

Title 250 WAC

HIGHER EDUCATION COORDINATING BOARD

(Formerly: Postsecondary Education, Council for)

Chapters

- 250-04 General operating rules of the commission.
- 250-08 Provision for hearing regarding commission actions.
- 250-14 State Environmental Policy Act (SEPA).
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DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

- Chapter 250-10**
BYLAWS—COUNCIL FOR POSTSECONDARY EDUCATION
- 250-10-010 Name. [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.] Repealed by 98-08-006, filed 3/18/98, effective 4/18/98.
 - 250-10-020 Purpose. [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.] Repealed by 98-08-006, filed 3/18/98, effective 4/18/98.
 - 250-10-022 General planning and coordinating functions. [Statutory Authority: RCW 28B.80.080. 79-10-056 (Order 8-79, Resolution No. 80-2), § 250-10-022, filed 9/17/79.] Repealed by 98-08-006, filed 3/18/98, effective 4/18/98.
 - 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 Repealed by 79-10-056 (Order 8-79, Resolution No. 80-2), filed 9/17/79.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.
 - 250-10-026 Functions on which all council members vote. [Statutory Authority: RCW 28B.80.080. 79-10-056 (Order 8-79, Resolution No. 80-2), § 250-10-026, filed 9/17/79.] Repealed by 98-08-006, filed 3/18/98, effective 4/18/98.
 - 250-10-028 Other administrative responsibilities. [Statutory Authority: RCW 28B.80.080. 79-10-056 (Order 8-79, Resolution No. 80-2), § 250-10-028, filed 9/17/79.] Repealed by 98-08-006, filed 3/18/98, effective 4/18/98.
 - 250-10-030 Membership. [Order 7-75, § 250-10-030, filed 8/26/75.] Repealed by 98-08-006, filed 3/18/98, effective 4/18/98.
 - 250-10-040 Term of office. [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.] Repealed by 98-08-006, filed 3/18/98, effective 4/18/98.
 - 250-10-050 Vacancies. [Order 7-75, § 250-10-050, filed 8/26/75.] Repealed by 98-08-006, filed 3/18/98, effective 4/18/98.
 - 250-10-060 Organization of the council. [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.] Repealed by 98-08-006, filed 3/18/98, effective 4/18/98.
 - 250-10-070 Meetings. [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.] Repealed by 98-08-006, filed 3/18/98, effective 4/18/98.
 - 250-10-080 Committees. [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.] Repealed by 98-08-006, filed 3/18/98, effective 4/18/98.
 - 250-10-090 Finances. [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.] Repealed by 98-08-006, filed 3/18/98, effective 4/18/98.
 - 250-10-100 Personnel. [Order 7-75, § 250-10-100, filed 8/26/75.] Repealed by 98-08-006, filed 3/18/98, effective 4/18/98.
 - 250-10-110 Legal counsel. [Order 7-75, § 250-10-110, filed 8/26/75.] Repealed by 98-08-006, filed 3/18/98, effective 4/18/98.
 - 250-10-120 Reports. [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.] Repealed by 98-08-006, filed 3/18/98, effective 4/18/98.

- 8/26/75.] Repealed by 98-08-006, filed 3/18/98, effective 4/18/98.
- 250-10-130 Administrative Procedure Act. [Order 7-75, § 250-10-130, filed 8/26/75.] Repealed by 98-08-006, filed 3/18/98, effective 4/18/98.
- 250-10-140 Rules of order. [Order 7-75, § 250-10-140, filed 8/26/75.] Repealed by 98-08-006, filed 3/18/98, effective 4/18/98.
- 250-10-150 Amendments. [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.] Repealed by 98-08-006, filed 3/18/98, effective 4/18/98.
- 250-10-160 Suspension of bylaws. [Order 7-75, § 250-10-160, filed 8/26/75.] Repealed by 98-08-006, filed 3/18/98, effective 4/18/98.
- 250-10-170 State Environmental Policy Act. [Order 1-77, § 250-10-170, filed 3/10/77.] Repealed by 98-08-006, filed 3/18/98, effective 4/18/98.

Chapter 250-12

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

- 250-12-010 Application acceptance procedures. [Order 2-69, § 250-12-010, filed 2/26/73; Order, § 250-12-010, filed 7/29/68, 9/22/67, 4/4/67.] Repealed by 98-08-008, filed 3/18/98, effective 4/18/98.
- 250-12-020 Eligibility verification procedures. [Order 2-69, § 250-12-020, filed 2/26/73; Order, § 250-12-020, filed 7/29/68, 9/22/67, 4/4/67.] Repealed by 98-08-008, filed 3/18/98, effective 4/18/98.
- 250-12-030 Maintenance of application case files. [Order 2-69, § 250-12-030, filed 2/26/73; Order, § 250-12-030, filed 7/29/68, 9/22/67, 4/4/67.] Repealed by 98-08-008, filed 3/18/98, effective 4/18/98.
- 250-12-040 Deadlines for acceptance of applications. [Order 2-69, § 250-12-040, filed 2/26/73; Order, § 250-12-040, filed 7/29/68, 9/22/67, 4/4/67.] Repealed by 98-08-008, filed 3/18/98, effective 4/18/98.
- 250-12-050 Scoring methods and criteria. [Order 2-69, § 250-12-050, filed 2/26/73; Order, § 250-12-050, filed 7/29/68, 9/22/67, 4/4/67.] Repealed by 98-08-008, filed 3/18/98, effective 4/18/98.
- 250-12-060 Determination of matching federal share. [Order 2-69, § 250-12-060, filed 2/26/73; Order, § 250-12-060, filed 7/29/68, 9/22/67, 4/4/67.] Repealed by 98-08-008, filed 3/18/98, effective 4/18/98.
- 250-12-070 Definition of terms. [Order 2-69, § 250-12-070, filed 2/26/73; Order, § 250-12-070, filed 7/29/68, 9/22/67, 4/4/67.] Repealed by 98-08-008, filed 3/18/98, effective 4/18/98.

Chapter 250-16

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

- 250-16-001 Establishment of state plan. [Statutory Authority: RCW 28B.80.220. 78-05-023 (Order 1-78), § 250-16-001, filed 4/14/78.] Repealed by 98-08-007, filed 3/18/98, effective 4/18/98.
- 250-16-010 Application acceptance procedures. [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.] Repealed by 98-08-007, filed 3/18/98, effective 4/18/98.
- 250-16-020 Eligibility verification procedures. [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.] Repealed by 98-08-007, filed 3/18/98, effective 4/18/98.
- 250-16-030 Maintenance of application case files. [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.] Repealed by 98-08-007, filed 3/18/98, effective 4/18/98.
- 250-16-040 Deadlines for acceptance of applications. [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.] Repealed by 98-08-007, filed 3/18/98, effective 4/18/98.

- 250-16-050 Scoring methods and priorities. [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.] Repealed by 98-08-007, filed 3/18/98, effective 4/18/98.
- 250-16-060 Determination of matching federal share. [Order, § 250-16-060, filed 7/29/68, 9/22/67, 4/4/67.] Repealed by 98-08-007, filed 3/18/98, effective 4/18/98.

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 250-55

REGULATIONS FOR THE ADMINISTRATION OF THE EDUCATIONAL SERVICES REGISTRATION ACT

- 250-55-010 Purpose. [Statutory Authority: RCW 28B.05.050. 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-010, filed 12/18/79.] Repealed by 98-08-009, filed 3/18/98, effective 4/18/98.
- 250-55-020 Definitions. [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.] Repealed by 98-08-009, filed 3/18/98, effective 4/18/98.
- 250-55-030 Exemptions. [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.] Repealed by 98-08-009, filed 3/18/98, effective 4/18/98.
- 250-55-040 Application, annual renewal, and amendments. [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.] Repealed by 98-08-009, filed 3/18/98, effective 4/18/98.
- 250-55-050 Bonding. [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.] Repealed by 98-08-009, filed 3/18/98, effective 4/18/98.
- 250-55-060 Minimum standards. [Statutory Authority: RCW 28B.05.050. 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-060, filed 12/18/79.] Repealed by 98-08-009, filed 3/18/98, effective 4/18/98.

- 250-55-070 Program quality and content. [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.] Repealed by 98-08-009, filed 3/18/98, effective 4/18/98.
- 250-55-080 Space, equipment, libraries, and personnel. [Statutory Authority: RCW 28B.05.050. 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-080, filed 12/18/79.] Repealed by 98-08-009, filed 3/18/98, effective 4/18/98.
- 250-55-090 Personnel qualifications. [Statutory Authority: RCW 28B.05.050. 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-090, filed 12/18/79.] Repealed by 98-08-009, filed 3/18/98, effective 4/18/98.
- 250-55-100 Catalogs and brochures. [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.] Repealed by 98-08-009, filed 3/18/98, effective 4/18/98.
- 250-55-110 Educational credentials. [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.] Repealed by 98-08-009, filed 3/18/98, effective 4/18/98.
- 250-55-120 Records. [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.] Repealed by 98-08-009, filed 3/18/98, effective 4/18/98.
- 250-55-130 Financial stability. [Statutory Authority: RCW 28B.05.050. 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-130, filed 12/18/79.] Repealed by 98-08-009, filed 3/18/98, effective 4/18/98.
- 250-55-140 Advertising and business practices. [Statutory Authority: RCW 28B.05.050. 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-140, filed 12/18/79.] Repealed by 98-08-009, filed 3/18/98, effective 4/18/98.
- 250-55-150 Enrollment. [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.] Repealed by 98-08-009, filed 3/18/98, effective 4/18/98.
- 250-55-160 Minimum cancellation and refund policy. [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.] Repealed by 98-08-009, filed 3/18/98, effective 4/18/98.
- 250-55-170 Nondiscrimination. [Statutory Authority: RCW 28B.05.050. 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-170, filed 12/18/79.] Repealed by 98-08-009, filed 3/18/98, effective 4/18/98.
- 250-55-180 Duties of the executive coordinator. [Statutory Authority: RCW 28B.05.050. 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-180, filed 12/18/79.] Repealed by 98-08-009, filed 3/18/98, effective 4/18/98.
- 250-55-190 Appeals. [Statutory Authority: RCW 28B.05.050. 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-190, filed 12/18/79.] Repealed by 98-08-009, filed 3/18/98, effective 4/18/98.
- 250-55-200 Complaints and violations. [Statutory Authority: RCW 28B.05.050. 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-200, filed 12/18/79.] Repealed by 98-08-009, filed 3/18/98, effective 4/18/98.
- 250-55-210 Hearings. [Statutory Authority: RCW 28B.05.050. 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-210, filed 12/18/79.] Repealed by 98-08-009, filed 3/18/98, effective 4/18/98.
- 250-55-220 Recognition of accrediting agencies and associations. [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.] Repealed by 98-08-009, filed 3/18/98, effective 4/18/98.
- Chapter 250-67**
NURSES CONDITIONAL SCHOLARSHIP PROGRAM—RULES AND REGULATIONS
- 250-67-010 Purpose. [Statutory Authority: 1988 c 242. 88-14-089 (Order 6-88, Resolution No. 88-14), § 250-67-010, filed 7/5/88.] Repealed by 92-03-002, filed 1/3/92, effective 2/3/92. Statutory Authority: 1991 c 332.
- 250-67-020 Program definitions. [Statutory Authority: 1988 c 242. 88-14-089 (Order 6-88, Resolution No. 88-14), § 250-67-020, filed 7/5/88.] Repealed by 92-03-002, filed 1/3/92, effective 2/3/92. Statutory Authority: 1991 c 332.
- 250-67-030 Student eligibility. [Statutory Authority: 1988 c 242. 88-14-089 (Order 6-88, Resolution No. 88-14), § 250-67-030, filed 7/5/88.] Repealed by 92-03-002, filed 1/3/92, effective 2/3/92. Statutory Authority: 1991 c 332.
- 250-67-040 Selection of recipients. [Statutory Authority: 1988 c 242. 88-14-089 (Order 6-88, Resolution No. 88-14), § 250-67-040, filed 7/5/88.] Repealed by 92-03-002, filed 1/3/92, effective 2/3/92. Statutory Authority: 1991 c 332.
- 250-67-050 Administration. [Statutory Authority: 1988 c 242. 88-14-089 (Order 6-88, Resolution No. 88-14), § 250-67-050, filed 7/5/88.] Repealed by 92-03-002, filed 1/3/92, effective 2/3/92. Statutory Authority: 1991 c 332.
- 250-67-060 Control of funds. [Statutory Authority: 1988 c 242. 88-14-089 (Order 6-88, Resolution No. 88-14), § 250-67-060, filed 7/5/88.] Repealed by 92-03-002, filed 1/3/92, effective 2/3/92. Statutory Authority: 1991 c 332.
- Chapter 250-68**
HEALTH PROFESSIONAL LOAN REPAYMENT PROGRAM—RULES AND REGULATIONS
- 250-68-001 Application. [Statutory Authority: 1989 c 9. 89-20-014, codified as § 250-68-001, filed 9/26/89, effective 10/27/89.] Repealed by 92-03-002, filed 1/3/92, effective 2/3/92. Statutory Authority: 1991 c 332.
- 250-68-010 Purpose. [Statutory Authority: 1989 c 9. 89-20-014, § 250-68-010, filed 9/26/89, effective 10/27/89.] Repealed by 92-03-002, filed 1/3/92, effective 2/3/92. Statutory Authority: 1991 c 332.
- 250-68-020 Authority to administer. [Statutory Authority: 1989 c 9. 89-20-014, § 250-68-020, filed 9/26/89, effective 10/27/89.] Repealed by 92-03-002, filed 1/3/92, effective 2/3/92. Statutory Authority: 1991 c 332.
- 250-68-030 Eligibility to participate. [Statutory Authority: 1989 c 9. 89-20-014, § 250-68-030, filed 9/26/89, effective 10/27/89.] Repealed by 92-03-002, filed 1/3/92, effective 2/3/92. Statutory Authority: 1991 c 332.
- 250-68-035 Ineligible program. [Statutory Authority: 1989 c 9. 89-20-014, § 250-68-035, filed 9/26/89, effective 10/27/89.] Repealed by 92-03-002, filed 1/3/92, effective 2/3/92. Statutory Authority: 1991 c 332.
- 250-68-040 Selection criteria. [Statutory Authority: 1989 c 9. 89-20-014, § 250-68-040, filed 9/26/89, effective 10/27/89.] Repealed by 92-03-002, filed 1/3/92, effective 2/3/92. Statutory Authority: 1991 c 332.
- 250-68-050 Award amount. [Statutory Authority: 1989 c 9. 89-20-014, § 250-68-050, filed 9/26/89, effective 10/27/89.] Repealed by 92-03-002, filed 1/3/92, effective 2/3/92. Statutory Authority: 1991 c 332.
- 250-68-060 Repayment provisions. [Statutory Authority: 1989 c 9. 89-20-014, § 250-68-060, filed 9/26/89, effective 10/27/89.] Repealed by 92-03-002, filed 1/3/92, effective 2/3/92. Statutory Authority: 1991 c 332.
- 250-68-070 Appeals. [Statutory Authority: 1989 c 9. 89-20-014, § 250-68-070, filed 9/26/89, effective 10/27/89.] Repealed by 92-03-002, filed 1/3/92, effective 2/3/92. Statutory Authority: 1991 c 332.
- Chapter 250-74**
PACIFIC RIM LANGUAGE SCHOLARSHIP PROGRAM
- 250-74-010 Purpose. [Statutory Authority: 1990 c 243. 90-20-011, § 250-74-010, filed 9/21/90, effective 10/22/90.] Repealed by 96-18-025, filed 8/27/96, effective 9/27/96. Statutory Authority: Chapters 28B.107 and 28B.80 RCW.
- 250-74-020 Program definitions. [Statutory Authority: 1990 c 243. 90-20-011, § 250-74-020, filed 9/21/90, effective 10/22/90.] Repealed by 96-18-025, filed 8/27/96, effective 9/27/96. Statutory Authority: Chapters 28B.107 and 28B.80 RCW.
- 250-74-030 Eligibility criteria. [Statutory Authority: 1990 c 243. 90-20-011, § 250-74-030, filed 9/21/90, effective 10/22/90.] Repealed by 96-18-025, filed 8/27/96, effective 9/27/96. Statutory Authority: Chapters 28B.107 and 28B.80 RCW.
- 250-74-040 Selection criteria. [Statutory Authority: 1990 c 243. 90-20-011, § 250-74-040, filed 9/21/90, effective 10/22/90.] Repealed by 96-18-025, filed 8/27/96, effective 9/27/96.

- 250-74-050 Administration. [Statutory Authority: 1990 c 243. 90-20-011, § 250-74-050, filed 9/21/90, effective 10/22/90.] Repealed by 96-18-025, filed 8/27/96, effective 9/27/96. Statutory Authority: Chapters 28B.107 and 28B.80 RCW.
- 250-74-060 Management of funds. [Statutory Authority: 1990 c 243. 90-20-011, § 250-74-060, filed 9/21/90, effective 10/22/90.] Repealed by 96-18-025, filed 8/27/96, effective 9/27/96. Statutory Authority: Chapters 28B.107 and 28B.80 RCW.

**Chapter 250-75
RURAL PHYSICIAN, PHARMACIST, AND MIDWIFE
SCHOLARSHIP PROGRAM**

- 250-75-010 Purpose. [Statutory Authority: 1990 c 271. 90-20-012, § 250-75-010, filed 9/21/90, effective 10/22/90.] Repealed by 92-03-002, filed 1/3/92, effective 2/3/92. Statutory Authority: 1991 c 332.
- 250-75-020 Authority to administer. [Statutory Authority: 1990 c 271. 90-20-012, § 250-75-020, filed 9/21/90, effective 10/22/90.] Repealed by 92-03-002, filed 1/3/92, effective 2/3/92. Statutory Authority: 1991 c 332.
- 250-75-030 Definitions. [Statutory Authority: 1990 c 271. 90-20-012, § 250-75-030, filed 9/21/90, effective 10/22/90.] Repealed by 92-03-002, filed 1/3/92, effective 2/3/92. Statutory Authority: 1991 c 332.
- 250-75-040 Eligibility to participate. [Statutory Authority: 1990 c 271. 90-20-012, § 250-75-040, filed 9/21/90, effective 10/22/90.] Repealed by 92-03-002, filed 1/3/92, effective 2/3/92. Statutory Authority: 1991 c 332.
- 250-75-050 Selection criteria. [Statutory Authority: 1990 c 271. 90-20-012, § 250-75-050, filed 9/21/90, effective 10/22/90.] Repealed by 92-03-002, filed 1/3/92, effective 2/3/92. Statutory Authority: 1991 c 332.
- 250-75-060 Award amount. [Statutory Authority: 1990 c 271. 90-20-012, § 250-75-060, filed 9/21/90, effective 10/22/90.] Repealed by 92-03-002, filed 1/3/92, effective 2/3/92. Statutory Authority: 1991 c 332.
- 250-75-070 Repayment provisions. [Statutory Authority: 1990 c 271. 90-20-012, § 250-75-070, filed 9/21/90, effective 10/22/90.] Repealed by 92-03-002, filed 1/3/92, effective 2/3/92. Statutory Authority: 1991 c 332.
- 250-75-080 Appeals. [Statutory Authority: 1990 c 271. 90-20-012, § 250-75-080, filed 9/21/90, effective 10/22/90.] Repealed by 92-03-002, filed 1/3/92, effective 2/3/92. Statutory Authority: 1991 c 332.

**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.

[Title 250 WAC—p. 4]

[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.]

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

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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 250-14 WAC

STATE ENVIRONMENTAL POLICY ACT (SEPA)

WAC

- 250-14-010 Purpose and applicability.
- 250-14-020 Adoption by reference.
- 250-14-030 SEPA coordination and advisory activities.
- 250-14-040 Required methods of public notice.
- 250-14-050 Board compliance with flexible thresholds.
- 250-14-060 Use of existing environmental documents.
- 250-14-070 Lead agency determination.
- 250-14-080 Designation of responsible official.

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.]

WAC 250-14-020 Adoption by reference. The board hereby adopts by reference the following sections of the 1984 SEPA rules, chapter 197-11 WAC:

General Requirements

WAC

- 197-11-040 Definitions.
- 197-11-050 Lead agency.
- 197-11-055 Timing of the SEPA process.
- 197-11-060 Content of environmental review.
- 197-11-070 Limitations on actions during SEPA process.
- 197-11-080 Incomplete or unavailable information.
- 197-11-090 Supporting documents.
- 197-11-100 Information required of applicants.

Categorical Exemptions and Threshold Determination

WAC

197-11-300	Purpose of this part.
197-11-305	Categorical exemptions.
197-11-310	Threshold determination required.
197-11-315	Environmental checklist.
197-11-330	Threshold determination process.
197-11-335	Additional information.
197-11-970	Determination of nonsignificance (DNS).
197-11-980	Determination of significance and scoping notice (DS).
197-11-985	Notice of assumption of lead agency status.
197-11-990	Notice of action.

EIS

WAC

197-11-400	Purpose of EIS.
197-11-402	General requirements.
197-11-405	EIS types.
197-11-406	EIS timing.
197-11-408	Scoping.
197-11-410	Expanded scoping. (Optional)
197-11-420	EIS preparation.
197-11-425	Style and size.
197-11-430	Format.
197-11-435	Cover letter or memo.
197-11-440	EIS contents.
197-11-442	Contents of EIS on nonproject proposals.
197-11-443	EIS contents when prior nonproject EIS.
197-11-444	Elements of the environment.
197-11-448	Relationship of EIS to other considerations.
197-11-450	Cost-benefit analysis.
197-11-455	Issuance of DEIS.
197-11-460	Issuance of FEIS.

Commenting

WAC

197-11-500	Purpose of this part.
197-11-502	Inviting comment.
197-11-504	Availability and cost of environmental documents.
197-11-508	SEPA register.
197-11-510	Public notice.
197-11-535	Public hearings and meetings.
197-11-545	Effect of no comment.
197-11-550	Specificity of comments.
197-11-560	FEIS response to comments.
197-11-570	Consulted agency costs to assist lead agency.

Using Existing Environmental Documents

WAC

197-11-600	When to use existing environmental documents.
197-11-610	Use of NEPA documents.
197-11-620	Supplemental environmental impact statement—Procedures.

Using Existing Environmental Documents

WAC

197-11-625	Addenda—Procedures.
197-11-630	Adoption—Procedures.
197-11-635	Incorporation by reference—Procedures.
197-11-640	Combining documents.

SEPA and Agency Decisions

WAC

197-11-650	Purpose of this part.
197-11-655	Implementation.
197-11-660	Substantive authority and mitigation.
197-11-680	Appeals.

Definitions

WAC

197-11-700	Definitions.
197-11-702	Act.
197-11-704	Action.
197-11-706	Addendum.
197-11-708	Adoption.
197-11-710	Affected tribe.
197-11-712	Affecting.
197-11-714	Agency.
197-11-716	Applicant.
197-11-718	Built environment.
197-11-720	Categorical exemption.
197-11-722	Consolidated appeal.
197-11-724	Consulted agency.
197-11-726	Cost-benefit analysis.
197-11-728	County/city.
197-11-730	Decisionmaker.
197-11-732	Department.
197-11-734	Determination of nonsignificance (DNS).
197-11-736	Determination of significance (DS).
197-11-738	EIS.
197-11-740	Environment.
197-11-742	Environmental checklist.
197-11-744	Environmental document.
197-11-746	Environmental review.
197-11-748	Environmental sensitive area.
197-11-750	Expanded scoping.
197-11-752	Impacts.
197-11-754	Incorporation by reference.
197-11-756	Lands covered by water.
197-11-758	Lead agency.
197-11-760	License.
197-11-762	Local agency.
197-11-764	Major action.
197-11-766	Mitigated DNS.
197-11-768	Mitigation.
197-11-770	Natural environment.
197-11-772	NEPA.
197-11-774	Nonproject.
197-11-776	Phased review.
197-11-778	Preparation.
197-11-780	Private project.
197-11-782	Probable.
197-11-784	Proposal.

Definitions**WAC**

197-11-786	Reasonable alternative.
197-11-788	Responsible official.
197-11-790	SEPA.
197-11-792	Scope.
197-11-793	Scoping.
197-11-794	Significant.
197-11-796	State agency.
197-11-797	Threshold determination.
197-11-799	Underlying governmental action.

Categorical Exemptions**WAC**

197-11-800	Categorical exemptions.
197-11-880	Emergencies.
197-11-890	Petitioning DOE to change exemptions.

Agency Compliance

197-11-900	Purpose of this part.
197-11-902	Agency SEPA policies.
197-11-904	Agency SEPA procedures.
197-11-914	SEPA fees and costs.
197-11-916	Application to ongoing actions.
197-11-918	Lack of agency procedures.
197-11-920	Agencies with environmental expertise.
197-11-922	Lead agency rules.
197-11-926	Lead agency for governmental proposals.
197-11-928	Lead agency for public and private proposals.
197-11-938	Lead agency for specific proposals.
197-11-942	Agreements on lead agency status.
197-11-944	Agreements on division of lead agency duties.
197-11-946	DOE resolution of lead agency disputes.
197-11-948	Assumption of lead agency status.

Forms**WAC**

197-11-960	Environmental checklist.
197-11-965	Adoption notice.
197-11-970	Determination of nonsignificance (DNS).
197-11-980	Determination of significance and scoping notice (DS).
197-11-985	Notice of assumption of lead agency status.
197-11-990	Notice of action.

[Statutory Authority: RCW 43.21C.020 and WAC 197-11-904. 94-24-028, § 250-14-020, filed 11/30/94, effective 12/31/94.]

WAC 250-14-030 SEPA coordination and advisory activities. In order to coordinate and integrate other government reviews and approvals with the EIS process, to promote the participation of agencies with jurisdiction or expertise from various levels of government, and to encourage and assist public participation, the board may, as provided in WAC 197-11-410 Expanding scoping, utilize a coordinator or team from inside or outside the agency to serve in an advisory

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capacity to the board, its staff, and outside consultants retained by the board to assist in the preparation of the EIS.

[Statutory Authority: RCW 43.21C.020 and WAC 197-11-904. 94-24-028, § 250-14-030, filed 11/30/94, effective 12/31/94.]

WAC 250-14-040 Required methods of public notice.

When these rules require notice to be given under WAC 197-11-510, the board shall:

(1.) Post a notice on the property of a site-specific project;

(2.) Publish notice in a newspaper of general circulation in the county, city, or general area where the proposal is located;

(3.) Notify the news media and request that the notice be announced;

(4.) Notify private and public groups with known interest in the proposal.

[Statutory Authority: RCW 43.21C.020 and WAC 197-11-904. 94-24-028, § 250-14-040, filed 11/30/94, effective 12/31/94.]

WAC 250-14-050 Board compliance with flexible thresholds. The board will use the flexible thresholds established by the particular jurisdiction in which an HECB project is located.

[Statutory Authority: RCW 43.21C.020 and WAC 197-11-904. 94-24-028, § 250-14-050, filed 11/30/94, effective 12/31/94.]

WAC 250-14-060 Use of existing environmental documents. As provided in WAC 197-11-600, the board may use environmental documents that have previously been prepared in order to evaluate proposed actions, alternatives, or environmental impacts. The proposals may be the same as, or different than, those analyzed in the existing documents.

[Statutory Authority: RCW 43.21C.020 and WAC 197-11-904. 94-24-028, § 250-14-060, filed 11/30/94, effective 12/31/94.]

WAC 250-14-070 Lead agency determination. Except as otherwise specifically provided herein, the board shall serve as lead agency for all proposals it initiates and for proposals directed by the legislature requiring board action. In the event one or more agencies share in the implementation of a proposal or action of the board, the board and the agencies may by agreement determine which agency will assume the status of lead agency.

[Statutory Authority: RCW 43.21C.020 and WAC 197-11-904. 94-24-028, § 250-14-070, filed 11/30/94, effective 12/31/94.]

WAC 250-14-080 Designation of responsible official. For the purpose of SEPA, the responsible agency official is:

Associate Director - Resource Planning
Higher Education Coordinating Board
917 Lakeridge Way
Olympia, WA 98504-3430

[Statutory Authority: RCW 43.21C.020 and WAC 197-11-904. 94-24-028, § 250-14-080, filed 11/30/94, effective 12/31/94.]

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 pursuant to RCW 28B.15.015 by the board 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 uniform determination of a student's resident and nonresident status and for recovery of fees for improper classification of residency.

[Statutory Authority: RCW 28B.15.015, 93-20-004, § 250-18-010, filed 9/22/93, effective 10/23/93. 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, with 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) 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;

(d) Be the spouse or dependent of an active duty military person stationed in the state of Washington;

(e) Be a student of an out-of-state institution of higher education who is attending a Washington state institution of higher education pursuant to a home tuition program agreement under RCW 28B.15.725; or

(f) Be a student domiciled for one year in one or a combination of the following states: Idaho, Montana, Oregon, or Washington, **and** be a member of one of the following American Indian tribes:

- (i) Colville Confederated Tribes;
- (ii) Confederated Tribes of the Chehalis Reservation;
- (iii) Hoh Indian Tribe;
- (iv) Jamestown S'Klallam Tribe;
- (v) Kalispel Tribe of Indians;
- (vi) Lower Elwha Klallam Tribe;
- (vii) Lummi Nation;
- (viii) Makah Indian Tribe;
- (ix) Muckleshoot Indian Tribe;
- (x) Nisqually Indian Tribe;
- (xi) Nooksack Indian Tribe;
- (xii) Port Gamble S'Klallam Community;
- (xiii) Puyallup Tribe of Indians;
- (xiv) Quileute Tribe;
- (xv) Quinault Indian Nation;
- (xvi) Confederated Tribes of Salish Kootenai;
- (xvii) Sauk Suiattle Indian Nation;
- (xviii) Shoalwater Bay Indian Tribe;
- (xix) Skokomish Indian Tribe;
- (xx) Snoqualmie Tribe;
- (xxi) Spokane Tribe of Indians;
- (xxii) Squaxin Island Tribe;
- (xxiii) Stillaguamish Tribe;
- (xxiv) Suquamish Tribe of the Port Madison Reservation;
- (xxv) Swinomish Indian Community;
- (xxvi) Tulalip Tribes;
- (xxvii) Upper Skagit Indian Tribe;
- (xxviii) Yakama Indian Nation;
- (xxix) Coeur d'Alene Tribe;
- (xxx) Confederated Tribes of Umatilla Indian Reservation;
- (xxxi) Confederated Tribes of Warm Springs;
- (xxxii) Kootenai Tribe; and
- (xxxiii) Nez Perce Tribe.

(2) A student shall be classified as a "nonresident" for tuition and fee purposes if he or she does not qualify as a resident student under the provisions of subsection 1 of this section. A nonresident student shall include a student 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.

(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 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: RCW 28B.15.015 and 28B.15.0131. 98-08-004, § 250-18-020, filed 3/18/98, effective 4/18/98. Statutory Authority: 28B.15.015. 93-20-004, § 250-18-020, filed 9/22/93, effective 10/23/93. 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.]

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 250-18-025 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, docu-

mented 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 34.05 RCW.

[Statutory Authority: RCW 28B.15.015. 93-20-004, § 250-18-050, filed 9/22/93, effective 10/23/93. 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 may 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

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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 who resides in the state of Washington and is holding not less than a half-time appointment, or the spouse or dependent child of such a person;

(4) Is an active duty military person stationed in the state of Washington;

(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; or

(6) Is a dependent of a member of the United States Congress representing the state of Washington.

[Statutory Authority: RCW 28B.15.015 and 28B.15.0131. 98-08-004, § 250-18-060, filed 3/18/98, effective 4/18/98. Statutory Authority: RCW 28B.15.015. 93-20-004, § 250-18-060, filed 9/22/93, effective 10/23/93. 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.
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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" as determined by the higher education coordinating board in accordance with RCW 28B.10.802 or be a "disadvantaged student" who has completed a board approved program designed to promote early awareness of, and aspiration to, higher education.

(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) 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 full-time quar-

ters 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 Federal Pell Grant or a Federal Supplemental Educational Opportunity Grant, and is not in default on a loan made, insured, or guaranteed under the Federal Family Education Loan Program, the Federal Perkins Loan Program, or the Federal Direct Student Loan Program.

[Statutory Authority: Chapter 28B.80 RCW. 95-17-045, § 250-20-011, filed 8/11/95, effective 9/11/95; 95-10-007, § 250-20-011, filed 4/24/95, effective 5/25/95; 93-08-010, § 250-20-011, filed 3/25/93, effective 4/25/93. 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 250-20-013 Institutional eligibility. (1) For an otherwise eligible student to receive a state need grant, he or she must be enrolled in an eligible program at a postsecondary institution approved by the higher education coordinating board for participation in the state need grant program. To be eligible to participate, a postsecondary institution must:

(a) Be a public university, college, community college, or vocational-technical institute 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 with full institutional accreditation by an accrediting association recognized by rule of the board.

(b) Participate in the federal Title IV student financial aid programs, including, at a minimum, the Federal Pell Grant program.

(2) In addition, a for-profit institution must:

(a) Be certified for participation in the federal Title IV student financial aid programs. A for-profit institution that is provisionally certified for participation in the federal Title IV student financial aid programs due to its failure to meet the factors of administrative capability or financial responsibility as stated in federal regulations, or whose participation has been limited or suspended, is not eligible to participate in the state need grant program until its full eligibility has been reinstated.

(b) Demonstrate to the satisfaction of the board that it is capable of properly administering the state need grant program. In making a determination of administrative capability, the board will consider such factors as the adequacy of staffing levels, staff training and experience in administering student financial aid programs, standards of administrative capability specified for purposes of federal Title IV program eligibility, its student withdrawal rate, its federal student loan cohort default rate, and such other factors as are reasonable. In determining the administrative capability of participating institutions, the board will also consider the institution's com-

pliance with state need grant program regulations and guidelines.

(c) Demonstrate to the satisfaction of the board that it has the financial resources to provide the services described in its official publications and statements, provide the administrative resources necessary to comply with program requirements, and that it meets the financial responsibility standards for participation in the federal Title IV programs.

(d) Renew its eligibility each year under these standards.

(3) Nothing in this section shall prevent the board, in the exercise of its sound discretion, from denying eligibility or terminating the participation of an institution which the board determines is unable to properly administer the program or to provide advertised services to its students.

[Statutory Authority: Chapter 28B.80 RCW. 95-17-045, § 250-20-013, filed 8/11/95, effective 9/11/95.]

WAC 250-20-015 Application and agreement to participate. A postsecondary institution which wishes to participate in the state need grant program must apply and be approved each year. As a part of the application process, the institution must provide all requested information, in the format specified by the board. Such information will include, but may not be limited to, the following: 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), evidence of certification and participation in the Federal Pell Grant program and any other information upon request of the board as needed to determine the institution's eligibility. The institutions must also submit each year, for approval, a copy of its refund/repayment policy, student budgets, gift equity packaging policy and its satisfactory progress policy for state need grant recipients and such other information as may be required to assure proper administration of the program. In addition the "agreement to participate" will also indicate the institution's agreement to abide by all program rules, regulations, and guidelines, to maintain and provide all pertinent information, records, and reports requested by the 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: Chapter 28B.80 RCW. 95-17-045, § 250-20-015, filed 8/11/95, effective 9/11/95; 93-08-010, § 250-20-015, filed 3/25/93, effective 4/25/93. 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 student who by reasons of adverse cultural, educational, environmental, experiential, or familial circumstance is unlikely to aspire to, or enroll in, higher education. Generally, this shall mean a dependent student whose parents have not attained a college education and/or whose family income is substantially below the state's median.

(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 Accrediting Bureau of Health Education Schools, the Accrediting Council for Continuing Education and Training, the Accrediting Commission of Career Schools and Colleges of Technology, the Accrediting Council for Independent Colleges and Schools, or the National Accrediting Commission of Cosmetology Arts and Sciences 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.15.011 through 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; or,

(f) 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 the standard student cost per sector, as developed by the board.

(a) The costs-of-attendance for each sector are calculated by adding together a standard maintenance allowance for books, room, board, transportation and personal items, for all undergraduate students statewide as developed by the Washington Financial Aid Association, and the sector's regular tuition and fees for full-time, resident, undergraduate students.

(b) In no case may the costs-of-attendance exceed the statutory ceiling established by RCW 28B.10.808(4). The ceiling is calculated by adding together the same standard maintenance allowance used in determining the state need grant cost-of-attendance, plus the regular tuition and fees charged for a full-time resident undergraduate student at a research university, plus the current average state appropriation per student for operating expenses in all public institutions.

(c) For example, in the 1992-93 academic year, the value of the statutory ceiling is \$13,783. This value is composed of the Washington Financial Aid Association's maintenance budget of \$6,964, plus the regular tuition and fees charged for a resident undergraduate student at a research university of \$2,274, plus the current average state appropriation per student for operating expenses in all public institutions of \$4,545.

(d) The value of each element used in the construction of the statutory ceiling will be updated annually.

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 costs-of-attendance for each sector will be published concurrent with annual guidelines for program administration.

(10) "Family income" is the student's family income for the calendar year prior to the academic year for which aid is being requested.

(a) Income means adjusted gross income and nontaxable income as reported on the federally prescribed application for federal student aid.

(b) For the dependent student family income means parental income.

(c) For the independent student family income means the income of the student and any other adult, if any, reported as part of the student's family.

(d) The institutional aid administrator may adjust the family's income up or down to more accurately reflect the family's financial situation during the academic year. When such adjustments are made they shall be consistent with guidelines for making changes to determine federal student aid eligibility.

(11) "Income cutoff" means the amount of family income below which a student is determined to be eligible for the state need grant. The cutoff shall be expressed as a percent of the state's median family income. The exact point of cutoff shall be determined each year by the board based on available funding. The board will endeavor to award students, in order, from the lowest income to the highest income, within the limits of available funding.

(12) "Median family income" is the median income for Washington state, adjusted by family size and reported annually in the federal register.

(13) "Maximum base grant" is a percentage of the state need grant costs-of-attendance for each sector. The percentage will be no less than fifteen percent and no more than twenty percent, dependent each year upon available funding. The maximum base grant may be further adjusted according to the student's family income level and rate of enrollment as described in WAC 250-20-041.

For certain students who have completed board approved early awareness and preparation programs such as the Washington National Early Intervention Scholarship Program or a Trio program, the base grant will be an amount fixed annually by the board. Generally the base grant, in these cases, will be no less than the current value of the federal PELL grant program.

(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.

(15) "State need grant award" is the maximum base grant adjusted according to level of family income, 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 creditor clock hours 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 creditor clock hours 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 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 comple-

tion of at least one-half, but less than all 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.

(20) The term "full institutional accreditation" shall mean the status of public recognition that an accrediting agency recognized by the U.S. Department of Education grants to an educational institution that meets the agency's established standards and requirements. Institutional accreditation applies to the entire institution, indicating that each of an institution's parts is contributing to the achievement of the institution's objectives.

(21) The term "eligible program" for a public or private nonprofit educational institution, shall mean an associate or baccalaureate degree program; at least a two-year program that is acceptable for full credit toward a bachelor's degree, or at least a one-year educational program that leads to a degree or certificate and prepares the student for gainful employment in a recognized occupation. The term "eligible program" for a for-profit or a postsecondary vocational institution shall mean a program which provides at least a 15-week undergraduate program of 600 clock hours, 16 semester hours, or 24 quarter hours. The program may admit students without an associate degree or equivalent. The term "eligible program" for a for-profit or a postsecondary vocational institution may also be a program that provides at least a 10-week program of 300 clock hours, 8 semester hours, or 12 quarter hours. A program in this category must be an undergraduate program that admits only students with an associate degree or equivalent. To be an "eligible program," a program must be encompassed within the institution's accreditation and be an eligible program for purposes of the federal Title IV student financial aid programs.

(22) A "for-profit institution" is a postsecondary educational institution other than a public or private nonprofit institution which provides training for gainful employment in a recognized profession.

(23) A "postsecondary vocational institution" is a public or private nonprofit institution which provides training for gainful employment in a recognized profession.

[Statutory Authority: Chapter 28B.80 RCW. 96-18-024, § 250-20-021, filed 8/27/96, effective 9/27/96; 96-04-019, § 250-20-021, filed 1/30/96, effective 3/1/96; 95-17-045, § 250-20-021, filed 8/11/95, effective 9/11/95; 95-10-007, § 250-20-021, filed 4/24/95, effective 5/25/95; 93-08-010, § 250-20-021, filed 3/25/93, effective 4/25/93. Statutory Authority: RCW 28B.10.800 through 28B.10.822. 92-11-022, § 250-20-021, filed 5/13/92, effective 6/13/92; 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.]

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 income cutoff level.

(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 administrator 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: Chapter 28B.80 RCW. 93-08-010, § 250-20-031, filed 3/25/93, effective 4/25/93. 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) The state need grant award for an individual student shall be the maximum base grant, appropriate for the sector attended, adjusted for the student's level of family income, and a dependent care allowance, if applicable. Each eligible student receiving a grant must receive the maximum grant award for which he or she is eligible, unless such award should exceed the student's overall need or the institution's approved gift equity packaging policy.

(3) The grant amount for students attending for-profit institutions shall be established as follows:

(a) Students enrolled in a baccalaureate degree program will be awarded at levels equal to those provided students attending public comprehensive universities.

(b) All other state need grant recipients attending for-profit institutions shall receive grants equal to those provided students attending public community and technical colleges.

(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 plus dependent care allowance. Students enrolled half-time at the time of disbursement will receive fifty percent of their full-time base grant plus dependent care 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.

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(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: Chapter 28B.80 RCW. 95-17-045, § 250-20-041, filed 8/11/95, effective 9/11/95; 93-08-010, § 250-20-041, filed 3/25/93, effective 4/25/93. 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) At private and proprietary schools, as long as the student remains eligible for the grant, the warrant must be given directly to the student without any other condition being placed on receipt of the warrant by the institution.

(c) All signed receipts for state need grants are to be retained by the institution. They must be made available for inspection upon request of the board. All unclaimed warrants must be returned to the board 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 as requested.

(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 student 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: Chapter 28B.80 RCW. 93-08-010, § 250-20-051, filed 3/25/93, effective 4/25/93. 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

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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 non-profit 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 spe-

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cific person to be the sole contact for administration of the tuition supplement program.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chapter 250-25 WAC

HEALTH PROFESSIONAL LOAN REPAYMENT AND SCHOLARSHIP PROGRAM—RULES AND REGULATIONS

WAC

250-25-010	Purpose.
250-25-020	Authority to administer.
250-25-030	Definitions.
250-25-040	Eligibility to participate.
250-25-045	Ineligible program.
250-25-050	Selection criteria.
250-25-060	Award amount.
250-25-070	Award disbursement.
250-25-080	Repayment provisions.
250-25-090	Appeals.

WAC 250-25-010 Purpose. The purpose of the health professional loan repayment and scholarship program is to encourage eligible health care professionals to serve in shortage areas by providing financial support in the form of loan repayment or conditional scholarship to attend school if the participant renders health care service in medically underserved areas or professional shortage areas within Washington state.

[Statutory Authority: 1991 c 332, 92-03-002, § 250-25-010, filed 1/3/92, effective 2/3/92.]

WAC 250-25-020 Authority to administer. The higher education coordinating board is charged with the administration of the health professional loan repayment and scholar-

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ship program. These regulations are being adopted pursuant to the authority of sections 15 through 25, chapter 332, Laws of 1991. 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. In administering this program, the board shall:

(1) Select credentialed health care professionals and eligible students to participate in the loan repayment and scholarship program;

(2) Develop guidelines;

(3) Collect and manage repayments from participants who do not meet their service obligations;

(4) Publicize the program to maximize participation among individuals in shortage areas and among populations expected to experience the greatest growth in the work force;

(5) Solicit and accept grants and donations from public and private sources for the program;

(6) Develop criteria for a contract obligating recipients to a service obligation or repayment where appropriate;

(7) Establish a planning committee to include representatives of the department, the department of social and health services, appropriate representatives from health care facilities, provider groups, consumers, the state board for community and technical colleges, the superintendent of public instruction, and other appropriate public and private agencies and organizations; and

(8) Deposit all receipts from the program into the trust fund dedicated to this program.

[Statutory Authority: 1991 c 332, 92-03-002, § 250-25-020, filed 1/3/92, effective 2/3/92.]

WAC 250-25-030 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the higher education coordinating board.

(2) "Department" means the state department of health.

(3) "Eligible education and training programs" means education and training programs approved by the department that lead to eligibility for a credential as a credentialed health care professional.

(4) "Eligible expenses" means reasonable expenses associated with the costs of acquiring an education such as tuition, books, equipment, fees, room and board, and other expenses approved by the board.

(5) "Eligible student" means a student who has been accepted into an eligible education or training program and has a declared intention to serve in a health professional shortage area upon completion of the education or training program.

(6) "Forgiven" or "to forgive" or "forgiveness" means to render health care services in a health professional shortage area in the state of Washington in lieu of monetary repayment.

(7) "Health professional shortage areas" means those areas where credentialed health care professionals are in short supply as a result of geographic maldistribution or as the result of a short supply of credentialed health care professionals in specialty health care areas and where vacancies exist in serious numbers that jeopardize patient care and pose

a threat to the public health and safety. The department shall determine health professional shortage areas. In determining health professional shortage areas in the state the department may be guided by applicable federal standards for "health professional shortage areas," and "medically underserved areas," and "medically underserved populations."

(8) "Credentialed health care profession" means a health care profession regulated by a disciplining authority in the state of Washington and designated as a profession having shortages of credentialed health care professionals in the state.

(9) "Credentialed health care professional" means a person regulated by a disciplining authority in the state of Washington to practice a health care profession.

(10) "Loan repayment" means a loan that is paid in full or in part if the participant renders health care services in a health professional shortage area as defined by the department.

(11) "Nonshortage rural area" means a nonurban area of the state of Washington that has not been designated as a rural physician shortage area. The department shall identify the nonshortage rural areas of the state.

(12) "Participant" means a credentialed health care professional who has received a loan repayment award and has commenced practice as a credentialed health care provider in a designated health professional shortage area or an eligible student who has received a scholarship under this program.

(13) "Program" means the health professional loan repayment and scholarship program.

(14) "Required service obligation" means an obligation by the participant to provide health care services in a health professional shortage area for a period not less than three years and not more than five years.

(15) "Rural physician shortage area" means rural geographic areas where primary care physicians are in short supply as a result of geographic maldistributions and where their limited numbers jeopardize patient care and pose a threat to public health and safety. The department shall designate rural physician shortage areas.

(16) "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.

(17) "Scholarship" means a loan that is forgiven in whole or in part if the recipient renders health care service in a designated health professional shortage area in the state.

[Statutory Authority: 1991 c 332. 92-03-002, § 250-25-030, filed 1/3/92, effective 2/3/92.]

WAC 250-25-040 Eligibility to participate. To be eligible to apply for the loan repayment and scholarship program an individual must:

(1) Be an eligible credentialed health professional or eligible student;

(2) Be enrolled as a student in an approved course of study or program which leads to a degree which is offered by an accredited school; or be enrolled in an accredited graduate training program; or have a degree in a health care program and have completed an approved graduate training program; or have a current and valid license to practice such health pro-

profession in Washington state by the time of execution of contract; or be in the final stage of training to be a licensed health care professional;

(3) Submit an application on a form provided by the board for participation in the health professional loan repayment and scholarship program;

(4) 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: 1991 c 332. 92-03-002, § 250-25-040, filed 1/3/92, effective 2/3/92.]

WAC 250-25-045 Ineligible program. Scholarship participants are ineligible to receive loan repayment if they have received a scholarship from this program or the nurses conditional scholarship (28B.104 RCW) or rural physician, pharmacist, and midwife scholarship programs (70.180 RCW). Loan repayment participants are ineligible to receive a scholarship if they have received loan repayment from this program or the health professional loan repayment program (18.150 RCW).

[Statutory Authority: 1991 c 332. 92-03-002, § 250-25-045, filed 1/3/92, effective 2/3/92.]

WAC 250-25-050 Selection criteria. Applicants will be selected for participation in the health professional loan repayment and scholarship program based upon criteria that shall include but not be limited to the following:

(1) Applicant training. The individual's training is in a health profession or specialty needed to fulfill an underserved area in Washington state.

(2) Applicant qualifications. The individual's academic standing, prior professional experience in a medically underserved area or health personnel shortage area, board certification, residency achievements, peer recommendations, depth of past residency practice experience, and other criteria related to professional competence or conduct.

(3) Applicant service commitment. (a) 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; (b) the availability of the individual for service, with highest consideration being given to individuals who will be available for service at the earliest dates; and (c) 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.

(4) Scholarship applicant relationship with rural area. 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.

[Statutory Authority: 1991 c 332. 92-03-002, § 250-25-050, filed 1/3/92, effective 2/3/92.]

WAC 250-25-060 Award amount. The annual award amount for each credentialed health care profession shall be

based upon an assessment by the board, in consultation with the advisory committee, of reasonable annual eligible expenses and loan indebtedness incurred in training and education for each credentialed health care profession. The annual award amount may be established at a level less than annual eligible expenses. The awards may be renewed for eligible participants who continue to meet all renewal criteria but shall not be paid for more than a maximum of five years per individual.

[Statutory Authority: 1993 c 423 and 492. 93-19-023, § 250-25-060, filed 9/3/93, effective 10/4/93. Statutory Authority: 1991 c 332. 92-03-002, § 250-25-060, filed 1/3/92, effective 2/3/92.]

WAC 250-25-070 Award disbursement. 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 no less than three years and no more than five years in a shortage area or repay the program according to the terms of the signed agreement.

Loan repayment 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 credentialing as a health professional.

(1) Repayment shall be limited to loans covering eligible educational and living expenses as approved by the board and shall include principal and interest.

(2) Loans from both government and private sources may be repaid by the program. Participants shall agree 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. Financial debts or service obligations which do not qualify for payment include: Public Health and National Health Service Corps scholarship training program, National Health Service Corps scholarship program, and armed forces (Army, Navy, or Air Force).

(3) 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.

(4) Participants violating the nondiscrimination provisions described in the signed agreement shall be declared ineligible and terminated from the program.

Scholarship participants shall receive payment from the program for the purpose of paying educational costs incurred while enrolled in a program of health professional training which leads to a credential as a credentialed health professional in the state of Washington. 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.

[Statutory Authority: 1993 c 423 and 492. 93-19-023, § 250-25-070, filed 9/3/93, effective 10/4/93. Statutory Authority: 1991 c 332. 92-03-002, § 250-25-070, filed 1/3/92, effective 2/3/92.]

WAC 250-25-080 Repayment provisions. Participants in the health professional loan repayment and scholarship program incur an obligation to serve for no less than three years and no more than five years in a shortage area in return

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for financial support in the form of loan repayments and/or scholarships to attend school.

Loan repayments will be made quarterly on a yearly basis for no less than three years and no more than five years not to exceed the maximum debt incurred by the participant.

Loan repayment participants who serve less than the required service obligation 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, loan repayments on behalf of the participant shall cease on the date that the participant discontinues service. Payments on the unsatisfied portion of the principal and interest remain the responsibility of the participant. The board shall not be held responsible for any outstanding payments on principal and interest to any lenders once a participant's eligibility expires.

For scholarship participants, the entire principal and interest of each payment shall be forgiven for each payment period in which the participant serves in a health professional shortage area until the entire repayment obligation is satisfied or the borrower ceases to so serve.

Scholarship participants who serve less than the required service obligation shall be obligated to pay the unsatisfied portion of the principal and interest. The interest rate shall be eight percent for the first four years of repayment and ten percent beginning with the fifth year of repayment. Provisions for deferral of payment shall be determined by the board. In addition, scholarship participants who fail to fulfill the required service obligation shall be obliged to repay to the program an amount equal to twice the total amount paid by the program. The period for repayment shall coincide with the required service obligation, with payments accruing quarterly commencing no later than nine months from the date the participant completes or discontinues the course of study or completes or discontinues the required residency.

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 or she can no longer function in his or her assigned duties; participant becomes mentally impaired to the degree that he or she can no longer function in his or her assigned duties; or death.

The board shall exercise due diligence in such collection, maintaining all necessary records to ensure that the maximum amount of payment made on behalf of the participant is recovered. Collection under this section shall be pursued using the full extent of the law, including wage garnishment if necessary.

[Statutory Authority: 1993 c 423 and 492. 93-19-023, § 250-25-080, filed 9/3/93, effective 10/4/93. Statutory Authority: 1991 c 332. 92-03-002, § 250-25-080, filed 1/3/92, effective 2/3/92.]

WAC 250-25-090 Appeals. Participants who have been accepted in the health professional loan repayment and scholarship program 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

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board. The review shall be handled by brief adjudication hearing procedures as outlined in the Administrative [Procedure] Act chapter 34.05 RCW.

[Statutory Authority: 1991 c 332, 92-03-002, § 250-25-090, filed 1/3/92, effective 2/3/92.]

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.
250-28-090	Repayment provisions.
250-28-100	Appeals.

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 or osteopathic medicine.

[Statutory Authority: RCW 28B.80.150 - [28B.80.]180. 95-11-059, § 250-28-020, filed 5/12/95, effective 6/12/95; 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 director of the higher education coordinating board or his or her designee.

[Statutory Authority: RCW 28B.80.150 - [28B.80.]180. 95-11-059, § 250-28-030, filed 5/12/95, effective 6/12/95. 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.]

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.

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(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 federal 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 parent and student contribution. For a self-supporting student, "total family contribution" shall mean the sum of the student's 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.

(9) A "designated shortage area" shall mean an area designated by the higher education coordinating board as having a shortage in primary or optometric health care in the state of Washington, as recommended by the department of health.

[Statutory Authority: 1995 c 217. 95-18-015, § 250-28-060, filed 8/24/95, effective 9/24/95. Statutory Authority: RCW 28B.80.150 - [28B.80.]180. 95-11-059, § 250-28-060, filed 5/12/95, effective 6/12/95; 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 an eligible participating school for admission or be enrolled in a participating 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) Allocation of awards. To the extent practicable the board will award equal numbers of eligible optometry and osteopathy students.

(4) Award priorities.

(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.

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(b) Applicants will be placed in rank order according to their financial need as determined by the federal 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.80.150 - [28B.80.]180. 95-11-059, § 250-28-070, filed 5/12/95, effective 6/12/95. 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.]

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.]

WAC 250-28-090 Repayment provisions. (1) WICHE award recipients selected after January 1, 1995, shall receive tuition assistance in the form of loans. Recipients shall repay those loans under the following conditions, unless the loan is forgiven under (2) of this section.

(a) The recipient shall begin repaying the loan no later than nine months from the date he/she completes or discontinues the course of study; and

(b) The recipient shall make quarterly loan repayments to the board in an amount sufficient to repay the entire debt, including interest at an annual rate to be determined by the board, no later than five years from the due date of the first payment, unless the board grants a deferral in subsection (3) of this section.

(2) Service obligations.

(a) Loans to WICHE award recipients selected after January 1, 1995, may be completely forgiven in exchange for the recipient's service, if the recipient meets all of the following criteria: (1) After graduating, the recipient serves in a board-designated shortage area in Washington for the greater of (a) one full year of service for each award year or (b) three full years; and (2) the recipient provides documentation to the board of the service provided.

(b) A recipient who elects to assume the service obligations under (a)(1) and (2) of this subsection, but fails to complete those obligations, must repay the full amount of the loan unless the board waives the recipient's obligations under subsection (5) of this section. The recipient must notify the board when he/she terminates service in the shortage area. The obligation to repay the loan as provided in (1)(b) begins on the day following the last quarter of the recipient's service.

(3) The board may grant deferral of loan repayment obligations under this section under such terms and conditions as it deems appropriate. These conditions include periods of time in which the recipient is engaged in post-graduate training or residency training.

(4) The board is responsible for collecting loan repayments and shall exercise due diligence in such collections to ensure that maximum repayments are made. The board intends to exercise its collection responsibility diligently and to use all available legal avenues to meet its collection responsibility.

(5) The board may waive, in full or in part, a recipient's obligation for service or loan repayment when a recipient can

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no longer function in his or her professional duties due to a permanent disability; or death.

(6) The board shall deposit all receipts from loan repayment received under this section in the state treasurer's WICHE trust fund established by the Legislature in 1995, in § 1(5) of SB 5287. Those funds shall be used to cover costs of granting the conditional awards, 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 AWARDS to eligible students.

[Statutory Authority: 1995 c 217. 95-18-015, § 250-28-090, filed 8/24/95, effective 9/24/95.]

WAC 250-28-100 Appeals. Recipients of WICHE support may request in writing a review of any adverse decision affecting them by requesting such review within twenty days of notification 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: 1995 c 217. 95-18-015, § 250-28-100, filed 8/24/95, effective 9/24/95.]

**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.]

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.

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(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;

(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 STATE 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, including needy students from middle-income families, 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 or vocational pursuits.

[Statutory Authority: RCW 28B.12.020 through 28B.12.070, 94-14-006 § 250-40-020, filed 6/23/94, effective 7/24/94; 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 family contribution which the institutional financial aid administrator 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 those costs required to support the individual and other costs in accordance with federal costs of attendance calculations during the period of enrollment. Budgets will reflect the applicable year's cost levels for tuition, 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 family contribution and resources" shall be consistent with amounts recognized by federal need analysis criteria, unless otherwise modified in accordance with these rules and program guidelines.

(4) "Washington resident" shall be defined as an individual who satisfies the requirements of RCW 28B.15.011 - 28B.15.013 except resident students defined in RCW 28B.15.012 (2)(e) 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 Schools and Colleges, or any public technical colleges in the state of Washington.

(6) "Eligible employer" shall be defined as any eligible public institution of postsecondary education; any other non-

profit organization which is nonsectarian; or any profit-making nonsectarian employer producing a good or providing a service for sale or resale to others, which 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 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 an independent student in accordance with subsection (8) of this section.

(8) "Independent student" shall mean any student who qualifies as an independent student for federal student aid.

(9) "Half-time student" means any student enrolled in at least 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.

(10) "Off-campus community service placements" shall include direct service, planning, or applied research that is designed to improve the quality of life for residents of the community served, particularly low-income residents, in such fields as health care, child care, education, literacy training, welfare, social services, public safety, crime prevention and control, transportation, recreation, housing and neighborhood improvement, rural development, and community improvement. Placements are identified by an institution through formal or informal consultation with local nonprofit, governmental, and community-based organizations.

[Statutory Authority: RCW 28B.12.020 - 28B.12.070, 93-20-044, § 250-40-030, filed 9/29/93, effective 10/30/93. 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.]

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.

(e) Not owe a refund or repayment on a state or federal financial aid grant program and not be in default on a loan made, insured, or guaranteed under federal and state financial aid loan programs.

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

(a) Standard budgetary costs will be determined by the institution subject to approval by the higher education coordinating board.

(b) Total applicant resources shall be determined in accordance with the federal 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.

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

(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.

(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.

(3) Priorities in placing students.

(a) Provide work opportunities for students who are defined to be residents of the state;

(b) After consideration of (a) of this subsection, then provide job placements in fields related to each student's academic or vocational pursuits, with an emphasis on off-campus job placements wherever appropriate; and

(c) Whenever appropriate, provide opportunities for off-campus community service placements.

(4) Job placements are encouraged in occupations that meet Washington's economic development goals especially those in international trade and international relations.

[Statutory Authority: RCW 28B.12.020 through 28B.12.070. 94-14-006 § 250-40-040, filed 6/23/94, effective 7/24/94; 93-20-044, § 250-40-040, filed 9/29/93, effective 10/30/93. 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.]

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 nonwork-study positions.

Students employed by public postsecondary educational institutions who are filling positions which are comparable to Washington personnel resources board classified positions must be paid entry level Washington personnel resources board wages for the position unless the overall scope and responsibilities of the position indicate a higher level.

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 federal methodology. In the event that a student earns more money from state work-study 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. With the exception of board-approved off campus community service placements, the state share of compensation paid students shall not exceed 80 percent of the student's gross compensation. In the following cases the state share may be established at 80 percent: (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; (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; and (d) when employed in an off-campus community service placement. 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 federal 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.

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

(7) Maximum hours reimbursed. Employment of a student in excess of an average of 19 hours per week, or in the case of on-campus graduate assistants an average of 20 hours per week, over the period of enrollment for which the student has received an award or a 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 work-study program and exceed the 19 hours per week average.

(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.12.020 through 28B.12.070. 94-14-006 § 250-40-050, filed 6/23/94, effective 7/24/94; 93-20-044, § 250-40-050, filed 9/29/93, effective 10/30/93. 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) Application. Institutions shall annually apply for and document campus need for student employment funds.

(2) Institutional reserve of funds. The board shall annually develop a reserve of funds for the body of students at each eligible participating institution. 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 within a reasonable period after the legislative appropriation becomes known, whichever is later. The following steps shall govern the determination and allotment of institutional reserves:

(a) A base funding level, or conditional guarantee, shall be adopted for each institution currently participating in the program. The initial allotment of funds to any one institution shall equal its conditional guarantee. The conditional guarantee will equal the amount of funds initially reserved to the institution for the 1992-93 fiscal year.

(b) Eligible institutions currently not participating in the program shall be continually encouraged to enter the program, and will be funded at a reasonable level.

(c) Each institution shall share proportionally in the event of budget reductions.

(d) Institutions displaying a pattern of fund underutilization shall have their allocations reevaluated and reduced if appropriate.

(1999 Ed.)

(e) Funding increases shall be distributed on an objective basis among institutions in a manner which, when combined with Federal Work Study allocations, furthers a parity of work opportunity among students state-wide.

(f) No institution will be awarded funds which, in the institution's judgment or judgment reasonably exercised by the board, will exceed what the institution can adequately administer.

(3) The convening of an advisory committee. The board staff will convene its advisory committee annually in accordance with WAC 250-40-070(5) to review program policies and procedures.

(4) 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. Reallotments however, shall not increase or decrease an institution's conditional guarantee.

[Statutory Authority: RCW 28B.12.020 - 28B.12.070. 93-20-044, § 250-40-060, filed 9/29/93, effective 10/30/93. 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. With the assistance of an advisory 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:

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

Eligible private institutions for the placement of students.

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.

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

(a) Assist the board in contracting with eligible employers or, enter into contracts 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.

(2) 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.

(c) Submit student time sheets to the board in the prescribed manner and time frame outlined in guidelines.

(3) 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.72.085.

(c) Submit student time sheets to the institution in a timely manner.

(4) Advisory committee. The board will appoint an advisory committee which may include, but need not be limited to, representatives of public and private community colleges, technical colleges, and four-year institutions of higher education; vocational schools; students; community service organizations; public schools; business; and labor. When selecting members of the committee, the board will consult with institutions of higher education, the state board for community and technical colleges, the work force training and education coordinating board, and appropriate associations and organizations. The committee shall be convened to advise the board staff on matters pertaining to the development and the administration of the work-study program. In addition, representatives from postsecondary educational advisory and governing bodies will be invited to participate in advisory committee meetings when annual institutional allocations are being determined.

(5) Institutional administrative allowance. Contingent upon funds being made available to the 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.

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

(7) Reports. The 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.

(8) Agreement to participate. In order to participate in the program, each institution must file an agreement to participate indicating agreement to abide by all program rules, regulations, and guidelines and to maintain and provide all pertinent information, records, and reports requested by the board.

(9) 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.

(10) 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 board may suspend, terminate, or place conditions upon the institution's participation in the program and require the institution to reimburse the students affected or the program in the appropriate amount.

[Statutory Authority: RCW 28B.12.020 through 28B.12.070, 94-14-006 § 250-40-070, filed 6/23/94, effective 7/24/94; 93-20-044, § 250-40-070, filed 9/29/93, effective 10/30/93. 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.]

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 home-

maker 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 upcoming biennium.

(b) The maximum contract amount for a contract for a program or programs of service depending on available funds under the act during the upcoming biennium.

(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, each located in a highly populated area, 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. 95-07-087 (Order 95-02), § 250-44-050, filed 3/16/95, effective 4/16/95; 93-07-061 (Resolution No. 93-8), § 250-44-050, filed 3/17/93, effective 4/17/93; 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 250-44-060 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 wherever 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

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accordance with each application proposal, subject to contract application guidelines issued by the executive director, but shall not begin before the starting date or extend beyond the end date of the upcoming biennium.

[Statutory Authority: RCW 28B.10.806 and chapter 28B.04 RCW as amended. 95-07-087 (Order 95-02), § 250-44-110, filed 3/16/95, effective 4/16/95; 93-07-061 (Resolution No. 93-8), § 250-44-110, filed 3/17/93, effective 4/17/93; 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 250-44-120 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) 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 public or nonprofit status, 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 organizations which filed letters of intent and distribute the list to all applicants within 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 organizations on the list pursuant to subsection (2) of this section. Applications must be

submitted by the date as specified in the contract application guidelines.

(4) Organizations wishing to apply for contracts to operate programs of service shall submit to the executive director a letter of intent, accompanied by appropriate documentation of public or nonprofit status by the date specified in the guidelines.

(5) The executive director or the director's designee will screen the letters of intent for programs of service, prepare a list of all eligible organizations which filed letters of intent, and distribute the list to all organizations on the list, within 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 may be submitted by organizations on the list pursuant to subsection (5) of this section by the date 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. 95-07-087 (Order 95-02), § 250-44-130, filed 3/16/95, effective 4/16/95; 93-07-061 (Resolution No. 93-8), § 250-44-130, filed 3/17/93, effective 4/17/93; 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.]

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);

(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 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 250-60 WAC

**STATE OF WASHINGTON TEACHER INCENTIVE
LOAN PROGRAM FOR TEACHERS OF
MATHEMATICS AND SCIENCE—CHAPTER 28B.15
RCW**

WAC

RULES AND REGULATIONS

250-60-010	Purpose.
250-60-020	Administration of program.
250-60-030	Student eligibility.
250-60-040	Institutional eligibility.
250-60-050	Agreement to participate.
250-60-060	Program definitions.
250-60-070	Application procedure and selection.
250-60-080	Control of funds.
250-60-090	Loan collection.
250-60-100	Criteria for obtaining forgiveness based on qualifying teacher service.
250-60-110	Program administration and audits.
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 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 a 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 prom-

issory 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

ate 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 employ-

ing 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.]

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 250-60-110 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.

(1999 Ed.)

[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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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

250-61-150	Tuition recovery trust fund account requirements. [Statutory Authority: RCW 28B.80.370. 95-01-003, § 250-61-150, filed 12/8/94, effective 1/8/95; 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-150, filed 11/20/86.] Repealed by 98-08-005, filed 3/18/98, effective 4/18/98.
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WAC 250-61-010 Scope and purpose. The Degree Authorization Act, chapter 28B.85 RCW establishes 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 standards set forth in this chapter also supplement the federal regulations governing institutions seeking approval from the appropriate Washington state approving agency (Washington higher education coordinating board or Washington work force training and education coordinating board) to offer degrees to persons eligible to receive benefits from the United States Department of Veterans Affairs.

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.

The act applies to degree programs and academic credit courses offered within the state. The act does not apply to

degree programs and academic credit courses offered exclusively from outside the state through individual and private interstate communication.

A degree-granting institution shall not operate, conduct business, grant or offer to grant any courses or degree programs unless the institution has obtained authorization from the board or has been determined by the board to be exempt.

Institutions accredited by any association recognized by the federal government seeking approval to offer degrees to persons eligible to receive benefits from the United States Department of Veterans Affairs shall first be authorized by the board or exempted under WAC 250-61-060 and shall meet the requirements of the appropriate Washington state approving agency.

Nonaccredited institutions seeking approval to offer degrees to persons eligible to receive benefits from the United States Department of Veterans Affairs shall first be authorized by the board and shall meet the requirements of the appropriate Washington state approving agency.

Institutions seeking approval for their professional education programs from the state board of education first must be accredited by an accrediting association recognized by the federal government and authorized or exempted by the board.

[Statutory Authority: RCW 28B.80.370, 95-01-003, § 250-61-010, filed 12/8/94, effective 1/8/95; 93-01-103, § 250-61-010, filed 12/17/92, effective 1/17/93; 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 and superseded by this chapter. Degree-granting institutions authorized 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 authorization. Degree-granting private vocational schools exempted under the previous regulations shall be required to apply for authorization within six months of the effective date of these regulations. Such degree-granting private vocational schools shall also be required to make their proportional initial capitalization contribution into the board's tuition recovery trust fund account at the time of application. Religious institutions exempted under the previous regulations shall be required to apply for religious exemption under these regulations within six months of the effective date of these regulations.

[Statutory Authority: RCW 28B.80.370, 95-01-003, § 250-61-020, filed 12/8/94, effective 1/8/95; 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 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.

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[Statutory Authority: RCW 28B.80.370, 95-01-003, § 250-61-030, filed 12/8/94, effective 1/8/95; 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, 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 or return the institution's security deposit.

(4) 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.

(5) To the extent that there is a payment by a surety, release the bond to the extent of the payment.

(6) Maintain and administer a separate account for authorized degree-granting private vocational schools in the tuition recovery trust fund established under RCW 43.84.092.

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

(8) Maintain a current inventory of degree-granting institutions authorized or exempted under this chapter, including student complaints against such institutions.

(9) The executive director may waive or modify the authorization requirements contained in this chapter for a particular institution if the executive director finds that such waiver or modification will not frustrate the purposes of this chapter and that literal application of this chapter creates a manifestly unreasonable hardship on the institution.

[Statutory Authority: RCW 28B.80.370, 95-01-003, § 250-61-040, filed 12/8/94, effective 1/8/95; 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) "Act" means the Degree Authorization Act, chapter 28B.85 RCW.

(2) "Board" means the Washington higher education coordinating board.

(3) "Executive director" means the executive director of the board or the executive director's designee.

(4) "Accrediting association" means a national or regional accrediting association that is recognized by the federal government.

(5) "Degree-granting institution" means an entity that offers educational credentials, instruction, or services prerequisite to or indicative of a degree.

(6) "College" means an institution which offers two-year and/or four-year programs culminating with associate and/or baccalaureate degrees. In some instances, a college may also

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offer first professional degree programs and/or graduate programs culminating with master's degrees.

(7) "University" means a multi-unit institution with varied educational roles including instruction, promotion of scholarship, preservation and discovery of knowledge, research and public service. Such institutions provide a wide range of undergraduate and graduate studies, programs in professional fields, and may also provide programs leading to the doctorate.

(8) "Private vocational school" means a nonpublic entity that offers postsecondary programs designed to prepare individuals with the skills and training required for employment in a specific trade, occupation, or profession related to the educational program.

(9) "Seminary" means an institution which offers one or more professional programs to candidates for the ministry, rabbinate, or priesthood.

(10) "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.

(11) "Associate degree" means a lower division undergraduate degree that requires no fewer than 60 semester hours or 90 quarter hours.

(12) "Bachelor's degree" or "baccalaureate degree" means an undergraduate degree that requires no fewer than 120 semester hours or 180 quarter hours.

(13) "Master's degree" means a graduate degree that requires no fewer than 24 semester hours or 36 quarter hours beyond the baccalaureate degree.

(14) "Doctor's degree" or "doctorate" means a postgraduate degree that requires no fewer than 60 semester hours or 90 quarter hours beyond the baccalaureate degree.

(15) "Program of study" means any course or grouping of courses prerequisite to or indicative of a degree.

(16) "Resident-based instruction" means a course or series of courses or degree programs which are taught by faculty at a specific location where students physically attend the course or program.

(17) "Telecommunication instruction" means a course or series of courses or degree programs which have as their primary mode of delivery television, video, computer, film, or other electronic communications.

(18) "Credit hour" means the unit by which an institution measures its course work. The number of credit hours assigned to a course is defined by the number of hours per week in class and preparation and the number of weeks in a term. One credit hour is usually assigned for three hours of student work per week or its equivalent. The three hours of student work per week is usually comprised of a combination of one hour of lecture and two of homework or three hours of laboratory. Semester and quarter credit hours are the most common systems of measuring course work. A semester credit hour is based on at least a fifteen week calendar or its equivalent. A quarter credit hour is based on at least a ten week calendar or its equivalent.

(19) "Full-time faculty" means personnel who are appointed as such and have an employment agreement

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related to teaching, research, and/or other aspects of the instructional programs of the institution. These personnel participate in faculty meetings, staff development activities, and in the design of the curriculum.

(20) "Permanent part-time faculty" means personnel who are appointed as such and have an employment agreement for teaching less than full time. These personnel participate in faculty meetings, staff development activities, and in the design of the curriculum.

(21) "Part-time faculty" means personnel usually assigned to teach one or more specific classes and perform class-related activities.

(22) "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.

(23) "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.

(24) "Suspend" means that because of deficiencies, the board interrupts for a stated time the institution's authority to recruit and enroll new students, but it may continue serving currently enrolled students for the remainder of the term.

(25) "Recognized accrediting association" means an association recognized by the higher education coordinating board for purposes of this chapter and recognized by the federal government for purposes of financial aid program eligibility.

[Statutory Authority: RCW 28B.80.370, 95-01-003, § 250-61-050, filed 12/8/94, effective 1/8/95; 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 public technical college or institute operating as part of the public higher education system of this state.

(3) Institutions that have received institutional accreditation from an agency recognized by the board, *Provided:*

(a) The institution has been continuously offering degree program(s) in Washington for fifteen years or more.

(b) The institution was established originally within the state of Washington and has operated as the same organization continuously from that date until the present. An institution is considered to have operated as the same organization continuously if it has no significant alteration of primary

location, ownership, or incorporation and no closure involving cessation of substantially all organized instructional and administrative activity.

(c) The institution has been accredited as a degree-granting institution for ten years or more by an accrediting association recognized by the federal government, and maintains such accreditation status.

(d) The institution maintains eligibility to participate in Title IV financial aid programs.

(e) 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, has continuously offered degree programs in Washington for fifteen years or more; has held separate institutional accreditation as a free-standing institution for ten years or more by a recognized accrediting association, and maintains such accreditation status; maintains eligibility to participate in Title IV financial aid programs.

(4) Institutions offering instruction on a federal enclave solely to federal employees and their dependents. If the institution offers instruction for other persons, the institution shall be subject to authorization.

(5) Tribally controlled Native American colleges.

(6) 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: *Provided*, That an institution's degree programs in title (e.g., bachelor of religious studies, master of divinity, doctorate of ministry), curriculum content, and objectives reflect the strictly religious nature of the institution. The following procedures shall be employed in the implementation of this subsection:

(a) The chief academic officer shall contact board staff and arrange for a preliminary conference to discuss the religious exemption standards and the application/review procedures.

(b) The chief academic officer shall 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 religious exempt status of the institution.

(c) A religious institution which is granted an exemption under this regulation shall place the following statement in a prominent position on the front page of any catalog, general bulletins, and course schedules: "The Washington Higher Education Coordinating Board has determined that (name of institution) qualifies for religious exempt status from the Degree Authorization Act for the following programs: (List). Any person desiring information about the requirements of the act or the applicability of those requirements to the institution may contact the board at P.O. Box 43430, Olympia, WA 98504-3430."

(d) A religious institution which is granted a religious exemption is subject to biennial reporting, and maintenance of the conditions under which exemption is granted. Such institutions are prohibited from publicizing that they are

accredited, unless they are accredited by an accrediting association recognized by the federal government.

(e) 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.

(f) The executive director shall suspend or revoke an institution's religious exemption if it is found that:

(i) Any statement contained in the application for exemption is untrue.

(ii) The institution has failed to maintain the conditions under which the exemption was granted.

(iii) Advertising or representations made on behalf of and sanctioned by the institution are deceptive or misleading.

(iv) The institution has violated any provision of the religious exemption regulations.

(g) Suspension or revocation shall be made only after the institution has been informed in writing of its deficiencies and has been given a reasonable time to regain compliance.

(7) 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, 95-01-003, § 250-61-060, filed 12/8/94, effective 1/8/95; 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. Degree-granting private vocational schools' programs shall be regulated pursuant to the terms of an interagency agreement between the higher education coordinating board and the work force training and education coordinating board. As stipulated in the interagency agreement, degree programs shall be regulated by the higher education coordinating board and nondegree programs shall be regulated by the work force training and education coordinating board. Copies of the agreement are available from either agency upon request.

[Statutory Authority: RCW 28B.80.370, 95-01-003, § 250-61-070, filed 12/8/94, effective 1/8/95; 93-01-103, § 250-61-070, filed 12/17/92, effective 1/17/93; 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 each of the following requirements for administration, academic programs, and instructional resource and support services in addition to the specific requirements of this chapter.

[Statutory Authority: RCW 28B.80.370, 95-01-003, § 250-61-080, filed 12/8/94, effective 1/8/95; 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-080, filed 11/20/86.]

WAC 250-61-090 Administrative requirements. (1) Name. The official name of the institution shall be consistent with and appropriate to the program(s) of study offered.

(2) Purpose. The institution shall clearly define its purpose or mission in an official statement which describes its role in higher education. The statement shall reflect the practice of the institution.

(3) Administration and governance. The institution shall be governed by bylaws or policies defining a chain of authority and responsibility.

(a) Administrators shall normally be graduates of recognized accredited institutions and possess academic credentials and prior higher education administrative experience for their area of responsibility.

(b) The main campus of the institution shall have, as a minimum, a chief executive officer, an academic officer, a registrar, a business officer, a student services officer, a library director, and, if financial aid services are offered, a financial aid officer. These officers shall be accessible to students, faculty, and other personnel located at the main campus and at educational sites or centers in Washington.

(i) The chief executive and academic officers shall possess at least the master's degree and experience in college-level management, teaching, and academic administration, unless the institution can demonstrate that these are not the normally accepted standards for an institution offering the same level of instruction.

(ii) The registrar, business, and student services officers shall possess at least the baccalaureate degree and college-level experience in admissions/student records, accounting/managerial services, and student services respectively, unless the institution can demonstrate that these are not the normally accepted standards for an institution offering the same level of instruction.

(iii) The financial aid officer and library director shall possess at least the baccalaureate degree and experience in their assigned areas, unless the institution can demonstrate that these are not the normally accepted standards for an institution offering the same level of instruction.

(c) The institution shall specify an individual who will serve as the principal contact person for each educational site or academic center in Washington. This institutional representative shall be responsible for instructional program coordination and student services.

(d) The institution shall have policies and provisions for the involvement of faculty in the academic affairs, curriculum development, and governance of the institution. The institution also shall have policies and provisions for faculty selection, orientation, teaching load, supervision, evaluation, and professional development.

[Statutory Authority: RCW 28B.80.370, 95-01-003, § 250-61-090, filed 12/8/94, effective 1/8/95; 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-090, filed 11/20/86.]

WAC 250-61-100 Academic program requirements.

(1) Educational programs. Each program shall require the completion of a prescribed program of study leading to the attainment of competence in an interdisciplinary area or specific field of study. Programs shall generally meet the guidelines or standards of the accrediting association(s) to which the institution would apply for institutional or program accreditation.

(a) An associate degree shall require at least ninety quarter credits or sixty semester credits. An associate degree intended for occupational preparation shall require, as a minimum, general education requirements consistent with the standards established by the Washington state board for com-

munity and technical colleges. The general education requirements of all other associate degrees shall be consistent with the current guidelines of the Washington inter-college relations commission.

(b) The following associate degree designations shall be acceptable:

(i) The associate in arts (A.A.), associate in sciences (A.S.) and associate in arts and sciences (A.A.S.) for programs which emphasize the liberal arts and sciences. These programs generally satisfy the general education requirements for a baccalaureate degree and are transfer oriented.

(ii) The associate in applied technology (A.A.T.), associate in technical arts (A.T.A.), associate in technology (A.T.) and other such applied or technology related degree designations for programs which emphasize preparation for occupations at the technical level. These programs generally do not satisfy the general education requirements for a baccalaureate degree and are not transfer oriented.

(c) The baccalaureate degree shall require at least one hundred eighty quarter credits, one hundred twenty semester credits, or four full academic years of postsecondary study. The degree shall require approximately two academic years of study in a distinct major and related subjects and, as a minimum, twenty-five percent of the program shall be in general education curricula.

(d) Master's degree programs shall require at least thirty-six quarter credits, twenty-four semester credits, or one full academic year of postgraduate study, specialization in an academic or professional area, and a demonstration of mastery.

(e) The following master's degree designations shall be acceptable:

(i) The master of arts (M.A.) and master of science (M.S.) for programs which advance study and exploration in the discipline. The majority of credit for M.A. and M.S. degrees shall be at the graduate level in the major field.

(ii) The master of business administration (M.B.A.), master of fine arts (M.F.A.), master of education (M.Ed.), etc., for programs which emphasize professional preparation. For students with disparate academic backgrounds, it may be appropriate to require a limited number of introductory courses in the field.

(f) 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. A doctoral degree shall require at least three full academic years of specialized postbaccalaureate study. To obtain a doctoral degree a student shall be required to demonstrate, through comprehensive examination, the ability to perform research at the level of the professional scholar or perform the work of a professional that involves the highest levels of knowledge and expertise.

(g) The following doctoral degree designations shall be acceptable:

(i) The doctor of philosophy (Ph.D.) degree for programs which are oriented toward original research and require a dissertation.

(ii) A professional doctoral degree (Ed.D., etc.) for programs which emphasize technical knowledge and professional competence and require either a research thesis or a

project involving the solution of a substantial problem of professional interest.

(h) Home study, correspondence, and electronic media program(s) of study must be comparable in content, faculty, and resources to those offered in residency, and include regular student-faculty interaction by computer, telephone, mail, face-to-face meetings.

(i) Undergraduate credit for noncollegiate learning may be awarded when validated through a portfolio or similar procedure. The institution shall maintain copies of examinations, portfolios, and evaluations used in this process. Noncollegiate learning credit shall constitute no more than twenty-five percent of an undergraduate degree program.

(j) No credit shall be awarded for noncollegiate learning at the graduate level.

(5) Faculty. Faculty shall be professionally prepared, with background, degree levels, college-level teaching experience demonstrably higher than the instructional activities for which they are responsible. Faculty shall be graduates of accredited institutions and, as a group, the institutions from which they earned their degrees shall be diverse. The composition and qualifications of faculty shall generally meet the standards of the accrediting association(s) to which the institution would apply for institutional or program accreditation.

(a) Faculty teaching at the undergraduate degree level shall possess a master's degree in the assigned or related program area. Faculty assigned to teach in vocational-technical program areas shall possess educational credentials and experience compatible with their teaching assignment.

(b) Faculty teaching at the master's degree level in programs which emphasize advanced study and exploration in a discipline shall possess an earned doctorate in a related field and experience in directing independent study and research. Faculty teaching in master's programs which emphasize professional preparation shall possess, as a minimum, a master's degree and documented achievement in a related field.

(c) Faculty teaching at the doctoral level shall possess an earned doctorate in a related field and experience in teaching and directing independent study and research.

(d) 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.

(6) Admissions. Admission requirements shall be based on the institution's objectives and consistently applied to each program of study. Through preenrollment assessments, testing and advising (based on the characteristics of the institution) the institution shall determine the readiness and ability of each student to succeed in his/her degree program. Institutions shall use only those tests reviewed and approved by the United States Department of Education.

High school graduation or the equivalent shall be required for undergraduate admission. A baccalaureate degree or the equivalent shall be required for admission into graduate programs. Special undergraduate admission may be granted, based on the applicant's general educational development.

(7) Enrollment contract. The institution shall discuss all terms and provisions of the enrollment contract with the student prior to the student's execution of the enrollment contract. The enrollment contract shall contain an acknowledgment section directly above the student's signature blank for the student to acknowledge that the institution discussed all terms and provisions of the contract with the student and that the student understands all financial obligations and responsibilities.

(8) Evaluation. The institution shall provide provisions for continual evaluation of educational programs, improvement of instruction, and overall operations of the institution.

(a) Student, alumni, and employer evaluations of the effectiveness of the curricula shall be considered in these evaluations.

(b) All areas of the institution and its employees and authorized programs shall be evaluated periodically by the institution's chief academic officer or designee to determine their effectiveness in fulfilling institutional objectives and meeting the standards set forth in these regulations or implied in the statute. At a minimum, every four years the results of those evaluations shall be submitted to board staff.

[Statutory Authority: RCW 28B.80.370, 95-01-003, § 250-61-100, filed 12/8/94, effective 1/8/95; 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-100, filed 11/20/86.]

WAC 250-61-110 Instructional resources and support services requirements. (1) Student services. The institution shall provide adequate services for students in addition to formal instruction. These services normally shall include admissions, advising and guidance, financial assistance, student records, and job placement.

(a) Student records shall be maintained in accordance with the guidelines established by the United States Department of Education.

(b) Students with disabilities shall have access to and reasonable accommodations in all programs for which they are qualified consistent with the provisions of the Americans with Disabilities Act.

(c) Placement services and employment opportunities shall be accurately described.

(d) Financial aid administration and distribution shall be performed according to institutional, state, and federal policies.

(e) Advising and guidance services shall be readily available to students to assist them in program planning, course selection, and other academic activities.

(2) Facilities and academic support resources. The institution shall have space, facilities and equipment, instructional materials, and staff to support quality education and services.

(a) The institution shall comply with all applicable ordinances, laws, codes, and regulations concerning the safety, health, and access of all persons on its premises.

(b) The institution shall provide reasonable accommodations for students and employees with disabilities. The institution shall inform students and employees of local, state, and federal laws regarding discrimination against people with disabilities.

(3) Library. The institution shall provide accessible library resources and facilities to support the educational needs of students and faculty.

(a) If the institution, educational site, or academic center does not maintain its own library on site, it must demonstrate that it can provide sufficient library resources to meet the needs of the program(s) through a written agreement with another institution or organization, or through other mechanisms.

(b) The institution shall provide a biennial library operating budget which appropriates sufficient financial support to sustain library holdings, facilities, and services for the needs of the program(s) of study.

(4) Finances. The institution shall possess and maintain adequate financial resources necessary to sustain its purpose and commitment to students.

(a) The institution shall maintain financial records in conformity to generally accepted accounting principles.

(b) The institution shall be audited annually by an independent certified public accountant according to generally accepted auditing standards.

(5) Recruitment and publications. All publications relating to the institution, including advertisements, catalogs, and other communications shall be accurate and not misleading.

(a) The institution shall provide disclosure statements in its catalog regarding its authorization and accreditation status.

(b) Authorized institutions shall not advertise or publicize that they are approved, recommended, accredited, or otherwise endorsed by the board. Such institutions may only state that they are authorized by the board.

(6) Educational credentials. The institution shall provide accurate and appropriate transcripts of credit for enrolled students and diplomas for graduates.

(a) For each student, the institution shall maintain and make available a transcript that specifies the name of the institution, the name of the student, all courses completed, and an explanation of the institution's evaluation system. Each course entry shall include a title, the number of credits awarded, and a grade or written evaluation. The transcript shall distinguish credits awarded by transfer, for prior learning experience, correspondence, and credit by examination.

(b) The institution shall not be required to make copies of transcripts available unless all tuition and fees and other expenses owed by the student to the institution have been paid.

(c) In addition to transcripts, the institution shall maintain records to document the performance and progress of each student, including, but not limited to: Financial transactions, admissions records, and records of interruption for unsatisfactory progress or conduct. Transcripts, records, and accounts shall be kept permanently after a student has discontinued enrollment.

[Statutory Authority: RCW 28B.80.370, 95-01-003, § 250-61-110, filed 12/8/94, effective 1/8/95; 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-110, filed 11/20/86.]

WAC 250-61-120 Catalog requirements. (1) An institution shall publish a catalog supplemented as necessary by other published materials (a draft copy may be provided for

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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 student support services and auxiliary services available to students enrolled in the institution.

(o) A description of the institution's library 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) Policies outlining students' academic responsibilities, standards of academic progress, grading, grievance and appeal process, and reentrance after dismissal for unsatisfactory progress.

(s) Regulations of conduct and disciplinary procedures.

(t) Name, title, and address/office location of personnel responsible for handling student complaints.

(u) 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. This authorization is valid until (expiration date) and authorizes (name of institution) to offer the following degree programs: (List). Any person desiring information about the requirements of the act or the applicability of those requirements to the institution may con-

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tact the board office at P.O. Box 43430, Olympia, WA 98504-3430.

(2) An institutional catalog and other official publications shall not include accreditation statements unless the institution is accredited by an association recognized by the federal government.

(3) 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. 95-01-003, § 250-61-120, filed 12/8/94, effective 1/8/95; 93-01-103, § 250-61-120, filed 12/17/92, effective 1/17/93; 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-120, filed 11/20/86.]

WAC 250-61-130 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. No student shall be enrolled without having received the explanatory materials. These policies shall apply to all terminations for any reason, by either party.

(2) The refund policy for nonaccredited institutions shall comply with the federal guidelines established by the United States Department of Education.

(3) The refund policy for accredited institutions shall comply with the federal guidelines established by the United States Department of Education and the standards established by the institution's accrediting association.

[Statutory Authority: RCW 28B.80.370. 95-01-003, § 250-61-130, filed 12/8/94, effective 1/8/95; 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-130, filed 11/20/86.]

WAC 250-61-140 Surety bond requirements. (1) The amount of the surety bond or other security shall be ten percent of the preceding year's total tuition and fee charges received for educational services in Washington, but not less than twenty-five thousand dollars nor more than two hundred fifty thousand dollars.

(2) In the case of new institutions, the bond or security amount for the first year shall be twenty-five thousand dollars.

(3) Release of surety bonds and other securities shall be made in compliance with chapter 28B.85 RCW.

[Statutory Authority: RCW 28B.80.370. 95-01-003, § 250-61-140, filed 12/8/94, effective 1/8/95; 93-01-103, § 250-61-140, filed 12/17/92, effective 1/17/93; 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-140, filed 11/20/86.]

WAC 250-61-160 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, and what arrangements have been made for providing continuing instruction at other institutions.

(2) Provide for the permanent maintenance of official records acceptable to the executive director.

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(3) 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, mislaid, 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. 95-01-003, § 250-61-160, filed 12/8/94, effective 1/8/95; 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-160, filed 11/20/86.]

WAC 250-61-170 Application requirements. (1) Initial application requirements:

(a) To apply for authorization an institution based outside of Washington shall be authorized to do business in the state in which it is primarily located, and shall furnish evidence that the institution is in good standing with its accrediting association and that the association has either approved or been notified of the proposed Washington operation(s). An institution based in Washington shall also furnish evidence that it is in good standing with its accrediting association.

(b) Institutions seeking initial authorization shall contact the board staff and arrange for a preliminary conference to discuss the authorization standards and application/review procedures.

(c) At least one year prior to operation, an institution shall apply to the board for authorization by completing application forms provided by the executive director.

(d) Within six months of the effective date of these regulations, degree-granting private vocational schools exempted under the previous regulations shall apply to the board for authorization by completing an application form and making their proportional initial capitalization contribution into the board's tuition recovery trust fund account at the time of application.

(e) As a minimum, the application shall 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) Resumes for administrators and faculty and their respective duties, course assignments, and full-time/part-time employment status.

(viii) A description of the degrees and programs of study offered, including course syllabi as requested that specify course title and description, required text(s), sequence of instruction, instructional methodology, method of evaluation, and expected student learning outcomes.

(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.

(xi) Projected enrollments.

(f) Each application shall be accompanied by the following:

(i) An initial application fee payable to the Washington state treasurer for two thousand dollars.

(ii) A surety bond or other form of security as specified in chapter 28B.85 RCW and this chapter.

(iii) A financial statement, prepared by an independent certified public accountant, conforming to generally accepted accounting principles, and a two-year budget for the proposed Washington operation.

(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 in Washington.

(g) If additional program(s) of study or new locations for existing programs are proposed during the current authorization period, the institution shall submit to the board a supplemental application at least ninety days before the program is to be offered. The program(s) of study and location(s) shall be authorized prior to operation, which includes advertising and recruitment.

(2) Biennial renewal application for authorization.

(a) At least six months prior to the expiration date of the institution's current authorization, an institution based outside of Washington shall provide evidence that it continues to be authorized to do business in the state in which it is primarily located and it continues to be in good standing with its accrediting association and that association continues to approve the Washington operation(s). An institution based in Washington shall also furnish evidence that it continues to be in good standing with its accrediting association. Additionally, such institutions shall:

(i) Submit a renewal application fee payable to the Washington state treasurer for one thousand dollars.

(ii) Provide evidence of continued compliance with the surety bond or security requirement.

(iii) Submit financial statement, prepared by an independent certified public accountant, conforming to generally accepted accounting principles, and a two-year budget for the continuing Washington operation.

(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 ninety days.

[Statutory Authority: RCW 28B.80.370, 95-01-003, § 250-61-170, filed 12/8/94, effective 1/8/95; 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-170, filed 11/20/86.]

WAC 250-61-180 Application review procedures. (1) Staff analysis. Following receipt of a complete 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 the evaluation of the documentation submitted. The institution applying for authorization shall reimburse a maximum of three outside consultants five hundred dollars each for their external reviews.

(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 biennial reporting and maintenance of the conditions under which authorization has been granted.

(b) That the institution be granted conditional authorization, subject to annual reporting and maintenance of the conditions under which authorization has been granted.

(c) That the institution be denied authorization.

(5) 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 and pay a one thousand dollar reapplication fee in order to have the new application considered for authorization.

[Statutory Authority: RCW 28B.80.370, 95-01-003, § 250-61-180, filed 12/8/94, effective 1/8/95; 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-180, filed 11/20/86.]

WAC 250-61-190 Complaints. A student with a complaint against an authorized institution shall make a reasonable effort to resolve the complaint directly with the institution. If a mutually satisfactory solution cannot be reached, the following procedure shall be pursued:

(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, and documentation that a reasonable effort was made to resolve the complaint directly with the institution, 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.

(4) To be considered by the board, a complaint shall be filed within one year after the student's last recorded date of attendance.

[Statutory Authority: RCW 28B.80.370. 95-01-003, § 250-61-190, filed 12/8/94, effective 1/8/95; 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-190, filed 11/20/86.]

WAC 250-61-200 Suspension and revocation of authorization. (1) The executive director may suspend or 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) Suspension or revocation shall be made only after the institution has been informed in writing of its deficiencies and has been given reasonable time to restore itself to the level of the required standards. The executive director shall grant an institution a period of suspension if in the executive director's judgment any unsatisfactory condition can reasonably be corrected within such time.

(3) 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. 95-01-003, § 250-61-200, filed 12/8/94, effective 1/8/95.]

WAC 250-61-210 Request for adjudicative proceeding. (1) A party subject to the following actions may request a hearing as provided in WAC 250-61-220:

(a) A denial of exemption from the Degree Authorization Act;

(b) A denial of authorization under the Degree Authorization Act;

(c) A cease and desist order issued under chapter 28B.85 RCW; or

(d) Other final action as defined in chapter 34.05 RCW, by the executive director that adversely affects the institution or student and which is contrary to the intent and purpose of the Degree Authorization Act or this chapter.

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(2) A party must submit a request for a hearing to the executive director at the board office no later than thirty days following receipt of the notice of final agency action. In the written request, the party must identify the final action in dispute and state that a hearing is requested.

[Statutory Authority: RCW 28B.80.370. 95-01-003, § 250-61-210, filed 12/8/94, effective 1/8/95.]

WAC 250-61-220 Hearings. Any hearing called for under the act shall be conducted in accordance with the Washington Administrative Procedure Act, chapter 34.05 RCW.

(1) The presiding officer, who shall be the executive director or the hearing officer designated by the executive director, shall conduct the hearing under the provisions of chapter 34.05 RCW and shall enter an initial order under RCW 34.05.461 (2) through (9).

(2) The board shall review the initial order under RCW 34.05.464 and either enter a final order or remand the matter for further proceedings under RCW 34.05.464(7).

(3) If the challenged agency action is upheld, the party that initiated the hearing process shall pay the costs of the administrative hearing within sixty days following final disposition of the matter.

(4) Any further review of final action must be taken in accordance with RCW 34.05.510 et seq.

[Statutory Authority: RCW 28B.80.370. 95-01-003, § 250-61-220, filed 12/8/94, effective 1/8/95.]

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 an approved education program in this state. A student's acceptance of a scholarship creates a contractual obligation on the part of the student to teach for a period of two years in an approved education program for each year of scholarship received 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 Wash-

ington 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 in an approved education program in the state of Washington in lieu of monetary repayment.

(6) "Approved education program" means an education program in the state of Washington for knowledge and skills generally learned in preschool through twelfth grade. Approved education programs may include but are not limited to:

- (a) K-12 schools under Title 28A RCW;
- (b) Early childhood education and assistance programs under RCW 28A.215.100 through 28A.215.200 or the Federal Head Start Program;
- (c) An approved school under chapter 28A.195 RCW;
- (d) Education centers under chapter 28A.205 RCW;
- (e) English as a second language program and programs leading to high school graduation or the equivalency operated by community or technical colleges; and
- (f) Tribal schools in Washington approved by the Federal Bureau of Indian Affairs.

(7) "Satisfied" means paid-in-full either through the rendering of service or monetary repayment in fulfillment of the student's contractual obligation.

(8) "Participant" means an eligible student who has received one or more disbursements under this program.

(9) "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.

(10) "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.

(11) "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.

(12) "Financial need" shall be the difference between the budgetary cost to the student attending an institution of post-secondary 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.

(13) "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).

(14) "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 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 independent student total applicant resources shall mean the amount which reasonably may be expected from the student and his or her spouse to meet the student's cost of education.

(15) "Dependent student" definition shall be consistent with the definition used for determining dependence for federal student aid programs.

(16) "Independent student" definition shall be consistent with the definition used for determining independence for federal student aid programs.

[Statutory Authority: 1996 c 53, 96-18-023, § 250-65-020, filed 8/27/96, effective 9/27/96. 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.

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 federal 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.

(4) Institutional eligibility criteria.

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: Chapters 28B.80 and 28B.102 RCW. 93-19-022, § 250-65-030, filed 9/3/93, effective 10/4/93. 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:

Recruitment of students who have distinguished themselves through outstanding academic achievement; and

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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.

Assuming program eligibility criteria is met, the following additional selection criteria will be employed by the board in ranking candidates and awarding conditional scholarships:

(a) Superior scholastic achievement.

(b) Leadership ability.

(c) Community contributions.

(d) Ability to act as a role model for targeted ethnic minority students.

(e) Brief statement evidencing the student's commitment to teaching and evidence of promise as a future teacher.

(f) Financial need (may be considered for approximately half of the recipients).

(g) 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: Chapters 28B.80 and 28B.102 RCW. 93-19-022, § 250-65-040, filed 9/3/93, effective 10/4/93. 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. 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:

(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 composed of teachers and leaders in government, business, and education.

(3) Adopt necessary rules and guidelines.

(4) Publicize the program.

(5) Collect and manage repayments from students who do not meet their teaching obligations.

(6) Solicit and accept grants and donations from public and private sources for the program.

[Statutory Authority: Chapters 28B.80 and 28B.102 RCW. 93-19-022, § 250-65-050, filed 9/3/93, effective 10/4/93. 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

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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:

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 shall be two years for each year of scholarship received.

(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 two years in an approved education program for each year of scholarship received, under rules adopted by the board.

(b) The interest rate shall be eight percent for the first four years of repayment and ten percent beginning with the fifth year of repayment.

(c) The period for repayment shall be ten years, with payments of principal and interest accruing quarterly commencing nine months from the date the participant completes or discontinues the course of study. Provisions for deferral of payment shall be determined by the board.

(d) The entire principal and interest of each payment shall be forgiven for each payment period in which the participant teaches in an approved education program until the entire repayment obligation is satisfied or the borrower ceases to teach in an approved education program. Should the participant cease to teach in an approved education program 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.

(4) 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.

(5) Receipts:

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

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all receipts beyond those necessary to pay such costs shall be used to grant conditional scholarships to eligible students.

[Statutory Authority: 1996 c 53, 96-18-023, § 250-65-060, filed 8/27/96, effective 9/27/96. Statutory Authority: Chapters 28B.80 and 28B.102 RCW, 93-19-022, § 250-65-060, filed 9/3/93, effective 10/4/93. 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" or "state-supported institution of higher education" shall mean all Washington state-operated, public, four-year universities, The Evergreen State College, community colleges, and technical 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 satisfied 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 who received their Washington state scholars

awards prior to June 30, 1994, and who choose 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 services and activities fees at any Washington public institution of higher education.

(7) "Grant(s)." Students named as Washington state scholars who choose to attend an independent college or university, as defined in subsection (2) of this section and recipients of the award named after June 30, 1994, who choose to attend a public college or university within the state, 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 to recipients attending a Washington independent institution shall also be contingent upon the institution 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.

If the independent institution chooses to match the grant with actual cash rather than by waiver of tuition/fees, the institutional match shall consist of dollars derived from institutional grant aid funds.

(a) Grant amounts.

(i) Maximum grant award value. Grants to individual recipients 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.

(ii) Calculation of individual award amounts. The value of individual grants shall be calculated annually, as a prorated amount of the annual appropriation and based upon the number of eligible scholars attending participating institutions, the tuition costs at those institutions, and limited to the funds appropriated to the board for the program. Individual recipients may receive state grants which do not exceed the cost of tuition and service and activities fees for which they are enrolled at the institution attended. Should funds be insufficient to cover all recipients at the full cost of tuition, subject to the maximum grant award value, the value of all award payments in the given payment term shall be reduced proportionally by the same percent to avoid overexpenditure of the appropriated funds.

(b) Priorities in funding grants. Grants shall be funded contingent upon appropriated funds available and subject to the following priorities:

(i) First priority in funding of grants shall be to Washington scholars attending eligible institutions during the regular academic year and who are identified to the board by the enrolling institution no later than the twentieth day of the fall term as having enrolled or who are planning to enroll in a subsequent term during the regular academic year.

(ii) Second priority in funding of grants shall be to Washington scholars identified to the board by the enrolling institution after the twentieth day of the fall term as having enrolled or who are planning to enroll in a subsequent term during the regular academic year.

(iii) Third priority in funding of grants shall be to Washington scholars enrolling in eligible institutions for the summer term.

(c) Washington scholars eligible for grants shall be responsible for payment of tuition and service and activity fees or make arrangement with the institution for payment of tuition and service and activity fees. The state grants may be used to pay for any valid educational expense, including, but not limited to, tuition and service and activity fees, books and supplies, transportation, room and board, and miscellaneous/personal costs.

(8) "Regular academic year" shall mean fall and spring semester at institutions operating on the semester system, or fall, winter, and spring quarter at institutions operating on the quarter system.

[Statutory Authority: Chapter 28B.80 RCW and 1995 1st sp.s. c 5. 95-22-105, § 250-66-020, filed 11/1/95, effective 12/2/95. Statutory Authority: Chapter 28B.80 RCW. 93-19-014, § 250-66-020, filed 9/2/93, effective 10/3/93. Statutory Authority: 1992 c 231 and chapter 28B.80 RCW. 92-16-038, § 250-66-020, filed 7/30/92, effective 8/30/92. 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 seniors residing in each legislative district who are graduating from high schools in the state 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.

(6) Receipt of award. Washington state scholars shall be deemed to have received their awards effective the date of notification. This is in contrast to the receipt of award benefits which may accrue to Washington state scholars recipients in the form of tuition and fee waivers and grants, and which shall be deemed to be received by the individual recipients on a term-by-term basis at the time the award benefit is used for undergraduate coursework.

[Statutory Authority: Chapter 28B.80 RCW and 1994 c 234. 94-14-007, § 250-66-030, filed 6/23/94, effective 7/24/94. Statutory Authority: 1992 c 231 and chapter 28B.80 RCW. 92-16-038, § 250-66-030, filed 7/30/92,

effective 8/30/92. 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 the grant at public and 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 courses that include any religious worship or exercise, or any degree in religious, seminarian, or theological academic studies.

(2) Duration of eligibility. Subject to criteria set forth in subsection (1)(a) through (h) of this section, individual recipients of the Washington state scholars award shall be eligible for award benefits until a cumulative total of eight semesters or twelve quarters of waiver and/or grant benefits have been received by the scholar under this program.

(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 cumulative terms of waivers of tuition and service and activities fees and/or grants received by any one recipient does not exceed eight semesters or twelve quarters.

[Statutory Authority: Chapter 28B.80 RCW and 1995 1st sp.s. c 5. 95-22-105, § 250-66-040, filed 11/1/95, effective 12/2/95. Statutory Authority: 1992 c 231 and chapter 28B.80 RCW. 92-16-038, § 250-66-040, filed 7/30/92, effective 8/30/92. 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,

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ties, 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).
- (j) Make grant payments to eligible recipients for undergraduate study.

[Statutory Authority: Chapter 28B.80 RCW and 1995 1st sp.s. c 5. 95-22-105, § 250-66-050, filed 11/1/95, effective 12/2/95. 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 to the board for this purpose, or from any private donations, or any other funds given to the board for this program.

[Statutory Authority: 1992 c 231 and chapter 28B.80 RCW. 92-16-038, § 250-66-060, filed 7/30/92, effective 8/30/92. Statutory Authority: 1988 c 210. 88-14-088 (Order 5-88, Resolution No. 88-13), § 250-66-060, filed 7/5/88.]

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 non-profit, 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

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(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 nonprofit, 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 lim-

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ited 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 [university of four-year college operated by the state of Washington political subdivision thereof,] or [a] private baccalaureate institution of higher education in the state of Washington which is a member institution of the Northwest Association of Schools and Colleges. 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, 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] [educational] program established under chapter 28B.45 RCW[, and].

(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: Chapters 28B.80 and 28B.101 RCW. 93-19-024, § 250-70-030, filed 9/3/93, effective 10/4/93. Statutory Authority: 1990 c 288. 90-16-023, § 250-70-030, filed 7/20/90, effective 8/20/90.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffective 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 250-70-040 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

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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

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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 dis-

courage 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 (42%) at which high school girls participated in interscholastic athletics in the state of Washington in 1995-96.

(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.85 RCW. 98-08-003, § 250-71-050, filed 3/18/98, effective 4/18/98. 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:

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(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 June 11, 1998.
250-72-035	Designation to an institution of allocated funds.
250-72-040	Reallocation of previously allocated or designated funds.
250-72-045	Release of funds.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

250-72-030	Allocation of earnings from investments. [Statutory Authority: RCW 28B.10.869. 90-16-030, § 250-72-030, filed 7/23/90, effective 8/23/90.] Repealed by 98-22-027, filed 10/28/98, effective 11/28/98. Statutory Authority: RCW 28B.10.869.
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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

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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.

(5) "Private donation" means funds made specifically to the distinguished professorship program from nonpublic 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 three years 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 and designated private donation has been received.

[Statutory Authority: RCW 28B.10.869. 98-22-027, § 250-72-015, filed 10/28/98, effective 11/28/98; 90-16-030, § 250-72-015, filed 7/23/90, effective 8/23/90.]

WAC 250-72-020 Allocation system. (1) The board shall allocate available funds among institutions according to WAC 250-72-025 when no legislative directive provides for the allocation of available trust funds.

(2) Any funds balance in the trust account on June 11, 1998, and not designated to a particular institution, will be distributed according to provisions of WAC 250-72-025 as revised.

(3) Any trust fund designated prior to June 11, 1998, and forfeited subsequent to that date, will be reallocated according to revised WAC 250-72-040.

(4) Trust funds must be distributed in increments of \$250,000 for the state matching grant portion for each distinguished professorship. Therefore, individual subaccount balances for each institution will be maintained in the trust fund when the amount allocated for each institution is not sufficient to provide for a full professorship.

[Statutory Authority: RCW 28B.10.869. 98-22-027, § 250-72-020, filed 10/28/98, effective 11/28/98; 90-16-030, § 250-72-020, filed 7/23/90, effective 8/23/90.]

(1999 Ed.)

WAC 250-72-025 Allocation system effective June 11, 1998. At the time funds become available, the board shall notify all institutions of the amount of funding and the number of distinguished professorships available to each institution or group of institutions. The board shall allocate available funding for distinguished professorships as follows:

(1) University of Washington - Forty-seven percent of total available funds (stipulating the number of professorships which can be fully funded).

(2) Washington State University - Thirty-two percent of total available funds (stipulating the number of professorships which can be fully funded).

(3) Central Washington University, Eastern Washington University, The Evergreen State College, and Western Washington University - Twenty-one percent of total available funds (stipulating the number of professorships which can be fully funded).

Distinguished professorships available under this subsection (3) shall be allocated to individual institutions according to an agreement to be prepared by the four institutions and submitted each year to the higher education coordinating board, prior to allocation of funds by the board.

[Statutory Authority: RCW 28B.10.869. 98-22-027, § 250-72-025, filed 10/28/98, effective 11/28/98; 90-16-030, § 250-72-025, filed 7/23/90, effective 8/23/90.]

WAC 250-72-035 Designation to an institution of allocated funds. (1) Within one year of notification by the board that an institution has been allocated one or more distinguished professorships, the institution shall:

(a) Make written notification to the board that pledge(s) for private donation(s) have been secured; and

(b) Provide a copy to the board of the agreement(s)/pledge(s) entered into with the private donor(s) concerning terms of the donation(s).

(2) Upon notification pursuant to the above, the board shall designate funds for that institution. Funds will be designated for a period of up to three years.

[Statutory Authority: RCW 28B.10.869. 98-22-027, § 250-72-035, filed 10/28/98, effective 11/28/98; 90-16-030, § 250-72-035, filed 7/23/90, effective 8/23/90.]

WAC 250-72-040 Reallocation of previously allocated or designated funds. (1) The board shall reallocate previously allocated funds when an institution has not secured a pledge within one year of notification that funds were available to that institution.

(2) The board shall reallocate previously designated funds when an institution has not received the full amount in private donations within three years from the time that state matching funds have been designated for that institution (based on a pledge for private funding).

(3) An institution shall not be eligible for reallocated funds if it has forfeited allocated or designated funds in the preceding twelve-month period.

(4) The following reallocation guidelines will be utilized by the board:

(a) If the University of Washington forfeits allocated/designated funds, reallocation will be made to Washington State University;

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(b) If Washington State University forfeits allocated/designated funds, reallocation will be made to the University of Washington;

(c) If Central Washington University, Eastern Washington University, The Evergreen State College, or Western Washington University forfeits allocated/designated funds, reallocation will be made consistent with the annual distribution agreement developed by these four institutions. If no reallocation provision has been included in the agreement, the board will reallocate to an eligible institution (of the four institutions cited in this subsection). If more than one eligible institution requests a reallocation, the reallocation will be based on a drawing among the eligible institutions requesting participation in the drawing.

[Statutory Authority: RCW 28B.10.869. 98-22-027, § 250-72-040, filed 10/28/98, effective 11/28/98; 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 and designated 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. 98-22-027, § 250-72-045, filed 10/28/98, effective 11/28/98; 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 June 11, 1998.
250-73-035	Designation to an institution of allocated funds.
250-73-040	Reallocation of previously allocated or designated funds.
250-73-045	Release of funds.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

250-73-030	Allocation of earnings from investments. [Statutory Authority: RCW 28B.10.883. 90-16-029, § 250-73-030, filed 7/23/90, effective 8/23/90.] Repealed by 98-22-026, filed 10/28/98, effective 11/28/98. Statutory Authority: RCW 28B.10.883.
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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 two years 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 and designated private donation has been received.

[Statutory Authority: RCW 28B.10.883, 98-22-026, § 250-73-015, filed 10/28/98, effective 11/28/98; 90-16-029, § 250-73-015, filed 7/23/90, effective 8/23/90.]

WAC 250-73-020 Allocation system. (1) The board shall allocate available trust funds among institutions according to WAC 250-73-025 when no legislative directive provides for the allocation of available trust funds.

(2) Any funds balance in the trust account on June 11, 1998, and not designated to a particular institution, will be distributed according to provisions of WAC 250-73-025 as revised.

(3) Trust funds must be distributed in increments of \$25,000 for the state matching grant portion for each graduate fellowship. Therefore, individual subaccount balances for each institution will be maintained in the trust fund when the amount allocated for each institution is not sufficient to provide for a full fellowship.

[Statutory Authority: RCW 28B.10.883, 98-22-026, § 250-73-020, filed 10/28/98, effective 11/28/98; 90-16-029, § 250-73-020, filed 7/23/90, effective 8/23/90.]

WAC 250-73-025 Allocation system effective June 11, 1998. At the time funds become available, the board shall notify all institutions of the amount of funding and the number of graduate fellowships available to each institution or group of institutions. The board shall allocate available funding for graduate fellowships as follows:

(1) University of Washington - Forty-seven percent of total available funds (stipulating the number of fellowships which can be fully funded).

(2) Washington State University - Thirty-two percent of total available funds (stipulating the number of fellowships which can be fully funded).

(3) Central Washington University, Eastern Washington University, The Evergreen State College, and Western Washington University - Twenty-one percent of total available funds (stipulating the number of fellowships which can be fully funded).

Graduate fellowships available under this subsection (3) shall be allocated to individual institutions according to an

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agreement to be prepared by the four institutions and submitted each year to the higher education coordinating board, prior to allocation of funds by the board.

[Statutory Authority: RCW 28B.10.883, 98-22-026, § 250-73-025, filed 10/28/98, effective 11/28/98; 90-16-029, § 250-73-025, filed 7/23/90, effective 8/23/90.]

WAC 250-73-035 Designation to an institution of allocated funds. (1) Within one year of notification by the board that an institution has been allocated one or more graduate fellowships, the institution shall:

(a) Make written notification to the board that pledge(s) for private donation(s) have been secured; and

(b) Provide a copy to the board of the agreement(s)/pledge(s) entered into with the private donor(s) concerning terms of the donation(s).

(2) Upon notification pursuant to subsection (1) of this section, the board shall designate funds for that institution. Funds will be designated for a period of up to two years.

[Statutory Authority: RCW 28B.10.883, 98-22-026, § 250-73-035, filed 10/28/98, effective 11/28/98; 90-16-029, § 250-73-035, filed 7/23/90, effective 8/23/90.]

WAC 250-73-040 Reallocation of previously allocated or designated funds. (1) The board shall reallocate previously allocated funds when an institution has not secured a pledge within one year of notification that funds were available to that institution.

(2) The board shall reallocate previously designated funds when an institution has not received the full amount in private donations within two years from the time that state matching funds have been designated for that institution (based on a pledge for private funding).

(3) An institution shall not be eligible for reallocated funds if it has forfeited allocated or designated funds in the preceding twelve-month period.

(4) The following reallocation guidelines will be utilized by the board:

(a) If the University of Washington forfeits allocated/designated funds, reallocation will be made to Washington State University;

(b) If Washington State University forfeits allocated/designated funds, reallocation will be made to the University of Washington;

(c) If Central Washington University, Eastern Washington University, The Evergreen State College, or Western Washington University forfeits allocated/designated funds, reallocation will be made consistent with the annual distribution agreement developed by these four institutions. If no reallocation provision has been included in the agreement, the board will reallocate to an eligible institution (of the four institutions cited in this subsection). If more than one eligible institution requests a reallocation, the reallocation will be based on a drawing among the eligible institutions requesting participation in the drawing.

[Statutory Authority: RCW 28B.10.883, 98-22-026, § 250-73-040, filed 10/28/98, effective 11/28/98; 90-16-029, § 250-73-040, filed 7/23/90, effective 8/23/90.]

(1999 Ed.)

WAC 250-73-045 Release of funds. Upon written notification that the full amount of a pledged and designated 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. 98-22-026, § 250-73-045, filed 10/28/98, effective 11/28/98; 90-16-029, § 250-73-045, filed 7/23/90, effective 8/23/90.]

Chapter 250-76 WAC

AMERICAN INDIAN ENDOWED SCHOLARSHIP PROGRAM

WAC

250-76-010	Purpose.
250-76-020	Program definitions.
250-76-030	Eligibility criteria.
250-76-040	Selection criteria.
250-76-050	Terms of award.
250-76-060	Administration.
250-76-070	Management of funds.

WAC 250-76-010 Purpose. American Indians are the most under-represented ethnic minority group in higher education. The purpose of this program is to create an educational opportunity for American Indians who might not be able otherwise to attend and graduate from higher education institutions in the state of Washington. The program forms a partnership with the state's American Indian communities and recognizes that improving the quality of educational conditions supports Indian self-determination.

[Statutory Authority: Chapter 28.108 [28B.108] RCW. 92-04-018, § 250-76-010, filed 1/27/92, effective 2/27/92.]

WAC 250-76-020 Program definitions. (1) "Institution of higher education" or "institution" shall mean 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, 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.

(2) "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.

(3) "Eligible student" or "student" means an American Indian student who meets the eligibility criteria as defined in WAC 250-76-030(1).

(4) "Full-time undergraduate student" is defined as a student who is enrolled for twelve quarter credits or the equivalent.

(5) "Full-time graduate student" is defined as one who is enrolled in at least the minimum credit course load required

by the institution for disbursing financial aid to full-time graduate students.

(6) "Private cash donation," "private donation," or "donation" means moneys from nonstate sources that include, but are not limited to, federal moneys, tribal moneys, and assessments by commodity commissions authorized to conduct research activities, including but not limited to, research studies authorized under RCW 15.66.030 and 15.65.040.

(7) "Conditional gift" means a private cash donation received as a gift and subject to conditions by the contributor.

[Statutory Authority: Chapters 28B.80 and 28B.108 RCW. 93-19-025, § 250-76-020, filed 9/3/93, effective 10/4/93. Statutory Authority: Chapter 28.108 [28B.108] RCW. 92-04-018, § 250-76-020, filed 1/27/92, effective 2/27/92.]

WAC 250-76-030 Eligibility criteria. (1) Student eligibility. In order to be eligible to receive a scholarship under this program, the student must:

(a) Be a financially needy student, as defined in RCW 28B.10.802(3);

(b) Be a resident student, as defined by RCW 28B.15.012(2);

(c) Be enrolled as a full-time student at an institution of higher education;

(d) Promise to use his or her education to benefit other American Indians; and

(e) 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.

[Statutory Authority: Chapter 28.108 [28B.108] RCW. 92-04-018, § 250-76-030, filed 1/27/92, effective 2/27/92.]

WAC 250-76-040 Selection criteria. (1) Program advisory committee. The board will establish an advisory committee to assist in program design and to advise the board on matters of program administration including, but not limited to, application procedures, selection criteria, fund raising, and program publicity. The committee shall be comprised of persons involved in helping American Indian students to obtain a higher education. It is the intent of the board that the committee be comprised from members of the state's American Indian community. Membership of the committee may include, but is not limited to, representatives of: Indian tribes, urban Indians, the governor's office of Indian affairs, the Washington state Indian education association, and institutions of higher education.

(2) Screening committee. The board will establish a screening committee to assist the board in selecting the students to receive American Indian endowed scholarships. The committee shall be composed of representatives of the same groups as the advisory committee described in WAC 250-76-040(1) of these rules.

(3) Selection of recipients. The board, in consultation with the advisory committee, may annually consider and revise the criteria for selecting recipients. At the minimum, assuming program eligibility criteria are met, selection criteria shall include:

(a) An assessment of the student's social and cultural ties to an American Indian community within the state. Significant social and cultural ties may be assessed through documentation of one, or a combination of several, of the following:

- (i) Enrollment in a federally recognized tribe; or
- (ii) References supplied by an American Indian organization or agency from within the state and the student's self-statement describing, and attesting to, his or her own social and cultural ties; and
- (iii) Additional forms of documentation as recommended each year by the advisory committee.

(b) Priority in awards to students in upper-division or graduate programs who are majoring in program areas in which expertise is needed by the state's American Indians.

[Statutory Authority: Chapter 28.108 [28B.108] RCW. 92-04-018, § 250-76-040, filed 1/27/92, effective 2/27/92.]

WAC 250-76-050 Terms of award. (1) Scholarship amounts. (a) The amount of the scholarship for an undergraduate student shall be determined by the higher education coordinating board in consultation with the advisory committee, not to exceed the student's demonstrated financial need.

(b) The amount of the scholarship for a graduate student shall be determined by the higher education coordinating board in consultation with the advisory committee, not to exceed:

- (i) The student's demonstrated financial need, or
- (ii) The stipend of a teaching assistant, including tuition, at the University of Washington, whichever is higher.

(c) In calculating a student's need, the board shall consider the student's costs for tuition, fees, books, supplies, transportation, room, board, personal expenses, and child care.

(d) The maximum yearly scholarship for any student may not exceed the maximum possible scholarship received for a student attending the University of Washington.

(e) Monetary awards made from this endowment may not replace any other state or federal student financial aid grant which would otherwise be made available to the student. If the recipient of this award is also a recipient of other student aid, it is the intent of this program that the institution presume that the endowment award be used to fill an unmet financial need or replace loans.

(2) Term of scholarship award. (a) A student is eligible to receive a scholarship for a maximum of five years. In order to receive the scholarship award beyond the first year, the student must continue to meet eligibility and selection criteria as defined in WAC 250-76-020 (3)(4)(5), 250-76-030, and 250-76-040(3) of these rules. The following additional criteria may be employed by the board in determining renewal of a student's scholarship award:

(i) Amount of earnings by the American Indian endowed scholarship trust fund and the American Indian scholarship endowment fund as administered by the state treasurer.

(3) Number of scholarships awarded. The maximum number of scholarships awarded or renewed each year shall be limited by the amount of earnings received by the board from the American Indian endowed scholarship trust fund and the American Indian scholarship endowment fund as

administered by the state treasurer. Consideration for funding shall be given to those students eligible to renew their scholarship award.

[Statutory Authority: Chapter 28.108 [28B.108] RCW. 92-04-018, § 250-76-050, filed 1/27/92, effective 2/27/92.]

WAC 250-76-060 Administration. (1) Administering agency. The higher education coordinating board shall administer the American Indian endowed scholarship program. The board shall have the following administrative responsibilities:

- (a) Publicize the program;
- (b) Adopt necessary program guidelines;
- (c) Accept and deposit donations into the endowment fund;
- (d) Request and accept from the state treasurer moneys earned by the trust fund and the endowment fund for the disbursement of American Indian endowed scholarship awards;
- (e) Solicit and accept grants and donations from public and private sources for the program;
- (f) Name scholarships in honor of those American Indians from Washington who have acted as role models; and
- (g) Select students to receive American Indian endowed scholarship awards, with the assistance of the selection committee created by WAC 250-76-040(2).

(2) Responsibility for soliciting contributions. The American Indian community will have primary responsibility for solicitation of contributions. The higher education coordinating board will work in support of individual tribes and organizations who are soliciting contributions.

[Statutory Authority: Chapter 28.108 [28B.108] RCW. 92-04-018, § 250-76-060, filed 1/27/92, effective 2/27/92.]

WAC 250-76-070 Management of funds. (1) American Indian endowed scholarship trust fund. Funds appropriated by the legislature for the American Indian endowed scholarship trust fund shall be deposited into the fund and invested by the state treasurer.

(a) As the higher education coordinating board can match \$50,000 of state funds with an equal amount of private cash donations, the board may request that the state treasurer deposit \$50,000 of state matching funds and any earned interest from the trust fund into the American Indian scholarship endowment fund.

(2) American Indian scholarship endowment fund. The American Indian scholarship endowment fund shall be administered by the state treasurer. Moneys received from the higher education coordinating board, private donations, state matching moneys, and funds received from any other source may be deposited into the endowment fund. All moneys deposited in the endowment fund shall be invested by the state treasurer.

(a) With the exception of conditional gifts, donated moneys may not be refunded, or otherwise returned, to the contributor after they have been deposited to the endowment fund.

Conditional gift moneys may be refunded, or otherwise returned, according to the terms of the conditional gift if the condition attached to the gift has failed. Moneys returned in this manner shall not constitute an invasion of corpus.

(b) A donation may not be accepted if such acceptance conditions the awarding of scholarships in a manner contrary to chapter 28B.108 RCW, or contrary to the guidance of the program's advisory committee.

(3) Scholarships shall be disbursed from the investment earnings of the trust fund and the endowment fund, with the exception of the portion of earnings reinvested in the fund according to the terms of a conditional gift. The principal of the trust and endowment funds shall not be invaded. No scholarships shall be awarded until sufficient earnings from the combined trust and endowment funds have accumulated.

(4) As sufficient earnings from the combined trust and endowment funds have accumulated, the higher education coordinating board may request that the state treasurer release earnings from the endowment fund to the board for scholarships.

(5) The higher education coordinating board may award scholarships to eligible students from the moneys earned by the American Indian endowed trust fund and the American Indian scholarship endowment fund as administered by the state treasurer, or from funds appropriated to the board for this purpose, or from any private donations, or from any other funds given to the board for this program.

[Statutory Authority: Chapters 28B.80 and 28B.108 RCW. 93-19-025, § 250-76-070, filed 9/3/93, effective 10/4/93. Statutory Authority: Chapter 28.108 [28B.108] RCW. 92-04-018, § 250-76-070, filed 1/27/92, effective 2/27/92.]

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

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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 employees, 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 and recognition awards provided to recipients through this program.

[Statutory Authority: Chapters 28B.80 and 28A.625 RCW and 1994 c 279. 94-14-008, § 250-78-010, filed 6/23/94, effective 6/23/94. Statutory Authority: 1992 c 83, 1992 c 50 and chapters 28B.80 and 28A.625 RCW. 92-16-037, § 250-78-010, filed 7/30/92, effective 7/30/92. 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 28A.625 RCW, 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 corrected 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. Legislation enacted in 1994 created the recognition award to replace all other award options available under this program for recipients of the Washington award for excellence in education named by the office of the superintendent of public instruction after January 1, 1994. For academic grant recipients named by the office of the superintendent of public instruction prior to January 1, 1994, the 1994 legislation further provides for the conversion of the academic grant benefit to the recognition award, at the discretion of the recipient and contingent upon funds availability. 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: Chapters 28B.80 and 28A.625 RCW and 1994 c 279. 94-14-008, § 250-78-020, filed 6/23/94, effective 6/23/94. Statutory Authority: 1992 c 83, 1992 c 50 and chapters 28B.80 and 28A.625 RCW. 92-16-037, § 250-78-020, filed 7/30/92, effective 7/30/92. 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 (6)(a) or (b); 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 shall be used to pay for actual costs incurred for tuition and fees only, up to the maximum value of the award as defined in WAC 250-78-050. The academic grant award option is available only to individuals named by the office of the superintendent of public instruction as recipients of the Washington award for excellence in education prior to January 1, 1994.

(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 an individual who has been designated to receive the Washington award for excellence in education by the superintendent of public instruction prior to January 1, 1994 and who has elected to receive his or her award in the form of the academic grant, or an individual or school board designated by the office of the superintendent of public instruction after January 1, 1994 to receive the recognition award.

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

(6) "Stipend" shall mean an amount not to exceed one thousand dollars, payable only to cover costs incurred in taking courses for which a tuition and fee waiver was authorized under pre-existing law (RCW 28A.625.020 (3)(a)). Award recipients named after May 17, 1991 shall be entitled to receive a stipend for costs incurred in taking courses covered by the academic grant only if funds are specifically appropriated for stipends under this program.

(7) "Recognition award" shall mean the cash award provided to teachers, classified employees, principals, administrators, school district superintendents, and school boards named by the office of the superintendent of public instruction as recipients of the Washington award for excellence in education after January 1, 1994. An academic grant recipient named prior to January 1, 1994 may receive the recognition award by electing to convert the remaining value of his or her academic grant and related stipend benefit, if any, to the recognition award according to rules defined under WAC 250-78-050.

[Statutory Authority: Chapters 28B.80 and 28A.625 RCW and 1994 c 279, 94-14-008, § 250-78-030, filed 6/23/94, effective 6/23/94. Statutory Authority: 1992 c 83, 1992 c 50 and chapters 28B.80 and 28A.625 RCW, 92-16-037, § 250-78-030, filed 7/30/92, effective 7/30/92. 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

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designee, an official list of the names of the Washington award for excellence in education (Christa McAuliffe) recipients who have been designated for the current year.

(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) Academic grant 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 for the academic grant and related stipend, if applicable, 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 program.

[Statutory Authority: Chapters 28B.80 and 28A.625 RCW and 1994 c 279, 94-14-008, § 250-78-040, filed 6/23/94, effective 6/23/94. 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) Recipients of the Washington award for excellence in education named by the office of the superintendent of public instruction prior to January 1, 1994 may elect to receive their award in the form of the academic grant. The academic grant shall be used to reimburse recipients for actual costs of tuition and fees up to a maximum of forty-five quarter or thirty semester credit hours. The rate of reimbursement per credit hour shall not exceed the resident, graduate, part-time cost per credit hour at the University of Washington in the year the recipient takes the credit.

(2) Recipients who were awarded the tuition/fee waiver benefit for forty-five quarter or thirty semester credits prior to May 17, 1991 shall receive the remaining value of the tuition/fee waiver in the form of the academic grant. Conversion of the tuition/fee waiver to the value of individual recipient academic grants shall be calculated as a ratio of available (unused) credits remaining in the tuition/fee waiver benefit to the total credits originally awarded.

(3) Consistent with terms of prior law, academic grant 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 one thousand dollars for costs incurred in taking courses covered by the academic grant.

(4) Academic grant recipients who received notification of their award by the office of the superintendent of public instruction after May 17, 1991 and before January 1, 1994 may be eligible to receive a stipend not to exceed one thousand dollars for costs incurred in taking courses covered by

the academic grant only if funds are [specially] [specifically] appropriated for stipends under this program.

(5) Washington private colleges and universities may elect to participate in the program.

(a) Academic grant recipients attending Washington private colleges and universities may receive the grant, provided the following additional criteria are met:

(i) The institution elects to participate in the program; and

(ii) The institution matches the amount of the academic grant received by the recipient from the state on at least a dollar-for-dollar basis, either with actual money or by waiver of fees. If the institution chooses to match the academic grant with actual cash rather than by waiver of tuition/fees, the institutional match shall consist of dollars derived from institutional grant aid funds.

(b) The maximum reimbursement payable per credit by the state to a recipient attending a Washington private institution under the academic grant shall be calculated as the lesser of one of the following amounts:

(i) One-half of the recipient's cost of tuition/fees for that academic term; or[,]

(ii) The resident, graduate, part-time cost per credit hour for tuition/fees at the University of Washington for an equivalent number of allowable credits in the year the recipient takes the credit; and[,]

(iii) Not to exceed the maximum value of credits remaining in the recipient's academic grant award; and[,]

(iv) Not to exceed the dollar value provided by the institution to match the state portion of the academic grant.

(c) Any academic grant 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 one thousand dollar stipend, including those recipients who elect to attend a private institution. Academic grant recipients named by the office of the superintendent of public instruction after May 17, 1991 shall be entitled to receive payment of the stipend only if funds are specifically appropriated for stipends under this program. However, private institutions are not required to match the amount of the stipend.

(6) Academic grant recipients who elect to use the grant for courses at a public or private higher education institution in another state or country may receive the grant, provided the following additional criteria are met:

(a) 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

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

(c) 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.

(7) Teachers, principals, administrators, superintendents employed by second class school districts, and classified employees who are designated to receive the Washington award for excellence in education by the office of the super-

intendent of public instruction after January 1, 1994 shall receive a recognition award with a value of at least two thousand five hundred dollars.

(8) Superintendents employed by first class school districts who are designated to receive the Washington award for excellence in education by the office of the superintendent of public instruction after January 1, 1994 shall receive a recognition award with a value of at least one thousand dollars.

(9) School boards which are designated to receive a Washington award for excellence in education by the office of the superintendent of public instruction after January 1, 1994 shall receive a recognition award not to exceed two thousand five hundred dollars. The school board must use its recognition award for an educational purpose.

(10) Recipients of the Washington award for excellence in education named by the office of the superintendent of public instruction prior to January 1, 1994, who elected to receive the award in the form of the academic grant, may convert the remaining value of the academic grant to the recognition award, at their discretion and contingent upon funds availability. In addition, recipients named prior to May 17, 1991 may have the remaining value of the stipend for related educational expenses added to their converted academic grant.

(a) At a minimum, conversion of the academic grant to the recognition award shall be calculated as a ratio of available (unused) credits remaining in the academic grant benefit to the maximum number of credit hours originally awarded in the academic grant (forty-five quarter or thirty semester credit hours). This ratio shall be multiplied by the full value of the recognition award in the fiscal year the conversion option is exercised to determine the dollar value of the recipient's converted academic grant award.

(b) The converted award value of the academic grant shall not exceed the value of the current year's recognition award plus the converted value of any remaining stipend for related educational expenses that the recipient is eligible to receive.

(c) Stipend benefits for related educational expenses may be converted only in conjunction with the academic grant, unless the recipient's remaining award value resides solely in the stipend benefit. In that event, the stipend value may be separately converted to the recognition award.

(d) Academic grant recipients who have fully utilized the value of the academic grant (forty-five quarter or thirty semester credits) and the related stipend, if applicable, or whose four year eligibility period for use of the academic grant as defined in WAC 250-78-040(4) has expired, are not eligible to retroactively convert the academic grant to a recognition award.

[Statutory Authority: Chapters 28B.80 and 28A.625 RCW and 1994 c 279. 94-14-008, § 250-78-050, filed 6/23/94, effective 6/23/94. Statutory Authority: Chapters 28B.80 and 28A.625 RCW. 93-19-015, § 250-78-050, filed 9/2/93, effective 10/3/93. Statutory Authority: 1992 c 83, 1992 c 50 and chapters 28B.80 and 28A.625 RCW. 92-16-037, § 250-78-050, filed 7/30/92, effective 7/30/92. Statutory Authority: Chapter 28B.80 RCW and 1991 c 255. 91-20-070, § 250-78-050, filed 9/26/91, effective 10/27/91.]

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 250-78-060 Management of funds. (1) Disbursements of all academic grant, stipend, and recognition award funds are contingent upon appropriations. In the event that funds are insufficient to pay all eligible claims submitted, disbursements will be issued to recipients on the following basis:

(a) Claims for payment of the recognition award, or reimbursement of eligible educational costs through the academic grant or stipend, shall be paid in order of receipt by the board and to the extent of available funds, up to the value remaining in the recipient's award benefit.

(b) Claims for payment of a recipient's eligible award benefits which have not been paid in full shall become first priority for payment, in order of receipt by the board, up to the value remaining in the recipient's award benefit, as funds become available to the program through:

(i) Supplemental moneys appropriated to the program for the current fiscal year; or[,]

(ii) Funds appropriated to the program for the next fiscal year; or[,]

(iii) Funds appropriated to the program for subsequent biennia.

(2) At the option of the board, the academic grant may be disbursed as a lump sum award or in incremental amounts on a term-by-term basis.

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

[Statutory Authority: Chapters 28B.80 and 28A.625 RCW and 1994 c 279, 94-14-008, § 250-78-060, filed 6/23/94, effective 6/23/94. Statutory Authority: Chapters 28B.80 and 28A.625 RCW. 93-19-015, § 250-78-060, filed 9/2/93, effective 10/3/93. Statutory Authority: 1992 c 83, 1992 c 50 and chapters 28B.80 and 28A.625 RCW. 92-16-037, § 250-78-060, filed 7/30/92, effective 7/30/92. Statutory Authority: Chapter 28B.80 RCW and 1991 c 255, 91-20-070, § 250-78-060, filed 9/26/91, effective 10/27/91.]

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 250-79 WAC

RUNNING START PROGRAM

WAC

250-79-010 Adopting running start rules by reference.
250-79-020 Public access to running start program rules.

WAC 250-79-010 Adopting running start rules by reference. WAC 392-169-005 through 392-169-125 [is][,] inclusive of the 1995 amendment thereto and repeal of WAC 392-169-035, [are] hereby adopted [by reference].

[Statutory Authority: RCW 28A.300.390, 28A.150.260 and 28A.150.290, 95-18-041, § 250-79-010, filed 8/29/95, effective 9/29/95; 94-14-064, § 250-79-010, filed 7/1/94, effective 8/1/94.]

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 250-79-020 Public access to running start program rules. Copies of chapter 392-169 WAC are available in the offices of the higher education coordinating board, the

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state board for community and technical colleges and the superintendent of public instruction located in Olympia, Washington.

[Statutory Authority: RCW 28A.300.390, 28A.150.260 and 28A.150.290, 95-18-041, § 250-79-020, filed 8/29/95, effective 9/29/95.]