

# Title 131 WAC

## COMMUNITY AND TECHNICAL COLLEGES, BOARD FOR

### Chapters

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131-08-006	Formal presentations to the state board at public meetings. [Order 3, § 131-08-006, filed 6/19/69.] Repealed by Order 60, filed 11/1/76.
131-08-010	Regular meetings of the state board. [Statutory Authority: RCW 28B.50.070 and 42.30.075. 89-22-063 (Order 117), § 131-08-010, filed 10/31/89, effective 12/1/89; 88-24-043 (Order 115, Resolution No. 88-37), § 131-08-010, filed 12/7/88; 88-01-008 (Order 114, Resolution No. 87-51), § 131-08-010, filed 12/4/87; 87-04-025 (Order 113, Resolution No. 87-1), § 131-08-010, filed 1/28/87; 86-05-004 (Order 106, Resolution No. 86-1), § 131-08-010, filed 2/7/86.] Repealed by 90-22-032, filed 10/31/90, effective 12/1/90. Statutory Authority: RCW 28B.50.070.

### DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

#### Chapter 131-04 REVENUE BONDS

131-04-010	Issuance and sale of bonds—Bond retirement funds authorized. [Regulation 1, § 131-04-010, filed 8/18/67.] Repealed by Order 56, filed 4/2/76. Later promulgation, see WAC 131-24-020.
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#### Chapter 131-34 EMPLOYEE RELATIONS AND COLLECTIVE BARGAINING

131-34-010	Fact finding and mediation by state director. [Order 21, § 131-34-010, filed 11/21/73 and 10/30/73.] Repealed by 79-12-071 (Order 79 and 81, Resolution Nos. 79-43 and 79-46), filed 11/30/79. Statutory Authority: RCW 28B.50.090.
131-34-020	Procedures for operations of impasse advisory committees. [Order 21, § 131-34-020, filed 11/21/73 and 10/30/73.] Repealed by 79-12-071 (Order 79 and 81, Resolution Nos. 79-43 and 79-46), filed 11/30/79. Statutory Authority: RCW 28B.50.090.
131-34-030	Declaration of impasse. [Order 21, § 131-34-030, filed 11/21/73 and 10/30/73.] Repealed by 79-12-071 (Order 79 and 81, Resolution Nos. 79-43 and 79-46), filed 11/30/79. Statutory Authority: RCW 28B.50.090.

#### Chapter 131-08 WAC PRACTICE AND PROCEDURE

### WAC

131-08-005	General description of state board organization and operations.
131-08-007	Presentations to state board.
131-08-008	Special meetings of the state board.

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

131-08-003	Temporary procedures for certification of instructors. [Order 1-68, § 131-08-003, filed 5/31/68.] Repealed by Order 5, filed 12/12/69.
131-08-004	Authority of the director to revoke certificates. [Order 1-68, § 131-08-004, filed 5/31/68.] Repealed by Order 5, filed 12/12/69.

**WAC 131-08-005 General description of state board organization and operations.** (1) The state board for community and technical colleges consists of nine members appointed by the governor. Members serve for terms of four years; or until a successor is named.

(2) The executive officer and secretary of the board is the executive director of the state system of community and technical colleges. The executive director is in charge of the offices of the board and responsible to the board for the preparation of reports and the collection and dissemination of data and other public information relating to the state system of community and technical colleges. The executive director exercises, in the name of the board, all powers and duties delegated by the board and at the direction of the board executes, together with the chair of the board, all contracts entered into by the board.

(3) It is the board's duty to exercise general supervision and control over the state system of community and technical colleges consistent with the specific powers and duties set forth in the Community and Technical College Act of 1991, chapter 28B.50 RCW.

(4) The board's office is located in Olympia, Washington, 1300 Quince Street S.E., 98504.

(5) Information about specific meeting places and times may be obtained at the board office. Formal submission or requests to the state board should be addressed to the executive director at the Olympia office.

[Statutory Authority: Chapter 28B.50 RCW. 07-19-101, § 131-08-005, filed 9/18/07, effective 10/19/07; 98-15-002, § 131-08-005, filed 7/2/98, effective 8/2/98. Statutory Authority: RCW 28B.50.070 and chapter 42.30 RCW. 92-13-019 (Order 136, Resolution No. 92-05-23), § 131-08-005, filed 6/8/92, effective 7/9/92. Statutory Authority: RCW 34.04.020. 81-01-079 (Order 84, Resolution No. 80-61), § 131-08-005, filed 12/17/80. Statutory Authority: RCW 28.50.070 [28B.50.070] and 42.30.075. 79-12-070 (Order 78, Resolution No. 79-42), § 131-08-005, filed 11/30/79. Statutory Authority: RCW 28B.50.070. 78-07-063 (Order 72, Resolution No. 78-31), § 131-08-005, filed 6/30/78; Order 61, § 131-08-005, filed 7/8/77; Order 59, § 131-08-005, filed 7/6/76; Order 52, § 131-08-005, filed 1/9/76; Order 40, § 131-08-005, filed 6/27/75; Order 33, § 131-08-005, filed 11/14/74; Order 19, § 131-08-005, filed 7/2/73; Order 3, § 131-08-005, filed 6/19/69.]

**WAC 131-08-007 Presentations to state board.** Any interested individual or organization, upon written request to and receipt by the state board office at least two weeks in

advance of the next scheduled board meeting, may request that any relevant matter concerning the state community and technical college system be placed on the board meeting agenda. The chair or the executive director of the state board may, however, waive this two week notification procedure, if in the judgment of either, sufficient emergency exists.

The following format shall be used by individuals or organizations in making their request for additions to the board meeting agenda:

- (1) Title of the item to be considered;
- (2) A brief descriptive background which includes relevant facts and documentary evidence, including written materials, personal interviews, expert testimony or matters of record;
- (3) Identification of the requesting party, including relevant organizational affiliations and job titles.

It shall be the prerogative of the board not to take any action on matters that come before the board pursuant to this rule.

In the case of presentations to the board on behalf of organizations, special interest groups, and other multimember bodies, testimony shall normally be limited to one individual representative.

In the case of all presentations, the board reserves the right, without notice, to limit the length of any particular presentation or to reschedule presentations when, in its judgment, the demands of public business before the board necessitate making such limitations.

It is the intent of the state board that procedures set forth in this regulation shall be liberally interpreted to the end that all interested citizens and organized groups shall be able to address the board on any matter relevant to its responsibilities and duties in the operations of Washington's community and technical college system. Notwithstanding any of the provisions of this section, impromptu comments or questions by members of the public or organization representative may be presented at any meeting of the board consistent with the provisions of chapter 42.30 RCW, the Open Public Meetings Act.

In the case of adoption, amendment or repeal of rules, which are subject to the provisions of the Administrative Procedure Act, chapter 34.05 RCW, the provisions of that chapter regarding the presentation of data, views or arguments to shall govern.

[Statutory Authority: Chapter 28B.50 RCW. 98-15-002, § 131-08-007, filed 7/2/98, effective 8/2/98. Statutory Authority: RCW 28B.50.070 and chapter 42.30 RCW. 92-13-019 (Order 136, Resolution No. 92-05-23), § 131-08-007, filed 6/8/92, effective 7/9/92; Order 60, § 131-08-007, filed 11/1/76; Order 3, § 131-08-007, filed 6/19/69.]

#### **WAC 131-08-008 Special meetings of the state board.**

Special meetings of the state board may be called by the chair or by a majority of the members of the state board. Notification of such a meeting must be made at least twenty-four hours before the time of such meeting. Such notice shall specify the time and place of the special meeting and the business to be transacted. Final disposition shall not be taken on any other matter at such meetings. Notice of such special meetings also shall be provided twenty-four hours prior to such meetings to each local newspaper of general circulation and to each local radio and television station which has on

file with the state board a written request to be notified of such special meetings or of all meetings of the state board.

[Statutory Authority: Chapter 28B.50 RCW. 98-15-002, § 131-08-008, filed 7/2/98, effective 8/2/98. Statutory Authority: RCW 28B.50.070 and chapter 42.30 RCW. 92-13-019 (Order 136, Resolution No. 92-05-23), § 131-08-008, filed 6/8/92, effective 7/9/92; Order 41, § 131-08-008, filed 6/27/75.]

### **Chapter 131-12 WAC STUDENTS**

#### **WAC**

131-12-010	Minimum standards for admission to a community or technical college.
131-12-020	Definition of resident student and procedures for classification.
131-12-030	Districts authorized to restrict enrollment in classes, courses or programs.
131-12-040	Districts shall establish rules allowing intercampus and intercollege enrollment.
131-12-041	Interdistrict registration of students.
131-12-050	Rules defining student rights and responsibilities required to be adopted.
131-12-060	Student involvement in the promulgation, amendment and revocation of rules.
131-12-080	Student progress toward degrees and certificates.

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

131-12-070	Deadline for compliance and filing with director. [Order 5, § 131-12-070, filed 12/12/69.] Repealed by 90-20-009 (Order 122, Resolution Nos. 90-42 and 90-43), filed 9/20/90, effective 10/21/90. Statutory Authority: RCW 28B.50.090 (7)(d) and (10), 28B.50.851, 28B.15.502(4), 28B.15.522, 28B.50.140(3) and 1990 c 29.
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**WAC 131-12-010 Minimum standards for admission to a community or technical college.** (1) Any applicant for admission to a community or technical college shall be admitted when, as determined by the chief administrative officer of the district or his or her designee, such applicant:

- (a) Is competent to profit from the curricular offerings of the college; and
- (b) Would not, by his or her presence or conduct, create a disruptive atmosphere within the community or technical college inconsistent with the purposes of the institution; and
- (c) Is eighteen years of age or older; or
- (d) Is a high school graduate; or
- (e) Has applied for admission under the provisions of a student enrollment options program such as running start or a successor program; or other local student enrollment options program.

(2) However, an applicant transferring from another institution of higher education who meets the above criteria, but who is not in good standing at the time of his transfer may be conditionally admitted to a community or technical college on a probationary status as determined by the chief administrative officer of the community or technical college district or his or her designee.

[Statutory Authority: Chapter 28B.50 RCW. 95-13-068, § 131-12-010, filed 6/20/95, effective 7/21/95. Statutory Authority: RCW 28B.50.090 (7)(d) and (10), 28B.50.851, 28B.15.502(4), 28B.15.522, 28B.50.140(3) and 1990 c 29. 90-20-009 (Order 122, Resolution Nos. 90-42 and 90-43), § 131-12-010, filed 9/20/90, effective 10/21/90; Order 3, § 131-12-010, filed 6/19/69.]

**WAC 131-12-020 Definition of resident student and procedures for classification.** Students enrolled in a technical college are subject to the residency procedures of that

technical college. For students of community colleges, residency, for purpose of tuition, shall be determined under the provisions of RCW 28B.15.012 and 28B.15.013.

The following procedures shall be followed by community colleges in making residency classifications:

(1) Upon receipt of an application for admission to the community college the applicant shall be classified as either a resident or nonresident as the facts may indicate.

(2) The notice of acceptance shall be accompanied by a statement of the applicant's residency classification and, in the case of those classified as nonresidents, a statement of the criteria and procedures to be followed for establishing resident status.

(3) Changes in residency classifications of applicants or enrolled students shall be made by the authorized college official as follows:

(a) In the case of applicants or enrolled students who have been classified as nonresident, upon presentation by the applicant or student or an authorized representative of sufficient proof that the applicant or enrolled student meets the provisions of RCW 28B.15.012 and 28B.15.013; and

(b) In the case of applicants or enrolled students who have been classified as residents, upon presentation or discovery of proof that such individual is legally domiciled outside the state of Washington.

(4) In the event of dispute or question regarding the residency status of any applicant or enrolled student, the matter shall be referred to the office of attorney general for advice.

[Statutory Authority: Chapter 28B.50 RCW. 98-15-011, § 131-12-020, filed 7/2/98, effective 8/2/98. Statutory Authority: RCW 28B.50.090 (7)(d) and (10), 28B.50.851, 28B.15.502(4), 28B.15.522, 28B.50.140(3) and 1990 c 29, 90-20-009 (Order 122, Resolution Nos. 90-42 and 90-43), § 131-12-020, filed 9/20/90, effective 10/21/90; Order 3, § 131-12-020, filed 6/19/69.]

**WAC 131-12-030 Districts authorized to restrict enrollment in classes, courses or programs.** A community and technical college district may establish:

(1) Enrollment limits for any class, course or program when such restrictions are necessary because of limitations of physical facilities or operating funds or when such restrictions are consistent with generally accepted educational practices regarding efficient maximum class sizes.

(2) Reasonable prerequisites for enrollment in any class, course or program to insure that a student will profit or benefit from the particular class, course or program.

[Statutory Authority: Chapter 28B.50 RCW. 98-15-011, § 131-12-030, filed 7/2/98, effective 8/2/98; Order 3, § 131-12-030, filed 6/19/69.]

**WAC 131-12-040 Districts shall establish rules allowing intercampus and intercollege enrollment.** College districts that offer instruction in more than one location shall establish reasonable rules and procedures that will allow intercampus and intercollege enrollment of students without penalty or additional cost above the normal tuition, special fees, and incidental fees charged by the district for attendance at any single campus or college therein.

[Statutory Authority: Chapter 28B.50 RCW. 98-15-011, § 131-12-040, filed 7/2/98, effective 8/2/98; Order 3, § 131-12-040, filed 6/19/69.]

**WAC 131-12-041 Interdistrict registration of students.** Under the authority of RCW 28B.50.095 the following

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rule applies to the interdistrict enrollment of students at community colleges. The purpose of this rule is to allow students to concurrently enroll at more than one community college, but pay no more tuition and fees than if the student was enrolled at a single college.

(1) Interdistrict registration shall mean the concurrent enrollment of a student in community colleges operated by two or more community college districts.

(2) Interdistrict registration shall occur only on the basis of a specific agreement between the two or more colleges and shall be used only to accommodate students when courses will not be offered in a manner that will enable the timely completion of the student's program of study. Agreements may also include tuition and fee revenue sharing.

(3) Students shall enroll and pay tuition and fees at the first college. The second college in which the student is enrolled shall charge and collect tuition and fees for those additional credits as if the student was taking all of their credits at the second college.

(4) Withdrawal from the college or reduction of course load in the college of initial registration shall invalidate any reduced tuition and fee registration at a second college unless the appropriate additional tuition and fees are paid.

(5) Students enrolled in a second college under the provisions of this regulation shall be required to comply with the regular registration procedure of such second college and shall be required to pay any additional special fees—such as laboratory, supply, use or records fees normally charged to students enrolled at that college.

[Statutory Authority: Chapter 28B.50 RCW. 02-20-013, § 131-12-041, filed 9/20/02, effective 10/21/02; 98-15-011, § 131-12-041, filed 7/2/98, effective 8/2/98; Order 23, § 131-12-041, filed 12/18/73.]

**WAC 131-12-050 Rules defining student rights and responsibilities required to be adopted.** In order that each student attending a community college is assured of substantive and procedural due process of the law, each community college district shall promulgate, adopt and publish rules defining and establishing student rights and responsibilities, including but not limited to the following subject areas:

(1) Admission requirements;

(2) Freedom of expression, petition, press, assembly and association;

(3) Use and maintenance of records and campus facilities;

(4) Disciplinary hearing and appeal procedures; and

(5) Disciplinary sanctions.

[Order 5, § 131-12-050, filed 12/12/69.]

**WAC 131-12-060 Student involvement in the promulgation, amendment and revocation of rules.** Each community college district shall involve students in the promulgation, amendment and revocation of rules defining and establishing student rights and responsibilities. The minimum involvement which shall be afforded students, except in emergencies, shall consist of a reasonable opportunity to review and express opinions regarding the proposed exercise of the community college's rule-making authority.

[Order 5, § 131-12-060, filed 12/12/69.]

**WAC 131-12-080 Student progress toward degrees and certificates.** In the 2003 legislative session the legislature passed a bill that requires community and technical colleges to adopt policies and procedures to expedite students' progress toward their program goals. The intent of the legislation is to encourage students enrolled in degree or certificate programs to complete their programs with limited additional credits. The policies and procedures should address:

(1) Students who accumulate more than one hundred twenty-five percent of the number of credits required to complete an associate degree or certificate;

(2) Students who have a pattern of dropping more than twenty-five percent of their course load; and

(3) Students who remain on academic probation for more than one quarter.

Colleges will report to the state board for community and technical colleges the policies and procedures that they approve.

[Statutory Authority: Chapter 28B.50 RCW. 03-22-026, § 131-12-080, filed 10/27/03, effective 11/27/03.]

### Chapter 131-16 WAC

#### FACULTY AND STAFF PERSONNEL

##### WAC

131-16-010	Designation of community and technical college system retirement plan.
131-16-011	Definitions.
131-16-015	Retirement benefit goal established.
131-16-021	Employees eligible to participate in the retirement plan.
131-16-031	Participation in the plan.
131-16-040	Disability retirement provisions for plan participants.
131-16-045	Transfers to and from other plans.
131-16-050	Contribution rates established.
131-16-055	Options for self-directed investment of retirement plan contributions and accumulations.
131-16-056	Hardship withdrawals.
131-16-060	Cashability.
131-16-061	Supplemental retirement benefits.
131-16-062	Benefit options after termination of employment.
131-16-065	Optional retirement transition benefit.
131-16-066	Single sum death benefit to spouse beneficiaries.
131-16-067	Medical expense plans—Definitions.
131-16-068	Medical expense plans authorized.
131-16-070	Adoption and publication of district personnel selection practices and standards.
131-16-080	General standards of qualifications for community and technical college personnel.
131-16-091	Additional qualifications in areas of specialization.
131-16-092	Maintaining and improving certification competencies for professional-technical administrators and instructors.
131-16-093	Types of professional-technical education certificates.
131-16-094	Certification process for professional-technical instructors.
131-16-095	Defining reciprocity.
131-16-400	Definition of "special funds" for the purpose of determining eligibility for tenurable faculty positions.
131-16-450	Exceptional faculty awards trust fund.
131-16-500	Permissible compensation elements for community and technical college presidents.

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

131-16-005	Mandatory retirement age defined. [Statutory Authority: RCW 28B.10.400. 91-13-048 (Resolution No. 91-20, Order 129), § 131-16-005, filed 6/14/91, effective 7/15/91; 85-19-056 (Order 103, Resolution No. 85-25), § 131-16-005, filed 9/16/85. Statutory Authority: 1979 ex.s. c 159. 79-10-020 (Order 77, Resolution No. 79-30), § 131-16-005, filed 9/10/79; Order 28, § 131-16-005, filed 7/1/74.] Repealed by 95-10-014, filed
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4/25/95, effective 5/26/95. Statutory Authority: RCW 28B.10.400.

131-16-020	Employees eligible to participate in retirement annuity purchase plan. [Statutory Authority: RCW 28B.10.400. 83-20-042 (Order 95, Resolution No. 83-25), § 131-16-020, filed 9/28/83; Order 55, § 131-16-020, filed 4/2/76; Order 51, § 131-16-020, filed 1/9/76; Order 37, § 131-16-020, filed 5/19/75; Order 28, § 131-16-020, filed 7/1/74; Order 4, § 131-16-020, filed 10/22/69.] Repealed by 91-13-048 (Resolution No. 91-20, Order 129), filed 6/14/91, effective 7/15/91. Statutory Authority: RCW 28B.10.400.
131-16-030	Optional participation for certain employees. [Order 28, § 131-16-030, filed 7/1/74; Order 9, § 131-16-030, filed 6/7/71; Order 4, § 131-16-030, filed 10/22/69.] Repealed by 91-13-048 (Resolution No. 91-20, Order 129), filed 6/14/91, effective 7/15/91. Statutory Authority: RCW 28B.10.400.
131-16-069	Application of retirement plan to employees of state board. [Order 28, § 131-16-069, filed 7/1/74.] Repealed by 91-13-048 (Resolution No. 91-20, Order 129), filed 6/14/91, effective 7/15/91. Statutory Authority: RCW 28B.10.400.
131-16-090	Additional qualification in areas of specialization. [Order 5, § 131-16-090, filed 12/12/69.] Repealed by Order 22, filed 11/27/73.
131-16-200	Reduction in force guidelines and procedures supplemental to chapter 251-10 WAC. [Order 8, § 131-16-200, filed 3/8/71.] Repealed by 07-17-093, filed 8/16/07, effective 9/16/07. Statutory Authority: RCW 28B.16.-100.
131-16-210	Layoff unit defined. [Order 8, § 131-16-210, filed 3/8/71.] Repealed by 98-23-051, filed 11/13/98, effective 12/14/98. Statutory Authority: Chapter 28B.50 RCW.
131-16-220	Duration of reduction in force lists. [Order 8, § 131-16-220, filed 3/8/71.] Repealed by 98-23-051, filed 11/13/98, effective 12/14/98. Statutory Authority: Chapter 28B.50 RCW.
131-16-300	Salary increase for noncivil service personnel. [Order 27, § 131-16-300, filed 8/1/74.] Repealed by Order 54, filed 4/2/76.
131-16-310	Preamble. [Order 49, § 131-16-310, filed 9/12/75.] Repealed by Order 54, filed 4/2/76.
131-16-315	Specific legislative appropriations for salary increases. [Order 49, § 131-16-315, filed 9/12/75.] Repealed by Order 54, filed 4/2/76.
131-16-320	Standards related to salary increases. [Order 49, § 131-16-320, filed 9/12/75.] Repealed by Order 54, filed 4/2/76.
131-16-325	Legal authorization for review of district budgets. [Order 49, § 131-16-325, filed 9/12/75.] Repealed by Order 54, filed 4/2/76.
131-16-330	Ratification of administrative memorandum. [Order 49, § 131-16-330, filed 9/12/75.] Repealed by Order 54, filed 4/2/76.
131-16-335	Delegation of authority to review and revise budgets. [Order 49, § 131-16-335, filed 9/12/75.] Repealed by Order 54, filed 4/2/76.
131-16-340	Criteria for calculating allowable salary increase funds. [Order 49, § 131-16-340, filed 9/12/75.] Repealed by Order 54, filed 4/2/76.
131-16-410	Optional salary increases for faculty and exempt personnel of certain community colleges. [Statutory Authority: 1977 ex.s. c 339. 78-06-057 (Order 69, Resolution No. 78-22), § 131-16-410, filed 5/24/78; Order 66, § 131-16-410, filed 9/13/77.] Repealed by 79-12-071 (Orders 79 and 81, Resolution Nos. 79-43 and 79-46), filed 11/30/79. Statutory Authority: RCW 28B.50.090.

**WAC 131-16-010 Designation of community and technical college system retirement plan.** There is hereby established for the eligible employees of the community and technical colleges of the state of Washington and the state board, a retirement plan which shall provide such employees with a state board sponsored retirement plan through the Teachers' Insurance Annuity Association (TIAA) and the College Retirement Equities Fund (CREF), hereafter called TIAA-CREF, subject to the provisions of WAC 131-16-011 through 131-16-066 and the plan document. On and after Jan-

uary 1, 2006, this retirement plan is intended to comply with the requirements of a qualified plan under Section 401(a) of the Internal Revenue Code of 1986, as amended and the provisions of the plan document approved by the state board on December 1, 2005.

[Statutory Authority: RCW 28B.10.400. 05-24-051, § 131-16-010, filed 12/1/05, effective 1/1/06. Statutory Authority: RCW 28B.10.400 and chapter 28B.50 RCW. 98-14-033, § 131-16-010, filed 6/23/98, effective 7/24/98. Statutory Authority: Chapter 28B.50 RCW. 97-10-069, § 131-16-010, filed 5/5/97, effective 7/8/97. Statutory Authority: RCW 28B.10.400. 91-13-048 (Resolution No. 91-20, Order 129), § 131-16-010, filed 6/14/91, effective 7/15/91; Order 28, § 131-16-010, filed 7/1/74; Order 4, § 131-16-010, filed 10/22/69.]

**WAC 131-16-011 Definitions.** For the purpose of WAC 131-16-010 through 131-16-066, the following definitions shall apply:

(1) "Participant" means any employee who is eligible to participate in the plan and who, as a condition of employment, on and after January 1, 1997, shall participate in the plan upon initial eligibility.

(2) "Supplemental retirement benefit" means payments, as calculated in accordance with WAC 131-16-061, made by the state board to an eligible retired participant or designated beneficiary whose retirement benefits provided by the plan do not attain the level of the retirement benefit goal established by WAC 131-16-015.

(3) "Year of full-time service" means retirement credit based on full-time employment or the equivalent thereof based on part-time employment in an eligible position for a period of not less than five months in any fiscal year during which contributions to TIAA-CREF were made by both the participant and a Washington public higher education institution or the state board or any year or fractional year of prior service in a Washington public retirement system while employed at a Washington public higher education institution: Provided, That the participant will receive a pension benefit from such other retirement system and that not more than one year of full-time service will be credited for service in any one fiscal year.

(4) "Fiscal year" means the period beginning on July 1 of any calendar year and ending on June 30 of the succeeding calendar year.

(5) "Average annual salary" means the amount derived when the salary received during the two consecutive highest salaried fiscal years of full-time service for which contributions to TIAA-CREF were made by both the participant and a Washington public higher education institution is divided by two.

(6) "Plan retirement benefit" means the amount of annual retirement income derived from a participant's accumulated balances including dividends at the time of retirement: Provided, That solely for the purpose of calculating a potential supplemental retirement benefit, such amount shall be adjusted to meet the assumptions set forth in WAC 131-16-061(2).

(7) "Salary" means all remuneration received by the participant from the employing college district or the state board, including summer quarter compensation, extra duty pay, leave stipends, and grants made by or through the college district or state board; but not including any severance pay, early retirement incentive payment, remuneration for unused sick

or personal leave, or remuneration for unused annual or vacation leave in excess of the amount payable for thirty days or two hundred forty hours of service.

(8) "Designated beneficiary" means the surviving spouse of the retiree or, with the consent of such spouse, if any, such other person or persons as shall have an insurable interest in the retiree's life and shall have been nominated by written designation duly executed and filed with the retiree's institution of higher education or the state board.

(9) "State board" means the state board for community and technical colleges as created in RCW 28B.50.050.

(10) "Appointing authority" means a college district board of trustees or the state board or the designees of such boards.

(11) "Plan" means the retirement plan sponsored by the state board and funded by TIAA-CREF.

[Statutory Authority: RCW 28B.10.400. 05-24-051, § 131-16-011, filed 12/1/05, effective 1/1/06. Statutory Authority: RCW 28B.10.400 and chapter 28B.50 RCW. 98-14-033, § 131-16-011, filed 6/23/98, effective 7/24/98. Statutory Authority: Chapter 28B.50 RCW. 97-10-069, § 131-16-011, filed 5/5/97, effective 7/8/97. Statutory Authority: RCW 28B.10.400. 91-13-048 (Resolution No. 91-20, Order 129), § 131-16-011, filed 6/14/91, effective 7/15/91. Statutory Authority: RCW 28B.10.400(3). 86-22-027 (Order 111, Resolution No. 86-43), § 131-16-011, filed 10/30/86. Statutory Authority: RCW 28B.10.400. 83-20-042 (Order 95, Resolution No. 83-25), § 131-16-011, filed 9/28/83. Statutory Authority: RCW 28B.10.400(3). 82-11-014 (Order 91, Resolution No. 82-6), § 131-16-011, filed 5/10/82. Statutory Authority: RCW 28B.10.400. 79-12-069 (Order 80, Resolution No. 79-44), § 131-16-011, filed 11/30/79; Order 28, § 131-16-011, filed 7/1/74.]

**WAC 131-16-015 Retirement benefit goal established.** Subject to the provisions of WAC 131-16-061, the retirement benefit goal for participants in the plan is to provide participants at age sixty-five having twenty-five years of full-time service a minimum annual retirement income, exclusive of Federal Old Age Survivors Insurance benefits, equivalent to fifty percent of their average annual salary.

[Statutory Authority: RCW 28B.10.400. 05-24-051, § 131-16-015, filed 12/1/05, effective 1/1/06; 91-13-048 (Resolution No. 91-20, Order 129), § 131-16-015, filed 6/14/91, effective 7/15/91. Statutory Authority: RCW 28B.10.400(3). 82-11-014 (Order 91, Resolution No. 82-6), § 131-16-015, filed 5/10/82; Order 28, § 131-16-015, filed 7/1/74.]

**WAC 131-16-021 Employees eligible to participate in the retirement plan.** (1) Eligibility to participate in the plan is limited to persons who hold appointments to college district or state board staff positions as full-time or part-time faculty members or administrators exempt from the provisions of chapter 28B.16 RCW and, effective July 1, 1999, are assigned a cumulative total of at least fifty percent of full-time workload as defined by the collective bargaining agreement and/or the appointing authority at one or more college districts or the state board for at least two consecutive college quarters. (Part-time faculty workload is calculated in accordance with RCW 28B.50.489 and 28B.50.4891.)

(2) Participation in the plan is also permitted for current and former employees of college districts or the state board who are on leave of absence or who have terminated employment by reason of permanent disability and who are receiving a salary continuation insurance benefit through a plan made available by the state of Washington: Provided, That such noncontributory participation shall not be creditable toward the number of years of full-time service utilized in calculat-

ing eligibility for supplemental retirement benefits pursuant to WAC 131-16-061.

(3) Optional participation in tax-deferred annuities other than this qualified plan as offered by individual colleges is permitted consistent with the Internal Revenue Code: Provided, That the provisions of WAC 131-16-015, 131-16-050, and 131-16-061 shall not apply in such cases. Optional tax-deferred annuities are provided through a salary reduction agreement between the employee and employer. There is no employer contribution for optional tax-deferred annuities.

(4) An employee who moves from an ineligible to an eligible position for the same appointing authority may become a participant by so electing in writing within six months following such move.

(5) A participant who moves from an eligible position to an ineligible position for the same appointing authority may continue to be a participant by so electing within six months following such move.

(6) Participants shall continue participation regardless of the proportion of full-time duties assigned, except as otherwise provided in this section, as long as continuously employed within the community and technical college system. The community and technical college or state board employer shall notify, in writing, all newly hired employees of their potential right to participate. A participating employee, who changes employers without a break in service, shall have the responsibility to notify in writing the new college or state board employer of his or her eligibility. In no case will there be a requirement for retroactive contributions if an employee fails to inform his or her college or state board employer about eligibility previously established with another community and technical college system employer. For the purposes of this section, spring and fall quarters shall be considered as consecutive periods of employment.

(7) As a condition of employment, all employees who become eligible on and after January 1, 1997, shall participate in this plan upon initial eligibility. Notwithstanding this provision, all eligible new employees who at the time of employment are members of the Washington state teachers retirement system or the Washington public employees retirement system may participate as provided in WAC 131-16-031.

[Statutory Authority: RCW 28B.10.400. 05-24-051, § 131-16-021, filed 12/1/05, effective 1/1/06. Statutory Authority: Chapter 28B.50 RCW. 00-14-017, § 131-16-021, filed 6/28/00, effective 7/29/00; 99-22-052, § 131-16-021, filed 10/29/99, effective 11/29/99; 99-19-100, § 131-16-021, filed 9/20/99, effective 10/21/99. Statutory Authority: RCW 28B.10.400 and chapter 28B.50 RCW. 98-14-033, § 131-16-021, filed 6/23/98, effective 7/24/98. Statutory Authority: Chapter 28B.50 RCW. 97-10-069, § 131-16-021, filed 5/5/97, effective 7/8/97. Statutory Authority: RCW 28B.10.400. 91-13-048 (Resolution No. 91-20, Order 129), § 131-16-021, filed 6/14/91, effective 7/15/91.]

#### **WAC 131-16-031 Participation in the plan. (1)**

Except as provided in subsections (2) and (3) of this section, participation in the plan is required of all otherwise eligible new employees: Provided, That any such new employee, who at the time of employment is a member of the Washington state teachers retirement system or the Washington public employees retirement system, and whose college or state board employment meets the requirements of an "eligible position" as defined by such plan, may irrevocably elect to

retain such membership or, if not vested in that system, retain membership until vesting occurs and then irrevocably elect to participate in the plan.

(2) Employees who establish plan eligibility in accordance with WAC 131-16-021 and who, through concurrent employment with another employer, are active Washington public employee retirement system (PERS) members are required to so advise the college or state board employer and shall be given the following options:

(a) To participate in the state board's retirement plan in accordance with chapter 131-16 WAC, forgoing active PERS membership (contributions and service credit) with their other employer; or

(b) To continue active participation in PERS based upon their employment with the other public employer; forgoing participation in the state board's retirement plan.

Failure to make an election within thirty days of notification results in the employee being placed in the plan. The college or state board employer is required to advise the department of retirement systems (DRS) of a PERS member's participation in the plan, whether through election or default. It shall be the employee's responsibility to notify the other employer if he or she elects to participate in the plan. The employee will notify his or her college or state board employer should the employee cease to be an active PERS member. This irrevocable election remains in effect as long as the employee is actively participating in a PERS plan and is required because RCW 41.40.023(4) prohibits PERS members from simultaneously participating in two state retirement plans.

(3) Any current active participant of the plan who becomes an active member of PERS based on employment with another PERS employer is required to notify his or her college or state board employer. The employee will be provided the options listed in subsection (2) of this section and the college or state board employer will follow through accordingly.

[Statutory Authority: RCW 28B.10.400. 05-24-051, § 131-16-031, filed 12/1/05, effective 1/1/06. Statutory Authority: Chapter 28B.50 RCW. 00-14-017, § 131-16-031, filed 6/28/00, effective 7/29/00. Statutory Authority: RCW 28B.10.400 and chapter 28B.50 RCW. 98-14-033, § 131-16-031, filed 6/23/98, effective 7/24/98. Statutory Authority: RCW 28B.10.400. 91-13-048 (Resolution No. 91-20, Order 129), § 131-16-031, filed 6/14/91, effective 7/15/91.]

#### **WAC 131-16-040 Disability retirement provisions for plan participants.**

The board of trustees of any college district or the state board may approve the retirement of any participant for reasons of health or permanent disability either upon the request of the appointing authority or the participant: Provided, That reasonable consideration is first given to the written recommendations of the employee's personal physician or, if requested by either the employee or the appointing authority, a review of such recommendations by another physician appointed by mutual agreement for that purpose.

[Statutory Authority: RCW 28B.10.400. 05-24-051, § 131-16-040, filed 12/1/05, effective 1/1/06; 91-13-048 (Resolution No. 91-20, Order 129), § 131-16-040, filed 6/14/91, effective 7/15/91; 83-20-042 (Order 95, Resolution No. 83-25), § 131-16-040, filed 9/28/83; 79-12-069 (Order 80, Resolution No. 79-44), § 131-16-040, filed 11/30/79; Order 28, § 131-16-040, filed 7/1/74; Order 4, § 131-16-040, filed 10/22/69.]

**WAC 131-16-045 Transfers to and from other plans.**

(1) A participant employed in a Washington state community or technical college or the state board for community and technical colleges may directly transfer into his or her plan account any balances from other employers' retirement plans in accordance with Internal Revenue Code and the plan document: Provided, That such other employers' plans permit transfers out of their plans.

(2) A participant who leaves the employment of all Washington state community and technical colleges and the state board for community and technical colleges, may choose to transfer his or her existing plan account balances, subject to the rules established by TIAA-CREF for transfers, to any other employer's retirement plan in accordance with Internal Revenue Code and the plan document: Provided, That such other employer's plans will accept the transferred balances.

[Statutory Authority: RCW 28B.10.400. 05-24-051, § 131-16-045, filed 12/1/05, effective 1/1/06. Statutory Authority: RCW 28B.10.400 and chapter 28B.50 RCW. 98-14-033, § 131-16-045, filed 6/23/98, effective 7/24/98. Statutory Authority: Chapter 28B.50 RCW. 93-22-008, § 131-16-045, filed 10/21/93, effective 11/21/93.]

**WAC 131-16-050 Contribution rates established. (1)**

On and after January 1, 1998, the employing college or state board shall make employee contributions on behalf of participants in lieu of paying an equal amount of each participant's salary, and such contributions shall be treated as employer contributions pursuant to Internal Revenue Code Section 414 (h)(2) in determining the tax treatment under the code. Such contributions shall be made by the employer in lieu of employee contributions.

(2) Contributions made under subsection (1) of this section shall be paid from the same source of funds as used in paying salary for affected participants. Participants do not have the option to receive the amounts contributed under subsection (1) of this section directly.

(3) The amounts of the contributions made under subsection (1) of this section shall be limited as follows:

(a) Five percent of salary each pay period until the participant attains age thirty-five;

(b) Seven and one-half percent of salary for each pay period from age thirty-five through and including age forty-nine; and

(c) Ten percent of salary for each pay period after attaining age fifty.

(4) The employing college or state board shall contribute an additional sum equal to the contributions required by subsection (3) of this section.

(5) During periods when participants are on leave of absence and are receiving partial compensation, the employer shall continue to make contributions on the same basis as herein provided if the participant agrees to contribute in a like manner.

[Statutory Authority: RCW 28B.10.400 and chapter 28B.50 RCW. 98-14-033, § 131-16-050, filed 6/23/98, effective 7/24/98. Statutory Authority: Chapter 28B.50 RCW. 97-10-069, § 131-16-050, filed 5/5/97, effective 7/8/97. Statutory Authority: RCW 28B.10.400. 91-13-048 (Resolution No. 91-20, Order 129), § 131-16-050, filed 6/14/91, effective 7/15/91; Order 28, § 131-16-050, filed 7/1/74; Order 13, § 131-16-050, filed 10/8/71; Order 4, § 131-16-050, filed 10/22/69.]

(2009 Ed.)

**WAC 131-16-055 Options for self-directed investment of retirement plan contributions and accumulations.** While actively employed, participants may allocate current premiums or transfer plan accumulated balances to any of the investment options approved by the state board, subject to procedures established by TIAA-CREF.

[Statutory Authority: RCW 28B.10.400. 05-24-051, § 131-16-055, filed 12/1/05, effective 1/1/06. Statutory Authority: RCW 28B.10.400 and chapter 28B.50 RCW. 98-14-033, § 131-16-055, filed 6/23/98, effective 7/24/98. Statutory Authority: RCW 28B.10.400. 91-13-048 (Resolution No. 91-20, Order 129), § 131-16-055, filed 6/14/91, effective 7/15/91.]

**WAC 131-16-056 Hardship withdrawals. (1)** In the event of a financial hardship consistent with requirements of subsection (2) of this section and Section 403 (b)(11) of the Internal Revenue Code, a participant may withdraw all or part of the following plan funds:

- (a) Pre-1998 employee contributions;
- (b) Any pre-1989 earnings on employee contributions;
- (c) Any Section 414(h) employer pick-up contributions; and

(d) Any contributions transferred to this plan from another employer's plan. Such funds may be withdrawn from the participant's Washington community and technical college system plan retirement account while actively employed. Hardship withdrawals may not be larger than the amount necessary to meet the immediate and heavy financial need defined in subsection (2) of this section plus taxes on withdrawn funds and early withdrawal penalties. Employer contributions (other than Section 414(h) pick-up contributions) and earnings on the employer contributions may not be withdrawn as a hardship withdrawal.

(2) To enable hardship withdrawal of funds, the Internal Revenue Code (Section 1.401(k)-1 (d)(2)) requires that the college president or designee shall verify that the participant has certified in writing that:

(a) The participant has an immediate and heavy financial need; and

(b) The participant has no other resources reasonably available to meet the need.

Withdrawals shall be deemed to be for "an immediate and heavy financial need" only if they are for:

(i) Payments to prevent eviction from or foreclosure on the principal residence of the participant;

(ii) Payments to prevent the participant's impending bankruptcy; and/or

(iii) Unreimbursable medical expenses incurred by the participant, spouse, dependent children, and/or dependent parents.

The participant shall be deemed to have "no other resources reasonably available to meet the need" if the participant certifies that he/she cannot meet the need through:

(A) Reimbursement or compensation by insurance or another source;

(B) Reasonable liquidation of assets;

(C) Borrowing from supplemental retirement accounts, life insurance values, or commercial sources; and/or

(D) Stopping any voluntary employee contributions to tax deferral or savings plans made available by the employer. Contributions to the employer-sponsored retirement plan

must continue while the employee remains eligible for the plan.

(3) Hardship withdrawals from the community and technical college plan are taxable income in the year received. Taxes, early withdrawal penalties, and any other consequences of hardship withdrawals shall be the sole responsibility of the participant. Withdrawals from this qualified plan may not be replaced at a later date.

[Statutory Authority: RCW 28B.10.400. 05-24-051, § 131-16-056, filed 12/1/05, effective 1/1/06. Statutory Authority: RCW 28B.10.400 and chapter 28B.50 RCW. 98-14-033, § 131-16-056, filed 6/23/98, effective 7/24/98. Statutory Authority: Chapter 28B.50 RCW. 95-13-069, § 131-16-056, filed 6/20/95, effective 7/21/95.]

**WAC 131-16-060 Cashability.** Notwithstanding WAC 131-16-062(1), upon termination of employment at all community and technical college districts and the state board for at least one hundred eighty consecutive calendar days, a participant may elect to receive a lump sum payment of his or her plan account pursuant to the settlement options being made available by TIAA-CREF at that time.

[Statutory Authority: RCW 28B.10.400. 05-24-051, § 131-16-060, filed 12/1/05, effective 1/1/06. Statutory Authority: Chapter 28B.50 RCW. 97-10-069, § 131-16-060, filed 5/5/97, effective 7/8/97. Statutory Authority: RCW 28B.10.400. 93-01-015, § 131-16-060, filed 12/4/92, effective 1/4/93; 91-13-048 (Resolution No. 91-20, Order 129), § 131-16-060, filed 6/14/91, effective 7/15/91; Order 28, § 131-16-060, filed 7/1/74; Order 4, § 131-16-060, filed 10/22/69.]

**WAC 131-16-061 Supplemental retirement benefits.**

(1) A participant is eligible to receive supplemental retirement benefit payments if at the time of retirement the participant is age sixty-two or over and has at least ten years of full-time service in the plan at a Washington public institution of higher education: Provided, That the amount of the supplemental retirement benefit, as calculated in accordance with the provisions of this section, is a positive amount.

(2) Subject to the provisions of subdivisions (c), (d), and (e) of this subsection, the annual amount of supplemental retirement benefit payable to a participant upon retirement is the excess, if any, when the value determined in subdivision (b) is subtracted from the value determined in subdivision (a), as follows:

(a) The lesser of fifty percent of the participant's average annual salary or two percent of the average annual salary multiplied by the number of years of full-time service; provided that if the participant did not elect to contribute ten percent of salary beginning July 1, 1974, or if later, after attainment of age fifty, service for such periods shall be calculated at the rate of one and one-half percent instead of two percent.

(b) The combined retirement benefit from the TIAA-CREF annuity and any other Washington state public retirement system as a result of service while employed by a Washington public higher education institution that the participant would receive in the first month of retirement multiplied by twelve: Provided, That the TIAA-CREF benefit shall be calculated on the following assumptions:

(i) After July 1, 1974, fifty percent of the combined contributions were made to the TIAA traditional annuity and fifty percent to the CREF stock account during each year of full-time service: Provided, That benefit calculations related to contributions made prior to July 1, 1974, shall be com-

puted on the basis of actual allocations between TIAA and CREF; and

(ii) The full TIAA-CREF annuity accumulations, including all dividends payable by TIAA Traditional Annuity and further including the amounts, if any, paid in a single sum under the retirement transition benefit option, were fully settled on a joint and two-thirds survivorship option with a ten-year guarantee, using actual ages of retiree and spouse, but not exceeding a five-year difference; except that for unmarried participants the TIAA Traditional Annuity accumulations, including dividends, were settled on an installment refund option and the CREF Stock Account accumulations were settled on a life annuity with ten-year guarantee option, all to be based on TIAA-CREF estimates at the time of retirement; and

(iii) Annuity benefits purchased by premiums paid other than as a participant in a Washington public institution of higher education retirement plan shall be excluded.

(iv) For the purposes of this calculation, the assumptions applied to the plan accumulation settlement shall also apply to settlement of the benefit from any other retirement plan.

(c) The amount of supplemental retirement benefit for a participant who has not attained age sixty-five at retirement is the amount calculated in subsection (2) of this section reduced by one-half of one percent for each calendar month remaining until age sixty-five: Provided, That the supplemental retirement benefit for an otherwise qualified participant retired for reason of health or permanent disability shall not be so reduced.

(d) Any portion of participant's plan accumulation paid to a participant's spouse upon dissolution of a marriage shall be included in any subsequent calculation of supplemental retirement benefits just as if these funds had remained in the participant's plan account.

(e) The selection of a retirement option other than the joint and two-thirds survivorship with ten-year guarantee shall not alter the method of calculating the supplemental retirement benefit; however, if the participant's combined plan retirement benefit and calculated supplemental retirement benefit exceeds fifty percent of the participant's average annual salary, the supplemental retirement benefit shall be reduced so that the total combined benefits do not exceed fifty percent of average annual salary.

(3) The payment of supplemental retirement benefits shall be consistent with the following provisions:

(a) Supplemental retirement benefits shall be paid in equal monthly installments, except that if such monthly installments should be less than ten dollars, such benefit payments may be paid at longer intervals as determined by the state board.

(b) Supplemental retirement benefit payments will continue for the lifetime of the retired participant; however, prior to retirement, a participant may choose to provide for the continuation of supplemental retirement benefit payments, on an actuarially equivalent reduced basis, to his or her spouse or designated beneficiary after the retiree's death. Notification of such choice shall be filed in writing with the state board and shall be irrevocable after retirement. If such option is chosen, the supplemental retirement benefit payments shall be in the same proportion as any plan survivor annuity option potentially payable to and elected by the participant. If a des-



ignation of a survivor's option is not made and the participant dies after attaining age sixty-two but prior to retirement, any supplemental benefit payable shall be based on the two-thirds benefit to survivor option.

(c) Prior to making any supplemental benefit payments, the state board shall obtain a document signed by the participant and spouse, if any, or designated beneficiary acknowledging the supplemental retirement benefit option chosen by the participant.

(4) A retired participant who is reemployed shall continue to be eligible to receive retirement income benefits, except that the supplemental retirement benefit shall not continue during periods of employment for more than forty percent of full-time or seventy hours per month or five months duration in any fiscal year. Retirement contributions shall not be made from the salary for such employment, unless the individual once again becomes eligible to participate under the provisions of WAC 131-16-021.

[Statutory Authority: RCW 28B.10.400. 05-24-051, § 131-16-061, filed 12/1/05, effective 1/1/06. Statutory Authority: RCW 28B.10.400 and chapter 28B.50 RCW. 98-14-033, § 131-16-061, filed 6/23/98, effective 7/24/98. Statutory Authority: RCW 28B.10.400. 91-13-048 (Resolution No. 91-20, Order 129), § 131-16-061, filed 6/14/91, effective 7/15/91; 83-20-042 (Order 95, Resolution No. 83-25), § 131-16-061, filed 9/28/83. Statutory Authority: RCW 28B.10.400(3). 82-11-014 (Order 91, Resolution No. 82-6), § 131-16-061, filed 5/10/82. Statutory Authority: RCW 28B.10.400. 79-12-069 (Order 80, Resolution No. 79-44), § 131-16-061, filed 11/30/79; Order 28, § 131-16-061, filed 7/1/74.]

**WAC 131-16-062 Benefit options after termination of employment.** (1) After termination of employment, participants who have attained age fifty-five, or who have completed thirty years of full-time service in this plan or any combination of Washington state sponsored retirement plans, or who have retired due to disability in accordance with WAC 131-16-040 may exercise any settlement option for receipt of retirement benefits being made available by TIAA-CREF at that time.

(2) The federal income tax consequences resulting from the exercise of any options of elections provided by this section shall be the sole responsibility of the individual participant, and all federal tax regulations related to the receipt of retirement income benefits shall apply.

(3) The provisions of this section shall apply only to plan account accumulations attributable to contributions made as a result of employment in institutions or agencies subject to the provisions of WAC 131-16-005 through 131-16-066.

[Statutory Authority: RCW 28B.10.400. 05-24-051, § 131-16-062, filed 12/1/05, effective 1/1/06. Statutory Authority: RCW 28B.50.090. 92-22-045, (Order 137, Resolution 92-05-23), § 131-16-062, filed 10/28/92, effective 11/28/92. Statutory Authority: RCW 28B.10.400. 91-13-048 (Resolution No. 91-20, Order 129), § 131-16-062, filed 6/14/91, effective 7/15/91.]

**WAC 131-16-065 Optional retirement transition benefit.** Participants may choose the optional retirement transition benefit that at the time of their retirement permits receipt of not more than ten percent of the accumulated value in each annuity in a lump-sum payment, provided that annuity benefits commence after the participant's fifty-fifth birthday. Benefits from the remainder of the combined annuity value shall be paid in the form of other retirement options then available to the annuitant as now or hereafter permitted by TIAA-CREF. Selection of the option to receive the retire-

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ment transition benefit shall be made immediately prior to retirement in such manner as now or hereafter permitted by TIAA-CREF.

[Statutory Authority: RCW 28B.10.400. 05-24-051, § 131-16-065, filed 12/1/05, effective 1/1/06; 91-13-048 (Resolution No. 91-20, Order 129), § 131-16-065, filed 6/14/91, effective 7/15/91; Order 28, § 131-16-065, filed 7/1/74; Order 14, § 131-16-065, filed 2/18/72.]

**WAC 131-16-066 Single sum death benefit to spouse beneficiaries.** Unless previously indicated to the contrary by the participating employee in writing directly to TIAA-CREF, the surviving spouse or other beneficiary, if applicable, of any plan participant who dies before retirement shall be entitled to receive a single sum death benefit in the amount of the then current value of the annuity accumulation.

[Statutory Authority: RCW 28B.10.400. 05-24-051, § 131-16-066, filed 12/1/05, effective 1/1/06; 91-13-048 (Resolution No. 91-20, Order 129), § 131-16-066, filed 6/14/91, effective 7/15/91; Order 28, § 131-16-066, filed 7/1/74; Order 15, § 131-16-066, filed 2/9/73.]

**WAC 131-16-067 Medical expense plans—Definitions.** For purposes of establishing medical expense plans authorized under WAC 131-16-068, the following terms are defined:

(1) "Eligible employees" means any of the following groups of community and technical college system employees:

(a) Academic employees as defined in RCW 28B.52.-020;

(b) Classified employees of technical colleges whose employment is governed under chapter 41.56 RCW;

(c) Professional, paraprofessional, and administrative employees exempt from chapter 41.06 RCW; and

(d) Employees of the state board for community and technical colleges who are exempt from chapter 41.06 RCW.

(2) "Covered eligible employee" means an eligible employee who is in a group for which a college board or the state board for community and technical colleges has established a medical expense plan.

[Statutory Authority: Chapter 28B.50 RCW. 97-20-030, § 131-16-067, filed 9/23/97, effective 10/24/97.]

**WAC 131-16-068 Medical expense plans authorized.** (1) In lieu of remuneration for unused sick leave at retirement, a college board (or the state board for community and technical colleges for employees under its jurisdiction) may provide with equivalent funds a medical expense plan for eligible employees.

(2) A medical expense plan provided under this section shall require, as a condition of participation, that each covered eligible employee sign an agreement to hold the employer harmless if the employee or employer is later found to be indebted to the United States as a result of:

(a) The employee not paying income taxes on amounts contributed to the plan; or

(b) The employer not withholding or deducting a tax, assessment, or other payment on funds contributed to the plan as required by federal law.

Such agreement shall also include a provision requiring each covered eligible employee to forfeit remuneration for accrued sick leave at retirement if he/she is covered by a

medical expense plan and the employee refuses to sign the required agreement.

(3) In providing a medical expense plan authorized under this section, a college board or the state board may only provide such plan covering all employees in one or more of the groups defined in WAC 131-16-067.

(4) In providing a medical expense plan for a group of eligible employees whose conditions of employment are governed by chapter 28B.52 or 41.56 RCW, a college board may only provide such plan by agreement applicable to all of the members of a bargaining unit.

(5) A medical expense plan established under this section shall be applicable to all retirements of covered eligible employees within a calendar year. Such a medical expense plan may be discontinued in any future year, but once discontinued it may not be reinstated for the same group of eligible employees within the same calendar year as it was discontinued.

[Statutory Authority: Chapter 28B.50 RCW. 97-20-030, § 131-16-068, filed 9/23/97, effective 10/24/97.]

**WAC 131-16-070 Adoption and publication of district personnel selection practices and standards.** Each college district board of trustees shall adopt and publish a statement of personnel selection practices and standards governing all nonclassified service personnel which are designed to ensure high standards of excellence in all phases of district operations, satisfy the standards of regional and national accrediting organization, and provide for a professional staff representing a wide range of educational and professional experience. Such personnel practices and standards shall be consistent with WAC 131-16-080.

[Statutory Authority: Chapter 28B.50 RCW. 04-07-094, § 131-16-070, filed 3/16/04, effective 4/16/04. Statutory Authority: RCW 28B.50.090 (7)(a). 91-21-009 (Order 134, Resolution No. 91-27), § 131-16-070, filed 10/4/91, effective 11/4/91; 80-13-011 (Order 82, Resolution No. 80-14), § 131-16-070, filed 9/8/80; Order 5, § 131-16-070, filed 12/12/69.]

**WAC 131-16-080 General standards of qualifications for community and technical college personnel.** Prior to employment of candidates to perform professional services in Washington community and technical colleges, the district board of trustees shall establish that the candidate possesses:

(1) Scholarship and/or technical skill that represents appropriate study, training, and skills in the proposed area of assignment,

(2) Expertise as a practitioner as evidenced by reports of former associates and supervisors,

(3) A demonstrable understanding and acceptance of the role to be played as a partner in an educational enterprise serving the best interests of the students,

(4) A demonstrable understanding and acceptance of the mission, role, and character of the community or technical college,

(5) The ability to perform assigned duties in a manner consistent with the goals of the institution and the community and technical college system, and

(6) Personal characteristics that contribute to the ability to promote the welfare of the students, the institution, and the state of Washington.

[Statutory Authority: Chapter 28B.50 RCW. 98-23-051, § 131-16-080, filed 11/13/98, effective 12/14/98. Statutory Authority: RCW 28B.50.090 (7)(a). 91-21-009 (Order 134, Resolution No. 91-27), § 131-16-080, filed 10/4/91, effective 11/4/91; 80-13-011 (Order 82, Resolution No. 80-14), § 131-16-080, filed 9/8/80; Order 22, § 131-16-080, filed 11/27/73; Order 5, § 131-16-080, filed 12/12/69.]

**WAC 131-16-091 Additional qualifications in areas of specialization.** In addition to the general standards required by WAC 131-16-080, the district board of trustees shall establish that candidates for appointment meet or exceed the following standards in their areas of specialization:

(1) Teaching personnel.

(a) Professional teaching personnel performing services for which advanced degrees are commonly available shall hold the equivalent of a master's degree in the field of their educational service from an accredited college or university or a bachelor's degree and professional expertise in the field of their educational service; or

(b) Professional teaching personnel in professional-technical fields for which bachelor's or master's degrees are not commonly available shall be particularly qualified to provide instruction in their area of specialization as demonstrated by possession of the following:

(i) Sufficient broad and comprehensive training;

(ii) Industry recognized certification when available; and

(iii) Two years relevant work experience and/or relevant, current teaching experience that particularly qualifies them to provide instruction in their area of specialization.

(c) In extraordinary cases, the requirements in (a) and (b) of this subsection may be waived by the college president. For personnel under waiver, a professional development plan must be developed to meet criteria under (a) or (b) of this subsection. This plan must be completed during the initial certification process.

(d) Part-time professional-technical teaching personnel must meet minimum qualifications as defined by (a), (b), or (c) of this subsection and have verification on file. This record must be on file for each part-time instructor during each quarter of teaching employment.

(2) Other instructional personnel.

All other professional-technical instructional personnel, including teachers' aides, lab assistants, and tutors, who do not meet the work experience and educational requirements specified above, may be employed either on a full-time or part-time basis. Such individuals shall possess appropriate technical skills and knowledge in the specific program area assigned; and such individuals shall work under the direct supervision of, or in direct coordination with, an appropriately qualified professional. Each college district shall maintain job descriptions for each position in this category.

(3) Chief professional-technical administrator.

The chief professional-technical administrator shall have:

(a) Earned an advanced degree, masters or doctorate, in a professional-technical area or have equivalent administrative expertise as demonstrated by successful performance of broad administrative responsibilities; and

(b) Been employed as a full-time professional-technical instructor or have the equivalent experience in business or industry or other public agencies; and

## (c) Supervisory/administrative experience.

The chief professional-technical administrator must understand and have the ability to assess professional-technical faculty's ability to provide student instruction, supervise learning environments and implement curriculum, outcomes, and assessments. The chief professional-technical administrator must keep a copy of his/her current certificate in his/her personnel file.

## (4) Other professional-technical administrators.

Other administrators who oversee professional-technical programs, must demonstrate to the employing agency a commitment to and understanding of professional-technical education, and their ability to use the professional-technical faculty skills standards to guide and support the professional development of the professional-technical instructors they supervise.

[Statutory Authority: Chapter 28B.50 RCW. 04-07-094, § 131-16-091, filed 3/16/04, effective 4/16/04; 93-14-008, § 131-16-091, filed 6/24/93, effective 7/25/93. Statutory Authority: RCW 28B.50.090 (7)(a). 91-21-009 (Order 134, Resolution No. 91-27), § 131-16-091, filed 10/4/91, effective 11/4/91; 80-13-011 (Order 82, Resolution No. 80-14), § 131-16-091, filed 9/8/80; Order 22, § 131-16-091, filed 11/27/73.]

**WAC 131-16-092 Maintaining and improving certification competencies for professional-technical administrators and instructors.** It shall be the responsibility of the president of each institution or district to assure compliance with the following standards, which must be met or exceeded by all districts:

(1) The institution or district will certify, through the chief professional-technical administrator or designee, each full-time professional-technical instructor and administrator and maintain documentation of such certification. The certificate and the documentation on file shall specify the function and/or the specific occupational area for which the individual is certified.

(2) Each full-time contracted professional-technical instructor shall have a professional development plan, approved by the supervising professional-technical administrator or designee. The professional development plan shall be developed in collaboration with the instructor in accordance with local bargaining agreements. The chief professional-technical administrator or designee shall maintain a file of all such plans. Such plans shall be reviewed periodically, as determined by the institution.

(3) Full-time professional-technical instructors must complete the requirements of the initial certification within three years to attain standard certification. Standard certificates must be renewed every five years.

(4) Part-time professional-technical instructors teaching a two-thirds full-time load for more than the equivalent of three quarters must complete the requirements of the initial certification within three years, to attain standard certification. Standard certificates must be renewed every five years.

(5) All other part-time professional-technical instructors must be assessed as to their ability to provide student instruction, supervise learning environments and implement curriculum, outcomes, and assessments.

(6) The chief professional-technical administrator shall be certified by the president, who will maintain the chief professional administrator's professional development plan.

(7) Certification under the standards specified in WAC 131-16-070 through 131-16-094 is a condition of continued employment for all professional-technical education personnel.

(8) Safety and occupational health practices standards are met by meeting the requirements as set down by OSHA and WISHA. (As referenced in WAC 296-800-100 to 296-800-370.)

[Statutory Authority: Chapter 28B.50 RCW. 04-07-094, § 131-16-092, filed 3/16/04, effective 4/16/04; 93-14-008, § 131-16-092, filed 6/24/93, effective 7/25/93. Statutory Authority: RCW 28B.50.090 (7)(a). 91-21-009 (Order 134, Resolution No. 91-27), § 131-16-092, filed 10/4/91, effective 11/4/91; 80-13-011 (Order 82, Resolution No. 80-14), § 131-16-092, filed 9/8/80; Order 22, § 131-16-092, filed 11/27/73.]

**WAC 131-16-093 Types of professional-technical education certificates.** In issuing certificates for full-time and part-time professional-technical instructors, as identified in WAC 131-16-092 (3) and (4), the college district shall utilize the following nomenclature and shall meet the standards set forth below as a minimum:

## (1) Teaching personnel.

## Initial certification.

(a) Upon hire, teaching personnel will be issued initial certification by the chief professional-technical administrator. Initial certification lasts three years. The initial certification process includes documentation of a professional development plan which identifies priorities for professional growth as specified in WAC 131-16-094. An initial certificate is not renewable for professional-technical instructors.

## Standard certification.

(b) Standard certification will be issued by the chief professional-technical administrator upon completion of the requirements for initial certification. Standard certification must be renewed on a five-year cycle. To maintain standard certification, professional-technical instructors must develop and complete a professional development plan as specified in WAC 131-16-094.

(c) The hiring institution shall hold an orientation for all new full-time professional-technical instructors. The orientation outline must be on file at each campus.

## First aid and CPR.

(d) A current first-aid certificate, including CPR and bloodborne pathogens, must be earned by professional-technical instructors prior to the second quarter of employment in professional-technical programs where the instructional environment brings students into physical proximity with machinery, electrical circuits, biologicals, radioactive substances, chemicals, flammables, intense heat, gases under pressure, excavations, scaffolding, ladders, and/or other hazards. Responsibility for ensuring that appropriate staff has first-aid training will rest with the assigned chief professional-technical administrator. The specific type of first-aid program, including CPR, required of professional-technical instructors shall be achieved by passing a course of first-aid/CPR/bloodborne pathogen instruction and participation in practical application of subject matter determined and required by the department of labor and industries. Specifically excluded from conformance to the first-aid requirement are:

(i) Those instructors who teach related subjects to professional-technical students, i.e., mathematics, English, or communications skills, etc., when such subjects are taught in classrooms rather than shops or laboratories.

(ii) Physicians, registered nurses, licensed practical nurses, and others when their occupational competencies and training include first-aid knowledge and skills equal to or superior to that represented by the first-aid certification being required under these regulations.

(2) Chief professional-technical administrators.

Upon hire, the chief professional-technical administrators will be issued initial certification. To maintain certification, the chief professional-technical administrator must develop and complete a professional development plan that includes as a minimum his/her ability to use the professional-technical faculty skill standards to guide and support the professional development of the professional-technical instructors they supervise.

[Statutory Authority: Chapter 28B.50 RCW. 04-07-094, § 131-16-093, filed 3/16/04, effective 4/16/04; 93-14-008, § 131-16-093, filed 6/24/93, effective 7/25/93. Statutory Authority: RCW 28B.50.090 (7)(a). 91-21-009 (Order 134, Resolution No. 91-27), § 131-16-093, filed 10/4/91, effective 11/4/91; 84-06-052 (Order 97, Resolution No. 84-7), § 131-16-093, filed 3/7/84; 80-13-011 (Order 82, Resolution No. 80-14), § 131-16-093, filed 9/8/80; Order 22, § 131-16-093, filed 11/27/73.]

**WAC 131-16-094 Certification process for professional-technical instructors.** The certification process for professional-technical instructors includes assessing the attainment of the standards contained in the professional-technical skill standards and the completion of a professional development plan. The professional development plan identifies priorities for professional growth. The priorities should address, at a minimum, the professional-technical faculty's ability to provide student instruction, supervise learning environments and implement curriculum, outcomes, and assessments. The professional development plan shall be developed in collaboration with the instructor and will include, based on local bargaining agreements, at least five professional development activities, linked to the professional-technical faculty skill standards.

The professional development plan includes:

(1) Faculty (self) and administrator identification of professional development activities for professional growth.

(2) Measurable outcomes and objective standards for measurement of skill standard achievement.

(3) A timeline for successful achievement of outcomes.

Examples of professional development activities include, but are not limited to, workshops, courses of instruction, conferences, industry experiences and projects. The assigned professional-technical administrator supervisor shall be responsible for the approval of the professional development plan. The chief professional-technical administrator shall be responsible for the approval of professional development activities.

[Statutory Authority: Chapter 28B.50 RCW. 04-07-094, § 131-16-094, filed 3/16/04, effective 4/16/04. Statutory Authority: RCW 28B.50.090 (7)(a). 91-21-009 (Order 134, Resolution No. 91-27), § 131-16-094, filed 10/4/91, effective 11/4/91; 80-13-011 (Order 82, Resolution No. 80-14), § 131-16-094, filed 9/8/80; Order 22, § 131-16-094, filed 11/27/73.]

**WAC 131-16-095 Defining reciprocity.** The following standards describe the recognition of professional-technical or vocational teaching certification issued by a community or technical college or the superintendent of public instruction.

(1) Instructors issued a professional-technical education certificate that meets the standards specified in WAC 131-16-080 through 131-16-094 by any community or technical college under the jurisdiction of the state board shall be recognized as certified by all colleges in the community and technical (CTC) system.

(2) It is also recognized that a vocational teaching certificate issued by the office of the superintendent of public instruction will be recognized by the community and technical colleges as fulfilling the minimum requirements for the specific subjects contained in the certification.

[Statutory Authority: Chapter 28B.50 RCW. 04-07-094, § 131-16-095, filed 3/16/04, effective 4/16/04. Statutory Authority: RCW 28B.50.090 (7)(a). 91-21-009 (Order 134, Resolution No. 91-27), § 131-16-095, filed 10/4/91, effective 11/4/91.]

**WAC 131-16-400 Definition of "special funds" for the purpose of determining eligibility for tenurable faculty positions.** (1) RCW 28B.50.851 authorizes the state board for community and technical colleges to designate certain funds as "special funds" for the purpose of exempting positions funded thereby from the award of community college faculty tenure status as provided in RCW 28B.50.850 through 28B.50.869.

(2) For the purpose of implementing the provisions of RCW 28B.50.851, "special funds" shall be defined as all funds received by a college district other than those generated by operating fees collected by such district pursuant to chapter 28B.15 RCW and state general funds appropriated by the legislature and distributed to college districts by the state board by formula allocation.

(3) "Special funds" shall include, but not be limited to, funds designated as special funds by the legislature, funds received by a community college district through contracts with federal, state, local, or private agencies; grants or gifts from philanthropic organizations; revenue produced by any auxiliary enterprise operated by a college district; federal vocational funds; funds awarded to colleges by the state board as grants for specified purposes, not allocated by formula; and specifically funds received for operating overseas military educational programs.

(4) In order to qualify for the exemption from faculty tenure status, a position must be primarily maintained and funded at least 51% for salary and related benefits by such "special funds" as defined in this section.

(5) Determination of the application of the provisions of this section to any future programs shall be made by the state director consistent with subsections (2) and (3) of this section.

[Statutory Authority: Chapter 28B.50 RCW. 98-23-051, § 131-16-400, filed 11/13/98, effective 12/14/98. Statutory Authority: RCW 28B.50.090 (7)(d) and (10), 28B.50.851, 28B.15.502(4), 28B.15.522, 28B.50.140(3) and 1990 c 29. 90-20-009 (Order 122, Resolution Nos. 90-42 and 90-43), § 131-16-400, filed 9/20/90, effective 10/21/90; Order 67, § 131-16-400, filed 9/13/77; Order 57, § 131-16-400, filed 5/10/76; Order 43, § 131-16-400, filed 9/12/75.]

**WAC 131-16-450 Exceptional faculty awards trust fund.** (1) Pursuant to chapter 29, Laws of 1990, the community and technical college exceptional faculty award program shall be subject to the following limitations:

(a) All funds generated by and through this program shall be credited to the college or its foundation exceptional faculty local endowment trust fund, from which only the earnings of such funds may be expended for the purpose of this program.

(b) Authorization to transfer funds from the exceptional faculty award trust fund in the state treasury to a college or its foundation endowment fund shall be contingent upon certification by the college that no less than ten thousand dollars of matching cash donations from private sources has been deposited in the college endowment fund.

(c) Award of requested grants to a college or its foundation shall be contingent upon determination by the state board for community and technical college that the request is consistent with and meets the requirements of the rules of the state board for community and technical colleges and RCW 28B.50.835 through 28B.50.844. Further, if grant requests exceed available funds, the state board for community and technical college shall select the recipients.

(d) Funds granted for the purposes of the faculty awards program shall be held in trust by the college to which such funds were specifically awarded.

(e) Each college shall establish procedures by which awards may be named in honor of a donor, benefactor, or honoree; may designate the use of funds to individuals, groups, or for the improvement of the faculty as a whole; and may renew or redesignate the award annually.

(f) At the end of each fiscal year, the state board for community and technical colleges will request an accounting from each of the participating colleges to include the amount of contributed endowment funds, their earnings, type of investments, and uses made during the previous fiscal year.

(g) The process for determining awards shall be subject to collective bargaining, except that the amount of individual awards and the recipient(s) shall be determined by the district board of trustees.

(h) Only individuals, groups, or the faculty as a whole, who hold faculty assignments as defined by RCW 28B.52.-020(2) shall be eligible to receive awards under this section.

(2) The award of exceptional faculty grants from the college endowment fund shall be subject to the following limitations:

The proceeds from the endowment fund shall be used to pay expenses for faculty awards, which may include faculty development activities, in-service training, temporary substitute or replacement costs directly associated with faculty development programs, conferences, travel, publication and dissemination of exemplary projects; to make a one time supplement to the salary of the holder or holders of a faculty award, for the duration of the award; or to pay expenses associated with the holder's program area.

(3) Funds from this program shall not be used to supplant existing faculty development funds.

[Statutory Authority: Chapter 28B.50 RCW. 04-11-028, § 131-16-450, filed 5/11/04, effective 6/11/04; 00-20-039, § 131-16-450, filed 9/28/00, effective 10/29/00; 99-13-013, § 131-16-450, filed 6/4/99, effective 7/5/99; 98-15-007, § 131-16-450, filed 7/2/98, effective 8/2/98. Statutory Authority: RCW

(2009 Ed.)

28B.50.090 (7)(d) and (10), 28B.50.851, 28B.15.502(4), 28B.15.522, 28B.50.140(3) and 1990 c 29. 90-20-009 (Order 122, Resolution Nos. 90-42 and 90-43), § 131-16-450, filed 9/20/90, effective 10/21/90.]

**WAC 131-16-500 Permissible compensation elements for community and technical college presidents.** (1) RCW 28B.50.140(3) requires the state board for community and technical colleges to adopt rules defining the permissible elements of compensation which district boards may approve for community and technical college presidents.

(2) Compensation (including salary) increases granted in accordance with this section shall not exceed the amount or percentage established for that purpose in the state Omnibus Appropriations Act as allocated to the college districts by the state board for community and technical colleges.

(3) For the purpose of implementing RCW 28B.50.140 (3), the permissible elements of compensation shall include salary, premiums paid for insurance supplemental to the plans authorized by the state employees benefits board, deferred salary, relocation assistance, and premiums paid for tax deferred annuities: Provided, That such benefits, except salary, shall not affect but may supplement other benefits applicable to college presidents as state employees.

[Statutory Authority: RCW 28B.50.140(3). 91-21-013 (Order 132, Resolution No. 91-48), § 131-16-500, filed 10/4/91, effective 11/4/91. Statutory Authority: RCW 28B.50.090 (7)(d) and (10), 28B.50.851, 28B.15.502(4), 28B.15.522, 28B.50.140(3) and 1990 c 29. 90-20-009 (Order 122, Resolution Nos. 90-42 and 90-43), § 131-16-500, filed 9/20/90, effective 10/21/90.]

## Chapter 131-24 WAC

### CAPITAL PROJECTS

#### WAC

131-24-010	Districts shall obtain prior approval of state board for capital projects and acquisition of realty.
131-24-020	College district revenue bond issues—Approval required.
131-24-030	Capital construction projects—SEPA policies and procedures.

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

131-24-040	Capital projects funded on the basis of voluntary student fees. [Statutory Authority: RCW 28B.50.090(8). 85-20-045 (Order 104, Resolution No. 85-26), § 131-24-040, filed 9/25/85.] Repealed by 98-15-010, filed 7/2/98, effective 8/2/98. Statutory Authority: Chapter 28B.50 RCW.
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**WAC 131-24-010 Districts shall obtain prior approval of state board for capital projects and acquisition of realty.** College districts that wish to contract for or otherwise cause the construction, reconstruction, erection, equipping, disposal, demolition, or alteration of buildings, facilities, or other capital assets; or to acquire, by purchase or lease, sites, right of way, easements, improvements, or appurtenances to real property and shall first obtain the approval of the state board for community and technical colleges pursuant to the procedures established for such approval and action.

[Statutory Authority: Chapter 28B.50 RCW. 98-15-010, § 131-24-010, filed 7/2/98, effective 8/2/98; Order 3, § 131-24-010, filed 6/19/69.]

**WAC 131-24-020 College district revenue bond issues—Approval required.** (1) College districts that wish to issue revenue bonds pursuant to RCW 28B.50.140(6) must receive the prior approval of the state board and the state finance committee, as required by RCW 28B.50.409.

(a) District requests for state board approval shall consist of a written presentation describing the proposed use of the bond revenue, the need for the facility, cost projections, source and anticipated annual revenue pledged to debt service, and the characteristics of the bond issue proposed.

(b) After receiving state board approval, the requesting district and the state director or his designee will jointly prepare a request to the state finance committee for approval of the proposed issue.

(2) Following approval of a revenue bond issue, the district shall establish a bond retirement fund as required by RCW 28B.50.330. Subject to the provisions of RCW 28B.50.320, the district shall select a local depository into which it shall place all revenue pledged to debt service for such revenue bond issue. Any federal or state funds or other grants, bequests, gifts, or income therefrom pledged to the retirement of such revenue bond issue shall be deposited as herein provided; except, that if such funds could not be obtained if so deposited, they shall be deposited according to the applicable law or term of the trust, bequest, or gift.

(3) Nothing in this section shall be construed to change the current status of any revenue bond issues approved prior to the effective date of this rule and pursuant to WAC 131-04-010, which section is hereby repealed.

[Statutory Authority: Chapter 28B.50 RCW. 98-15-010, § 131-24-020, filed 7/2/98, effective 8/2/98; Order 56, § 131-24-020, filed 4/2/76. Formerly WAC 131-04-010.]

**WAC 131-24-030 Capital construction projects—SEPA policies and procedures.** (1) It shall be the policy of the state board for community and technical colleges that capital projects proposed by college districts shall be developed in a manner consistent with the provisions of chapter 43.21C RCW, the State Environmental Policy Act (SEPA), and chapter 197-10 WAC, guidelines for SEPA implementation.

(2) A college district initiating a request for approval of any capital construction expenditure shall be considered the "lead agency" for the purpose of carrying out the provisions of chapter 43.21C RCW and chapter 197-10 WAC.

[Statutory Authority: Chapter 28B.50 RCW. 98-15-010, § 131-24-030, filed 7/2/98, effective 8/2/98; Order 58, § 131-24-030, filed 5/10/76.]

## Chapter 131-28 WAC

### TUITION AND FEE CHARGES

#### WAC

131-28-005	Tuition and fees for community colleges established.
131-28-010	Tuition and fee charges for summer quarter.
131-28-015	Assessment of tuition and fee charges.
131-28-021	Definitions.
131-28-025	Method of assessing tuition and fee charges.
131-28-02501	Waivers.
131-28-026	Tuition charges for certain ungraded courses.
131-28-027	Community and technical college costs and special fees for contracted educational services.
131-28-029	Student funded course fees.
131-28-030	Waiver of tuition and fees for needy or disadvantaged students.

131-28-040	Criteria for determining eligibility for waiver of tuition and fees under RCW 28B.15.740.
131-28-045	Procedure for implementing tuition and fee waivers authorized pursuant to RCW 28B.15.740.
131-28-070	Combination of tuition and fee waivers with other forms of student financial aid.

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

131-28-020	Effective date of summer quarter fee schedule. [Order 6, § 131-28-020, filed 3/16/70.] Repealed by Order 12, filed 7/22/71.
131-28-028	Tuition charges for certain waiver categories. [Statutory Authority: RCW 28B.15.502 and 1992 c 231, 232 and 238. 92-14-033 (Order 139, Resolution No. 92-06-39), § 131-28-028, filed 6/23/92, effective 7/24/92.] Repealed by 95-13-070, filed 6/20/95, effective 7/21/95. Statutory Authority: Chapters 28B.15 and 28B.50 RCW.
131-28-041	Criteria for determining eligibility for waiver of tuition and fees under RCW 28B.15.520. [Statutory Authority: Chapter 34.04 RCW and WAC 1-12-065. 79-07-070 (Order 74, Resolution No. 79-20), § 131-28-041, filed 6/28/79. Statutory Authority: RCW 28B.15.520, 28B.15.525, and 28B.15.530. 78-06-058 (Order 70, Resolution No. 78-24), § 131-28-041, filed 5/24/78; Order 47, § 131-28-041, filed 9/12/75.] Repealed by 80-08-045 (Order 83, Resolution No. 80-29), filed 6/30/80. Statutory Authority: RCW 28B.15.530.
131-28-050	Procedure for determining limitation of the amount of tuition and fee waivers. [Order 47, § 131-28-050, filed 9/12/75; Order 11, § 131-28-050, filed 7/22/71; Order 7, § 131-28-050, filed 6/12/70.] Repealed by 82-22-023 (Order 94, Resolution No. 82-37), filed 10/26/82. Statutory Authority: RCW 28B.15.502 and 28B.15.740.
131-28-060	Procedure for determining priorities in awarding fee waivers. [Order 11, § 131-28-060, filed 7/22/71.] Repealed by Order 47, filed 9/12/75. Later promulgation, see WAC 131-28-045.
131-28-080	Tuition and fee waivers for senior citizens. [Statutory Authority: Chapters 28B.15 and 28B.50 RCW. 95-13-070, § 131-28-080, filed 6/20/95, effective 7/21/95. Statutory Authority: RCW 28B.15.502. 89-14-037 (Order 116, Resolution No. 89-16), § 131-28-080, filed 6/29/89; Order 45, § 131-28-080, filed 9/12/75.] Repealed by 98-22-062, filed 11/2/98, effective 12/3/98. Statutory Authority: Chapter 28.50 [28B.50] RCW.
131-28-085	Tuition and fee waivers for full-time community college employees. [Statutory Authority: Chapters 28B.15 and 28B.50 RCW. 95-13-070, § 131-28-085, filed 6/20/95, effective 7/21/95. Statutory Authority: RCW 28B.15.502. 89-14-037 (Order 116, Resolution No. 89-16), § 131-28-085, filed 6/29/89. Statutory Authority: RCW 28B.15.535. 85-01-040 (Order 102, Resolution No. 84-67), § 131-28-085, filed 12/13/84. Statutory Authority: 1979 c 82. 79-10-021 (Order 76, Resolution No. 79-29), § 131-28-085, filed 9/10/79.] Repealed by 98-22-062, filed 11/2/98, effective 12/3/98. Statutory Authority: Chapter 28.50 [28B.50] RCW.
131-28-090	Tuition and fee waivers for unemployed and underemployed resident students. [Statutory Authority: Chapters 28B.15 and 28B.50 RCW. 95-13-070, § 131-28-090, filed 6/20/95, effective 7/21/95. Statutory Authority: RCW 28B.50.090 (7)(d) and (10), 28B.50.851, 28B.15.502(4), 28B.15.522, 28B.50.140(3) and 1990 c 29. 90-20-009 (Order 122, Resolution Nos. 90-42 and 90-43), § 131-28-090, filed 9/20/90, effective 10/21/90. Statutory Authority: RCW 28B.15.502. 89-14-037 (Order 116, Resolution No. 89-16), § 131-28-090, filed 6/29/89. Statutory Authority: 1984 c 50. 84-21-112 (Order 100, Resolution No. 84-57), § 131-28-090, filed 10/23/84.] Repealed by 98-22-062, filed 11/2/98, effective 12/3/98. Statutory Authority: Chapter 28.50 [28B.50] RCW.

**WAC 131-28-005 Tuition and fees for community colleges established.** Tuition and fees for community college state-funded courses are established in chapter 28B.15 RCW. Technical colleges are required to administer tuition and tuition waivers for state-funded courses under policies and procedures of their respective boards of trustees. This chapter

applies only to community colleges unless technical colleges are specified.

[Statutory Authority: Chapter 28B.50 RCW. 01-22-010, § 131-28-005, filed 10/26/01, effective 11/26/01; 98-22-062, § 131-28-005, filed 11/2/98, effective 12/3/98.]

**WAC 131-28-010 Tuition and fee charges for summer quarter.** Tuition, operating, services and activities, and special fees charged to students enrolled in state-funded courses for summer quarter shall be assessed on the same basis and in the same manner as such fees are assessed for other quarters of the academic year.

[Statutory Authority: Chapter 28B.50 RCW. 01-22-010, § 131-28-010, filed 10/26/01, effective 11/26/01. Statutory Authority: Chapters 28B.15 and 28B.50 RCW. 95-13-070, § 131-28-010, filed 6/20/95, effective 7/21/95; Order 12, § 131-28-010, filed 7/22/71; Order 6, § 131-28-010, filed 3/16/70.]

**WAC 131-28-015 Assessment of tuition and fee charges.** It shall be the general policy of the state board that all tuition and services and activities fees shall be assessed on a uniform and equitable basis, except when the requirement to pay all or part of such fees has been specifically waived or altered by law or by rule of the state board or the district board of trustees. Students must pay tuition and fees to be enrolled in state-funded courses unless a waiver is allowed.

[Statutory Authority: Chapter 28B.50 RCW. 01-22-010, § 131-28-015, filed 10/26/01, effective 11/26/01; 98-22-062, § 131-28-015, filed 11/2/98, effective 12/3/98. Statutory Authority: Chapters 28B.15 and 28B.50 RCW. 95-13-070, § 131-28-015, filed 6/20/95, effective 7/21/95. Statutory Authority: RCW 28B.15.502. 89-14-037 (Order 116, Resolution No. 89-16), § 131-28-015, filed 6/29/89; Order 12, § 131-28-015, filed 7/22/71.]

**WAC 131-28-021 Definitions.** For the purpose of WAC 131-28-025, the following definitions shall apply:

(1) "Resident student" and "nonresident student" shall be defined in the same manner as in chapter 28B.15 RCW.

(2) "Tuition fees," "building fees," "operating fees" and "services and activities fees" shall be defined in the same manner as in chapter 28B.15 RCW.

(3) "Special fees" shall be defined as all fees established by the district board of trustees other than tuition, building fees, operating fees or services and activities fees and as such shall include fees charged to an individual student for specific services and privileges received by such student.

(4) "Student funded course" shall be defined as any organized instructional activity, typically ungraded, primarily offered for part-time students, not normally an integral part of any specific study program leading to either an academic or an occupational degree or certificate, and specifically identified as such by a community college consistent with the course classification procedures established by the state board.

(5) "Required course" shall be defined as any course specified in the college catalog or official curriculum description of any vocational preparatory program as necessary for completion of such program, except courses prerequisite to such program.

(6) "State-funded course" shall be defined as any course reported by the college for state funding that is eligible for state funding under chapters 28.15 and 28B.50 RCW, Title 131 WAC and state board policy.

(2009 Ed.)

[Statutory Authority: Chapter 28B.50 RCW. 01-22-010, § 131-28-021, filed 10/26/01, effective 11/26/01. Statutory Authority: Chapters 28B.15 and 28B.50 RCW. 95-13-070, § 131-28-021, filed 6/20/95, effective 7/21/95. Statutory Authority: RCW 28B.15.502. 89-14-037 (Order 116, Resolution No. 89-16), § 131-28-021, filed 6/29/89. Statutory Authority: RCW 28B.15.502 and 28B.15.740. 82-22-023 (Order 94, Resolution No. 82-37), § 131-28-021, filed 10/26/82; Order 12, § 131-28-020 (codified as § 131-28-021), filed 7/22/71.]

**WAC 131-28-025 Method of assessing tuition and fee charges.** Tuition and fees charged to students:

(1) Shall be based upon the number of credits assigned to such courses as listed in the official and current catalog of the college, or for courses not given such credit designations, the number of credit equivalents as computed by the method for deriving such equivalents established by the state board.

(2) Shall be assessed on a per-credit basis at uniform rates for resident and for nonresident students, respectively. Partial credits shall be assessed on a proportionate basis. The respective maximums charged to any resident or nonresident student shall not exceed the amount allowed by law.

(3) Shall be assessed for part-time students, for each credit of registration or its equivalent.

(4) Shall include an additional operating fee for each credit in excess of eighteen at the tuition fee rate charged to part-time students.

(5) Shall conform with chapter 28B.15 RCW, the legislative budget and policies of the state board.

[Statutory Authority: Chapter 28B.50 RCW. 01-22-010, § 131-28-025, filed 10/26/01, effective 11/26/01; 98-22-062, § 131-28-025, filed 11/2/98, effective 12/3/98. Statutory Authority: Chapters 28B.15 and 28B.50 RCW. 95-13-070, § 131-28-025, filed 6/20/95, effective 7/21/95. Statutory Authority: RCW 28B.15.502 and 1992 c 231, 232 and 238. 92-14-033 (Order 139, Resolution No. 92-06-39), § 131-28-025, filed 6/23/92, effective 7/24/92. Statutory Authority: RCW 28B.15.502. 89-14-037 (Order 116, Resolution No. 89-16), § 131-28-025, filed 6/29/89. Statutory Authority: RCW 28B.15.502 and 28B.15.740. 82-22-023 (Order 94, Resolution No. 82-37), § 131-28-025, filed 10/26/82. Statutory Authority: RCW 28B.15.500 as amended by chapter 257, Laws of 1981. 81-19-060 (Order 89, Resolution No. 81-65), § 131-28-025, filed 9/14/81. Statutory Authority: Chapter 34.04 RCW and WAC 1-12-065. 78-07-064 (Order 71, Resolution No. 78-29), § 131-28-025, filed 6/30/78; Order 39, § 131-28-025, filed 6/27/75; Order 24, § 131-28-025, filed 3/21/74; Order 12, § 131-28-025, filed 7/22/71.]

**WAC 131-28-02501 Waivers.** Community college boards may grant waivers from the standard tuition and fees rate for ungraded courses designated in WAC 131-28-026(3) and to students who qualify under a waiver created in Title 28B RCW.

Except for ungraded courses, colleges shall waive the building fee, services and activities fees, and operating fees in equal proportion.

Colleges may not impose conditions or eligibility criteria beyond that specified in this chapter, state board policy, or Title 28B RCW. Colleges may restrict the number of waivers granted.

Colleges may round the amount collected to the nearest dollar.

[Statutory Authority: Chapter 28B.50 RCW. 01-22-010, § 131-28-02501, filed 10/26/01, effective 11/26/01; 98-22-062, § 131-28-02501, filed 11/2/98, effective 12/3/98. Statutory Authority: Chapters 28B.15 and 28B.50 RCW. 95-13-070, § 131-28-02501, filed 6/20/95, effective 7/21/95.]

**WAC 131-28-026 Tuition charges for certain ungraded courses.** (1) The state board shall designate

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ungraded courses. These courses may be offered at tuition rates that differ from the standard rates set by WAC 131-28-025. Ungraded shall mean courses not categorized by level of instruction and may be assigned degree credit or letter grades.

(2) Ungraded courses shall meet the following qualifications:

(a) The course has a specialized purpose in that it is intended to meet the unique educational needs of a specific category or group of students.

(b) The course is offered for the purpose of providing the individual student with a discrete skill or basic body of knowledge that is intended to enhance potential for initial or continued employment, parenting skills or retirement.

(c) The course cannot be administered as a contract course pursuant to WAC 131-28-027, 131-32-010, or 131-32-020.

(d) The course is not one specifically or primarily intended to satisfy requirements for receiving a high school diploma.

(3) Colleges may establish the amount of waiver for the following ungraded courses:

(a) Farm management and small business management;

(b) Emergency medical technician and paramedic continuing education;

(c) Retirement;

(d) Industrial first aid offered to satisfy WISHA and approved by the department of labor and industries;

(e) Journeyperson training in cooperation with joint apprenticeship and training committees.

(4) The waiver amounts for the following ungraded courses shall conform with the following schedule:

(a) Adult basic education, English as a second language, GED preparation: An amount to be established by the state board.

(b) Parent education involving a cooperative preschool program: Eighty-five percent reduction from the standard per credit tuition and services activities fee charge.

(c) Courses offered for the purpose of satisfying related or supplemental educational requirements for apprentices registered with the Washington state apprenticeship council or federal Bureau of Apprenticeship and Training: A college shall waive one-half of the standard per credit tuition and services and activities fee. The college may convert the credit hour charge to a rounded amount per clock hour. Colleges may deduct the tuition owed from training contracts with apprentice organizations.

(5) Students taking both regular and ungraded courses will be charged separately for the courses.

(6) Application of this section shall be subject to administrative procedures established by the state director with respect to maximum credit values of such ungraded courses, curriculum, or any unique circumstances related to enrollment in such courses.

(7) Ungraded course fees received pursuant to this section shall be accounted for and deposited in local community college operating fee accounts established in RCW 28B.15.-031.

(8) Ungraded course fees may be paid by the sponsoring entity rather than an individual student.

[Statutory Authority: Chapter 28B.50 RCW. 05-14-070, § 131-28-026, filed 6/30/05, effective 7/31/05; 04-11-027, § 131-28-026, filed 5/11/04, effective

6/11/04; 03-19-050, § 131-28-026, filed 9/10/03, effective 10/11/03; 98-22-062, § 131-28-026, filed 11/2/98, effective 12/3/98. Statutory Authority: Chapters 28B.15 and 28B.50 RCW. 96-03-049, § 131-28-026, filed 1/12/96, effective 1/12/96; 95-13-070, § 131-28-026, filed 6/20/95, effective 7/21/95. Statutory Authority: RCW 28B.15.502 and 1992 c 231, 232 and 238. 92-14-033 (Order 139, Resolution No. 92-06-39), § 131-28-026, filed 6/23/92, effective 7/24/92. Statutory Authority: RCW 28B.15.502. 91-21-011 (Order 133, Resolution No. 91-49), § 131-28-026, filed 10/4/91, effective 11/4/91. Statutory Authority: RCW 28B.50.090 (7)(d) and (10), 28B.50.851, 28B.15.502(4), 28B.15.522, 28B.50.140(3) and 1990 c 29. 90-20-009 (Order 122, Resolution Nos. 90-42 and 90-43), § 131-28-026, filed 9/20/90, effective 10/21/90. Statutory Authority: RCW 28B.15.502. 89-14-037 (Order 116, Resolution No. 89-16), § 131-28-026, filed 6/29/89. Statutory Authority: RCW 28B.15.502 and 28B.15.740. 82-22-023 (Order 94, Resolution No. 82-37), § 131-28-026, filed 10/26/82. Statutory Authority: RCW 28B.15.502. 82-11-035 (Order 93, Resolution No. 82-16), § 131-28-026, filed 5/11/82. Statutory Authority: RCW 28B.15.500 as amended by chapter 257, Laws of 1981. 81-19-060 (Order 89, Resolution No. 81-65), § 131-28-026, filed 9/14/81. Statutory Authority: Chapter 34.04 RCW and WAC 1-12-065. 78-07-064 (Order 71, Resolution No. 78-29), § 131-28-026, filed 6/30/78; Order 63 and Emergency Order 64, § 131-28-026, filed 9/13/77, effective 9/13/77; Order 25, § 131-28-026, filed 4/22/74, effective 7/1/74.]

### **WAC 131-28-027 Community and technical college costs and special fees for contracted educational services.**

(1) College districts that choose to offer contractual educational courses or services, as authorized by RCW 28B.50.140 (16), to private or governmental entities shall establish a special fee for the service or course to be paid by the entity involved. Such special fee shall be set forth in the contractual agreement establishing such courses or services.

(2) Contractual educational courses or services may be offered when a district makes a determination that it is not reasonably feasible for financial or other reasons, to offer such courses or services as a part of the regular curriculum. Upon making such determination, the district may offer such courses or services and shall limit participation therein to employees, agents, or members of the particular entity.

(3) Any enrollments generated through contracts for educational courses or services developed shall be excluded from the official state funded enrollment level of the college so that there will not be any state funding for such courses or services.

(4) The special fee charged for any such contractual educational course or service shall be retained by the college district to defray the cost of such course or service and may be used for the general operations and maintenance of the college district.

(5) The special fees charged pursuant to this regulation shall be sufficient to offset the full instructional costs of offering the course or service. Calculation of the full instructional cost level shall include all direct and indirect costs.

(6) If the instructor for any course performs such services as a paid employee or personal services contractor of another state agency, the course shall be considered a contract course subject to the provisions of this section, except when reimbursement for such services is made to the other agency by the college district.

[Statutory Authority: Chapter 28.50 [28B.50] RCW. 98-22-062, § 131-28-027, filed 11/2/98, effective 12/3/98. Statutory Authority: RCW 28B.50.140(16). 84-21-111 (Order 101, Resolution No. 84-58), § 131-28-027, filed 10/23/84. Statutory Authority: Chapter 34.04 RCW and WAC 1-12-065. 78-07-064 (Order 71, Resolution No. 78-29), § 131-28-027, filed 6/30/78; Order 65, § 131-28-027, filed 9/13/77.]



**WAC 131-28-029 Student funded course fees.** For student funded courses, fees charged to students:

(1) Shall be designated as a special fee, all revenue from which shall be used for the general operations and maintenance of the college;

(2) Shall be assessed at a rate sufficient to defray the direct and indirect costs of offering such courses.

[Statutory Authority: Chapter 28B.50 RCW. 01-22-010, § 131-28-029, filed 10/26/01, effective 11/26/01.]

**WAC 131-28-030 Waiver of tuition and fees for needy or disadvantaged students.** Pursuant to authority granted by RCW 28B.15.740, the boards of trustees of community college districts are authorized to waive all or part of tuition and services and activities fees for needy students: Provided, That the students shall qualify for such waiver under criteria set forth in WAC 131-28-040 through 131-28-045.

[Statutory Authority: Chapters 28B.15 and 28B.50 RCW. 95-13-070, § 131-28-030, filed 6/20/95, effective 7/21/95. Statutory Authority: RCW 28B.15.502, 89-14-037 (Order 116, Resolution No. 89-16), § 131-28-030, filed 6/29/89. Statutory Authority: RCW 28B.15.502 and 28B.15.740, 82-22-023 (Order 94, Resolution No. 82-37), § 131-28-030, filed 10/26/82. Statutory Authority: RCW 28B.15.530, 80-08-045 (Order 83, Resolution No. 80-29), § 131-28-030, filed 6/30/80; Order 47, § 131-28-030, filed 9/12/75; Order 38, § 131-28-030, filed 4/22/75; Order 11, § 131-28-030, filed 7/22/71; Order 7, § 131-28-030, filed 6/12/70.]

**WAC 131-28-040 Criteria for determining eligibility for waiver of tuition and fees under RCW 28B.15.740.** Waiver of tuition and services and activities fees under RCW 28B.15.740(1) shall be based upon the determination that the student is a "needy student" under a method of need analysis approved by the United States Department of Education for determining awards for federal student financial aid programs or a method adopted by the state board specifically for the purposes of this section, except as provided in WAC 131-28-045.

[Statutory Authority: Chapters 28B.15 and 28B.50 RCW. 95-13-070, § 131-28-040, filed 6/20/95, effective 7/21/95. Statutory Authority: RCW 28B.15.502, 89-14-037 (Order 116, Resolution No. 89-16), § 131-28-040, filed 6/29/89. Statutory Authority: RCW 28B.15.740, 86-22-026 (Order 110, Resolution No. 86-42), § 131-28-040, filed 10/30/86. Statutory Authority: RCW 28B.15.502 and 28B.15.740, 82-22-023 (Order 94, Resolution No. 82-37), § 131-28-040, filed 10/26/82. Statutory Authority: Chapter 34.04 RCW and WAC 1-12-065, 79-07-070 (Order 74, Resolution No. 79-20), § 131-28-040, filed 6/28/79; Order 47, § 131-28-040, filed 9/12/75; Order 11, § 131-28-040, filed 7/22/71; Order 7, § 131-28-040, filed 6/12/70.]

**WAC 131-28-045 Procedure for implementing tuition and fee waivers authorized pursuant to RCW 28B.15.740.** (1) Community colleges may waive the tuition and service and activities fees for needy resident students under the provisions of RCW 28B.15.740. The amount that can be waived under this provision is limited by the waiver limits set forth in RCW 28B.15.910.

(2) In addition, colleges may waive up to three-quarters of one percent of the estimated gross collection of tuition and service and activities fees for other students. These waivers are not to be awarded based on participation in intercollegiate athletics. The estimated gross collection of tuition and service and activities fees shall be based on budgeted, state supported, annual average enrollment, after deducting the por-

tion of the gross amount which is attributed to the difference between resident and nonresident tuition and fees.

[Statutory Authority: Chapter 28.50 [28B.50] RCW. 98-22-062, § 131-28-045, filed 11/2/98, effective 12/3/98. Statutory Authority: Chapters 28B.15 and 28B.50 RCW. 95-13-070, § 131-28-045, filed 6/20/95, effective 7/21/95. Statutory Authority: RCW 28B.15.502, 89-14-037 (Order 116, Resolution No. 89-16), § 131-28-045, filed 6/29/89. Statutory Authority: RCW 28B.15.740, 86-22-026 (Order 110, Resolution No. 86-42), § 131-28-045, filed 10/30/86. Statutory Authority: RCW 28B.15.502 and 28B.15.740, 82-22-023 (Order 94, Resolution No. 82-37), § 131-28-045, filed 10/26/82. Statutory Authority: RCW 28B.15.530, 80-08-045 (Order 83, Resolution No. 80-29), § 131-28-045, filed 6/30/80. Statutory Authority: RCW 28B.15.520, 28B.15.525, and 28B.15.530, 78-06-058 (Order 70, Resolution No. 78-24), § 131-28-045, filed 5/24/78; Order 47, § 131-28-045, filed 9/12/75.]

**WAC 131-28-070 Combination of tuition and fee waivers with other forms of student financial aid.** Nothing in WAC 131-28-030 through 131-28-050 is intended to prevent the award of tuition and fee waivers in conjunction with other forms of student financial aid as a package designed to meet the overall educational assistance needs of any student.

[Order 47, § 131-28-070, filed 9/12/75; Order 11, § 131-28-070, filed 7/22/71.]

## Chapter 131-32 WAC EDUCATIONAL SERVICES

### WAC

131-32-010	Charges for courses utilizing supplemental funding.
131-32-020	Charges for courses utilizing shared funding.
131-32-030	Interdistrict instructional program arrangements.
131-32-035	Interdistrict joint program offerings.
131-32-040	Dissemination of course and enrollment information.

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

131-32-050	Running start program. [Statutory Authority: 1990 sp. sess. c 9, 91-21-012 (Order 131, Resolution No. 91-47), § 131-32-050, filed 10/4/91, effective 11/4/91.] Repealed by 93-01-014, filed 12/4/92, effective 1/4/93. Statutory Authority: RCW 28A.600.390.
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**WAC 131-32-010 Charges for courses utilizing supplemental funding.** (1) For the purpose of this section, the term "supplemental funding" shall mean restricted funds provided on the basis of an agreement between a college district and a cooperating agency or organization for the purpose of augmenting state fund support above the current funding level provided for particular courses, classes, or programs that have extraordinary costs and that, in the judgment of the college district board of trustees, could not be offered without such supplemental funding.

(2) College districts that desire to offer services that involve supplemental funding pursuant to RCW 28B.50.-140(17) shall report such agreements to the state director within ten days of the execution of the agreement.

(3) Reports of any such agreements shall be accompanied by supporting cost information in the detail and format prescribed by the state director.

(4) The supplemental charge for any such services shall be deposited by the college district in fund 148 for the purpose of supporting such services and the general operations and maintenance of the college district.

(5) Enrollments generated by courses utilizing supplemental funding shall be eligible for state fund support, subject to review and approval of the state director.

(6) Courses denied approval under this section may be considered for eligibility as a shared funding course pursuant to WAC 131-32-020.

(7) Tuition and fees for such courses, classes, or programs shall be charged consistent with WAC 131-28-025 and 131-28-026.

[Statutory Authority: Chapter 28B.50 RCW. 98-23-049, § 131-32-010, filed 11/13/98, effective 12/14/98. Statutory Authority: RCW 28B.50.140(17). 81-14-023 (Order 88, Resolution No. 81-32), § 131-32-010, filed 6/25/81.]

**WAC 131-32-020 Charges for courses utilizing shared funding.** (1) For the purpose of this section, the term "shared funding" shall mean funds provided on the basis of an agreement between a college district and a cooperating agency or organization for the support of particular courses, classes, or programs that have costs within current state funding levels and that, in the judgment of the college district board of trustees, otherwise could not be offered because of inadequate state funding.

(2) College districts that desire to offer services that involve shared funding pursuant to RCW 28B.50.140(17) shall report such agreements to the state director within ten days of the execution of the agreement.

(3) Requests for approval of any such agreements shall be accompanied by supporting cost information in the detail and format prescribed by the state director.

(4) Enrollments generated by courses utilizing shared funding shall be eligible for state funding support subject to review and approval by the state director, but shall be discounted to the proportion that the state fund support provided for the services bears to the direct and indirect costs of the program.

(5) Tuition and fees for such courses, classes, or programs shall be charged consistent with WAC 131-28-025 and 131-28-026.

[Statutory Authority: Chapter 28B.50 RCW. 98-23-049, § 131-32-020, filed 11/13/98, effective 12/14/98. Statutory Authority: RCW 28B.50.140(17). 81-14-023 (Order 88, Resolution No. 81-32), § 131-32-020, filed 6/25/81.]

**WAC 131-32-030 Interdistrict instructional program arrangements.** (1) When circumstances warrant, two or more community and technical college districts may agree to allow one district to offer courses, special events, or other community service activities within the service area of the other district.

(2) Arrangements for interdistrict course(s) or program(s) offerings shall be formalized through written agreements between the cooperating college districts.

(3) A copy of the written agreement shall be filed with the office of the director for community and technical colleges.

(4) The college district providing the service shall maintain general administrative jurisdiction over the course(s) or program(s), including fees and other charges, instructor selection and remuneration, fiscal control and accounting, and enrollment reporting.

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(5) Public announcements regarding such course(s) or program(s) shall describe the cooperative nature of the venture.

(6) In the event of a dispute related to interdistrict program arrangements and when in the judgment of the state board there are compelling reasons for intervention, the state board will make a final determination in the matter pursuant to authority granted in RCW 28B.50.090(11).

[Statutory Authority: Chapter 28B.50 RCW. 98-23-050, § 131-32-030, filed 11/13/98, effective 12/14/98. Statutory Authority: RCW 28B.50.090(11) and 28B.50.060. 86-22-028 (Order 112, Resolution No. 86-45), § 131-32-030, filed 10/30/86.]

**WAC 131-32-035 Interdistrict joint program offerings.** (1) Two or more community and technical college districts may enter into agreements to offer jointly courses, programs or other community service activities.

(2) Agreements covering joint offerings shall specify, in addition to the items required by chapter 39.34 RCW, the Interlocal Cooperation Act, procedures for instructor selection and remuneration, the basis for assessing fees and other charges, admissions, and registration policies, and the method by which enrollment will be reported.

(3) A copy of the written agreement shall be filed with the office of the director for community and technical colleges.

(4) Public announcements regarding such programs shall describe the cooperative nature of the venture.

[Statutory Authority: Chapter 28B.50 RCW. 98-23-050, § 131-32-035, filed 11/13/98, effective 12/14/98. Statutory Authority: RCW 28B.50.090(11) and 28B.50.060. 86-22-028 (Order 112, Resolution No. 86-45), § 131-32-035, filed 10/30/86.]

**WAC 131-32-040 Dissemination of course and enrollment information.** (1) For the purposes of this section, "recruitment" is defined as information and activities which attempt to persuade potential students to attend a certain college—information used to compete for enrollment. "Information" is defined as the factual description of course availabilities, enrollment requirements, and college characteristics. However, excessive dissemination of what would otherwise be construed as legitimate course and enrollment information is viewed as competition or recruitment.

(2) In general, it is not the policy of the community and technical colleges to compete with each other or with other institutions of higher education for enrollment. It is the general policy of the community and technical colleges to inform the citizens of their districts of the programs and services available to them.

(3) The Community and Technical College Act (RCW 28B.50.020) requires the college system to offer educational service "to every citizen." Traditional methods of informing potential students—i.e., communication with high school counselors and students—reach only a small proportion of the potential enrollment, less than fifteen percent a year. In order to reach the rest of their potential student body—which is essentially the adult population at large—community and technical colleges utilize mass media dissemination, principally of quarterly course announcements.

(4) Mass dissemination of unsolicited course and enrollment information shall be held within district boundaries

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except where postal and media distribution patterns prohibit. Exceptions include regional activities such as fairs, high school-college days, and public exhibits in which the college is invited to participate. It is appropriate for a community or technical college to make known to the citizens of its district courses and programs offered exclusively by neighboring districts.

(5) It is appropriate to provide each adult citizen in the district with course and enrollment information once during each quarter on an unsolicited basis. In heavily populated areas, budgetary considerations may rule out such total distribution. Quarterly course announcements should be prepared and distributed in a way that provides the best balance between minimum cost and maximum dissemination of course information to district citizens. However, dissemination of such announcements at college expense to persons other than those requesting them shall be limited to one of the following methods:

- Mailing to district boxholders (direct mail)
- Newspaper advertisement
- Newspaper insert
- Other method of mass distribution

It may be appropriate for one district to disseminate quarterly course announcements to boxholders or recipients of newspaper inserts residing in other districts. Such arrangements shall not take place until both districts have agreed to the arrangement in writing.

(6) News releases and free public service announcements are an appropriate method of calling attention to new programs or to space availability in existing courses and programs. Public service announcements and news releases shall not be sent to media outside the college district except in those areas where more than one institution is served by the same primary media.

(7) Publications which provide factual information on specific instructional programs, on special programs or on special services provide an efficient method of responding to inquiries from potential students. Their unsolicited dissemination shall be limited to the district of origin.

(8) Districts may purchase advertising to provide supplementary course and registration announcements when it can be demonstrated that paid advertising is more cost-effective than other methods. In areas where media serve more than one college district, colleges should give preference to pooled advertisements rather than individual college advertisements to attract enrollment. Paid advertising shall not be placed with media outside the college district except in areas where more than one institution is served by the same primary news media.

(9) Where community and technical college districts overlap, the colleges shall plan and implement the dissemination of course and enrollment information so as to avoid unnecessary competition with each other and with adjacent districts for potential students. Issues arising from the process will be adjudicated under the provisions of the regional planning agreement specified by RCW 28B.50.215.

(10) In the event that state-funded enrollments are generated through interdistrict recruiting efforts that are contrary to the provisions of this section, the operating budget allocation of the intruding district may be adjusted by action of the state

board. Budget allocation adjustments shall be determined by deducting funding attributable to enrollments generated by activities contrary to this section. The state board shall take into consideration the number of interdistrict enrollments that reasonably could have been expected to occur regardless of the interdistrict recruiting effort. At the request of either district that is party to an interdistrict recruiting dispute, the state board shall hold a hearing on the issues at dispute. The hearing will be held under the provisions of WAC 131-08-007. The board as a result of such hearings may approve a settlement that contains alternatives to the provisions of this section.

[Statutory Authority: RCW 28B.50.060, [28B.50.]090, [28B.50.]140(11) and [28B.50.]215. 92-13-020 (Order 138, Resolution No. 92-05-23), § 131-32-040, filed 6/8/92, effective 7/9/92. Statutory Authority: RCW 28B.50.090(11) and 28B.50.060. 86-22-028 (Order 112, Resolution No. 86-45), § 131-32-040, filed 10/30/86.]

**Chapter 131-36 WAC**

**INSTITUTIONAL FINANCIAL AID FUND**

**WAC**

131-36-010	Purpose and intent.
131-36-050	Definitions.
131-36-055	Use of fund.
131-36-100	Eligibility.
131-36-150	Limitation on amount.
131-36-200	Terms and conditions of loans.
131-36-250	Initiating, servicing, and collecting loans.
131-36-300	Investment of fund principal.

**WAC 131-36-010 Purpose and intent.** (1) The purpose of chapter 131-36 WAC is to implement the institutional financial aid fund established by RCW 28B.15.820.

(2) It is the intent of this chapter to provide for a financial aid program that will be operational in all Washington community and technical colleges.

(3) Each community college and technical college shall deposit a minimum of three and one-half percent of revenues collected from tuition and services and activities fees in to the institutional financial aid fund.

(4) These funds shall be used in addition to and not to replace institutional funds that would otherwise support locally administered financial aid programs.

[Statutory Authority: Chapter 28B.50 RCW. 98-15-012, § 131-36-010, filed 7/2/98, effective 8/2/98. Statutory Authority: 1981 c 257. 81-19-113 (Order 90, Resolution 81-66), § 131-36-010, filed 9/23/81.]

**WAC 131-36-050 Definitions.** For the purposes of chapter 131-36 WAC, the following definitions shall apply:

(1) "Fund" shall mean the institutional financial aid fund established by RCW 28B.15.820.

(2) "Current federal methodology" shall mean the method of determining financial need as prescribed by the United States Department of Education.

(3) "NELA" shall mean Northwestern Education Loan Association, a private student loan guaranteeing association authorized to guarantee educational loans in Washington granted pursuant to 20 U.S. Code Section 1071.

(4) "Operational" shall mean that the institution has been approved as a lender and is eligible to provide loans guaranteed by NELA.

(5) "Needy student" shall mean any post high school student who demonstrates the financial inability to meet the cost of attending college using current federal methodology (RCW 28B.10.802).

(6) "Other institutional financial aid" shall be defined as locally administered, need-based institutional employment, tuition and fee scholarships, or grants.

[Statutory Authority: Chapter 28B.50 RCW. 98-15-012, § 131-36-050, filed 7/2/98, effective 8/2/98. Statutory Authority: 1981 c 257. 81-19-113 (Order 90, Resolution 81-66), § 131-36-050, filed 9/23/81.]

**WAC 131-36-055 Use of fund.** Moneys in this fund shall be used for student financial aid:

- (1) Long-term loans;
- (2) Short-term loans; and
- (3) Locally administered need-based grants, tuition scholarships and institutional employment programs for needy, resident students. The moneys in this fund shall not be used for college operating expenses.

[Statutory Authority: Chapter 28B.50 RCW. 98-15-012, § 131-36-055, filed 7/2/98, effective 8/2/98.]

**WAC 131-36-100 Eligibility.** (1) Long-term loans and other institutional financial aid to needy students shall be made only to students who qualify as residents under RCW 28B.15.012 and 28B.15.013 and are enrolled for six or more credit hours of instruction or the equivalent.

(2) Priorities for use of other institutional financial aid shall be given to:

- (a) Needy students who have accumulated excessive educational loan burdens;
  - (b) Needy single parents for educational expenses, including child care and transportation; and
  - (c) Other eligible needy students.
- (3) Short-term loans may be made to any student enrolled in the institution.

(4) For long-term and short-term loans, institutions must have ample evidence that students have the capability of repaying the loan within the time frame specified by the institution.

(5) No individual shall be eligible for long-term loans, short-term loans or other institutional financial aid for needy students if currently in default or delinquent in the payment on any educational loan or who owes a repayment on any federal or state grant.

[Statutory Authority: Chapter 28B.50 RCW. 98-15-012, § 131-36-100, filed 7/2/98, effective 8/2/98. Statutory Authority: 1981 c 257. 81-19-113 (Order 90, Resolution 81-66), § 131-36-100, filed 9/23/81.]

**WAC 131-36-150 Limitation on amount.** (1) No long-term or short-term loan shall be made from the fund that exceeds either the demonstrated financial need of an eligible student or the maximum allowed under the federal guaranteed need-based loan program.

(2) All long-term loans granted from the fund for periods in excess of one academic quarter shall be disbursed in quarterly installments through proration of the total loan amount.

(3) For purposes of this section, demonstrated financial need shall be the amount determined by application of uniform methodology as defined by WAC 131-36-050(3).

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[Statutory Authority: Chapter 28B.50 RCW. 98-15-012, § 131-36-150, filed 7/2/98, effective 8/2/98. Statutory Authority: 1981 c 257. 81-19-113 (Order 90, Resolution 81-66), § 131-36-150, filed 9/23/81.]

**WAC 131-36-200 Terms and conditions of loans.** (1) The terms and conditions of long-term loans made from the fund, including, but not limited to, maximum annual loan amount, maximum aggregate loan amount, loan initiation fee, guarantee fee, repayment, cancellation, consolidation of loans, deferment, default, and forbearance shall be the same as those set forth by the federal need-based guaranteed student loan regulations.

(2) All long-term loans granted from the fund for periods in excess of one academic quarter shall be disbursed in quarterly installments through proration of the total loan amount.

(3) For short-term loans only, students must repay in one year.

[Statutory Authority: Chapter 28B.50 RCW. 98-15-012, § 131-36-200, filed 7/2/98, effective 8/2/98. Statutory Authority: 1981 c 257. 81-19-113 (Order 90, Resolution 81-66), § 131-36-200, filed 9/23/81.]

**WAC 131-36-250 Initiating, servicing, and collecting loans.** (1) Community colleges shall utilize the loan collecting and servicing agency designated by the state director for community and technical colleges and the NELA.

(2) The state director of community and technical colleges shall determine and designate on behalf of the state board an appropriate entity to conduct servicing and collection activities with regard to loans made from the fund.

(3) The state director of community and technical colleges shall, when (s)he determines that it is in the best interest of the college system, determine and designate on behalf of the state board an appropriate entity to perform loan initiation activities and transaction reporting regarding loans made from the fund.

(4) Subsequent to granting loans from the fund each college shall cooperate with the NELA and the servicing and collection agency through informing students of their rights and responsibilities regarding such loans; timely provision of student status verification information and information pertaining to determinations of default, forbearance, and deferment of loans; consolidation of loans; and records maintenance.

[Statutory Authority: Chapter 28B.50 RCW. 98-15-012, § 131-36-250, filed 7/2/98, effective 8/2/98. Statutory Authority: 1981 c 257. 81-19-113 (Order 90, Resolution 81-66), § 131-36-250, filed 9/23/81.]

**WAC 131-36-300 Investment of fund principal.** (1) Moneys in the fund not committed to long-term loans may be invested by each college.

(2) Colleges shall comply with all laws or regulations regarding the investment of state funds.

(3) Interest earned through such investments shall be credited to the fund.

[Statutory Authority: Chapter 28B.50 RCW. 98-15-012, § 131-36-300, filed 7/2/98, effective 8/2/98. Statutory Authority: 1981 c 257. 81-19-113 (Order 90, Resolution 81-66), § 131-36-300, filed 9/23/81.]

## Chapter 131-40 WAC

## EMPLOYEE PARTICIPATION IN POLITICAL ACTIVITIES

## WAC

131-40-010	Political activities of state board staff.
131-40-020	Political activities, candidates for office.

**WAC 131-40-010 Political activities of state board staff.** In the belief that citizen involvement in public affairs is basic to the effective functioning of government at all levels, it shall be the general policy of the state board for community and technical colleges to encourage the participation of employees of the office of the state board in public affairs and the full exercise of their privileges and duties as citizens.

The purpose of the following provisions is to provide guidance to employees of the state board so that they may engage in political activity in a manner consistent with the policies of other state agencies, the laws of the state of Washington, and the United States code sections covering political activity of state employees engaged in activities funded in whole or in part by federal funds. Both classified and exempt employees shall be governed by these provisions.

(1) Solicitation for any partisan political purpose or any compulsory assessment or involuntary contribution is prohibited on state property.

(2) Employees shall have the right to vote and to express their opinions on all political subjects and candidates.

(3) Nothing in this section shall prohibit appointment, nomination or election or part-time public office in a political subdivision of the state when the holding of such office is not incompatible with, nor substantially interferes with, the discharge of official duties in state employment.

(4) Nothing in this section shall prohibit appointment, nomination or election to public office at the federal level, provided that upon such appointment or election to a full-time position the employee shall resign his state board position without claim of reinstatement and provided further that the requirements of the Hatch Act are met.

(5) The rules and regulations of the United States Civil Service Commission that pertain to political activities shall apply to any person employed through or otherwise engaged in the administration or operation of federal grant programs.

[Statutory Authority: Chapter 28B.50 RCW. 98-15-006, § 131-40-010, filed 7/2/98, effective 8/2/98; Order 32, § 131-40-010, filed 12/13/74; Order 20, § 131-40-010, filed 12/4/73.]

**WAC 131-40-020 Political activities, candidates for office.** The following provisions shall apply to employees who are candidates for appointment or election to public office or who seek to participate in campaigns for constitutional amendments, referendums, initiatives, other similar activities, or candidates for nonpartisan public offices.

(1) Employees may engage in political activity as set forth above without reduction in salary and status when in the judgment of the state director appropriate arrangements can be made to ensure that the individual's assigned duties are effectively discharged.

(2) When in the judgment of the state director circumstances warrant, an employee shall be granted a leave of absence without pay or authority to use accrued annual vacation leave to engage in such political activity.

(2009 Ed.)

(3) The employee shall also be entitled to receive a reduced assignment and pay status in order to engage in such political activity when in the judgment of the state director such reduced work status will not substantially interfere with the effectiveness of his office and the function of the state board.

(4) If the employee concerned is the director or deputy director, the state board shall make the determination required above.

[Order 20, § 131-40-020, filed 12/4/73.]

## Chapter 131-46 WAC

## SPECIAL SERVICE PROGRAMS—RUNNING START PROGRAM

## WAC

131-46-010	Authority.
131-46-015	Purpose.

## MISCELLANEOUS

131-46-077	Annual notice to students and parents.
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## FINANCIAL REPORTS, CLAIMS, AND PAYMENTS

131-46-100	Determination of uniform statewide rates for nonvocational and vocational students.
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## ALTERNATIVE CONTRACTUAL ARRANGEMENTS

131-46-130	Current and future community college and technical college enrollment alternatives not affected.
131-46-135	Adopting running start rules by reference.
131-46-140	Adoption by reference.

## DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

131-46-020	Running start program—Definition. [Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150].290. 94-04-120, § 131-46-020, filed 2/2/94, effective 3/5/94. Statutory Authority: RCW 28A.600.-390. 93-01-014, § 131-46-020, filed 12/4/92, effective 1/4/93.] Repealed by 98-15-009, filed 7/2/98, effective 8/2/98. Statutory Authority: Chapter 28B.50 RCW.
131-46-025	Eligible student—Definition. [Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150].290. 94-04-120, § 131-46-025, filed 2/2/94, effective 3/5/94. Statutory Authority: RCW 28A.600.390. 93-01-014, § 131-46-025, filed 12/4/92, effective 1/4/93.] Repealed by 98-15-009, filed 7/2/98, effective 8/2/98. Statutory Authority: Chapter 28B.50 RCW.
131-46-027	Running start student—Definition. [Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150].-290. 94-04-120, § 131-46-027, filed 2/2/94, effective 3/5/94.] Repealed by 98-15-009, filed 7/2/98, effective 8/2/98. Statutory Authority: Chapter 28B.50 RCW.
131-46-029	College day—Definition. [Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150].290. 94-04-120, § 131-46-029, filed 2/2/94, effective 3/5/94.] Repealed by 98-15-009, filed 7/2/98, effective 8/2/98. Statutory Authority: Chapter 28B.50 RCW.
131-46-030	Full-time equivalent (FTE) running start enrollment—Definition. [Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150].290. 94-04-120, § 131-46-030, filed 2/2/94, effective 3/5/94. Statutory Authority: RCW 28A.600.390. 93-01-014, § 131-46-030, filed 12/4/92, effective 1/4/93.] Repealed by 98-15-009, filed 7/2/98, effective 8/2/98. Statutory Authority: Chapter 28B.50 RCW.
131-46-035	Annual average full-time equivalent (AAFTE) running start enrollment—Definition. [Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150].290. 94-04-120, § 131-46-035, filed 2/2/94, effective 3/5/94. Statutory Authority: RCW 28A.600.390. 93-01-014, § 131-46-035, filed 12/4/92, effective 1/4/93.] Repealed by 98-15-009, filed 7/2/98, effective 8/2/98. Statutory Authority: Chapter 28B.50 RCW.

- 131-46-040 Community and technical colleges—Definition. [Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150].290. 94-04-120, § 131-46-040, filed 2/2/94, effective 3/5/94. Statutory Authority: RCW 28A.600.-390. 93-01-014, § 131-46-040, filed 12/4/92, effective 1/4/93.] Repealed by 98-15-009, filed 7/2/98, effective 8/2/98. Statutory Authority: Chapter 28B.50 RCW.
- 131-46-045 School district—Definition. [Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150].290. 94-04-120, § 131-46-045, filed 2/2/94, effective 3/5/94. Statutory Authority: RCW 28A.600.390. 93-01-014, § 131-46-045, filed 12/4/92, effective 1/4/93.] Repealed by 98-15-009, filed 7/2/98, effective 8/2/98. Statutory Authority: Chapter 28B.50 RCW.
- 131-46-050 Enrollment—General requirements and conditions. [Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150].290. 94-04-120, § 131-46-050, filed 2/2/94, effective 3/5/94. Statutory Authority: RCW 28A.600.390. 93-01-014, § 131-46-050, filed 12/4/92, effective 1/4/93.] Repealed by 98-15-009, filed 7/2/98, effective 8/2/98. Statutory Authority: Chapter 28B.50 RCW.
- 131-46-055 Enrollment—High school credit—Prior confirmation. [Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150].290. 94-04-120, § 131-46-055, filed 2/2/94, effective 3/5/94. Statutory Authority: RCW 28A.600.390. 93-01-014, § 131-46-055, filed 12/4/92, effective 1/4/93.] Repealed by 98-15-009, filed 7/2/98, effective 8/2/98. Statutory Authority: Chapter 28B.50 RCW.
- 131-46-060 Enrollment—Extent and duration. [Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150].290. 94-04-120, § 131-46-060, filed 2/2/94, effective 3/5/94. Statutory Authority: RCW 28A.600.390. 93-01-014, § 131-46-060, filed 12/4/92, effective 1/4/93.] Repealed by 98-15-009, filed 7/2/98, effective 8/2/98. Statutory Authority: Chapter 28B.50 RCW.
- 131-46-065 Enrollment—Extent and duration of combined high school and running start enrollment. [Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150].290. 94-04-120, § 131-46-065, filed 2/2/94, effective 3/5/94. Statutory Authority: RCW 28A.600.-390. 93-01-014, § 131-46-065, filed 12/4/92, effective 1/4/93.] Repealed by 98-15-009, filed 7/2/98, effective 8/2/98. Statutory Authority: Chapter 28B.50 RCW.
- 131-46-070 Enrollment—Exception from tuition and fees. [Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150].290. 94-04-120, § 131-46-070, filed 2/2/94, effective 3/5/94. Statutory Authority: RCW 28A.600.390. 93-01-014, § 131-46-070, filed 12/4/92, effective 1/4/93.] Repealed by 98-15-009, filed 7/2/98, effective 8/2/98. Statutory Authority: Chapter 28B.50 RCW.
- 131-46-075 Enrollment—Continuing eligibility. [Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150].-290. 94-04-120, § 131-46-075, filed 2/2/94, effective 3/5/94. Statutory Authority: RCW 28A.600.390. 93-01-014, § 131-46-075, filed 12/4/92, effective 1/4/93.] Repealed by 98-15-009, filed 7/2/98, effective 8/2/98. Statutory Authority: Chapter 28B.50 RCW.
- 131-46-080 Academic standards and discipline—Jurisdiction of educational agencies. [Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150].290. 94-04-120, § 131-46-080, filed 2/2/94, effective 3/5/94. Statutory Authority: RCW 28A.600.390. 93-01-014, § 131-46-080, filed 12/4/92, effective 1/4/93.] Repealed by 98-15-009, filed 7/2/98, effective 8/2/98. Statutory Authority: Chapter 28B.50 RCW.
- 131-46-085 Compliance with federal and state requirements of law—Special education program requirements—Necessary cooperative agreements. [Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150].290. 94-04-120, § 131-46-085, filed 2/2/94, effective 3/5/94. Statutory Authority: RCW 28A.600.390. 93-01-014, § 131-46-085, filed 12/4/92, effective 1/4/93.] Repealed by 98-15-009, filed 7/2/98, effective 8/2/98. Statutory Authority: Chapter 28B.50 RCW.
- 131-46-090 High school credit—Award by school districts. [Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150].290. 94-04-120, § 131-46-090, filed 2/2/94, effective 3/5/94. Statutory Authority: RCW 28A.600.-390. 93-01-014, § 131-46-090, filed 12/4/92, effective 1/4/93.] Repealed by 98-15-009, filed 7/2/98, effective 8/2/98. Statutory Authority: Chapter 28B.50 RCW.
- 131-46-095 Finance—Generation and apportionment of state basic education moneys. [Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150].290. 94-04-120, § 131-46-095, filed 2/2/94, effective 3/5/94. Statutory Authority: RCW 28A.600.390. 93-01-014, § 131-46-095, filed 12/4/92, effective 1/4/93.] Repealed by 98-15-009, filed 7/2/98, effective 8/2/98. Statutory Authority: Chapter 28B.50 RCW.
- 131-46-105 Running start enrollment count dates. [Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150].290. 94-04-120, § 131-46-105, filed 2/2/94, effective 3/5/94. Statutory Authority: RCW 28A.600.-390. 93-01-014, § 131-46-105, filed 12/4/92, effective 1/4/93.] Repealed by 98-15-009, filed 7/2/98, effective 8/2/98. Statutory Authority: Chapter 28B.50 RCW.
- 131-46-110 Finance—Community college and technical college reporting requirements. [Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150].290. 94-04-120, § 131-46-110, filed 2/2/94, effective 3/5/94. Statutory Authority: RCW 28A.600.390. 93-01-014, § 131-46-110, filed 12/4/92, effective 1/4/93.] Repealed by 98-15-009, filed 7/2/98, effective 8/2/98. Statutory Authority: Chapter 28B.50 RCW.
- 131-46-115 Finance—School district reporting requirements. [Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150].290. 94-04-120, § 131-46-115, filed 2/2/94, effective 3/5/94. Statutory Authority: RCW 28A.600.-390. 93-01-014, § 131-46-115, filed 12/4/92, effective 1/4/93.] Repealed by 98-15-009, filed 7/2/98, effective 8/2/98. Statutory Authority: Chapter 28B.50 RCW.
- 131-46-120 Finance—Limitations on enrollment counts. [Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150].290. 94-04-120, § 131-46-120, filed 2/2/94, effective 3/5/94. Statutory Authority: RCW 28A.600.-390. 93-01-014, § 131-46-120, filed 12/4/92, effective 1/4/93.] Repealed by 98-15-009, filed 7/2/98, effective 8/2/98. Statutory Authority: Chapter 28B.50 RCW.
- 131-46-125 Finance—Documentation requirements. [Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150].290. 94-04-120, § 131-46-125, filed 2/2/94, effective 3/5/94.] Repealed by 98-15-009, filed 7/2/98, effective 8/2/98. Statutory Authority: Chapter 28B.50 RCW.

**WAC 131-46-010 Authority.** The authority for this chapter is RCW 28A.600.390, which authorizes the superintendent of public instruction, the state board for community and technical colleges, and the higher education coordinating board to jointly develop and adopt rules governing RCW 28A.600.300 through 28A.600.380, and 28A.150.260 and 28A.150.290 which authorize the superintendent of public instruction to adopt rules governing basic education allocation moneys. The rules set forth in this chapter have been jointly developed and agreed upon by the three agencies, and adopted and codified in separate chapters of the Washington Administrative Code by each of the three agencies.

[Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150].290. 94-04-120, § 131-46-010, filed 2/2/94, effective 3/5/94. Statutory Authority: RCW 28A.600.390. 93-01-014, § 131-46-010, filed 12/4/92, effective 1/4/93.]

**WAC 131-46-015 Purpose.** The purpose of this chapter is to set forth policies and procedures governing the running start program.

[Statutory Authority: RCW 28A.600.390. 93-01-014, § 131-46-015, filed 12/4/92, effective 1/4/93.]

## MISCELLANEOUS

**WAC 131-46-077 Annual notice to students and parents.** Each school district shall annually provide general information respecting the running start program to all tenth

and eleventh grade students of the school district and their parents and guardians.

[Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150].290. 94-04-120, § 131-46-077, filed 2/2/94, effective 3/5/94.]

## FINANCIAL REPORTS, CLAIMS, AND PAYMENTS

### WAC 131-46-100 Determination of uniform state-wide rates for nonvocational and vocational students.

Prior to September 1 of each school year, the superintendent of public instruction shall calculate uniform statewide rates for allocating state basic education moneys for nonvocational and vocational running start enrollment in consultation with state board for community and technical college staff. Calculations shall be based on assumptions used in the state Operating Appropriations Act for the school year. Rates shall equal the average basic education formula generated amount per nonvocational and vocational AAFTE ninth through twelfth grade student for the school year excluding enhancements provided for small schools.

[Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150].290. 94-04-120, § 131-46-100, filed 2/2/94, effective 3/5/94. Statutory Authority: RCW 28A.600.390. 93-01-014, § 131-46-100, filed 12/4/92, effective 1/4/93.]

## ALTERNATIVE CONTRACTUAL ARRANGEMENTS

**WAC 131-46-130 Current and future community college and technical college enrollment alternatives not affected.** This chapter shall not affect the alternative enrollment, and arrangements therefor, of a secondary student in a community college or technical college pursuant to a contractual agreement entered into pursuant to RCW 28B.50.530 (interschool district/college district cooperative programs) and chapter 39.34 RCW (the Interlocal Cooperation Act). See WAC 392-121-183 (Contracting with an educational institution other than a school district).

[Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150].290. 94-04-120, § 131-46-130, filed 2/2/94, effective 3/5/94.]

**WAC 131-46-135 Adopting running start rules by reference.** WAC 392-169-005 through 392-169-125, inclusive of the 1995 amendments thereto and the repeal of WAC 392-169-035 are hereby adopted by reference.

[Statutory Authority: RCW 28.600.300.390 [28A.600.300 - 28A.600.390], 28A.150.260, 28A.150.290 and 28A.600.300 - 28A.600.400 as amended by 1994 c 205. 95-10-013, § 131-46-135, filed 4/25/95, effective 5/26/95.]

**WAC 131-46-140 Adoption by reference.** Adopting running start rule revisions by reference to amended sections WAC 392-169-025; 392-169-030; 392-169-055; 392-169-057; and 392-169-060, filed by the office of the superintendent of public instruction by WSR 99-13-124, filed 6/16/99.

[99-19-099, § 131-46-140, filed 9/20/99, effective 10/21/99.]

## Chapter 131-47 WAC PROJECT EVEN START

### WAC

131-47-010 Authority.  
131-47-015 Purpose.  
131-47-020 Public policy goals of project even start.

(2009 Ed.)

131-47-025 Project even start—Definition.  
131-47-030 Child development knowledge—Definition.  
131-47-035 Other eligible program components—Definition.  
131-47-040 Eligible grantee—Definition.  
131-47-045 Eligible parents—Definition.  
131-47-050 Basic skills—Definition.  
131-47-055 Standardized test—Definition.  
131-47-060 Transportation—Definition.  
131-47-065 Child care—Definition.  
131-47-070 Directly necessary activities—Definition.  
131-47-075 Indirect expenditures—Definition.  
131-47-080 Assurance of nonsupplanting—Program standard.  
131-47-085 Assurance of cooperation with the department of social and health services regarding public assistance reports—Program standard.  
131-47-090 Assurance to submit annual evaluation report to the state board for community and technical colleges.  
131-47-095 Reporting requirements.  
131-47-100 Request for even start project grants to the state board for community and technical colleges.  
131-47-105 Assurance of cooperation with state auditor.  
131-47-110 Assurance of service to targeted groups.  
131-47-125 Even start advisory committee.  
131-47-130 Duties of even start advisory committee.  
131-47-135 Preference for existing programs before developing new programs.  
131-47-140 Coordination of programs.  
131-47-145 Evaluation criteria for project even start.  
131-47-150 Performance standards for project even start.  
131-47-155 Administrative expenditures.  
131-47-160 Liability insurance.  
131-47-165 Bonding.

## DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

131-47-115 Priority groups. [Statutory Authority: Chapters 28A.610 and 28B.50 RCW and RCW 28B.50.915. 93-19-079, § 131-47-115, filed 9/15/93, effective 10/16/93.] Repealed by 98-15-003, filed 7/2/98, effective 8/2/98. Statutory Authority: Chapter 28B.50 RCW.  
131-47-120 Date of receipt of even start project proposals. [Statutory Authority: Chapters 28A.610 and 28B.50 RCW and RCW 28B.50.915. 93-19-079, § 131-47-120, filed 9/15/93, effective 10/16/93.] Repealed by 98-15-003, filed 7/2/98, effective 8/2/98. Statutory Authority: Chapter 28B.50 RCW.

**WAC 131-47-010 Authority.** The authority for this chapter is chapter 28A.610 RCW which authorizes the state board for community and technical colleges to promulgate rules for the establishment and administration of project even start.

[Statutory Authority: Chapters 28A.610 and 28B.50 RCW and RCW 28B.50.915. 93-19-079, § 131-47-010, filed 9/15/93, effective 10/16/93.]

**WAC 131-47-015 Purpose.** The purpose of this chapter is to set forth policies and procedures for the administration of project even start, including the establishment of eligibility criteria for the award of grants to eligible grantees.

[Statutory Authority: Chapters 28A.610 and 28B.50 RCW and RCW 28B.50.915. 93-19-079, § 131-47-015, filed 9/15/93, effective 10/16/93.]

**WAC 131-47-020 Public policy goals of project even start.** The public policy goals of project even start are to:

(1) Recognize that parents can be the most effective teachers for their children.

(2) Provide parents with low-literacy skills with opportunities to acquire basic skills and child development knowledge that will enhance their ability to assist and support their children in the learning process.

(3) Enhance children's learning experiences in the formal education environment by providing children with the moti-

vation and positive home environment which contributes to enhanced academic performance.

[Statutory Authority: Chapter 28B.50 RCW. 98-15-003, § 131-47-020, filed 7/2/98, effective 8/2/98. Statutory Authority: Chapters 28A.610 and 28B.50 RCW and RCW 28B.50.915. 93-19-079, § 131-47-020, filed 9/15/93, effective 10/16/93.]

**WAC 131-47-025 Project even start—Definition.** As used in this chapter, the term "project even start" means a program primarily designed to provide parents with low-literacy skills with basic skills instruction and which may include instruction in child development knowledge and other eligible program components as provided in WAC 392-315-030.

[Statutory Authority: Chapter 28B.50 RCW. 98-15-003, § 131-47-025, filed 7/2/98, effective 8/2/98. Statutory Authority: Chapters 28A.610 and 28B.50 RCW and RCW 28B.50.915. 93-19-079, § 131-47-025, filed 9/15/93, effective 10/16/93.]

**WAC 131-47-030 Child development knowledge—Definition.** As used in this chapter, the term "child development knowledge" means information about characteristics of child growth, including differences in development, and the role of child-parent interaction in supporting the developmental process.

[Statutory Authority: Chapters 28A.610 and 28B.50 RCW and RCW 28B.50.915. 93-19-079, § 131-47-030, filed 9/15/93, effective 10/16/93.]

**WAC 131-47-035 Other eligible program components—Definition.** As used in this chapter, the term "other eligible program components" means one or more of the following:

- (1) Transportation.
- (2) Child care.
- (3) Other activities and/or resources determined by the state board for community and technical colleges to be directly necessary activities to accomplish the purpose of project even start.

[Statutory Authority: Chapters 28A.610 and 28B.50 RCW and RCW 28B.50.915. 93-19-079, § 131-47-035, filed 9/15/93, effective 10/16/93.]

**WAC 131-47-040 Eligible grantee—Definition.** As used in this chapter, the term "eligible grantee" means any public agency or private nonsectarian program or organization.

[Statutory Authority: Chapters 28A.610 and 28B.50 RCW and RCW 28B.50.915. 93-19-079, § 131-47-040, filed 9/15/93, effective 10/16/93.]

**WAC 131-47-045 Eligible parents—Definition.** As used in this chapter, the term "eligible parents" means one or more parents, which may be a biological or foster parent, a guardian, or a person with whom a child resides, and who meets the following two part test:

- (1) Demonstrates low-literacy skills, i.e., has less than a ninth grade ability in one or more basic skill areas.
- (2) Has a child enrolled in one of the following programs:
  - (a) State early childhood education and assistance program.
  - (b) Federal head start program.
  - (c) State or federally funded elementary school—i.e., grades K-8—basic skills program serving students who have

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scored below the national average of the basic skill areas of reading, language arts, or mathematics.

(d) A cooperative nursery—e.g., preschool or day care—at a community or technical college.

(e) A bilingual education/ESL program which includes children who are eligible for programs listed in (a) through (d) of this subsection.

(f) A program that serves children with special needs who are eligible for programs listed in (a) through (d) of this subsection.

[Statutory Authority: Chapter 28B.50 RCW. 98-15-003, § 131-47-045, filed 7/2/98, effective 8/2/98. Statutory Authority: Chapters 28A.610 and 28B.50 RCW and RCW 28B.50.915. 93-19-079, § 131-47-045, filed 9/15/93, effective 10/16/93.]

**WAC 131-47-050 Basic skills—Definition.** As used in this chapter, the term basic skills means the ability to read, write, and speak in English, compute, and solve problems at levels of proficiency necessary to function on the job and in society, to achieve one's goals, and to develop one's knowledge and potential.

[Statutory Authority: Chapter 28B.50 RCW. 98-15-003, § 131-47-050, filed 7/2/98, effective 8/2/98. Statutory Authority: Chapters 28A.610 and 28B.50 RCW and RCW 28B.50.915. 93-19-079, § 131-47-050, filed 9/15/93, effective 10/16/93.]

**WAC 131-47-055 Standardized test—Definition.** As used in this chapter, the term "standardized test" means any recognized test of adult basic skills and/or ESL that has received the prior approval of the state board for community and technical colleges and the adult education advisory council.

[Statutory Authority: Chapter 28B.50 RCW. 98-15-003, § 131-47-055, filed 7/2/98, effective 8/2/98. Statutory Authority: Chapters 28A.610 and 28B.50 RCW and RCW 28B.50.915. 93-19-079, § 131-47-055, filed 9/15/93, effective 10/16/93.]

**WAC 131-47-060 Transportation—Definition.** As used in this chapter, the term "transportation" means transport of the eligible parents or children thereof provided directly by the eligible grantee or reimbursed by such eligible grantee pursuant to the allowances provided in WAC 392-141-190(2).

[Statutory Authority: Chapters 28A.610 and 28B.50 RCW and RCW 28B.50.915. 93-19-079, § 131-47-060, filed 9/15/93, effective 10/16/93.]

**WAC 131-47-065 Child care—Definition.** As used in this chapter, the term "child care" means adult supervision of children of eligible parents provided directly by the eligible grantee or reimbursed by such eligible grantee pursuant to a written contract either with the provider of the day care or with the eligible parent.

[Statutory Authority: Chapters 28A.610 and 28B.50 RCW and RCW 28B.50.915. 93-19-079, § 131-47-065, filed 9/15/93, effective 10/16/93.]

**WAC 131-47-070 Directly necessary activities—Definition.** As used in this chapter, the term "directly necessary activities" means reasonable services and activities that are needed to remove barriers that inhibit participation of eligible parents in the even start project.

[Statutory Authority: Chapters 28A.610 and 28B.50 RCW and RCW 28B.50.915. 93-19-079, § 131-47-070, filed 9/15/93, effective 10/16/93.]



**WAC 131-47-075 Indirect expenditures—Definition.**

As used in this chapter, "indirect expenditures" means those expenditures for administration of the organization as well as support service, fiscal support, and maintenance of facilities.

[Statutory Authority: Chapters 28A.610 and 28B.50 RCW and RCW 28B.50.915. 93-19-079, § 131-47-075, filed 9/15/93, effective 10/16/93.]

**WAC 131-47-080 Assurance of nonsupplanting—Program standard.** No application for an even start project grant shall be approved by the state board for community and technical colleges unless the authorized agent of the eligible grantee provides assurance to the state board for community and technical colleges of compliance with RCW 28A.610.030(4)—i.e., "State funds . . . shall be used solely to expand and complement, but not supplant, federal funds for adult literary programs."

[Statutory Authority: Chapters 28A.610 and 28B.50 RCW and RCW 28B.50.915. 93-19-079, § 131-47-080, filed 9/15/93, effective 10/16/93.]

**WAC 131-47-085 Assurance of cooperation with the department of social and health services regarding public assistance reports—Program standard.** No application for an even start project grant shall be approved by the state board for community and technical colleges unless the authorized agent of the eligible grantee agrees to assist eligible parents in any reporting requirement of the department of social and health services related to compliance with RCW 28A.610.030(3)—i.e., "fulfillment of . . . work and training obligation for the receipt of public assistance."

[Statutory Authority: Chapters 28A.610 and 28B.50 RCW and RCW 28B.50.915. 93-19-079, § 131-47-085, filed 9/15/93, effective 10/16/93.]

**WAC 131-47-090 Assurance to submit annual evaluation report to the state board for community and technical colleges.** No application for an even start project grant shall be approved by the state board for community and technical colleges unless the authorized agent of the eligible grantee agrees to submit an annual evaluation report containing the information requested by the state board for community and technical colleges as outlined in the request for proposals.

[Statutory Authority: Chapter 28B.50 RCW. 98-15-003, § 131-47-090, filed 7/2/98, effective 8/2/98. Statutory Authority: Chapters 28A.610 and 28B.50 RCW and RCW 28B.50.915. 93-19-079, § 131-47-090, filed 9/15/93, effective 10/16/93.]

**WAC 131-47-095 Reporting requirements.** Successful applicants for project even start will be required to report fiscal, program, and client data to state board for community and technical colleges upon request.

At a minimum, applicants are required to ensure that:

(1) Financial systems allow for effective control and accountability for all program funds, property, and other assets, including use for authorized purposes only.

(2) Accounting systems will meet and comply with generally accepted accounting principles. Transactions will be supported by source documentation which identifies the source and use of the contract funds.

(3) The agency records management system provides for systematic accumulation; filing; retention of appropriate records; all contract documentation of accountability and an

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inventory of nonexpendable items. Included are vouchers; receipts; materials and equipment cost; facilities usage; and, general indirect costs.

(4) Program and client data are available at a minimum on a quarterly basis. Attendance records are kept on all participants.

[Statutory Authority: Chapter 28B.50 RCW. 98-15-003, § 131-47-095, filed 7/2/98, effective 8/2/98. Statutory Authority: Chapters 28A.610 and 28B.50 RCW and RCW 28B.50.915. 93-19-079, § 131-47-095, filed 9/15/93, effective 10/16/93.]

**WAC 131-47-100 Request for even start project grants to the state board for community and technical colleges.** Any eligible grantee may submit a request to the state board for community and technical colleges for an even start project grant. Such request must be reviewed and approved by the governing board of the requesting public or private agency and shall include the assurances required by WAC 392-315-075, 392-315-080, and 392-315-085.

[Statutory Authority: Chapters 28A.610 and 28B.50 RCW and RCW 28B.50.915. 93-19-079, § 131-47-100, filed 9/15/93, effective 10/16/93.]

**WAC 131-47-105 Assurance of cooperation with state auditor.** No application for an even start project grant shall be approved by the state board for community and technical colleges unless the authorized agent or eligible grantee agrees to provide written assurance that an audit will be permitted if deemed appropriate by the state auditor.

[Statutory Authority: Chapters 28A.610 and 28B.50 RCW and RCW 28B.50.915. 93-19-079, § 131-47-105, filed 9/15/93, effective 10/16/93.]

**WAC 131-47-110 Assurance of service to targeted groups.** No application for an even start project grant shall be approved by the state board of community and technical colleges unless the authorized agent or eligible grantee agrees to provide written assurance that even start programs will serve one or more of the following groups:

- (1) Single heads of household.
- (2) Parents of early childhood education assistance program (ECEAP) participants.
- (3) Parents of federal head start program participants.
- (4) Recipients of funds from the temporary assistance for needy families program.
- (5) Ethnic minorities.
- (6) Parents who are below the ninth grade literacy level.
- (7) Parents of children with special needs.

[Statutory Authority: Chapter 28B.50 RCW. 98-15-003, § 131-47-110, filed 7/2/98, effective 8/2/98. Statutory Authority: Chapters 28A.610 and 28B.50 RCW and RCW 28B.50.915. 93-19-079, § 131-47-110, filed 9/15/93, effective 10/16/93.]

**WAC 131-47-125 Even start advisory committee.** An advisory committee composed of at least ten representatives from citizens and groups within the state having an interest in family literacy shall make recommendations to the state board for community and technical colleges and the adult education advisory council on the administration and operation of project even start, including the need to change any statute or rule affecting family literacy programs.

[Statutory Authority: Chapter 28B.50 RCW. 98-15-003, § 131-47-125, filed 7/2/98, effective 8/2/98. Statutory Authority: Chapters 28A.610 and 28B.50

RCW and RCW 28B.50.915. 93-19-079, § 131-47-125, filed 9/15/93, effective 10/16/93.]

**WAC 131-47-130 Duties of even start advisory committee.** The even start advisory committee shall select subcommittees of not more than seven members of the committee, or individuals approved by the committee to:

(1) Evaluate requests for proposals and make recommendations for funding to the state board for community and technical colleges, including the need for the state board for community and technical colleges to negotiate the terms, conditions, or funding of any grant proposal. Members of the selection subcommittee will not be from commissions, agencies, organizations, or schools which have submitted even start proposals and must not personally benefit from the outcome of the selection process.

(2) Make recommendations to the state board for community and technical colleges and the adult education advisory council on the administration and operation of project even start, including the need to change any statute or rule affecting family literacy programs.

(3) Develop the bylaws that govern the activities of the advisory committee.

[Statutory Authority: Chapter 28B.50 RCW. 98-15-003, § 131-47-130, filed 7/2/98, effective 8/2/98. Statutory Authority: Chapters 28A.610 and 28B.50 RCW and RCW 28B.50.915. 93-19-079, § 131-47-130, filed 9/15/93, effective 10/16/93.]

**WAC 131-47-135 Preference for existing programs before developing new programs.** In accordance with RCW 28A.610.040, "before developing and funding new adult literacy programs to carry out the purposes of project even start.", the state board for community and technical colleges shall fund the existing adult literacy programs and parent related programs which meet the conditions established in this chapter and are offered by the following agencies:

- (1) Common schools.
- (2) Community and technical colleges.
- (3) Community-based, nonprofit organizations.

[Statutory Authority: Chapter 28B.50 RCW. 98-15-003, § 131-47-135, filed 7/2/98, effective 8/2/98. Statutory Authority: Chapters 28A.610 and 28B.50 RCW and RCW 28B.50.915. 93-19-079, § 131-47-135, filed 9/15/93, effective 10/16/93.]

**WAC 131-47-140 Coordination of programs.** Even start programs shall coordinate their services with programs that enroll the participants' children and programs that serve adult literacy. Such coordination is essential so that:

- (1) Parents can practice and receive feedback and guidance on the ways they interact with their children.
- (2) Parents can take advantage of the resources and services offered by both the children's program and the program.
- (3) Parents can continue to gain support from adult and child programs after their period of active involvement in the even start program is completed.

[Statutory Authority: Chapter 28B.50 RCW. 98-15-003, § 131-47-140, filed 7/2/98, effective 8/2/98. Statutory Authority: Chapters 28A.610 and 28B.50 RCW and RCW 28B.50.915. 93-19-079, § 131-47-140, filed 9/15/93, effective 10/16/93.]

**WAC 131-47-145 Evaluation criteria for project even start.** Proposals for even start funds shall be evaluated according to the following criteria:

(1) The applicant's likely success in meeting the goals of this program;

(2) The need for literacy, basic skills, and child development instruction for illiterate and semiliterate parents of young children in the geographical area served by the applicant. All proposals must contain data which identify the estimated number of males and females to be served, the estimate of limited English-speaking adults and ethnic minorities to be enrolled, the number of anticipated public assistance recipients to be served, and the number of anticipated percentage of participants with children enrolled in early childhood education and assistance programs (ECEAP) and head start programs;

(3) The applicant's plan for evaluating the effect of the program on both the parent participants and their preschool or school aged children;

(4) The cost-effectiveness of the program; and the reasonableness of the budget;

(5) The applicant's administrative capability; and

(6) The applicant's ability to meet the even start indicators of program quality as approved by the even start advisory committee.

[Statutory Authority: Chapter 28B.50 RCW. 98-15-003, § 131-47-145, filed 7/2/98, effective 8/2/98. Statutory Authority: Chapters 28A.610 and 28B.50 RCW and RCW 28B.50.915. 93-19-079, § 131-47-145, filed 9/15/93, effective 10/16/93.]

**WAC 131-47-150 Performance standards for project even start.** Programs proposed under project even start shall:

(1) Reflect instructional methods, staffing patterns, curricula, and utilization of resources which reflect current research in adult learning theory, first and second language literacy acquisition, the role of parents in the child's acquisition of language, and effective parenting skills;

(2) Be sensitive to the social, cultural, and ethnic differences of the participants, and shall respond to those differences in the program design;

(3) Offer adult services at least ten hours per week for a minimum of ten weeks and for at least thirty weeks within a fifty-two week period;

(4) Meet the even start indicators of program quality as approved by the even start advisory committee.

[Statutory Authority: Chapter 28B.50 RCW. 98-15-003, § 131-47-150, filed 7/2/98, effective 8/2/98. Statutory Authority: Chapters 28A.610 and 28B.50 RCW and RCW 28B.50.915. 93-19-079, § 131-47-150, filed 9/15/93, effective 10/16/93.]

**WAC 131-47-155 Administrative expenditures.** Administration expenditures (i.e., direct and indirect) for programs funded under project even start may not exceed ten percent of the total grant awarded.

[Statutory Authority: Chapters 28A.610 and 28B.50 RCW and RCW 28B.50.915. 93-19-079, § 131-47-155, filed 9/15/93, effective 10/16/93.]

**WAC 131-47-160 Liability insurance.** The state board for community and technical colleges assumes no liability with respect to bodily injury, illness, accident, theft, or any other damages or losses concerning persons or property, or

involving the applicant's equipment or vehicles. Successful applicants who are nonpublic entities shall have the responsibility of providing adequate insurance coverage to protect against legal liability arising out of activities.

[Statutory Authority: Chapters 28A.610 and 28B.50 RCW and RCW 28B.50.915. 93-19-079, § 131-47-160, filed 9/15/93, effective 10/16/93.]

**WAC 131-47-165 Bonding.** Every officer, director, or employee of a nonpublic entity who is authorized to act on behalf of the applicant or any subcontractor for the purpose of receiving or depositing funds into program accounts or issuing financial documents, checks, or other instruments of payment for program costs will be bonded to provide protection against loss.

[Statutory Authority: Chapters 28A.610 and 28B.50 RCW and RCW 28B.50.915. 93-19-079, § 131-47-165, filed 9/15/93, effective 10/16/93.]

## Chapter 131-48 WAC

### CERTIFICATE OF EDUCATIONAL COMPETENCE

#### WAC

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131-48-120	Identification necessary to take the GED test.
131-48-130	Application form for certificate of educational competence.
131-48-140	Effect of certificate of educational competence.

**WAC 131-48-010 Authority.** The authority for this chapter is RCW 28B.50.912 which authorizes the state board for community and technical colleges to adopt rules governing the eligibility of persons sixteen years of age or older to take the general educational development (GED) test subject to rules adopted by the state board of education.

[Statutory Authority: Chapter 28B.50 RCW. 98-15-008, § 131-48-010, filed 7/2/98, effective 8/2/98. Statutory Authority: RCW 28B.50.915. 93-22-006, § 131-48-010, filed 10/21/93, effective 11/21/93.]

**WAC 131-48-020 Purpose.** The purpose of this chapter is to set forth policies and procedures governing the administration of the GED test and the issuance of certificates of educational competence for persons who have not graduated from high school and are not enrolled in a regular or alternative high school program.

[Statutory Authority: RCW 28B.50.915. 93-22-006, § 131-48-020, filed 10/21/93, effective 11/21/93.]

**WAC 131-48-030 Certificate of educational competence.** As used in this chapter, the term "certificate of educational competence" means a certificate issued jointly by the state board for community and technical colleges and the superintendent of public instruction which indicates that the holder thereof has attained standard scores at or above the minimum proficiency level prescribed by the state board for

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community and technical colleges on the general educational development (GED) test, which is a measure of high school equivalency in the areas of writing skills, social studies, science, reading skills, and mathematics.

[Statutory Authority: RCW 28B.50.915. 93-22-006, § 131-48-030, filed 10/21/93, effective 11/21/93.]

**WAC 131-48-040 General educational development test—Definition.** As used in this chapter, the term "general educational development test" means the most recent general educational development test as determined by the authorizing agency.

[Statutory Authority: Chapter 28B.50 RCW. 98-15-008, § 131-48-040, filed 7/2/98, effective 8/2/98. Statutory Authority: RCW 28B.50.915. 93-22-006, § 131-48-040, filed 10/21/93, effective 11/21/93.]

**WAC 131-48-050 Minimum proficiency level—Definition.** Minimum proficiency level in Washington state is that set by GED Testing Service, part of the American Council on Education.

[Statutory Authority: RCW 28B.50.536. 07-19-100, § 131-48-050, filed 9/18/07, effective 10/19/07. Statutory Authority: RCW 28B.50.915. 93-22-006, § 131-48-050, filed 10/21/93, effective 11/21/93.]

**WAC 131-48-060 Official GED testing center—Definition.** As used in this chapter, the term "official GED testing center" means public or private agencies which have agreed to comply with the provisions of this chapter and with policies and regulations of the GED Testing Service, and which have been designated by the state board for community and technical colleges, administrator of the GED testing program to administer the general educational development test. Additional official GED testing centers and local GED examiners shall be approved by the state administrator of the GED testing program at the state board for community and technical colleges when the following have been documented:

- (1) Need for a new testing site in a specific region or location;
- (2) Need for new or replacement examiner at a testing center;
- (3) Commitment of the governing board or, if none, the chief official of the proposed new testing center to meet all testing center requirements described in the *GED Examiner's Manual* published by GED Testing Service of the American Council on Education; and
- (4) Availability of testing center personnel who meet the qualifications specified in the *GED Examiner's Manual* published by the GED Testing Service as determined by the authorizing agency.

[Statutory Authority: Chapter 28B.50 RCW. 98-15-008, § 131-48-060, filed 7/2/98, effective 8/2/98. Statutory Authority: RCW 28B.50.915. 93-22-006, § 131-48-060, filed 10/21/93, effective 11/21/93.]

**WAC 131-48-070 Restrictions on use of general educational development tests.** GED tests are designed and validated to enable persons who did not graduate from high school to earn a GED credential. Permission to use the GED tests or test results for other purposes must be obtained from the Commission on Educational Credit or GED Testing Service staff. Misuses of the tests include, but are not limited to using a GED test:

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- (1) For the purposes of grade placement or promotion;
- (2) As measures of student progress in instructional programs;
- (3) As means of awarding academic credit (e.g., Carnegie units);
- (4) As means for awarding alternative credentials to currently enrolled high school students; or
- (5) As means of awarding high school diplomas or credentials.

[Statutory Authority: RCW 28B.50.915. 93-22-006, § 131-48-070, filed 10/21/93, effective 11/21/93.]

**WAC 131-48-080 Compliance with rules.** Testing centers shall comply with the requirements of the testing program, and administer GED tests only to those who have reached the age of nineteen unless an applicant who is sixteen, seventeen, or eighteen years of age has been adjudged by a school district official in accordance with rules of the state board of education to have a substantial and warranted reason for leaving the regular high school program.

[Statutory Authority: RCW 28B.50.915. 93-22-006, § 131-48-080, filed 10/21/93, effective 11/21/93.]

**WAC 131-48-090 Annual contracts.** The annual contract between official testing centers, SBCTC and the GED Testing Service shall provide assurances that all state and national requirements shall be met. Failure to meet any requirement may result in cancellation of the approval and authorization of a public or private agency to act as an official GED testing center.

[Statutory Authority: RCW 28B.50.915. 93-22-006, § 131-48-090, filed 10/21/93, effective 11/21/93.]

**WAC 131-48-100 Eligibility to take the GED test.** The following individuals shall be eligible to take the general educational development test in official GED testing centers, provided that they are not enrolled in public, private, or home-based instruction of high school or a high school completion program at the time the test is administered:

- (1) Any person age nineteen or over who has not graduated from a public or private high school.
- (2) Any person between the ages of sixteen and nineteen who has not graduated from a public or private high school and who has been adjudged by a school district in accordance with rules of the state board of education to have a substantial and warranted reason for leaving the regular high school education program.
- (3) Any student age sixteen or over who has completed an education center individual student program in accordance with the provisions of chapter 392-185 WAC.
- (4) Any person between the ages of sixteen and nineteen who has not graduated from a public or private high school, and who has completed a program of home-based instruction in compliance with RCW 28A.225.010(4) as certified by the written and notarized statement of the parent(s) or legal guardian(s) who provided the home-based instruction.
- (5) Any person who is an active member of the military, national guard, or reserves and has not received a high school diploma.

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- (6) Adjudicated youth under the director of prisons, jails, detention centers, parole and probation offices, and other corrections facilities while enrolled in school if so ordered by a court or officer of the court.

[Statutory Authority: Chapter 28B.50 RCW. 98-15-008, § 131-48-100, filed 7/2/98, effective 8/2/98. Statutory Authority: RCW 28B.50.915. 93-22-006, § 131-48-100, filed 10/21/93, effective 11/21/93.]

**WAC 131-48-110 Eligibility for award of certificate of educational competence.** The certificate of educational competence shall be awarded jointly by the state board for community and technical colleges and the superintendent of public instruction to persons who achieve the minimum proficiency level on the general educational development test and who meet the following:

- (1) Are residents of Washington state; and
- (2) Are nineteen years of age or older on the date of issuance; or
- (3) Have been adjudged by a district as possessing a substantial and warranted reason for leaving the regular high school education program.
- (4) Have completed a program of home-based instruction in compliance with RCW 28A.225.010(4) and chapter 28A.220 RCW.
- (5) Are active members of the military, national guard, or reserves.
- (6) Are adjudicated youth under the director of prisons, jails, detention centers, parole and probation offices, and other corrections facilities and so ordered by a court or officer of the court.

[Statutory Authority: RCW 28B.50.915. 93-22-006, § 131-48-110, filed 10/21/93, effective 11/21/93.]

**WAC 131-48-120 Identification necessary to take the GED test.** All persons taking the GED test must provide picture identification utilizing one of the following:

- (1) State-issued driver's license or a state-issued identification card with a photograph.
- (2) United States passport.
- (3) Certificate of United States citizenship.
- (4) Certificate of naturalization.
- (5) Unexpired foreign passport.
- (6) Alien registration card with photograph.
- (7) Armed forces identification card.
- (8) Other forms of comparable identification which the GED examiner judges to be credible including, but not limited to, one or more of the following:
  - (a) Other forms of picture identification;
  - (b) Birth certificates in combination with other sources that confirm identity; and
  - (c) Confirmation of identity by a law enforcement, social service, or penal agency.

[Statutory Authority: RCW 28B.50.915. 93-22-006, § 131-48-120, filed 10/21/93, effective 11/21/93.]

**WAC 131-48-130 Application form for certificate of educational competence.** The state board for community and technical colleges shall supply each official GED testing center with forms for applicants to request certificates of educational competence. Such forms shall request data necessary for processing of the application, including the applicant's

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scores on the GED test certified by an appropriate official of the GED testing center, the applicant's Social Security number and such additional information as the state board for community and technical colleges administrator for GED testing program deems necessary for any authorized research project associated with the implementation or administration of this chapter.

[Statutory Authority: RCW 28B.50.915. 93-22-006, § 131-48-130, filed 10/21/93, effective 11/21/93.]

**WAC 131-48-140 Effect of certificate of educational competence.** The award by the state board for community and technical colleges and superintendent of public instruction of a certificate of educational competence shall not preclude such persons from returning to high school to obtain a regular high school diploma if changes in the person's personal situation allow completion of a regular high school education program. However, the GED certificate or test scores may not be used as a means of awarding academic credit (e.g., Carnegie units) or as part or all of the requirements for completing the regular high school diploma.

Receipt of a certificate of educational competence also shall not preclude such persons from enrolling in an adult high school completion program at one of the state's community or technical colleges. However, the GED certificate or test scores may not be used as a means of awarding academic credit or as part or all of the requirements for completing the adult high school completion program and receiving the adult high school diploma.

[Statutory Authority: RCW 28B.50.915. 93-22-006, § 131-48-140, filed 10/21/93, effective 11/21/93.]

**Chapter 131-49 WAC**

**REGULATIONS FOR THE ADMINISTRATION OF THE DISPLACED HOMEMAKER PROGRAM**

(Formerly chapter 250-44 WAC)

**WAC**

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**WAC 131-49-010 Purpose.** The Displaced Homemaker Act, chapter 28B.04 RCW establishes guidelines under which the state board for community and technical colleges shall contract to establish both multipurpose service centers and programs of service to provide necessary training opportunities, counseling and services for displaced home-

makers 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. 08-21-041, § 131-49-010, filed 10/8/08, effective 11/8/08. 07-23-089, recodified as § 131-49-010, filed 11/20/07, effective 11/20/07. 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 131-49-020 Program administration.** Responsibility for all aspects of administration of the displaced homemaker program, subject to these regulations, shall be vested in the executive director of the board.

[07-23-089, recodified as § 131-49-020, filed 11/20/07, effective 11/20/07. Statutory Authority: Chapter 28B.04 RCW. 01-01-050, § 250-44-020, filed 12/11/00, effective 1/11/01. 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 131-49-030 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.

[07-23-089, recodified as § 131-49-030, filed 11/20/07, effective 11/20/07. 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 131-49-040 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 131-49-030.

(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 state board for community and technical colleges.

(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 reentry programs, including bilingual programming where appropriate; and

(ii) Include information about such other programs determined by the board 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) "Statewide outreach and information services" means activities designed to make general outreach and information services for displaced homemakers available throughout Washington including but not limited to areas directly served by multipurpose service centers or other programs of service under the displaced homemaker program.

(19) "Subsistence" means support provided to, or paid to recipients for support services including all living expenses, child care, and transportation.

(20) "Performance indicators" means expected levels of services and outcomes as established by the executive director and made available in the application guidelines.

(21) "Initial contract" means a contract awarded based on a competitive process and the evaluation of an initial application.

(22) "Renewal contract" means a contract awarded to a current sponsoring organization for the ensuing biennium, based on the evaluation of a renewal application.

[Statutory Authority: Chapter 28B.04 RCW. 08-21-041, § 131-49-040, filed 10/8/08, effective 11/8/08. 07-23-089, recodified as § 131-49-040, filed 11/20/07, effective 11/20/07. Statutory Authority: Chapter 28B.04 RCW. 01-01-050, § 250-44-040, filed 12/11/00, effective 1/11/01. 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 131-49-050 Utilization of available contract funds.** (1) 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 available for funding of a multipurpose service center.

(b) The maximum contract amount available for funding of a program or programs of service.

(c) A reservation of funds for contracts to provide statewide outreach and information services and/or training for service providers.

(2) At least two multipurpose service centers, each located in a highly populated area, shall be supported under the displaced homemaker program, provided adequate funds have been appropriated.

(3) Remaining funds shall be used for contracts selected to provide geographic dispersion of displaced homemaker multipurpose service centers and programs of service.

[07-23-089, recodified as § 131-49-050, filed 11/20/07, effective 11/20/07. Statutory Authority: Chapter 28B.04 RCW. 01-01-050, § 250-44-050, filed 12/11/00, effective 1/11/01. 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.]

(2009 Ed.)

**WAC 131-49-060 Eligibility to apply for contracts.**

Either an initial or renewal 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 131-49-040(16).

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

(2) Organizations that apply as a consortium shall submit a single application. The application shall be submitted by the sponsoring organization that will serve as fiscal agent for the consortium.

[Statutory Authority: Chapter 28B.04 RCW. 08-21-041, § 131-49-060, filed 10/8/08, effective 11/8/08. 07-23-089, recodified as § 131-49-060, filed 11/20/07, effective 11/20/07. Statutory Authority: Chapter 28B.04 RCW. 01-01-050, § 250-44-060, filed 12/11/00, effective 1/11/01. 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 131-49-070 Calendar and closing dates for applications and awards.** (1) Applications for both initial and renewal contracts to provide services to displaced homemakers shall be submitted by eligible organizations pursuant to WAC 131-49-040(16) by the date specified in the contract application guidelines.

(2) The executive director of the board shall approve awards of contracts, provided qualifying applications were received by the closing dates specified in the application guidelines.

(3) In the event that available funds for contracts under the act are not fully utilized after approval of contracts, the executive director shall 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, or award supplemental funds for targeted displaced homemaker program initiatives.

[Statutory Authority: Chapter 28B.04 RCW. 08-21-041, § 131-49-070, filed 10/8/08, effective 11/8/08. 07-23-089, recodified as § 131-49-070, filed 11/20/07, effective 11/20/07. Statutory Authority: Chapter 28B.04 RCW. 01-01-050, amended and recodified as § 250-44-070, filed 12/11/00, effective 1/11/01. 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 131-49-080 Content of application.** Both initial and renewal applications shall be submitted using the format and forms prescribed in the contract application guidelines.

[07-23-089, recodified as § 131-49-080, filed 11/20/07, effective 11/20/07. Statutory Authority: Chapter 28B.04 RCW. 01-01-050, amended and recodified as § 250-44-080, filed 12/11/00, effective 1/11/01. 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 131-49-090 Standards to be met by applicants.**

In addition to eligibility as a public or nonprofit organization, each sponsoring organization shall be required to provide evidence of adequate staff or governing board provisions to provide administrative and financial management oversight services to ensure contract compliance.

[07-23-089, recodified as § 131-49-090, filed 11/20/07, effective 11/20/07. Statutory Authority: Chapter 28B.04 RCW. 01-01-050, amended and recodified as § 250-44-090, filed 12/11/00, effective 1/11/01. 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 131-49-100 Required assurances.** No contract shall 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 shall 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 shall 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 shall 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 shall not in any way interfere with the provision of services to displaced homemakers as defined in the act. The sponsoring organization shall 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 131-49-190 and such other accounting and reporting requirements as may be established by the executive director.

(6) The sponsoring organization agrees to participate in evaluation procedures, including the use of all specified uniform client classification forms 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 is 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. 08-21-041, § 131-49-100, filed 10/8/08, effective 11/8/08. 07-23-089, recodified as § 131-49-100, filed 11/20/07, effective 11/20/07. Statutory Authority: Chapter 28B.04 RCW. 01-10-020, § 250-44-100, filed 4/23/01, effective 5/24/01; 01-01-050, amended and recodified as § 250-44-100, filed 12/11/00, effective 1/11/01. 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 131-49-110 Criteria for selection of contracts to be awarded.**

(1) Initial contracts. For each closing date established as specified in WAC 131-49-070, 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.

(2) The executive director shall develop a system for evaluating initial applications with respect to the above-stated criteria, and make available in the application guidelines a description of the system.

(3) Final selection of initial applications to be approved will be based upon both relative ranking on factors listed in subsection (1) of this section and appropriate geographic distribution.

(4) Renewal contracts. The sponsoring organization may be eligible to renew its contract for one ensuing biennium provided the sponsoring organization was in full compliance with the contract and performance indicators established by the executive director.

(5) The executive director shall develop a system for evaluating renewal applications and make available in the application guidelines a description of the system.

[Statutory Authority: Chapter 28B.04 RCW. 08-21-041, § 131-49-110, filed 10/8/08, effective 11/8/08. 07-23-089, recodified as § 131-49-110, filed 11/20/07, effective 11/20/07. Statutory Authority: Chapter 28B.04 RCW. 01-10-020, § 250-44-110, filed 4/23/01, effective 5/24/01; 01-01-050, amended and recodified as § 250-44-110, filed 12/11/00, effective 1/11/01. 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 131-49-120 Procedure for selection of contracts to be awarded.** (1) Initial contracts. The following steps will be employed in screening and selection of applications to be approved for initial contracts:

(a) Applications will be screened for eligibility and completeness;

(b) 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;

(c) Within each category of application as described in WAC 131-49-110(1), the panel of readers will evaluate and rank qualifying applications according to the system published in accordance with WAC 131-49-110(2);

(d) The advisory committee will consider evaluations prepared by the readers, and will develop a list of recommended approved applications to be awarded contracts;

(e) 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.

(2) Renewal contracts. The following steps will be employed in screening and selection of applications to be approved for renewal contracts:

(a) Applications will be screened for eligibility and completeness;

(b) In cooperation with the advisory committee, or a subset thereof, the board will evaluate qualifying applications in accordance with WAC 131-49-110(4) and develop a list of recommended approved renewal applications according to the system published in WAC 131-49-110(5);

(c) The list of recommended approved renewal applications shall be submitted to the executive director of the board for approval. Upon approval the executive director will award the renewal contracts.

[Statutory Authority: Chapter 28B.04 RCW. 08-21-041, § 131-49-120, filed 10/8/08, effective 11/8/08. 07-23-089, recodified as § 131-49-120, filed 11/20/07, effective 11/20/07. Statutory Authority: Chapter 28B.04 RCW. 01-10-020, § 250-44-120, filed 4/23/01, effective 5/24/01; 01-01-050, amended and recodified as § 250-44-120, filed 12/11/00, effective 1/11/01. 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 131-49-130 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.

[07-23-089, recodified as § 131-49-130, filed 11/20/07, effective 11/20/07. Statutory Authority: Chapter 28B.04 RCW. 01-01-050, recodified as § 250-44-130, filed 12/11/00, effective 1/11/01. 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 131-49-140 Length of contract periods.** (1) Contract periods for each contract awarded under the act shall be in accordance with each application proposal, subject to

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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.

(2) An initial contract shall be awarded on a biennial basis.

(3) An initial contract may be renewed for one ensuing biennium provided the sponsoring organization was in full compliance with the contract and performance indicators established by the executive director.

[Statutory Authority: Chapter 28B.04 RCW. 08-21-041, § 131-49-140, filed 10/8/08, effective 11/8/08. 07-23-089, recodified as § 131-49-140, filed 11/20/07, effective 11/20/07. Statutory Authority: Chapter 28B.04 RCW. 01-01-050, amended and recodified as § 250-44-140, filed 12/11/00, effective 1/11/01. 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. 82-21), § 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 131-49-150 Amendment of contracts.** A contract may be amended by mutual agreement between the executive director and the executive officer of the sponsoring organization.

[07-23-089, recodified as § 131-49-150, filed 11/20/07, effective 11/20/07. Statutory Authority: Chapter 28B.04 RCW. 01-01-050, recodified as § 250-44-150, filed 12/11/00, effective 1/11/01. 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 131-49-160 Eligible expenditures and matching requirements.** (1) Eligible expenditures include all operating expenses necessary 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 shall be utilized to provide subsistence or stipends for recipients of the services provided.

(b) No funds under the contract budgets shall 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) All 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 shall 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 shall 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.

(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 organization, based on the original contract amount.

(a) Validation of the provision of required matching support shall be provided as required 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.

[07-23-089, recodified as § 131-49-160, filed 11/20/07, effective 11/20/07. Statutory Authority: Chapter 28B.04 RCW. 01-01-050, amended and recodified as § 250-44-160, filed 12/11/00, effective 1/11/01. 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 131-49-170 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.

[07-23-089, recodified as § 131-49-170, filed 11/20/07, effective 11/20/07. Statutory Authority: Chapter 28B.04 RCW. 01-01-050, recodified as § 250-44-170, filed 12/11/00, effective 1/11/01. 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 131-49-180 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 request for 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.

[07-23-089, recodified as § 131-49-180, filed 11/20/07, effective 11/20/07. Statutory Authority: Chapter 28B.04 RCW. 01-01-050, amended and recodified as § 250-44-180, filed 12/11/00, effective 1/11/01. 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 131-49-190 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.

[07-23-089, recodified as § 131-49-190, filed 11/20/07, effective 11/20/07. Statutory Authority: Chapter 28B.04 RCW. 01-01-050, recodified as § 250-44-190, filed 12/11/00, effective 1/11/01. 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 131-49-200 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.

[07-23-089, recodified as § 131-49-200, filed 11/20/07, effective 11/20/07. 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.]

## Chapter 131-276 WAC PUBLIC RECORDS

### WAC

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**WAC 131-276-010 Purpose.** The purpose of this chapter shall be to ensure compliance by the state board for community and technical colleges with the provisions of chapter 1, Laws of 1973 (Initiative 276), Disclosure—Campaign finances—Lobbying—Records; and in particular with sections 25-32 of that act, dealing with public records.

[Statutory Authority: Chapter 28.50 [28B.50] RCW. 98-23-052, § 131-276-010, filed 11/13/98, effective 12/14/98; Order 18, § 131-276-010, filed 7/2/73.]

**WAC 131-276-020 Definitions.** (1) **Public records.** "Public record" includes any writing containing information relating to the conduct of governmental or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) **Writing.** "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds; or symbols, or combination thereof, and all papers, maps, magnetic or paper

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tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

(3) **State board for community and technical colleges.** The state board for community and technical colleges is an agency organized by statute pursuant to RCW 28B.50.050. The state board for community college education shall hereafter be referred to as the "board." Where appropriate, the term board also refers to the staff and employees of the board.

[Statutory Authority: Chapter 28.50 [28B.50] RCW. 98-23-052, § 131-276-020, filed 11/13/98, effective 12/14/98; Order 18, § 131-276-020, filed 7/2/73.]

**WAC 131-276-030 Description of organization of the state board for community and technical colleges.** The state board for community and technical colleges is a state agency organized under RCW 28B.50.050. The administrative office of the board and its staff are located at the WEA Building, 319 East 7th Avenue, Olympia, Washington.

[Statutory Authority: Chapter 28.50 [28B.50] RCW. 98-22-062, § 131-276-030, filed 11/2/98, effective 12/3/98; Order 18, § 131-276-030, filed 7/2/73.]

**WAC 131-276-040 Operations and procedures.** The board is established under RCW 28B.50.050 to implement the educational and administrative purposes established by RCW 28B.50.090 and 28B.50.020. The board is operated under the supervision and control of a board of trustees. The board of trustees is made up of nine members appointed by the governor for a term of four years. The trustees meet in regular meetings as published in the Washington Administrative Code unless public notice is given of a special meeting. At such time, the board exercises the powers and duties granted it under RCW 28B.50.090 and other provisions of the laws of Washington.

[Statutory Authority: Chapter 28.50 [28B.50] RCW. 98-23-052, § 131-276-040, filed 11/13/98, effective 12/14/98; Order 18, § 131-276-040, filed 7/2/73.]

**WAC 131-276-050 Public records available.** All public records of the board, as defined in WAC 131-276-020 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by section 31, chapter 1, Laws of 1973 and WAC 131-276-100.

[Order 18, § 131-276-050, filed 7/2/73.]

**WAC 131-276-060 Public records officer.** The board's public records shall be in the charge of the public records officer designated by the board director. The person so designated shall be located in the administrative office of the board. The public records officer shall be responsible for the following: The implementation of the board's rules and regulations regarding release of public records, coordinating the staff of the board in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 1, Laws of \_\_.

[Statutory Authority: Chapter 28.50 [28B.50] RCW. 98-23-052, § 131-276-060, filed 11/13/98, effective 12/14/98; Order 18, § 131-276-060, filed 7/2/73.]

**WAC 131-276-070 Office hours.** Public records shall be available for inspection and copying during the customary office hours of the board. For the purposes of this chapter, the

customary office hours shall be from 8:00 a.m. to noon and from 1:00 p.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

[Statutory Authority: Chapter 28.50 [28B.50] RCW. 98-23-052, § 131-276-070, filed 11/13/98, effective 12/14/98; Order 18, § 131-276-070, filed 7/2/73.]

**WAC 131-276-080 Requests for public records.** In accordance with requirements of chapter 1, Laws of 1973 that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the board which shall be available at its administrative office. The form shall be presented to the public records officer; or to any member of the board's staff, if the public records officer is not available, at the administrative office of the board during customary office hours. The request shall include the following information:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made;
- (c) The nature of the request;
- (d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index;
- (e) If the requested matter is not identifiable by reference to the board's current index, an appropriate description of the record requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made, to assist the member of the public in appropriately identifying the public record requested.

[Order 18, § 131-276-080, filed 7/2/73.]

**WAC 131-276-090 Copying.** No fee shall be charged for the inspection of public records. The board shall charge a fee of 10¢ per page of copy for providing copies of public records and for use of the board's copy equipment. This charge is the amount necessary to reimburse the board for its actual costs incident to such copying. If a particular request for copies requires an unusually large amount of time, or the use of any equipment not readily available, the board will provide copies at a rate sufficient to cover any additional cost. All fees must be paid by money order, cashier's check or cash in advance.

[Order 18, § 131-276-090, filed 7/2/73.]

**WAC 131-276-100 Exemptions.** (1) The board reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 131-276-080 is exempt under the provisions of section 31, chapter 1, Laws of 1973.

(2) In addition, pursuant to section 26, chapter 1, Laws of 1973, the board reserves the right to delete identifying details when it makes available or publishes any public record, in

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any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 1, Laws of 1973. The public records officer will fully justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

[Order 18, § 131-276-100, filed 7/2/73.]

**WAC 131-276-110 Review of denials of public record requests.** (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the director of the board. The director or his designee shall immediately consider the matter and either affirm or reverse such denial or consult with the attorney general to review the denial. In any case, the request shall be returned with a final decision, within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the board has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

[Order 18, § 131-276-110, filed 7/2/73.]

**WAC 131-276-120 Protection of public records.** Requests for public records shall be made in the board offices, WEA Building, 319 East 7th Avenue, Olympia, Washington. Public records and a facility for their inspection will be provided by the public records officer. Such records shall not be removed from the place designated for their inspection. Copies shall be made at the board offices. If copying facilities are not available at the board office, the board will arrange to have copies made commercially according to the provisions of WAC 131-276-090.

[Order 18, § 131-276-120, filed 7/2/73.]

**WAC 131-276-130 Records index.** (1) **Index.** The board has available to all persons a current index which provides identifying information as to the following records issued, adopted or promulgated since June 30, 1972.

"(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

"(b) Those statements of policy and interpretations of policy, statute and the Constitution which have been adopted by the agency;

"(c) Administrative staff manuals and instructions to staff that affect a member of the public;

"(d) Planning policies and goals, and interim and final planning decisions;

"(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any

other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and

"(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party."

(2) **Availability.** The current index promulgated by the board shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

[Order 18, § 131-276-130, filed 7/2/73.]

**WAC 131-276-140 Adoption of form.** The district hereby adopts for use by all persons requesting inspection and/or copying or copies of its records, the form attached hereto as Appendix A, entitled "Request for public record."

[Order 18, § 131-276-140, filed 7/2/73.]

**WAC 131-276-990 Appendix A—Request for public record to state board for community and technical colleges.**

APPENDIX "A"

REQUEST FOR PUBLIC RECORD TO STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

(a) Signature ..... Signature (Please Print) .....

.....

Name of Organization, if Applicable .....

Mailing Address of Applicant ..... Phone Number .....

(b) Date Request Made at State Board ..... Time of Day .....

for Community and Technical Col- ..... Request Made .....

leges .....

(c) Nature of request .....

.....

(d) Identification Reference on Current Index ..... Please Describe .....

.....

(e) Description of Record, or Matter, Requested if not Identifiable by Reference to the State Board for Community and Technical Colleges Index .....

.....

Request: Approved ..... By .....

..... Date ..... Public Records Officer .....

Denied Date .....

Reasons for Denial: .....

.....

Referred to ..... Date .....

..... By .....

..... Public Records Officer .....

[Statutory Authority: Chapter 28.50 [28B.50] RCW. 98-23-052, § 131-276-990, filed 11/13/98, effective 12/14/98; Order 18, Appendix A (codified as WAC 131-276-990), filed 7/2/73.]