aid status documents.

(2) Academic certification:

(a) The designated academic official must certify that the applicant satisfies the grade point average and approved academic program requirements of the mathematics/science loan program.

(b) The institution may prioritize eligible applicants in terms of academic [success] [achievement], degree of financial need, appropriateness of educational program, and/or promise of teaching success as demonstrated by successful completion of objective institutional teacher education requirements.

(c) Notwithstanding financial need ranking criteria, otherwise eligible renewal loan applicants may be awarded subsequent mathematics/science loans up to their demonstrated financial need (within program limits).

(3) 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 higher education coordinating board. [In view of the self-help nature of this program, the state work-study advisory committee 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 congressional 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 mathematics/science loan 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.

(d) In the case of students attending private institutions, all state funds, when combined, may not exceed the nontuition and required fees portion of the student's budgetary cost.

(4) Impact of student withdrawal:

(a) Should a student recipient leave school by reason of failure or withdrawal at the end of the grading period, the unused portion of the loan will remain with the state [where it will be credited to borrower's account as a prepayment].

(b) Should a student totally withdraw from school during a term in which a mathematics/science loan had been disbursed, the following rules shall prevail:

(i) The student's eligibility for the mathematics/science loan program is terminated and no further disbursements under the program may be made without written approval of the higher education coordinating board.

(ii) If the student is entitled to a refund from the institution, that portion of the refund attributable (on a proportionate basis) to the mathematics/science loan program will be refunded to the higher education coordinating board where it will be credited to the borrower's loan account as an early repayment.

(iii) A student may regain eligibility by [repaying the loan amount owed for the academic term (of withdrawal) or by] special appeal for reinstatement to the [post secondary] institution with the concurrence of the board.

[Statutory Authority: RCW 28B.15.760. 88-10-003 (Order 4/88, Resolution No. 88-11), § 250-60-070, filed 4/21/88. Statutory Authority: 1983 1st ex.s. c 74. 83-24-078 (Order 6-83, Resolution No. 84-9), § 250-60-070, filed 12/7/83.]

Reviser's note: RCW 34.05.395 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 250-60-080 Control of funds. (1) General. The higher education coordinating board is responsible for the disbursement of loan funds to individual students under the mathematics/science loan program. As warrants will be made payable to the individual students, no transfer of funds to participating postsecondary institutions will be made. [However,] Institutions will be allocated a commitment funding level that establishes the annual aggregate loan dollars available for award to their students.

(2) Institutional funding request. Each eligible institution desiring to participate in the mathematics/science loan program must apply annually to the higher education coordinating board's financial aid section for an allocation of funds. The institutional request must be submitted by the appropriate deadline and contain any information requested by the board.

(3) If an institution can utilize more funds than were allocated for the fiscal year, it should apply for supplemental funds. A request for supplemental funds should be filed as soon as the need is known and may be filed at any time throughout the fiscal year. Such requests must be in writing and must include justification regarding the need for additional funds. Supplemental awards may be made periodically throughout the year on a funds available basis.

(4) If an institution is unable to expend its full allocation, it must deobligate that portion of funds which will be unutilized. Written notification of deobligation must be submitted to the board as soon as the institution has determined its inability to fully expend its mathematics/science loan program funds.

[Statutory Authority: RCW 28B.15.760. 88-10-003 (Order 4/88, Resolution No. 88-11), § 250-60-080, filed 4/21/88. Statutory Authority: 1983 1st ex.s. c 74. 83-24-078 (Order 6-83, Resolution No. 84-9), § 250-60-080, filed 12/7/83.]

Reviser's note: RCW 34.05.395 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 250-60-090 Loan collection. The board is responsible for collection of loans made and shall exercise due diligence in such collection to ensure that maximum repayments are made. The board is responsible to forgive all or parts of such loans under the criteria established in these rules and regulations.

Receipts from the payment of principal or interest or any other subsidies to which the board as lender is entitled, which are paid by or on behalf of borrowers, shall be deposited with the higher education coordinating board and shall be used to cover the costs of making the loans, maintaining necessary records and making collections. All receipts beyond those necessary to pay such costs shall be used to make loans to eligible students.

[Statutory Authority: RCW 28B.15.760. 88-10-003 (Order 4/88, Resolution No. 88-11), § 250-60-090, filed 4/21/88. Statutory Authority: 1983 1st ex.s. c 74. 83-24-078 (Order 6-83, Resolution No. 84-9), § 250-60-090, filed 12/7/83.]

WAC 250-60-100 Criteria for obtaining forgiveness based on qualifying teacher service. (1) General. In order to be granted loan forgiveness in lieu of repayment, a borrower, for each repayment period for which forgiveness is sought, must:

(a) Be teaching in an eligible Washington public school.

(b) Be teaching qualifying mathematics/science courses equal to at least one-half of a full-time teaching assignment as defined by the employing school district.

(c) Complete and submit, in a timely manner, the documentation necessary to support the forgiveness request.

(2) Identification of qualifying mathematics and science courses:

Subordinate to specific regulations, determination of qualifying courses is the responsibility of the employing school district. The superintendent of schools of the employing district or his/her designee(s) is responsible for certifying qualifying courses.

(a) Supplementary criteria for qualifying courses will be issued as necessary by the higher education coordinating board after consultation with the mathematics/science loan advisory committee.

(b) At the secondary school level, courses which satisfy state graduation requirements in mathematics or science are eligible courses.

(c) At the middle school and junior high level, courses which have been traditionally viewed as science or mathematics foundation[s] courses are eligible.

(3) Calculating qualifying teacher service under the mathematics/science loan program:

The superintendent of schools of the employing district or his/her designee(s) is responsible for calculating qualifying teacher service.

(a) General. In order to obtain forgiveness of scheduled repayments, a borrower must, for the repayment period, be employed at least half-time as a teacher of qualifying mathematics or science courses.

A borrower may be employed in any status half-time or greater so long as the number of qualifying mathematics or science courses taught are themselves equal to a half-time assignment.

In calculating teaching days, paid sick leave covered under a teacher's contract are considered as teaching days.

(b) Calculation of eligibility. The following formula shall be used to determine teacher eligibility for forgiveness:

(i) Calculate the number of teaching days in the repayment quarter (x).

(ii) Determine the average number of hours per day required for full-time teaching status (y).

(iii) Multiply (x) time[s] (y) to establish a full teaching load for the repayment period; fifty percent of that total establishes the qualifying teaching load.

(iv) Calculate the number of class hours taught in the repayment period in qualifying mathematics or science courses. If it equals or exceeds the qualifying teaching load (iii) of this subsection), the borrower can be certified for forgiveness.

(c) Exceptions. In the case of schools that because of size or geography are restricted to limited course offerings that make it a practical impossibility for a borrower to obtain a teaching assignment that qualifies for forgiveness, an appeal process is available. The higher education coordinating board may grant forgiveness in those individual cases where the borrower is teaching a fair share of the available qualifying courses even if the total qualifying hours fall below the half-time standard.

[Statutory Authority: RCW 28B.15.760. 88-10-003 (Order 4/88, Resolution No. 88-11), § 250-60-100, filed 4/21/88. Statutory Authority: 1983 1st ex.s. c 74. 83-24-078 (Order 6-83, Resolution No. 84-9), § 250-60-100, filed 12/7/83.]

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WAC 250-60-110 Program administration and audits. (1) The staff of the higher education coordinating board, under the direction of the executive director, will manage the administrative functions relative to this program.

(2) The board shall appoint an advisory committee comprised of representatives of eligible institutions and of other professionals in the field of education with the interest and expertise to assist board staff:

(a) In the drafting of program rules and guidelines;

(b) In the establishment of student award priorities;

(c) In setting criteria for the allotment of funds to participating institutions; and

(d) In general program oversight and administration.

(3) The higher education coordinating board will review institutional administrative practices to determine institutional compliance with rules and regulations and program guidelines. If such a review determines that an institution has failed to comply with program rules and regulations or guidelines, the board may suspend, terminate, or place conditions upon the institution's participation in the program and/or require reimbursement to the program for any funds lost or improperly expended.

(4) Any student who has obtained a mathematics/science loan through means of a wilfully false statement or failure to reveal any material fact, condition, or circumstance affecting eligibility will be subject to applicable civil or criminal penalties.

[Statutory Authority: RCW 28B.15.760. 88-10-003 (Order 4/88, Resolution No. 88-11), § 250-60-110, filed 4/21/88. Statutory Authority: 1983 1st ex.s. c 74. 83-24-078 (Order 6-83, Resolution No. 84-9), § 250-60-110, filed 12/7/83.]

WAC 250-60-120 Suspension or termination of institutional participation. Upon receipt of a complaint or other evidence that an institution has failed or is failing to comply with program rules and regulations, the board staff shall notify the institution by mail of the nature of such allegations and conduct a review of the alleged violations.

If preliminary findings indicate that a violation or violations may have occurred or are occurring, the board staff shall attempt, through mediation and conciliation, to effect corrections and/or secure reimbursement from the institution in the event any funds were expended out of compliance with the provisions of WAC 250-60-030 through 250-60-080.

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

The executive director or a designated hearing officer shall conduct a hearing and make findings and conclusions in accordance with the Administrative Procedure Act, chapter 34.04 RCW. The findings, conclusions[,] and any recommendations for action shall be submitted to the board for final action pursuant to RCW 34.04.110. The board may accept or reject, in whole or in part, any recommendations made by the hearing officer, may remand for further findings and/or take any other action the board deems appropriate under the circumstances.

[Statutory Authority: RCW 28B.15.760. 88-10-003 (Order 4/88, Resolution No. 88-11), § 250-60-120, filed 4/21/88. Statutory Authority: 1983 1st ex.s. c 74. 83-24-078 (Order 6-83, Resolution No. 84-9), § 250-60-120, filed 12/7/83.]

Reviser's note: RCW 34.05.395 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 250-61 WAC REGULATIONS FOR THE DEGREE AUTHORIZATION ACT

WAC	
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WAC 250-61-010 Scope and purpose. The Degree Authorization Act, chapter 28B.85 RCW established a requirement that degree-granting institutions operating in Washington obtain authorization from the higher education coordinating board, unless specifically exempted from the authorization requirement by the act. This chapter is promulgated by the board as a supplement to the act in order to establish necessary regulations for the authorization of degree-granting institutions.

The purpose of the act is to insure fair business practices and adequate quality among degree-granting institutions operating in the state of Washington and to protect citizens against substandard, fraudulent, and deceptive practices.

[Statutory Authority: RCW 28B.80.370. 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-010, filed 11/20/86.]

WAC 250-61-020 Previous regulations repealed. Regulations previously adopted by this agency pursuant to chapter 28B.05 are repealed. Degree-granting institutions registered under the previous regulations will be governed by the previous rules and are not required to apply for authorization until the expiration date of such registration.

[Statutory Authority: RCW 28B.80.370. 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-020, filed 11/20/86.]

WAC 250-61-030 Delegation and board supervision. (See RCW 28B.80.430.)

(1) Unless otherwise indicated, the board delegates authority for administering the act and these rules to the executive director.

(2) Any action taken pursuant to these rules by the executive director or his designee shall be subject to supervision by the board.

(3) All actions taken by the executive director pursuant to these rules shall be reported periodically to the board for its review and approval.

[Statutory Authority: RCW 28B.80.370. 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-030, filed 11/20/86.]

WAC 250-61-040 Duties of executive director. In addition to other administrative responsibilities vested in the executive director of the higher education coordinating board under the act and this chapter, the executive director shall carry out the following administrative responsibilities:

(1) Process authorization applications, fee payments, and bonds or security deposits, to include the denial and issuance of authorization, signed by the executive director.

(2) Cause the payment of any unsatisfied final judgment against an authorized institution, from the resources available through the institution's surety bond or other security deposit.

(3) Upon written notice from an authorized institution, release the surety on the institution's bond.

(4) Upon written notice from an authorized institution, return the institution's security deposit.

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

(6) To the extent that there is a payment by a surety, release the bond to the extent of the payment.

(7) Establish and maintain all records called for under the provisions of the act and this chapter.

[Statutory Authority: RCW 28B.80.370. 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-040, filed 11/20/86.]

WAC 250-61-050 Definitions. The definitions set forth in this section are intended to supplement the definitions in chapter 28B.85 RCW and shall apply throughout this chapter.

(1) "Board" means the Washington higher education coordinating board.

(2) "Executive director" means the executive director of the board or the executive director's designee.

(3) "Degree" means any designation, appellation, letters, or words including but not limited to "associate," "bachelor," "master," "doctor," or "fellow" which signify or purport to signify satisfactory completion of the requirements of an academic program of study beyond the secondary school level.

(a) "Associate degree" means a lower division undergraduate degree that requires no fewer than 60 semester hours or 90 quarter hours.

(b) "Bachelor's degree" or "baccalaureate degree" means an undergraduate degree that requires no fewer than 120 semester hours or 180 quarter hours.

(c) "Master's degree" means a graduate degree that requires no fewer than 24 semester hours or 36 quarter hours beyond the baccalaureate degree.

(d) "Doctor's degree" or "doctorate" means a post-graduate degree that requires no fewer than 60 semester hours or 90 quarter hours beyond the baccalaureate degree.

(4) "Program of study" means any course or grouping of courses prerequisite to or indicative of a degree.

(5) "Degree-granting institution" means an entity that offers educational credentials, instruction, or services prerequisite to or indicative of an academic or professional degree beyond the secondary level.

(6) "Recognized institutional accrediting agency" means an agency or association, of regional or national scope, recognized by the council on postsecondary accreditation and the board for purposes of this chapter and published by the board as recognized accrediting agencies under this chapter.

(7) "To operate" means but is not limited to the following:

(a) Offering courses in person, by correspondence, or electronic media, at any Washington location for degree credit, including electronic courses transmitted into the state of Washington.

(b) Granting or offering to grant degrees in Washington for credit obtained within or outside the state.

(c) Maintaining or advertising a Washington location, mailing address, or telephone number for any purpose or any other function of a degree-granting institution, other than contact with the institution's former students for any legitimate purpose related to their having attended.

(8) "To offer" includes, in addition to its usual meanings, to advertise or publicize. "To offer" shall also mean to solicit or encourage any person, directly or indirectly, to perform the act described.

(9) The "act" means the Degree Authorization Act, chapter 28B.85 RCW.

[Statutory Authority: RCW 28B.80.370. 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-050, filed 11/20/86.]

WAC 250-61-060 Exemptions. The provisions of this chapter do not apply to:

(1) Honorary credentials clearly designated as such on the front side of the diploma or certificate and awarded by institutions offering other educational credentials in compliance with state law.

(2) Any public college, public university, public community college or other entity operating as part of the public educational system of this state.

(3) Institutions that have received institutional accreditation from an agency recognized by the board, *Provided:*

(a) That any non-degreed programs offered by the institution have been determined by the commission for vocational education or its successor agency to be in substantial compliance with operational criteria established under chapter 299, Laws of 1986 and chapter 490-861, Washington administrative code; such determinations being effected and reported to the executive director via an interagency agreement executed between the respective agencies.

(b) That a branch campus, extension center, or off-campus facility operating within the state of Washington, which is affiliated with an institution domiciled outside this state, must have separate institutional accreditation as a free-standing institution from a

recognized accrediting agency to qualify for this exemption.

(4) Institutions which offer program(s) of study whose sole stated objective is training in the religious beliefs of the controlling religious organization and/or preparation of students for occupations that are primarily church-related and 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 director shall ask the chief administrative officer of any institution that may qualify for an exemption on religious grounds to forward to the board 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 director to verify the exempt status of the institution.

(b) In the case of a religious institution that offers both religious and secular programs of instruction, the requirements of chapter 28B.85 RCW and this chapter shall pertain only to the secular programs of the institution.

(c) If the executive director 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 director shall proceed according to the provisions of this chapter.

(5) Institutions not otherwise exempt which offer only workshops and seminars lasting no longer than three calendar days and for which academic credit is not awarded.

[Statutory Authority: RCW 28B.80.370. 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-060, filed 11/20/86.]

WAC 250-61-070 Interagency agreement for degree-granting private vocational schools. (1) Institutional accredited degree-granting private vocational schools.

(a) Pursuant to rules adopted by the higher education coordinating board, that agency will exempt from compliance in accordance with chapter 28B.85 RCW, those degree programs that are covered by the institution's accreditation. For purposes of this exemption, the board recognizes those national and regional institutional accrediting agencies recognized by the council on postsecondary accreditation.

(b) The commission for vocational education or its successor agency will process the application of an institutionally accredited degree-granting private vocational school which offers nondegree programs in accordance with chapter 28C.10 RCW. The agency will collect the licensing fee, require the posting of a surety bond or other security, and handle student complaints.

(2) Nonaccredited degree-granting private vocational schools.

(a) The higher education coordinating board will process the application of nonaccredited degree-granting private vocational institutions when the majority of programs offered are degree programs. Nondegree programs will be reviewed by the commission for vocational

education or its successor agency, as will student complaints regarding nondegree programs. The higher education coordinating board will collect the application fee. A single surety bond or other security based on total tuition will be required and will name both agencies as obligees.

(b) The commission for vocational education or its successor agency will process the application of nonaccredited degree-granting private vocational institutions when the majority of programs offered are nondegree programs and collect fees based on annual income from nondegree programs; *Provided*, That the minimum initial fee shall be \$800 and the minimum renewal fee shall be \$400. Degree programs will be reviewed by the higher education coordinating board, as will student complaints. The agency will collect the license fee which shall be based on the income derived from nondegree programs. A single surety bond or other security based on total tuition will be required and will name both agencies as obligees.

(3) If either the commission for vocational education or its successor agency or the higher education coordinating board revokes, suspends or fails to renew the license or authorization of an institution, it immediately will notify the other of such action.

[Statutory Authority: RCW 28B.80.370. 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-070, filed 11/20/86.]

WAC 250-61-080 Authorization standards. These standards form the basis for the review of an institution by the board staff and guide the decisions of the executive director and the board. To receive authorization, the institution shall meet all of these standards in addition to the specific requirements of this chapter.

(1) Name: The official name of the institution shall be consistent with and appropriate to the program(s) of study offered.

(2) Purpose.

(a) The institution shall clearly define its purpose or mission in an official statement which describes its role in higher education.

(b) The statement of purpose shall be concise and reflect the official philosophy and practice of the institution.

(3) Administration and governance.

(a) The institution shall establish and maintain a responsible management strategy and structure for developing policy and oversight of the institution, consistent with its stated purposes.

(b) The institution shall have bylaws or policies defining a chain of authority and responsibility.

(c) The institution shall follow management practices and controls to maintain standards appropriate to its purpose.

(d) Administrators shall normally be graduates of recognized accredited institutions and possess academic and experiential qualifications for their area of responsibility. In unusual circumstances, comparable credentials and extensive work experience shall be considered in lieu of graduation from a recognized accredited institution.

(4) Educational programs and curricula.

(a) The educational program and curricula shall be related to the purpose of the institution and accurately described in all published materials which refer to such offerings.

(b) Admission, retention and degree requirements shall be based on the institution's objectives and consistently applied to each program of study.

(i) Admission to an undergraduate program of study by those under age 18 shall normally require a high school diploma or the equivalent.

(ii) Admission to a graduate program of study shall normally require a baccalaureate degree or the equivalent, unless the institution can demonstrate, upon request from the board, that these are not the normally accepted practices in a particular field of study.

(iii) 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.

(c) Undergraduate degree programs shall require, as a minimum, 20 percent of the program in general education curricula.

(d) Graduate degree programs shall provide for advanced levels of scholarship, research, and competence in the area of specialization.

(e) Doctoral degree programs shall provide a broad range of advanced course offerings, faculty in ancillary and supporting fields, access to adequate laboratory and research facilities and, a wide range of current reference materials in the subject field.

(f) Home study, correspondence, and electronic media program(s) of study must be comparable in content, faculty, and resources to those offered in residency.

(g) Each curriculum shall provide a sequence of appropriate courses leading to the attainment of competence and educational credentials in the respective area or field of study.

(5) Faculty.

(a) Faculty shall be professionally prepared, with background, degree levels, and experience demonstrably higher than the instructional activities for which they are responsible. As a minimum:

(i) Faculty teaching at the undergraduate degree level shall possess a master's degree or comparable credentials in their assigned program area, unless the institution can demonstrate that these are not the normally accepted practices in a particular field of study.

(ii) Faculty teaching at the graduate degree level shall possess a doctorate degree or comparable credentials and be experienced in directing independent study and research, unless the institution can demonstrate that these are not the normally accepted practices in a particular field of study.

(b) Faculty shall be sufficient in number and kind and in the proportion of full-time and part-time positions to sustain rigorous courses, programs, and services. As a minimum, 20 percent of the curriculum, defined in terms of the number of courses or credit hours necessary for program completion, shall be taught by full-time faculty, unless the institution can demonstrate that these

are not the normally accepted practices of the institution given its mission and special characteristics.

(6) Student services.

(a) The institution shall provide student services that support institutional policies and assist students in achieving their educational objectives. As a minimum, the institution shall provide students with programs of counseling, testing, advisement, and orientation.

(b) The institution shall have an orderly system of admission which evaluates the prospective student's intellectual and personal qualifications in relation to the purposes and objectives of the institution.

(c) The institution shall maintain student records in a manner consistent with *A Guide to Adequate Permanent Records and Transcript* of the American Association of Collegiate Registrars and Admission Officers, and right to privacy legislation shall be observed.

(7) Instructional resources.

(a) Instructional support personnel, facilities, equipment, and other learning resources shall be sufficient in size, number, and location to support courses, programs, and services.

(b) The institution's library shall be accessible and contain a collection of books, periodicals and other resource materials sufficient for the educational needs of students and faculty. If the institution does not maintain its own library, there shall be a written agreement with another institution or organization to provide for faculty and student access to a collection sufficient for the needs of the program(s) of study.

(c) The institution shall be operated in compliance with all applicable ordinances, laws, codes, and rules concerning the safety, health, and access of all persons on its premises.

(8) Finances.

(a) The resources of the institution shall be sufficient to adequately support its programs, activities, and personnel now and in the future.

(b) Financial management and fiscal practices shall be consistent with those set forth in the *College and University Business Administration*, third edition, or such later editions as published.

(9) Evaluation.

(a) Provision shall be made for the continual reassessment of the educational program and the evaluation and improvement of instruction.

(b) All areas of the institution and personnel shall be evaluated periodically to determine their effectiveness in fulfilling institutional objectives.

(10) Publications.

(a) All publications relating to the institution, including catalogs, advertisements, and other communications shall be accurate and not misleading.

(b) Authorized institutions shall provide in a conspicuous place in its catalogs disclosure statements regarding their institutional and specialized accreditation status.

(c) Authorized institutions shall not advertise or publicize that they are approved, recommended, accredited or endorsed in any way by the board.

[Statutory Authority: RCW 28B.80.370, 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-080, filed 11/20/86.]

WAC 250-61-090 Agency exemption. The executive director may suspend or modify the authorization requirements contained in this chapter for a particular institution if the executive director finds:

(1) That such suspension or modification will not frustrate the purposes of this chapter.

(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.

(3) An application for an agency exemption shall be submitted on a form developed by the executive director.

[Statutory Authority: RCW 28B.80.370. 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-090, filed 11/20/86.]

WAC 250-61-100 Catalog requirements. (1) An institution shall publish a catalog supplemented as necessary by other published materials (a draft copy may be provided for initial application) which shall include at least the following information:

(a) Official name, address, and telephone number of institution.

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

(c) A statement of purpose, objectives, and educational program of the institution.

(d) A listing of the names of all faculty, showing earned degrees and the institution conferring them; names of administrative officers, owner(s) and/or board.

(e) Specific programs of study, listing the degrees and majors offered, a brief description of each course offering, and the requirements for successful completion of each program.

(f) Admission, retention, and degree completion requirements.

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

(h) Cancellation and refund policies.

(i) Policies and procedures relative to the granting of credit for experience, along with the maximum amount of credit which can be obtained in this manner.

(j) A statement of the institution's policy on acceptance of transfer credits and credit by examination.

(k) 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.

(l) Policies and procedures for the development of individualized courses and programs.

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

(n) A description of the auxiliary services available to students enrolled in the institution.

(o) A description of the institution's facilities and equipment.

(p) A table of contents.

(q) An institutional calendar showing legal holidays, beginning and ending dates of each term, and other important dates.

(r) An authorization statement on the cover or front page of the catalog which reads: The (name of institution) is authorized by the Washington higher education coordinating board and meets the requirements and minimum educational standards established for degree-granting institutions under the Degree Authorization Act. Any person desiring information about the requirements of the act or the applicability of those requirements to the institution may contact the board office.

(2) An institutional catalog shall be published at least once every two years and be provided to students at the time of their enrollment.

[Statutory Authority: RCW 28B.80.370. 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-100, filed 11/20/86.]

WAC 250-61-110 Cancellation and refund requirements. (1) Each institution shall publish its cancellation and refund policies in clear language that can be easily understood by prospective students. These policies apply to all terminations for any reason, by either party.

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

(a) An applicant rejected by an institution shall be entitled to a refund of all money paid, less an application fee, not to exceed \$100.00. Said application fee is not refundable and may be retained by the institution in all calculations of refunds required elsewhere in this section.

(b) All money paid by a successful applicant shall be refunded to the applicant if requested in writing within six business days after signing an enrollment agreement or making 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 money paid, less 10 percent of tuition and fee charges, for the current term.

(d) Starting on the first day of classes and continuing through the first calendar week, the tuition and fee charges retained by the institution shall not exceed 25 percent of the tuition and fees paid for the current term.

(e) Starting on the eighth calendar day and continuing through the fourteenth day, the tuition and fee charges retained by the institution shall not exceed 50 percent of the tuition and fees paid for the current term.

(f) Following completion of the first fourteen days, the institution may retain 100 percent of tuition and fees paid for the current term but shall refund any tuition and fees paid in advance for subsequent terms.

(g) The termination date for refund computation shall be the date on which the student initially requests cancellation or the date on which the institution withdraws a student.

(h) If a student, without written notice to the institution, fails to attend classes for 30 calendar days, the institution shall notify the student in writing that enrollment has been terminated, effective the 30th calendar day, and shall refund tuition and fees according to its published refund policy.

(i) The institution shall provide an exact pro rata refund to the student for any arbitrary and unilateral change by the institution of scheduled times of instruction, reduction in length of instruction, reduction of course content, or other actions that reduce the ratio of instruction to course costs.

(j) All money due the applicant shall be refunded within 30 days after written notice of cancellation or termination.

(3) Correspondence and home study schools must comply with the refund and cancellation policy of the National Home Study Council accrediting association.

[Statutory Authority: RCW 28B.80.370. 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-110, filed 11/20/86.]

WAC 250-61-120 Surety bond requirement. (1) The amount of the surety bond or other security acceptable to the executive director 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 \$100,000.

(2) In the case of new institutions, the bond or security amount for the first year shall be \$5,000.

(3) Release of surety bonds and other securities shall be made in compliance with chapter 28B.85 RCW.

[Statutory Authority: RCW 28B.80.370. 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-120, filed 11/20/86.]

WAC 250-61-130 Closure requirements. (1) In the event an institution proposes to discontinue its operation, the chief administrative officer of the institution shall:

(a) Notify the executive director immediately by certified mail.

(b) Furnish enrolled students with a written notice explaining the reasons for closure and what procedures they are to follow to secure refunds and their official records.

(2) In the event it appears to the executive director that the official records of an institution discontinuing its operation are in danger of being destroyed, secreted, mislead, or otherwise made unavailable to the students and the board, the executive director may seek a court order to take possession of the records and provide for their permanent maintenance.

[Statutory Authority: RCW 28B.80.370. 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-130, filed 11/20/86.]

WAC 250-61-140 Application requirements. (1) Initial application requirements:

(a) No institution is eligible to apply for authorization if the institution is based outside of Washington and is not authorized to do business in the state in which it is primarily located.

(b) At least six months prior to operation, an institution shall apply to the board for authorization by completing application forms provided by the executive director. As a minimum, the application must include:

(i) Name and address of institution.

(ii) Purpose of institution.

(iii) Names and addresses of the owner(s) of the institution and shareholders holding more than a ten percent interest, and, if applicable, members of the institution's board.

(iv) Name and address of the chief administrative officer and representatives of the institution in Washington.

(v) Bylaws and regulations established for the governance and operation of the institution.

(vi) Bank or other financial institution that may be consulted as a financial reference.

(vii) Qualifications of administrators and faculty.

(viii) A description of the degrees and programs of study offered.

(ix) A description of the facilities and equipment utilized.

(x) 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.

(c) Each application shall be accompanied by the following:

(i) An initial application fee payable to the Washington state treasurer for \$800.00.

(ii) A surety bond or other form of security as specified in chapter 28B.85 RCW and this chapter.

(iii) An audited financial statement consistent with the general accounting principles established by the *College and University Business Administration*, third edition, or such later editions as published.

(iv) A copy of enrollment agreements or student contracts utilized by the institution.

(v) A copy of the institution's articles of incorporation on record with the Washington state office of the secretary of state.

(vi) A copy of the institution's catalog.

(vii) Documentation verifying the institution's accreditation status and authorization status in primary location.

(viii) Documentation that fire, safety, and health codes are met by the institutional facility.

(d) If additional program(s) of study are proposed during the current authorization year, the institution must submit to the board a supplemental application at least 60 days before the program is to be offered. The program(s) of study shall be authorized prior to operation, which includes advertising and recruitment.

(2) Annual renewal application for authorization.

(a) At least three months prior to the expiration date of the institution's current authorization, the institution shall:

(i) Submit a renewal application fee payable to the Washington state treasurer for \$400.00.

(ii) Provide evidence of continued compliance with the surety bond or security requirement.

(iii) Submit an audited financial statement consistent with the general accounting principles established by the *College and University Business Administration*, third edition, or such later editions as published.

(iv) File a renewal application on a form developed by the executive director, 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.

(b) A change of ownership or control of an institution shall nullify any previous authorization, and the chief administrator, representing the new owner(s) shall comply with all the application requirements applicable to the initial application for authorization outlined in this section. If the chief administrator furnishes a written statement asserting that all conditions set forth in the act and these rules are being met or will be met before offering instruction, the executive director may issue a temporary certificate of authorization for a maximum of sixty days.

[Statutory Authority: RCW 28B.80.370. 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-140, filed 11/20/86.]

WAC 250-61-150 Application review procedures.

(1) Staff analysis. Following receipt of the application, board staff shall review and analyze the application and documentation submitted.

(2) Site visit and additional documentation. In the case of an application where the board staff determines it is necessary to verify or supplement the information provided in the application, the staff may require additional written documentation and arrange for a site visit.

(3) Outside consultants. The executive director and the executive director's designee, at their discretion, may utilize the expertise of other higher education experts to assist in a site visit and in the evaluation of the documentation submitted.

(4) Staff report. Following the staff analysis, board staff shall summarize its findings and develop a recommendation to the executive director regarding the application. This recommendation shall be shared with the applicant as follows:

(a) That the institution be granted authorization, subject to annual reporting and maintenance of the conditions under which authorization has been granted; or

(b) That the institution be denied authorization.

(5) Authorization notification. Following the executive director's decision to authorize or deny the institution's request, a letter signifying the action shall be sent from the executive director to the chief administrative officer of the institution. The letter of authorization will serve as official authorization for the institution to operate in Washington and offer the stated program(s) of study at stated location(s).

(6) An institution denied authorization shall file a new application in order to be given reconsideration for authorization.

[Statutory Authority: RCW 28B.80.370. 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-150, filed 11/20/86.]

WAC 250-61-160 Revocation of authorization. (1) The executive director may revoke an institution's authorization if it finds that:

(a) Any statement contained in the application for authorization is untrue.

(b) The institution has failed to maintain faculty, facilities, equipment, and programs of study on the basis of which the authorization was granted.

(c) Advertising or representations made on behalf of and sanctioned by the institution is deceptive or misleading.

(d) The institution has violated any provision of this chapter.

(2) The executive director's and board's actions are subject to due process hearing procedures of the Washington Administrative Procedure Act.

[Statutory Authority: RCW 28B.80.370. 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-160, filed 11/20/86.]

WAC 250-61-170 Complaints. (1) Upon written receipt of a complaint that an institution has failed or is failing to comply with the provisions of the act or this chapter, the executive director shall notify the institution by mail of the nature of the complaint and shall conduct an investigation.

(2) If preliminary findings indicate that a violation(s) may have occurred or are occurring, the executive director shall attempt, through mediation and conciliation, to effect compliance and bring about a settlement.

(3) If no agreement is reached, the executive director shall file a formal complaint with the board and notify the institution of the conduct which warrants the complaint. Final resolution of the complaint shall be subject to hearing procedures provided for in this chapter and the institution may be subject to a summary suspension of its authorization, pending further proceedings for revocation, suspension or other actions deemed proper after the hearing.

[Statutory Authority: RCW 28B.80.370. 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-170, filed 11/20/86.]

WAC 250-61-180 Appeal. Any dispute arising from the following actions shall require a hearing pursuant to this chapter:

(1) A denial of an exemption.

(2) A denial of authorization.

(3) A cease and desist order issued under the provisions of chapter 28B.85 RCW.

(4) Any action taken by the executive director which is alleged to adversely affect an institution or a student and which is allegedly not in keeping with the intent and purpose of the act or this chapter.

[Statutory Authority: RCW 28B.80.370. 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-180, filed 11/20/86.]

WAC 250-61-190 Hearings. Any hearing called for under the act shall be conducted in the following manner:

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

submitted to the board for final action pursuant to RCW 34.04.110.

(2) The board may accept or reject, in whole or in part, any recommendations made by the hearing officer, may remand for further findings and/or take any other action the board deems appropriate under the circumstances, pursuant to the provisions of the act and this chapter.

[Statutory Authority: RCW 28B.80.370. 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-190, filed 11/20/86.]

Chapter 250-65 WAC
FUTURE TEACHER CONDITIONAL
SCHOLARSHIP PROGRAM CHAPTER 28B.102
RCW

WAC

250-65-010	Purpose.
250-65-020	Program definitions.
250-65-030	Eligibility criteria.
250-65-040	Screening and selection of recipients.
250-65-050	Administration.
250-65-060	Control of funds.

WAC 250-65-010 Purpose. The purpose of this act is to encourage students with outstanding academic records to enter the teaching profession; and, further, to recruit students who can act as role models for children including those from targeted ethnic minorities.

[Statutory Authority: Chapter 28B.102 RCW, 88-03-008 (Order 1/88, Resolution No. 87-81), § 250-65-010, filed 1/8/88.]

WAC 250-65-020 Program definitions. (1) "Conditional scholarship" means a loan that is forgiven in whole or in part if the recipient renders service as a teacher in the public schools of this state. A student's acceptance of one or more disbursements of a scholarship, regardless of its value, creates a contractual obligation on the part of the student to teach for a period of ten years in a qualifying school, or incur an obligation to repay all or part of the scholarship.

(2) "Institution of higher education" or "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 the Northwest Association of Schools and Colleges and, if such institution agrees to participate in the program in accordance with all applicable rules and regulations. Any institution, branch, extension or facility operating within the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of the above named accrediting association.

(3) "Board" means the higher education coordinating board. When a duty or responsibility of the board is referenced in these regulations, the authority needed to discharge that responsibility lies with the executive director or his or her designee.

(4) "Public school" means an elementary school, a middle school, junior high school, or high school within the public school system referred to in Article IX of the state constitution.

(5) "Forgiven" or "to forgive" or "forgiveness" means that a portion of the student's loan is reduced through the rendering of service as a teacher at a public school in the state of Washington in lieu of monetary repayment.

(6) "Satisfied" means paid-in-full either through the rendering of service or monetary repayment in fulfillment of the student's contractual obligation.

(7) "Participant" means an eligible student who has received one or more disbursements under this program.

(8) "Targeted ethnic minority" means a group of Americans with a common ethnic or racial heritage selected by the board for program consideration due to societal concerns such as high drop out rates or low rates of college participation by members of this group. Wherever possible students selected for participation in the conditional scholarship program should be able to serve as role models for children and youth from targeted ethnic minorities.

(9) "Washington resident" or "resident student" means an individual who satisfies the requirements of RCW 28B.15.012 through 28B.15.015 and board-adopted rules and regulations pertaining to the determination of residency.

(10) "Needy student" shall mean a post-high school student of an institution of higher learning as defined in RCW 28B.10.802(1) who demonstrates to the board the financial inability, either through the student's parents, family and/or personally, to meet the total cost of board, room, books and tuition and incidental fees for any semester or quarter.

(11) "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.

(12) "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 other cost factors deemed necessary for consideration, consistent with WAC 250-65-040 (3)(a).

(13) "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.

(14) "Dependent student" shall mean any post-high school student attending an eligible institution of post-secondary education who does not qualify as a self-supporting student in accordance with subsection (15) of this section.

(15) "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.

[Statutory Authority: Chapter 28B.102 RCW. 88-03-008 (Order 1/88, Resolution No. 87-81), § 250-65-020, filed 1/8/88.]

WAC 250-65-030 Eligibility criteria. (1) Student eligibility. In order to be eligible for a conditional scholarship under this program the student must:

(a) Be registered for a minimum of ten credit hours or the equivalent, at the time of disbursement, during any term for which a scholarship disbursement is issued.

(i) Calculation of equivalency. In recognition of the fact that participating institutions have different academic calendars and apply different full-time enrollment definitions, the ten credit hour equivalent standard is defined as follows: As ten credit hours is 5/6's (10/12) of the minimum twelve credit hours required for full-time undergraduate enrollment, a course load that by institutional standard is the equivalent of 5/6's of a minimum full-time course load satisfies the threshold course load requirement of the future teacher conditional scholarship program.

(b) Demonstrate achievement of at least a 3.30 cumulative grade point average for students entering an eligible institution of higher education directly from high school; or maintain at least a 3.00 grade point average or the equivalent for each academic year in an institution of higher education, calculated at the end of each academic year. In the case of extenuating circumstances, the board may waive the grade point average requirement, with cause.

(c) Be classified as a resident student of the state of Washington for tuition and fee purposes.

(d) Be capable, in the opinion of the institution, of maintaining good standing in a course of study while funded by the program, and demonstrate satisfactory progress toward degree or certificate completion.

(e) Have declared an intention to complete an approved preparation program as determined by the institution leading to initial teacher certification or required for earning an additional endorsement, or a college or university graduate who is registered for at least ten credit hours per term, or the equivalent, and is seeking an additional teaching endorsement or initial teaching certification.

(f) Not be pursuing a degree in theology.

(2) While evidence of documented financial need is not a prerequisite for program participation, the board may include need as an element of the criteria for the screening and selection of recipients for approximately half of the program's recipients.

(3) 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 higher education coordinating board.

(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.

(c) The conditional scholarship, when offered in conjunction with other forms of governmentally provided student financial assistance, 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.

(2) Institutional eligibility criteria.

(a) 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 board annually for approval.

[Statutory Authority: Chapter 28B.102 RCW. 88-03-008 (Order 1/88, Resolution No. 87-81), § 250-65-030, filed 1/8/88.]

WAC 250-65-040 Screening and selection of recipients. Whenever possible in selecting conditional scholarship recipients, the board will give preference to qualified candidates who wish to become future teachers who fulfill both purposes of the statute: (1) Recruitment of students who have distinguished themselves through outstanding academic achievement and (2) students who can act as role models for children and youth including those from targeted ethnic minorities.

(1) Program advisory and screening committee. The board will annually appoint an advisory committee to advise the board on matters of program administration including, but not limited to, scholarship screening and selection criteria and procedures, fund raising, program publicity, and efforts to recruit minority students. The advisory committee shall also serve as a screening committee in assisting the board in selecting the students to receive conditional scholarships.

(2) Selection of recipients.

(a) Assuming program eligibility criteria is met, the following additional selection criteria will be employed by the board in ranking candidates and awarding conditional scholarships:

(i) Superior scholastic achievement.

(ii) Leadership ability.

(iii) Community contributions.

(iv) Ability to act as a role model for targeted ethnic minority students.

(v) Brief statement evidencing the student's commitment to teaching and evidence of promise as a future teacher.

(vi) Financial need (may be considered for approximately half of the recipients).

(vii) Eligibility for renewal of conditional scholarship.

(3) Renewal scholarships. As a priority in awarding conditional scholarships, the board may continue to make awards to an eligible recipient for a maximum of five academic years.

[Statutory Authority: Chapter 28B.102 RCW. 88-03-008 (Order 1/88, Resolution No. 87-81), § 250-65-040, filed 1/8/88.]

WAC 250-65-050 Administration. (1) Administering agency. The higher education coordinating board shall administer the future teacher conditional scholarship program. The staff of the higher education coordinating board, under the direction of the executive director, will manage the administrative functions relative to the program. The board shall have the following administrative responsibilities, encompassed within the board's enumerated powers and duties:

(a) Enter into agreements with participating institutions, and billing and collection agencies as may be necessary.

(b) Select students to receive conditional scholarships, with the assistance of a screening committee composed of teachers and leaders in government, business, and education.

(c) Adopt necessary rules and guidelines.

(d) Publicize the program.

(e) Collect and manage repayments from students who do not meet their teaching obligations.

(f) Solicit and accept grants and donations from public and private sources for the program.

[Statutory Authority: Chapter 28B.102 RCW. 88-03-008 (Order 1/88, Resolution No. 87-81), § 250-65-050, filed 1/8/88.]

WAC 250-65-060 Control of funds. The higher education coordinating board may award conditional scholarships to eligible students from the funds appropriated to the board for this purpose, or from any private donations, or any funds given to the board for this program.

(1) Scholarship amounts:

(a) The amount of the conditional scholarship awarded an individual shall not exceed three thousand dollars per academic year. Students are eligible to receive conditional scholarships for a maximum of five years. The total amount of such scholarships to an eligible student shall not exceed fifteen thousand dollars. The duration of service obligation does not vary with the value of the scholarship(s).

(2) The scholarship recipient shall enter into an agreement with the higher education coordinating board agreeing to comply with the rules, regulations, and guidelines of the conditional scholarship program. The agreement shall serve as the legal document verifying the recipient's understanding of the obligation to repay the conditional scholarship if teaching service is not fulfilled.

(3) Repayment terms:

(a) Participants in the conditional scholarship program incur an obligation to repay the conditional scholarship, with interest, unless they teach for ten years in the public schools of the state of Washington, under rules adopted by the board.

(b) The terms of the repayment, including deferral of the interest, shall be consistent with the terms of the federal guaranteed loan program.

(c) The period for repayment shall be ten years, with payments accruing quarterly commencing nine months from the date the participant completes or discontinues the course of study.

(d) The entire principal and interest of each payment shall be forgiven for each payment period in which the participant teaches in a public school until the entire repayment obligation is satisfied or the borrower ceases to teach at a public school in this state. Should the participant cease to teach at a public school in this state before the participant's repayment obligation is completed, payments on the unsatisfied portion of the principal and interest shall begin the next payment period and continue until the remainder of the participant's repayment obligation is satisfied.

(3) Collection of repayments:

(a) The board is responsible for collection of repayments made and shall exercise due diligence in such collection, maintaining all necessary records to ensure that maximum repayments are made.

(b) The board is responsible to forgive all or parts of such repayments under the criteria established by the board and shall maintain all necessary records of forgiven payments.

(4) Receipts:

(a) Receipts from the payment of the principal or interest or any other subsidies to which the board as administrator is entitled, which are paid by or on behalf of participants under this section, shall be deposited with the board and shall be used to cover the costs of granting the conditional scholarships, maintaining necessary records and making collections. The board shall maintain accurate records of these costs, and all receipts beyond those necessary to pay such costs shall be used to grant conditional scholarships to eligible students.

[Statutory Authority: Chapter 28B.102 RCW. 88-03-008 (Order 1/88, Resolution No. 87-81), § 250-65-060, filed 1/8/88.]

Chapter 250-66 WAC

WASHINGTON STATE SCHOLARS PROGRAM-- RULES AND REGULATIONS

WAC

250-66-010	Purpose.
250-66-020	Program definitions.
250-66-030	Nomination and selection of Washington state scholars.
250-66-040	Recipient eligibility.
250-66-050	Administration.
250-66-060	Control of funds.

WAC 250-66-010 Purpose. The purpose of this act is to establish a consistent and uniform program which

will recognize and honor the accomplishments of selected Washington high school graduates who have distinguished themselves through outstanding academic achievement; encourage and facilitate privately funded scholarship awards among them; stimulate the recruitment of these outstanding students to Washington public and private colleges and universities; and allow educational and legislative leaders, as well as the governor, to reaffirm the importance of educational excellence to the future of the state of Washington.

[Statutory Authority: 1988 c 210. 88-14-088 (Order 5-88, Resolution No. 88-13), § 250-66-010, filed 7/5/88.]

WAC 250-66-020 Program definitions. (1) "Public institution of higher education" shall mean all Washington state-operated, public, four-year universities, The Evergreen State College, and community colleges.

(2) "Independent college or university" shall mean any private, nonprofit educational institution, the main campus of which is permanently situated in the state, open to residents of the state, providing programs of education beyond the high school level leading at least to the baccalaureate degree, and accredited by the northwest association of schools and colleges and other institutions as may be developed that are approved by the higher education coordinating board as meeting equivalent standards as those institutions accredited by the northwest association of schools and colleges.

(3) "State-funded research universities" shall mean the university of Washington and Washington state university.

(4) "Board" means the higher education coordinating board. When a duty or responsibility of the board is referenced in these regulations, the authority needed to discharge that responsibility lies with the executive director or his or her designee.

(5) "Washington resident" shall mean any individual who satisfies the requirements of WAC 250-18-020 through 250-18-060 and any board-adopted rules and regulations pertaining to the determination of residency.

(6) "Waiver of tuition and service and activities fees." Students selected as Washington state scholars choosing to attend a public institution of higher education, as defined in subsection (1) of this section, and who meet all other eligibility requirements, shall be eligible for a full waiver of tuition and service and activities fees at any Washington public institution of higher education.

(7) "Grant(s)." Students selected as Washington state scholars choosing to attend an independent college or university, as defined in subsection (2) of this section, and who meet all other eligibility requirements, shall be eligible to receive grants from the state of Washington, if funds are available for this purpose. Grants shall not exceed, on an annual basis, the yearly, full-time, resident undergraduate tuition and service and activities fees in effect at the state-funded research universities. These grants shall also be contingent upon the independent college or university matching, on at least a dollar-for-dollar basis, either with actual institutional monies or a

waiver of tuition and fees, the amount the student receives from the state.

[Statutory Authority: 1988 c 210. 88-14-088 (Order 5-88, Resolution No. 88-13), § 250-66-020, filed 7/5/88.]

WAC 250-66-030 Nomination and selection of Washington state scholars. (1) Number of students to be nominated.

Each principal of a public or private approved Washington high school is encouraged to nominate one percent of the senior class (twelfth grade) based on the October 1 enrollment count of the previous year.

(2) Selection committee. Following the receipt of all nomination forms, the higher education coordinating board shall convene a selection committee which shall have members representing public and private secondary and postsecondary education institutions, state agencies, and private sector associations. This selection committee shall review all nominations based upon selection criteria which shall include, but not be limited to, academic excellence, leadership ability, and community contributions.

(3) Selection. The Washington state scholar selection committee will then select the top three graduating seniors from high schools in each legislative district to be designated as Washington state scholars.

(4) Notification. After the final selections have been made, the higher education coordinating board shall notify the students so designated, their high school principals, the legislators of their respective districts, and the governor.

(5) Certificates and awards ceremony. The board, in conjunction with the governor's office, shall prepare appropriate certificates of recognition to be presented to the Washington state scholars recipients. An awards ceremony at an appropriate time and place shall be planned by the board in cooperation with the Washington association of secondary school principals.

[Statutory Authority: 1988 c 210. 88-14-088 (Order 5-88, Resolution No. 88-13), § 250-66-030, filed 7/5/88.]

WAC 250-66-040 Recipient eligibility. (1) Eligibility criteria. In order to be eligible to receive a waiver of tuition and service and activities fees at public institutions of higher education or a grant at independent colleges or universities, the student must meet the following requirements. The student must:

- (a) Be a resident of the state of Washington.
- (b) Have attended high school in the state of Washington.
- (c) Be a designated and fully recognized recipient of the Washington state scholars award.
- (d) Have entered a public institution of higher education or independent college or university in the state of Washington within three years of high school graduation.
- (e) Be a student enrolled in undergraduate studies.
- (f) Maintain a minimum cumulative grade point average of 3.30 on a 4.0 scale, or the equivalent, at a public institution of higher education or independent college or university.

(g) If the student's cumulative grade point average falls below 3.30 during the first three quarters or two semesters, that student may petition the higher education coordinating board which shall have the authority to establish a probationary period until such time as the student's grade point average meets required standards. A student who has received probationary status from the higher education coordinating board shall remain eligible to receive a waiver or grant during such probationary period.

(h) Not be pursuing a degree in theology.

(2) Duration of eligibility. Recipients of the Washington state scholars award shall be eligible to receive tuition and service and activities fees at public institutions of higher education or grants at independent colleges or universities for a maximum total of eight semesters or twelve quarters.

(3) Transferability. Recipients of the Washington state scholars award may transfer between public institutions of higher education and independent colleges and universities in the state of Washington provided that the maximum waivers of tuition and service and activities fees and grants do not exceed eight semesters or twelve quarters.

[Statutory Authority: 1988 c 210. 88-14-088 (Order 5-88, Resolution No. 88-13), § 250-66-040, filed 7/5/88.]

WAC 250-66-050 Administration. (1) Administering agency. The higher education coordinating board, with cooperation from the Washington association of secondary school principals, shall administer the Washington state scholars program. The staff of the higher education coordinating board, under the direction of the executive director, will manage the administrative functions relative to the program. The board shall have the following administrative responsibilities, encompassed within the board's enumerated powers and duties:

(a) Select students to receive the Washington state scholars award, with the assistance of the selection committee created by WAC 250-66-030(3) of this act.

(b) Enter into agreements with participating independent institutions.

(c) Adopt all necessary rules and guidelines.

(d) Send program information and nomination materials to the principal of each Washington public and private school that has a twelfth grade.

(e) Publish a directory of all Washington state scholars selected and distribute it to all public institutions of higher education and independent colleges and universities, legislators, and participating high schools.

(f) Maintain records on all Washington state scholar award recipients.

(g) Publicize the program.

(h) Solicit and accept grants and donations from public and private sources for the program.

(i) Authorize probationary periods for Washington state scholar recipients whose cumulative grade point average falls below the minimum grade point average under WAC 250-66-040 (1)(f).

[Statutory Authority: 1988 c 210. 88-14-088 (Order 5-88, Resolution No. 88-13), § 250-66-050, filed 7/5/88.]

WAC 250-66-060 Control of funds. The higher education coordinating board may award grants to eligible students from the funds appropriated the board for this purpose, or from any private donations, or any other funds given to the board for this program.

[Statutory Authority: 1988 c 210. 88-14-088 (Order 5-88, Resolution No. 88-13), § 250-66-060, filed 7/5/88.]

Chapter 250-67 WAC

NURSES CONDITIONAL SCHOLARSHIP PROGRAM--RULES AND REGULATIONS

WAC

250-67-010	Purpose.
250-67-020	Program definitions.
250-67-030	Student eligibility.
250-67-040	Selection of recipients.
250-67-050	Administration.
250-67-060	Control of funds.

WAC 250-67-010 Purpose. The purpose of this act is to encourage qualified individuals with a declared intention to serve in a nurse shortage area.

[Statutory Authority: 1988 c 242. 88-14-089 (Order 6-88, Resolution No. 88-14), § 250-67-010, filed 7/5/88.]

WAC 250-67-020 Program definitions. (1) "Conditional scholarship" means a loan that is forgiven in whole or in part if the recipient renders service as a nurse serving in a nurse shortage area, as defined by the state health coordinating council.

(2) "Institution of higher education" or "institution" means a community college, vocational-technical school, or university in the state of Washington which is accredited by an accrediting association recognized as such by rule of the higher education coordinating board.

(3) "Board" means the higher education coordinating board. When a duty or responsibility of the board is referenced in these regulations, the authority needed to discharge that responsibility lies with the executive director or his or her designee.

(4) "Eligible student" means a student who: (a) has been officially accepted by the school into a program leading to eligibility for licensure as a licensed practical nurse or to a program leading to an associate, baccalaureate, or higher degree in nursing; (b) continues to make satisfactory progress within the program; and (c) has a declared intention to serve in a nurse shortage area upon completion of the educational program.

(5) "Nurse shortage area": Means those areas where nurses are in short supply as a result of geographic maldistribution or specialty areas of nursing as determined by the state health coordinating council.

(6) "Forgiven" or "to forgive" or "forgiveness" means to render nursing service in a nurse shortage area in the state of Washington in lieu of monetary repayment.

(7) "Satisfied" means paid-in-full.

(8) "Participant" means an eligible student who has received a conditional scholarship.

(9) "Washington resident" or "resident student" means an individual who satisfies the requirements of

WAC 250-18-020 through 060 and board-adopted rules and regulations pertaining to the determination of residency.

(10) "Needy student" shall mean a post-high school student of an institution of higher education as defined in RCW 28B.10.802(1) who demonstrates to the board the financial inability, either through the student's parents, family and/or personally, to meet the total cost of board, room, books, and tuition and incidental fees for any semester or quarter.

(11) "Financial need" shall be the difference between the budgetary cost to the student attending an institution of higher 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.

(12) "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 student is enrolled as a student.

(13) "Total applicant resources" must be computed according to the congressional methodology system of need analysis for the academic year. Total applicant resources for a dependent student consist of the sum of the expected parent contribution and the student's contribution from income, assets, and summer savings. For an independent student, total applicant resources are the sum of the student's and spouse's contribution from income, assets, and summer savings.

(14) "Dependent student" shall mean any post-high school student attending an eligible institution of higher education who does not qualify as an independent student in accordance with subsection (15) of this section.

(15) "Independent student" shall mean any student who has either: (a) reached his or her twenty-fourth birthday before January 1 of the aid year; (b) is a veteran of the United States Armed Forces; (c) is an orphan or ward of the court; (d) has legal dependents other than a spouse; (e) is a married student or a graduate/professional student; (f) will not be claimed by parents as a U.S. income tax exemption; or (g) was not claimed by parents as an income tax exemption during the past two years and had a total income and benefits for those two years equal to or greater than \$4,000.

[Statutory Authority: 1988 c 242. 88-14-089 (Order 6-88, Resolution No. 88-14), § 250-67-020, filed 7/5/88.]

WAC 250-67-030 Student eligibility. (1) Eligibility criteria. In order to be eligible for a conditional scholarship under this program the student must:

(a) Be officially accepted by the school into a program leading to eligibility for licensure as a licensed practical nurse or to a program leading to an associate, baccalaureate, or higher degree in nursing.

(b) Have a declared intention to serve in a nurse shortage area upon completion of the education program.

(c) Continue making satisfactory progress as determined by the institution.

(d) Be classified as a resident student of the state of Washington for tuition and fee purposes.

(2) While evidence of documented financial need is not a prerequisite for program participation, the board may include need as an element of the criteria for the screening and selection of recipients for approximately one-half of the program's recipients.

(3) 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 higher education coordinating board.

(b) Total applicant resources shall be determined according to the congressional 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.

(c) The conditional scholarship, when offered in conjunction with other forms of governmentally provided student financial assistance, shall be designed in such a manner that the sum total of financial assistance awarded any one student will not exceed the difference between the total applicant's resources and the budgetary cost of education.

[Statutory Authority: 1988 c 242. 88-14-089 (Order 6-88, Resolution No. 88-14), § 250-67-030, filed 7/5/88.]

WAC 250-67-040 Selection of recipients. (1) Program planning and screening committee. The board shall establish a planning committee to advise the board on matters of program administration including, but not limited to, developing criteria for the screening and selection of scholarship recipients, procedures and program publicity. The planning committee shall also serve as a screening committee in assisting the board in selecting the students to receive conditional scholarships.

(2) Selection of recipients. Assuming program eligibility criteria is met, the following additional selection criteria may be employed by the board in ranking candidates and awarding conditional scholarships:

(a) Superior scholastic achievement.

(b) Nursing specialty.

(c) Geographic need.

(d) Financial need, which may be considered for approximately one-half of the scholarships.

(e) Eligibility for renewal of conditional scholarship.

(3) Renewal scholarships. As a priority in awarding conditional scholarships, the board may continue to make awards for a maximum of five years to an eligible recipient continually enrolled in an approved program.

[Statutory Authority: 1988 c 242. 88-14-089 (Order 6-88, Resolution No. 88-14), § 250-67-040, filed 7/5/88.]

WAC 250-67-050 Administration. The higher education coordinating board shall administer the conditional scholarship program for nurses. The staff of the higher education coordinating board, under the direction of the executive director, and in consultation with the

state board for community college education and the superintendent of public instruction for vocational education, will manage the administrative functions relative to the program. The board shall have the following administrative responsibilities, encompassed within the board's enumerated powers and duties:

- (1) Enter into agreements with participating institutions and billing and collection agencies as may be necessary.
- (2) Select students to receive conditional scholarships with the assistance of a screening committee.
- (3) Adopt necessary rules and guidelines.
- (4) Publicize the program, including the use of existing offices established for recruitment of minorities in institutions of higher education.
- (5) Collect and manage repayments from students who do not meet their nursing service obligations.
- (6) Solicit and accept grants and donations from public and private sources for the program.
- (7) Establish a planning committee.
- (8) Develop criteria for a contract for service in a nursing shortage area in lieu of repayment over a five year repayment period.

[Statutory Authority: 1988 c 242, 88-14-089 (Order 6-88, Resolution No. 88-14), § 250-67-050, filed 7/5/88.]

WAC 250-67-060 Control of funds. The higher education coordinating board may award conditional scholarships to eligible students from the funds appropriated to the board for this purpose, or from any private donations or funds given to the board for this program.

(1) Scholarship amounts. The amount of the conditional scholarship awarded an individual shall not exceed three thousand dollars per academic year. Students are eligible to receive conditional scholarships for a maximum of five years. The total amount of such scholarships to an eligible student shall not exceed fifteen thousand dollars. The duration of service obligation does not vary with the value of the scholarship(s).

(2) The scholarship recipient shall enter into a contract with the higher education coordinating board agreeing to comply with the rules, regulations, and guidelines of the conditional scholarship program. The contract shall serve as the legal document verifying the recipient's understanding of the obligation to repay the conditional scholarship if nursing service is not fulfilled.

(3) Repayment terms. Participants in the conditional scholarship program incur an obligation to repay the conditional scholarship, with interest, unless they serve for five years in nurse shortage areas of the state of Washington.

(4) The terms of the repayment, including deferral and rate of interest, shall be consistent with the terms of the federal guaranteed loan program.

(5) The period for repayment shall be five years, with payments accruing quarterly, commencing nine months from the date the scholarship recipient completes or discontinues the course of study.

(6) The entire principal and interest of each payment shall be forgiven for each payment period in which the scholarship recipient serves in a nurse shortage area, as

determined by the state health coordinating council, until the entire repayment obligation is satisfied or the recipient ceases to so serve. Should the recipient cease to serve in this state before the participant's repayment obligation is completed, payments on the unsatisfied portion of the principal and interest shall begin the next payment period and continue until the remainder of the repayment obligation is satisfied.

(7) Collection of repayments. The board is responsible for collection of repayments made under this section and shall exercise due diligence in such collection, maintaining all necessary records to ensure that maximum repayments are made.

(a) The board is responsible to forgive all or parts of such repayments under the criteria established by the board and shall maintain all necessary records of forgiven payments.

(8) Receipts from the payment of principal or interest or any other subsidies to which the board as administrator is entitled, which are aid [paid] by or on behalf of participants under this section, shall be deposited with the higher education coordinating board and shall be used to cover the costs of granting the conditional scholarships, maintaining necessary records, and making collections. All receipts beyond those necessary to pay such costs shall be used to grant conditional scholarships to eligible students.

[Statutory Authority: 1988 c 242, 88-14-089 (Order 6-88, Resolution No. 88-14), § 250-67-060, filed 7/5/88.]

Chapter 250-68 WAC

HEALTH PROFESSIONAL LOAN REPAYMENT PROGRAM--RULES AND REGULATIONS

WAC

250-68-001	Application.
250-68-010	Purpose.
250-68-020	Authority to administer.
250-68-030	Eligibility to participate.
250-68-035	Ineligible program.
250-68-040	Selection criteria.
250-68-050	Award amount.
250-68-060	Repayment provisions.
250-68-070	Appeals.

WAC 250-68-001 Application. The following general regulations govern the administration of loan repayments awarded to health professionals serving in shortage areas.

[Statutory Authority: 1989 c 9, 89-20-014, codified as § 250-68-001, filed 9/26/89, effective 10/27/89.]

WAC 250-68-010 Purpose. The purpose of the health professional loan repayment program is to encourage health professionals (as defined by chapters 18.57 or 18.57A, 18.71 or 18.71A, 18.18 or 18.78 and 18.32 RCW) to serve in shortage areas by providing financial support in the form of loan repayment if the participant renders health care service in medically underserved areas or professional shortage areas within Washington state.

[Statutory Authority: 1989 c 9. 89-20-014, § 250-68-010, filed 9/26/89, effective 10/27/89.]

WAC 250-68-020 Authority to administer. The higher education coordinating board is charged with the administration of the health professional loan repayment program. These regulations are being adopted pursuant to the authority of sections 716 through 723, chapter 9, Laws of 1989, first ex. sess. When a responsibility of the board is referenced in these regulations, the authority needed to discharge that responsibility lies with the executive director or his or her designee.

[Statutory Authority: 1989 c 9. 89-20-014, § 250-68-020, filed 9/26/89, effective 10/27/89.]

WAC 250-68-030 Eligibility to participate. To be eligible to apply, an individual must:

(1) Be enrolled as a full-time student in the final year of an approved course of study or program which leads to a degree in allopathic or osteopathic medicine, dentistry, or other health professions and which is offered by an accredited school; or be enrolled in an accredited graduate training program; or have a degree in one of the above named programs and have completed an approved graduate training program; or have a current and valid license to practice such health profession in Washington state by the time of execution of contract; or be in the final stage of training to be a licensed doctor of medicine, osteopathy, nursing (to include nurse practitioners and certified nurse midwives as defined by chapter 18.88 RCW), physician assistant, or dentistry.

(2) Submit an application on a form provided by the higher education coordinating board for participation in the health professional loan repayment program;

(3) Agree to serve for not less than three years;

(4) Agree to charge for professional services at the usual and customary rate prevailing in the area in which such services are provided;

(5) Agree not to discriminate against any person on the basis of his/her ability to pay for services or because payment for the health services provided to the individual will be made under part A or B of Title XVIII of the federal Social Security Act or under a state plan for medical assistance approved under Title XIX of such act;

(6) Agree to accept an assignment under the terms specified in Title XVIII of the federal Social Security Act, section 18.42 (b)(3)(B)(ii);

(7) Agree to enter an agreement with the state medical agency to provide services to individuals entitled to medical assistance under the plan;

(8) Agree to repay to the program an amount equal to twice the total amount paid by the program on their behalf if the three year service obligation is not met;

(9) Not owe an obligation for health professional service to the federal government, state, or other entity unless that obligation will be completely satisfied prior to the beginning of service under this program.

[Statutory Authority: 1989 c 9. 89-20-014, § 250-68-030, filed 9/26/89, effective 10/27/89.]

(1990 Ed.)

WAC 250-68-035 Ineligible program. Participants in the nurses conditional scholarship program authorized by chapter 28B.104 RCW are ineligible to receive assistance under this health professional loan repayment program.

[Statutory Authority: 1989 c 9. 89-20-014, § 250-68-035, filed 9/26/89, effective 10/27/89.]

WAC 250-68-040 Selection criteria. Applicants will be selected for participation in the health professional loan repayment program based upon the following criteria:

(1) The individual's training is in a health profession or specialty needed to fulfill an underserved area in Washington state;

(2) The individual's commitment to serve in a medically underserved area or community-based primary care site as determined by the statement of commitment on the application form;

(3) The availability of the individual for service, with highest consideration being given to individuals who will be available for service at the earliest dates;

(4) The length of the individual's proposed service obligation, with greatest consideration being given to persons who agree to serve for longer periods of time; and

(5) The individual's academic standing, prior professional experience in a medically underserved area or health manpower shortage area, board certification, residency achievements, peer recommendations, depth of past residency practice experience, and other criteria related to professional competence or conduct.

Among individuals determined to be eligible for the program, priority will be given those qualified applicants whose health profession or specialty is most needed, including family practice, osteopathic general practice, obstetrics, nurse midwives, nurse practitioners, baccalaureate nurses, physician assistants, dentists, and to applicants most committed to medically underserved areas and health manpower shortage areas.

[Statutory Authority: 1989 c 9. 89-20-014, § 250-68-040, filed 9/26/89, effective 10/27/89.]

WAC 250-68-050 Award amount. The amount of the loan repayment shall be limited to (a) an amount not exceeding fifteen thousand dollars per year for a minimum of three years and a maximum of five years or (b) the total amount of the loan, whichever is less. The board may establish awards of less than fifteen thousand dollars per year based upon reasonable levels of expenditures for each of the health professions covered by the program. In no case shall the award amount exceed the actual loan debt incurred.

As part of the award procedure, each participant must sign an agreement with the board which serves as the legal document verifying the participant's understanding of the obligation to serve for three years in a shortage area or repay to the program an amount equal to twice the total amount paid on their behalf in addition to the unsatisfied portion of the principal and interest.

[Statutory Authority: 1989 c 9. 89-20-014, § 250-68-050, filed 9/26/89, effective 10/27/89.]

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WAC 250-68-060 Repayment Provisions. Participants shall receive payment from the program for the purpose of repaying educational loans secured while attending a program of health professional training which led to licensure as a health professional.

(1) Repayment shall be limited to loans covering reasonable educational and living expenses and shall include principal and interest.

(2) Repayment of loans shall begin no later than ninety days after the board has received notification the participant has officially accepted placement. Payments shall be made quarterly, or more frequently if deemed appropriate by the board, to the participant until the loan is repaid or the participant becomes ineligible due to discontinued service in a health professional shortage area or after the fifth year of service when eligibility discontinues, whichever comes first.

(3) Financial debts or service obligations which do not qualify for repayment include: Public Health and National Health Service Corps scholarship training program, National Health Service Corps scholarship program, Armed Forces (Army, Navy, or Air Force) health professional scholarship programs, and loans not obtained from a government entity or commercial lending institution, such as loans from friends and relatives, and loans obtained for educational or personal expenses while at school which exceed the "reasonable" level of cost of attendance.

(4) Participants will be required to submit appropriate documentation of service as required by the board verifying the terms of the agreement have been met for each payment period.

(5) Participants violating the nondiscrimination provisions described in WAC 250-68-050 (6)(7)(8) shall be declared ineligible for receiving assistance.

(6) Participants who serve less than three years shall be required to repay to the program an amount equal to twice the total amount paid by the program on their behalf in addition to the unsatisfied portion of the principal and interest.

(7) On the request of the participant, the board may waive, in full or in part, the obligation for service or its rights to recover financial damages whenever the board determines that failure to do so was due to circumstances beyond the participant's control. Conditions that would be considered as a waiver from default provisions may include: Participant becomes physically impaired to the degree that he/she can no longer function in his/her assigned duties; or participant becomes mentally impaired to the degree that he/she can no longer function in his/her assigned duties; or death.

(8) Participants shall agree to execute a release to allow the board access to loan records and to acquire information from lenders necessary to verify eligibility and to determine payments. Loans may not be renegotiated with lenders to accelerate repayment.

(9) The board shall not be held responsible for any outstanding payments on principal and interest to any lenders once a participant's eligibility expires.

[Statutory Authority: 1989 c 9. 89-20-014, § 250-68-060, filed 9/26/89, effective 10/27/89.]

WAC 250-68-070 Appeals. Participants who have been accepted in the health professional loan repayment program may request in writing a review of any adverse decision affecting them by requesting such review within 20 days of adverse decision, addressed to the executive director of the higher education coordinating board. The review shall be handled by brief adjudication hearing procedures as outlined in the Administrative [Procedure] Act chapter 34.05 RCW.

[Statutory Authority: 1989 c 9. 89-20-014, § 250-68-070, filed 9/26/89, effective 10/27/89.]

Chapter 250-69 WAC

COMMUNITY SCHOLARSHIP FOUNDATION DEMONSTRATION PROJECT

WAC

250-69-010	Purpose.
250-69-020	Authority to administer.
250-69-030	Program definitions.
250-69-040	Eligibility criteria.
250-69-050	Application procedure.
250-69-060	Selection criteria.
250-69-070	Award amount.
250-69-080	Disbursement of matching awards.
250-69-090	Reporting requirements.
250-69-100	Appeals.
250-69-110	Duration of demonstration project.

WAC 250-69-010 Purpose. The purpose of the community scholarship foundation demonstration project is to provide one-time two thousand dollar state-funded matching awards as an incentive to Washington community scholarship foundations to raise money and award scholarships to community residents who wish to pursue higher education. The community scholarship foundation program encourages community organizations to generate local dollars to complement efforts funded by the state. In making awards, priority shall be given to new organizations formed after the date of this act.

[Statutory Authority: RCW 28B.80.180. 90-09-003, § 250-69-010, filed 4/5/90, effective 5/6/90.]

WAC 250-69-020 Authority to administer. The higher education coordinating board is charged with the administration of demonstration projects designed to prepare and assist persons to obtain a higher education in this state (as defined by RCW 28B.80.180).

[Statutory Authority: RCW 28B.80.180. 90-09-003, § 250-69-020, filed 4/5/90, effective 5/6/90.]

WAC 250-69-030 Program definitions. (1) "Matching award" means the state appropriated funding for one-time two thousand dollar grants available to selected eligible community scholarship foundations that raise at least two thousand dollars for student scholarships.

(2) "Community scholarship foundation" means a nonprofit, tax exempt 501 (c)(3) Internal Revenue Service Code, community-based organization, formed in

part or in full for the purpose of providing higher education scholarships for local residents.

(3) "Higher education scholarship program" means a program which would provide awards to community residents to attend institutions of higher education in Washington state.

(4) "Institutions of higher education" or "institution" means a degree-granting college or university in the state of Washington which is a member institution of an accrediting association recognized by rule of the board for the purposes of this chapter, or a Washington public vocational-technical institute.

(5) "Board" means the higher education coordinating board. When a duty or responsibility of the board is referenced in this chapter, the authority needed to discharge that responsibility lies with the executive director or his or her designee.

(6) "Washington resident" means a resident as defined in RCW 28B.15.011 through 28B.15.013 and in board adopted rules and regulations pertaining to the determination of residency.

[Statutory Authority: RCW 28B.80.180. 90-09-003, § 250-69-030, filed 4/5/90, effective 5/6/90.]

WAC 250-69-040 Eligibility criteria. To be eligible to apply for a matching award a community organization must:

(1) Establish a higher education scholarship program and, after June 30, 1989, raise at least two thousand dollars for student scholarships;

(2) Obtain and maintain tax exempt status under section 501 (c)(3) of the Internal Revenue Code for the fund supporting the student scholarship program;

(3) Award student scholarships without regard to age, sex, marital status, race, creed, color, religion, national origin, or the presence of any mental, sensory, or physical handicap; and

(4) Have not previously received a matching award from this program.

[Statutory Authority: RCW 28B.80.180. 90-09-003, § 250-69-040, filed 4/5/90, effective 5/6/90.]

WAC 250-69-050 Application procedure. Community organizations which meet eligibility criteria will be considered for selection after they complete an application for the matching award on a form provided by the higher education coordinating board.

[Statutory Authority: RCW 28B.80.180. 90-09-003, § 250-69-050, filed 4/5/90, effective 5/6/90.]

WAC 250-69-060 Selection criteria. Community organizations which meet the eligibility criteria in section 040 above will be selected for a matching award, during the demonstration period, in the following priority order:

(1) Organizations which after June 30, 1989, begin a higher education scholarship program, establish a non-profit, tax exempt 501 (c)(3) Internal Revenue Service Code scholarship foundation, and raise two thousand dollars to be used for student scholarships.

(2) Organizations which have had prior scholarship programs but reorganize after June 30, 1989, to meet the eligibility criteria of the demonstration project and raise two thousand dollars to be used for student scholarships.

(3) Organizations which had scholarship programs and met the eligibility criteria of the program prior to June 30, 1989, and raise an additional two thousand dollars for student scholarships after June 30, 1989.

Among applying organizations, those which (a) solicit broad-based community support in their fund-raising activities and are representative of the community in their structure; (b) conduct fund-raising activities with volunteers and not with paid or contracted fund raisers; and (c) have a primary focus of awarding scholarships to Washington residents attending Washington institutions of higher education shall be given preference when the number of organizations applying exceeds available matching award funds.

[Statutory Authority: RCW 28B.80.180. 90-09-003, § 250-69-060, filed 4/5/90, effective 5/6/90.]

WAC 250-69-070 Award amount. The community scholarship foundation matching award is a one-time two thousand dollar grant based on available funding.

[Statutory Authority: RCW 28B.80.180. 90-09-003, § 250-69-070, filed 4/5/90, effective 5/6/90.]

WAC 250-69-080 Disbursement of matching awards. The higher education coordinating board will disburse matching awards of two thousand dollars to the selected community organizations.

[Statutory Authority: RCW 28B.80.180. 90-09-003, § 250-69-080, filed 4/5/90, effective 5/6/90.]

WAC 250-69-090 Reporting requirements. Community organizations will submit, on a form provided by the board, reports of scholarships awarded from their two thousand dollar contribution and the two thousand dollar matching award. Reporting information will include, but is not limited to, recipients names and addresses, scholarship amounts and the higher education institution the recipient plans to attend.

[Statutory Authority: RCW 28B.80.180. 90-09-003, § 250-69-090, filed 4/5/90, effective 5/6/90.]

WAC 250-69-100 Appeals. The community organizations may request in writing a review of any adverse decision affecting them by requesting such review within twenty days of adverse decision, addressed to the executive director of the higher education coordinating board. The review shall be handled by brief adjudication hearing procedures as outlined in the Administrative Procedure Act, chapter 34.05 RCW.

[Statutory Authority: RCW 28B.80.180. 90-09-003, § 250-69-100, filed 4/5/90, effective 5/6/90.]

WAC 250-69-110 Duration of demonstration project. The demonstration project period shall end June 30, 1991.

[Statutory Authority: RCW 28B.80.180. 90-09-003, § 250-69-110, filed 4/5/90, effective 5/6/90.]

Chapter 250-70 WAC
EDUCATIONAL OPPORTUNITY GRANT
PROGRAM

WAC

250-70-010	Purpose.
250-70-020	Program definitions.
250-70-030	Institutional eligibility.
250-70-040	Student eligibility.
250-70-050	Application procedure.
250-70-060	Recipient selection and award.
250-70-070	Grant disbursement.
250-70-080	Program administration.
250-70-090	Student responsibilities.
250-70-100	Repayment option.

WAC 250-70-010 Purpose. Recognizing that Washington state experiences low participation rates at the upper-division level within postsecondary education, and further recognizing that the state intends to meet future educational demand, in part, through a system of branch campuses, the legislature has authorized the development of the educational opportunity grant program.

Further, recognizing that there exists in some public and private higher education institutions unused enrollment capacity within existing educational programs and facilities, the educational opportunity grant program will test the premise that a supplemental grant of some significance will influence eligible placebound students to choose such institutions when transferring to or enrolling in baccalaureate study.

The purpose of the educational opportunity grant program is to serve eligible placebound financially needy students who have completed an associate of arts degree, or its equivalent, by enabling them to increase their participation in and completion of upper-division study at eligible institutions which have the capacity to accommodate such students within existing educational programs and facilities.

Believing that there will be a substantial saving to the state to maximize use of existing capacity within educational programs and facilities at both public and private institutions, the demonstration project will test the relationship between student financial aid and enrollment to improve understanding of how financial aid policy and the awarding of this grant affect otherwise placebound students in choosing higher education and selecting institutions.

[Statutory Authority: 1990 c 288. 90-16-023, § 250-70-010, filed 7/20/90, effective 8/20/90.]

WAC 250-70-020 Program definitions. (1) "Branch campus service areas" shall mean:

(a) For the University of Washington Bothell-Woodinville branch, the service area consists of Snohomish County and King County.

(b) The University of Washington Tacoma branch service area includes Pierce County, the southern part of King County, and a portion of Kitsap County.

(c) The service area for the proposed Washington State University Spokane branch consists of Spokane County.

(d) The Washington State University Tri-Cities branch service area includes three counties: Benton, Franklin and Walla Walla.

(e) The Washington State University Southwest Washington branch service area is defined as Clark, Cowlitz, and Skamania counties.

(f) The Yakima education center service area includes Yakima County.

The board shall, in guidelines, further define these service areas.

(2) "Demonstration project" shall mean a reasonable period of time for testing the premise and expected outcomes of the program.

(3) "Placebound" shall mean unable to relocate to complete a college program because of family or employment commitments, health concerns, monetary inability, or other similar factors.

(4) "Placebound resident" shall mean a person whose residence is located in an area served by a branch campus who, because of family or employment commitments, health concerns, monetary need, or other similar factors, would be presumed unable to complete an upper-division course of study but for receipt of an educational opportunity grant. A placebound resident is one who may be influenced by the receipt of an enhanced student financial aid award to attend an eligible institution that has existing unused capacity rather than attend a branch campus established pursuant to chapter 28B.45 RCW.

(5) "Demonstrated financial need" shall mean the difference between the budgetary cost to the student attending the 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.

(6) "Needy student" shall mean those students as defined in RCW 28B.10.802(3), and as otherwise defined by the board.

(7) "Washington resident or resident student" shall mean an individual who at the time of application for an educational opportunity grant satisfies the requirements of RCW 28B.15.012 through 28B.15.013 and board-adopted rules and regulations pertaining to the determination of state residency.

(8) "Associate of arts degree or equivalent" shall mean coursework comparable to admission at the junior level or above by the enrolling institution.

(9) "Upper division" shall mean baccalaureate coursework beyond an associate of arts degree or its equivalent.

(10) "Award amount" shall mean an award amount up to \$2,500 per year per student, prorated per term of attendance, paid periodically in equal installments, not to exceed the student's demonstrated financial need.

(11) "Board" shall mean the higher education coordinating board. When a duty or responsibility of the board is referenced in these regulations, the authority needed

to discharge that responsibility lies with the executive director or his or her designee.

(12) "Existing unused capacity" shall mean available capacity within existing educational programs and facilities as periodically and formally defined and approved by the board for purposes of statewide enrollment planning.

[Statutory Authority: 1990 c 288. 90-16-023, § 250-70-020, filed 7/20/90, effective 8/20/90.]

WAC 250-70-030 Institutional eligibility. To qualify as an eligible institution for purposes of this program an institution shall:

(1) Be a public or private baccalaureate institution of higher education in the state of Washington which is accredited or otherwise licensed to do business in the state of Washington, and

(2) Be certified by the higher education coordinating board as having existing unused capacity to accommodate educational opportunity grant recipients within existing educational programs and facilities, excluding any branch campus or education program established under chapter 285.45 [28B.45] RCW.

(3) Complete an agreement to participate and acknowledge its responsibility to administer the educational opportunity grant program according to prescribed rules and regulations and guidelines, and otherwise give evidence of its eligibility, if necessary.

[Statutory Authority: 1990 c 288. 90-16-023, § 250-70-030, filed 7/20/90, effective 8/20/90.]

WAC 250-70-040 Student eligibility. A placebound student is eligible for an educational opportunity grant if the additional financial resource would alleviate the placebound condition by either allowing the student access to education at a local eligible institution with existing unused capacity or allowing relocation to another institution with existing unused capacity. For a student to be eligible for an educational opportunity grant he or she must:

(1) Be a "financially needy student" as determined by the higher education coordinating board in accordance with RCW 28B.10.802(3);

(2) Be a resident of the state of Washington;

(3) Be a resident of a branch campus service area;

(4) Be enrolled or accepted for enrollment at least half time with priority to full time, as an upper-division undergraduate student at an eligible baccalaureate institution in the state of Washington approved by the higher education coordinating board as an eligible institution for purposes of this program;

(5) Be a placebound resident;

(6) Have completed an associate of arts degree or its equivalent at an institution other than the one selected for purposes of receiving this grant;

(7) Not be involved in a program that includes any religious worship, exercise or instruction or the pursuit of any degree in religious, seminarian, or theological academic studies;

(8) Make satisfactory academic progress as determined by the institution; and

(9) An otherwise eligible student may not use this grant to attend a branch campus of a public university or to continue enrollment at an institution where he or she is presently attending.

[Statutory Authority: 1990 c 288. 90-16-023, § 250-70-040, filed 7/20/90, effective 8/20/90.]

WAC 250-70-050 Application procedure. Placebound students shall annually apply directly to the higher education coordinating board and shall complete an application and other materials as provided and required by the board.

[Statutory Authority: 1990 c 288. 90-16-023, § 250-70-050, filed 7/20/90, effective 8/20/90.]

WAC 250-70-060 Recipient selection and award. In selecting grant recipients, the board will give priority to those students who, but for this grant, evidence that they could not pursue a baccalaureate degree.

(1) Determination. The higher education coordinating board shall determine student eligibility and awards under this program. The board will appoint a policy advisory committee to advise the board on matters of program administration including, but not limited to award screening and selection criteria and procedures, program publicity, and efforts to recruit placebound students. The board shall appoint a separate screening and selection committee.

(2) Standards. Assuming program eligibility criteria are met, the following additional selection criteria, among others, may be employed by the selection committee in ranking candidates and awarding grants:

(a) Evidence that, but for this grant, a placebound student could not pursue baccalaureate study at an eligible institution of the student's choice;

(b) Evidence of financial hardship or significant educational debt; and

(c) A brief statement describing the student's educational goals and plans.

Once named, recipients may elect to use the grant at any one of the board-certified eligible institutions. A student may ultimately choose an institution different from that referenced in his or her application, provided the receiving eligible institution can also verify student eligibility criteria such as certification of enrollment in an eligible academic program, documented financial need and satisfactory academic progress.

[Statutory Authority: 1990 c 288. 90-16-023, § 250-70-060, filed 7/20/90, effective 8/20/90.]

WAC 250-70-070 Grant disbursement. Grant disbursement shall be made directly to the eligible enrolled student in equal amounts per term upon institutional verification of the student's enrollment in an eligible program, proof of financial need and satisfactory academic progress. The award amount shall not exceed \$2,500 per academic year. The value of the grant shall be the same regardless of the institution selected.

The educational opportunity grant, when combined with the state share of other state-appropriated student financial aid programs, shall not exceed an amount

equal to the total maximum student expense budget at the public research institutions plus the current average state appropriation per student for operating expense in the public institutions.

[Statutory Authority: 1990 c 288. 90-16-023, § 250-70-070, filed 7/20/90, effective 8/20/90.]

WAC 250-70-080 Program administration. (1) Administering agency. The higher education coordinating board shall administer the educational opportunity grant program. The staff of the board, under the direction of the executive director, will manage the administrative functions relative to the program and shall be authorized to enter into agreement with eligible institutions for participation in the program.

(2) Maintenance of effort. State funds provided under this program are not to be used to supplant federal, state or institutional grants which would otherwise be available to support the student's attendance.

(3) Reports. The higher education coordinating board will obtain periodic reports from institutions describing the number of educational opportunity grant recipients selecting that institution, the socio-economic profile of such recipients in attendance at each participating institution, and other information about the student's academic program pertinent to these rules.

(4) Oversight and appeals. If an institution fails to maintain eligibility for the program as defined in WAC 250-70-030, or if the board determines that an institution has failed to comply with program rules and regulations or guidelines, the board may suspend, terminate, or place conditions upon the institution's participation in the program. Satisfactory resolution of a dispute will be attempted by board staff. If satisfactory resolution cannot be achieved by board staff, the institution initiating the appeal may request a hearing with the board, which shall take action on the appeal. Eligible applicants may request in writing a review of any adverse decision affecting them by requesting such review within 20 days of the adverse decision, addressed to the executive director of the higher education coordinating board. In both circumstances, the appeal shall be conducted consistent with the terms of the Administrative Procedure Act, chapter 34.05 RCW.

[Statutory Authority: 1990 c 288. 90-16-023, § 250-70-080, filed 7/20/90, effective 8/20/90.]

WAC 250-70-090 Student responsibilities. (1) A student must meet the academic progress required under terms of this program.

(2) A student who has incorrectly submitted information on his or her application, shall be required to repay grant funds to the program.

(3) Any student who has obtained an educational opportunity grant through means of a willfully false statement or failure to reveal any material fact, condition, or circumstance affecting eligibility will be subject to applicable civil or criminal penalties.

[Statutory Authority: 1990 c 288. 90-16-023, § 250-70-090, filed 7/20/90, effective 8/20/90.]

WAC 250-70-100 Repayment option. It is the intent of this legislation that nothing in this act shall prevent or discourage an individual from making an effort to repay any state financial aid awarded during his or her collegiate career.

[Statutory Authority: 1990 c 288. 90-16-023, § 250-70-100, filed 7/20/90, effective 8/20/90.]

Chapter 250-71 WAC

GENDER EQUALITY IN HIGHER EDUCATION

WAC

250-71-010	Purpose—Elimination of discrimination based on gender in higher education.
250-71-015	Definitions.
250-71-020	Academic programs.
250-71-025	Counseling and guidance services.
250-71-030	Student employment.
250-71-035	Financial aid.
250-71-040	Recreational activities.
250-71-045	Other student services.
250-71-050	Intercollegiate athletics.
250-71-055	Male and female coaches and administrators.
250-71-060	Sexual harassment.
250-71-065	Institutional self-study and plan.
250-71-070	Distribution.
250-71-075	Compliance—Complaints.

WAC 250-71-010 Purpose—Elimination of discrimination based on gender in higher education. The purpose of this chapter is to establish administrative rules implementing chapter 28B.110 RCW, prohibiting discrimination on the basis of gender in all public institutions of higher education in the state of Washington.

[Statutory Authority: Chapter 28B.110 RCW. 90-24-023, § 250-71-010, filed 11/29/90, effective 12/30/90.]

WAC 250-71-015 Definitions. (1) "Institution" shall mean a public university, college, or community college within the state of Washington.

(2) "Without regard to gender" shall mean that gender may not be taken into account when making a decision regarding a student.

(3) "Available without regard to gender" shall mean that there are no institutional factors operating to prevent or discourage students of either gender from selecting, participating in, or completing a program of study or activity.

(4) "Equitable" shall mean that the benefits of a program or activity shall be enjoyed by males and females substantially proportional to their enrollment as undergraduates at the institution.

(5) "Opportunities for participation" shall specifically apply to athletics and mean the number of positions on the initial eligibility roster of student athletes, minus students who are cut from the team, and students who drop out voluntarily within the first ten days of practice.

(6) "Academic programs" shall mean all instructional, research, and instruction and research related public service activities of the institution, including internships, teaching and research assistantships, and cooperative education, at all levels of study.

[Statutory Authority: Chapter 28B.110 RCW. 90-24-023, § 250-71-015, filed 11/29/90, effective 12/30/90.]

WAC 250-71-020 Academic programs. (1) Institutions shall ensure that admission to academic programs is made without regard to gender.

(2) Institutions shall ensure that all academic programs are available without regard to gender for student selection, participation, and completion.

[Statutory Authority: Chapter 28B.110 RCW. 90-24-023, § 250-71-020, filed 11/29/90, effective 12/30/90.]

WAC 250-71-025 Counseling and guidance services. Institutions shall ensure that all counseling and guidance services are made available to all students without regard to gender, including:

(1) That counseling and academic advising personnel stress access to all career and vocational opportunities to all students;

(2) That materials, assessment instruments, and techniques used encourage students to participate in academic programs and other activities on individual rather than gender-based factors;

(3) That assessment instruments intended to measure aptitude, interest, personality, emotional stability, or other characteristics, the interpretation of those instruments, and the counseling staff do not discriminate on the basis of gender.

[Statutory Authority: Chapter 28B.110 RCW. 90-24-023, § 250-71-025, filed 11/29/90, effective 12/30/90.]

WAC 250-71-030 Student employment. Institutions shall ensure that all student employment is conducted without regard to gender, including:

(1) No differentiation in pay scales;

(2) Assignment of positions, jobs, and duties, except in cases of bona fide occupational qualifications under WAC 162-16-020;

(3) Opportunities for advancement;

(4) Conditions of employment, including, but not limited to, hiring practices, leaves of absence, and hours of employment;

(5) All organizations and companies not under the jurisdiction of the institution to which students are referred for employment by the institution, or for which students are recruited on campus or under the auspices of the institution.

[Statutory Authority: Chapter 28B.110 RCW. 90-24-023, § 250-71-030, filed 11/29/90, effective 12/30/90.]

WAC 250-71-035 Financial aid. Institutions shall ensure that in the assignment of financial aid there is no discrimination in types, amounts, or patterns of aid awarded to students of each gender. Types of aid include, but are not limited to the following:

(1) Federal and state funded, including institutionally controlled, need-based assistance;

(2) Merit-based awards

(3) Graduate assistantships and fellowships

(4) Athletic assistance

(5) Department-based awards

(6) Foreign study scholarships and opportunities

(7) Nonneed based waivers

(8) Discretionary programs

[Statutory Authority: Chapter 28B.110 RCW. 90-24-023, § 250-71-035, filed 11/29/90, effective 12/30/90.]

WAC 250-71-040 Recreational activities. Recreational activities include all activities provided by the institution, or sanctioned by the institution, to meet the recreational needs or interests of students, including, but not limited to, intramural activities and club sports.

(1) Institutions are not required to offer any specific type or level of recreational opportunities. Institutions which elect to offer recreational opportunities shall do so based upon the interest levels of the students.

(2) Institutions which provide the following benefits and services for recreational activities must make them available without regard to gender:

(a) Equipment, supplies, laundry services

(b) Medical care, services and insurance,

(c) Transportation and per diem allowances,

(d) Opportunities to receive coaching and instruction,

(e) Assignment of game officials,

(f) Opportunities for competitions,

(g) Publicity and awards,

(h) Scheduling of games and practice times, including use of courts, gyms and pools, showers, toilets, lockers, or training room facilities.

[Statutory Authority: Chapter 28B.110 RCW. 90-24-023, § 250-71-040, filed 11/29/90, effective 12/30/90.]

WAC 250-71-045 Other student services. Institutions which provide other student services including, but not limited to health services, minority student services, placement, child care, and housing, shall make them available without regard to gender.

[Statutory Authority: Chapter 28B.110 RCW. 90-24-023, § 250-71-045, filed 11/29/90, effective 12/30/90.]

WAC 250-71-050 Intercollegiate athletics. Institutions which provide intercollegiate athletics shall do so with no disparities based on gender, according to the following standards:

(1) No sports may be excluded or treated separately for purposes of meeting any of the requirements of this section.

(2) Institutions shall provide equitable opportunities for participation for males and females in intercollegiate athletics:

(a) Intercollegiate athletics shall include all sports recognized by the NCAA, NAIA, and NWAACC, plus the sport of crew.

(b) Consistent with RCW 28B.15.460, satisfactory progress toward the goal of equitable opportunity, as of July 1, 1994, will be assumed if, by that date, the number of opportunities for participation in athletics for female students meets or exceeds the approximate rate (39%) at which high school girls participated in inter-scholastic athletics in the state of Washington in 1990.

(c) After 1994, institutions shall show continuing progress toward the goal of providing numbers of opportunities for participation in athletics for male and female

students proportional to their respective undergraduate enrollments at the institutions.

(3) If any benefits, services, or facilities are provided, they shall be made available proportionally, across the athletic program considered as a whole. Institutions which provide higher levels of support to some sports than to others shall ensure that male and female athletes experience the benefits of such enhanced support in an equal proportion to their participation rates. Examples of such benefits include:

- (a) Equipment, supplies, laundry services
- (b) Medical care, services, and insurance
- (c) Scholarships and all other forms of financial aid or benefits from any source related to the students' status as an athlete
- (d) Opportunities to receive coaching and instruction, including academic tutoring
- (e) Conditioning programs
- (f) Opportunities for competition, including pre- and post-season opportunities and levels of competition
- (g) Transportation and per diem allowances
- (h) Assignment of game officials
- (i) Scheduling of games and practice times, including use of courts, gyms, and pools.
- (j) Publicity and awards
- (k) Showers, lockers, toilets, training room facilities.

[Statutory Authority: Chapter 28B.110 RCW. 90-24-023, § 250-71-050, filed 11/29/90, effective 12/30/90.]

WAC 250-71-055 Male and female coaches and administrators. Institutions shall provide coaches and athletic administrators of both genders to act as role models for male and female athletes, and shall endeavor to attract staff of the underrepresented gender.

[Statutory Authority: Chapter 28B.110 RCW. 90-24-023, § 250-71-055, filed 11/29/90, effective 12/30/90.]

WAC 250-71-060 Sexual harassment. Each institution shall develop and annually distribute to students, faculty, and staff, policies and procedures for handling complaints of sexual harassment, including:

(1) A definition of sexual harassment which includes, but is not necessarily limited to, unwanted verbal or physical sexual behavior of faculty or staff toward students, supervisors toward student supervisees, or students toward students.

(2) The name, address, and phone number of one or more persons to whom complaints may be addressed, and the procedures available.

[Statutory Authority: Chapter 28B.110 RCW. 90-24-023, § 250-71-060, filed 11/29/90, effective 12/30/90.]

WAC 250-71-065 Institutional self-study and plan.

(1) By September 30, 1990, each institution shall submit to the higher education coordinating board an initial self-study assessing its compliance with the gender equality requirements of this chapter. The self-study shall utilize data from the 1988-89 academic year, and shall include:

(a) An assessment of the students in each major, at the graduate and undergraduate levels, and in all programs and services related to academics, to determine whether the participation of males and females is substantially proportional to the enrollment of each gender in the undergraduate population of the institution;

(b) An analysis of student employment to determine the proportion of each gender employed by the institution, and their rates of pay;

(c) An evaluation of all advising and counseling services and appraisal instruments to determine freedom from gender bias;

(d) An assessment of the participation of male and female students in the recreational activities of the institution, and of the benefits associated with these activities;

(e) An examination of the amounts, types, and patterns of financial aid awarded to males and to females at all levels of study to determine whether any disparities exist;

(f) An evaluation of other areas of student services, including, but not limited to, housing, placement, child care, minority affairs, and special services, to determine if students of both genders receive comparable benefits;

(g) An analysis of the intercollegiate athletics program to identify any existing disparities between genders in participation opportunities, benefits, services, or facilities;

(h) An enumeration of athletic administrators and coaches by position title, sport and gender;

(i) A description of efforts implemented to educate students, faculty and staff about sexual harassment.

(2) By November 30, 1990, each institution shall submit to the higher education coordinating board a plan to comply with the requirements of this chapter, including:

(a) Identification of barriers or factors which need to be addressed in order to reach compliance with the provisions of this chapter;

(b) Measures to be implemented to ensure institutional compliance with the provisions of this chapter by September 30, 1994, except as otherwise allowed in RCW 28B.15.460.

(3) By October 30 of each even numbered year, beginning in 1992, each institution shall submit an update to its plan, including:

(a) An assessment of the results of activities undertaken under the previous plan to remove barriers to compliance with the provisions of this chapter;

(b) The results of continued monitoring of gender equity at the institution;

(c) Additional activities, or modifications of current activities, to be undertaken to address remaining issues of gender equity at the institution.

(4) The higher education coordinating board shall report biennially, beginning December 31, 1990, to the governor and the higher education committees of the house of representatives and the senate on:

(a) The efforts of each institution and the extent to which it has complied with this chapter.

(b) Recommendations on measures to assist institutions with compliance.

[Statutory Authority: Chapter 28B.110 RCW. 90-24-023, § 250-71-065, filed 11/29/90, effective 12/30/90.]

WAC 250-71-070 Distribution. Institutions of higher education shall distribute summaries of the provisions of chapter 28B.110 RCW to all students, including the procedures for filing a complaint with the institution and the human rights commission.

[Statutory Authority: Chapter 28B.110 RCW. 90-24-023, § 250-71-070, filed 11/29/90, effective 12/30/90.]

WAC 250-71-075 Compliance--Complaints. (1) The president of each institution shall designate a specific staff person who shall be responsible for monitoring and coordinating the institution's compliance with this chapter.

(2) Each institution shall identify existing complaint procedures, or establish new ones, as an institutional remedy for complaints under this chapter.

(3) All rights and remedies under chapter 49.60 RCW, including the right to file a complaint with the human rights commission and to bring a civil action, shall also apply.

[Statutory Authority: Chapter 28B.110 RCW. 90-24-023, § 250-71-075, filed 11/29/90, effective 12/30/90.]

Chapter 250-72 WAC

DISTINGUISHED PROFESSORSHIP PROGRAM

WAC

250-72-010	Purpose and applicability.
250-72-015	Definitions.
250-72-020	Allocation system.
250-72-025	Allocation system effective July 1, 1991.
250-72-030	Allocation of earnings from investments.
250-72-035	Designation of trust funds.
250-72-040	Reallocation of previously designated funds.
250-72-045	Release of funds.

WAC 250-72-010 Purpose and applicability. The purpose of this chapter is to establish regulations for the administration of the distinguished professorship program for public four-year colleges and universities. The higher education coordinating board shall apply the provisions of this chapter when determining the use of the distinguished professor trust funds.

[Statutory Authority: RCW 28B.10.869. 90-16-030, § 250-72-010, filed 7/23/90, effective 8/23/90.]

WAC 250-72-015 Definitions. (1) "Board" means the higher education coordinating board.

(2) "Institution" means a public four-year college or university within the state of Washington.

(3) "Distinguished professorship program" means the program established by the legislature as provided by RCW 28B.10.866 through 28B.10.872.

(4) "Trust fund" means the distinguished professorship trust fund established by the legislature as provided by RCW 28B.10.868.

(1990 Ed.)

(5) "Private donation" means funds made specifically to the distinguished professorship program from non-public fund sources, including assessments by commodity commissions authorized to conduct research activities including but not limited to research studies authorized by RCW 15.66.030 and 15.65.040.

(6) "Pledge" means an agreement between an institution and a private donor(s) establishing terms for a private donation to be made within a period of time as provided by RCW 28B.10.870.

(7) "Allocate" means to assign a share of the available professorships to specific institutions until a date certain.

(8) "Designate" means to set aside or reserve trust funds as a potential match to a pledged private donation upon notification to the board.

(9) "Release funds" means the transfer of trust funds to an institution after notification to the board that the full amount of a pledged private donation has been received.

[Statutory Authority: RCW 28B.10.869. 90-16-030, § 250-72-015, filed 7/23/90, effective 8/23/90.]

WAC 250-72-020 Allocation system. (1) Until July 1, 1991, the board shall allocate trust funds consistent with allocation systems as provided in RCW 28B.15.866 [28B.10.866] and chapter 16, Laws of 1990 1st ex. sess.

(2) The board shall allocate available trust funds according to WAC 250-72-025 when no legislative directive provides for the allocation of available trust funds.

(3) An institution is not eligible for any funds under chapter 16, Laws of 1990 1st ex. sess., until the institution has provided notification requesting designation of the funds allocated to it under RCW 28B.15.866 [28B.10.866].

(4) After June 30, 1991, any funds allocated under chapter 16, Laws of 1990 1st ex. sess., that have not been designated shall be available for the board to allocate under WAC 250-72-025 unless otherwise directed by the legislature.

[Statutory Authority: RCW 28B.10.869. 90-16-030, § 250-72-020, filed 7/23/90, effective 8/23/90.]

WAC 250-72-025 Allocation system effective July 1, 1991. The board shall notify all institutions by July 1, 1991, of the availability of matching funds under WAC 250-72-020, 250-72-030, and 250-72-040 and of the total number of professorships available. The board shall allocate the available professorships as follows:

(1) University of Washington - The first, fourth, and sixth available professorships.

(2) Washington State University - The second and fifth available professorships.

(3) Central Washington University, Eastern Washington University, The Evergreen State College, and Western Washington University - The third available professorship.

(a) Professorships available under this section shall be designated on a first come, first served basis to any of the four institutions that has requested designation of the professorships already allocated.

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(b) First come, first served shall be determined by the date and time of receipt of written notification of a pledge at the office of the board. The board shall accept receipt of written notification no sooner than 8:00 a.m. on July 1, 1991, or the first working day thereafter. If the board receives written notification from more than one institution on the same date and time, then the designation shall be made by drawing. The board shall notify the affected institutions of the date and time of the drawing which shall be conducted openly at the office of the board.

(4) At the beginning of each fiscal year, the board shall reallocate available matching funds continuing the numerical sequence initiated July 1, 1991.

(5) An institution shall not be eligible for funds from reallocation if it has forfeited allocated or designated funds in the preceding fiscal year.

[Statutory Authority: RCW 28B.10.869. 90-16-030, § 250-72-025, filed 7/23/90, effective 8/23/90.]

WAC 250-72-030 Allocation of earnings from investments. All earnings from investments of the trust fund are credited to the fund. The board shall make such earnings available for allocation according to the following:

(1) Earnings from investments shall be made available in increments of \$250,000 as matching funds for full professorships.

(2) Earnings from investments shall be allocated by July 1 of each year under WAC 250-72-025.

[Statutory Authority: RCW 28B.10.869. 90-16-030, § 250-72-030, filed 7/23/90, effective 8/23/90.]

WAC 250-72-035 Designation of trust funds. (1) An institution shall make written notification of a pledge to the board which shall include a copy of the agreement entered into with the private donor(s) concerning the terms of the donation.

(2) The board may designate two hundred fifty thousand dollars from available trust funds for an institution's pledged professorship when the institution provides notification according to subsection (1) that a private donation of two hundred fifty thousand dollars has been pledged for a distinguished professorship.

(3) The board shall designate trust funds consistent with the allocation system as provided in WAC 250-72-025.

(4) If a pledged private donation is not received within three years from the date of designation, the board shall make the designated funds available for another pledged professorship.

[Statutory Authority: RCW 28B.10.869. 90-16-030, § 250-72-035, filed 7/23/90, effective 8/23/90.]

WAC 250-72-040 Reallocation of previously designated funds. (1) The board shall reallocate previously designated funds when:

(a) An institution has not received a full private donation for designated matching trust funds within the required period of time under WAC 250-72-035.

(2) The board shall reallocate any previously designated matching trust fund available under this section by July 1 of each year.

[Statutory Authority: RCW 28B.10.869. 90-16-030, § 250-72-040, filed 7/23/90, effective 8/23/90.]

WAC 250-72-045 Release of funds. Upon written notification that the full amount of a pledged private donation has been received, the board shall request a warrant for the release of matching trust funds within five working days.

[Statutory Authority: RCW 28B.10.869. 90-16-030, § 250-72-045, filed 7/23/90, effective 8/23/90.]

Chapter 250-73 WAC GRADUATE FELLOWSHIP PROGRAM

WAC

250-73-010	Purpose and applicability.
250-73-015	Definitions.
250-73-020	Allocation system.
250-73-025	Allocation system effective July 1, 1991.
250-73-030	Allocation of earnings from investments.
250-73-035	Designation of trust funds.
250-73-040	Reallocation of previously designated funds.
250-73-045	Release of funds.

WAC 250-73-010 Purpose and applicability. The purpose of this chapter is to establish regulations for the administration of the graduate fellowship program for public four-year colleges and universities. The higher education coordinating board shall apply the provisions of this chapter when determining the use of the graduate fellowship trust funds.

[Statutory Authority: RCW 28B.10.883. 90-16-029, § 250-73-010, filed 7/23/90, effective 8/23/90.]

WAC 250-73-015 Definitions. (1) "Board" means the higher education coordinating board.

(2) "Institution" means a public four-year college or university within the state of Washington.

(3) "Graduate fellowship program" means the program established by the legislature as provided by RCW 28B.10.880 through 28B.10.887.

(4) "Trust fund" means the graduate fellowship trust fund established by the legislature as provided by RCW 28B.10.882.

(5) "Private donation" means funds made specifically to the graduate fellowship program from nonpublic fund sources.

(6) "Pledge" means an agreement between an institution and a private donor(s) establishing terms for a private donation to be made within a period of time as provided by RCW 28B.10.884.

(7) "Allocate" means to assign a share of the available fellowships to specific institutions until a date certain.

(8) "Designate" means to set aside or reserve trust funds as a potential match to a pledged private donation upon notification to the board.

(9) "Release funds" means the transfer of trust funds to an institution after notification to the board that the

full amount of a pledged private donation has been received.

[Statutory Authority: RCW 28B.10.883. 90-16-029, § 250-73-015, filed 7/23/90, effective 8/23/90.]

WAC 250-73-020 Allocation system. (1) Until July 1, 1991, the board shall allocate trust funds consistent with the allocation system as provided in chapter 16, Laws of 1990 1st ex. sess.

(2) The board shall allocate available trust funds according to WAC 250-73-025 when no legislative directive provides for the allocation of available trust funds.

(3) The six fellowships allocated under chapter 16, Laws of 1990 1st ex. sess. to be divided equally among Central Washington University, Eastern Washington University, Western Washington University and The Evergreen State College shall be allocated as follows:

(a) One fellowship will be reserved for each of the four institutions until June 30, 1991.

(b) Two fellowships will be made available on a first come, first served basis to any of the four institutions that has fully funded the reserved fellowship allocated to it. No institution shall be eligible for more than one of the fellowships allocated in this subsection.

(c) First come, first served shall be determined by the date and time of receipt of notification of a pledge at the office of the board. The board shall accept receipt of written notification no sooner than 8:00 a.m. on August 24, 1990. If the board receives written notification from more than two institutions at 8 a.m. on August 24, 1990, then the designation shall be made by drawing. The board shall notify the affected institutions of the date and time of the drawing which shall be conducted openly at the office of the board.

(4) After June 30, 1991, any funds allocated under chapter 16, Laws of 1990 1st ex. sess., that have not been designated shall be available for the board to allocate under WAC 250-73-025 unless otherwise directed by the legislature.

[Statutory Authority: RCW 28B.10.883. 90-16-029, § 250-73-020, filed 7/23/90, effective 8/23/90.]

WAC 250-73-025 Allocation system effective July 1, 1991. The board shall notify all institutions by July 1, 1991, of the availability of matching funds under WAC 250-73-020, 250-73-030, and 250-73-040 and of the total number of fellowships available. The board shall allocate the available fellowships as follows:

(1) University of Washington - The first, fourth, and sixth available fellowships.

(2) Washington State University - The second and fifth available fellowships.

(3) Central Washington University, Eastern Washington University, The Evergreen State College, and Western Washington University - The third available fellowship.

(a) Fellowships available under this section shall be designated on a first come first served basis to any of the four institutions that has fully funded the designated fellowships already allocated.

(b) First come, first served shall be determined by the date and time of receipt of written notification of a pledge at the office of the board. The board shall accept receipt of written notification no sooner than 8:00 a.m. on July 1, 1991. If the board receives written notification from more than one institution on the same date and time, then the designation shall be made by drawing. The board shall notify the affected institutions of the date and time of the drawing which shall be conducted openly at the office of the board.

(4) At the beginning of each fiscal year, the board shall reallocate available matching funds continuing the numerical sequence initiated July 1, 1991.

(5) An institution shall not be eligible for funds from reallocation if it has forfeited allocated or designated funds in the preceding fiscal year.

[Statutory Authority: RCW 28B.10.883. 90-16-029, § 250-73-025, filed 7/23/90, effective 8/23/90.]

WAC 250-73-030 Allocation of earnings from investments. All earnings from investments of the trust fund are credited to the fund. The board shall make such earnings available for allocation according to the following:

(1) Earnings from investments shall be made available in increments of \$25,000 as matching funds for full fellowships.

(2) Earnings from investments shall be allocated by July 1 of each year under WAC 250-73-025.

[Statutory Authority: RCW 28B.10.883. 90-16-029, § 250-73-030, filed 7/23/90, effective 8/23/90.]

WAC 250-73-035 Designation of trust funds. (1) An institution shall make written notification of a pledge to the board which shall include a copy of the agreement entered into with the private donor(s) concerning the terms of the donation.

(2) The board may designate twenty-five thousand dollars from available trust funds for an institution's pledged fellowship when the institution provides notification according to subsection (1) that a private donation of twenty-five thousand dollars has been pledged for a graduate fellowship.

(3) The board shall designate trust funds consistent with the allocation system as provided in WAC 250-73-025.

(4) If a pledged private donation is not received within two years from the date of designation, the board shall make the designated funds available for another pledged fellowship.

[Statutory Authority: RCW 28B.10.883. 90-16-029, § 250-73-035, filed 7/23/90, effective 8/23/90.]

WAC 250-73-040 Reallocation of previously designated funds. (1) The board shall reallocate previously designated funds when:

(a) An institution has not received a full private donation for designated matching trust funds within the required period of time under WAC 250-73-035.

(2) The board shall reallocate any previously designated matching trust fund available under this section by July 1 of each year.

[Statutory Authority: RCW 28B.10.883. 90-16-029, § 250-73-040, filed 7/23/90, effective 8/23/90.]

WAC 250-73-045 Release of funds. Upon written notification that the full amount of a pledged private donation has been received, the board shall request a warrant for the release of matching trust funds within five working days.

[Statutory Authority: RCW 28B.10.883. 90-16-029, § 250-73-045, filed 7/23/90, effective 8/23/90.]

Chapter 250-74 WAC

PACIFIC RIM LANGUAGE SCHOLARSHIP PROGRAM

WAC

250-74-010	Purpose.
250-74-020	Program definitions.
250-74-030	Eligibility criteria.
250-74-040	Selection criteria.
250-74-050	Administration.
250-74-060	Management of funds.

WAC 250-74-010 Purpose. The purpose of this act is to promote international awareness and understanding by encouraging high school students to study Pacific Rim languages.

[Statutory Authority: 1990 c 243. 90-20-011, § 250-74-010, filed 9/21/90, effective 10/22/90.]

WAC 250-74-020 Program definitions. (1) "Washington state Pacific Rim language scholarship" means a scholarship awarded, for a period not to exceed one year, to a student proficient in speaking one of the following languages: Spanish, Russian, Chinese, or Japanese.

(2) "Institution of higher education" or "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 the Northwest Association of Schools and Colleges, providing such institution agrees to participate in the program in accordance with all applicable rules and regulations. Any institution, branch, extension or facility operating within the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of the above named accrediting association.

(3) "Board" means the higher education coordinating board. When a duty or responsibility of the board is referenced in these regulations, the authority needed to discharge that responsibility lies with the executive director or his or her designee.

(4) "Student" means a high school senior who is a proficient speaker of a Pacific Rim language, and who

intends to enroll in an institution of higher education within one year of high school graduation.

(5) "Half-time student" means any student enrolled in exactly one-half 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: 1990 c 243. 90-20-011, § 250-74-020, filed 9/21/90, effective 10/22/90.]

WAC 250-74-030 Eligibility criteria. (1) Student eligibility. In order to be eligible to receive a scholarship under this program, the student must:

(a) Have attended high school in the state of Washington or be a resident of Washington state as defined in RCW 28B.15.011 - 28B.15.015 and chapter 250-18 WAC.

(b) Be a proficient speaker of either Spanish, Russian, Japanese, or Chinese.

(c) Be enrolled at a public or independent college or university in the state of Washington within one year of high school graduation, as at least a half-time student.

(d) Not be involved in a program that includes any religious worship, exercise or instruction or the pursuit of any degree in religious, seminarian, or theological academic studies.

(e) Agree to provide appropriate documentation of undergraduate studies as may be requested by the higher education coordinating board.

[Statutory Authority: 1990 c 243. 90-20-011, § 250-74-030, filed 9/21/90, effective 10/22/90.]

WAC 250-74-040 Selection criteria. (1) Program advisory and selection committee. The board will appoint an advisory committee to advise the board on matters of program administration including, but not limited to, application procedures, selection criteria, fund raising, and program publicity. The advisory committee shall also serve as a screening committee to assist the board in selecting the students to receive Pacific Rim language scholarships. The committee membership shall be comprised of leaders in government, business, and education.

(2) Selection of recipients. Assuming program eligibility criteria are met, the board shall select students who have shown the most improvement in their ability to speak the language during their high school careers. The following additional selection criteria may be employed by the board in ranking applicants:

(a) Commitment to continuing studies in, or use of, one of the following languages: Spanish, Russian, Chinese, or Japanese, or any other Pacific Rim language;

(b) Commitment to increasing, broadening, or deepening his/her knowledge and understanding of the economics, politics, and cultures of the Pacific Rim region;

(c) Commitment to use that knowledge to teach within the state or otherwise enrich this state's economic health and cultural understanding;

(d) Superior scholastic achievement;

(e) Honors and awards;

(f) Financial need.

(3) Number of students to be selected. The board shall select up to four students yearly from each congressional district. Of the four students selected, one student shall be a proficient speaker of Spanish, one of Russian, one of Japanese, and one of Chinese.

[Statutory Authority: 1990 c 243. 90-20-011, § 250-74-040, filed 9/21/90, effective 10/22/90.]

WAC 250-74-050 Administration. (1) Administering agency. The higher education coordinating board shall administer the Pacific Rim language scholarship program. The board shall have the following administrative responsibilities:

- (a) Publicize the program.
- (b) Adopt necessary program guidelines.
- (c) Select students to receive the Pacific Rim languages scholarship, with the assistance of the selection committee created by WAC 250-74-040(1) of this act.
- (d) Disburse funds to named scholarship recipients.
- (e) Maintain records on all Pacific Rim language scholarship recipients.
- (f) Solicit and accept grants and donations from public and private sources for the program.

[Statutory Authority: 1990 c 243. 90-20-011, § 250-74-050, filed 9/21/90, effective 10/22/90.]

WAC 250-74-060 Management of funds. The higher education coordinating board may award grants to eligible students from the funds appropriated to the board for this purpose, or from any private donations, or any other funds given to the board for this program.

(1) Scholarship amounts. The amount of the Pacific Rim language scholarship awarded an individual shall not exceed one thousand dollars in total.

(2) The scholarship is awarded to a recipient on a one-time, nonrenewable basis.

(3) The scholarship shall not be disbursed to the student until the higher education coordinating board has received verification that the awardee is enrolled as at least a half-time student.

[Statutory Authority: 1990 c 243. 90-20-011, § 250-74-060, filed 9/21/90, effective 10/22/90.]

Chapter 250-75 WAC

RURAL PHYSICIAN, PHARMACIST, AND MIDWIFE SCHOLARSHIP PROGRAM

WAC

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WAC 250-75-010 Purpose. The purpose of the scholarship program is to encourage primary care physicians, pharmacists, and midwives (as defined in chapters 18.50, 18.57, 18.64, 18.71, and 18.88 RCW,) to serve in

rural shortage areas of the state by providing financial support to attend school in the form of a conditional scholarship. Participants shall receive payment from the program for professional training leading to licensure as a physician, osteopathic physician and surgeon, pharmacist, midwife or certified nurse-midwife. The conditional scholarship means a loan that is forgiven in whole or in part if the scholarship recipient serves in a rural physician shortage area, a pharmacist shortage area, or a midwife shortage area in Washington state.

[Statutory Authority: 1990 c 271. 90-20-012, § 250-75-010, filed 9/21/90, effective 10/22/90.]

WAC 250-75-020 Authority to administer. The higher education coordinating board is charged with the administration of the rural physician, pharmacist, and midwife scholarship program. These regulations are being adopted pursuant to the authority of section 5 through 13, chapter 271, Laws of 1990, first ex. sess. When a responsibility of the board is referenced in these regulations, the authority needed to discharge that responsibility lies with the executive director or his/her designee.

[Statutory Authority: 1990 c 271. 90-20-012, § 250-75-020, filed 9/21/90, effective 10/22/90.]

WAC 250-75-030 Definitions. Unless the content clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the higher education coordinating board.

(2) "Department" means the department of health.

(3) "Eligible student" means a student who has been accepted into a program leading to eligibility for licensure under chapter 18.50, 18.57, 18.64, 18.71 or 18.88 RCW.

(4) "Prospective medical student" means an individual identified by a sponsoring community who is seeking admission to a school of medicine or osteopathic school of medicine.

(5) "Medical school" means a medical school or school of osteopathic medicine and surgery accredited by an accrediting association recognized as such in rule by the department.

(6) "Pharmacy school" means a pharmacy school accredited by an accrediting association recognized as such in rule by the department.

(7) "Midwife training program" means a training program approved by the department that leads to licensure as a midwife or certification as a nurse-midwife in the state of Washington.

(8) "Primary care physician" means an individual whose training prepares them for practice in the following areas: Family practice, general practice, general internal medicine, ob-gyn, and general pediatrics.

(9) "Rural physicians shortage area" means rural geographic areas where primary care physicians are in short supply as a result of geographic maldistribution and where their limited numbers jeopardize patient care and pose a threat to public health and safety.

(10) "Pharmacist shortage area" means a rural area where pharmacists are in short supply and where their limited numbers jeopardize the public health and safety.

(11) "Midwife shortage area" means a geographic area of the state of Washington where (a) maternity services are in short supply, and (b) midwifery services could help alleviate the shortage.

(12) "Nonshortage rural area" means a nonurban area of the state of Washington that has not been designated a rural physician shortage area.

(13) "Rural areas" means a rural area in the state of Washington as identified by the department.

(14) "Eligible expenses" means legitimate expenses associated with the costs of acquiring an education such as tuition, books, equipment, fees, room and board.

(15) "Program" means the rural physician, pharmacist, and midwife scholarship program.

(16) "Scholarship" means a loan that is forgiven in whole or in part if the recipient renders: (a) physician services as a primary care physician in a rural area of the state; (b) pharmacy services as a pharmacist in a pharmacist shortage area; or (c) midwifery services as a licensed midwife or certified nurse-midwife in a midwife shortage area;

(17) "Sponsoring community" means a rural hospital or hospitals as authorized in chapter 70.41 RCW, a rural health care facility or facilities as authorized in chapter 70.175 RCW, or a city or county government or governments.

(18) "Participant" means an eligible student who has received a scholarship under this chapter.

(19) "Forgiven" or "to forgive" means to render physician services in a rural area, pharmacy services in a pharmacist shortage area, or midwifery services in a midwife shortage area in the state of Washington in lieu of monetary repayment.

(20) "Satisfied" means paid-in-full.

[Statutory Authority: 1990 c 271. 90-20-012, § 250-75-030, filed 9/21/90, effective 10/22/90.]

WAC 250-75-040 Eligibility to participate. To be eligible to apply, an individual must:

(1) Be accepted into or currently enrolled in an accredited program leading to eligibility for licensure in Washington state as a physician, osteopathic physician and surgeon, pharmacist, midwife or certified nurse-midwife;

(2) Submit an application on a form provided by the higher education coordinating board for participation in the rural physician, pharmacist, and midwife scholarship program;

(3) Agree to serve for not less than five years as a primary care physician in a rural shortage area of the state, as a pharmacist in a pharmacist shortage area, or provide midwifery services as a licensed midwife or certified nurse-midwife in a midwife shortage area in the state;

(4) Agree not to discriminate against any person on the basis of his/her ability to pay for services or because payment for the health services provided to the individual will be made under part A or B of Title XVIII of the

federal Social Security Act or under a state plan for medical assistance approved under Title XIX of such act;

(5) Agree to accept an assignment under the terms specified in Title XVIII of the federal Social Security Act, section 18.42 (b)(3)(B)(ii);

(6) Agree to enter into an agreement with the state medicaid agency to provide services to individuals entitled to medical assistance under the plan; and

(7) Agree to repay to the program an amount equal to twice the total amount paid by the program on their behalf in addition to the unsatisfied portion of principal and interest as set by state law, if the five year service obligation is not met.

[Statutory Authority: 1990 c 271. 90-20-012, § 250-75-040, filed 9/21/90, effective 10/22/90.]

WAC 250-75-050 Selection criteria. Applicants will be selected for participation in the rural physician, pharmacist, and midwife scholarship program based upon the following criteria:

(1) Applicant training. The individual's training must be in a program leading to licensure in Washington state as a physician, osteopathic physician and surgeon, pharmacist, midwife or certified nurse-midwife;

(2) Applicant qualifications. The board may consider the individual's academic standing, prior experience in a medically underserved or rural shortage area, academic/humanitarian achievements, recommendations, and other criteria related to competence or conduct.

(3) Applicant relationship with rural area. (a) Physicians. For prospective physicians, recipients must declare an interest in serving in rural areas of the state of Washington. Preference for scholarships shall be given to students who reside in rural areas of the state prior to admission to the medical training program. Higher preference shall be given to students seeking admission who are recommended by sponsoring communities and who declare the intent of serving as a primary care physician in a rural area; (b) Pharmacists. For prospective pharmacists, recipients must declare an interest in serving in pharmacist shortage areas of the state of Washington; and (c) Midwives. For prospective midwives, recipients must declare an interest in serving in midwife shortage areas of the state of Washington.

[Statutory Authority: 1990 c 271. 90-20-012, § 250-75-050, filed 9/21/90, effective 10/22/90.]

WAC 250-75-060 Award amount. The amount of the scholarship awarded a participant shall not exceed \$15,000 per academic year for physicians and \$4,000 per academic year for pharmacists and midwives. The higher education coordinating board may establish awards of less than the maximum amount based upon reasonable levels of expenditures for each of the health professions covered by the program, depending upon the availability of funding. In no case shall the award amount exceed the actual cost of attendance for the particular program. Scholarship awards are intended to meet the eligible expenses of participants. Participants

are eligible to receive scholarships for a maximum of five years for physicians and three years for pharmacists and midwives while continually enrolled in an approved medical school, pharmacy school, or midwifery training program.

As part of the award procedure, each participant must sign an agreement with the board which serves as the legal document verifying the participant's understanding of the obligation to serve for five years in a shortage area or repay to the program an amount equal to twice the total amount paid on their behalf in addition to the unsatisfied portion of principal and interest as set by state law. Should the recipient choose not to serve in a shortage area, he/she is obligated to repay to the program an amount equal to three times the principal, plus the interest as set by state law.

[Statutory Authority: 1990 c 271. 90-20-012, § 250-75-060, filed 9/21/90, effective 10/22/90.]

WAC 250-75-070 Repayment provisions. Participants shall receive payment from the program for professional training leading to licensure as a physician, osteopathic physician and surgeon, pharmacist, midwife or certified nurse-midwife.

(1) The entire principal and interest of each payment shall be forgiven for each payment period in which the participant serves in a rural physician shortage area, pharmacist shortage area, or midwife shortage area until the entire repayment obligation is satisfied or the participant ceases to so serve.

(2) Participants in the program incur an obligation to repay the scholarship, with interest set by state law, unless they serve for five years in rural physician shortage area, pharmacist shortage areas, or midwife shortage areas in the state of Washington.

(3) Except for circumstances beyond their control, participants who serve less than five years shall be obligated to repay to the program an amount equal to twice the total amount paid by the program on their behalf in addition to the unsatisfied portion of the principal and interest as set by state law.

(4) The terms of the repayment, including deferral of the interest, shall be consistent with the terms of the federal guaranteed loan program.

(5) The period of repayment shall be three years, with payments commencing nine months from the date the participant completes or discontinues the course of study or required residency, or fails to fulfill the five year service obligation.

(6) Upon request of the participant, the higher education coordinating board may waive, in full or in part, the obligation for service or its rights to recover financial damages whenever the board determines that failure to do so was due to circumstances beyond the participant's control. Conditions considered as a waiver from default provisions may include: Participant becomes physically impaired to the degree that he/she can no longer function in his/her assigned duties, participant becomes mentally impaired to the degree that he/she can no longer function in his/her assigned duties, or death.

[Statutory Authority: 1990 c 271. 90-20-012, § 250-75-070, filed 9/21/90, effective 10/22/90.]

WAC 250-75-080 Appeals. Participants who have been accepted in the rural physician, pharmacist, and midwife scholarship program may request in writing a review of any adverse decision affecting them by requesting such review within 20 days of adverse decision, addressed to the executive director of the higher education coordinating board. The review shall be handled by brief adjudication hearing procedures as outlined in the Administrative [Procedure] Act chapter 34.05 RCW.

[Statutory Authority: 1990 c 271. 90-20-012, § 250-75-080, filed 9/21/90, effective 10/22/90.]