

[Statutory Authority: 1991 c 8, 91-19-025 (Order 3243), § 248-14-071, filed 9/10/91, effective 10/11/91.]

### Title 250 WAC

## HIGHER EDUCATION COORDINATING BOARD

(Formerly: Postsecondary Education, Council for)

### Chapters

- 250-44** Regulations for the administration of the displaced homemaker program.
- 250-77** Athletic gender equity tuition and fee waiver.
- 250-78** Washington award for excellence in education academic grant.

### Chapter 250-44 WAC

## REGULATIONS FOR THE ADMINISTRATION OF THE DISPLACED HOMEMAKER PROGRAM

### WAC

- 250-44-050** Utilization of available contract funds.
- 250-44-110** Length of contract periods.
- 250-44-130** Calendar and closing dates for letters of intent, applications and awards.

**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 1991-1993 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 1991-1993 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: RCW 28B.10.806 and chapter 28B.04 RCW as amended. 91-14-009, § 250-44-050, filed 6/24/91, effective 7/25/91. 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 250-44-110 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 1991-1993 biennium may cover operations beginning as early as July 1, 1991, and ending June 30, 1993.

(2) Contracts for operation of programs of services during the 1991-1993 biennium may cover operations beginning as early as July 1, 1991, and ending June 30, 1993.

[Statutory Authority: RCW 28B.10.806 and chapter 28B.04 RCW as amended. 91-14-009, § 250-44-110, filed 6/24/91, effective 7/25/91. 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 250-44-130 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 4, 1991, 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 11, 1991, 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 Friday, April 5, 1991, 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 4, 1991.

(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 11,

1991, 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 Friday, April 5, 1991, 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: RCW 28B.10.806 and chapter 28B.04 RCW as amended. 91-14-009, § 250-44-130, filed 6/24/91, effective 7/25/91. 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.]

### Chapter 250-77 WAC

#### ATHLETIC GENDER EQUITY TUITION AND FEE WAIVER

##### WAC

250-77-010	Purpose.
250-77-015	Authority to administer.
250-77-020	Definitions.
250-77-025	Eligibility for 1991-92.
250-77-030	Eligibility beginning in 1992-93.
250-77-035	Use of authorized waivers.
250-77-040	Use of waiver generated funds.
250-77-045	Reporting.
250-77-050	Fluctuations.

**WAC 250-77-010 Purpose.** The purpose of this program is to assist the public four-year institutions of higher education to achieve gender equity in their intercollegiate athletics activities, as required by RCW 28B.15.450 through .480, 28B.15.740(3), 28B.110, and other applicable state and federal law.

[Statutory Authority: RCW 28B.15.460 and [28B.15].465. 91-12-005, § 250-77-010, filed 5/28/91, effective 6/28/91.]

**WAC 250-77-015 Authority to administer.** RCW 28B.15.460-465 assigns responsibility to the higher education coordinating board to approve, evaluate, report, and make recommendations in the implementation of RCW 28B.15.455-480 and 28B.15.740(3).

[Statutory Authority: RCW 28B.15.460 and [28B.15].465. 91-12-005, § 250-77-015, filed 5/28/91, effective 6/28/91.]

**WAC 250-77-020 Definitions.** For purposes of assessing institutional compliance with statutory goals for 1994 only, "the rate at which (the underrepresented gender) class participates in high school interscholastic athletics in Washington state" means that neither gender shall comprise less than 39% of the total number of athletes at that institution.

[Statutory Authority: RCW 28B.15.460 and [28B.15].465. 91-12-005, § 250-77-020, filed 5/28/91, effective 6/28/91.]

**WAC 250-77-025 Eligibility for 1991-92.** Any public four-year institution of higher education in the state of Washington shall be eligible to participate in the athletic gender equity tuition and fee waiver program for the academic year 1991-92, provided it has:

(1) Submitted to the higher education coordinating board a study of gender equity in its intercollegiate athletics program, and a plan for achieving institutional and legislative gender equity goals, consistent with RCW 28B.15.450-480.

(2) Received approval of the plan from the institution's governing board.

[Statutory Authority: RCW 28B.15.460 and [28B.15].465. 91-12-005, § 250-77-025, filed 5/28/91, effective 6/28/91.]

**WAC 250-77-030 Eligibility beginning in 1992-93.** Any public four-year institution of higher education shall be eligible to participate in the athletic gender equity tuition and fee waiver program for the academic years 1992-93 and following, provided that, in addition to the conditions in WAC 250-77-025, it has received approval for its plan to achieve gender equity in athletics from the higher education coordinating board.

[Statutory Authority: RCW 28B.15.460 and [28B.15].465. 91-12-005, § 250-77-030, filed 5/28/91, effective 6/28/91.]

**WAC 250-77-035 Use of authorized waivers.** Tuition and fee waivers generally will be granted to the underrepresented gender. The exceptions will be when an institution can demonstrate that a waiver to a nonunderrepresented gender individual will result in a savings of athletic financial aid funds that can be applied in an equal amount to enhance the intercollegiate program for the underrepresented gender.

[Statutory Authority: RCW 28B.15.460 and [28B.15].465. 91-12-005, § 250-77-035, filed 5/28/91, effective 6/28/91.]

**WAC 250-77-040 Use of waiver generated funds.** Funds generated by this program may be used only to attain or maintain gender equity in intercollegiate athletics.

(1) For any institution having an underrepresented gender in its athletic program,

(a) All funds generated by this program shall be expended to enhance the intercollegiate athletic program for the underrepresented gender, and

(b) Any difference between genders in overall expenditures, exclusive of the waiver amount, shall not exceed the 1989-90 difference.

(2) For any institution not having an underrepresented gender in its athletic program, all funds generated by this program must be expended in such a way that gender equity is maintained.

(3) Funds generated by waivers under this section may be used for expanding the program to additional intercollegiate sports and/or for enhancing the services, equipment, and coaching in existing sports.

(4) Funds generated by waivers under this section may be used for both operating and capital expenses, provided that they are not used for debt service, and provided further that, if there is an underrepresented gender in its intercollegiate athletics program, the institution is able to demonstrate that the funds were used solely to enhance or expand the intercollegiate athletic program for the underrepresented gender.

[Statutory Authority: RCW 28B.15.460 and [28B.15].465. 91-12-005, § 250-77-040, filed 5/28/91, effective 6/28/91.]

**WAC 250-77-045 Reporting.** Each institution participating in this program will report biennially to the higher education coordinating board on its efforts to achieve equity and its compliance with RCW 28B.450.480.

(1) Reports will be submitted in a common format developed by the higher education coordinating board in consultation with the participating institutions.

(2) Reports will include all of the information items required from the 1990 self-study, as defined in WAC 250-71-010 through -075, inclusive.

(3) Reports will include year to year comparisons, beginning with 1988-89, for expenditures and participation for men's and women's athletic programs.

(4) Reports will include a delineation of waivers granted each year by gender and sport and the value thereof.

(5) Reports will include the amount generated to the intercollegiate athletics program by the waivers, and the application made of such funds.

(6) Reports will be due on August 31 of each even number year.

[Statutory Authority: RCW 28B.15.460 and [28B.15].465. 91-12-005, § 250-77-045, filed 5/28/91, effective 6/28/91.]

**WAC 250-77-050 Fluctuations.** Short term deviations from the above standards will be allowed only if due to specific, identifiable, and normal variations, examples of which include the high costs in one year for the start up of a new sport or the higher expenses due to an unusual number of teams of one gender participating in post-season competition. In such cases, a four year rolling average will be applied to comparisons of proportional expenditures.

[Statutory Authority: RCW 28B.15.460 and [28B.15].465. 91-12-005, § 250-77-050, filed 5/28/91, effective 6/28/91.]

## Chapter 250-78 WAC

### WASHINGTON AWARD FOR EXCELLENCE IN EDUCATION ACADEMIC GRANT

#### WAC

250-78-010	Purpose.
250-78-020	Authority to administer.
250-78-030	Definitions.
250-78-040	Eligibility to participate.
250-78-050	Award amount.
250-78-060	Management of funds.

**WAC 250-78-010 Purpose.** The Washington award for excellence in education program, also known as the Washington state Christa McAuliffe award program, was established to recognize teachers, principals, administrators, classified staff, school district superintendents, and school boards for their leadership, contributions, and commitment to education. The purpose of this chapter is to establish administrative procedures for disbursing academic grants awarded through this program to teachers, principals, and administrators.

[Statutory Authority: Chapter 28B.80 RCW and 1991 c 255. 91-20-070, § 250-78-010, filed 9/26/91, effective 10/27/91.]

**WAC 250-78-020 Authority to administer.** The authority for this chapter is 28B.80 RCW which authorizes the higher education coordinating board to adopt rules relating to the administration of programs assigned to the board, and chapter 255, laws of 1991, which assigns to the board the administration of the academic grants awarded through the Washington award for excellence in education (Christa McAuliffe) academic grant award program. The 1991 legislation corrects inequities inherent in the related preceding tuition waiver program by creating an academic cash grant in lieu of a tuition and fee waiver. Not all institutions awarded the waiver, thus some recipients received a benefit while others did not. These regulations are intended not only to implement the new legislative changes but also to provide continued benefits to those previously granted the award.

[Statutory Authority: Chapter 28B.80 RCW and 1991 c 255. 91-20-070, § 250-78-020, filed 9/26/91, effective 10/27/91.]

**WAC 250-78-030 Definitions.** (1) "Institution of higher education" or "institution" shall mean:

(a) Any public university, college, community college, or technical college operated by the state of Washington or any 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 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 northwest association of schools and colleges or another regional accrediting association.

(b) Any other university, college, school, or institute located in another state offering instruction beyond the high school level which is a member institution of a regional accrediting association or otherwise approved by the board in accordance with WAC 250-78-050 (3)(d)(i); or

(c) Any other university, college, school, or institute located in another country outside of the United States of America offering instruction beyond the high school level which in the judgment of the board meets academic standards comparable to those established by a regional accrediting association.

(2) "Academic grant" shall mean the monetary award which shall be used to take courses at an institution of higher education. The academic grant may be used to pay for reasonable educational expenses including, but not limited to, tuition/fees, room and board, and books and supplies.

(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) "Recipient" means a teacher, principal, or administrator who has been designated to receive the Washington award for excellence in education by the superintendent of public instruction, and who has elected to receive his or her award in the form of the academic grant.

(5) "Academic year" shall mean two semesters or three quarters of full-time graduate coursework.

(6) "Stipend" shall mean an amount not to exceed \$1,000, payable only to cover costs incurred in taking courses for which a tuition and fee waiver was authorized under preexisting law (RCW 28A.625.020 (3)(a)). No award recipient named after May 17, 1991 shall be entitled to receive payment of the stipend.

[Statutory Authority: Chapter 28B.80 RCW and 1991 c 255. 91-20-070, § 250-78-030, filed 9/26/91, effective 10/27/91.]

**WAC 250-78-040 Eligibility to participate.** (1) Each year, the higher education coordinating board shall receive from the superintendent of public instruction, or his or her designee, an official list of the names of the current-year Washington award for excellence in education (Christa McAuliffe) recipients who have elected to receive the academic grant.

(2) The superintendent of public instruction, or his or her designee, shall provide the higher education coordinating board with an official list of the names of Washington award for excellence in education (Christa McAuliffe) recipients who were awarded the waiver of forty-five quarter or thirty semester credits of tuition and fees under RCW 28B.15.547 prior to May 17, 1991.

(3) Recipients may not use the academic grant for any courses that include any religious worship or exercise, or for any degree in religious, seminarian, or theological academic studies.

(4) On and after May 17, 1991, individual benefits under this program must be fully utilized and courses

completed within four years of the date of official notification of the award recipient's selection and receipt of the academic grant, as provided by the superintendent of public instruction, or his or her designee, to the higher education coordinating board.

(5) Recipients must agree to comply with all conditions of the award and provide documentation to the board as necessary for proper administration of the academic grant.

[Statutory Authority: Chapter 28B.80 RCW and 1991 c 255. 91-20-070, § 250-78-040, filed 9/26/91, effective 10/27/91.]

**WAC 250-78-050 Award amount.** (1) The current academic year full-time resident graduate tuition rate in effect at the state's public universities shall be the maximum academic grant available to any recipient in that year.

(2) Consistent with terms of prior law, recipients who received notification of their award by the office of the superintendent of public instruction prior to May 17, 1991 may be eligible to receive a stipend not to exceed \$1,000 to cover approved educational costs related to academic coursework.

(3) The recipient's initial institution of attendance following receipt of official notice of the academic grant award by the board shall be used to determine the dollar value of individual academic grant awards as follows:

(a) Award recipients who elect to use the academic grant for courses at one of the state's research universities shall receive an academic grant which shall not exceed the current academic year full-time resident graduate tuition for courses taken at one of the state's research universities.

(b) Award recipients who elect to use the academic grant for courses at one of the state's regional universities or The Evergreen State College shall receive an academic grant which shall not exceed the current academic year full-time resident graduate tuition for courses taken at one of the state's regional universities or The Evergreen State College.

(c) Washington private colleges and universities may elect to participate in the program. Participating private institutions shall match on at least a dollar-for-dollar basis, either with actual money or by waiver of fees, the amount of the academic grant received by the recipient from the state. Award recipients who elect to use the academic grant for courses at one of the state's participating private institutions shall receive an academic grant which, when combined with the matching portion, shall not exceed the current academic year full-time resident graduate tuition and the services and activities fees in effect at the state-funded research universities. Any recipient who received notification of his or her award by the office of the superintendent of public instruction prior to May 17, 1991 has a vested right to the \$1,000 stipend, including those recipients who elect to attend a private institution. However, private institutions are not required to match the amount of the stipend.

(d) Award recipients who elect to use the academic grant for courses at a public or private higher education institution in another state or country shall receive an

academic grant which shall not exceed the current academic year full-time resident graduate tuition and the services and activities fees in effect at the state-funded research universities, provided the following additional criteria are met:

(i) The institution has an exchange program with a public or private higher education institution in Washington and the exchange program is approved or recognized by the higher education coordinating board; or

(ii) The institution is approved or recognized by the higher education coordinating board; and

(iii) The recipient of the Washington award for excellence in education (Christa McAuliffe) academic grant has submitted in writing to the higher education coordinating board an explanation of why the preferred course or courses are not available at a public or private institution in Washington.

(e) The remaining value of the tuition/fee waiver for recipients who were awarded the tuition/fee waiver for forty-five quarter or thirty semester credits prior to May 17, 1991 shall be calculated as a ratio of available (unused) credits to the total credits originally awarded. That ratio shall be converted to a dollar value which is proportional to the current academic year full-time resident graduate tuition in effect at one of the state's public universities.

[Statutory Authority: Chapter 28B.80 RCW and 1991 c 255. 91-20-070, § 250-78-050, filed 9/26/91, effective 10/27/91.]

**WAC 250-78-060 Management of funds.** (1) Disbursements of all grant funds are contingent upon appropriations and, in the event that funds are insufficient, disbursements will be issued term by term.

(2) At the option of the board, the academic grant may be disbursed as a lump sum award or in incremental amounts related to the recipient's plan of study and under a schedule of payments as developed by the board.

(3) Recipients who have not fully utilized their award benefit within the four year eligibility period shall forfeit the remaining value of their academic grant award.

[Statutory Authority: Chapter 28B.80 RCW and 1991 c 255. 91-20-070, § 250-78-060, filed 9/26/91, effective 10/27/91.]

## Title 251 WAC

### HIGHER EDUCATION PERSONNEL BOARD

#### Chapters

251-04	General provisions.
251-08	Compensation.
251-09	Hours of work--Premium pay.
251-10	Resignation--Layoff--Separation.
251-12	Appeals.
251-19	Appointment.
251-22	Holidays--Leave.
251-24	Employee development and training.

## Chapter 251-04 WAC GENERAL PROVISIONS

### WAC

251-04-160 Federal preemption—Fair Labor Standards Act.

**WAC 251-04-160 Federal preemption—Fair Labor Standards Act.** Institutions shall comply with higher education personnel board rules (Title 251 WAC) unless doing so would cause them to violate the Fair Labor Standards Act (29 U.S.C. 201 et seq.).

[Statutory Authority: Chapter 28B.16 RCW. 91-13-011, § 251-04-160, filed 6/7/91, effective 6/7/91.]

## Chapter 251-08 WAC COMPENSATION

### WAC

251-08-090 Salary—Periodic increment.  
251-08-112 Salary—Reallocation.

**WAC 251-08-090 Salary—Periodic increment.** (1) Employees whose performance permits them to retain job status in the classified service shall receive periodic increments within the steps of the salary range. The salary of each employee shall be increased two steps on the periodic increment date and annually thereafter on the periodic increment date, not to exceed the maximum step of the range. An exception to the two step movement on the periodic increment date are those employees who occupy classes included in the higher education personnel board locality special pay plan per WAC 251-09-090 which applies only to University of Washington hospitals. The salary of each employee under this plan shall be increased as specified in the higher education personnel board hospital special pay plan.

(2) When the periodic increment date falls on the same effective date as another salary action, the periodic increment shall be applied prior to, and in addition to, any other action resulting in a salary increase or decrease.

[Statutory Authority: RCW 28B.16.100. 91-16-054, § 251-08-090, filed 8/1/91, effective 9/1/91; 85-20-049 (Order 136), § 251-08-090, filed 9/25/85; 84-16-067 (Order 119), § 251-08-090, filed 7/31/84; Order 61, § 251-08-090, filed 8/30/77, effective 10/1/77; Order 18, § 251-08-090, filed 10/25/72, effective 7/1/73; Order 1, § 251-08-090, filed 9/15/69.]

**WAC 251-08-112 Salary—Reallocation.** (1) An employee occupying a position that is reallocated to an existing class with a higher salary range maximum shall receive an increase in the same manner as is provided for promotion in WAC 251-08-110. The periodic increment date shall be established as provided in WAC 251-08-100.

(2) An employee occupying a position that is reallocated to an existing class with a lower salary maximum shall be placed in the salary step in the new range which is closest to the current salary, provided such salary does not exceed the top step of the new salary range.