

Title 250 WAC

HIGHER EDUCATION COORDINATING BOARD

(Formerly: Postsecondary Education, Council for)

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| | Chapter 250-04 GENERAL OPERATING RULES OF THE COMMISSION | |
| | 250-04-010 | Legal name and official address of the commission. [Order, § 250-04-010, filed 7/29/68, 9/22/67, 4/4/67.] Repealed by 99-24-073, filed 11/29/99, effective 12/30/99. Statutory Authority: Chapter 28B.80 RCW. |
| | 250-04-020 | Principal officers of the commission. [Order, § 250-04-020, filed 7/29/68, 9/22/67, 4/4/67.] Repealed by 99-24-073, filed 11/29/99, effective 12/30/99. Statutory Authority: Chapter 28B.80 RCW. |
| | 250-04-030 | Commission staff. [Order, § 250-04-030, filed 7/29/68, 9/22/67, 4/4/67.] Repealed by 99-24-073, filed 11/29/99, effective 12/30/99. Statutory Authority: Chapter 28B.80 RCW. |
| | 250-04-040 | Coordination with other agencies. [Order, § 250-04-040, filed 7/29/68, 9/22/67, 4/4/67.] Repealed by 99-24-073, filed 11/29/99, effective 12/30/99. Statutory Authority: Chapter 28B.80 RCW. |
| | 250-04-050 | Rules of procedure. [Order, § 250-04-050, filed 7/29/68, 9/22/67, 4/4/67.] Repealed by 99-24-073, filed 11/29/99, effective 12/30/99. Statutory Authority: Chapter 28B.80 RCW. |
| | 250-04-060 | Records of proceedings. [Order, § 250-04-060, filed 7/29/68, 9/22/67, 4/4/67.] Repealed by 99-24-073, filed 11/29/99, effective 12/30/99. Statutory Authority: Chapter 28B.80 RCW. |
| | 250-04-070 | Reports and materials required by the U.S. Office of Education. [Order, § 250-04-070, filed 7/29/68, 9/22/67, 4/4/67.] Repealed by 99-24-073, filed 11/29/99, effective 12/30/99. Statutory Authority: Chapter 28B.80 RCW. |
| | 250-04-080 | Announcement of commission decisions and disposi- tion of application materials. [Order, § 250-04-080, filed 7/29/68, 9/22/67, 4/4/67.] Repealed by 99-24-073, filed 11/29/99, effective 12/30/99. Statutory Authority: Chapter 28B.80 RCW. |
| | Chapter 250-08 PROVISION FOR HEARING REGARDING COMMISSION ACTIONS | |
| | 250-08-010 | Opportunity for hearing. [Order, § 250-08-010, filed 7/29/68, 9/22/67, 4/4/67.] Repealed by 99-24-073, filed 11/29/99, effective 12/30/99. Statutory Authority: Chapter 28B.80 RCW. |
| | 250-08-020 | Procedure for requesting a hearing. [Order, § 250-08-020, filed 7/29/68, 9/22/67, 4/4/67.] Repealed by 99-24-073, filed 11/29/99, effective 12/30/99. Statutory Authority: Chapter 28B.80 RCW. |
| | 250-08-030 | Deadlines for commission action on a request for hear- ing. [Order, § 250-08-030, filed 7/29/68, 9/22/67, 4/4/67.] Repealed by 99-24-073, filed 11/29/99, effective 12/30/99. Statutory Authority: Chapter 28B.80 RCW. |
| | 250-08-040 | Commission responsibility for notifying the U.S. Com- missioner of Education. [Order, § 250-08-040, filed 7/29/68, 9/22/67, 4/4/67.] Repealed by 99-24-073, filed 11/29/99, effective 12/30/99. Statutory Authority: Chapter 28B.80 RCW. |
| | Chapter 250-10 BYLAWS—COUNCIL FOR POSTSECONDARY EDUCATION | |
| | 250-10-010 | Name. [Statutory Authority: RCW 28B.80.080. 79-10-056 (Order 8-79, Resolution No. 80-2), § 250-10-010, filed 9/17/79; Order 2-76, § 250-10-010, filed 9/13/76; Order 7-75, § 250-10-010, filed 8/26/75.] Repealed by 98-08-006, filed 3/18/98, effective 4/18/98. |
| | 250-10-020 | Purpose. [Statutory Authority: RCW 28B.80.080. 79-10-056 (Order 8-79, Resolution No. 80-2), § 250-10-020, filed 9/17/79; Order 7-75, § 250-10-020, filed |

- 8/26/75.] Repealed by 98-08-006, filed 3/18/98, effective 4/18/98.
- 250-10-022 General planning and coordinating functions. [Statutory Authority: RCW 28B.80.080. 79-10-056 (Order 8-79, Resolution No. 80-2), § 250-10-022, filed 9/17/79.] Repealed by 98-08-006, filed 3/18/98, effective 4/18/98.
- 250-10-025 Administering programs. [Order 2-76, § 250-10-025, filed 9/13/76; Order 7-75, § 250-10-025, filed 8/26/75.] Repealed by 79-10-056 (Order 8-79, Resolution No. 80-2), filed 9/17/79. Statutory Authority: RCW 28B.80.-080.
- 250-10-026 Functions on which all council members vote. [Statutory Authority: RCW 28B.80.080. 79-10-056 (Order 8-79, Resolution No. 80-2), § 250-10-026, filed 9/17/79.] Repealed by 98-08-006, filed 3/18/98, effective 4/18/98.
- 250-10-028 Other administrative responsibilities. [Statutory Authority: RCW 28B.80.080. 79-10-056 (Order 8-79, Resolution No. 80-2), § 250-10-028, filed 9/17/79.] Repealed by 98-08-006, filed 3/18/98, effective 4/18/98.
- 250-10-030 Membership. [Order 7-75, § 250-10-030, filed 8/26/75.] Repealed by 98-08-006, filed 3/18/98, effective 4/18/98.
- 250-10-040 Term of office. [Statutory Authority: RCW 28B.80.-080. 79-10-056 (Order 8-79, Resolution No. 80-2), § 250-10-040, filed 9/17/79; Order 7-75, § 250-10-040, filed 8/26/75.] Repealed by 98-08-006, filed 3/18/98, effective 4/18/98.
- 250-10-050 Vacancies. [Order 7-75, § 250-10-050, filed 8/26/75.] Repealed by 98-08-006, filed 3/18/98, effective 4/18/98.
- 250-10-060 Organization of the council. [Statutory Authority: RCW 28B.80.080. 79-10-056 (Order 8-79, Resolution No. 80-2), § 250-10-060, filed 9/17/79; Order 7-75, § 250-10-060, filed 8/26/75.] Repealed by 98-08-006, filed 3/18/98, effective 4/18/98.
- 250-10-070 Meetings. [Statutory Authority: RCW 28B.80.080. 79-10-056 (Order 8-79, Resolution No. 80-2), § 250-10-070, filed 9/17/79; Order 2-76, § 250-10-070, filed 9/13/76; Order 7-75, § 250-10-070, filed 8/26/75.] Repealed by 98-08-006, filed 3/18/98, effective 4/18/98.
- 250-10-080 Committees. [Statutory Authority: RCW 28B.80.080. 79-10-056 (Order 8-79, Resolution No. 80-2), § 250-10-080, filed 9/17/79; Order 7-75, § 250-10-080, filed 8/26/75.] Repealed by 98-08-006, filed 3/18/98, effective 4/18/98.
- 250-10-090 Finances. [Statutory Authority: RCW 28B.80.080. 79-10-056 (Order 8-79, Resolution No. 80-2), § 250-10-090, filed 9/17/79; Order 7-75, § 250-10-090, filed 8/26/75.] Repealed by 98-08-006, filed 3/18/98, effective 4/18/98.
- 250-10-100 Personnel. [Order 7-75, § 250-10-100, filed 8/26/75.] Repealed by 98-08-006, filed 3/18/98, effective 4/18/98.
- 250-10-110 Legal counsel. [Order 7-75, § 250-10-110, filed 8/26/75.] Repealed by 98-08-006, filed 3/18/98, effective 4/18/98.
- 250-10-120 Reports. [Statutory Authority: RCW 28B.80.080. 79-10-056 (Order 8-79, Resolution No. 80-2), § 250-10-120, filed 9/17/79; Order 7-75, § 250-10-120, filed 8/26/75.] Repealed by 98-08-006, filed 3/18/98, effective 4/18/98.
- 250-10-130 Administrative Procedure Act. [Order 7-75, § 250-10-130, filed 8/26/75.] Repealed by 98-08-006, filed 3/18/98, effective 4/18/98.
- 250-10-140 Rules of order. [Order 7-75, § 250-10-140, filed 8/26/75.] Repealed by 98-08-006, filed 3/18/98, effective 4/18/98.
- 250-10-150 Amendments. [Statutory Authority: RCW 28B.80.080. 79-10-056 (Order 8-79, Resolution No. 80-2), § 250-10-150, filed 9/17/79; Order 7-75, § 250-10-150, filed 8/26/75.] Repealed by 98-08-006, filed 3/18/98, effective 4/18/98.
- 250-10-160 Suspension of bylaws. [Order 7-75, § 250-10-160, filed 8/26/75.] Repealed by 98-08-006, filed 3/18/98, effective 4/18/98.
- 250-10-170 State Environmental Policy Act. [Order 1-77, § 250-10-170, filed 3/10/77.] Repealed by 98-08-006, filed 3/18/98, effective 4/18/98.

Chapter 250-12

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

- 250-12-010 Application acceptance procedures. [Order 2-69, § 250-12-010, filed 2/26/73; Order, § 250-12-010, filed

7/29/68, 9/22/67, 4/4/67.] Repealed by 98-08-008, filed 3/18/98, effective 4/18/98.

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

Chapter 250-16

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

- 250-16-001 Establishment of state plan. [Statutory Authority: RCW 28B.80.220. 78-05-023 (Order 1-78), § 250-16-001, filed 4/14/78.] Repealed by 98-08-007, filed 3/18/98, effective 4/18/98.
- 250-16-010 Application acceptance procedures. [Statutory Authority: RCW 28B.80.220. 78-05-023 (Order 1-78), § 250-16-010, filed 4/14/78; Order 1-68, § 250-16-010, filed 2/26/73; Order, § 250-16-010, filed 7/29/68, 9/22/67, 4/4/67.] Repealed by 98-08-007, filed 3/18/98, effective 4/18/98.
- 250-16-020 Eligibility verification procedures. [Statutory Authority: RCW 28B.80.220. 78-05-023 (Order 1-78), § 250-16-020, filed 4/14/78; Order, § 250-16-020, filed 7/29/68, 9/22/67, 4/4/67.] Repealed by 98-08-007, filed 3/18/98, effective 4/18/98.
- 250-16-030 Maintenance of application case files. [Statutory Authority: RCW 28B.80.220. 78-05-023 (Order 1-78), § 250-16-030, filed 4/14/78; Order, § 250-16-030, filed 7/29/68, 9/22/67, 4/4/67.] Repealed by 98-08-007, filed 3/18/98, effective 4/18/98.
- 250-16-040 Deadlines for acceptance of applications. [Statutory Authority: RCW 28B.80.220. 78-05-023 (Order 1-78), § 250-16-040, filed 4/14/78; Order 1-68, § 250-16-040, filed 2/26/73; Order, § 250-16-040, filed 7/29/68, 9/22/67, 4/4/67.] Repealed by 98-08-007, filed 3/18/98, effective 4/18/98.
- 250-16-050 Scoring methods and priorities. [Statutory Authority: RCW 28B.80.220. 78-05-023 (Order 1-78), § 250-16-050, filed 4/14/78; Order 1-68, § 250-16-050, filed 2/26/73; Order, § 250-16-050, filed 7/29/68, 9/22/67, 4/4/67.] Repealed by 98-08-007, filed 3/18/98, effective 4/18/98.
- 250-16-060 Determination of matching federal share. [Order, § 250-16-060, filed 7/29/68, 9/22/67, 4/4/67.] Repealed by 98-08-007, filed 3/18/98, effective 4/18/98.

Chapter 250-36

HIGHER EDUCATION BENEFITS TO CHILDREN OF DECEASED OR INCAPACITATED VETERANS

- 250-36-020 Definitions. [Order 3-77, § 250-36-020, filed 5/11/77; Order 5-75, § 250-36-020, filed 8/18/75; Order 4-74, § 250-36-020, filed 9/6/74.] Repealed by 82-15-056 (Order 7-82, Resolution No. 82-51), filed 7/20/82. Statutory Authority: RCW 28B.10.806.
- 250-36-030 Eligibility requirements. [Order 3-77, § 250-36-030, filed 5/11/77; Order 4-74, § 250-36-030, filed 9/6/74.] Repealed by 82-15-056 (Order 7-82, Resolution No. 82-51), filed 7/20/82. Statutory Authority: RCW 28B.10.-806.
- 250-36-040 Benefits. [Order 3-77, § 250-36-040, filed 5/11/77; Order 4-74, § 250-36-040, filed 9/6/74.] Repealed by 82-15-056 (Order 7-82, Resolution No. 82-51), filed 7/20/82. Statutory Authority: RCW 28B.10.806.

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| 250-36-050 | Administration. [Order 3-77, § 250-36-050, filed 5/11/77; Order 4-74, § 250-36-050, filed 9/6/74.] Repealed by 82-15-056 (Order 7-82, Resolution No. 82-51), filed 7/20/82. Statutory Authority: RCW 28B.10-806. | |
| 250-36-060 | Application—Substantiating evidence. [Order 3-77, § 250-36-060, filed 5/11/77; Order 4-74, § 250-36-060, filed 9/6/74.] Repealed by 82-15-056 (Order 7-82, Resolution No. 82-51), filed 7/20/82. Statutory Authority: RCW 28B.10.806. | |
| 250-36-070 | Application approval of and certification. [Order 3-77, § 250-36-070, filed 5/11/77; Order 4-74, § 250-36-070, filed 9/6/74.] Repealed by 82-15-056 (Order 7-82, Resolution No. 82-51), filed 7/20/82. Statutory Authority: RCW 28B.10.806. | |
| 250-36-080 | Payments from appropriated funds. [Order 3-77, § 250-36-080, filed 5/11/77; Order 4-74, § 250-36-080, filed 9/6/74.] Repealed by 82-15-056 (Order 7-82, Resolution No. 82-51), filed 7/20/82. Statutory Authority: RCW 28B.10.806. | |
| Chapter 250-44 | | |
| REGULATIONS FOR THE ADMINISTRATION OF THE DISPLACED HOMEMAKER PROGRAM | | |
| 250-44-010 | Purpose. [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.] Decodified by 07-23-089, filed 11/20/07, effective 11/20/07. Recodified as WAC 131-49-010. | |
| 250-44-020 | Program administration. [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.] Decodified by 07-23-089, filed 11/20/07, effective 11/20/07. Recodified as WAC 131-49-020. | |
| 250-44-030 | Advisory committee. [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.] Decodified by 07-23-089, filed 11/20/07, effective 11/20/07. Recodified as WAC 131-49-030. | |
| 250-44-040 | Definitions. [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.] Decodified by 07-23-089, filed 11/20/07, effective 11/20/07. Recodified as WAC 131-49-040. | |
| 250-44-050 | Utilization of available contract funds. [Statutory Authority: Chapter 28B.04 RCW, as amended. 87-16-061 (Order 4-87, Resolution No. 87-57), § 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.] Decodified by 07-23-089, filed 11/20/07, effective 11/20/07. Recodified as WAC 131-49-050. |
| 250-44-060 | Eligibility to apply for contracts. [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.] Decodified by 07-23-089, filed 11/20/07, effective 11/20/07. Recodified as WAC 131-49-060. | |
| 250-44-070 | Calendar and closing dates for applications and awards. [Statutory Authority: Chapter 28B.04 RCW, as 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.] Decodified by 07-23-089, filed 11/20/07, effective 11/20/07. Recodified as WAC 131-49-070. | |
| 250-44-080 | Content of application. [Statutory Authority: Chapter 28B.04 RCW, as 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.] Decodified by 07-23-089, filed 11/20/07, effective 11/20/07. Recodified as WAC 131-49-080. | |
| 250-44-090 | Standards to be met by applicants. [Statutory Authority: Chapter 28B.04 RCW, as 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.] Decodified by 07-23-089, filed 11/20/07, effective 11/20/07. Recodified as WAC 131-49-090. | |
| 250-44-100 | Required assurances. [Statutory Authority: Chapter 28B.04 RCW, as 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.] Decodified by 07-23-089, filed 11/20/07, effective 11/20/07. Recodified as WAC 131-49-100. | |
| 250-44-110 | Criteria for selection of contracts to be awarded. [Statutory Authority: Chapter 28B.04 RCW, as 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.] Decodified by 07-23-089, filed 11/20/07, effective 11/20/07. Recodified as WAC 131-49-110. | |

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| 250-44-120 | Procedure for selection of contracts to be awarded. [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.] Decodified by 07-23-089, filed 11/20/07, effective 11/20/07. Recodified as WAC 131-49-120. | 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.] Decodified by 07-23-089, filed 11/20/07, effective 11/20/07. Recodified as WAC 131-49-180. |
| 250-44-130 | Incorporation of applications in contracts. [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.] Decodified by 07-23-089, filed 11/20/07, effective 11/20/07. Recodified as WAC 131-49-130. | Accounting, reporting, and records retention requirements. [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.] Decodified by 07-23-089, filed 11/20/07, effective 11/20/07. Recodified as WAC 131-49-190. |
| 250-44-140 | Length of contract periods. [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. 83-21), § 250-44-110, filed 11/8/82; 82-15-018 (Order 2-82, Resolution No. 82-54), § 250-44-110, filed 7/12/82. Statutory Authority: RCW 28B.10.806. 79-09-042 (Order 7-79, Resolution No. 80-4), § 250-44-110, filed 8/17/79.] Decodified by 07-23-089, filed 11/20/07, effective 11/20/07. Recodified as WAC 131-49-140. | Program audits. [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.] Decodified by 07-23-089, filed 11/20/07, effective 11/20/07. Recodified as WAC 131-49-200. |
| 250-44-150 | Amendment of contracts. [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.] Decodified by 07-23-089, filed 11/20/07, effective 11/20/07. Recodified as WAC 131-49-150. | Evaluation reports. [Statutory Authority: Chapter 28B.04 RCW, as amended. 87-16-061 (Order 4-87, Resolution No. 87-57), § 250-44-210, filed 7/31/87; 82-15-018 (Order 2-82, Resolution No. 82-54), § 250-44-210, filed 7/12/82. Statutory Authority: RCW 28B.10.806. 79-09-042 (Order 7-79, Resolution No. 80-4), § 250-44-210, filed 8/17/79.] Repealed by 01-01-050, filed 12/11/00, effective 1/11/01. Statutory Authority: Chapter 28B.04 RCW. |
| 250-44-160 | Eligible expenditures and matching requirements. [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.] Decodified by 07-23-089, filed 11/20/07, effective 11/20/07. Recodified as WAC 131-49-160. | |
| 250-44-170 | Payments under approved contracts. [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 No. 80-4), § 250-44-120, filed 8/17/79.] Decodified by 07-23-089, filed 11/20/07, effective 11/20/07. Recodified as WAC 131-49-170. | |
| 250-44-180 | Withholding of contract payments. [Statutory Authority: Chapter 28B.04 RCW. 01-01-050, amended and recodified as § 250-44-180, filed 12/11/00, effective | |

Chapter 250-55
REGULATIONS FOR THE ADMINISTRATION OF THE
EDUCATIONAL SERVICES REGISTRATION ACT

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| 250-55-010 | Purpose. [Statutory Authority: RCW 28B.05.050. 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-010, filed 12/18/79.] Repealed by 98-08-009, filed 3/18/98, effective 4/18/98. |
| 250-55-020 | Definitions. [Statutory Authority: RCW 28B.05.050. 81-13-041 (Order 4/81, Resolution 81-64), § 250-55-020, filed 6/17/81; 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-020, filed 12/18/79.] Repealed by 98-08-009, filed 3/18/98, effective 4/18/98. |
| 250-55-030 | Exemptions. [Statutory Authority: RCW 28B.05.050. 83-20-007 (Order 5-83, Resolution No. 84-2), § 250-55-030, filed 9/22/83; 81-13-041 (Order 4/81, Resolution 81-64), § 250-55-030, filed 6/17/81; 81-01-086 (Order 6/80, Resolution 80-61), § 250-55-030, filed 12/19/80; 80-05-017 (Order 1/80, Resolution 80-61), § 250-55-030, filed 4/11/80; 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-030, filed 12/18/79.] Repealed by 98-08-009, filed 3/18/98, effective 4/18/98. |
| 250-55-040 | Application, annual renewal, and amendments. [Statutory Authority: RCW 28B.05.050. 81-13-041 (Order 4/81, Resolution 81-64), § 250-55-040, filed 6/17/81; 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-040, filed 12/18/79.] Repealed by 98-08-009, filed 3/18/98, effective 4/18/98. |
| 250-55-050 | Bonding. [Statutory Authority: RCW 28B.05.050. 81-13-041 (Order 4/81, Resolution 81-64), § 250-55-050, filed 6/17/81; 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-050, filed 12/18/79.] Repealed by 98-08-009, filed 3/18/98, effective 4/18/98. |
| 250-55-060 | Minimum standards. [Statutory Authority: RCW 28B.05.050. 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-060, filed 12/18/79.] Repealed by 98-08-009, filed 3/18/98, effective 4/18/98. |
| 250-55-070 | Program quality and content. [Statutory Authority: RCW 28B.05.050. 81-13-041 (Order 4/81, Resolution 81-64), § 250-55-070, filed 6/17/81; 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-070, filed 12/18/79.] Repealed by 98-08-009, filed 3/18/98, effective 4/18/98. |
| 250-55-080 | Space, equipment, libraries, and personnel. [Statutory Authority: RCW 28B.05.050. 80-01-041 (Order 13-79, Resolution 80-35), § 250-55-080, filed 12/18/79.] Repealed by 98-08-009, filed 3/18/98, effective 4/18/98. |
| 250-55-090 | Personnel qualifications. [Statutory Authority: RCW 28B.05.050. 80-01-041 (Order 13-79, Resolution 80- |

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

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

Chapter 250-14 WAC

STATE ENVIRONMENTAL POLICY ACT (SEPA)

WAC

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

WAC 250-14-010 Purpose and applicability. It is the policy of the higher education coordinating board that capital projects proposed and developed or participated in by the board shall comply with the provisions of chapter 43.21C RCW, the State Environmental Policy Act (SEPA), and chapter 197-11 WAC, Guidelines for SEPA implementation. The executive director of the board is hereby designated as the responsible official for carrying out this policy.

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

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

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WAC

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| 197-11-040 | Definitions. |
| 197-11-050 | Lead agency. |
| 197-11-055 | Timing of the SEPA process. |
| 197-11-060 | Content of environmental review. |
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| 197-11-305 | Categorical exemptions. |
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| 197-11-330 | Threshold determination process. |
| 197-11-335 | Additional information. |
| 197-11-970 | Determination of nonsignificance (DNS). |
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| 197-11-985 | Notice of assumption of lead agency status. |
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| 197-11-402 | General requirements. |
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| 197-11-420 | EIS preparation. |
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| 197-11-448 | Relationship of EIS to other considerations. |
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| 197-11-508 | SEPA register. |
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 197-11-970 Determination of nonsignificance (DNS).
 197-11-980 Determination of significance and scoping notice (DS).
 197-11-985 Notice of assumption of lead agency status.
 197-11-990 Notice of action.

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

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

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

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

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

- (1.) Post a notice on the property of a site-specific project;
- (2.) Publish notice in a newspaper of general circulation in the county, city, or general area where the proposal is located;
- (3.) Notify the news media and request that the notice be announced;
- (4.) Notify private and public groups with known interest in the proposal.

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

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

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

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

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

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

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

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

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

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

Chapter 250-18 WAC

RESIDENCY STATUS FOR HIGHER EDUCATION

WAC

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| 250-18-015 | Definitions. |
| 250-18-020 | Student classification. |
| 250-18-025 | Classification procedure. |
| 250-18-030 | Establishment of a domicile. |
| 250-18-035 | Evidence of financial dependence or independence. |
| 250-18-045 | Administration of residency status. |

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| 250-18-050 | Appeals process. |
| 250-18-055 | Recovery of fees for improper classification of residency. |
| 250-18-060 | Exemptions from nonresident status. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 250-18-040 | Evidence of financial dependency. [Statutory Authority: 1982 1st ex.s. c 37 § 4. 82-19-015 (Order 10-82, Resolution No. 83-1), § 250-18-040, filed 9/8/82.] Repealed by 03-13-056, filed 6/13/03, effective 7/14/03. Statutory Authority: RCW 28B.15.015. |
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WAC 250-18-010 Purpose and applicability. This chapter is promulgated pursuant to RCW 28B.15.015 by the board to establish the necessary regulations for the administration of residency status in higher education. Institutions shall apply the provisions of the regulations specified in chapter 250-18 WAC for the uniform determination of a student's resident and nonresident status and for recovery of fees for improper classification of residency.

[Statutory Authority: RCW 28B.15.015. 93-20-004, § 250-18-010, filed 9/22/93, effective 10/23/93. Statutory Authority: 1982 1st ex.s. c 37 § 4. 82-19-015 (Order 10-82, Resolution No. 83-1), § 250-18-010, filed 9/8/82.]

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

(2) The term "domicile" shall denote a person's true, fixed, and permanent home and place of habitation for other than educational purposes. It is the place where he or she intends to remain, and to which he or she expects to return when he or she leaves without intending to establish a new domicile elsewhere.

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

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

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

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

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

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

(9) The term "civil service" shall mean Washington state or federal government nonmilitary employment.

[Statutory Authority: RCW 28B.15.015. 03-13-056, § 250-18-015, filed 6/13/03, effective 7/14/03. Statutory Authority: 1982 1st ex.s. c 37 § 4. 82-19-015 (Order 10-82, Resolution No. 83-1), § 250-18-015, filed 9/8/82.]

WAC 250-18-020 Student classification. (1) For a student to be classified as a "resident" for tuition and fee purposes, he or she must prove by evidence of a sufficient quantity and quality to satisfy the institution that he or she:

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

(ii) Is financially independent; or

(b) Is a dependent student, one or both of whose parents or legal guardians have maintained a bona fide domicile in the state of Washington for at least one year immediately prior to commencement of the semester or quarter for which the student has registered at any institution provided that any student who has spent at least seventy-five percent of both his or her junior and senior years in high school in this state, whose parents or legal guardians have been domiciled in the state for a period of at least one year within the five-year period before the student graduates from high school, and who has enrolled in a public institution of higher education within six months of leaving high school, shall be considered a resident only for as long as the student remains continuously enrolled for three quarters or two semesters in any calendar year; or

(c) Is a person who has completed the full senior year of high school and obtained a high school diploma - both at a Washington public or private high school approved under chapter 28A.195 RCW (or who has received the equivalent of a diploma). The person must have lived in Washington at least three years immediately prior to receiving the diploma (or its equivalent), and lived continuously in Washington state after receiving the diploma (or its equivalent) until the time of admittance to an institution of higher education (defined as a public university, college, or community college within the state of Washington). In addition, the person must provide an affidavit to the institution indicating that the individual will file an application to become a permanent resident at the earliest opportunity the individual is eligible to do so. Furthermore, the individual must indicate a willingness to engage in other activities necessary to acquire citizenship, including, but not limited to, citizenship or civics review courses; or

(d) Is a student who is on active military duty stationed in the state, or who is a member of the Washington national guard; or

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

(f) Is a student who resides in Washington and is the spouse or dependent of a member of the Washington national guard; or

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

(h) Is a student domiciled for one year in one or a combination of the following states: Idaho, Montana, Oregon, or Washington, and is a member of a federally recognized tribe whose traditional and customary tribal boundaries included portions of the state of Washington, or whose tribe was granted reserved lands within the state of Washington. The official list of federally recognized Washington tribes maintained by the governor's office of Indian affairs shall be used to determine eligibility.

(i) Is a student who is a resident of Oregon residing in Columbia, Gilliam, Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, or Washington county. The student must meet the following conditions:

(i) Is eligible to pay resident tuition rates under Oregon laws and has been domiciled in one or more of the designated

Oregon counties for at least ninety days immediately prior to enrollment at a community college located in the following Washington counties: Asotin, Benton, Clark, Columbia, Cowlitz, Franklin, Garfield, Klickitat, Pacific, Skamania, Wahkiakum, or Walla Walla; or

(ii) Is a student enrolled for eight credits or less at the Tri-Cities branch or Vancouver branch of Washington State University.

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

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

(b) Attends an institution with financial assistance provided by another state or governmental unit or agency thereof wherein residency in that state is a continuing qualification for such financial assistance, such nonresidency continuing for one year after the completion of the quarter or semester for which financial assistance is provided. Such financial assistance relates to that which is provided by another state, governmental unit or agency thereof for direct or indirect educational purposes and does not include retirements, pensions, or other noneducational related income. A student loan guaranteed by another state or governmental unit or agency thereof on the basis of eligibility as a resident of that state is included within the term "financial assistance;"

(c) Is not a citizen of the United States of America, unless such person holds permanent or temporary resident immigration status, "refugee - parolee," or "conditional entrant" status or is not otherwise permanently residing in the United States under color of law and further meets and complies with all applicable requirements of WAC 250-18-030 and 250-18-035.

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

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

[Statutory Authority: RCW 28B.15.015. 06-20-118, § 250-18-020, filed 10/4/06, effective 11/4/06; 03-20-053, § 250-18-020, filed 9/26/03, effective 10/27/03; 03-13-056, § 250-18-020, filed 6/13/03, effective 7/14/03. Statutory Authority: RCW 28B.15.015 and 28B.15.0131. 98-08-004, § 250-18-020, filed 3/18/98, effective 4/18/98. Statutory Authority: 28B.15.015. 93-20-004, § 250-18-020, filed 9/22/93, effective 10/23/93. Statutory Authority:

Chapter 28B.15 RCW as amended by 1982 1st ex.s. c 37 § 4. 87-21-079 (Order 5-87, Resolution No. 87-60), § 250-18-020, filed 10/21/87; 87-16-048 (Order 3-87, Resolution No. 87-58), § 250-18-020, filed 7/29/87. Statutory Authority: 1982 1st ex.s. c 37 § 4. 83-13-092 (Order 2-83, Resolution No. 83-65), § 250-18-020, filed 6/17/83; 82-19-015 (Order 10-82, Resolution No. 83-1), § 250-18-020, filed 9/8/82.]

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

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

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

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

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

(6) For any student classified as a resident or authorized to pay resident fees or exempted from the payment of the nonresident differential on a basis other than an established domicile in the state of Washington, the fee paying status of such student shall be subject to determination each term on the basis of chapter 28B.15 RCW.

[Statutory Authority: RCW 28B.15.015. 03-13-056, § 250-18-025, filed 6/13/03, effective 7/14/03. Statutory Authority: 1982 1st ex.s. c 37 § 4. 83-13-092 (Order 2-83, Resolution No. 83-65), § 250-18-025, filed 6/17/83; 82-19-015 (Order 10-82, Resolution No. 83-1), § 250-18-025, filed 9/8/82.]

WAC 250-18-030 Establishment of a domicile. The domicile of any person shall be determined according to the individual's overall situation and circumstances and is not determined on the basis of a single factor; nor is a predetermined number of factors required. Institutions shall require evidence of a Washington domicile that is of sufficient quantity and quality to negate the existence of a domicile in a state other than Washington.

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

lished a bona fide domicile in this state primarily for purposes other than educational.

To aid the institutions in determining whether a student, parent, legally appointed guardian, or the person having legal custody of a student has established a bona fide domicile in the state of Washington primarily for purposes other than educational, the following factors are to be considered for both the individual and his or her spouse. The weight assigned to any given factor should depend on the ease with which it might be established and the degree to which it demonstrates commitment to domicile as a matter of common sense and as part of the individual's overall circumstances.

(1) Location and duration of registration or payment of taxes or fees on any motor vehicle, mobile home, travel trailer, boat, or any other item or personal property owned or used by the person;

(2) State and duration of any driver's license for the previous one year;

(3) Location and duration of any continuous full-time employment of the previous one year;

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

(5) Location and duration of any voter registration for the previous one year;

(6) Location and duration of primary residence, evidenced by title, lease agreement, or monthly rental receipts for the previous one year;

(7) Residence status in all secondary and postsecondary schools attended outside the state of Washington;

(8) Location and duration of any checking accounts, savings accounts, and/or safety deposit boxes for the previous one year;

(9) Address listed on selective service registration;

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

(11) Receipt of benefits under a public assistance programs;

(12) State claimed as residence for obtaining eligibility to hold a public office or for judicial actions;

(13) State claimed as residence for obtaining state hunting or fishing licenses;

(14) State in which a custodial parent has a child attending public schools.

[Statutory Authority: RCW 28B.15.015. 03-13-056, § 250-18-030, filed 6/13/03, effective 7/14/03. Statutory Authority: 1982 1st ex.s. c 37 § 4. 83-13-092 (Order 2-83, Resolution No. 83-65), § 250-18-030, filed 6/17/83; 82-19-015 (Order 10-82, Resolution No. 83-1), § 250-18-030, filed 9/8/82.]

WAC 250-18-035 Evidence of financial dependence or independence. A person is financially independent if he or she has not been and will not be claimed as an exemption and has not received and will not receive significant financial assistance in any form directly or indirectly from his or her parents, relatives, legal guardians, or others for the current calendar year and for the calendar year immediately prior to the year in which application is made.

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

(a) That individual's sworn statement.

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

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

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

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

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

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

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

(g) Evidence of coverage for medical, life, automobile, and property insurance.

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

(3) To be considered financially independent, a student must demonstrate by evidence satisfactory to the institution that he or she has met, through his or her income, the expenses associated with college tuition and living for the current calendar year and the calendar year immediately prior to the year in which application is made. Personal loans, PLUS loans (parent loan for undergraduate students), gifts, and cash earnings shall not be counted as income in this calculation. Financial aid grants, scholarships and loans authorized by the financial aid office in the student's name may be considered as personal income.

(4) A trust or other account available to the student shall be considered evidence of financial dependence. If the account was created before the student entered high school, there shall be a rebuttable presumption of dependence.

(5) Information submitted by the student to the institution on the financial aid form may be used to affirm the authenticity of information submitted on an application.

(6) In all cases, the burden of proof that a student is financially independent lies with the student.

[Statutory Authority: RCW 28B.15.015. 03-20-053, § 250-18-035, filed 9/26/03, effective 10/27/03; 03-13-056, § 250-18-035, filed 6/13/03, effective 7/14/03. Statutory Authority: 1982 1st ex.s. c 37 § 4. 82-19-015 (Order 10-82, Resolution No. 83-1), § 250-18-035, filed 9/8/82.]

(2009 Ed.)

[Statutory Authority: 1982 1st ex.s. c 37 § 4. 82-19-015 (Order 10-82, Resolution No. 83-1), § 250-18-035, filed 9/8/82.]

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

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

Institutions shall use a uniform statewide form consistent with the provisions of chapter 250-18 WAC for the determination of change in residence status.

[Statutory Authority: 1982 1st ex.s. c 37 § 4. 82-19-015 (Order 10-82, Resolution No. 83-1), § 250-18-045, filed 9/8/82.]

WAC 250-18-050 Appeals process. Any final institutional determination of classification shall be considered a ruling on a contested case and shall be subject to court review only under procedures prescribed by chapter 34.05 RCW.

[Statutory Authority: RCW 28B.15.015. 93-20-004, § 250-18-050, filed 9/22/93, effective 10/23/93. Statutory Authority: 1982 1st ex.s. c 37 § 4. 82-19-015 (Order 10-82, Resolution No. 83-1), § 250-18-050, filed 9/8/82.]

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

If erroneous, untrue, or incorrect information submitted results in an improper classification of resident or nonresident status, or if a final determination is reversed through the appeals process, institutions shall recover from the student or refund to the student as the case may be an amount equal to the total difference in tuition and fees had the proper classification been made.

[Statutory Authority: 1982 1st ex.s. c 37 § 4. 82-19-015 (Order 10-82, Resolution No. 83-1), § 250-18-055, filed 9/8/82.]

WAC 250-18-060 Exemptions from nonresident status. In accordance with RCW 28B.15.014, certain nonresidents may be exempted from paying the nonresident tuition and fee differential. Exemption from the nonresident tuition and fee differential shall apply only during the term(s) such persons shall hold such appointments or be so employed. To be eligible for such an exemption, a nonresident student must provide documented evidence that he or she does reside in the state of Washington, and:

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

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

(3) Is a faculty member, classified staff member, or administratively exempt employee who resides in the state of Washington and is holding not less than a half-time appointment, or the spouse or dependent child of such a person;

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

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

[Statutory Authority: RCW 28B.15.015. 03-20-053, § 250-18-060, filed 9/26/03, effective 10/27/03. Statutory Authority: RCW 28B.15.015 and 28B.15.0131. 98-08-004, § 250-18-060, filed 3/18/98, effective 4/18/98. Statutory Authority: RCW 28B.15.015. 93-20-004, § 250-18-060, filed 9/22/93, effective 10/23/93. Statutory Authority: Chapter 28B.15 RCW as amended by 1982 1st ex.s. c 37 § 4. 87-21-079 (Order 5-87, Resolution No. 87-60), § 250-18-060, filed 10/21/87; 87-16-048 (Order 3-87, Resolution No. 87-58), § 250-18-060, filed 7/29/87. Statutory Authority: 1982 1st ex.s. c 37 § 4. 85-20-035 (Order 5-85, Resolution No. 86-2), § 250-18-060, filed 9/24/85; 84-14-024 (Order 3-84, Resolution No. 84-75), § 250-18-060, filed 6/26/84; 82-19-015 (Order 10-82, Resolution No. 83-1), § 250-18-060, filed 9/8/82.]

Chapter 250-20 WAC

STATE STUDENT FINANCIAL AID PROGRAM— NEED GRANT AND THE FEDERAL PROGRAM FOR STATE STUDENT INCENTIVE GRANT PROGRAM TITLE 45, CODE OF FEDERAL REGULATIONS CHAPTER 1, PART 192

WAC

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| 250-20-001 | Applicability of rules. |
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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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

20-100, filed 2/17/70.] Repealed by Order 1-73, filed 7/2/73.

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

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

[Statutory Authority: 2813.80 [Chapter 28B.80 RCW]. 99-16-015, § 250-20-001, filed 7/23/99, effective 8/23/99. Statutory Authority: RCW 28B.10.800 - [28B.10.822. 90-04-067, § 250-20-001, filed 2/5/90, effective 7/1/90. Statutory Authority: RCW 28B.10.806. 81-13-038 (Order 2/81, Resolution No. 81-67), § 250-20-001, filed 6/16/81; 79-11-031 (Order 11-79, Resolution No. 80-18), § 250-20-001, filed 10/11/79.]

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

(1) Be a "needy student" as determined by the higher education coordinating board in accordance with RCW 28B.10.802. These students must also meet the "income cutoff," be a "former foster youth" or be a "disadvantaged student."

(2) Be a resident of the state of Washington in accordance with RCW 28B.15.012 (2)(a) through (d).

(3) Be enrolled or accepted for enrollment as an undergraduate student at a participating postsecondary institution.

(a) For purposes of need grant eligibility, the student must be enrolled, at time of disbursement, in a course load of at least six credits per quarter or semester (except as specified in WAC 250-20-021 less-than-half-time pilot project).

(b) A student enrolled less than half time may not receive this grant for the term in question (except as specified in WAC 250-20-021 less-than-half-time pilot project), but is eligible for reinstatement or reapplication for a grant upon return to at least a half-time status. Correspondence courses may not comprise more than one-half of the student's minimum credit load for which aid is being considered.

(c) Have a high school diploma or its equivalent. Equivalent standards include a general education development certificate or a certificate of completion of a home study program recognized by the student's home state. For a student without a high school diploma or its equivalent, a school may accept a recognized ability-to-benefit test as defined by federal financial aid regulations.

(4) Maintain satisfactory progress as defined in WAC 250-20-021(19).

(5) Not be pursuing a degree in theology.

(6) Not have received a state need grant for more than the equivalent of ten full-time semesters or fifteen full-time quarters or equivalent combination of these two, nor exceed one hundred twenty-five percent of the published length of time of the student's program. A student may not start a new associate degree or certificate program as a state need grant recipient until at least five years have elapsed since earning an associate degree as a need grant recipient, except that a student may earn two associate degrees concurrently. A student

shall be deemed to have received an associate degree as a state need grant recipient if the student received state need grant payments in more than three quarters, two semesters, or equivalent clock hours while pursuing an associate degree. Upon receipt of a bachelor's degree or its foreign equivalent, a student is no longer eligible.

(7) Have submitted the Free Application for Federal Student Aid to receive consideration for a Pell grant (except as specified in WAC 250-20-021 less-than-half-time pilot project).

(8) Certify that he or she does not owe a refund or repayment on a state or federal grant, and is not in default on a loan made, insured, or guaranteed under the Federal Family Education Loan Program, the Federal Perkins Loan Program, or the Federal Direct Student Loan Program.

[Statutory Authority: Chapter 28B.92 RCW. 08-15-156, § 250-20-011, filed 7/22/08, effective 8/22/08. Statutory Authority: Chapter 28B.80 RCW. 06-17-046, § 250-20-011, filed 8/8/06, effective 9/8/06; 99-16-015, § 250-20-011, filed 7/23/99, effective 8/23/99; 95-17-045, § 250-20-011, filed 8/11/95, effective 9/11/95; 95-10-007, § 250-20-011, filed 4/24/95, effective 5/25/95; 93-08-010, § 250-20-011, filed 3/25/93, effective 4/25/93. Statutory Authority: RCW 28B.10.800 - [28B.10.]822. 90-04-067, § 250-20-011, filed 2/5/90, effective 7/1/90. Statutory Authority: RCW 28B.10.806. 87-16-046 (Order 2/87, Resolution No. 87-59), § 250-20-011, filed 7/29/87. Statutory Authority: RCW 28B.10.822. 82-15-058 (Order 9-82, Resolution No. 82-52), § 250-20-011, filed 7/20/82. Statutory Authority: RCW 28B.10.806. 80-12-028 (Order 5-80, Resolution No. 82-4), § 250-20-011, filed 8/28/80; 80-05-025 (Order 3-80, Resolution No. 80-56), § 250-20-011, filed 4/14/80; 79-11-031 (Order 11-79, Resolution No. 80-18), § 250-20-011, filed 10/11/79; 79-07-021 (Order 5-79, Resolution No. 79-33), § 250-20-011, filed 6/15/79; Order 2-77, § 250-20-011, filed 4/13/77; Order 3-75, § 250-20-011, filed 4/25/75; Order 1-75, § 250-20-011, filed 3/7/75; Order 1-74, § 250-20-011, filed 4/9/74; Order 1-73, § 250-20-011, filed 7/2/73.]

WAC 250-20-013 Institutional eligibility. (1) For an otherwise eligible student to receive a state need grant, the student must be enrolled in an eligible program at a postsecondary institution approved by the higher education coordinating board for participation in the state need grant program. To be eligible to participate, a postsecondary institution must:

(a) Be a postsecondary institution as defined in WAC 250-20-021(3).

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

(2) In addition, a proprietary institution must demonstrate to the satisfaction of the board:

(a) That it is certified for participation in the federal Title IV student financial aid programs. Institutions which have been limited or suspended from Title IV programs are not eligible to participate in the state need grant program. A proprietary institution that is provisionally certified due to its failure to meet standards of administrative capability or financial responsibility may have its eligibility limited or denied. Institutions will be evaluated on a case-by-case basis and may be allowed to participate in a probationary status with conditions including a letter of credit, or other limitations.

(b) That it is capable of properly administering the state need grant program. In making this determination, the board will consider such factors as the institution's:

(i) Adequacy of staffing levels.

(ii) Staff training and experience in administering student financial aid programs and turnover in key personnel.

(iii) Compliance with the standards of administrative capability specified for purposes of federal Title IV program eligibility.

(iv) Pending legal regulatory issues.

(v) Written student complaints.

(vi) Compliance with state aid program regulations and guidelines.

(vii) Ability to maintain electronic systems to support state aid program tracking, payment requests and reporting obligations.

(c) That it is maintaining acceptable performance levels. In making this determination the board will consider such factors as the institution's:

(i) Student completion rate.

(ii) Student placement rate.

(iii) Student loan cohort default rate.

In evaluating completion and placement standards, the board will rely on the standards of the institution's accrediting agency or the standard established between the board and the institution at the time the participation agreement is signed. Multiple year averages will be considered in evaluating these standards. Each participating institution will submit its annual accreditation report to the board.

(d) That it is financially stable and has adequate financial resources to provide the services described in its official publications and statements. Institutions must meet the administrative and financial standards for participation in the federal Title IV programs. In making this determination, the board will consider such factors as:

(i) The school's annual financial statements. The board will not retain copies of confidential financial statements that cannot be exempted from the Public Disclosure Act, chapter 42.56 RCW.

(ii) The Department of Education's composite financial score.

(iii) Federal program review findings.

(iv) State reauthorization or relicensing reports.

(v) Accrediting agency show cause or other findings.

(vi) Enrollments by program and intent to terminate an existing program.

(vii) Enrollment trends.

(e) If evaluation of an institution's administrative capability, performance level, or financial strength results in concerns about the institution's participation in the state aid programs, the board may:

(i) Request additional information as well as give the school the opportunity to provide additional clarifying information.

(ii) Place an institution in a probationary status and specify the corrective actions which need to occur.

(iii) Require a letter of credit or bond.

(iv) Limit, suspend, or terminate an institution's participation in accordance with WAC 250-20-081.

(3) "Probation" indicates the board has determined that the school has one or more significant deficiencies for which corrective action is required within a specified time period.

(4) The school must renew its eligibility each year under these standards or as requested by the board. A school that has lost eligibility to participate must complete a new application for reconsideration.

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

(6) If an institution disagrees with actions taken by the board, the institution can appeal the action per the procedure outlined in WAC 250-20-081.

[Statutory Authority: Chapter 28B.92 RCW. 08-15-156, § 250-20-013, filed 7/22/08, effective 8/22/08; 07-15-038, § 250-20-013, filed 7/12/07, effective 8/12/07. Statutory Authority: Chapter 28B.80 RCW. 06-17-046, § 250-20-013, filed 8/8/06, effective 9/8/06; 95-17-045, § 250-20-013, filed 8/11/95, effective 9/11/95.]

WAC 250-20-015 Application and agreement to participate. A postsecondary institution which wishes to participate in the state need grant program must apply and be approved each year. As a part of the application process, the institution must provide all requested information, in the format specified by the board. Such information will include, but may not be limited to, the following: Name and address of school (including central office and all campus sites), name and address of owner(s), or if a corporation the name and addresses of stockholders holding more than twenty-five percent of the stock and percentage of stock held, the date on which the school officially began instruction if in the last five years, type and date of last accreditation, enrollment information (unless reported to the state of Washington or in the integrated postsecondary education data system), evidence of certification and participation in the Federal Pell Grant program and any other information upon request of the board as needed to determine the institution's eligibility. The institutions must also submit each year, for approval, a copy of its refund/repayment policy, student budgets, gift equity packaging policy and its satisfactory progress policy for state need grant recipients and such other information as may be required to assure proper administration of the program and financial stability. In addition the "agreement to participate" will also indicate the institution's agreement to abide by all program rules, regulations, and guidelines, to maintain and provide all pertinent information, records, and reports requested by the board, and to notify the board within thirty days of any change to information reported on the agreement form.

[Statutory Authority: Chapter 28B.92 RCW. 08-15-156, § 250-20-015, filed 7/22/08, effective 8/22/08. Statutory Authority: Chapter 28B.80 RCW. 95-17-045, § 250-20-015, filed 8/11/95, effective 9/11/95; 93-08-010, § 250-20-015, filed 3/25/93, effective 4/25/93. Statutory Authority: RCW 28B.10.800 - [28B.10.]822. 90-04-067, § 250-20-015, filed 2/5/90, effective 7/1/90. Statutory Authority: RCW 28B.10.806. 87-16-046 (Order 2/87, Resolution No. 87-59), § 250-20-015, filed 7/29/87; 79-11-031 (Order 11-79, Resolution No. 80-18), § 250-20-015, filed 10/11/79.]

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

(2) The term "disadvantaged student" shall mean a student who by reasons of adverse cultural, educational, environmental, experiential, or familial circumstance is unlikely to aspire to, or enroll in, higher education. Generally, this shall mean a dependent student whose parents have not attained a college education and/or whose family income is substantially below the state's median or has participated in a means tested early awareness program designed to qualify him or her for enrollment as a full-time student at a postsecondary institution in the state of Washington.

(3) The term "postsecondary institution" shall mean:

(a) Any public university, college, community college, or vocational-technical institute operated by the state of Washington political subdivision thereof, or any other university, college, school or institute in the state of Washington offering instruction beyond the high school level which is a member institution of an approved accrediting association.

(b) If such institution agrees to participate in the program in accordance with all applicable rules and regulations.

(c) Any institution, branch, extension or facility operating within the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of an approved accrediting association.

(d) The separate accreditation requirement is waived for branch campuses of out-of-state institutions if the branch campus:

(i) Is eligible to participate in federal student aid programs; and

(ii) Has operated as a nonprofit college or university delivering on-site classroom instruction for a minimum of twenty consecutive years within the state of Washington; and

(iii) Has an annual enrollment of at least seven hundred full-time equivalent students.

(4) The term "approved accrediting association" shall mean the following organizations:

(a) Northwest Commission on Colleges and Universities;

(b) Middle States Association of Colleges and Schools, Commission on Higher Education;

(c) New England Association of Schools and Colleges;

(d) North Central Association of Colleges and Schools;

(e) Southern Association of Colleges and Schools;

(f) Western Association of Schools and Colleges;

(g) Accrediting Bureau of Health Education Schools;

(h) Accrediting Council for Continuing Education and Training;

(i) Accrediting Commission of Career Schools and Colleges of Technology;

(j) Accrediting Council for Independent Colleges and Schools;

(k) National Accrediting Commission of Cosmetology Arts and Sciences.

(5) "Washington resident" shall be defined as an individual who satisfies the requirements of RCW 28B.15.012 (2)(a) through (d) and board-adopted rules and regulations pertaining to the determination of residency.

(6) "Dependent student" shall mean any post-high school student who does not qualify as an independent student in accordance with WAC 250-20-021(7).

(7) "Independent student" shall mean any student who qualifies as an independent student for the receipt of federal aid. These qualifications include a student who has either:

- (a) Reached his or her twenty-fourth birthday before January 1st of the aid year; or
- (b) Is a veteran of the U.S. Armed Forces; or
- (c) Is an orphan or ward of the court; or
- (d) Has legal dependents other than a spouse; or
- (e) Is a married student or a graduate/professional student; or
- (f) Is determined to be independent for the receipt of federal aid on the basis of the professional judgment of the aid administrator.

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

(9) "Student budgets" are determined by institutions and approved by the board. The student budget consists of that amount required to support an individual as a student for nine months and may take into consideration cost factors for maintaining the student's dependents. This should be the amount used to calculate the student's total need for all state and federal funds.

(10) "State need grant cost-of-attendance" is the standard student cost per sector, as developed by the board.

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

(b) In no case may the costs-of-attendance exceed the statutory ceiling established by RCW 28B.92.060(4). The ceiling is calculated by adding together the same standard maintenance allowance used in determining the state need grant cost-of-attendance, plus the regular tuition and fees charged for a full-time resident undergraduate student at a research university, plus the current average state appropriation per student for operating expenses in all public institutions.

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

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

(e) The higher education coordinating board will consult with appropriate advisory committees and the representative association of student financial aid administrators, to annually review and adjust the costs-of-attendance. The costs-of-attendance for each sector will be published concurrent with annual guidelines for program administration.

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

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

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

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

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

(12) "Income cutoff" means the amount of family income below which a student is determined to be eligible for the state need grant.

(a) The cutoff shall be expressed as a percent of the state's median family income. The exact point of cutoff shall be determined each year by the board based on available funding.

(b) The board will endeavor to award students, in order, from the lowest income to the highest income, within the limits of available funding.

(c) At the discretion of the institution's aid administrator, a student who is eligible for a state need grant in a given academic year may be deemed eligible for the ensuing academic year if his or her family income increases by no more than three percent, even if the stated median family income cutoff for grant eligibility is lower than that amount.

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

(14) "Base grant" is the state need grant award for each sector before the addition of a dependent care allowance. The base grant per student will be no less than the published base grant in 1998-1999. The base grant may be further adjusted according to the student's family income level and rate of enrollment as described in WAC 250-20-041.

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

(15) "Dependent care allowance" is a flat grant amount, to be determined by the board, which is in addition to the eligible student's base grant.

(a) The allowance is awarded to those students who have dependents in need of care. The dependent must be someone (other than a spouse) living with the student.

(b) Care must be that assistance provided to the dependent by someone outside of the student's household and not paid by another agency.

(c) Eligible grant recipients must document their need for the dependent care allowance.

(16) "State need grant award" is the base grant adjusted according to level of family income, plus a dependent care allowance, if applicable.

(17) "Academic year" is that period of time between July 1 and the following June 30 during which a full-time student

would normally be expected to complete the equivalent of two semesters or three quarters of instruction.

(18) "Clock hours" means a period of time which is the equivalent of either:

(a) A 50 to 60 minute class, lecture, or recitation; or

(b) A 50 to 60 minute period of faculty-supervised laboratory shop training or internship.

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

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

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

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

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

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

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

(22) The term "eligible program" for a public or private nonprofit educational institution, shall mean a certificate, associate or baccalaureate degree program; at least a two-year program that is acceptable for full credit toward a bachelor's degree, or a program that provides at least a 15-week undergraduate program of 600 clock hours, 16 semester hours, or 24 quarter hours that leads to a degree or certificate and prepares the student for gainful employment in a recognized occupation. To be an "eligible program," a program must be encompassed within the institution's accreditation and be an eligible program for purposes of the federal Title IV student financial aid programs.

(23) The three "public sectors of higher education" are the research universities, comprehensive universities, and the community and technical colleges.

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

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

(26) The "less-than-half-time pilot project" is defined as follows:

(a) The pilot project is authorized for 2007-2011 in chapter 404, Laws of 2007 and is meant to test the feasibility of providing state need grant awards to students who enroll in three, four or five credits.

(b) All rules and guidelines that govern student and school participation in the state need grant program shall apply to pilot project except the following:

(i) The student may enroll for three, four or five credits per term.

(ii) The grant award is equal to one-quarter of the regular base grant amount.

(iii) Students otherwise enrolled in credit bearing coursework may receive the grant for up to one academic year before being accepted into a program that leads to a degree or certificate.

(27) The term "former foster youth" means a person who is at least eighteen years of age, but no more than twenty-four years of age, who was a dependent of the department of social and health services at the time he or she attained the age of eighteen.

[Statutory Authority: Chapter 28B.92 RCW. 08-15-156, § 250-20-021, filed 7/22/08, effective 8/22/08. Statutory Authority: Chapter 28B.80 RCW. 06-17-046, § 250-20-021, filed 8/8/06, effective 9/8/06. Statutory Authority: Chapter 28B.80 RCW and RCW 28B.10.822. 02-24-041, § 250-20-021, filed 12/2/02, effective 1/2/03. Statutory Authority: 2813.80 [Chapter 28B.80 RCW]. 99-16-015, § 250-20-021, filed 7/23/99, effective 8/23/99. Statutory Authority: Chapter 28B.80 RCW. 96-18-024, § 250-20-021, filed 8/27/96, effective 9/27/96; 96-04-019, § 250-20-021, filed 1/30/96, effective 3/1/96; 95-17-045, § 250-20-021, filed 8/11/95, effective 9/11/95; 95-10-007, § 250-20-021, filed 4/24/95, effective 5/25/95; 93-08-010, § 250-20-021, filed 3/25/93, effective 4/25/93. Statutory Authority: RCW 28B.10.800 through 28B.10.822. 92-11-022, § 250-20-021, filed 5/13/92, effective 6/13/92; 90-04-067, § 250-20-021, filed 2/5/90, effective 7/1/90. Statutory Authority: RCW 28B.10.806. 88-10-001 (Order 2/88, Resolution No. 88-11), § 250-20-021, filed 4/21/88; 87-16-046 (Order 2/87, Resolution No. 87-59), § 250-20-021, filed 7/29/87; 86-12-077 (Order 5/86), § 250-20-021, filed 6/4/86. Statutory Authority: RCW 28B.10.822. 82-15-058 (Order 9-82, Resolution No. 82-52), § 250-20-021, filed 7/20/82. Statutory Authority: RCW 28B.10.806. 81-13-038 (Order 2/81, Resolution No. 81-67), § 250-20-021, filed 6/16/81; 80-05-025 (Order 3-80, Resolution No. 80-56), § 250-20-021, filed 4/14/80; 79-11-031 (Order 11-79, Resolution No. 80-18), § 250-20-021, filed 10/11/79; 79-07-021 (Order 5-79, Resolution No. 79-33), § 250-20-021, filed 6/15/79; 78-05-063 (Order 2-78), § 250-20-021, filed 4/27/78, effective 6/1/78; Order 2-77, § 250-20-021, filed 4/13/77; Order 3-75, § 250-20-021, filed 4/25/75; Order 1-75, § 250-20-021, filed 3/7/75; Order 1-74, § 250-20-021, filed 4/9/74; Order 1-73, § 250-20-021, filed 7/2/73.]

WAC 250-20-031 Student application procedure. (1) Application for a state grant must be made each year.

(2) All applications will be ranked anew each year.

(3) Application for a state need grant is accomplished through a student's application for admission to, and financial aid from, the institution of his or her choice.

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

The board shall annually specify the student data elements essential for determining state need grant eligibility and shall authorize the forms and processes for collecting and analyzing such data.

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

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

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

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

(6) The board shall establish annual criteria by which the eligible student is to be identified, ranked, and awarded. Those criteria shall include the maximum award for each sector and the income cutoff level.

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

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

(9) The financial aid administrator at each institution will be required to sign a statement attesting to the fact that all eligible financial aid applicants within state need grant parameters will be identified and served to the extent funds are available and that financial information will be determined in strict adherence to program guidelines.

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

[Statutory Authority: Chapter 28B.92 RCW. 08-15-156, § 250-20-031, filed 7/22/08, effective 8/22/08. Statutory Authority: 2813.80 [Chapter 28B.80 RCW]. 99-16-015, § 250-20-031, filed 7/23/99, effective 8/23/99. Statutory Authority: Chapter 28B.80 RCW. 93-08-010, § 250-20-031, filed 3/25/93, effective 4/25/93. Statutory Authority: RCW 28B.10.800 - [28B.10.]822. 90-04-067, § 250-20-031, filed 2/5/90, effective 7/1/90. Statutory Authority: RCW 28B.10.806. 88-10-001 (Order 2/88, Resolution No. 88-11), § 250-20-031, filed 4/21/88; 87-16-046 (Order 2/87, Resolution No. 87-59), § 250-20-031, filed 7/29/87. Statutory Authority: RCW 28B.10.822. 82-15-058 (Order 9-82, Resolution No. 82-52), § 250-20-031, filed 7/20/82; Order 2-77, § 250-20-031, filed 4/13/77; Order 1-76, § 250-20-031, filed 3/11/76; Order 3-75, § 250-20-031, filed 4/25/75; Order 1-75, § 250-20-031, filed 3/7/75; Order 1-74, § 250-20-031, filed 4/9/74; Order 1-73, § 250-20-031, filed 7/2/73.]

WAC 250-20-037 Reserve of funds. (1) The board shall annually reserve funds for the body of students at each institution. The percentage of state need grant funds to be reserved equals the proportion of grant dollars needed to fund the eligible students who are enrolled, as reported on the interim/reconciliation report, at each school compared to the

dollars needed to fund all state need grant eligible students enrolled in all participating schools.

(2) The board shall establish methods to reserve state need grant funds for:

- (a) Former foster youth;
- (b) Transfer students; and
- (c) New institutions.

[Statutory Authority: Chapter 28B.92 RCW. 08-15-156, § 250-20-037, filed 7/22/08, effective 8/22/08. Statutory Authority: RCW 28B.10.800 - [28B.10.]822. 90-04-067, § 250-20-037, filed 2/5/90, effective 7/1/90.]

WAC 250-20-041 Award procedure. (1) The institution will offer grants to eligible students from funds reserved by the board. It is the institution's responsibility to ensure that the reserve is not over expended within each academic year.

(2) The state need grant award for an individual student shall be the base grant, appropriate for the sector attended and a dependent care allowance, if applicable, adjusted for the student's family income and rate of enrollment. Each eligible student receiving a grant must receive the maximum grant award for which he or she is eligible, unless such award should exceed the student's overall need or the institution's approved gift equity packaging policy.

(3) The grant amount for students shall be established as follows:

(a) The award shall be based on the representative average tuition, service, and activity fees charged within each public sector of higher education. The average is to be determined annually by the higher education coordinating board. The award for students enrolled in the applied baccalaureate pilot program authorized in RCW 28B.50.810 shall be based on the representative tuition and fees used for the comprehensive universities.

(b) Except for the 2003-04 and 2004-05 academic years, the base grant award shall not exceed the actual tuition and fees charged to the eligible student. During the 2003-04 and 2004-05 years the grant award may exceed the tuition charged to the eligible student by fifty dollars.

(c) The base grant award for students attending independent four-year institutions shall be equal to that authorized for students attending the public four-year research institutions. The base grant for students attending private vocational institutions shall be equal to that authorized for students attending the public community and technical colleges.

(4) The total state need grant award shall be reduced for students with family incomes greater than fifty percent of the state's median and for less than full-time enrollment.

(a) Students whose incomes are equal to fifty-one percent to seventy-five percent of the state's median family income shall receive seventy-five percent of the maximum award. Students whose incomes are equal to seventy-six percent to one hundred percent of the state's median family income shall receive fifty percent of the maximum award. Students whose incomes are equal to one hundred one percent to one hundred twenty-five percent of the state's median family income shall receive twenty-five percent of the maximum award.

(b) Eligible students shall receive a prorated portion of their state need grant for any academic period in which they are enrolled at least half-time, as long as funds are available. Students enrolled at a three-quarter time rate, at the time of

disbursement, will receive seventy-five percent of their grant. Students enrolled half-time at the time of disbursement will receive fifty percent of their grant.

(5) Depending on the availability of funds, students may receive the need grant for summer session attendance.

(6) The institution will be expected, insofar as possible, to match the state need grant with other funds sufficient to meet the student's need. Matching moneys may consist of student financial aid funds and/or student self-help.

(7) All financial resources available to a state need grant recipient, when combined, may not exceed the amount computed as necessary for the student to attend a postsecondary institution. The student will not be considered over-awarded if he or she receives additional funds after the institution awards aid, and the total resources exceed his or her financial need by \$200 or less by the end of the academic year.

(8) The institution shall ensure that the recipient's need grant award, in combination with grant aid from all sources, not exceed seventy-five percent of the student's cost-of-attendance. In counting self-help sources of aid, the aid administrator shall include all loans, employment, work-study, scholarships, grants not based on need, family contribution, and unmet need.

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

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

[Statutory Authority: Chapter 28B.92 RCW. 08-15-156, § 250-20-041, filed 7/22/08, effective 8/22/08; 07-15-038, § 250-20-041, filed 7/12/07, effective 8/12/07. Statutory Authority: Chapter 28B.80 RCW and RCW 28B.10.822. 04-08-060, § 250-20-041, filed 4/5/04, effective 5/6/04. Statutory Authority: 2813.80 [Chapter 28B.80 RCW]. 99-16-015, § 250-20-041, filed 7/23/99, effective 8/23/99. Statutory Authority: Chapter 28B.80 RCW. 95-17-045, § 250-20-041, filed 8/11/95, effective 9/11/95; 93-08-010, § 250-20-041, filed 3/25/93, effective 4/25/93. Statutory Authority: RCW 28B.10.800 - [28B.10.]822. 90-04-067, § 250-20-041, filed 2/5/90, effective 7/1/90. Statutory Authority: RCW 28B.10.806. 87-16-046 (Order 2/87, Resolution No. 87-59), § 250-20-041, filed 7/29/87. Statutory Authority: RCW 28B.10.822. 82-15-058 (Order 9-82, Resolution No. 82-52), § 250-20-041, filed 7/20/82. Statutory Authority: RCW 28B.10.806. 80-05-025 (Order 3-80, Resolution No. 80-56), § 250-20-041, filed 4/14/80; 79-11-031 (Order 11-79, Resolution No. 80-18), § 250-20-041, filed 10/11/79; 79-07-021 (Order 5-79, Resolution No. 79-33), § 250-20-041, filed 6/15/79; Order 2-77, § 250-20-041, filed 4/13/77; Order 3-75, § 250-20-041, filed 4/25/75; Order 1-75, § 250-20-041, filed 3/7/75; Order 1-74, § 250-20-041, filed 4/9/74; Order 1-73, § 250-20-041, filed 7/2/73.]

WAC 250-20-051 Grants disbursement and repayment. (1) At intervals designated by the executive director, financial aid administrators from participating independent colleges and proprietary institutions will submit the appropriate cash request or reimbursement form to the higher education coordinating board for each state need grant recipient certifying enrollment and grant eligibility.

(a) Upon receipt of the cash request or reimbursement forms, the higher education coordinating board will forward payments to the appropriate institution for each recipient or directly to the school as reimbursement.

(b) At private and proprietary schools, as long as the student remains eligible for the grant, the payment must be given directly to the student without the institution placing

any other condition on receipt of the payment. Institutions which participate in the electronic funds transfer reimbursement program, must follow the requirements of the student directives. The student directive is a board-approved document used to direct the schools in the student's choice of payment method, either a direct deposit or school issued warrant.

(c) All signed receipts and student directives for state need grants are to be retained by the institution. They must be made available for inspection upon request of the board. All unclaimed payments must be returned to the board on or before the date specified by the board each term.

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

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

(a) Interim progress reports must be filed with the board as requested.

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

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

(4) Should a student recipient withdraw prior to or on fifty percent of the term or prior to completing fifty percent of the scheduled clock hours during the term in which he or she received a state need grant, the student shall be required to repay a portion of the grant amount according to the board-approved repayment policy. This policy is separate and distinct from the federal repayment policy and computation. Beginning in 2009-2010 the board-approved repayment policy shall incorporate the following repayment principles.

(a) The repayment calculation is based on the portion of the term not completed or the percent of scheduled clock hours not completed.

(b) A fifty percent reduction is applied to the final repayment calculation for relief of irretrievable costs of attendance. This adjustment is only available to students who officially or unofficially withdraw when the last date of attendance is known.

(c) If the last known date of attendance occurs after fifty percent of the term, the state need grant award is considered one hundred percent earned and no repayment is due.

(d) If a state need grant recipient attends a portion of a term and withdraws with no verified last date of attendance, the repayment will be fifty percent of the grant amount with no additional adjustments.

(e) If a state need grant recipient never attends courses in the term for which they received a state need grant award, the repayment is one hundred percent of the grant amount.

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

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

(6) Funds from grants which are declined, forfeited or otherwise unused shall be reawarded until disbursed, except that eligible former foster youth shall be assured receipt of a grant.

[Statutory Authority: Chapter 28B.92 RCW. 08-15-156, § 250-20-051, filed 7/22/08, effective 8/22/08. Statutory Authority: Chapter 28B.80 RCW. 93-08-010, § 250-20-051, filed 3/25/93, effective 4/25/93. Statutory Authority: RCW 28B.10.800 - [28B.10.]822. 90-04-067, § 250-20-051, filed 2/5/90, effective 7/1/90. Statutory Authority: RCW 28B.10.806. 87-16-046 (Order 2/87, Resolution No. 87-59), § 250-20-051, filed 7/29/87; 79-11-031 (Order 11-79, Resolution No. 80-18), § 250-20-051, filed 10/11/79; 79-07-021 (Order 5-79, Resolution No. 79-33), § 250-20-051, filed 6/15/79; Order 2-77, § 250-20-051, filed 4/13/77; Order 3-75, § 250-20-051, filed 4/25/75; Order 1-75, § 250-20-051, filed 3/7/75; Order 1-74, § 250-20-051, filed 4/9/74; Order 1-73, § 250-20-051, filed 7/2/73.]

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

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

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

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

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

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

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

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

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

grant receipt, it will advise the student of the reason for denial.

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

[Statutory Authority: Chapter 28B.92 RCW. 08-15-156, § 250-20-071, filed 7/22/08, effective 8/22/08. Statutory Authority: RCW 28B.10.800 - [28B.10.]822. 90-04-067, § 250-20-071, filed 2/5/90, effective 7/1/90. Statutory Authority: RCW 28B.10.806. 87-16-046 (Order 2/87, Resolution No. 87-59), § 250-20-071, filed 7/29/87; Order 2-77, § 250-20-071, filed 4/13/77; Order 3-75, § 250-20-071, filed 4/25/75.]

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

If preliminary findings indicate that a violation or violations may have occurred or are occurring, the board staff shall attempt, through mediation and conciliation, to effect corrections and/or secure reimbursement from the institution in event any funds were expended out of compliance with the provisions of WAC 250-20-061(2).

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

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

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

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

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

(2) "Eligible out-of-state institution" shall mean any non-profit college or university in another state which has a reciprocity agreement with the state of Washington if the institution is specifically encompassed within or directly affected by such reciprocity agreement so long as it is accredited by the Northwest Association of Schools and Colleges, and

agrees to participate in the state need grant program in accordance with all applicable rules and regulations.

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

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

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

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

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

Chapter 250-24 WAC

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

WAC

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chapter 250-25 WAC

HEALTH PROFESSIONAL LOAN REPAYMENT AND SCHOLARSHIP PROGRAM—RULES AND REGULATIONS

WAC

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| 250-25-020 | Authority to administer. |
| 250-25-030 | Definitions. |
| 250-25-040 | Eligibility to participate. |
| 250-25-045 | Ineligible program. |
| 250-25-050 | Selection criteria. |
| 250-25-060 | Award amount. |
| 250-25-070 | Award disbursement. |
| 250-25-080 | Repayment provisions. |
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WAC 250-25-010 Purpose. The purpose of the health professional loan repayment and scholarship program is to encourage eligible health care professionals to serve in shortage areas by providing financial support in the form of loan repayment or conditional scholarship to attend school if the participant renders health care service in medically underserved areas or professional shortage areas within Washington state.

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

WAC 250-25-020 Authority to administer. The higher education coordinating board is charged with the administration of the health professional loan repayment and scholarship program. These regulations are being adopted pursuant to the authority of sections 15 through 25, chapter 332, Laws of 1991. When a responsibility of the board is referenced in these regulations, the authority needed to discharge that

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responsibility lies with the executive director or his or her designee. In administering this program, the board shall:

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

(2) Develop guidelines;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) "Health professional shortage areas" means those areas where credentialed health care professionals are in short supply as a result of geographic maldistribution or as the result of a short supply of credentialed health care professionals in specialty health care areas and where vacancies exist in serious numbers that jeopardize patient care and pose a threat to the public health and safety. The department shall determine health professional shortage areas. In determining health professional shortage areas in the state the department may be guided by applicable federal standards for "health

professional shortage areas," and "medically underserved areas," and "medically underserved populations."

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

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

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

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

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

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

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

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

(16) "Sponsoring community" means a rural hospital or hospitals as authorized in chapter 70.41 RCW, a rural health care facility or facilities as authorized in chapter 70.175 RCW, or a city or county government or governments.

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

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

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

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

(2) Be enrolled as a student in an approved course of study or program which leads to a degree which is offered by an accredited school; or be enrolled in an accredited graduate training program; or have a degree in a health care program and have completed an approved graduate training program; or have a current and valid license to practice such health profession in Washington state by the time of execution of contract; or be in the final stage of training to be a licensed health care professional;

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

(4) Not owe an obligation for health professional service to the federal government, state, or other entity unless that obligation will be completely satisfied prior to the beginning of service under this program.

[Statutory Authority: 1991 c 332. 92-03-002, § 250-25-040, filed 1/3/92, effective 2/3/92.]

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

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

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

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

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

(3) Applicant service commitment. (a) The individual's commitment to serve in a medically underserved area or community-based primary care site as determined by the statement of commitment on the application form; (b) the availability of the individual for service, with highest consideration being given to individuals who will be available for service at the earliest dates; and (c) the length of the individual's proposed service obligation, with greatest consideration being given to persons who agree to serve for longer periods of time.

(4) Scholarship applicant relationship with rural area. Preference for scholarships shall be given to students who reside in rural areas of the state prior to admission to the medical training program. Higher preference shall be given to students seeking admission who are recommended by sponsoring communities and who declare the intent of serving as a primary care physician in a rural area.

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

WAC 250-25-060 Award amount. The annual award amount for each credentialed health care profession shall be based upon an assessment by the board, in consultation with the advisory committee, of reasonable annual eligible expenses and loan indebtedness incurred in training and edu-

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cation for each credentialed health care profession. The annual award amount may be established at a level less than annual eligible expenses. The awards may be renewed for eligible participants who continue to meet all renewal criteria but shall not be paid for more than a maximum of five years per individual.

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

WAC 250-25-070 Award disbursement. As part of the award procedure, each participant must sign an agreement with the board which serves as the legal document verifying the participant's understanding of the obligation to serve for no less than three years and no more than five years in a shortage area or repay the program according to the terms of the signed agreement.

Loan repayment participants shall receive payment from the program for the purpose of repaying educational loans secured while attending a program of health professional training which led to credentialing as a health professional.

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

(2) Loans from both government and private sources may be repaid by the program. Participants shall agree to allow the board access to loan records and to acquire information from lenders necessary to verify eligibility and to determine payments. Loans may not be renegotiated with lenders to accelerate repayment. Financial debts or service obligations which do not qualify for payment include: Public Health and National Health Service Corps scholarship training program, National Health Service Corps scholarship program, and armed forces (Army, Navy, or Air Force).

(3) Participants will be required to submit appropriate documentation of service as required by the board verifying the terms of the agreement have been met for each payment period.

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

Scholarship participants shall receive payment from the program for the purpose of paying educational costs incurred while enrolled in a program of health professional training which leads to a credential as a credentialed health professional in the state of Washington. In no case shall the award amount exceed the actual cost of attendance for the particular program. Scholarship awards are intended to meet the eligible expenses of participants.

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

WAC 250-25-080 Repayment provisions. Participants in the health professional loan repayment and scholarship program incur an obligation to serve for no less than three years and no more than five years in a shortage area in return for financial support in the form of loan repayments and/or scholarships to attend school.

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

Loan repayment participants who serve less than the required service obligation shall be obligated to repay to the program an amount equal to twice the total amount paid by the program on their behalf. In addition, loan repayments on behalf of the participant shall cease on the date that the participant discontinues service. Payments on the unsatisfied portion of the principal and interest remain the responsibility of the participant. The board shall not be held responsible for any outstanding payments on principal and interest to any lenders once a participant's eligibility expires.

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

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

On the request of the participant, the board may waive, in full or in part, the obligation for service or its rights to recover financial damages whenever the board determines that failure to do so was due to circumstances beyond the participant's control. Conditions that would be considered as a waiver from default provisions may include: Participant becomes physically impaired to the degree that he or she can no longer function in his or her assigned duties; participant becomes mentally impaired to the degree that he or she can no longer function in his or her assigned duties; or death.

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

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

WAC 250-25-090 Appeals. Participants who have been accepted in the health professional loan repayment and scholarship program may request in writing a review of any adverse decision affecting them by requesting such review within twenty days of adverse decision, addressed to the executive director of the higher education coordinating board. The review shall be handled by brief adjudication hearing procedures as outlined in the Administrative [Procedure] Act chapter 34.05 RCW.

[Title 250 WAC—p. 23]

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

Chapter 250-28 WAC

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

WAC

| | |
|------------|-------------------------|
| 250-28-020 | Purpose. |
| 250-28-030 | General administration. |
| 250-28-060 | Program definitions. |
| 250-28-070 | Award determination. |
| 250-28-080 | Award amount. |
| 250-28-090 | Repayment provisions. |
| 250-28-100 | Appeals. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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

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

[Statutory Authority: RCW 28B.80.150 - [28B.80.]180, 95-11-059, § 250-28-020, filed 5/12/95, effective 6/12/95; Order 6-77, § 250-28-020, filed 9/6/77; Order 2-74, § 250-28-020, filed 9/6/74.]

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

(2) The certifying officer for the administration of the program shall be the executive director of the higher education coordinating board or his or her designee.

[Statutory Authority: RCW 28B.80.150 - [28B.80.]180, 95-11-059, § 250-28-030, filed 5/12/95, effective 6/12/95. Statutory Authority: RCW 28B.10.806, 82-15-057 (Order 8-82, Resolution No. 82-50), § 250-28-030, filed 7/20/82; Order 6-77, § 250-28-030, filed 9/6/77; Order 2-74, § 250-28-030, filed 9/6/74.]

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

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

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

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

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

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

(7) "Total family contribution" for a dependent student shall mean the sum of the assumed parent and student contribution. For a self-supporting student, "total family contribution" shall mean the sum of the student's resources.

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

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

[Statutory Authority: 1995 c 217, 95-18-015, § 250-28-060, filed 8/24/95, effective 9/24/95. Statutory Authority: RCW 28B.80.150 - [28B.80.]180, 95-11-059, § 250-28-060, filed 5/12/95, effective 6/12/95; Order 6-77, § 250-28-060, filed 9/6/77.]

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

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

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

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

(2) Application procedure.

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

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

(3) Allocation of awards. To the extent practicable the board will award equal numbers of eligible optometry and osteopathy students.

(4) Award priorities.

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

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

[Statutory Authority: RCW 28B.80.150 - [28B.80.]180. 95-11-059, § 250-28-070, filed 5/12/95, effective 6/12/95. Statutory Authority: RCW 28B.10.806. 79-11-032 (Order 12-79, Resolution 80-20), § 250-28-070, filed 10/11/79; Order 6-77, § 250-28-070, filed 9/6/77.]

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

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

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

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

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

(2) Service obligations.

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

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

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

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

(5) The board may waive, in full or in part, a recipient's obligation for service or loan repayment when a recipient can no longer function in his or her professional duties due to a permanent disability; or death.

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

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granting the conditional awards, maintaining necessary records and making collections. The board shall maintain accurate records of these costs, and all receipts beyond those necessary to pay such costs shall be used to grant CONDITIONAL AWARDS to eligible students.

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

WAC 250-28-100 Appeals. Recipients of WICHE support may request in writing a review of any adverse decision affecting them by requesting such review within twenty days of notification of adverse decision, addressed to the executive director of the higher education coordinating board. The review shall be handled by brief adjudication hearing procedures as outlined in the Administrative Procedure Act chapter 34.05 RCW.

[Statutory Authority: 1995 c 217. 95-18-015, § 250-28-100, filed 8/24/95, effective 9/24/95.]

**Chapter 250-32 WAC
FINANCIAL AID TO BLIND STUDENTS**

WAC

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

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

(2) The term "domicile" shall denote a person's true fixed and permanent home and place of habitation. It is the place where he or she intends to remain and to which he or she, upon leaving, expects to return without intending to establish a new domicile elsewhere. Determination of "domicile" shall be in accordance with RCW 28B.15.011 - 28B.15.014.

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

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

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

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

(b) Domicile. The applicant must demonstrate to the satisfaction of the council for postsecondary education and the

postsecondary institution he or she attends that the requirement of domicile in the state of Washington has been met.

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

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

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

WAC 250-32-040 Benefits. (1) Financial assistance. A blind student who qualifies for benefits of this program shall be entitled to financial assistance in an amount not to exceed two hundred dollars per quarter, or so much thereof as may be necessary, the exact amount of the allocation to be determined in accordance with the regulations hereinafter set forth: Provided, That funds are appropriated to the council for postsecondary education for such purpose: Provided further, That in the event the amount of funds applied for exceeds funds available, allocations to eligible applicants shall be made according to the order applications are received by the council for postsecondary education.

[Statutory Authority: RCW 28B.10.806. 82-15-055 (Order 6-82, Resolution No. 49), § 250-32-040, filed 7/20/82; Order 4-77, § 250-32-040, filed 5/11/77; Order 3-74, § 250-32-040, filed 9/6/74.]

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

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

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

[Title 250 WAC—p. 26]

ALLOCATION SCHEDULE

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

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

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

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

(b) Accept the responsibility to notify the council for postsecondary education in the event the applicant fails to complete registration, fails to register for the number of credit hours specified for any period, or withdraws from a course or terminates his or her studies prior to the end of any period;

(c) Agree to counsel and assist the applicant in the procurement of readers, books and/or equipment and to arrange for and approve payments for such reader services, books and/or equipment pending reimbursement by the council for postsecondary education from state funds allocated for that purpose; and

(d) Agree [on behalf of] [to] disburse state warrants sent by the council for postsecondary education on behalf of the student for approved expenditures.

[Statutory Authority: RCW 28B.10.806. 82-15-055 (Order 6-82, Resolution No. 49), § 250-32-060, filed 7/20/82; Order 4-77, § 250-32-060, filed 5/11/77; Order 3-74, § 250-32-060, filed 9/6/74.]

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

WAC 250-32-070 Administration. (1) The executive coordinator or his or her designee is authorized to act for the council for postsecondary education in receiving, examining and approving applications consistent with statutory provisions, rules and regulations and such other requirements as the executive coordinator may determine to be necessary.

(2) The executive coordinator or his or her designee is authorized to administer the disbursement of funds allocated to blind students, such payments to be in accordance with pertinent statutory provisions, pertinent provisions of the regulations and such additional procedures and regulations as he or she may determine to be necessary.

[Statutory Authority: RCW 28B.10.806. 82-15-055 (Order 6-82, Resolution No. 49), § 250-32-070, filed 7/20/82; Order 4-77, § 250-32-070, filed 5/11/77; Order 3-74, § 250-32-070, filed 9/6/74.]

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Chapter 250-40 WAC
STATE WORK-STUDY PROGRAM

WAC

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

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

[Statutory Authority: RCW 28B.12.020 through 28B.12.070. 94-14-006 § 250-40-020, filed 6/23/94, effective 7/24/94; Order 6-74, § 250-40-020, filed 9/17/74.]

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

(2) "Budgetary cost" of attending an institution shall consist of those costs required to support the individual and other costs in accordance with federal costs of attendance calculations during the period of enrollment. Budgets will reflect the applicable year's cost levels for tuition, room and board, transportation, books, supplies, personal expenses, and any other cost factors deemed necessary for consideration, consistent with WAC 250-40-040 (2)(a).

(3) "Total family contribution and resources" shall be consistent with amounts recognized by federal need analysis criteria, unless otherwise modified in accordance with these rules and program guidelines.

(4) "Washington resident" shall be defined as an individual who satisfies the requirements of RCW 28B.15.011 - 28B.15.013 except resident students defined in RCW 28B.15.012 (2)(e) and board-adopted rules and regulations pertaining to the determination of residency.

(5) "Eligible institution of postsecondary education" shall mean any postsecondary educational institution in the state of Washington accredited by the Northwest Association of Schools and Colleges; or a branch campus of a member institution accredited by Middle States Association of Colleges and Schools, New England Association of Schools and Colleges, North Central Association of Colleges and Schools, Southern Association of Colleges and Schools, Northwest Association of Schools and Colleges, or Western Association of Schools and Colleges that is eligible for federal student financial aid assistance and has operated as a nonprofit college or university delivering on-site classroom instruction for a minimum of twenty consecutive years in the state of Washington; or any public technical colleges in the state of Washington.

(6) "Eligible employer" shall be defined as any eligible public institution of postsecondary education; any other nonprofit organization which is nonsectarian; or any profit-making

nonsectarian employer producing a good or providing a service for sale or resale to others, which can and agrees to provide employment of a demonstrable benefit related to the student's postsecondary educational pursuits and which conducts business within the state of Washington; or any other employer approved by the higher education coordinating board. In approving an employer as eligible, the board or an institution acting as its agent will consider at the minimum:

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

(b) The potential for displacement of regular employees;

(c) The rate of pay as compared to salaries and wages provided other employees engaged in similar work;

(d) The employer compliance with appropriate federal and state civil rights laws.

(7) "Dependent student" shall mean any post-high school student attending an eligible institution of postsecondary education who does not qualify as an independent student in accordance with subsection (8) of this section.

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

(9) "Half-time student" means any student enrolled in at least one-half the credit hour or clock hour load defined by the institution as constituting expected full-time progress toward the particular degree or certificate.

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

[Statutory Authority: RCW 28B.80.240 and 28B.12.060. 02-20-083, § 250-40-030, filed 9/30/02, effective 10/31/02. Statutory Authority: RCW 28B.12.020 - 28B.12.070. 93-20-044, § 250-40-030, filed 9/29/93, effective 10/30/93. Statutory Authority: RCW 28B.12.060. 88-10-002 (Order 3/88, Resolution No. 88-11), § 250-40-030, filed 4/21/88; 87-16-047 (Order 1-87, Resolution No. 87-59), § 250-40-030, filed 7/29/87; 82-15-054 (Order 5-82, Resolution No. 82-53), § 250-40-030, filed 7/20/82. Statutory Authority: RCW 28B.10.806. 81-13-037 (Order 3/81, Resolution No. 81-68), § 250-40-030, filed 6/16/81; 79-07-020 (Order 4-79, Resolution No. 79-33), § 250-40-030, filed 6/15/79; Order 5-77, § 250-40-030, filed 5/11/77; Order 6-75, § 250-40-030, filed 8/18/75; Order 6-74, § 250-40-030, filed 9/17/74.]

WAC 250-40-040 Student eligibility and selection. (1) Eligibility criteria. In order to be eligible for employment under this program the student must:

(a) Demonstrate financial need.

(b) Be enrolled or accepted for enrollment as at least a half-time undergraduate, graduate or professional student or be a student under an established program designed to qualify him or her for enrollment as at least a half-time student at an eligible institution of postsecondary education.

(c) Be capable, in the opinion of the institution, of maintaining good standing in a course of study while employed under the program, and demonstrate satisfactory progress toward degree or certificate completion.

(d) Not be pursuing a degree in theology.

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

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

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

(b) Total applicant resources shall be determined in accordance with the federal methodology system of need analysis. Institutional financial aid officers may make reasonable adjustments to the computed total applicant resources if individual circumstances warrant such adjustments.

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

(c) The work-study award shall be designed in such a manner that the sum total of financial aid awarded any one student will not exceed the difference between the total applicant's resources and the budgetary cost of education.

(d) Each institution must have a policy relating to the continuance of aid for students who enroll in but do not complete the number of credit or clock hours required to maintain satisfactory progress toward completion of his or her degree or program objective. The institution must submit its policy to the board annually for approval.

(3) Priorities in placing students.

(a) Provide work opportunities for students who are defined to be residents of the state particularly former foster youth as defined in RCW 28B.92.060. Residents of the state are defined in RCW 28B.15.012 and 28B.15.013 except resident students defined in RCW 28B.15.012 (2)(g);

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

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

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

[Statutory Authority: RCW 28B.15.012, 06-17-047, § 250-40-040, filed 8/8/06, effective 9/8/06. Statutory Authority: RCW 28B.12.020 through 28B.12.070, 94-14-006 § 250-40-040, filed 6/23/94, effective 7/24/94; 93-20-044, § 250-40-040, filed 9/29/93, effective 10/30/93. Statutory Authority: RCW 28B.12.060, 88-10-002 (Order 3/88, Resolution No. 88-11), § 250-40-040, filed 4/21/88; 87-16-047 (Order 1-87, Resolution No. 87-59), § 250-40-040, filed 7/29/87. Statutory Authority: RCW 28B.10.806, 81-13-037 (Order 3/81, Resolution No. 81-68), § 250-40-040, filed 6/16/81; 80-05-024 (Order 2-80, Resolution No. 80-54), § 250-40-040, filed 4/14/80; Order 5-77, § 250-40-040, filed 5/11/77; Order 6-74, § 250-40-040, filed 9/17/74.]

WAC 250-40-050 Restrictions on student placement and compensation. (1) Displacement of employees. Employment of state work-study students may not result in displacement of employed workers or impair existing contracts for services.

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

(b) In cases of governmental employment, state work-study students may fill positions which have been previously

occupied but were vacated as a result of implementing previously adopted reduction in force policies in response to employment limitations imposed by federal, state or local governments.

(c) In all other cases, state work-study students may not fill positions which have been occupied by regular employees during the current or prior calendar or fiscal year.

(2) Rate of compensation. All work-study positions shall receive compensation equal to the entry level salary of comparable nonwork-study positions.

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

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

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

(3) Maximum total state work-study compensation. Earnings beyond the student's state work-study eligibility must be reported to the financial aid officer, and resulting adjustments made in the financial aid package in accordance with federal methodology. In the event that a student earns more money from state work-study employment than the institution anticipated when it awarded student financial aid, the excess is to be treated in accordance with the method specified in the state work-study operational guidelines.

(4) State share of student compensation. With the exception of board-approved off campus community service placements, the state share of compensation paid students shall not exceed 80 percent of the student's gross compensation. In the following cases the state share may be established at 80 percent:

(a) When employed by state supported institutions of postsecondary education at which they are enrolled;

(b) When employed as tutors by the state's common school districts;

(c) When employed in tutorial or other support staff positions by nonprofit adult literacy service providers in the state of Washington who meet guideline criteria for participation; and

(d) When employed in an off-campus community service placement. The state share of compensation paid students employed by all other employers shall not exceed 65 percent of the student's gross compensation.

(5) Employer share of student compensation. The employer shall pay a minimum of 20 percent or 35 percent of the student's gross compensation as specified in subsection (4) of this section, plus the costs of any employee benefits including all payments due as an employer's contribution under the state workman's compensation laws, federal Social Security laws, and other applicable laws. The federal work-study program cannot be used to provide employer share of student compensation except when used for placement of students in tutorial or other support staff positions with adult literacy service providers in the state of Washington who meet guideline criteria for participation.

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

(7) Maximum hours reimbursed. Employment of a student in excess of an average of 19 hours per week, or in the case of on-campus graduate assistants an average of 20 hours per week, over the period of enrollment for which the student has received an award or a maximum of 40 hours per week during vacation periods will not be eligible for reimbursement from state funds.

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

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

(9) Relationship to formula staffing percentage. Placement of state work-study students in on-campus positions at public postsecondary educational institutions may not result in a level of employment in any budget program in excess of a formula staffing percentage specifically mandated by the legislature.

[Statutory Authority: RCW 28B.15.012. 06-17-047, § 250-40-050, filed 8/8/06, effective 9/8/06. Statutory Authority: RCW 28B.12.020 through 28B.12.070. 94-14-006 § 250-40-050, filed 6/23/94, effective 7/24/94; 93-20-044, § 250-40-050, filed 9/29/93, effective 10/30/93. Statutory Authority: RCW 28B.12.060. 88-10-002 (Order 3/88, Resolution No. 88-11), § 250-40-050, filed 4/21/88; 87-16-047 (Order 1-87, Resolution No. 87-59), § 250-40-050, filed 7/29/87; 86-10-014 (Order 4/86), § 250-40-050, filed 4/30/86; 82-15-054 (Order 5-82, Resolution No. 82-53), § 250-40-050, filed 7/20/82. Statutory Authority: RCW 28B.10.806. 81-13-037 (Order 3/81, Resolution No. 81-68), § 250-40-050, filed 6/16/81; 80-05-024 (Order 2-80, Resolution No. 80-54), § 250-40-050, filed 4/14/80; 79-07-020 (Order 4-79, Resolution No. 79-33), § 250-40-050, filed 6/15/79; 78-08-007 (Order 3-78), § 250-40-050, filed 7/7/78; Order 5-77, § 250-40-050, filed 5/11/77; Order 6-75, § 250-40-050, filed 8/18/75; Order 6-74, § 250-40-050, filed 9/17/74.]

WAC 250-40-060 Institutional application and allotment procedures. (1) Application. Institutions shall annually apply for and document campus need for student employment funds.

(2) Institutional reserve of funds. The board shall annually develop a reserve of funds for the body of students at each eligible participating institution. Institutions will be notified of funds available for their students by May 1 of the year prior to the academic year in which awards will be given, or within a reasonable period after the legislative appropriation becomes known, whichever is later. The following steps shall govern the determination and allotment of institutional reserves:

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

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

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

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

(e) Funding increases shall be distributed on an objective basis among institutions in a manner which, when combined with federal work-study allocations, furthers a parity of work opportunity among students statewide.

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

(3) The convening of an advisory committee. The board staff will convene its advisory committee annually in accordance with WAC 250-40-070(4) to review program policies and procedures.

(4) Reallotments. If it is determined that an institution is unable to award all of the funds allotted it, the board will reduce its allotment accordingly and will redistribute unutilized funds to other eligible institutions. Reallotments however, shall not increase or decrease an institution's conditional guarantee.

[Statutory Authority: RCW 28B.15.012. 06-17-047, § 250-40-060, filed 8/8/06, effective 9/8/06. Statutory Authority: RCW 28B.12.020 - 28B.12.-070. 93-20-044, § 250-40-060, filed 9/29/93, effective 10/30/93. Statutory Authority: RCW 28B.12.060. 87-16-047 (Order 1-87, Resolution No. 87-59), § 250-40-060, filed 7/29/87; Order 5-77, § 250-40-060, filed 5/11/77; Order 6-74, § 250-40-060, filed 9/17/74.]

WAC 250-40-070 Administration. With the assistance of an advisory committee, the higher education coordinating board shall administer the work-study program. The staff of the higher education coordinating board under the direction of the executive director will manage the administrative functions relative to the program and shall be authorized to enter into agreement with:

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

Eligible private institutions for the placement of students.

Employers of students attending eligible private institutions for the reimbursement of the state share of the student's compensation. Such agreements shall be written to ensure employer compliance with the rules and regulations governing the work-study program.

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

(a) Assist the board in contracting with eligible employers or, enter into contracts with eligible organizations for employment of students under the work-study program. Such agreements shall be written to ensure employer compliance with the rules and regulations governing the work-study program.

(b) Determine student eligibility and arrange for placement.

(c) Arrange for payment of the state share of the student's compensation.

(2) Responsibility of eligible private institutions. The institution will:

(a) Assist the board in contracting with eligible employers.

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

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

(3) Employer responsibilities:

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

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

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

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

(5) Institutional administrative allowance. Contingent upon funds being made available to the higher education coordinating board for the operation of the work-study program, the public institutions will be provided an administrative expense allowance. In order to qualify for the allowance, the institution must demonstrate that financial support for student financial aid administration, exclusive of the administrative allowance, is at least equal to the level of support provided during the previous fiscal year.

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

(7) Reports. The higher education coordinating board will obtain periodic reports on the balance of each institution's work-study funds to ensure a proper distribution of funds among institutions. In addition, information will be gathered subsequent to the end of the academic year, describing the population served and the modes of packaging used.

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

(9) Appeals. If the board is notified of any possible violations of these rules and regulations, satisfactory resolution shall be attempted by board staff. If satisfactory resolution cannot be achieved by board staff, the advisory committee authorized by WAC 250-40-070(5) shall review the appeal

and make a recommendation to board staff. If satisfactory resolution still cannot be achieved, the person or institution initiating the appeal may request a hearing with the board, which shall take action on the appeal.

(10) Program reviews. The higher education coordinating board will review institutional administrative practices to determine institutional compliance with rules and regulations and program guidelines. If such a review determines that an institution has failed to comply with program rules and regulations and guidelines the board may suspend, terminate, or place conditions upon the institution's participation in the program and require the institution to reimburse the students affected or the program in the appropriate amount.

[Statutory Authority: RCW 28B.12.020 through 28B.12.070. 94-14-006 § 250-40-070, filed 6/23/94, effective 7/24/94; 93-20-044, § 250-40-070, filed 9/29/93, effective 10/30/93. Statutory Authority: RCW 28B.12.060. 87-16-047 (Order 1-87, Resolution No. 87-59), § 250-40-070, filed 7/29/87; 85-20-034 (Order 4-85, Resolution No. 86-3), § 250-40-070, filed 9/24/85. Statutory Authority: RCW 28B.10.806. 81-13-037 (Order 3/81, Resolution No. 81-68), § 250-40-070, filed 6/16/81; 79-11-030 (Order 10-79, Resolution No. 80-19), § 250-40-070, filed 10/11/79; 79-02-088 (Order 2-79), § 250-40-070, filed 2/7/79; Order 5-77, § 250-40-070, filed 5/11/77; Order 6-74, § 250-40-070, filed 9/17/74.]

Chapter 250-50 WAC

VETERANS EDUCATION PROGRAM UNIT

WAC

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

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

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

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

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

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

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

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

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

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

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

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

Chapter 250-60 WAC

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

WAC

RULES AND REGULATIONS

| | |
|------------|---|
| 250-60-010 | Purpose. |
| 250-60-020 | Administration of program. |
| 250-60-030 | Student eligibility. |
| 250-60-040 | Institutional eligibility. |
| 250-60-050 | Agreement to participate. |
| 250-60-060 | Program definitions. |
| 250-60-070 | Application procedure and selection. |
| 250-60-080 | Control of funds. |
| 250-60-090 | Loan collection. |
| 250-60-100 | Criteria for obtaining forgiveness based on qualifying teacher service. |
| 250-60-110 | Program administration and audits. |
| 250-60-120 | Suspension or termination of institutional participation. |

RULES AND REGULATIONS

WAC 250-60-010 Purpose. The purpose of the teacher incentive loan program for teachers of mathematics and science is to provide financial support in the form of long-term educational loans to applicants with demonstrated academic competency and financial need who intend to pursue a teaching career in mathematics or science in Washington public schools. The program is also intended to offer a financial incentive to those individuals by providing for the forgiveness of loan repayments in recognition of teaching service.

(2009 Ed.)

[Statutory Authority: 1983 1st ex.s. c 74. 83-24-078 (Order 6-83, Resolution No. 84-9), § 250-60-010, filed 12/7/83.]

WAC 250-60-020 Administration of program. The higher education coordinating board (HECB) is charged with the administration of the teacher incentive loan program for teachers of mathematics and science. When a responsibility of the HECB or board is referenced in these regulations, the authority needed to discharge that responsibility lies with the executive director or his or her designee.

[Statutory Authority: RCW 28B.15.760. 88-10-003 (Order 4/88, Resolution No. 88-11), § 250-60-020, filed 4/21/88. Statutory Authority: 1983 1st ex.s. c 74. 83-24-078 (Order 6-83, Resolution No. 84-9), § 250-60-020, filed 12/7/83.]

WAC 250-60-030 Student eligibility. (1) Initial eligibility. For a student to receive a mathematics/science loan, he or she must:

- (a) Be a "needy student" as defined by the higher education coordinating board;
- (b) Be a resident of Washington [as defined in WAC 250-18-010 through 250-18-060];
- (c) Be enrolled or accepted for enrollment as a student at a participating institution;
- (d) Be registered for at least ten credit hours or the equivalent for each term in which a loan is received;
- (e) Have satisfied the institution's requirements for formal acceptance as a declared major in a program of teacher education in a field of mathematics or science leading to a degree, certificate, or primary endorsement;
- (f) Demonstrate the capability of maintaining a 3.0 grade point average (on a 4.0 scale);
- (g) Certify that he or she does not owe a refund on a state need grant, a Pell grant or a supplemental educational opportunity grant, and is not in default on a loan made, insured, or guaranteed under the national direct student loan, guaranteed student loan [programs], or mathematics/science loan program[s];

(h) [Have attained junior status or higher; or]
 [(i)] Be a certificated teacher who satisfies (a), (b), (c), (d), and (g) of this subsection and has been formally accepted into a program in teacher education leading to a degree, certificate[,] or primary endorsement in a field of science or mathematics.

(2) Continuing eligibility. For a student to maintain continuing eligibility for additional mathematics/science loans, he or she must:

- (a) Continue to meet the basic eligibility requirements listed under subsection (1) of this section;
- (b) Not have reached the ten thousand dollar cumulative borrowing limit of the program; and
- (c) Satisfy academic progress requirements of the program by maintaining a 3.0 grade point average (on a 4.0 scale) for the time period the loan was received and successfully complete the required number of credit hours.

[Statutory Authority: RCW 28B.15.760. 88-10-003 (Order 4/88, Resolution No. 88-11), § 250-60-030, filed 4/21/88. Statutory Authority: 1983 1st ex.s. c 74. 83-24-078 (Order 6-83, Resolution No. 84-9), § 250-60-030, filed 12/7/83.]

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

tual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 250-60-040 Institutional eligibility. For an institution of higher education to be eligible to participate in the mathematics/science loan program, the institution must:

(1) Be a college or university in the state of Washington which is a member institution of an accrediting association recognized as such by rule of the higher education coordinating board; and

(2) Be approved by the state board of education for offering an academic program leading to a teacher's certificate with an endorsement in a field of science or mathematics or be participating in a cooperative or joint teacher education program with another accredited institution that meets the requirements of this section.

[Statutory Authority: RCW 28B.15.760. 88-10-003 (Order 4/88, Resolution No. 88-11), § 250-60-040, filed 4/21/88. Statutory Authority: 1983 1st ex. s. c 74. 83-24-078 (Order 6-83, Resolution No. 84-9), § 250-60-040, filed 12/7/83.]

WAC 250-60-050 Agreement to participate. In order to participate in the program a postsecondary institution must annually file an "agreement to participate" [supplying the following information: Name and address of school (including central office and all campus sites), the date on which the school officially began instruction if in the last five years, type and date of last accreditation, enrollment information (unless reported to the state of Washington or in the higher education general information survey) and such other information as may be required to assure proper administration of the program. In addition the "agreement to participate" will also] [to] indicate the institution's agreement to abide by all program rules, regulations, and guidelines, to maintain and provide all pertinent information, records, and reports requested by the board, and to notify the board within thirty days of any change [(other than student enrollment)] to information reported on the agreement form.

[Statutory Authority: RCW 28B.15.760. 88-10-003 (Order 4/88, Resolution No. 88-11), § 250-60-050, filed 4/21/88. Statutory Authority: 1983 1st ex. s. c 74. 83-24-078 (Order 6-83, Resolution No. 84-9), § 250-60-050, filed 12/7/83.]

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

WAC 250-60-060 Program definitions. (1) Financial aid terms:

(a) "Needy student" shall mean a post-high school student of an institution of postsecondary education who demonstrates to the board the financial inability, either parental, familial, or personal, to bear the total cost of education for any semester or quarter.

(b) "Financial need" shall be the difference between the budgetary cost to the student attending [an] [the] institution of postsecondary education and the total applicant resources which the institutional financial aid officer determines can reasonably be expected to be available to the student for meeting such costs.

(c) "Budgetary cost" of attending an institution shall consist of that amount required to support the individual and his

or her dependents during the period in which that individual is enrolled as a student. Budgets will reflect the latest recognized cost levels for room and board, transportation, books, supplies, personal expenses, and other cost factors deemed necessary for consideration[, consistent with WAC 250-40-040 (2)(a)].

(d) "Total applicant resources" for the dependent student shall mean the sum of the amounts which reasonably may be expected from the student and his or her parent(s) inclusive of expected summer savings to meet the student's cost of education, and the amount which reasonably may be expected to be made available to the student by his or her parent(s) for such purpose. For the self-supporting student total applicant resources shall mean the amount which reasonably may be expected from the [student and his or her spouse inclusive of expected] summer savings to meet the student's cost of education.

(e) "Washington resident" shall be defined as an individual who satisfies the requirements of WAC 250-18-010 through 250-18-060 pertaining to the determination of residency.

(f) "Dependent student" shall mean any post-high school student attending an eligible institution of postsecondary education who does not qualify as a independent student in accordance with (g) of this subsection.

(g) [has established a bona fide independent relationship and who demonstrates compliance with criteria for determining self-supporting status as contained in the program guidelines for the state work-study program.] "Independent student" shall mean any student who has either:

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

(ii) Is a veteran of the United States armed forces; or,

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

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

(v) Is a married student or a graduate/professional student and will not be claimed by parents as a U.S. income tax exemption in 1988; or,

(vi) Was not claimed by parents as a U.S. income tax exemption in either 1986 or 1987 and had a total income and benefits for those two years equal to or greater than \$4,000.

(2) Academic and program requirements:

(a) Minimum credit hour requirement[s]:

(i) Normal progress. Students receiving mathematics/science loans must be registered for a minimum of ten credit hours (per term) or the equivalent for each academic year for which a loan is received except as specified in [(a)](iii) of this subsection.

(ii) Calculation of equivalency. In recognition of the fact that participating institutions have different academic calendars and apply different full-time enrollment definitions to graduate and undergraduate students, the 10 credit hour equivalent standard is defined as follows: As 10 credit hours is 5/6ths (10/12) of the minimum 12 credit hours required for full-time undergraduate enrollment, a course load that by institutional standard is the equivalent of 5/6ths of a minimum full-time graduate course load satisfies the threshold course load requirement of the mathematics/science loan program.

(iii) Exceptions: Institutions may grant a one-year exception to the requirement for successful completion of 10

credit hours or equivalent per term of mathematics/science loan recipients when, in the institution's evaluation, special circumstances prevented the student from completing the required number of courses.

Each institution must send the board a copy of its policy for reawarding aid to mathematics/science loan recipients who have not satisfactorily completed the required number of credit hours the prior payment period. Each institution's policy must be approved by board staff before warrants will be sent to the institution.

If a student is reawarded a mathematics/science loan after having not completed a full-time course load the prior term, documentation must be maintained by the institution indicating that its [CPE] board-approved policy has been followed.

(b) Grade point average requirement[s]:

(i) Initial loans:

(A) General. First-time borrowers must demonstrate the capacity for academic achievement at a 3.0 or better grade point average in the qualifying program.

(B) Prior achievement of a 3.0 cumulative grade point average is considered to be a demonstration of capacity.

(C) Absence of a 3.0 grade point average. Institutions may certify applicants as meeting the demonstrated academic achievement criteria if, in the institution's judgment, additional factors, e.g., current academic average, faculty evaluation, test scores, job related success, etc., indicate the probability of a student meeting the 3.0 standard. Institutions must place a statement in the loan applicant's file specifying the basis for their judgment.

(D) Subsections (A) through [(C)][(D)] above do not apply to first-time borrowers who are currently certificated to teach in Washington state.

(ii) Subsequent loans. All borrowers are expected to earn a 3.0 or equivalent grade point average for those academic years for which they have received a mathematics/science loan. A one-year exception may be granted to an otherwise eligible borrower when, in the evaluation of the institution, the grade point average earned was due to special circumstances and is not indicative of the borrower's academic capability. Such an exception must be based on criteria no less stringent than the institution would apply to institutionally controlled aid awards with similar academic standards. A borrower must maintain an on-going 3.0 average for all terms completed during the exception year. Successful maintenance of the 3.0 average must be demonstrated for each term before funds for the following term can be released.

(c) Approved academic program:

Approved mathematics and science programs for the sole purpose of loan eligibility will be established by the higher education coordinating board with the advice of the mathematics/science loan advisory committee, and in accordance with the state board of education regulations and guidelines concerning subject field teacher endorsements.

(3) Technical provisions:

General. In the drafting of specific loan definitions reference has been made to the Federal Guaranteed Student Loan Program (20 USC Sec. 1701 et. seq.) in order to establish consistency between programs and follow accepted loan program standards.

(a) In-school period. The period of time during which a student continues enrollment on at least a half-time basis at a school satisfying guaranteed student loan school eligibility requirements. Where a break in such enrollment is shorter than the length of the grace period stipulated in [a] [the] student's promissory note, the student remains in the in-school period upon return to half-time status at a school participating in the guaranteed student loan program.

(b) Grace period. The nine-month period of time between the end of the in-school period and the beginning of the repayment period. The grace period begins on the first day of the month following the month in which the borrower leaves school or drops below half-time status. The grace period ends on the *last* day of the ninth month as written on the promissory note.

(c) Default. The failure of a borrower to make an installment payment when due, or to meet other terms of the promissory note under circumstances where the board finds it reasonable to conclude that the borrower no longer intends to honor the obligation to repay, provided that this failure persists for one hundred eighty days.

(d) Capitalization of interest. Capitalization means increasing the principal of a loan through the addition of accrued interest to the unpaid principal balance. Only interest which accrued during a period of time between the date the *first* repayment installment was due and the date it was made, when the borrower was late in beginning to repay the loan, may be capitalized on mathematics/science loans. The board may add the interest which accrued during a period of forbearance to the principal no earlier than the date repayment of principal is required to resume, and may add the interest which accrued due to late commencement of repayment to the principal no earlier than the date repayment of principal actually begins.

(e) Totally and permanently disabled. Inability to engage in any substantial gainful activity because of a medically determinable impairment that is expected to continue for a long and indefinite period of time or to result in death.

(f) "Public school" means a middle school, junior high school, or high school within the public school system referred to in Article IX of the state Constitution.

(g) "Forgiven" [or] [to] "to forgive" means to collect service as a teacher in a field of science or mathematics at a public school in the state of Washington in lieu of monetary payment.

(h) "Satisfied" means paid-in-full.

(i) Borrowing limits:

(i) Annual. The amount of any mathematics/science loan shall not exceed the demonstrated financial need of the student or two thousand five hundred dollars for each [nine month] academic year, whichever is less. Cost effective annual minimum loan limits may be set by the higher education coordinating board.

(ii) Summer session eligibility. The \$2,500 annual loan limit applies to a normal nine month academic year. An otherwise eligible borrower may also receive a mathematics/science loan for summer term attendance provided that the borrower will be registered for sufficient credit hours during the summer session to at least equal the 5/6ths of a full-time [academic] course load requirement for a regular [academic] term.

The higher education coordinating board will determine the availability of summer session loans and the maximum and minimum amount of said loans based upon available appropriations.

(iii) Cumulative. The total amount of such loans to an eligible student shall not exceed ten thousand dollars.

(j) Interest rate. The interest rate for the mathematics/science loan program shall be nine percent per annum on the unpaid balance of the loan.

(k) Repayment period. The period for repaying the loan principal and interest shall be ten years with payments accruing quarterly [beginning] nine months from the date the borrower graduated or failed to re-enroll as at least a half-time student in accordance with the provisions [established for the guaranteed student loan program]. However, where the borrower has received an authorized deferment or has been granted forbearance, the periods of deferment and/or forbearance are excluded from determination of the ten year repayment period.

(l) Forgiveness. Payments of loan principal and interest will be forgiven for any repayment period in which the borrower documents qualifying service as a teacher in a field of science or mathematics at a public school in the state of Washington in accordance with WAC 250-60-010.

(m) Loan cancellation. Where the borrower has died or become totally and permanently disabled, the loan is cancelled and the higher education coordinating board terminates all collection activity against the borrower or [his] [the] estate.

(n) Prepayment. A borrower may prepay the whole or any part of a loan at any time without penalty.

(o) Late charges. The higher education coordinating board may require that the borrower pay a late charge if the borrower fails to pay any or all of a required installment payment within thirty days after its due date or fails to provide written evidence that verifies eligibility for authorized deferment of the payment. A late charge may not exceed five cents for each dollar [or] [of] each installment [due or five dollars for each installment], whichever is less.

(p) Collection charges:

Permissible charges. The board may also require that the borrower pay for certain reasonable costs incurred by the board or its agent in collecting any installment not paid when due. These costs may include attorney's fees, court costs, and long-distance phone calls.

(q) Deferments. For reasons of public policy and congruence with federal student aid program provisions, a borrower is entitled to have scheduled payments of principal deferred when engaged in certain activities during the repayment period. Interest shall not accrue during periods of deferment officially granted by the board or its agent. Should a borrower enter a status which normally entitles him/her to a deferment of repayment, prior to the expiration of the grace period (e.g., he/she serves in the armed forces or an action program, or is unemployed), the deferment period will not commence until the expiration of the grace period. Repayment of the loan resumes immediately after the deferment period is over without any additional grace period.

Deferment is authorized during periods when a borrower is engaged in at least one of the following activities:

(i) Full-time study at a school participating in the federal guaranteed student loan program.

(ii) Full-time study at a school which meets the definition of an institution of higher education or a vocational school and is operated by an agency of the federal government (e.g., the service academies).

(iii) Study under an eligible graduate fellowship program approved by the United States secretary of education.

(iv) Study under a rehabilitation training program approved by the secretary for disabled individuals.

(v) For a period not in excess of three years during which the borrower is a member of the armed forces of the United States, or is an officer in the commissioned corps of the United States Public Health Service.

(vi) For a period not in excess of three years during which the borrower serves as a volunteer under the Peace Corps Act.

(vii) For a period not in excess of three years during which the borrower serves as a full-time volunteer under Title I of the Domestic Volunteer Service Act of 1973 (ACTION programs).

(viii) For a period not in excess of three years during which the borrower is in service comparable to the service referred to in (q)(vi) and (vii) of this subsection as a full-time volunteer for an organization which is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code of 1954.

(ix) For a period not in excess of three years during which the borrower is temporarily totally disabled, or during which the borrower is unable to secure employment because he or she is caring for a spouse who is temporarily totally disabled.

(x) For a period not in excess of two years during which the borrower is serving an internship, the successful completion of which is required in order to receive recognition required to begin professional practice or service.

(xi) For a period not in excess of twelve months during which the borrower is conscientiously seeking and is unable to find full-time employment.

(r) Forbearance. A forbearance is a flexible, limited type of deferment or postponement granted by the board for the benefit of a borrower in order to prevent a default on a loan when the borrower is willing but temporarily unable to make scheduled payments or where the forgiveness provisions of the mathematics/science loan program would be ill served by requiring scheduled repayments. A forbearance postpones principal payments but does not stop the accruing of interest. The board may require the borrower to pay the interest which will accrue on the loan during a period of forbearance prior to approving the forbearance; or the board may add the interest which accrued during the period of forbearance to the principal amount of the loan on the date that repayment is required to resume.

A forbearance may, at the board's discretion, be granted when the borrower's economic circumstances demonstrate a current inability to make scheduled repayments if the board believes that the borrower is willing to and will be more able to resume repayment in the future. Forbearances may also be granted to those borrowers who though teaching in eligible Washington public schools, are temporarily unable to meet the course load or subject matter criteria for loan forgiveness.

A cumulative maximum for all forbearances is set at two years or eight quarterly repayments.

(s) Repayment of loans. Commencement of the repayment period:

(i) The repayment period begins [on the day following the day the grace period ends] [the first day of the full repayment quarter following the grace period]. Interest accrues from the first day of the first scheduled repayment period.

[Borrowers who have been granted deferments or forbearances will also reenter the repayment cycle on the same basis.]

(ii) Scheduling of repayments. In order to implement the forgiveness provisions of the mathematics/science loan program, standardized loan repayment quarterly schedules are established for all borrowers as follows:

| | | |
|-----------|---|--------------------|
| January 1 | - | March 31 |
| April 1 | - | June 30 |
| July 1 | - | September 30 |
| October 1 | - | December [30] [31] |

The borrower will be placed in the repayment cycle starting with the first day of the first full repayment quarter following the commencement of his/her repayment period. Borrowers who have been granted deferments or forbearances will also reenter the repayment cycle on the same basis.

[Statutory Authority: RCW 28B.15.760. 88-10-003 (Order 4/88, Resolution No. 88-11), § 250-60-060, filed 4/21/88. Statutory Authority: 1983 1st ex.s. c 74. 83-24-078 (Order 6-83, Resolution No. 84-9), § 250-60-060, filed 12/7/83.]

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

WAC 250-60-070 Application procedure and selection. (1) Student. In order to be eligible for a mathematics/science loan, a student must:

(a) Meet all program eligibility requirements as established by program regulations and guidelines.

(b) Submit annually, in accordance with institutional and board deadlines, a completed mathematics/science loan application form.

(c) Meet institutional requirements for the submission of a financial aid form or comparable financial aid status documents.

(2) Academic certification:

(a) The designated academic official must certify that the applicant satisfies the grade point average and approved academic program requirements of the mathematics/science loan program.

(b) The institution may prioritize eligible applicants in terms of academic [success] [achievement], degree of financial need, appropriateness of educational program, and/or promise of teaching success as demonstrated by successful completion of objective institutional teacher education requirements.

(c) Notwithstanding financial need ranking criteria, otherwise eligible renewal loan applicants may be awarded subsequent mathematics/science loans up to their demonstrated financial need (within program limits).

(2009 Ed.)

(3) Criteria for institutional determination of financial need and the making of awards:

(a) Budgetary costs will be determined by the institution subject to approval by the higher education coordinating board. [In view of the self-help nature of this program, the state work-study advisory committee will review each budget for reasonableness and make recommendations to the council for approval or disapproval.]

(b) Total applicant resources shall be determined according to the congressional methodology system of need analysis. Institutional financial aid officers may make reasonable adjustments to the computed total applicant resources if individual circumstances warrant such adjustments. In addition, nonliquid assets in the form of equity in the primary residence and net worth of business or farm may be disregarded in the computation of total applicant resources.

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

(c) The mathematics/science loan award shall be designed in such a manner that the sum total of financial aid awarded any one student will not exceed the difference between the total applicant's resources and the budgetary cost of education.

(d) In the case of students attending private institutions, all state funds, when combined, may not exceed the nontuition and required fees portion of the student's budgetary cost.

(4) Impact of student withdrawal:

(a) Should a student recipient leave school by reason of failure or withdrawal at the end of the grading period, the unused portion of the loan will remain with the state [where it will be credited to borrower's account as a prepayment].

(b) Should a student totally withdraw from school during a term in which a mathematics/science loan had been disbursed, the following rules shall prevail:

(i) The student's eligibility for the mathematics/science loan program is terminated and no further disbursements under the program may be made without written approval of the higher education coordinating board.

(ii) If the student is entitled to a refund from the institution, that portion of the refund attributable (on a proportionate basis) to the mathematics/science loan program will be refunded to the higher education coordinating board where it will be credited to the borrower's loan account as an early repayment.

(iii) A student may regain eligibility by [repaying the loan amount owed for the academic term (of withdrawal) or by] special appeal for reinstatement to the [post secondary] institution with the concurrence of the board.

[Statutory Authority: RCW 28B.15.760. 88-10-003 (Order 4/88, Resolution No. 88-11), § 250-60-070, filed 4/21/88. Statutory Authority: 1983 1st ex.s. c 74. 83-24-078 (Order 6-83, Resolution No. 84-9), § 250-60-070, filed 12/7/83.]

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

WAC 250-60-080 Control of funds. (1) General. The higher education coordinating board is responsible for the disbursement of loan funds to individual students under the mathematics/science loan program. As warrants will be made

payable to the individual students, no transfer of funds to participating postsecondary institutions will be made. [However,] Institutions will be allocated a commitment funding level that establishes the annual aggregate loan dollars available for award to their students.

(2) Institutional funding request. Each eligible institution desiring to participate in the mathematics/science loan program must apply annually to the higher education coordinating board's financial aid section for an allocation of funds. The institutional request must be submitted by the appropriate deadline and contain any information requested by the board.

(3) If an institution can utilize more funds than were allocated for the fiscal year, it should apply for supplemental funds. A request for supplemental funds should be filed as soon as the need is known and may be filed at any time throughout the fiscal year. Such requests must be in writing and must include justification regarding the need for additional funds. Supplemental awards may be made periodically throughout the year on a funds available basis.

(4) If an institution is unable to expend its full allocation, it must deobligate that portion of funds which will be unutilized. Written notification of deobligation must be submitted to the board as soon as the institution has determined its inability to fully expend its mathematics/science loan program funds.

[Statutory Authority: RCW 28B.15.760. 88-10-003 (Order 4/88, Resolution No. 88-11), § 250-60-080, filed 4/21/88. Statutory Authority: 1983 1st ex.s. c 74. 83-24-078 (Order 6-83, Resolution No. 84-9), § 250-60-080, filed 12/7/83.]

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

WAC 250-60-090 Loan collection. The board is responsible for collection of loans made and shall exercise due diligence in such collection to ensure that maximum repayments are made. The board is responsible to forgive all or parts of such loans under the criteria established in these rules and regulations.

Receipts from the payment of principal or interest or any other subsidies to which the board as lender is entitled, which are paid by or on behalf of borrowers, shall be deposited with the higher education coordinating board and shall be used to cover the costs of making the loans, maintaining necessary records and making collections. All receipts beyond those necessary to pay such costs shall be used to make loans to eligible students.

[Statutory Authority: RCW 28B.15.760. 88-10-003 (Order 4/88, Resolution No. 88-11), § 250-60-090, filed 4/21/88. Statutory Authority: 1983 1st ex.s. c 74. 83-24-078 (Order 6-83, Resolution No. 84-9), § 250-60-090, filed 12/7/83.]

WAC 250-60-100 Criteria for obtaining forgiveness based on qualifying teacher service. (1) General. In order to be granted loan forgiveness in lieu of repayment, a borrower, for each repayment period for which forgiveness is sought, must:

(a) Be teaching in an eligible Washington public school.

(b) Be teaching qualifying mathematics/science courses equal to at least one-half of a full-time teaching assignment as defined by the employing school district.

(c) Complete and submit, in a timely manner, the documentation necessary to support the forgiveness request.

(2) Identification of qualifying mathematics and science courses:

Subordinate to specific regulations, determination of qualifying courses is the responsibility of the employing school district. The superintendent of schools of the employing district or his/her designee(s) is responsible for certifying qualifying courses.

(a) Supplementary criteria for qualifying courses will be issued as necessary by the higher education coordinating board after consultation with the mathematics/science loan advisory committee.

(b) At the secondary school level, courses which satisfy state graduation requirements in mathematics or science are eligible courses.

(c) At the middle school and junior high level, courses which have been traditionally viewed as science or mathematics foundation[s] courses are eligible.

(3) Calculating qualifying teacher service under the mathematics/science loan program:

The superintendent of schools of the employing district or his/her designee(s) is responsible for calculating qualifying teacher service.

(a) General. In order to obtain forgiveness of scheduled repayments, a borrower must, for the repayment period, be employed at least half-time as a teacher of qualifying mathematics or science courses.

A borrower may be employed in any status half-time or greater so long as the number of qualifying mathematics or science courses taught are themselves equal to a half-time assignment.

In calculating teaching days, paid sick leave covered under a teacher's contract are considered as teaching days.

(b) Calculation of eligibility. The following formula shall be used to determine teacher eligibility for forgiveness:

(i) Calculate the number of teaching days in the repayment quarter (x).

(ii) Determine the average number of hours per day required for full-time teaching status (y).

(iii) Multiply (x) time[s] (y) to establish a full teaching load for the repayment period; fifty percent of that total establishes the qualifying teaching load.

(iv) Calculate the number of class hours taught in the repayment period in qualifying mathematics or science courses. If it equals or exceeds the qualifying teaching load (iii) of this subsection), the borrower can be certified for forgiveness.

(c) Exceptions. In the case of schools that because of size or geography are restricted to limited course offerings that make it a practical impossibility for a borrower to obtain a teaching assignment that qualifies for forgiveness, an appeal process is available. The higher education coordinating board may grant forgiveness in those individual cases where the borrower is teaching a fair share of the available qualifying courses even if the total qualifying hours fall below the half-time standard.

[Statutory Authority: RCW 28B.15.760. 88-10-003 (Order 4/88, Resolution No. 88-11), § 250-60-100, filed 4/21/88. Statutory Authority: 1983 1st ex. s. c 74. 83-24-078 (Order 6-83, Resolution No. 84-9), § 250-60-100, filed 12/7/83.]

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

WAC 250-60-110 Program administration and audits. (1) The staff of the higher education coordinating board, under the direction of the executive director, will manage the administrative functions relative to this program.

(2) The board shall appoint an advisory committee comprised of representatives of eligible institutions and of other professionals in the field of education with the interest and expertise to assist board staff:

- (a) In the drafting of program rules and guidelines;
- (b) In the establishment of student award priorities;
- (c) In setting criteria for the allotment of funds to participating institutions; and
- (d) In general program oversight and administration.

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

(4) Any student who has obtained a mathematics/science loan through means of a wilfully false statement or failure to reveal any material fact, condition, or circumstance affecting eligibility will be subject to applicable civil or criminal penalties.

[Statutory Authority: RCW 28B.15.760. 88-10-003 (Order 4/88, Resolution No. 88-11), § 250-60-110, filed 4/21/88. Statutory Authority: 1983 1st ex. s. c 74. 83-24-078 (Order 6-83, Resolution No. 84-9), § 250-60-110, filed 12/7/83.]

WAC 250-60-120 Suspension or termination of institutional participation. Upon receipt of a complaint or other evidence that an institution has failed or is failing to comply with program rules and regulations, the board staff shall notify the institution by mail of the nature of such allegations and conduct a review of the alleged violations.

If preliminary findings indicate that a violation or violations may have occurred or are occurring, the board staff shall attempt, through mediation and conciliation, to effect corrections and/or secure reimbursement from the institution in the event any funds were expended out of compliance with the provisions of WAC 250-60-030 through 250-60-080.

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

(2009 Ed.)

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

[Statutory Authority: RCW 28B.15.760. 88-10-003 (Order 4/88, Resolution No. 88-11), § 250-60-120, filed 4/21/88. Statutory Authority: 1983 1st ex. s. c 74. 83-24-078 (Order 6-83, Resolution No. 84-9), § 250-60-120, filed 12/7/83.]

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

**Chapter 250-61 WAC
REGULATIONS FOR THE DEGREE
AUTHORIZATION ACT**

WAC

| | |
|------------|--|
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**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

| | |
|------------|---|
| 250-61-150 | Tuition recovery trust fund account requirements. [Statutory Authority: RCW 28B.80.370. 95-01-003, § 250-61-150, filed 12/8/94, effective 1/8/95; 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-150, filed 11/20/86.] Repealed by 98-08-005, filed 3/18/98, effective 4/18/98. |
| 250-61-220 | Hearings. [Statutory Authority: RCW 28B.80.370. 95-01-003, § 250-61-220, filed 12/8/94, effective 1/8/95.] Repealed by 09-02-008, filed 12/29/08, effective 1/29/09. Statutory Authority: RCW 28B.76.120 and 28B.85.020. |

WAC 250-61-010 Purpose. The Degree-Granting Institutions Act, chapter 28B.85 RCW requires that degree-granting institutions operating in Washington obtain authorization from the higher education coordinating board, unless specifically exempted from the authorization requirement by the act. This chapter is declared by the board as a supplement to the

act in order to establish necessary regulations for the authorization of degree-granting institutions.

The purpose of the act is to ensure fair business practices and adequate quality among degree-granting institutions operating in the state of Washington and to protect citizens against substandard, fraudulent, and deceptive practices.

[Statutory Authority: RCW 28B.76.120 and 28B.85.020. 09-02-008, § 250-61-010, filed 12/29/08, effective 1/29/09. Statutory Authority: RCW 28B.80.370. 95-01-003, § 250-61-010, filed 12/8/94, effective 1/8/95; 93-01-103, § 250-61-010, filed 12/17/92, effective 1/17/93; 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-010, filed 11/20/86.]

WAC 250-61-020 Applicability. A degree-granting institution shall not operate, conduct business, grant or offer to grant any academic courses or degree programs unless the institution has obtained authorization from the board, been granted a waiver of the requirements of authorization, or has been determined by the board to be exempt.

The act applies to:

- (1) Institutions granting or offering to grant degree programs and/or academic credit courses either at or from a location within the state; and
- (2) Institutions maintaining or advertising a Washington location, mailing address, or telecommunications number for any purpose or any function of a degree-granting institution other than contact with the institution's former students; and
- (3) Institutions specifically targeting Washington citizens with promotion of their degree programs and/or academic credit courses.

The act does not apply to degree programs and academic credit courses offered exclusively from outside the state through individual and private interstate communication.

[Statutory Authority: RCW 28B.76.120 and 28B.85.020. 09-02-008, § 250-61-020, filed 12/29/08, effective 1/29/09. Statutory Authority: RCW 28B.80.370. 95-01-003, § 250-61-020, filed 12/8/94, effective 1/8/95; 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-020, filed 11/20/86.]

WAC 250-61-030 Delegation and board supervision. Unless otherwise indicated, the board delegates authority for administering the act and these rules to the executive director.

Actions taken pursuant to these rules by the executive director or designee shall be subject to supervision by the board.

Such actions shall be reported periodically to the board for its review.

[Statutory Authority: RCW 28B.76.120 and 28B.85.020. 09-02-008, § 250-61-030, filed 12/29/08, effective 1/29/09. Statutory Authority: RCW 28B.80.370. 95-01-003, § 250-61-030, filed 12/8/94, effective 1/8/95; 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-030, filed 11/20/86.]

WAC 250-61-040 Duties of executive director. In addition to other administrative responsibilities vested in the executive director of the higher education coordinating board under the act and this chapter, the executive director shall carry out the following administrative responsibilities:

- (1) Process authorization applications, fee payments, bonds or security deposits, to include the denial and issuance of authorization, signed by the executive director or designee.
- (2) Cause the payment of any unsatisfied final judgment against an authorized institution, from the resources available through the institution's surety bond or other security deposit.

(3) Upon written notice from an authorized institution, release the surety on the institution's bond or return the institution's security deposit, as prescribed in RCW 28B.85.070.

(4) In the event of impaired liability of the security, notify the institution of suspension until the security liability in the required amount, unimpaired by unsatisfied judgment claims, shall have been furnished.

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

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

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

[Statutory Authority: RCW 28B.76.120 and 28B.85.020. 09-02-008, § 250-61-040, filed 12/29/08, effective 1/29/09. Statutory Authority: RCW 28B.80.370. 95-01-003, § 250-61-040, filed 12/8/94, effective 1/8/95; 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-040, filed 11/20/86.]

WAC 250-61-050 Definitions. The definitions set forth in this section are intended to supplement the definitions in chapter 28B.85 RCW and shall apply throughout this chapter.

(1) "Act" means the Degree-Granting Institutions Act, chapter 28B.85 RCW.

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

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

(4) "Accrediting association" means a national or regional accrediting association that is recognized by the board and the Secretary of the U.S. Department of Education.

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

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

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

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

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

(10) "Degree" means any designation, appellation, letters, or words including but not limited to "associate," "bachelor," "master," "doctor," or "fellow" which signify or imply satisfactory completion of the requirements of an academic program of study at the postsecondary level.

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

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

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

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

(15) "False academic credential" means a document that signifies or implies satisfactory completion of the requirements of an academic program of study beyond the secondary level issued by a person or entity that:

(a) Is not accredited by a board-recognized accrediting association or does not have the international equivalent to such accreditation; or

(b) Is not authorized by the board; or

(c) Has not been exempted or granted a waiver from the requirements of authorization by the board.

Additionally, it can mean a credential falsely claimed to have been earned from an institution accredited by a board-recognized accrediting association; authorized by the board; or that has been exempted or granted a waiver by the board.

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

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

(18) "Distance learning" means a form of educational instruction other than classroom instruction, to include, but not limited to, correspondence, video-conferencing, television, internet transmission, or other electronic communication.

(19) "Credit" means the unit by which an institution measures its course work. The number of credit assigned to a course is generally defined by the number of hours per week in class and preparation and the number of weeks in a term. One credit is usually assigned for three hours of student work per week or its equivalent. The three hours of student work per week is usually comprised of a combination of one hour of lecture and two of homework or three hours of laboratory. Semester and quarter credits are the most common systems of measuring course work. A semester credit is generally based on at least a fifteen week calendar or 45 hours of student work. A quarter credit is generally based on at least a ten week calendar or 30 hours of student work.

(20) "Faculty" means personnel who are appointed by the institution for purposes of teaching, research, mentoring, advisory roles and/or other activities relating to the development and delivery of the instructional programs of the institution.

(21) "To operate" means but is not limited to the following:

(a) Offering courses for academic credit at any Washington location or via distance learning from a Washington location.

(b) Granting or offering to grant degrees in Washington for credit obtained within or outside the state.

(c) Maintaining or advertising a Washington location, mailing address, telecommunications number or internet server for any purpose or any other function of a degree-granting institution, other than contact with the institution's former students for any legitimate purpose related to their having attended.

(d) Advertising, promoting, publicizing, soliciting or recruiting for the institution or its offerings that is targeted specifically at Washington citizens, excluding multi-institutional college fairs.

(22) "Suspend" means that, due to deficiencies, the board interrupts for a stated time the institution's authority to recruit and enroll new students, but it may continue serving currently enrolled students for the remainder of the term. Authorization or exemption may be reinstated, provided the deficiencies have been resolved to the satisfaction of the board.

(23) "Withdraw" means that, due to significant deficiencies or failure to meet the criteria of authorization or exemption, the board has withdrawn the authorization or exemption granted to an institution. Upon withdrawal, the institution must cease all degree-granting operations immediately.

(24) "Accrediting institution" means an institution that has been accredited by an accrediting association recognized by the board and the Secretary of the U.S. Department of Education.

[Statutory Authority: RCW 28B.76.120 and 28B.85.020. 09-02-008, § 250-61-050, filed 12/29/08, effective 1/29/09. Statutory Authority: RCW 28B.80.370. 95-01-003, § 250-61-050, filed 12/8/94, effective 1/8/95; 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-050, filed 11/20/86.]

WAC 250-61-060 Exemption criteria. No exemption from the requirements for degree authorization is considered to be permanent. The exemption granted is dependent upon the institution's maintenance of the conditions under which the exemption was granted.

The provisions of this chapter do not apply to:

(1) Honorary credentials clearly designated as such on the front side of the diploma or certificate and awarded by institutions offering other educational credentials in compliance with state law.

(2) Any public college, public university, public community college, or public technical college or institute operating as part of the public higher education system of this state.

(3) Institutions that have received institutional accreditation from an association recognized by the board and the Secretary of the U.S. Department of Education, Provided:

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

(b) The institution was established originally within the state of Washington and has operated as the same organization continuously from that date until the present. An institution is considered to have operated as the same organization continuously if it has no significant alteration of primary location, ownership, or incorporation and no closure involving cessation of substantially all organized instructional and administrative activity; and

(c) The institution has been accredited as a degree-granting institution for ten years or more by an accrediting association recognized by the board and the Secretary of the U.S.

Department of Education, and maintains such accreditation status; and

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

(4) A branch campus, extension center, or off-campus facility operating within the state of Washington, which is affiliated with an institution domiciled outside this state, Provided:

(a) It has continuously offered degree programs in Washington for fifteen years or more; and

(b) It has held separate institutional accreditation as a free-standing institution for ten years or more by an accrediting association recognized by the board and the Secretary of the U.S. Department of Education, and maintains such accreditation status; and

(c) It maintains eligibility to participate in Title IV financial aid programs.

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

(6) Tribally controlled Native American colleges.

(7) Institutions which offer program(s) of study whose sole stated objective is training in the religious beliefs of the controlling religious organization and/or preparation of students for occupations that are primarily church-related, Provided:

(a) The institution's mission reflects its religious nature; and

(b) The institution's degree program(s) in title and abbreviation, curriculum content, and objectives reflect the strictly religious nature of the institution; and

(c) The institution's program(s) of study require a prescribed program of study, which must be successfully completed prior to the granting of a degree; and

(d) The institution's program(s) of study are represented in an accurate manner in institutional catalogs, web sites, and other official published materials; and

(e) The institution does not claim or publicize accreditation from an accrediting association that is not recognized by the board and the Secretary of the U.S. Department of Education.

(8) In the case of institutions which offer both religious and secular programs, the secular programs shall be subject to the requirements of chapter 28B.85 RCW.

(9) Institutions not otherwise exempt which offer only workshops and seminars and institutions offering only credit-bearing workshops or seminars lasting no longer than three calendar days.

[Statutory Authority: RCW 28B.76.120 and 28B.85.020. 09-02-008, § 250-61-060, filed 12/29/08, effective 1/29/09. Statutory Authority: Chapter 28B.85 RCW. 99-06-022, § 250-61-060, filed 2/22/99, effective 3/25/99. Statutory Authority: RCW 28B.80.370. 95-01-003, § 250-61-060, filed 12/8/94, effective 1/8/95; 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-060, filed 11/20/86.]

WAC 250-61-063 Exemption requirements. In order to apply for and maintain an exemption from the requirements for degree authorization, an institution must comply with the following:

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(1) The chief academic officer of the institution shall contact board staff and arrange for a preliminary conference to discuss the exemption criteria and procedures pertaining to the request for exemption.

(2) Any institution granted exemption from the requirements for degree authorization may be subject to periodic review by the board to ensure that all criteria for the exemption continue to be met. The institution is to provide all information requested by the board to assist in making this determination.

(3) The institution shall inform the board immediately of any proposed changes within the institution and/or its offerings that may affect the exemption granted.

(4) The executive director may suspend or withdraw the exemption granted to an institution that fails to maintain the conditions under which the exemption was granted; engages in false advertising; or allows misleading representations to be made on its behalf. Suspension shall allow the institution a prescribed period of time to address the issues that may have brought the suspension. Withdrawal shall require the institution to cease all degree-granting activities immediately.

(5) In the case of religious exemption, a religious institution shall be required to place the following statement in a prominent position within any catalog, general bulletins, web sites, and course schedules: "The Washington Higher Education Coordinating Board has determined that (name of institution) qualifies for religious exempt status from the Degree-Granting Institutions Act for the following programs: (List). The HECB makes no evaluation of the administration, faculty, business practices, financial condition or quality of the offerings by this institution. Any person desiring information about the requirements of the act or the applicability of those requirements to the institution may contact the HECB at P.O. Box 43430, Olympia, WA 98504-3430."

[Statutory Authority: RCW 28B.76.120 and 28B.85.020. 09-02-008, § 250-61-063, filed 12/29/08, effective 1/29/09.]

WAC 250-61-065 Waiver of requirements. The executive director or the director's designee may waive or modify the authorization requirements contained in this chapter for a particular institution if the executive director or the director's designee finds that such waiver or modification will not frustrate the purposes of this chapter and that literal application of this chapter creates a manifestly unreasonable hardship on the institution. No waiver granted under this chapter is permanent. The board will periodically review institutions granted waivers and continue the waiver only if the conditions under which the waiver was initially granted remain in effect.

[Statutory Authority: RCW 28B.76.120 and 28B.85.020. 09-02-008, § 250-61-065, filed 12/29/08, effective 1/29/09.]

WAC 250-61-070 Applicability to private vocational schools. Degree-granting private vocational schools' programs shall be regulated pursuant to the terms of an interagency agreement between the higher education coordinating board and the work force training and education coordinating board. As stipulated in the interagency agreement, degree programs shall be regulated by the higher education coordinating board and nondegree programs shall be regulated by the work force training and education coordinating board.

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Copies of the agreement are available from either agency upon request.

[Statutory Authority: RCW 28B.76.120 and 28B.85.020. 09-02-008, § 250-61-070, filed 12/29/08, effective 1/29/09. Statutory Authority: RCW 28B.80.370. 95-01-003, § 250-61-070, filed 12/8/94, effective 1/8/95; 93-01-103, § 250-61-070, filed 12/17/92, effective 1/17/93; 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-070, filed 11/20/86.]

WAC 250-61-080 Authorization standards. These standards form the basis for the review of an institution by the board staff and guide the decisions of the executive director and the board. To receive authorization, the institution shall meet all of the specific requirements of this chapter.

[Statutory Authority: RCW 28B.76.120 and 28B.85.020. 09-02-008, § 250-61-080, filed 12/29/08, effective 1/29/09. Statutory Authority: RCW 28B.80.370. 95-01-003, § 250-61-080, filed 12/8/94, effective 1/8/95; 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-080, filed 11/20/86.]

WAC 250-61-085 Accreditation requirements. An institution seeking initial degree authorization shall:

- (1) Be accredited by a board-recognized accrediting association; or
- (2) Have applied for accreditation and such application is pending before the accrediting association; or
- (3) Have been granted a temporary waiver by the board of the requirement for accreditation based upon submission of a plan for accreditation as outlined in the initial authorization application; or
- (4) Have been granted an exemption by the board of the requirement for accreditation based upon the following condition: The school has filed, and kept current with appropriate amendments, at the higher education coordinating board an affidavit by each president of two separate accredited colleges or universities accredited by an accrediting association recognized by the board and the Secretary of the U.S. Department of Education stating that the majority of course credits offered by the unaccredited institution are generally acceptable or transferable to the accredited college or university which each president represents.

[Statutory Authority: RCW 28B.76.120 and 28B.85.020. 09-02-008, § 250-61-085, filed 12/29/08, effective 1/29/09.]

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

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

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

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

(b) The main campus of the institution shall have, as a minimum, personnel to adequately staff the following roles: A chief executive officer, academic officer, registrar, business officer, student services officer, library director, and, if financial aid services are offered, financial aid officer. These

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officers shall be accessible to students, faculty, and other personnel located at the main campus and at educational sites or centers in Washington. In the event that the proposed Washington site is a branch campus of an out-of-state institution, the branch campus shall also have sufficient personnel to adequately serve the students at that location.

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

(ii) The registrar shall have at least a baccalaureate degree from an accredited institution and college-level experience in admissions and student records, unless the institution can demonstrate that these are not the normally accepted standards for an institution offering the same level of instruction.

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

(c) The institution shall specify an individual who will serve as the principal contact person for each educational site or academic center in Washington.

(d) The institution shall have policies and provisions for the involvement of faculty in the academic affairs, curriculum development, and governance of the institution.

(e) The institution also shall have policies and provisions for faculty selection, orientation, teaching load, supervision, evaluation, and professional development.

(4) The following conditions shall disqualify individuals as an administrator of a degree-granting institution:

- (a) Conviction of a felony within the past ten years;
- (b) Involuntary surrender of authorization or a license to operate a school in Washington;

(c) Having been served with a cease and desist order for activities in violation of the current *Washington Administrative Code*; or

(d) Denial of renewal of authorization or a license because of violation of the current *Washington Administrative Code*.

[Statutory Authority: RCW 28B.76.120 and 28B.85.020. 09-02-008, § 250-61-090, filed 12/29/08, effective 1/29/09. Statutory Authority: Chapter 28B.85 RCW. 99-06-021, § 250-61-090, filed 2/22/99, effective 3/25/99. Statutory Authority: RCW 28B.80.370. 95-01-003, § 250-61-090, filed 12/8/94, effective 1/8/95; 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-090, filed 11/20/86.]

WAC 250-61-100 Academic requirements. (1) Educational programs. Each program shall require the completion of a prescribed program of study leading to the attainment of competence in an interdisciplinary area or specific field of study. Programs shall generally meet the guidelines or standards of an accrediting association recognized by the board and the Secretary of the U.S. Department of Education that accredits similar programs of study.

- (a) Associate degrees:

(i) An associate degree shall require at least ninety quarter credits or sixty semester credits.

(A) An associate degree intended for occupational preparation shall require, as a minimum, general education requirements that comprise a recognizable body of instruction in three program-related areas:

- (I) Communications;
- (II) Computation; and
- (III) Human relations.

(B) The general education requirements of all other associate degrees shall be consistent with the current guidelines of the Washington inter-college relations commission.

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

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

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

(b) Baccalaureate degrees: A baccalaureate degree shall require at least one hundred eighty quarter credits or one hundred twenty semester credits. The degree shall require a distinct major and, as a minimum, twenty-five percent of the program shall be in general education curricula.

(c) Master's degrees:

(i) A master's degree program shall require at least thirty-six quarter credits or twenty-four semester credits, specialization in an academic or professional area, and a demonstration of mastery.

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

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

(B) The master of business administration (M.B.A.), master of fine arts (M.F.A.), master of education (M.Ed.), etc., for programs which emphasize professional preparation.

(d) Doctoral degrees:

(i) Doctoral degree programs shall provide a broad range of advanced course offerings, faculty in ancillary and supporting fields, access to adequate laboratory and research facilities, and a wide range of current reference materials in the subject field. A doctoral degree shall require at least three full academic years of specialized postbaccalaureate study. To obtain a doctoral degree a student shall be required to demonstrate, through comprehensive examination, the ability to perform research at the level of the professional scholar or perform the work of a professional that involves the highest levels of knowledge and expertise.

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

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

(B) A professional doctoral degree (Ed.D., etc.) for programs which emphasize technical knowledge and professional competence and require either a research thesis or a project involving the solution of a substantial problem of professional interest.

(e) Distance learning program(s) of study must be comparable in content, faculty, and resources to those offered in residence, and include regular student-faculty interaction by computer, telephone, mail, or face-to-face meetings.

(f) Noncollegiate learning.

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

(ii) Credit awarded for noncollegiate learning at the graduate level must be consistent with the minimum standards as published by the school's accrediting association.

(2) Faculty.

(a) Faculty shall be professionally prepared and graduates of accredited institutions and, as a group, the institutions from which they earned their degrees shall be diverse.

(b) Faculty shall be sufficient in number and kind and in the proportion of full-time and part-time positions to sustain rigorous courses, programs, and services.

(c) Faculty teaching academic courses at the undergraduate degree level shall have a master's degree in the assigned or related program area from an accredited institution. Faculty assigned to teach in vocational-technical subjects shall have educational credentials and experience compatible with their teaching assignment. Faculty assigned to teach general education courses within any undergraduate program shall have a master's degree in a related area from an accredited institution.

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

(e) Faculty teaching at the doctoral level shall have an earned doctorate in a related field from an accredited institution and experience in teaching and directing independent study and research.

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

High school graduation or the equivalent shall be required for undergraduate admission. A baccalaureate degree or the equivalent shall be required for admission into graduate programs. Special undergraduate admission may be

granted, based on the applicant's general educational development.

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

(5) Evaluation. The institution shall provide evidence that it has procedures for continuing evaluation and improvement of educational programs, quality of instruction, and overall operations of the institution.

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

(b) The institution's chief academic officer or designee shall periodically evaluate all areas of the institution to determine their effectiveness in fulfilling institutional objectives and meeting the standards set forth in these regulations or implied in the statute. The results of those evaluations shall be submitted to board staff upon request.

[Statutory Authority: RCW 28B.76.120 and 28B.85.020. 09-02-008, § 250-61-100, filed 12/29/08, effective 1/29/09. Statutory Authority: RCW 28B.80.370. 95-01-003, § 250-61-100, filed 12/8/94, effective 1/8/95; 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-100, filed 11/20/86.]

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

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

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

(c) Student records shall be maintained in accordance with the guidelines established by the U.S. Department of Education.

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

(e) Placement services and employment opportunities, if provided, shall be accurately described.

(2) Facilities for site-based instruction.

(a) The institution shall have adequate space, facilities and equipment, instructional materials, and staff to support quality education and services.

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

(3) Disability accommodations. The institution shall provide reasonable accommodations for students and employees with disabilities. The institution shall inform stu-

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dents and employees of local, state, and federal laws regarding discrimination against people with disabilities.

(4) Library. The institution shall provide adequate and accessible library resources and facilities to support the educational needs of students and faculty. If the institution, educational site, or academic center does not maintain its own library on site, it must demonstrate that it can provide sufficient library resources to meet the needs of the program(s) through a written agreement with another institution or organization, or through other mechanisms.

(5) Financial resources.

(a) The institution shall have adequate financial resources necessary to sustain its purpose and commitment to students.

(b) In the case of an institution seeking initial authorization, it shall have sufficient financial resources to sustain itself for one full academic year without the assistance of revenue from tuition and fees.

(6) Financial records.

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

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

(c) Such records shall be made available to the board upon request.

(7) Recruitment and publications. All publications relating to the institution, including advertisements, catalogs, and other communications shall be accurate and not misleading. Any catalog and/or web site that is made available to students describing the educational services offered shall include the statement of authorization as provided by the board upon the granting of authorization.

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

(8) Transcripts and academic credentials. The institution shall provide accurate and appropriate transcripts of credit for enrolled students and diplomas for graduates.

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

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

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

[Statutory Authority: RCW 28B.76.120 and 28B.85.020. 09-02-008, § 250-61-110, filed 12/29/08, effective 1/29/09. Statutory Authority: RCW 28B.80.370. 95-01-003, § 250-61-110, filed 12/8/94, effective 1/8/95; 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-110, filed 11/20/86.]

WAC 250-61-120 Catalog requirements. (1) An institution granted authorization shall publish a catalog supplemented as necessary by other published materials, providing sufficient information for students to obtain an adequate understanding of the institution, its programs, policies and procedures. Institutional catalogs shall be published at least once every two years and be provided to students at the time of their enrollment. Electronic catalogs must be archived and students must have access to the archived information.

(2) An institution granted authorization shall print a statement in a prominent position in the catalog and on its web site that reads: "The (name of institution) is authorized by the Washington Higher Education Coordinating Board (HECB) and meets the requirements and minimum educational standards established for degree-granting institutions under the Degree-Granting Institutions Act. This authorization is subject to periodic review and authorizes (name of institution) to offer the following degree programs: (List). Authorization by the HECB does not carry with it an endorsement by the board of the institution or its programs. Any person desiring information about the requirements of the act or the applicability of those requirements to the institution may contact the HECB at P.O. Box 43430, Olympia, WA 98504-3430."

(3) The catalog shall include elements as required by the board in application materials such that a prospective student may become reasonably informed about the institution, its offerings, policies and procedures.

[Statutory Authority: RCW 28B.76.120 and 28B.85.020. 09-02-008, § 250-61-120, filed 12/29/08, effective 1/29/09. Statutory Authority: RCW 28B.80.370. 95-01-003, § 250-61-120, filed 12/8/94, effective 1/8/95; 93-01-103, § 250-61-120, filed 12/17/92, effective 1/17/93; 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-120, filed 11/20/86.]

WAC 250-61-130 Cancellation and refund requirements. (1) Each institution shall publish its cancellation and refund policies in clear language that can be easily understood by prospective students. No student shall be enrolled without having received the explanatory materials. These policies shall apply to all terminations for any reason, by either party.

(2) The refund policy shall comply with the federal guidelines established by the U.S. Department of Education and the standards established by the accrediting association which accredits the institutions or from which the institution is seeking accreditation.

[Statutory Authority: RCW 28B.76.120 and 28B.85.020. 09-02-008, § 250-61-130, filed 12/29/08, effective 1/29/09. Statutory Authority: RCW 28B.80.370. 95-01-003, § 250-61-130, filed 12/8/94, effective 1/8/95; 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-130, filed 11/20/86.]

WAC 250-61-140 Security requirements. The institution is required to have on file with the board an original surety bond or other security acceptable to the board in lieu of the bond.

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(1) For institutions seeking initial authorization, the surety bond or security amount for the initial period of authorization shall be twenty-five thousand dollars.

(2) For institutions seeking renewal authorization, the surety bond or security amount shall be ten percent of the preceding fiscal year's total tuition and fee revenue received for educational services in Washington, but not less than twenty-five thousand dollars nor more than two hundred fifty thousand dollars. For private vocational schools that offer nondegree programs as well as degree programs, the amount required shall be based only on the degree program portion of its revenue from tuition and fees.

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

[Statutory Authority: RCW 28B.76.120 and 28B.85.020. 09-02-008, § 250-61-140, filed 12/29/08, effective 1/29/09. Statutory Authority: RCW 28B.80.370. 95-01-003, § 250-61-140, filed 12/8/94, effective 1/8/95; 93-01-103, § 250-61-140, filed 12/17/92, effective 1/17/93; 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-140, filed 11/20/86.]

WAC 250-61-160 Discontinuance or closure requirements. (1) In the event an institution chooses to discontinue a program and/or site currently available to Washington residents, but maintain other operations, it shall notify the board well in advance of any such proposed action and provide information to the board pertaining to accommodations to be made for any currently enrolled students to ensure they are provided the opportunity to complete their studies.

(2) In the event an institution proposes to discontinue all its operation, the chief administrative officer of the institution shall:

(a) Notify the executive director immediately by certified mail; and

(b) Furnish enrolled students with a written notice explaining the reasons for closure and what procedures they are to follow to secure refunds and their official records, and what arrangements have been made for providing continuing instruction at other institutions; and

(c) The institution shall make all reasonable efforts to ensure that current students are provided with alternative opportunities to complete their studies; and

(d) Provide for the permanent maintenance of official records in a manner acceptable to the executive director.

In the event it appears to the executive director that the official records of an institution discontinuing its operation are in danger of being destroyed, secreted, mislaid, or otherwise made unavailable to the students and the board, the executive director may seek a court order to take possession of the records and provide for their permanent maintenance.

[Statutory Authority: RCW 28B.76.120 and 28B.85.020. 09-02-008, § 250-61-160, filed 12/29/08, effective 1/29/09. Statutory Authority: RCW 28B.80.370. 95-01-003, § 250-61-160, filed 12/8/94, effective 1/8/95; 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-160, filed 11/20/86.]

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

(a) Institutions seeking initial authorization shall contact the board staff to arrange for a preliminary conference to discuss the authorization criteria, application procedures and the review process.

(b) An institution shall submit a fully completed application packet using forms provided by board staff. The applica-

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tion packet will not be considered complete until all required elements have been received by the board.

(c) An initial application fee in the amount of two thousand dollars is to be submitted along with the application packet. The check is to be made payable to the Washington state treasurer.

(2) Renewal application.

(a) Authorized institutions must submit an application for renewal of authorization on a biennial basis when requested by board staff.

(b) No later than the due date provided by the board, an institution seeking renewal must submit a fully completed renewal application packet using the forms provided by board staff. Failure to provide all requested materials by the due date may result in temporary suspension of the institution's authorization.

(c) A renewal application fee in the amount of one thousand dollars is to be submitted along with the application packet. The check is to be made payable to the Washington state treasurer.

(3) Additional program(s).

(a) If an institution proposes to offer additional program(s) of study during the current authorization period, the institution shall submit a new program application well in advance of the proposed offering.

(b) The program(s) of study may not be offered, advertised or promoted prior to the granting of authorization.

(4) Additional site(s).

(a) If an institution proposes to offer programs at a new site in Washington, the institution shall submit a new site application well in advance of the proposed start of operations at that site.

(b) The site may not be utilized, advertised or promoted prior to the granting of authorization.

(5) Change of ownership or control. A significant change of ownership or control of an institution shall nullify any previous authorization. The chief administrator, representing the new owner(s), shall notify the board as soon as the change is known. If the chief administrator asserts in a written statement that all conditions set forth in the act and these rules are being met or will be met before offering instruction, the executive director may issue a temporary certificate of authorization for a maximum of one hundred eighty days. The new ownership shall complete an application for initial authorization and submit the application to the board no later than sixty days prior to the expiration of the temporary certificate of authorization.

[Statutory Authority: RCW 28B.76.120 and 28B.85.020. 09-02-008, § 250-61-170, filed 12/29/08, effective 1/29/09. Statutory Authority: RCW 28B.80.370. 95-01-003, § 250-61-170, filed 12/8/94, effective 1/8/95; 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-170, filed 11/20/86.]

WAC 250-61-180 Application review procedures. (1) Staff analysis. Following receipt of a fully completed application, board staff shall review and analyze the material submitted.

(2) Additional documentation and site visit. If board staff determines it is necessary to verify or supplement the information provided in the application, the staff may require additional written documentation and/or arrange for a site

visit. The expense for any site visits shall be paid by the institution applying for authorization.

(3) External consultants. At the discretion of the executive director, the expertise of other higher education experts may be used to assist in the evaluation of the documentation submitted. The cost for the services of the evaluation expert(s) shall be paid by the institution applying for authorization. The fee for such services is five hundred dollars per program per consultant, to be submitted by the institution upon request by the board during the review process. The check is to be made payable to the higher education coordinating board.

(4) Comment period. Upon completion of a preliminary review, the board shall post a notification of the request for authorization on its web site for a set period of time. Any persons having knowledge as to why the institution or its program(s) may not meet the requirements for degree authorization may provide comment to the board on the proposal.

(5) Staff recommendations. After the final review has been completed, board staff shall summarize its findings and develop a recommendation to the executive director regarding the application. This recommendation will take one of the following forms:

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

(b) That the institution be granted conditional authorization, subject to additional conditions as established by the board, and maintenance of the conditions under which authorization has been granted.

(c) That the institution be denied authorization.

(6) Notification. Following the executive director's decision to authorize or deny the institution's request, a letter signifying the action shall be sent from the executive director to the chief administrative officer of the institution.

(a) The letter of authorization will serve as official authorization for the institution to operate in Washington for the specific programs and locations designated in the letter.

(b) An institution denied authorization shall be provided with an explanation as to how the institution and/or its programs failed to meet the criteria for authorization. Any institution denied authorization that wishes to reapply within one year of the denial date may submit a new fully completed initial application packet and pay a reapplication fee of one thousand dollars. The check is to be made payable to the Washington state treasurer.

[Statutory Authority: RCW 28B.76.120 and 28B.85.020. 09-02-008, § 250-61-180, filed 12/29/08, effective 1/29/09. Statutory Authority: RCW 28B.80.370. 95-01-003, § 250-61-180, filed 12/8/94, effective 1/8/95; 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-180, filed 11/20/86.]

WAC 250-61-190 Complaints. A student with a complaint against an authorized institution concerning loss of tuition and/or fees due to unfair or deceptive business practices by the institution shall make a reasonable effort to resolve the complaint directly with the institution. If a mutually satisfactory solution cannot be reached, the following procedure shall be pursued:

(1) Upon receipt of a written complaint that an institution has failed or is failing to comply with the provisions of the act or this chapter, and documentation that the student has made

a reasonable effort to resolve the complaint directly with the institution, the executive director shall notify the institution by mail of the nature of the complaint and shall conduct an investigation.

(2) If preliminary findings indicate that a violation(s) may have occurred or are occurring, the executive director shall attempt, through mediation and conciliation, to effect compliance and bring about a settlement.

(3) If no agreement is reached, the executive director shall file a formal complaint with the board and notify the institution of the conduct which warrants the complaint. Final resolution of the complaint shall be subject to hearing procedures provided for in this chapter and the institution may be subject to a summary suspension of its authorization, pending further proceedings for suspension, withdrawal or other actions deemed proper after the hearing.

(4) Any complaints must be filed within one year after the student's last recorded date of attendance in order to be considered by the board. Only the student or the student's legal guardian may file a complaint on behalf of the student.

(5) Complaints may also be filed with the board by an authorized staff member of the board or by the attorney general.

[Statutory Authority: RCW 28B.76.120 and 28B.85.020. 09-02-008, § 250-61-190, filed 12/29/08, effective 1/29/09. Statutory Authority: RCW 28B.80.370. 95-01-003, § 250-61-190, filed 12/8/94, effective 1/8/95; 86-24-003 (Order 7/86, Resolution No. 87-34), § 250-61-190, filed 11/20/86.]

WAC 250-61-200 Suspension or withdrawal of authorization. (1) The executive director may suspend or withdraw an institution's authorization if it finds that:

(a) Any statement contained in the application for authorization is untrue; or

(b) The institution has failed to maintain the standards for authorization as detailed in the act and this chapter; or

(c) Advertising or representations made on behalf of, and sanctioned by, the institution is deceptive or misleading; or

(d) The institution has violated any provision of this chapter.

(2) The executive director may suspend the institution's authorization for a period of time if, in the executive director's judgment, the deficiencies can be corrected within the given time period. Upon suspension, the institution must immediately cease the recruitment and/or enrollment of new students. The institution may continue serving currently enrolled students for the remainder of the term. Authorization may be reinstated after any deficiencies have been resolved to the satisfaction of the board.

(3) Authorization shall be withdrawn only after the institution has been informed in writing of its deficiencies and been given reasonable time to meet the required standards. Upon withdrawal, the institution must immediately cease all degree-granting operations. To seek reinstatement of authorization, the institution must apply for initial authorization.

(4) The executive director's and board's actions are subject to due process hearing procedures of the Washington Administrative Procedure Act.

[Statutory Authority: RCW 28B.76.120 and 28B.85.020. 09-02-008, § 250-61-200, filed 12/29/08, effective 1/29/09. Statutory Authority: RCW 28B.80.370. 95-01-003, § 250-61-200, filed 12/8/94, effective 1/8/95.]

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WAC 250-61-210 Hearing process. (1) A party subject to the following actions may request a hearing:

(a) A denial of exemption from the Degree-Granting Institutions Act;

(b) A denial of authorization under the Degree-Granting Institutions Act;

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

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

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

(3) Any hearing called for under the act shall be conducted in accordance with the Washington Administrative Procedure Act, chapter 34.05 RCW as follows:

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

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

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

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

[Statutory Authority: RCW 28B.76.120 and 28B.85.020. 09-02-008, § 250-61-210, filed 12/29/08, effective 1/29/09. Statutory Authority: RCW 28B.80.370. 95-01-003, § 250-61-210, filed 12/8/94, effective 1/8/95.]

WAC 250-61-225 Issuance of false academic credentials. (1) It is unlawful for a person or entity to:

(a) Grant, award or offer to grant or award a false academic credential, in violation of this chapter; or

(b) Represent that a credit earned or granted by a person or entity, in violation of this chapter, can be applied toward a credential offered by another person; or

(c) Solicit another person to seek a credential or credit offered in violation of this chapter.

(2) The granting, awarding or issuance of a false academic credential is a Class C felony and is subject to criminal and civil penalties as prescribed in RCW 9A.20.021.

[Statutory Authority: RCW 28B.76.120 and 28B.85.020. 09-02-008, § 250-61-225, filed 12/29/08, effective 1/29/09.]

Chapter 250-63 WAC

FUTURE TEACHERS CONDITIONAL SCHOLARSHIP FOR PUBLIC SCHOOL CLASSIFIED K-12 EMPLOYEES

WAC

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WAC 250-63-010 Purpose. The purpose of this act is to provide a demonstration project to enable Washington classified public K-12 employees to obtain their initial teaching certifications in order to become teachers in Washington's public K-12 schools.

[Statutory Authority: Chapter 28B.80 RCW and 2000 2nd sp.s. c 1 § 610(5). 01-08-017, § 250-63-010, filed 3/26/01, effective 4/26/01.]

WAC 250-63-020 Program definitions. (1) "Academic year" means the regular nine-month, three-quarter or two-semester period annually occurring between August 1st and June 30th.

(2) "Accredited" means an institution certified by the Northwest Association of Schools and Colleges or by a similar regional accrediting body.

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

(4) "Classified public K-12 employees" means employees working for K-12 schools covered by chapter 41.56 RCW.

(5) "Conditional scholarship" means funds received from The Future Teachers Conditional Scholarship for Public School Classified Employees program. This is a loan that will be forgiven in exchange for teaching service in Washington K-12 public schools.

(6) "Continuous enrollment" means the period of time a recipient is enrolled without stopping, except for the equivalent of one term per year, such as a summer term.

(7) "Forgiven" or "to forgive" or "forgiveness" means that portion of the recipient's loan that does not need to be repaid in exchange for the recipient having provided the specified teaching service in a Washington public K-12 school.

(8) "Full-time student" means a recipient enrolled for twelve or more credit hours, or the equivalent, per term.

(9) "Future teachers" means classified public K-12 employees who are working toward their initial teaching certifications.

(10) "Institution of higher education" means an accredited public or private college, community college or university which physically delivers classroom instruction within the state of Washington and whose program of study will advance students toward teacher certification requirements at the freshman or sophomore level; or whose coursework will lead to initial teaching certifications for students enrolled at the junior level or higher.

(11) "Loan equalization fee" means an additional amount charged to a recipient who fails to complete the required teaching service. This fee is added in order to make the cost of the program similar to the cost incurred by recipients borrowing from the primary federal student loan program for undergraduate students. This fee shall be determined annually by the board.

(12) "Loan repayment" means that portion of the conditional scholarship that is not forgiven due to teaching service and is instead repaid according to the terms of the promissory note by the recipient.

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(13) "Recipients" means eligible student applicants selected to receive conditional scholarships.

(14) "Shortage areas" means either geographic or subject-matters areas as defined by the office of the superintendent of public instruction.

(15) "Teacher certification" means the initial license issued by the office of the superintendent of public instruction permitting an individual to be employed as a teacher in the state of Washington.

(16) "Teaching service" means employment as a certified teacher in a Washington public K-12 school on at least a half-time basis. This also includes comparable employment as a substitute teacher or part-time teaching positions.

(17) "Washington public K-12 school" means an elementary school, a middle school, junior high school or high school within the public school system referred to in Article IX of the state Constitution.

[Statutory Authority: Chapter 28B.80 RCW and 2000 2nd sp.s. c 1 § 610(5). 01-08-017, § 250-63-020, filed 3/26/01, effective 4/26/01.]

WAC 250-63-030 Administration. The higher education coordinating board shall administer the conditional scholarship program. When a duty or responsibility of the board is referenced in these regulations, the authority needed to discharge that responsibility lies with the executive director or his or her designee. The staff of the board, under the direction of the executive director, will manage the administrative functions relative to the program. The board shall have the following administrative responsibilities, encompassed within the board's enumerated powers and duties:

(1) Enter into agreements with participating institutions, and billing and collection agencies as may be necessary.

(2) Select applicants to receive conditional scholarships, with the assistance of a selection committee.

(3) Adopt necessary rules and guidelines.

(4) Empower the board staff to make professional judgment decisions on unique circumstances.

(5) Work with the office of superintendent of public instruction and appropriate public school employee organizations to publicize the program directly to Washington public school classified K-12 employees.

(6) Post additional information, including a fact sheet and an application, on the board's web site at <http://www.hecb.wa.gov>.

(7) Verify completion of teaching service from recipients in exchange for forgiveness of loan repayment.

(8) Collect and manage repayments from recipients who do not fulfill their teaching obligations.

[Statutory Authority: Chapter 28B.80 RCW and 2000 2nd sp.s. c 1 § 610(5). 01-08-017, § 250-63-030, filed 3/26/01, effective 4/26/01.]

WAC 250-63-040 Eligible applicants. An eligible applicant is one who:

(1) Is currently employed as a Washington classified public school K-12 employee covered by chapter 41.56 RCW or was an employee during the 1999-2000 school year.

(2) Plans to enroll in an accredited Washington institution of higher education within three months of the time of notification of the conditional scholarship award. Applicants who are unsure they can meet this three-month expectation

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will be encouraged to apply and to indicate their circumstances on the application.

(3) Plans to be employed as a teacher in a Washington public K-12 school after completion of the initial teacher certification.

(4) Will not be pursuing a degree in theology.

(5) Submits an application to the board by the requested deadline.

[Statutory Authority: Chapter 28B.80 RCW and 2000 2nd sp.s. c 1 § 610(5). 01-08-017, § 250-63-040, filed 3/26/01, effective 4/26/01.]

WAC 250-63-050 Selection of recipients. (1) Appointment of selection committee. The board will appoint a committee composed of educators and leaders in business and government.

(2) Role of selection committee. The committee will act on behalf of the board to select recipients and alternates from the pool(s) of eligible applicants who have submitted applications to the board. This committee will also advise board staff and the board on recommended changes in the program administration, including the application and selection procedures for future competitions.

(3) Selection of recipients and alternates. Once all initial eligibility criteria are met, preference will be given in the selection process to those classified K-12 public school employees closest to obtaining their initial Washington state teacher certifications. In addition, the committee will consider each of the following items in the selection process.

(a) Applicant's academic ability.

(b) Applicant's statement evidencing commitment to the teaching profession and the applicant's ability to serve as a positive role model as a Washington public school K-12 teacher.

(c) Applicant's length and quality of contributions to the Washington K-12 public school in his/her current position and any other previous positions.

(d) Recommendation from a current school teacher/official describing the applicant's potential as a future teacher.

(e) The committee will give preference in awarding as follows:

(i) Eligible renewal applicants who are within two years of completing their initial teacher certification requirements.

(ii) All other eligible renewal applicants.

(iii) Eligible new applicants who are within two years of completing their initial teacher certification requirements.

(iv) All other new eligible applicants.

(4) Duration of conditional scholarship awards.

(a) During the first year, the board will initially make one-year awards to applicants selected for conditional scholarships.

(b) Based on the remaining availability of funds, the board may also make commitments to some recipients for additional years of study, with priority given to those recipients who are within two years of completing their initial teacher certification requirements.

[Statutory Authority: Chapter 28B.80 RCW and 2000 2nd sp.s. c 1 § 610(5). 01-08-017, § 250-63-050, filed 3/26/01, effective 4/26/01.]

WAC 250-63-060 Eligible recipients. In order to receive funding through the conditional scholarship the recipient must:

(1) Begin enrollment within three months of the date of the conditional scholarship award notification. Applicants who are unsure they can meet this three-month expectation will be encouraged to apply and to indicate their circumstances on the application. The board staff will have discretion to extend this period.

(2) Provide proof of enrollment to the board each term.

(3) If already enrolled, be in good standing and maintaining satisfactory academic progress according to the institution's normal requirements.

(4) Not be enrolled in or planning to pursue a degree in theology.

[Statutory Authority: Chapter 28B.80 RCW and 2000 2nd sp.s. c 1 § 610(5). 01-08-017, § 250-63-060, filed 3/26/01, effective 4/26/01.]

WAC 250-63-070 Eligibility for renewal of awards.

(1) This is a demonstration project for which there is no guarantee of additional funding beyond the 1999-2001 biennium.

(2) Renewal applications. If sufficient funds are available for renewal awards, previous recipients will be required to submit renewal applications to the board by the stated deadline. The renewal application will gather information from recipients such as:

(a) Confirmation that the applicant still plans to become a teacher in a Washington K-12 public school after completion of the initial teacher certification.

(b) Projected academic schedule of the applicant for the upcoming enrollment period.

(c) Verification that the applicant is in good standing and maintaining satisfactory academic progress according to the institution's normal requirements.

[Statutory Authority: Chapter 28B.80 RCW and 2000 2nd sp.s. c 1 § 610(5). 01-08-017, § 250-63-070, filed 3/26/01, effective 4/26/01.]

WAC 250-63-080 Control of funds. The higher education coordinating board may award conditional scholarships to eligible students from the funds appropriated for this purpose and from any required repayments to the fund.

(1) Agreement with the board:

(a) Each conditional scholarship recipient shall enter into a loan agreement, hereafter known as the "promissory note," with the board agreeing to comply with the rules, regulations, and guidelines of the conditional scholarship program.

(b) The promissory note shall serve as the legal document verifying the recipient's understanding of the opportunity to have the loan forgiven in exchange for teaching service and the obligation to repay the loan if teaching service is not provided.

(2) Award amounts:

(a) Recipients may be eligible to receive conditional scholarships for a maximum of the equivalent of five academic years of full-time study.

(b) The amount of conditional scholarships awarded individual full-time recipients shall not exceed four thousand dollars per academic year for recipients attending eligible four-year or graduate public or private colleges and universities, and two thousand dollars per academic year for recipients attending eligible two-year institutions.

(c) Recipients enrolling for summer coursework after the completion of an academic year of full-time eligibility may be eligible for additional summer award amounts equivalent

to a third semester or fourth quarter. In this case, the recipients would be assumed to be beginning their second academic year of award eligibility. For example, for a student attending a semester college who received full-time enrollment awards of two thousand dollars each for fall, spring and summer, the student would be assumed to have received loans for the equivalent of 1.5 academic years.

(d) Recipients enrolling on less than a full-time basis shall receive the following prorated award amounts for all terms of part-time enrollment:

(i) Enrollment of 9.0 - 11.9 credit hours per term equals three-quarter enrollment. This shall be equal to an award amount of seventy-five percent of the full-time award amount.

(ii) Enrollment of 6.0 - 8.9 credit hours per term equals half-time enrollment. This shall be equal to an award amount of fifty percent of the full-time award amount.

(iii) Enrollment of 3.0 - 5.9 credit hours per term equals one-quarter enrollment. This shall be equal to an award amount of twenty-five percent of the full-time award amount.

(e) Recipients receiving awards for part-time enrollment shall have the assessment of their award records calculated on a prorated basis. For example, a recipient receiving awards on the basis of half-time enrollment for two academic years will have used one academic year of loan eligibility.

(3) Grace period. No interest accrues and no payments are required of the recipient during a six-month grace period. The grace period begins the first day of the month following whichever of the following dates comes first:

(a) The last day of the term of the recipient's program of education which culminates with the completion of the initial teacher certification requirements; or

(b) The last day of the term the recipient ceases continuous enrollment.

(4) Deferment of loans. No interest is charged to recipients during approved periods of deferment as approved by the board. Approved deferments include:

(a) The recipient's continuous enrollment in the educational program which culminates with the completion of the initial teacher certification requirements.

(b) The recipient has a temporary total disability or is unable to secure employment by reason of the care required by a dependent who is disabled. The deferment continues for a period not to exceed three years.

(c) The recipient returns to an approved educational program on at least a half-time basis to complete the initial teacher certification requirements after the loan has already gone into repayment.

(d) Other circumstances as determined by the board.

(5) Forbearance. The board staff may approve an additional limited deferment of payment of principal based on special circumstances, such as a financial hardship of the recipient. The recipient's loan account will be assessed interest during the period of forbearance.

(6) Cancellation of loans. In the event of a recipient's death or total and permanent disability, the recipient's unpaid indebtedness shall be fully canceled.

(7) Forgiveness of the loans.

(a) Loan forgiveness is granted at the higher rate of:

(i) One academic year of loan forgiveness for each two years of teaching service; or

(ii) One academic year of loan forgiveness for each year of teaching service in geographic or subject-matter shortage areas, as specified by the office of the superintendent of public instruction.

(b) Loan forgiveness for teaching service for periods less than an academic year shall be prorated based upon verification of teaching service of a minimum of three months, and then shall be prorated thereafter. No forgiveness shall be granted for teaching service of less than three months.

(c) For recipients receiving loans for the equivalent of a portion of an academic year, the teaching service required for loan forgiveness shall be prorated. The following two examples show how this works in practice.

(i) If a recipient received a loan amount for the equivalent of one-third academic year, the required teaching service for forgiveness of the loan is two-thirds of an academic year; or one-third of an academic year, if the recipient taught in a shortage area.

(ii) If a recipient received a loan amount for the equivalent of two and one-half academic years, the required teaching service for forgiveness of the loan is five academic years; or two and one-half academic years, if the recipient taught in a shortage area.

(8) Interest rates. The interest rate on new loans shall be determined annually by the board. The annual interest rate shall generally parallel the current rate for new loans in the primary federal student loan program for undergraduate students. Interest charges are assessed beginning at the conclusion of the grace period for recipients not in deferment who are not providing teaching service.

(9) Loan equalization fee. Recipients who do not enter teaching service by the conclusion of the grace period and other approved loan deferments shall incur a loan equalization fee of not more than three percent of the remaining unforgiven loan balance. This fee shall be determined annually by the board. The loan equalization fee shall be added to the remaining principal balance and be repaid by the recipient.

(10) Repayment of the loan. Should the recipient not be eligible for loan forgiveness due to teaching service, the loan principal and the loan equalization fee, which will be added to the loan principal, must be fully repaid with interest beginning at the end of the grace period or loan deferment period, whichever is later, according to the following terms:

(a) The minimum monthly repayment rate shall be set by the board, but shall not be less than fifty dollars per month.

(b) The maximum period for repayment shall be ten years, with payments of principal and interest accruing quarterly, commencing the first quarter following the completion of recipient's grace period or loan deferral period, whichever date is later.

(11) Collection of repayments:

(a) The board is responsible for collection of repayments made and shall exercise due diligence in such collection, maintaining all necessary records to ensure that maximum repayments are made.

(b) The board is responsible to forgive all or parts of such repayments under the criteria established by the board and shall maintain all necessary records of forgiven payments.

(12) Establishment of loan account. All appropriations, receipts from the payment of the principal or interest, and any

other subsidies to which the board as administrator is entitled which are paid by or on behalf of recipients under this section, shall be deposited with the board in the account authorized by RCW 28B.102.060. It shall be used to cover the costs of granting the conditional scholarships, maintaining necessary records and making collections. The board shall maintain accurate records of these costs, and all receipts beyond those necessary to pay such costs shall be used to grant conditional scholarships to eligible students.

[Statutory Authority: Chapter 28B.80 RCW and 2000 2nd sp.s. c 1 § 610(5). 01-08-017, § 250-63-080, filed 3/26/01, effective 4/26/01.]

Chapter 250-65 WAC

FUTURE TEACHER CONDITIONAL SCHOLARSHIP AND LOAN REPAYMENT PROGRAM

WAC

CONDITIONAL SCHOLARSHIP PROGRAM

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CONDITIONAL SCHOLARSHIP AND LOAN REPAYMENT PROGRAM

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CONDITIONAL SCHOLARSHIP PROGRAM

WAC 250-65-010 Purpose. The purpose of this act is to encourage students with outstanding academic records to enter the teaching profession; and, further, to recruit students who can act as role models for children including those from targeted ethnic minorities.

[Statutory Authority: Chapter 28B.102 RCW. 88-03-008 (Order 1/88, Resolution No. 87-81), § 250-65-010, filed 1/8/88.]

WAC 250-65-020 Program definitions. (1) "Conditional scholarship" means a loan that is forgiven in whole or in part if the recipient renders service as a teacher in an approved education program in this state. A student's acceptance of a scholarship creates a contractual obligation on the part of the student to teach for a period of two years in an approved education program for each year of scholarship received or incur an obligation to repay all or part of the scholarship.

(2) "Institution of higher education" or "institution" shall mean any public university, college, community college, or vocational-technical institute operated by the state of Washington political subdivision thereof, or any other university, college, school or institute in the state of Washington offering instruction beyond the high school level which is a member institution of the Northwest Association of Schools and Colleges and, if such institution agrees to participate in the program in accordance with all applicable rules and regulations. Any institution, branch, extension or facility operating within

the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of the above named accrediting association.

(3) "Board" means the higher education coordinating board. When a duty or responsibility of the board is referenced in these regulations, the authority needed to discharge that responsibility lies with the executive director or his or her designee.

(4) "Public school" means an elementary school, a middle school, junior high school, or high school within the public school system referred to in Article IX of the state constitution.

(5) "Forgiven" or "to forgive" or "forgiveness" means that a portion of the student's loan is reduced through the rendering of service as a teacher in an approved education program in the state of Washington in lieu of monetary repayment.

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

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

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

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

(9) "Targeted ethnic minority" means a group of Americans with a common ethnic or racial heritage selected by the board for program consideration due to societal concerns such as high drop out rates or low rates of college participation by members of this group. Wherever possible students selected for participation in the conditional scholarship program should be able to serve as role models for children and youth from targeted ethnic minorities.

(10) "Washington resident" or "resident student" means an individual who satisfies the requirements of RCW 28B.15.012 through 28B.15.015 and board-adopted rules and regulations pertaining to the determination of residency.

(11) "Needy student" shall mean a post-high school student of an institution of higher learning as defined in RCW 28B.10.802(1) who demonstrates to the board the financial inability, either through the student's parents, family and/or personally, to meet the total cost of board, room, books and tuition and incidental fees for any semester or quarter.

(12) "Financial need" shall be the difference between the budgetary cost to the student attending an institution of post-secondary education and the total applicant resources which the institutional financial aid officer determines can reason-

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

(13) "Budgetary cost" of attending an institution shall consist of that amount required to support the individual and his or her dependents during the period in which that individual is enrolled as a student. Budgets will reflect the latest recognized cost levels for room and board, transportation, books, supplies, personal expenses, and other cost factors deemed necessary for consideration, consistent with WAC 250-65-040(3).

(14) "Total applicant resources" for the dependent student shall mean the sum of the amounts which reasonably may be expected from the student and his or her spouse to meet the student's cost of education, and the amount which reasonably may be expected to be made available to the student by his or her parents for such purpose. For the independent student total applicant resources shall mean the amount which reasonably may be expected from the student and his or her spouse to meet the student's cost of education.

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

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

[Statutory Authority: 1996 c 53, 96-18-023, § 250-65-020, filed 8/27/96, effective 9/27/96. Statutory Authority: Chapter 28B.102 RCW, 88-03-008 (Order 1/88, Resolution No. 87-81), § 250-65-020, filed 1/8/88.]

WAC 250-65-030 Eligibility criteria. (1) Student eligibility. In order to be eligible for a conditional scholarship under this program the student must:

(a) Be registered for a minimum of ten credit hours or the equivalent, at the time of disbursement, during any term for which a scholarship disbursement is issued.

Calculation of equivalency. In recognition of the fact that participating institutions have different academic calendars and apply different full-time enrollment definitions, the ten credit hour equivalent standard is defined as follows: As ten credit hours is 5/6's (10/12) of the minimum twelve credit hours required for full-time undergraduate enrollment, a course load that by institutional standard is the equivalent of 5/6's of a minimum full-time course load satisfies the threshold course load requirement of the future teacher conditional scholarship program.

(b) Demonstrate achievement of at least a 3.30 cumulative grade point average for students entering an eligible institution of higher education directly from high school; or maintain at least a 3.00 grade point average or the equivalent for each academic year in an institution of higher education, calculated at the end of each academic year. In the case of extenuating circumstances, the board may waive the grade point average requirement, with cause.

(c) Be classified as a resident student of the state of Washington for tuition and fee purposes.

(d) Be capable, in the opinion of the institution, of maintaining good standing in a course of study while funded by the program, and demonstrate satisfactory progress toward degree or certificate completion.

(e) Have declared an intention to complete an approved preparation program as determined by the institution leading

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to initial teacher certification or required for earning an additional endorsement, or a college or university graduate who is registered for at least ten credit hours per term, or the equivalent, and is seeking an additional teaching endorsement or initial teaching certification.

(f) Not be pursuing a degree in theology.

(2) While evidence of documented financial need is not a prerequisite for program participation, the board may include need as an element of the criteria for the screening and selection of recipients for approximately half of the program's recipients.

(3) Criteria for institutional determination of financial need and the making of awards:

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

(b) Total applicant resources shall be determined according to the federal methodology system of need analysis. Institutional financial aid officers may make reasonable adjustments to the computed total applicant resources if individual circumstances warrant such adjustments. In addition, nonliquid assets in the form of equity in the primary residence and net worth of business or farm may be disregarded in the computation of total applicant resources.

(c) The conditional scholarship, when offered in conjunction with other forms of governmentally provided student financial assistance, shall be designed in such a manner that the sum total of financial aid awarded any one student will not exceed the difference between the total applicant's resources and the budgetary cost of education.

(4) Institutional eligibility criteria.

Each institution must have a policy relating to the continuance of aid for students who enroll in but do not complete the number of credit or clock hours required to maintain satisfactory progress toward completion of his or her degree or program objective. The institution must submit its policy to the board annually for approval.

[Statutory Authority: Chapters 28B.80 and 28B.102 RCW, 93-19-022, § 250-65-030, filed 9/3/93, effective 10/4/93. Statutory Authority: Chapter 28B.102 RCW, 88-03-008 (Order 1/88, Resolution No. 87-81), § 250-65-030, filed 1/8/88.]

WAC 250-65-040 Screening and selection of recipients. Whenever possible in selecting conditional scholarship recipients, the board will give preference to qualified candidates who wish to become future teachers who fulfill both purposes of the statute:

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

Students who can act as role models for children and youth including those from targeted ethnic minorities.

(1) Program advisory and screening committee. The board will annually appoint an advisory committee to advise the board on matters of program administration including, but not limited to, scholarship screening and selection criteria and procedures, fund raising, program publicity, and efforts to recruit minority students. The advisory committee shall also serve as a screening committee in assisting the board in selecting the students to receive conditional scholarships.

(2) Selection of recipients.

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

- (a) Superior scholastic achievement.
- (b) Leadership ability.
- (c) Community contributions.
- (d) Ability to act as a role model for targeted ethnic minority students.
- (e) Brief statement evidencing the student's commitment to teaching and evidence of promise as a future teacher.
- (f) Financial need (may be considered for approximately half of the recipients).
- (g) Eligibility for renewal of conditional scholarship.

(3) Renewal scholarships. As a priority in awarding conditional scholarships, the board may continue to make awards to an eligible recipient for a maximum of five academic years.

[Statutory Authority: Chapters 28B.80 and 28B.102 RCW. 93-19-022, § 250-65-040, filed 9/3/93, effective 10/4/93. Statutory Authority: Chapter 28B.102 RCW. 88-03-008 (Order 1/88, Resolution No. 87-81), § 250-65-040, filed 1/8/88.]

WAC 250-65-050 Administration. Administering agency. The higher education coordinating board shall administer the future teacher conditional scholarship program. The staff of the higher education coordinating board, under the direction of the executive director, will manage the administrative functions relative to the program. The board shall have the following administrative responsibilities, encompassed within the board's enumerated powers and duties:

- (1) Enter into agreements with participating institutions, and billing and collection agencies as may be necessary.
- (2) Select students to receive conditional scholarships, with the assistance of a screening committee composed of teachers and leaders in government, business, and education.
- (3) Adopt necessary rules and guidelines.
- (4) Publicize the program.
- (5) Collect and manage repayments from students who do not meet their teaching obligations.
- (6) Solicit and accept grants and donations from public and private sources for the program.

[Statutory Authority: Chapters 28B.80 and 28B.102 RCW. 93-19-022, § 250-65-050, filed 9/3/93, effective 10/4/93. Statutory Authority: Chapter 28B.102 RCW. 88-03-008 (Order 1/88, Resolution No. 87-81), § 250-65-050, filed 1/8/88.]

WAC 250-65-060 Control of funds. The higher education coordinating board may award conditional scholarships to eligible students from the funds appropriated to the board for this purpose, or from any private donations, or any funds given to the board for this program.

(1) Scholarship amounts:

The amount of the conditional scholarship awarded an individual shall not exceed three thousand dollars per academic year. Students are eligible to receive conditional scholarships for a maximum of five years. The total amount of such scholarships to an eligible student shall not exceed fif-

teen thousand dollars. The duration of service obligation shall be two years for each year of scholarship received.

(2) The scholarship recipient shall enter into an agreement with the higher education coordinating board agreeing to comply with the rules, regulations, and guidelines of the conditional scholarship program. The agreement shall serve as the legal document verifying the recipient's understanding of the obligation to repay the conditional scholarship if teaching service is not fulfilled.

(3) Repayment terms:

(a) Participants in the conditional scholarship program incur an obligation to repay the conditional scholarship, with interest, unless they teach for two years in an approved education program for each year of scholarship received, under rules adopted by the board.

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

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

(d) The entire principal and interest of each payment shall be forgiven for each payment period in which the participant teaches in an approved education program until the entire repayment obligation is satisfied or the borrower ceases to teach in an approved education program. Should the participant cease to teach in an approved education program before the participant's repayment obligation is completed, payments on the unsatisfied portion of the principal and interest shall begin the next payment period and continue until the remainder of the participant's repayment obligation is satisfied.

(4) Collection of repayments:

(a) The board is responsible for collection of repayments made and shall exercise due diligence in such collection, maintaining all necessary records to ensure that maximum repayments are made.

(b) The board is responsible to forgive all or parts of such repayments under the criteria established by the board and shall maintain all necessary records of forgiven payments.

(5) Receipts:

Receipts from the payment of the principal or interest or any other subsidies to which the board as administrator is entitled, which are paid by or on behalf of participants under this section, shall be deposited with the board and shall be used to cover the costs of granting the conditional scholarships, maintaining necessary records and making collections. The board shall maintain accurate records of these costs, and all receipts beyond those necessary to pay such costs shall be used to grant conditional scholarships to eligible students.

[Statutory Authority: 1996 c 53. 96-18-023, § 250-65-060, filed 8/27/96, effective 9/27/96. Statutory Authority: Chapters 28B.80 and 28B.102 RCW. 93-19-022, § 250-65-060, filed 9/3/93, effective 10/4/93. Statutory Authority: Chapter 28B.102 RCW. 88-03-008 (Order 1/88, Resolution No. 87-81), § 250-65-060, filed 1/8/88.]

CONDITIONAL SCHOLARSHIP AND LOAN REPAYMENT PROGRAM

WAC 250-65-070 Purpose. The purpose of this act is to encourage outstanding students to enter the teaching profession in the state of Washington.

[Statutory Authority: RCW 28B.102.030 and 28B.80.370. 04-22-058, § 250-65-070, filed 10/29/04, effective 11/29/04.]

WAC 250-65-080 Program definitions. (1) "Academic year" means the regular nine-month, three-quarter, or two-semester period annually occurring between July 1st and June 30th.

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

(a) K-12 schools under Title 28A RCW; or

(b) Other educational sites in the state of Washington primarily supported with state or federal funding, as determined by the board.

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

(4) "Classroom teaching service" means employment, as a classroom teacher holding a residency or professional certificate, in an approved education program on at least a half-time basis. This also includes comparable employment as a substitute teacher or in part-time teaching positions.

(5) "Conditional scholarship" means a loan made by the board that is forgiven in whole or in part if the participant renders service as a certificated classroom teacher in an approved education program in the state of Washington.

(6) "Continuous enrollment" means the period of time a participant is enrolled without stopping, except for the equivalent of one term per academic year, such as a summer term.

(7) "Continuous teaching service" means certificated classroom teaching service for at least the equivalent of forty full-time days in an academic year.

(8) "Educational plan" means a plan or schedule approved by the board that designates how many credits participants will complete each term to qualify for loan forgiveness or loan repayment benefits. The plan will include an anticipated completion date.

(9) "Eligible student" means a student:

(a) Registered at least half-time;

(b) Demonstrating high academic achievement;

(c) Who is a resident student as defined by RCW 28B.15.012 and 28B.15.013;

(d) With a declared intention to complete an approved preparation program that leads to residency teacher certification or is required for earning an additional endorsement; and

(e) Committed to certificated classroom teaching service in the state of Washington.

(10) "Eligible institution" means an institution with an approved "institutional agreement to participate in the Washington state-funded student financial aid programs" on file with the board. The institution must have a policy relating to the continuance of aid for students who enroll in, but do not complete, the number of credit or clock hours required to

maintain satisfactory progress toward completion of his or her degree or program objective.

(11) "Equalization fee" means an additional amount charged to a conditional scholarship participant who fails to complete the required certificated classroom teaching service. This fee is added to make the cost of the program similar to the cost incurred by participants borrowing from the primary federal student loan program for undergraduate students.

(12) "Forgiven" or "to forgive" or "forgiveness" means to render service as a certificated classroom teacher in an approved education program in the state of Washington in lieu of monetary repayment.

(13) "Full-time student" or "full-time enrollment" means the minimum credits per term required by an institution for full-time enrollment status, or twelve credits per term, whichever is less. Half-time enrollment shall be half that amount.

(14) "Full-time year equivalent" means the period equivalent to one full-time academic year of certificated teaching service. For the purposes of service obligation accrual and loan forgiveness, a full-time year of certificated teaching service shall be at least one hundred eighty days. Service obligations for partial year program benefits will be prorated on this standard. Loan forgiveness and loan repayment benefits for partial teaching years will also be prorated on this standard.

(15) "Institution of higher education" or "institution" means a public or private college, community college or university which:

(a) Physically delivers classroom instruction within the state of Washington and whose program of study will advance students toward residency teacher certification requirements; and

(b) Is accredited by an accrediting association recognized as such by rule of the higher education coordinating board.

(16) "Loan repayment" means a federal student loan that is repaid in whole or in part if the participant renders service as a certificated classroom teacher in an approved education program in the state of Washington. The ratio of loan repayments to years of teaching service shall be the same as established for the conditional scholarship program.

(17) "Monetary repayment of a conditional scholarship" means that portion of the conditional scholarship that is not forgiven due to certificated classroom teaching service and is instead repaid by the participant according to the terms of the promissory note.

(18) "Participant" means an eligible student who has received a conditional scholarship award or loan repayment benefit under this chapter.

(19) "Program benefits" means the awarding of funds to conditional scholarship participants or the promise to repay federal student loans for loan repayment participants.

(20) "Residency teacher certification" means the certificate issued by the office of superintendent of public instruction authorizing an individual to teach in a specified subject in the state of Washington, without conditions such as additional training, supervision by another teacher or limitation on duration. The certificate is known as a "residency certificate."

Limited certificates, such as conditional, emergency, and substitute certificates, are excluded.

(21) "Satisfy" means to pay-in-full either through the rendering of certificated classroom teaching service or monetary repayment in fulfillment of the participant's contractual obligation.

(22) "Teacher shortage area" means a shortage of elementary or secondary school teachers in a specific subject area, discipline, classification, or geographic area, as determined by the office of superintendent of public instruction.

(23) "Teaching plan" means a plan or schedule approved by the board that designates the period of time over which a participant will provide teaching service in exchange for forgiveness of a conditional scholarship or receipt of loan repayment benefits. The plan will include an anticipated date by which all teaching service will be provided.

(24) "Tuition and fees" means the representative average tuition, service fees, and activity fees as determined by the board for the public research, regional, and community colleges.

[Statutory Authority: RCW 28B.102.030 and 28B.80.370. 04-22-058, § 250-65-080, filed 10/29/04, effective 11/29/04.]

WAC 250-65-090 Administration. The higher education coordinating board shall administer the future teacher conditional scholarship and loan repayment program.

(1) The higher education coordinating board may provide conditional scholarships and loan repayments to eligible students from:

- (a) Funds appropriated to the board for this purpose;
- (b) Private donations;
- (c) Federal funds given to the board for this program; or
- (d) Other funds deposited to the future teachers conditional scholarship account.

(2) When a duty or responsibility of the board is referenced in these regulations, the authority needed to discharge that responsibility lies with the executive director or his or her designee.

(3) The board shall have the following administrative responsibilities:

- (a) Adopt necessary rules and guidelines.
- (b) Enter into agreements with participating institutions, and billing and collection agencies as may be necessary.
- (c) Select students to receive conditional scholarships and loan repayments, with the assistance of a selection committee.
- (d) Provide conditional scholarship awards and loan repayment benefits to students.

(e) Verify completion of certificated classroom teaching service from participants in exchange for loan forgiveness or loan repayment.

(f) Collect and manage monetary repayments from participants who do not fulfill their teaching obligations.

(g) Work with the office of superintendent of public instruction and appropriate educational organizations to publicize the program directly to qualified individuals.

(h) Post additional information, including a fact sheet and an application, on the board's web site.

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

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(4) Receipts.

Receipts from the payment of the principal or interest or any other subsidies to which the board as administrator is entitled, which are paid by or on behalf of participants in the conditional scholarship program under this section, shall be deposited in the future teachers conditional scholarship account, as established in RCW 28B.102.080, and may be used to cover the costs of granting conditional scholarships and loan repayments, maintaining necessary records, and making collections. The board shall maintain accurate records of these costs. All receipts beyond those used to pay such costs shall fund conditional scholarships and loan repayments to eligible students.

[Statutory Authority: RCW 28B.102.030 and 28B.80.370. 04-22-058, § 250-65-090, filed 10/29/04, effective 11/29/04.]

WAC 250-65-100 Student eligibility criteria. In order to be eligible for program benefits, a student must:

- (1) Be registered at least half-time when:
 - (a) A scholarship disbursement is issued; or
 - (b) A loan repayment agreement is signed.
- (2) Be classified as a resident student of the state of Washington for tuition and fee purposes as defined by RCW 28B.15.012 and 28B.15.013.
- (3) Be in good standing and maintaining satisfactory academic progress according to the institution's normal requirements.
- (4) Declare an intention to complete either an approved preparation program leading to residency teacher certification or a program required for an additional endorsement.
- (5) Not be enrolled in or planning to pursue a degree in theology.
- (6) Plan to be employed as a certificated classroom teacher in an approved education program in the state of Washington.
- (7) Submit an application to the board by the requested deadline.
- (8) Submit an educational plan for board approval.
- (9) Attend an eligible institution while receiving program benefits.

[Statutory Authority: RCW 28B.102.030 and 28B.80.370. 04-22-058, § 250-65-100, filed 10/29/04, effective 11/29/04.]

WAC 250-65-110 Screening and selection of participants. (1) Selection committee.

The board may select participants based on an application process conducted by the board or the board may utilize selection processes for similar students in cooperation with the professional educator standards board or the office of superintendent of public instruction. If the board selects participants for the program, it shall establish a selection committee for the screening and selecting of the conditional scholarship and loan repayment participants. If a selection committee is established, it may include (but shall not be limited to) representatives from the professional educator standards board, the office of superintendent of public instruction, the Washington education association, the state board for community and technical colleges, the colleges of education, and other community organizations.

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(2) Role of selection committee.

The committee will act on behalf of the board to select participants and alternates from the pool(s) of eligible applicants who have submitted applications to the board. The committee will also advise board staff and the board on recommended changes in the program administration, including the application and selection procedures for future competitions.

(3) Selection of participants.

(a) Once all initial eligibility criteria are met, the committee will give priority to:

(i) Individuals seeking certification or an additional endorsement in math, science, technology, or special education; and

(ii) For fiscal year 2005, individuals who are bilingual.

(b) The committee may consider, but are not limited to, the following items in the ranking and providing of conditional scholarships awards and loan repayments benefits:

(i) Ability to act as a role model for students.

(ii) Applicant's statement evidencing commitment to the teaching profession, especially in a shortage area.

(iii) Bilingual ability.

(iv) Class level equal to upper division or graduate standing.

(v) Community contributions.

(vi) Leadership ability.

(vii) Length of time to complete teacher certification or additional shortage area endorsement.

(viii) Recommendation from a school teacher or official describing the applicant's qualifications as a current or potential teacher.

(ix) Superior scholastic achievement.

(4) Criteria for renewal.

If sufficient funds are available for renewing program benefits, previous participants will be required to submit renewal information to the board by the stated deadline. The board may consider, but is not limited to, these factors in approving renewal requests:

(a) Confirmation that the participant still plans to be a certificated classroom teacher in an approved education program in the state of Washington.

(b) An updated educational plan. Failure to complete an educational plan as previously approved by the board may result in the denial of a participant's renewal request.

(c) Verification that the participant is in good standing and maintaining satisfactory academic progress according to the institution's normal requirements.

(5) Five-year limit.

Participants are eligible to renew program benefits for a maximum program participation of the equivalent of five academic years of full-time study.

[Statutory Authority: RCW 28B.102.030 and 28B.80.370. 04-22-058, § 250-65-110, filed 10/29/04, effective 11/29/04.]

WAC 250-65-120 Program benefit amounts. (1) A participant's program benefit shall not exceed the amount of tuition and fees at the institution of higher education attended by the participant or full-time resident undergraduate tuition and fees at the University of Washington during the same academic year, whichever is lower.

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(2) Participants who enroll for additional course work after the completion of an academic year of full-time eligibility may be eligible for additional program benefits equivalent to a third semester or fourth quarter. In this case, the participants would be assumed to be beginning their second academic year of program eligibility. For example, a student attending a semester college who received full-time program benefits for fall, spring and summer, will have received benefits for the equivalent of 1.5 academic years.

(3) Participants enrolled less than full-time shall receive the following prorated program benefits for terms of part-time enrollment:

(a) Enrollment of 9.0 - 11.9 credit hours per term equals three-quarter enrollment. This shall be equal to seventy-five percent of the full-time program benefit.

(b) Enrollment of 6.0 - 8.9 credit hours per term equals half-time enrollment. This shall be equal to fifty percent of the full-time program benefit.

(4) Participants who receive program benefits for part-time enrollment shall have their terms of eligibility reduced on a prorated basis. For example, a participant receiving program benefits on the basis of half-time enrollment for two academic years will have used one academic year of eligibility.

[Statutory Authority: RCW 28B.102.030 and 28B.80.370. 04-22-058, § 250-65-120, filed 10/29/04, effective 11/29/04.]

WAC 250-65-130 Agreement with the board, teaching service obligations, and post attendance process. The conditions described in this section apply to participants in both the conditional scholarship program and the loan repayment program, unless otherwise noted.

(1) Agreement with the board.

(a) Each participant shall enter into an agreement with the board, hereafter known as the "promissory note" or "contract," agreeing to comply with the rules, regulations, and guidelines of the conditional scholarship or loan repayment programs. The promissory note or contract establishes an obligation on the part of the student to teach in an approved education program for each year of program benefit received.

(b) The promissory note is signed by conditional scholarship participants. The note serves as the legal document verifying the participant's understanding of the opportunity to have the conditional scholarship forgiven in exchange for certificated classroom teaching service and the obligation to repay the conditional scholarship, with interest and an equalization fee, if certificated classroom teaching service is not provided.

(c) The contract is signed by loan repayment participants. The contract details the period of time it is in effect, the documentation needed to verify federal student loan indebtedness, the loan repayment benefit to be paid in exchange for certificated classroom teaching service, and the consequences of not providing said teaching service in the agreed-upon time frame.

(2) Teaching service obligations.

(a) Loan forgiveness and loan repayments are provided at the higher rate of:

(i) One full-time academic year of loan forgiveness or loan repayment will be given for the equivalent of two full-time years of certificated classroom teaching service; or

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(ii) One full-time academic year of loan forgiveness or loan repayment will be given for the equivalent of one full-time year of certificated classroom teaching service in geographic or subject-matter shortage areas, as specified by the office of superintendent of public instruction.

(b) Loan forgiveness or loan repayments for certificated classroom teaching service for less than a full-time academic year shall be prorated. No forgiveness or repayment shall be granted for certificated classroom teaching service equivalent to less than forty full-time days. No forgiveness or repayment shall be granted without a board-approved teaching plan on file.

(c) If a participant's selection for the conditional scholarship and loan repayment program is predicated, in part, on providing teaching service in a teacher shortage area, the participant will be required to provide proof of such service before receiving loan forgiveness or a loan repayment.

(d) For participants receiving loan forgiveness or loan repayments for a portion of an academic year, the required certificated classroom teaching service shall be prorated. The following examples show how this works in practice.

(i) If a participant receives loan forgiveness or a loan repayment for one-third of a full-time academic year's enrollment, the required certificated classroom teaching service is two-thirds of an academic year; or one-third of an academic year, if the participant teaches in a shortage area.

(ii) If a participant receives loan forgiveness or a loan repayment for two and one-half full-time academic years' enrollment, the required certificated classroom teaching service is five full-time academic years; or two and one-half full-time academic years, if the participant teaches in a shortage area.

(e) Loan repayment examples.

(i) If a loan repayment participant receives one year of full-time benefit (with annual tuition and fees of four thousand dollars) in exchange for two full-time years of certificated classroom teaching service, half the benefit (two thousand dollars) will be paid at the end of the first full-time teaching year (with appropriate verification of service) and half the benefit will be paid at the end of the second teaching year. If the participant teaches full-time in a shortage area for a complete academic year, he or she will receive the entire full-time benefit of four thousand dollars at the end of the first full-time teaching year.

(ii) If a loan repayment participant receives two years of full-time benefit (with annual tuition and fees of three thousand dollars, for a total benefit of six thousand dollars) in exchange for four full-time years of certificated classroom teaching service, one-quarter of the benefit (one thousand five hundred dollars) will be paid at the end of the first full-time teaching year (with appropriate verification of service), one quarter of the benefit will be paid at the end of the second teaching year, and so forth. If the participant teaches full-time in a shortage area for two complete academic years, he or she will receive one year's full-time benefit (three thousand dollars) at the end of the first full-time teaching year and one year's full-time benefit at the end of the second full-time teaching year.

(3) Grace period.

All participants are eligible for a six-month grace period following the completion of their educational program. Dur-

ing this time, no interest accrues and no payments are required of conditional scholarship participants and no teaching service is required of loan repayment participants. The grace period begins the first day of the month after:

(i) A participant completes the program of education culminating in the residency teacher certification or additional shortage area endorsement; or

(ii) The last term in which a participant is continuously enrolled, whichever date comes first.

(4) Deferments and leaves of absence.

A deferment is a board-approved period during which no interest accrues and no principal payments are required of conditional scholarship participants. A leave of absence is a board-approved break in continuous teaching service that preserves a participant's eligibility to receive additional loan repayments. The board may approve deferments and leaves of absence that include, but are not limited to:

(a) The participant's continued enrollment in, or return to, an approved educational program on at least a half-time basis in the school of education of an institution of higher education.

(b) The participant has a temporary total disability. The participant shall provide medical verification of the disability. The deferment shall not exceed three years.

(c) Other circumstances as determined by the board.

(5) Post attendance process for conditional scholarship participants.

(a) Process overview.

When a participant in the conditional scholarship program completes the teacher certification or endorsement program, he or she will provide a copy of the certificate or endorsement to the board. The participant's account moves into a six-month grace period. When the participant obtains a teaching position, he or she provides evidence to the board of that position. The participant's account will be placed in teaching status for that academic year. At the end of the academic year, the participant will provide verification to the board of the teaching service performed. The board will determine the loan forgiveness, if any, to provide in exchange for the teaching service performed and apply that forgiveness to the participant's account. The cycle of teaching position evidence, teaching service verification, and loan forgiveness repeats until the participant has provided sufficient teaching service to satisfy the obligation to the board.

(b) Failure to provide teaching service.

If the participant does not complete the intended educational program, does not obtain a teaching position before the end of the grace period, or is not in deferment status, the participant's account moves into monetary repayment status.

(c) Monetary repayment of conditional scholarships.

Should the participant in the conditional scholarship program not be eligible for loan forgiveness, the conditional scholarship principal and equalization fee must be fully repaid with interest beginning at the end of the grace period or deferment period, whichever is later, according to the following terms:

(i) The minimum monthly monetary repayment rate shall be set by the board, but shall not be less than fifty dollars per month.

(ii) The maximum period for monetary repayment shall be ten years, with payments of principal and interest accruing

quarterly, commencing the first quarter following the completion of a participant's grace period or deferment period, whichever date is later.

A conditional scholarship participant making monetary repayments who obtains a qualified teaching position may earn loan forgiveness to satisfy the balance of his or her obligation. No refunds for monetary repayments are made due to teaching service performed after a payment is submitted to the board.

(d) Collection of monetary repayments of conditional scholarships.

The board is responsible for collection of monetary repayments of conditional scholarships and shall exercise due diligence in such collection, maintaining all necessary records to ensure that maximum monetary repayments are made. Collections shall be pursued using the full extent of the law, including wage garnishment if necessary.

(e) Completion of obligation.

A conditional scholarship participant's obligation to the board ceases:

(i) When the participant provides sufficient teaching service to satisfy the obligation accompanying the conditional scholarship funds received; or

(ii) When the participant repays the balance of principal, interest, and loan equalization fee through monetary repayment; or

(iii) In the event of the participant's total and permanent disability or death.

(f) Forbearance.

The board may approve an additional limited deferment of payment of principal based on special circumstances, such as a financial hardship of the participant in the conditional scholarship program. The participant's account will be assessed interest during the period of forbearance.

(g) Interest rates.

The board shall annually determine the interest rate on conditional scholarship accounts in monetary repayment status. The annual interest rate shall generally parallel the current rate for new loans in the primary federal student loan program for undergraduate students. Interest charges begin to accrue at the conclusion of the grace period for conditional scholarship participants not in deferment who are not providing certificated classroom teaching service.

(h) Equalization fee.

Participants in the conditional scholarship program who do not enter certificated classroom teaching service by the conclusion of the grace period or other approved deferments shall incur an equalization fee of not more than three percent of the remaining unforgiven conditional scholarship balance. The board shall determine this fee annually. The equalization fee shall be added to the remaining principal balance and be repaid by the participant.

(6) Post attendance process for loan repayment participants.

(a) Process overview.

When a participant in the loan repayment program completes the teacher certification or endorsement program, he or she will provide a copy of the certificate or endorsement to the board. The participant shall provide evidence to the board at the end of each academic year that the requisite teaching service has been provided. Upon receipt of the evidence, the

board shall pay the participant the agreed-upon amount for one year of full-time teaching service or a prorated amount for less than full-time teaching service. To qualify for additional loan repayments, the participant must be engaged in continuous teaching service and have a board-approved teaching plan on file.

(b) Failure to provide teaching service.

If the participant does not complete the intended educational program, or does not obtain a teaching position before the end of the grace period, or does not maintain continuous teaching service according to the approved teaching plan, or is not in an approved leave of absence, the board's agreement to provide loan repayment benefits to the participant may be voided.

(c) Direct payment option.

The board may, at its discretion, arrange to make the loan repayment directly to the holder of the loan repayment participant's federal student loan.

(d) The board's obligations to a loan repayment participant ceases:

(i) When the terms of the agreement have been fulfilled; or

(ii) When the participant fails to maintain continuous teaching service according to the board-approved teaching plan; or

(iii) When all of the participant's federal student loans have been repaid; or

(iv) In the event of the participant's total and permanent disability or death.

[Statutory Authority: RCW 28B.102.030 and 28B.80.370. 04-22-058, § 250-65-130, filed 10/29/04, effective 11/29/04.]

Chapter 250-66 WAC

WASHINGTON STATE SCHOLARS PROGRAM— RULES AND REGULATIONS

WAC

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| 250-66-010 | Purpose. |
| 250-66-020 | Program definitions. |
| 250-66-030 | Nomination and selection of Washington state scholars. |
| 250-66-040 | Recipient eligibility. |
| 250-66-045 | Grant amounts and usage. |
| 250-66-050 | Administration. |
| 250-66-060 | Control of funds. |

WAC 250-66-010 Purpose. The purpose of this act is to establish a consistent and uniform program which will recognize and honor the accomplishments of selected Washington high school graduates who have distinguished themselves through outstanding academic achievement; encourage and facilitate privately funded scholarship awards among them; stimulate the recruitment of these outstanding students to Washington public and private colleges and universities; and allow educational and legislative leaders, as well as the governor, to reaffirm the importance of educational excellence to the future of the state of Washington.

[Statutory Authority: 1988 c 210. 88-14-088 (Order 5-88, Resolution No. 88-13), § 250-66-010, filed 7/5/88.]

WAC 250-66-020 Program definitions. (1) "Public institution of higher education" or "state-supported institution of higher education" shall mean all Washington state-oper-

ated, public, four-year universities, The Evergreen State College, community colleges, and technical colleges.

(2) "Independent college or university" shall mean any private, nonprofit educational institution, the main campus of which is permanently situated in the state, open to residents of the state, providing programs of education beyond the high school level leading at least to the baccalaureate degree, and accredited by the northwest association of schools and colleges and other institutions as may be developed that are approved by the higher education coordinating board as meeting equivalent standards as those institutions accredited by the northwest association of schools and colleges.

(3) "State-funded research universities" shall mean the university of Washington and Washington state university.

(4) "Washington institution(s) of higher education" shall mean any of the state-supported, public four-year colleges and universities, public two-year community and technical colleges, and qualifying independent colleges and universities as defined in subsection (2) of this section.

(5) "Board" means the higher education coordinating board. When a duty or responsibility of the board is referenced in these regulations, the authority needed to discharge that responsibility lies with the executive director or his or her designee.

(6) "Washington resident" shall mean any individual who satisfied the requirements of WAC 250-18-020 through 250-18-060 and any board-adopted rules and regulations pertaining to the determination of residency.

(7) "Waiver of tuition and service and activities fees." Students who received their Washington state scholars awards prior to June 30, 1994, and who choose to attend a public institution of higher education as defined in subsection (1) of this section, and who meet all other eligibility requirements, shall be eligible for a full waiver of tuition and services and activities fees at any Washington public institution of higher education.

(8) "Grant(s)" shall mean payments made to eligible Washington scholars and Washington scholars alternates from moneys appropriated to the board for this purpose.

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

[Statutory Authority: Chapter 28B.80 RCW. 00-08-081, § 250-66-020, filed 4/4/00, effective 5/5/00. Statutory Authority: Chapter 28B.80 RCW and 1995 1st sp.s. c 5. 95-22-105, § 250-66-020, filed 11/1/95, effective 12/2/95. Statutory Authority: Chapter 28B.80 RCW. 93-19-014, § 250-66-020, filed 9/2/93, effective 10/3/93. Statutory Authority: 1992 c 231 and chapter 28B.80 RCW. 92-16-038, § 250-66-020, filed 7/30/92, effective 8/30/92. Statutory Authority: 1988 c 210. 88-14-088 (Order 5-88, Resolution No. 88-13), § 250-66-020, filed 7/5/88.]

WAC 250-66-030 Nomination and selection of Washington state scholars. (1) Number of students to be nominated.

(a) Each principal of a public or private approved Washington high school is encouraged to nominate one percent of the senior class (twelfth grade) based on the October 1 enrollment count of the previous year.

(b) In the event that fewer than four nominations are anticipated in any one legislative district, the board shall seek additional nominations of students meeting eligibility criteria

for that district from the high schools located in, and/or in legislative districts adjacent to, that legislative district.

(2) Selection committee.

(a) Following the receipt of the nomination forms, the higher education coordinating board shall convene a selection committee which shall have members representing public and private secondary and postsecondary education institutions, state agencies, and private sector associations. This selection committee shall review all nominations based upon selection criteria that shall include, but not be limited to, academic excellence, leadership ability, and community contributions.

(b) Conditioned upon when the anticipated nomination shortfall is recognized, as defined in subsection (1)(b) of this section, the additional nominations received may undergo review with the general nomination pool or, separately, as soon thereafter as practicable and in a manner consistent with regular committee procedure and selection criteria.

(3) Selection. The Washington scholars selection committee shall designate three Washington scholars and one Washington scholars-alternate in each legislative district from among the population of graduating high school seniors nominated for the award.

Recipients shall be identified by a ranking of nominees within each legislative district in descending order according to the final, aggregate numeric scores assigned to each individual in the review process. The three individuals achieving the highest scores in each legislative district shall be named to the Washington scholars award, and the individual receiving the fourth highest score in each legislative district shall be named to the Washington scholars-alternate award.

(4) Notification. After the final selections have been made, the higher education coordinating board shall notify the students so designated, their high school principals, the legislators of their respective districts, and the governor.

(5) Certificates and awards ceremony.

(a) The board, in conjunction with the governor's office, shall prepare appropriate certificates of recognition to be presented to the Washington state scholars recipients and Washington scholars-alternate recipients.

(b) An awards ceremony on behalf of the three students named to the Washington state scholars award in each legislative district shall be planned annually, at an appropriate time and place, by the board in cooperation with the Washington association of secondary school principals.

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

[Statutory Authority: Chapter 28B.80 RCW. 02-05-006, § 250-66-030, filed 2/8/02, effective 3/11/02; 00-08-081, § 250-66-030, filed 4/4/00, effective 5/5/00. Statutory Authority: Chapter 28B.80 RCW and 1994 c 234. 94-14-007, § 250-66-030, filed 6/23/94, effective 7/24/94. Statutory Authority: 1992 c 231 and chapter 28B.80 RCW. 92-16-038, § 250-66-030, filed 7/30/92, effective 8/30/92. Statutory Authority: 1988 c 210. 88-14-088 (Order 5-88, Resolution No. 88-13), § 250-66-030, filed 7/5/88.]

WAC 250-66-040 Recipient eligibility. (1) Eligibility criteria. In order to be eligible to receive a waiver of tuition and service and activities fees at public institutions of higher education or the grant at public and independent colleges or universities, the scholar must meet the following requirements:

- (a) Be a resident of the state of Washington.
- (b) Have attended high school in the state of Washington.
- (c) Be a designated and fully recognized recipient of the Washington state scholars award, or the Washington scholars-alternate award.

(d) Have entered a public institution of higher education or independent college or university in the state of Washington within the applicable time frame, as described herein:

(i) Washington state scholars named to the award prior to the year 2000 must enter a public institution of higher education or an independent college or university in the state of Washington within three years of high school graduation.

(ii) Washington scholars named to the award in or after the year 2000 must:

(A) Within the time frame and in the manner established by the board, acknowledge acceptance of the grant benefit and demonstrate the intent to enroll at a Washington public or independent college or university in the fall academic term immediately following high school graduation.

(B) Be enrolled at a Washington institution of higher education by the fall term immediately following high school graduation, and maintain continuous enrollment during the remainder of the regular academic year.

(iii) Washington scholar-alternates. Washington scholars-alternates initially receive a recognition certificate only. Alternates may receive the grant only if an originally named Washington state scholar in the same legislative district relinquishes, or is considered by the board to have forfeited, the grant award within one calendar year of initial award notification, and if funds are available for this purpose. The alternate also must meet all other eligibility criteria, as follows:

(A) Acknowledge acceptance of the grant benefit and demonstrate the intent to enroll at a Washington institution of higher education in the next available academic term, within the time frame and in the manner established by the board.

(B) Be enrolled, and maintain continuous enrollment, for the balance of the remaining regular academic year at a Washington institution of higher education.

(e) Be a student enrolled in undergraduate studies.

(f) Maintain a minimum cumulative grade point average of 3.30 on a 4.0 scale, or the equivalent, at a public institution of higher education or independent college or university.

If the student's cumulative grade point average falls below 3.30 during the first three quarters or two semesters, that student may petition the higher education coordinating board which shall have the authority to establish a probationary period until such time as the student's grade point average meets required standards. A student who has received probationary status from the higher education coordinating board shall remain eligible to receive a waiver or grant during such probationary period.

(g) Not be pursuing courses that include any religious worship or exercise, or any degree in religious, seminarian, or theological academic studies.

(2) Waiver of enrollment requirements. Washington state scholars named to the award in or after the year 2000, and Washington scholars-alternates who have accepted the remaining value of an award benefit relinquished by the original Washington scholar recipient, may petition the board, which shall have the authority to waive the enrollment requirements based on the exceptional mitigating circumstances of the individual grant recipients.

Those Washington scholars and Washington scholars-alternates who do not meet eligibility criteria as defined in subsection (1)(a) through (g) of this section, and for whom the enrollment requirements are not waived by the board, shall be deemed to have withdrawn from college, and the grant award for that scholar shall be considered relinquished and forfeit.

(3) Duration of eligibility. Subject to criteria set forth in subsection (1) of this section, individual recipients of the Washington state scholars award shall be eligible for award benefits not to exceed a cumulative maximum of eight semesters or twelve quarters total of waiver and/or grant benefits for undergraduate coursework.

Subject to criteria set forth in subsections (1) and (2) of this section, Washington scholar-alternates may be eligible to receive the values remaining in a grant benefit relinquished by a Washington scholar originally named to the award, not to exceed a cumulative maximum of eight semesters or twelve quarters total of undergraduate coursework.

(4) Transferability. Recipients of the Washington state scholars award and the Washington scholars-alternate award may transfer between public institutions of higher education and independent colleges and universities in the state of Washington provided that the cumulative terms of waivers of tuition and service and activities fees and/or grants received by any one recipient does not exceed eight semesters or twelve quarters.

[Statutory Authority: Chapter 28B.80 RCW. 00-08-081, § 250-66-040, filed 4/4/00, effective 5/5/00. Statutory Authority: Chapter 28B.80 RCW and 1995 1st sp.s. c 5. 95-22-105, § 250-66-040, filed 11/1/95, effective 12/2/95. Statutory Authority: 1992 c 231 and chapter 28B.80 RCW. 92-16-038, § 250-66-040, filed 7/30/92, effective 8/30/92. Statutory Authority: 1988 c 210. 88-14-088 (Order 5-88, Resolution No. 88-13), § 250-66-040, filed 7/5/88.]

WAC 250-66-045 Grant amounts and usage. (1) Grant amounts.

(a) Maximum grant award value. State grants to individual recipients shall not exceed, on an annual basis, the yearly, full-time, resident, undergraduate tuition and service and activities fees in effect at the state-funded research universities.

(b) Calculation of individual award amounts.

(i) The value of individual grants shall be calculated annually, as a prorated amount of the annual appropriation and based upon the number of eligible scholars attending participating institutions, the tuition costs at those institutions, and limited to the funds appropriated to the board for the program.

(ii) Individual recipients may receive state grants that do not exceed the cost of tuition and service and activities fees for which they are enrolled at the institution attended. Should funds be insufficient to cover all recipients at the full cost of tuition, subject to the maximum grant award value, the value

of all award payments in the given payment term shall be reduced proportionally by the same percent to avoid overexpenditure of the appropriated funds.

(iii) Grants to recipients attending a Washington independent institution shall also be contingent upon the institution matching, on at least a dollar-for-dollar basis, either with actual institutional moneys or a waiver of tuition and fees, the grant amount the student receives from the state.

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

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

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

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

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

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

[Statutory Authority: Chapter 28B.80 RCW. 00-08-081, § 250-66-045, filed 4/4/00, effective 5/5/00.]

WAC 250-66-050 Administration. (1) Administering agency. The higher education coordinating board, with cooperation from the Washington association of secondary school principals, shall administer the Washington state scholars program. The staff of the higher education coordinating board, under the direction of the executive director, will manage the administrative functions relative to the program. The board shall have the following administrative responsibilities, encompassed within the board's enumerated powers and duties:

(a) Select students to receive the Washington state scholars award and the Washington scholars-alternate award, with the assistance of the selection committee created by WAC 250-66-030(2).

(b) Enter into agreements with participating independent institutions.

(c) Adopt all necessary rules and guidelines.

(d) Send program information and nomination materials to the principal of each Washington public and private school that has a twelfth grade.

(e) Publish a directory of all Washington state scholars and the Washington scholars-alternates selected and distribute it to all public institutions of higher education and independent colleges and universities, legislators, and participating high schools.

(f) Maintain records on all Washington state scholar award and the Washington scholars-alternate recipients.

(g) Publicize the program.

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

(i) Authorize probationary periods for Washington state scholar and the Washington scholars-alternate recipients whose cumulative grade point average falls below the minimum grade point average under WAC 250-66-040 (1)(f).

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

(k) Authorize waivers of enrollment requirements for Washington scholars and Washington scholars-alternates as set forth under WAC 250-66-030.

[Statutory Authority: Chapter 28B.80 RCW. 00-08-081, § 250-66-050, filed 4/4/00, effective 5/5/00. Statutory Authority: Chapter 28B.80 RCW and 1995 1st sp.s. c 5. 95-22-105, § 250-66-050, filed 11/1/95, effective 12/2/95. Statutory Authority: 1988 c 210. 88-14-088 (Order 5-88, Resolution No. 88-13), § 250-66-050, filed 7/5/88.]

WAC 250-66-060 Control of funds. The higher education coordinating board may award grants to eligible students from the funds appropriated to the board for this purpose, or from any private donations, or any other funds given to the board for this program.

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

Chapter 250-69 WAC

COMMUNITY SCHOLARSHIP MATCHING GRANT PROGRAM

WAC

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| 250-69-010 | Purpose. |
| 250-69-020 | Authority to administer. |
| 250-69-030 | Program definitions. |
| 250-69-040 | Eligibility criteria. |
| 250-69-050 | Application procedure. |
| 250-69-060 | Selection criteria. |
| 250-69-070 | Award amount. |
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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 250-69-110 | Duration of demonstration project. [Statutory Authority: RCW 28B.80.180. 90-09-003, § 250-69-110, filed 4/5/90, effective 5/6/90.] Repealed by 03-04-101, filed 2/4/03, effective 3/7/03. Statutory Authority: RCW 28B.240 and .370 [28B.80.240 and 28B.80.370]. |
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WAC 250-69-010 Purpose. The purpose of the community scholarship matching grant program is to provide two thousand dollar state-funded matching awards as an incentive to Washington community scholarship foundations to raise money and award scholarships to community residents who wish to pursue higher education. The community scholarship

matching grant program encourages community organizations to generate local dollars to complement efforts funded by the state. In making awards, preference will be given to organizations affiliated with the citizens' scholarship foundation. An organization may receive more than one two thousand dollar matching grant per biennium.

[Statutory Authority: RCW 28B.240 and .370 [28B.80.240 and 28B.80.-370]. 03-04-101, § 250-69-010, filed 2/4/03, effective 3/7/03. Statutory Authority: RCW 28B.80.180. 90-09-003, § 250-69-010, filed 4/5/90, effective 5/6/90.]

WAC 250-69-020 Authority to administer. As defined in RCW 28B.80.240, the higher education coordinating board is charged with the administration of any state program or state administered federal program of student financial aid now or hereafter established.

[Statutory Authority: RCW 28B.240 and .370 [28B.80.240 and 28B.80.-370]. 03-04-101, § 250-69-020, filed 2/4/03, effective 3/7/03. Statutory Authority: RCW 28B.80.180. 90-09-003, § 250-69-020, filed 4/5/90, effective 5/6/90.]

WAC 250-69-030 Program definitions. (1) "Matching award" means the state appropriated funding for two thousand dollar grants available to selected eligible community scholarship foundations that raise at least two thousand dollars for student scholarships.

(2) "Community scholarship foundation" means a non-profit, tax exempt 501 (c)(3) Internal Revenue Service Code, community-based organization, formed in part or in full for the purpose of providing higher education scholarships for local residents.

(3) "Higher education scholarship program" means a program which would provide awards to community residents to attend institutions of higher education in Washington state.

(4) "Washington institutions of higher education" or "institution" means a degree-granting college or university in the state of Washington whose campus or branch campus is physically located in the state of Washington, and who is accredited by a nationally recognized accrediting body. The recognized accrediting bodies are:

(a) The Northwest Association of Schools and Colleges or a similar regional accrediting body as determined by the board;

(b) The Accrediting Bureau of Health Education Schools;

(c) The Accrediting Council for Continuing Education and Training;

(d) The Accrediting Commission of Career Schools and Colleges of Technology;

(e) The Accrediting Council for Independent Colleges and Schools;

(f) The National Accrediting Commission of Cosmetology Arts and Sciences;

(g) The Middle States Association of Colleges and Schools, Commission on Higher Education;

(h) The New England Association of Schools and Colleges;

(i) The North Central Association of Colleges and Schools;

(j) The Southern Association of Colleges and Schools;

(2009 Ed.)

(k) The Western Association of Schools and Colleges.

(5) "Board" means the higher education coordinating board. When a duty or responsibility of the board is referenced in this chapter, the authority needed to discharge that responsibility lies with the executive director or his or her designee.

(6) "Washington resident" means a resident as defined in RCW 28B.15.012 (2)(a) through (d) and board adopted rules and regulations pertaining to the determination of Washington state residency.

(7) "New money" means funds raised during a twelve-month period designated and described in the annual program application. These funds cannot include interest income from endowments or interest from other funds raised previous to July 1 of the year of application.

(8) "Permanent and irrevocable scholarship endowment fund" means contributions received and deposited into an investment fund with the permanent purpose of using only the interest earnings from the principal of the contribution for the scholarships.

[Statutory Authority: RCW 28B.240 and .370 [28B.80.240 and 28B.80.-370]. 03-04-101, § 250-69-030, filed 2/4/03, effective 3/7/03. Statutory Authority: RCW 28B.80.180. 90-09-003, § 250-69-030, filed 4/5/90, effective 5/6/90.]

WAC 250-69-040 Eligibility criteria. To be eligible to apply for a matching award a community organization must:

(1) Have or establish a higher education scholarship program and, during a twelve-month period designated and described in the annual application, raise at least two thousand dollars in new money for student scholarships;

(2) Obtain and maintain tax exempt status under section 501 (c)(3) of the Internal Revenue Code for the fund supporting the student scholarship program;

(3) Award student scholarships without regard to age, sex, marital status, race, creed, color, religion, national origin, or the presence of any mental, sensory, or physical handicap; and

(4) If the recipient of the matching grant is a college foundation, agree to award student scholarships funded by the grant and the matching money only to graduating students for the specific purpose of continuing their higher education. College foundations must be registered with the attorney general's office under the Charitable Trust Act, chapter 11.110 RCW.

[Statutory Authority: RCW 28B.240 and .370 [28B.80.240 and 28B.80.-370]. 03-04-101, § 250-69-040, filed 2/4/03, effective 3/7/03. Statutory Authority: RCW 28B.80.180. 90-09-003, § 250-69-040, filed 4/5/90, effective 5/6/90.]

WAC 250-69-050 Application procedure. Community organizations meeting eligibility criteria will be considered for selection after they complete an application for the matching award on a form provided by the higher education coordinating board.

[Statutory Authority: RCW 28B.240 and .370 [28B.80.240 and 28B.80.-370]. 03-04-101, § 250-69-050, filed 2/4/03, effective 3/7/03. Statutory Authority: RCW 28B.80.180. 90-09-003, § 250-69-050, filed 4/5/90, effective 5/6/90.]

WAC 250-69-060 Selection criteria. Community organizations which meet the eligibility criteria in WAC 250-69-

040 and have raised two thousand dollars in new money during the twelve-month period designated and described in the annual application will be selected for a matching award, in the following priority order. Preference is given to those organizations affiliated with citizens' scholarship foundation.

Priority 1: Eligible organizations that have not previously received the matching grant.

Priority 2: Recipients of the matching grant in previous years that agree to raise new money and place that money and the matching grant into a permanent and irrevocable scholarship endowment fund.

Priority 3: Recipients of the matching grant in previous years that agree to raise new money for student scholarships.

When the number of organizations applying exceeds available matching award funds, those which:

(1) Solicit broad-based community support in their fund-raising activities and are representative of the community in their structure;

(2) Conduct fund-raising activities with volunteers and not with paid or contracted fund raisers; and

(3) Have primary focus of awarding scholarships to Washington residents attending Washington institutions of higher education shall be given further preference.

[Statutory Authority: RCW 28B.240 and .370 [28B.80.240 and 28B.80.-370]. 03-04-101, § 250-69-060, filed 2/4/03, effective 3/7/03. Statutory Authority: RCW 28B.80.180. 90-09-003, § 250-69-060, filed 4/5/90, effective 5/6/90.]

WAC 250-69-070 Award amount. The community scholarship foundation matching award is a two thousand dollar grant based on available funding.

[Statutory Authority: RCW 28B.240 and .370 [28B.80.240 and 28B.80.-370]. 03-04-101, § 250-69-070, filed 2/4/03, effective 3/7/03. Statutory Authority: RCW 28B.80.180. 90-09-003, § 250-69-070, filed 4/5/90, effective 5/6/90.]

WAC 250-69-080 Disbursement of matching awards. The higher education coordinating board will disburse matching awards of two thousand dollars to the selected community organizations.

[Statutory Authority: RCW 28B.80.180. 90-09-003, § 250-69-080, filed 4/5/90, effective 5/6/90.]

WAC 250-69-090 Reporting requirements. Community organizations will submit, on a form provided by the board, reports of scholarships awarded from their two thousand dollar contribution and the two thousand dollar matching award. Reporting information will include, but is not limited to, recipients names and addresses, scholarship amounts and the higher education institution the recipient plans to attend. Or if the organization receives an endowment matching grant, a report indicating the endowment account number, name, the amount of the matching grant and the community match deposited along with a copy of the deposit receipt from the financial institution.

[Statutory Authority: RCW 28B.240 and .370 [28B.80.240 and 28B.80.-370]. 03-04-101, § 250-69-090, filed 2/4/03, effective 3/7/03. Statutory Authority: RCW 28B.80.180. 90-09-003, § 250-69-090, filed 4/5/90, effective 5/6/90.]

WAC 250-69-100 Appeals. The community organizations may request in writing a review of any adverse decision

affecting them by requesting such review within twenty days of adverse decision, addressed to the executive director of the higher education coordinating board. The review shall be handled by brief adjudication hearing procedures as outlined in the Administrative Procedure Act, chapter 34.05 RCW.

[Statutory Authority: RCW 28B.80.180. 90-09-003, § 250-69-100, filed 4/5/90, effective 5/6/90.]

Chapter 250-70 WAC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

WAC

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| 250-70-010 | Purpose. |
| 250-70-020 | Program definitions. |
| 250-70-030 | Institutional eligibility. |
| 250-70-040 | Student eligibility. |
| 250-70-050 | Application procedure. |
| 250-70-060 | Recipient selection and award. |
| 250-70-070 | Grant amount disbursement limits. |
| 250-70-080 | Program administration. |
| 250-70-090 | Student responsibilities. |
| 250-70-100 | Repayment option. |

WAC 250-70-010 Purpose. Recognizing that Washington state experiences low participation rates at the upper-division level within postsecondary education, the legislature has authorized the educational opportunity grant program.

The purpose of the educational opportunity grant program is to serve eligible placebound financially needy Washington residents who have completed an associate of arts or associate of science degree, or the equivalent, enabling them to participate in and complete upper-division study at eligible institutions approved for participation by the higher education coordinating board.

[Statutory Authority: RCW 28B.240 and .370 [28B.80.240 and 28B.80.370] and 28B.101.030. 03-20-047, § 250-70-010, filed 9/25/03, effective 10/26/03. Statutory Authority: 1990 c 288. 90-16-023, § 250-70-010, filed 7/20/90, effective 8/20/90.]

WAC 250-70-020 Program definitions. (1) "Placebound" shall mean unable to complete a college program because of family or employment commitments, health concerns, monetary inability, or other similar factors.

(2) "Placebound resident" shall mean a person who, because of family or employment commitments, health concerns, monetary need, or other similar factors, would be presumed unable to complete an upper-division course of study but for receipt of an educational opportunity grant. A placebound resident is one who may be influenced by the receipt of an enhanced student financial aid award to attend an eligible institution approved for participation in the program by the higher education coordinating board.

(3) "Demonstrated financial need" shall mean the difference between the budgetary cost to the student attending the institution of postsecondary education and the total applicant resources which the institutional financial aid officer determines can reasonably be expected to be available to the student for meeting such costs.

(4) "Needy student" shall mean those students as defined in RCW 28B.10.802(3), and as otherwise defined by the board.

(5) "Washington resident or resident student" shall mean an individual who at the time of application for an educa-

tional opportunity grant satisfies the requirements of RCW 28B.15.012 (2)(a) through (d) and board-adopted rules and regulations pertaining to the determination of state residency.

(6) "Associate of arts or associate of science degree or the equivalent" shall mean coursework comparable to admission at the junior level or above by the enrolling institution.

(7) "Upper division" shall mean baccalaureate coursework beyond an associate of arts degree or its equivalent.

(8) "Award amount" shall mean an award amount up to \$2,500 per academic year per student, prorated per term of attendance, paid periodically in equal installments, not to exceed the student's demonstrated financial need.

(9) "Academic year" shall generally mean a nine-month period (three quarters or two semesters).

(10) "Board" shall mean the higher education coordinating board. When a duty or responsibility of the board is referenced in these regulations, the authority needed to discharge that responsibility lies with the executive director or his or her designee.

[Statutory Authority: RCW 28B.240 and .370 [28B.80.240 and 28B.80.370] and 28B.101.030. 03-20-047, § 250-70-020, filed 9/25/03, effective 10/26/03. Statutory Authority: 1990 c 288. 90-16-023, § 250-70-020, filed 7/20/90, effective 8/20/90.]

WAC 250-70-030 Institutional eligibility. To qualify as an eligible institution for purposes of this program an institution shall:

(1) Be a public or private postsecondary educational institution in the state of Washington accredited by the Northwest Association of Schools and Colleges; or a branch campus of a member institution accredited by Middle States Association of Colleges and Schools, New England Association of Schools and Colleges, North Central Association of Colleges and Schools, Southern Association of Colleges and Schools, or Western Association of Schools and Colleges that is eligible for federal student financial aid assistance, have operated as a nonprofit college or university delivering on-site classroom instruction for a minimum of twenty consecutive years in the state of Washington, and have an annual enrollment of at least seven hundred full-time equivalent students.

(2) Complete an agreement to participate acknowledging its responsibility to administer the educational opportunity grant program according to prescribed rules and regulations and guidelines, and otherwise give evidence of its eligibility, if necessary.

[Statutory Authority: RCW 28B.240 and .370 [28B.80.240 and 28B.80.370] and 28B.101.030. 03-20-047, § 250-70-030, filed 9/25/03, effective 10/26/03. Statutory Authority: Chapters 28B.80 and 28B.101 RCW. 93-19-024, § 250-70-030, filed 9/3/93, effective 10/4/93. Statutory Authority: 1990 c 288. 90-16-023, § 250-70-030, filed 7/20/90, effective 8/20/90.]

WAC 250-70-040 Student eligibility. A placebound student is eligible for an educational opportunity grant if the additional financial resource would alleviate the placebound condition by allowing the student access to education at an eligible institution. For a student to be eligible for an educational opportunity grant he or she must:

(1) Be a "financially needy student" as determined by the higher education coordinating board in accordance with RCW 28B.10.802(3);

(2) Be a resident of the state of Washington;

(3) Be enrolled or accepted for enrollment at least half time, with priority to full-time enrollment, as an upper-division undergraduate student at an eligible baccalaureate institution in the state of Washington;

(4) Be a placebound resident;

(5) Have completed an associate of arts or associate of science degree or the equivalent;

(6) Not be required by the institution to be involved in a program that includes any religious worship, exercise or instruction;

(7) Make satisfactory academic progress as determined by the institution; and

(8) An otherwise eligible student may not apply for this grant to continue enrollment at an institution where he or she is presently attending.

[Statutory Authority: RCW 28B.240 and .370 [28B.80.240 and 28B.80.370] and 28B.101.030. 03-20-047, § 250-70-040, filed 9/25/03, effective 10/26/03. Statutory Authority: 1990 c 288. 90-16-023, § 250-70-040, filed 7/20/90, effective 8/20/90.]

WAC 250-70-050 Application procedure. Placebound students shall initially apply directly to the higher education coordinating board and shall complete an application and other materials as provided and required by the board.

[Statutory Authority: RCW 28B.240 and .370 [28B.80.240 and 28B.80.370] and 28B.101.030. 03-20-047, § 250-70-050, filed 9/25/03, effective 10/26/03. Statutory Authority: 1990 c 288. 90-16-023, § 250-70-050, filed 7/20/90, effective 8/20/90.]

WAC 250-70-060 Recipient selection and award. In selecting grant recipients, the board will give priority to those students who, but for this grant, evidence that they could not pursue a baccalaureate degree.

(1) Determination. The higher education coordinating board shall determine student eligibility and awards under this program. The board will convene as necessary an advisory committee to work with the board on matters of program policy and administration including, but not limited to: Award screening, selection criteria, administrative procedures, program publicity, and efforts to recruit placebound students.

(2) Standards. Assuming program eligibility criteria are met, the following additional selection criteria, among others, may be employed in ranking candidates and awarding grants:

(a) Evidence that, but for this grant, a placebound student could not pursue baccalaureate study at an eligible institution of the student's choice;

(b) Evidence of financial hardship or significant educational debt; and

(c) Information describing the student's educational goals and plans.

A student may ultimately choose an eligible institution different from that referenced in his or her application, provided the board and the receiving eligible institution can verify student eligibility criteria such as placebound status, certification of enrollment in an eligible academic program, documented financial need and satisfactory academic progress status. To deliver an incentive for recipients, the institution agrees to package the grant as "self-help."

[Statutory Authority: RCW 28B.240 and .370 [28B.80.240 and 28B.80.370] and 28B.101.030. 03-20-047, § 250-70-060, filed 9/25/03, effective

10/26/03. Statutory Authority: 1990 c 288. 90-16-023, § 250-70-060, filed 7/20/90, effective 8/20/90.]

WAC 250-70-070 Grant amount disbursement limits. Grant disbursement shall be made to the eligible enrolled student in equal amounts per term upon institutional verification of the student's enrollment in an eligible program, proof of financial need and satisfactory academic progress. The award amount shall not exceed \$2,500 per academic year. The value of the grant shall be the same regardless of the institution selected. Students may be awarded grants for up to eight quarters (or equivalent) of study. Renewability will not be forfeited if a student stops out for a single term during the academic year. However, students who fail to attend for more than one regular academic term during the period of their award will be required to reapply for the grant. If they are reawarded, previous terms of enrollment during which they received the grant will count toward their total eligibility.

The educational opportunity grant, when combined with the state share of other state-appropriated student financial aid programs, shall not exceed an amount equal to the total maximum student expense budget at the public research institutions plus the current average state appropriation per student for operating expense in the public institutions.

[Statutory Authority: RCW 28B.240 and .370 [28B.80.240 and 28B.80.370] and 28B.101.030. 03-20-047, § 250-70-070, filed 9/25/03, effective 10/26/03. Statutory Authority: 1990 c 288. 90-16-023, § 250-70-070, filed 7/20/90, effective 8/20/90.]

WAC 250-70-080 Program administration. (1) Administering agency. The higher education coordinating board shall administer the educational opportunity grant program. The staff of the board, under the direction of the executive director, will manage the administrative functions relative to the program and shall be authorized to enter into agreement with eligible institutions for participation in the program.

(2) Maintenance of effort. State funds provided under this program are not to be used to supplant federal, state or institutional grants which would otherwise be available to support the student's attendance.

(3) Reports. The higher education coordinating board will obtain periodic reports from institutions describing the number of educational opportunity grant recipients selecting that institution, the socio-economic profile of such recipients in attendance at each participating institution, and other information about the student's academic program pertinent to these rules.

(4) Oversight and appeals. If an institution fails to maintain eligibility for the program as defined in WAC 250-70-020, or if the board determines that an institution has failed to comply with program rules and regulations or guidelines, the board may suspend, terminate, or place conditions upon the institution's participation in the program. Satisfactory resolution of a dispute will be attempted by board staff. If satisfactory resolution cannot be achieved by board staff, the institution initiating the appeal may request a hearing with the board, which shall take action on the appeal. Eligible applicants may request in writing a review of any adverse decision affecting them by requesting such review within 20 days of the adverse decision, addressed to the executive director of

the higher education coordinating board. In both circumstances, the appeal shall be conducted consistent with the terms of the Administrative Procedure Act, chapter 34.05 RCW.

[Statutory Authority: RCW 28B.240 and .370 [28B.80.240 and 28B.80.370] and 28B.101.030. 03-20-047, § 250-70-080, filed 9/25/03, effective 10/26/03. Statutory Authority: 1990 c 288. 90-16-023, § 250-70-080, filed 7/20/90, effective 8/20/90.]

WAC 250-70-090 Student responsibilities. (1) A student must meet the academic progress required under terms of this program.

(2) A student who has incorrectly submitted information on his or her application, shall be required to repay grant funds to the program.

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

[Statutory Authority: 1990 c 288. 90-16-023, § 250-70-090, filed 7/20/90, effective 8/20/90.]

WAC 250-70-100 Repayment option. It is the intent of this legislation that nothing in this act shall prevent or discourage an individual from making an effort to repay any state financial aid awarded during his or her collegiate career.

[Statutory Authority: 1990 c 288. 90-16-023, § 250-70-100, filed 7/20/90, effective 8/20/90.]

Chapter 250-71 WAC

GENDER EQUALITY IN HIGHER EDUCATION

WAC

| | |
|------------|--|
| 250-71-010 | Purpose—Elimination of discrimination based on gender in higher education. |
| 250-71-015 | Definitions. |
| 250-71-020 | Academic programs. |
| 250-71-025 | Counseling and guidance services. |
| 250-71-030 | Student employment. |
| 250-71-035 | Financial aid. |
| 250-71-040 | Recreational activities. |
| 250-71-045 | Other student services. |
| 250-71-050 | Intercollegiate athletics. |
| 250-71-055 | Male and female coaches and administrators. |
| 250-71-060 | Sexual harassment. |
| 250-71-065 | Institutional self-study and plan. |
| 250-71-070 | Distribution. |
| 250-71-075 | Compliance—Complaints. |

WAC 250-71-010 Purpose—Elimination of discrimination based on gender in higher education. The purpose of this chapter is to establish administrative rules implementing chapter 28B.110 RCW, prohibiting discrimination on the basis of gender in all public institutions of higher education in the state of Washington.

[Statutory Authority: Chapter 28B.110 RCW. 90-24-023, § 250-71-010, filed 11/29/90, effective 12/30/90.]

WAC 250-71-015 Definitions. (1) "Institution" shall mean a public university, college, or community college within the state of Washington.

(2) "Without regard to gender" shall mean that gender may not be taken into account when making a decision regarding a student.

(3) "Available without regard to gender" shall mean that there are no institutional factors operating to prevent or discourage students of either gender from selecting, participating in, or completing a program of study or activity.

(4) "Equitable" shall mean that the benefits of a program or activity shall be enjoyed by males and females substantially proportional to their enrollment as undergraduates at the institution.

(5) "Opportunities for participation" shall specifically apply to athletics and mean the number of positions on the initial eligibility roster of student athletes, minus students who are cut from the team, and students who drop out voluntarily within the first ten days of practice.

(6) "Academic programs" shall mean all instructional, research, and instruction and research related public service activities of the institution, including internships, teaching and research assistantships, and cooperative education, at all levels of study.

[Statutory Authority: Chapter 28B.110 RCW. 90-24-023, § 250-71-015, filed 11/29/90, effective 12/30/90.]

WAC 250-71-020 Academic programs. (1) Institutions shall ensure that admission to academic programs is made without regard to gender.

(2) Institutions shall ensure that all academic programs are available without regard to gender for student selection, participation, and completion.

[Statutory Authority: Chapter 28B.110 RCW. 90-24-023, § 250-71-020, filed 11/29/90, effective 12/30/90.]

WAC 250-71-025 Counseling and guidance services. Institutions shall ensure that all counseling and guidance services are made available to all students without regard to gender, including:

(1) That counseling and academic advising personnel stress access to all career and vocational opportunities to all students;

(2) That materials, assessment instruments, and techniques used encourage students to participate in academic programs and other activities on individual rather than gender-based factors;

(3) That assessment instruments intended to measure aptitude, interest, personality, emotional stability, or other characteristics, the interpretation of those instruments, and the counseling staff do not discriminate on the basis of gender.

[Statutory Authority: Chapter 28B.110 RCW. 90-24-023, § 250-71-025, filed 11/29/90, effective 12/30/90.]

WAC 250-71-030 Student employment. Institutions shall ensure that all student employment is conducted without regard to gender, including:

(1) No differentiation in pay scales;

(2) Assignment of positions, jobs, and duties, except in cases of bona fide occupational qualifications under WAC 162-16-020;

(3) Opportunities for advancement;

(4) Conditions of employment, including, but not limited to, hiring practices, leaves of absence, and hours of employment;

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(5) All organizations and companies not under the jurisdiction of the institution to which students are referred for employment by the institution, or for which students are recruited on campus or under the auspices of the institution.

[Statutory Authority: Chapter 28B.110 RCW. 90-24-023, § 250-71-030, filed 11/29/90, effective 12/30/90.]

WAC 250-71-035 Financial aid. Institutions shall ensure that in the assignment of financial aid there is no discrimination in types, amounts, or patterns of aid awarded to students of each gender. Types of aid include, but are not limited to the following:

(1) Federal and state funded, including institutionally controlled, need-based assistance;

(2) Merit-based awards

(3) Graduate assistantships and fellowships

(4) Athletic assistance

(5) Department-based awards

(6) Foreign study scholarships and opportunities

(7) Nonneed based waivers

(8) Discretionary programs

[Statutory Authority: Chapter 28B.110 RCW. 90-24-023, § 250-71-035, filed 11/29/90, effective 12/30/90.]

WAC 250-71-040 Recreational activities. Recreational activities include all activities provided by the institution, or sanctioned by the institution, to meet the recreational needs or interests of students, including, but not limited to, intramural activities and club sports.

(1) Institutions are not required to offer any specific type or level of recreational opportunities. Institutions which elect to offer recreational opportunities shall do so based upon the interest levels of the students.

(2) Institutions which provide the following benefits and services for recreational activities must make them available without regard to gender:

(a) Equipment, supplies, laundry services

(b) Medical care, services and insurance,

(c) Transportation and per diem allowances,

(d) Opportunities to receive coaching and instruction,

(e) Assignment of game officials,

(f) Opportunities for competitions,

(g) Publicity and awards,

(h) Scheduling of games and practice times, including use of courts, gyms and pools, showers, toilets, lockers, or training room facilities.

[Statutory Authority: Chapter 28B.110 RCW. 90-24-023, § 250-71-040, filed 11/29/90, effective 12/30/90.]

WAC 250-71-045 Other student services. Institutions which provide other student services including, but not limited to health services, minority student services, placement, child care, and housing, shall make them available without regard to gender.

[Statutory Authority: Chapter 28B.110 RCW. 90-24-023, § 250-71-045, filed 11/29/90, effective 12/30/90.]

WAC 250-71-050 Intercollegiate athletics. Institutions which provide intercollegiate athletics shall do so with

no disparities based on gender, according to the following standards:

(1) No sports may be excluded or treated separately for purposes of meeting any of the requirements of this section.

(2) Institutions shall provide equitable opportunities for participation for males and females in intercollegiate athletics:

(a) Intercollegiate athletics shall include all sports recognized by the NCAA, NAIA, and NWAACC, plus the sport of crew.

(b) Consistent with RCW 28B.15.460, satisfactory progress toward the goal of equitable opportunity, as of July 1, 1994, will be assumed if, by that date, the number of opportunities for participation in athletics for female students meets or exceeds the approximate rate (42%) at which high school girls participated in interscholastic athletics in the state of Washington in 1995-96.

(c) After 1994, institutions shall show continuing progress toward the goal of providing numbers of opportunities for participation in athletics for male and female students proportional to their respective undergraduate enrollments at the institutions.

(3) If any benefits, services, or facilities are provided, they shall be made available proportionally, across the athletic program considered as a whole. Institutions which provide higher levels of support to some sports than to others shall ensure that male and female athletes experience the benefits of such enhanced support in an equal proportion to their participation rates. Examples of such benefits include:

(a) Equipment, supplies, laundry services

(b) Medical care, services, and insurance

(c) Scholarships and all other forms of financial aid or benefits from any source related to the students' status as an athlete

(d) Opportunities to receive coaching and instruction, including academic tutoring

(e) Conditioning programs

(f) Opportunities for competition, including pre- and post-season opportunities and levels of competition

(g) Transportation and per diem allowances

(h) Assignment of game officials

(i) Scheduling of games and practice times, including use of courts, gyms, and pools.

(j) Publicity and awards

(k) Showers, lockers, toilets, training room facilities.

[Statutory Authority: Chapter 28B.85 RCW. 98-08-003, § 250-71-050, filed 3/18/98, effective 4/18/98. Statutory Authority: Chapter 28B.110 RCW. 90-24-023, § 250-71-050, filed 11/29/90, effective 12/30/90.]

WAC 250-71-055 Male and female coaches and administrators. Institutions shall provide coaches and athletic administrators of both genders to act as role models for male and female athletes, and shall endeavor to attract staff of the underrepresented gender.

[Statutory Authority: Chapter 28B.110 RCW. 90-24-023, § 250-71-055, filed 11/29/90, effective 12/30/90.]

WAC 250-71-060 Sexual harassment. Each institution shall develop and annually distribute to students, faculty, and staff, policies and procedures for handling complaints of sexual harassment, including:

(1) A definition of sexual harassment which includes, but is not necessarily limited to, unwanted verbal or physical sexual behavior of faculty or staff toward students, supervisors toward student supervisees, or students toward students.

(2) The name, address, and phone number of one or more persons to whom complaints may be addressed, and the procedures available.

[Statutory Authority: Chapter 28B.110 RCW. 90-24-023, § 250-71-060, filed 11/29/90, effective 12/30/90.]

WAC 250-71-065 Institutional self-study and plan.

(1) By September 30, 1990, each institution shall submit to the higher education coordinating board an initial self-study assessing its compliance with the gender equality requirements of this chapter. The self-study shall utilize data from the 1988-89 academic year, and shall include:

(a) An assessment of the students in each major, at the graduate and undergraduate levels, and in all programs and services related to academics, to determine whether the participation of males and females is substantially proportional to the enrollment of each gender in the undergraduate population of the institution;

(b) An analysis of student employment to determine the proportion of each gender employed by the institution, and their rates of pay;

(c) An evaluation of all advising and counseling services and appraisal instruments to determine freedom from gender bias;

(d) An assessment of the participation of male and female students in the recreational activities of the institution, and of the benefits associated with these activities;

(e) An examination of the amounts, types, and patterns of financial aid awarded to males and to females at all levels of study to determine whether any disparities exist;

(f) An evaluation of other areas of student services, including, but not limited to, housing, placement, child care, minority affairs, and special services, to determine if students of both genders receive comparable benefits;

(g) An analysis of the intercollegiate athletics program to identify any existing disparities between genders in participation opportunities, benefits, services, or facilities;

(h) An enumeration of athletic administrators and coaches by position title, sport and gender;

(i) A description of efforts implemented to educate students, faculty and staff about sexual harassment.

(2) By November 30, 1990, each institution shall submit to the higher education coordinating board a plan to comply with the requirements of this chapter, including:

(a) Identification of barriers or factors which need to be addressed in order to reach compliance with the provisions of this chapter;

(b) Measures to be implemented to ensure institutional compliance with the provisions of this chapter by September 30, 1994, except as otherwise allowed in RCW 28B.15.460.

(3) By October 30 of each even numbered year, beginning in 1992, each institution shall submit an update to its plan, including:

(a) An assessment of the results of activities undertaken under the previous plan to remove barriers to compliance with the provisions of this chapter;

(b) The results of continued monitoring of gender equity at the institution;

(c) Additional activities, or modifications of current activities, to be undertaken to address remaining issues of gender equity at the institution.

(4) The higher education coordinating board shall report biennially, beginning December 31, 1990, to the governor and the higher education committees of the house of representatives and the senate on:

(a) The efforts of each institution and the extent to which it has complied with this chapter.

(b) Recommendations on measures to assist institutions with compliance.

[Statutory Authority: Chapter 28B.110 RCW. 90-24-023, § 250-71-065, filed 11/29/90, effective 12/30/90.]

WAC 250-71-070 Distribution. Institutions of higher education shall distribute summaries of the provisions of chapter 28B.110 RCW to all students, including the procedures for filing a complaint with the institution and the human rights commission.

[Statutory Authority: Chapter 28B.110 RCW. 90-24-023, § 250-71-070, filed 11/29/90, effective 12/30/90.]

WAC 250-71-075 Compliance—Complaints. (1) The president of each institution shall designate a specific staff person who shall be responsible for monitoring and coordinating the institution's compliance with this chapter.

(2) Each institution shall identify existing complaint procedures, or establish new ones, as an institutional remedy for complaints under this chapter.

(3) All rights and remedies under chapter 49.60 RCW, including the right to file a complaint with the human rights commission and to bring a civil action, shall also apply.

[Statutory Authority: Chapter 28B.110 RCW. 90-24-023, § 250-71-075, filed 11/29/90, effective 12/30/90.]

Chapter 250-72 WAC

DISTINGUISHED PROFESSORSHIP PROGRAM

WAC

| | |
|------------|---|
| 250-72-010 | Purpose and applicability. |
| 250-72-015 | Definitions. |
| 250-72-020 | Allocation system. |
| 250-72-025 | Allocation system effective June 11, 1998. |
| 250-72-035 | Designation to an institution of allocated funds. |
| 250-72-040 | Reallocation of previously allocated or designated funds. |
| 250-72-045 | Release of funds. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

| | |
|------------|--|
| 250-72-030 | Allocation of earnings from investments. [Statutory Authority: RCW 28B.10.869. 90-16-030, § 250-72-030, filed 7/23/90, effective 8/23/90.] Repealed by 98-22-027, filed 10/28/98, effective 11/28/98. Statutory Authority: RCW 28B.10.869. |
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WAC 250-72-010 Purpose and applicability. The purpose of this chapter is to establish regulations for the administration of the distinguished professorship program for public four-year colleges and universities. The higher education coordinating board shall apply the provisions of this chapter (2009 Ed.)

when determining the use of the distinguished professor trust funds.

[Statutory Authority: RCW 28B.10.869. 90-16-030, § 250-72-010, filed 7/23/90, effective 8/23/90.]

WAC 250-72-015 Definitions. (1) "Board" means the higher education coordinating board.

(2) "Institution" means a public four-year college or university within the state of Washington.

(3) "Distinguished professorship program" means the program established by the legislature as provided by RCW 28B.10.866 through 28B.10.872.

(4) "Trust fund" means the distinguished professorship trust fund established by the legislature as provided by RCW 28B.10.868.

(5) "Private donation" means funds made specifically to the distinguished professorship program from nonpublic fund sources, including assessments by commodity commissions authorized to conduct research activities including but not limited to research studies authorized by RCW 15.66.030 and 15.65.040.

(6) "Pledge" means an agreement between an institution and a private donor(s) establishing terms for a private donation to be made within a period of three years as provided by RCW 28B.10.870.

(7) "Allocate" means to assign a share of the available professorships to specific institutions until a date certain.

(8) "Designate" means to set aside or reserve trust funds as a potential match to a pledged private donation upon notification to the board.

(9) "Release funds" means the transfer of trust funds to an institution after notification to the board that the full amount of a pledged and designated private donation has been received.

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

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

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

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

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

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

WAC 250-72-025 Allocation system effective June 11, 1998. At the time funds become available, the board shall

notify all institutions of the amount of funding and the number of distinguished professorships available to each institution or group of institutions. The board shall allocate available funding for distinguished professorships as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[Statutory Authority: RCW 28B.10.869. 98-22-027, § 250-72-040, filed 10/28/98, effective 11/28/98; 90-16-030, § 250-72-040, filed 7/23/90, effective 8/23/90.]

WAC 250-72-045 Release of funds. Upon written notification that the full amount of a pledged and designated private donation has been received, the board shall request a warrant for the release of matching trust funds within five working days.

[Statutory Authority: RCW 28B.10.869. 98-22-027, § 250-72-045, filed 10/28/98, effective 11/28/98; 90-16-030, § 250-72-045, filed 7/23/90, effective 8/23/90.]

**Chapter 250-73 WAC
GRADUATE FELLOWSHIP PROGRAM**

WAC

- 250-73-010 Purpose and applicability.
- 250-73-015 Definitions.
- 250-73-020 Allocation system.
- 250-73-025 Allocation system effective June 11, 1998.
- 250-73-035 Designation to an institution of allocated funds.
- 250-73-040 Reallocation of previously allocated or designated funds.
- 250-73-045 Release of funds.

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

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

WAC 250-73-010 Purpose and applicability. The purpose of this chapter is to establish regulations for the administration of the graduate fellowship program for public four-year colleges and universities. The higher education coordinating board shall apply the provisions of this chapter when determining the use of the graduate fellowship trust funds.

[Statutory Authority: RCW 28B.10.883. 90-16-029, § 250-73-010, filed 7/23/90, effective 8/23/90.]

WAC 250-73-015 Definitions. (1) "Board" means the higher education coordinating board.

(2) "Institution" means a public four-year college or university within the state of Washington.

(3) "Graduate fellowship program" means the program established by the legislature as provided by RCW 28B.10-880 through 28B.10.887.

(4) "Trust fund" means the graduate fellowship trust fund established by the legislature as provided by RCW 28B.10.882.

(5) "Private donation" means funds made specifically to the graduate fellowship program from nonpublic fund sources.

(6) "Pledge" means an agreement between an institution and a private donor(s) establishing terms for a private donation to be made within a period of two years as provided by RCW 28B.10.884.

(7) "Allocate" means to assign a share of the available fellowships to specific institutions until a date certain.

(8) "Designate" means to set aside or reserve trust funds as a potential match to a pledged private donation upon notification to the board.

(9) "Release funds" means the transfer of trust funds to an institution after notification to the board that the full amount of a pledged and designated private donation has been received.

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

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

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

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

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

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

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

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

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

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

(2009 Ed.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WAC 250-73-045 Release of funds. Upon written notification that the full amount of a pledged and designated private donation has been received, the board shall request a warrant for the release of matching trust funds within five working days.

[Title 250 WAC—p. 69]

[Statutory Authority: RCW 28B.10.883, 98-22-026, § 250-73-045, filed 10/28/98, effective 11/28/98; 90-16-029, § 250-73-045, filed 7/23/90, effective 8/23/90.]

Chapter 250-76 WAC

AMERICAN INDIAN ENDOWED SCHOLARSHIP PROGRAM

WAC

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

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

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

WAC 250-76-020 Program definitions. (1) "Institution of higher education" or "institution" shall mean any public university, college, community college, or technical college operated by the state of Washington or any political subdivision thereof, or any other university, college, school, or institute in the state of Washington offering instruction beyond the high school level which is a member institution of the Northwest Association of Schools and Colleges, providing such institution agrees to participate in the program in accordance with all applicable rules and regulations. Any institution, branch, extension or facility operating within the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of the above named accrediting association.

(2) "Board" means the higher education coordinating board. When a duty or responsibility of the board is referenced in these regulations, the authority needed to discharge that responsibility lies with the executive director or his or her designee.

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

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

(5) "Full-time graduate student" is defined as one who is enrolled in at least the minimum credit course load required by the institution for disbursing financial aid to full-time graduate students.

(6) "Private cash donation," "private donation," or "donation" means moneys from nonstate sources that include, but are not limited to, federal moneys, tribal moneys, and assessments by commodity commissions authorized to

conduct research activities, including but not limited to, research studies authorized under RCW 15.66.030 and 15.65.040.

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

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

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

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

(b) Be a resident student, as defined by RCW 28B.15.-012(2);

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

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

(e) Not be involved in a program that includes any religious worship, exercise or instruction or the pursuit of any degree in religious, seminarian, or theological academic studies.

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

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

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

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

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

(i) Enrollment in a federally recognized tribe; or

(ii) References supplied by an American Indian organization or agency from within the state and the student's self-

statement describing, and attesting to, his or her own social and cultural ties; and

(iii) Additional forms of documentation as recommended each year by the advisory committee.

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

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

WAC 250-76-050 Terms of award. (1) Scholarship amounts.

(a) The amount of the scholarship for an undergraduate student shall be determined by the higher education coordinating board in consultation with the advisory committee, not to exceed the student's demonstrated financial need.

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

(i) The student's demonstrated financial need, or

(ii) The stipend of a teaching assistant, including tuition, at the University of Washington, whichever is higher.

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

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

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

(2) Term of scholarship award.

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

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

(3) Number of scholarships awarded. The maximum number of scholarships awarded or renewed each year shall be limited by the amount of earnings received by the board from the American Indian endowed scholarship trust fund and the American Indian scholarship endowment fund as administered by the state treasurer. Consideration for funding shall be given to those students eligible to renew their scholarship award.

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

(2009 Ed.)

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

(a) Publicize the program;

(b) Adopt necessary program guidelines;

(c) Accept and deposit donations into the endowment fund;

(d) Request and accept from the state treasurer moneys earned by the trust fund and the endowment fund for the disbursement of American Indian endowed scholarship awards;

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

(f) Name scholarships in honor of those American Indians from Washington who have acted as role models; and

(g) Select students to receive American Indian endowed scholarship awards, with the assistance of the selection committee created by WAC 250-76-040(2).

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

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

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

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

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

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

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

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

(3) Scholarships shall be disbursed from the investment earnings of the trust fund and the endowment fund, with the exception of the portion of earnings reinvested in the fund

according to the terms of a conditional gift. The principal of the trust and endowment funds shall not be invaded. No scholarships shall be awarded until sufficient earnings from the combined trust and endowment funds have accumulated.

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

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

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

Chapter 250-77 WAC

ATHLETIC GENDER EQUITY TUITION AND FEE WAIVER

WAC

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

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

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

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

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

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

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

[Title 250 WAC—p. 72]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chapter 250-78 WAC

WASHINGTON AWARD FOR EXCELLENCE IN EDUCATION ACADEMIC GRANT

WAC

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

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

[Statutory Authority: Chapters 28B.80 and 28A.625 RCW and 1994 c 279. 94-14-008, § 250-78-010, filed 6/23/94, effective 6/23/94. Statutory Authority: 1992 c 83, 1992 c 50 and chapters 28B.80 and 28A.625 RCW. 92-16-037, § 250-78-010, filed 7/30/92, effective 7/30/92. Statutory Authority:

(2009 Ed.)

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

WAC 250-78-020 Authority to administer. The authority for this chapter is chapter 28B.80 RCW which authorizes the higher education coordinating board to adopt rules relating to the administration of programs assigned to the board, and chapter 28A.625 RCW, which assigns to the board the administration of the academic grants awarded through the Washington award for excellence in education (Christa McAuliffe) academic grant award program. The 1991 legislation corrected inequities inherent in the related preceding tuition waiver program by creating an academic cash grant in lieu of a tuition and fee waiver. Not all institutions awarded the waiver; thus, some recipients received a benefit while others did not. Legislation enacted in 1994 created the recognition award to replace all other award options available under this program for recipients of the Washington award for excellence in education named by the office of the superintendent of public instruction after January 1, 1994. For academic grant recipients named by the office of the superintendent of public instruction prior to January 1, 1994, the 1994 legislation further provides for the conversion of the academic grant benefit to the recognition award, at the discretion of the recipient and contingent upon funds availability. These regulations are intended not only to implement the new legislative changes but also to provide continued benefits to those previously granted the award.

[Statutory Authority: Chapters 28B.80 and 28A.625 RCW and 1994 c 279. 94-14-008, § 250-78-020, filed 6/23/94, effective 6/23/94. Statutory Authority: 1992 c 83, 1992 c 50 and chapters 28B.80 and 28A.625 RCW. 92-16-037, § 250-78-020, filed 7/30/92, effective 7/30/92. Statutory Authority: Chapter 28B.80 RCW and 1991 c 255. 91-20-070, § 250-78-020, filed 9/26/91, effective 10/27/91.]

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

(a) Any public university, college, community college, or technical college operated by the state of Washington or any political subdivision thereof; or any other university, college, school, or institute in the state of Washington offering instruction beyond the high school level which is a member institution of the northwest association of schools and colleges; and providing such institution agrees to participate in the program in accordance with all applicable rules and regulations. Any institution, branch, extension, or facility operating within the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of the northwest association of schools and colleges or another regional accrediting association.

(b) Any other university, college, school, or institute located in another state offering instruction beyond the high school level which is a member institution of a regional accrediting association or otherwise approved by the board in accordance with WAC 250-78-050 (6)(a) or (b); or

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

(2) "Academic grant" shall mean the monetary award which shall be used to take courses at an institution of higher education. The academic grant shall be used to pay for actual costs incurred for tuition and fees only, up to the maximum value of the award as defined in WAC 250-78-050. The academic grant award option is available only to individuals named by the office of the superintendent of public instruction as recipients of the Washington award for excellence in education prior to January 1, 1994.

(3) "Board" means the higher education coordinating board. When a duty or responsibility of the board is referenced in these regulations, the authority needed to discharge that responsibility lies with the executive director or his or her designee.

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

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

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

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

[Statutory Authority: Chapters 28B.80 and 28A.625 RCW and 1994 c 279. 94-14-008, § 250-78-030, filed 6/23/94, effective 6/23/94. Statutory Authority: 1992 c 83, 1992 c 50 and chapters 28B.80 and 28A.625 RCW. 92-16-037, § 250-78-030, filed 7/30/92, effective 7/30/92. Statutory Authority: Chapter 28B.80 RCW and 1991 c 255. 91-20-070, § 250-78-030, filed 9/26/91, effective 10/27/91.]

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

(2) The superintendent of public instruction, or his or her designee, shall provide the higher education coordinating board with an official list of the names of Washington award for excellence in education (Christa McAuliffe) recipients who were awarded the waiver of forty-five quarter or thirty

semester credits of tuition and fees under RCW 28B.15.547 prior to May 17, 1991.

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

(4) On and after May 17, 1991, individual benefits under this program for the academic grant and related stipend, if applicable, must be fully utilized and courses completed within four years of the date of official notification of the award recipient's selection and receipt of the academic grant, as provided by the superintendent of public instruction, or his or her designee, to the higher education coordinating board.

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

[Statutory Authority: Chapters 28B.80 and 28A.625 RCW and 1994 c 279. 94-14-008, § 250-78-040, filed 6/23/94, effective 6/23/94. Statutory Authority: Chapter 28B.80 RCW and 1991 c 255. 91-20-070, § 250-78-040, filed 9/26/91, effective 10/27/91.]

WAC 250-78-050 Award amount. (1) Recipients of the Washington award for excellence in education named by the office of the superintendent of public instruction prior to January 1, 1994 may elect to receive their award in the form of the academic grant. The academic grant shall be used to reimburse recipients for actual costs of tuition and fees up to a maximum of forty-five quarter or thirty semester credit hours. The rate of reimbursement per credit hour shall not exceed the resident, graduate, part-time cost per credit hour at the University of Washington in the year the recipient takes the credit.

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

(3) Consistent with terms of prior law, academic grant recipients who received notification of their award by the office of the superintendent of public instruction prior to May 17, 1991 may be eligible to receive a stipend not to exceed one thousand dollars for costs incurred in taking courses covered by the academic grant.

(4) Academic grant recipients who received notification of their award by the office of the superintendent of public instruction after May 17, 1991 and before January 1, 1994 may be eligible to receive a stipend not to exceed one thousand dollars for costs incurred in taking courses covered by the academic grant only if funds are [specially] [specifically] appropriated for stipends under this program.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) Teachers, principals, administrators, superintendents employed by second class school districts, and classified employees who are designated to receive the Washington award for excellence in education by the office of the superintendent of public instruction after January 1, 1994 shall receive a recognition award with a value of at least two thousand five hundred dollars.

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

(9) School boards which are designated to receive a Washington award for excellence in education by the office

of the superintendent of public instruction after January 1, 1994 shall receive a recognition award not to exceed two thousand five hundred dollars. The school board must use its recognition award for an educational purpose.

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

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

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

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

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

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

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

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

(a) Claims for payment of the recognition award, or reimbursement of eligible educational costs through the academic grant or stipend, shall be paid in order of receipt by the

board and to the extent of available funds, up to the value remaining in the recipient's award benefit.

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

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

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

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

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

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

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

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

Chapter 250-79 WAC

RUNNING START PROGRAM

WAC

| | |
|------------|---|
| 250-79-010 | Adopting running start rules by reference. |
| 250-79-020 | Public access to running start program rules. |
| 250-79-030 | Adoption by reference. |

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

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

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

WAC 250-79-020 Public access to running start program rules. Copies of chapter 392-169 WAC are available in the offices of the higher education coordinating board, the state board for community and technical colleges and the superintendent of public instruction located in Olympia, Washington.

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

WAC 250-79-030 Adoption by reference. Adopting running start rule revisions by reference to amended sections

[Title 250 WAC—p. 76]

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.

[Statutory Authority: RCW 28A.600.390, 99-19-147, § 250-79-030, filed 9/22/99, effective 10/23/99.]

Chapter 250-80 WAC

WASHINGTON PROMISE SCHOLARSHIP RULES

WAC

| | |
|------------|-------------------------------------|
| 250-80-010 | Purpose. |
| 250-80-020 | Definitions. |
| 250-80-030 | Application procedure. |
| 250-80-040 | Recipient selection. |
| 250-80-050 | Authorized award amounts. |
| 250-80-060 | Grant disbursement. |
| 250-80-070 | Renewals and authorized use period. |
| 250-80-080 | Appeals. |
| 250-80-090 | The account. |
| 250-80-100 | Program administration. |

WAC 250-80-010 Purpose. The Washington promise scholarship program recognizes and encourages the aspiration for superior academic achievement of high school students who attend and graduate from Washington high schools. The program offers a two-year scholarship for eligible students that may be used at any accredited institution within the borders of the state. The scholarship may also be used at certain Oregon institutions offering programs not offered in Washington.

[Statutory Authority: Chapters 28B.80 and 28B.119 RCW, 02-24-040, § 250-80-010, filed 12/2/02, effective 1/2/03. Statutory Authority: Chapter 28B.80 RCW and 1999 c 309 § 611(6), 00-08-082, § 250-80-010, filed 4/4/00, effective 5/5/00.]

WAC 250-80-020 Definitions. (1) "Board" means the higher education coordinating board.

(2) "OSPI" means the office of the superintendent of public instruction.

(3) "High school" means a secondary institution in Washington state identified by the office of the superintendent of public instruction as qualified to confer high school diplomas to a graduating senior class.

(4) "Parent(s)" mean the biological or adoptive parent of the student applicant and the spouse of a biological or adoptive parent. In cases of divorce or separation the parent for purposes of reporting income and family size is the biological or adoptive parent who provided more than one-half of the applicant's support in the previous twelve months. The term parent does not include either foster parents or legal guardians.

(5) "Family size" is the number of people for whom the applicant's parent(s) provided more than one-half of the support in the previous twelve months.

(6) "Income," in most cases means the applicant parent's adjusted gross income (AGI) as reported on the previous calendar year's federal tax return. For the independent student, income means the student's adjusted gross income as reported on the previous calendar year's federal tax return.

(7) "Independent student" means a student whose biological parents are both deceased and there is no adoptive parent, or the student is a "ward of the court," or the student has been legally emancipated by court order. The board may also rec-

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ognize a student as independent due to exceptional circumstances as recognized by the appeal committee.

(8) "Appeals committee" means a committee convened by the board to review petitions and requests by students for consideration of individual exceptional circumstances.

(9) "Median family income (MFI)" means the median income for the state of Washington, by family size, as compiled by the federal Bureau of the Census and reported annually in the *Federal Register*.

(10) "Income cutoff" means one hundred thirty-five percent of the median family income.

(11) "Academic year" means the fall, winter, and spring quarters or the fall and spring semesters between July 1st and June 30th.

(12) "Eligible student" means a person who:

(a) Graduates from a public or private high school located in the state of Washington; and

(b) Is in the top fifteen percent of his or her 2000 graduating class; or

(c) Attained a cumulative score of 1200 or better on the Scholastic Assessment Test I (SATI) on the first attempt; or

(d) Attained a cumulative score of 27 or better on the American College Test (ACT) on the first attempt; and

(e) Has a family income less than one hundred thirty-five percent of the state's median; and

(f) Enrolls at least half time in an eligible postsecondary institution in the state of Washington; and

(g) Is not pursuing a degree in theology.

(13) "Eligible postsecondary institution" means:

(a) A public institution authorized by the Washington legislature and receiving operating support through the state general fund; or

(b) A postsecondary institution, whose campus or branch campus is physically located in the state of Washington, and who is accredited by a nationally recognized accrediting body. The recognized accrediting bodies are:

(i) Northwest Association of Schools and Colleges or a similar regional accrediting body as determined by the board;

(ii) Accrediting Bureau of Health Education Schools;

(iii) Accrediting Council for Continuing Education and Training;

(iv) Accrediting Commission of Career Schools and Colleges of Technology;

(v) The Accrediting Council for Independent Colleges and Schools;

(vi) The National Accrediting Commission of Cosmetology Arts and Sciences;

(vii) Middle States Association of Colleges and Schools, Commission on Higher Education;

(viii) New England Association of Schools and Colleges;

(ix) North Central Association of Colleges and Schools;

(x) Southern Association of Colleges and Schools;

(xi) Western Association of Schools and Colleges; or

(c) An accredited Oregon postsecondary institution that offers a program not offered in Washington and is located in either Columbia, Gilliam, Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco or Washington county. The institution must be accredited by one of the accrediting bodies listed above; and

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(d) Agrees to administer the program in accordance with the applicable rules and program guidelines.

(14) "Authorized use period" means the period of time the eligible student has to complete using his or her scholarship.

[Statutory Authority: Chapters 28B.80 and 28B.119 RCW, 02-24-040, § 250-80-020, filed 12/2/02, effective 1/2/03. Statutory Authority: Chapter 28B.80 RCW and 1999 c 309 § 611(6), 00-08-082, § 250-80-020, filed 4/4/00, effective 5/5/00.]

WAC 250-80-030 Application procedure. (1) The eligible student will make application directly to the board.

(2) The completed application will include a data sheet, signed certification statement, a copy of the parent's previous calendar year's federal tax return for the purpose of verifying the income, and any other documentation requested by the board in response to missing, incomplete, or unclear information. Student income information will be accepted, in lieu of parental information, when the board recognizes the applicant as being an independent student.

(3) The board will treat all applications in a confidential manner.

(4) Applications will be made available through several means including:

(a) Mailings to public and private high school principals in the state;

(b) Posting on the HECB web site (<http://www.hecb.wa.gov/>);

(c) Direct mailing to students.

(5) The board will annually set a deadline for the receipt of applications from that year's eligible graduating high school seniors and the deadline for renewal applications from eligible students having graduated in prior years.

(6) Applications must be received by the deadline for each graduating class of high school seniors to be considered for payment at any time during the authorized use period.

[Statutory Authority: Chapter 28B.80 RCW and 1999 c 309 § 611(6), 00-08-082, § 250-80-030, filed 4/4/00, effective 5/5/00.]

WAC 250-80-040 Recipient selection. (1) Recipients include all eligible students who have completed applications prior to the annual deadline, who are verified as having finished in the top ten percent of their senior graduating high school class, and who enroll in an eligible school.

(2) The student who is determined eligible for the first year of scholarship benefits is also presumed eligible for the second year's benefits. The student will not need to provide income information after once establishing his or her eligibility.

(3) Students not meeting the eligibility requirements for the first year of scholarship benefits may reapply for the second year of benefits.

(4) Eligibility determinations made by the appeals committee are final.

[Statutory Authority: Chapter 28B.80 RCW and 1999 c 309 § 611(6), 00-08-082, § 250-80-040, filed 4/4/00, effective 5/5/00.]

WAC 250-80-050 Authorized award amounts. (1) The maximum annual authorized award shall not exceed the representative average annual tuition and fees for resident

students attending the state's community and technical colleges, as determined by the board.

(2) The actual authorized annual award for each recipient shall be the annual appropriation, as determined by the board to be available for grants, evenly prorated among the eligible students.

[Statutory Authority: Chapter 28B.80 RCW and 1999 c 309 § 611(6). 00-08-082, § 250-80-050, filed 4/4/00, effective 5/5/00.]

WAC 250-80-060 Grant disbursement. (1) In order to receive a scholarship disbursement, eligible students must enroll with at least a half-time status and be considered by the school to be making satisfactory progress in their course of study, according to the school's satisfactory progress policy for federal student aid.

(2) Grants to students will be disbursed in equal payments, once per term, across the three quarter or two semester academic year.

(3) State of Washington public colleges and universities may request payment for funds up to the limit of the per term award for each enrolled eligible student. The state public college or university may apply the proceeds of the scholarship to any outstanding debt owed by the student to the institution. The institution must disburse any remainder directly to the eligible student.

(4) Nonstate institutions may request that checks be written to eligible students attending their schools. The board will write individual warrants payable to each eligible student and delivered to the school for disbursement.

(5) The independent university and the private vocational school must disburse the warrant once the student's half-time or greater enrollment has been verified. The school may not withhold or delay disbursement for any reason other than for less than half-time enrollment. The school has thirty days to either disburse the warrant or return it to the board.

[Statutory Authority: RCW 28B.80.370, 28B.119.010(9) and 28B.119.020 [28B.119.020](3). 03-23-119, § 250-80-060, filed 11/19/03, effective 1/1/04. Statutory Authority: Chapter 28B.80 RCW and 1999 c 309 § 611(6). 00-08-082, § 250-80-060, filed 4/4/00, effective 5/5/00.]

WAC 250-80-070 Renewals and authorized use period. (1) Eligible students may renew their award for the second year's benefits, subject to the availability of funding.

(2) The deadline for the return of renewal applications will be set annually by the board.

(3) The board will determine the maximum number of years each class of graduating high school seniors has to complete usage of the scholarship.

(4) The authorized use period is limited to two consecutive years following graduation. Students who were not eligible for the first year of benefits, or who did not use the first year of benefits, may reapply for the second year benefits, but may not renew for a third year.

(5) Receipt of the scholarship is dependent upon the availability of funding.

[Statutory Authority: Chapters 28B.80 and 28B.119 RCW. 02-24-040, § 250-80-070, filed 12/2/02, effective 1/2/03. Statutory Authority: Chapter 28B.80 RCW and 1999 c 309 § 611(6). 00-08-082, § 250-80-070, filed 4/4/00, effective 5/5/00.]

[Title 250 WAC—p. 78]

WAC 250-80-080 Appeals. (1) The board will set an annual deadline for the receipt of appeals.

(2) Appeals must be submitted to the board in writing before the application deadline.

(3) The board may use its judgment to except individual students from a program rule or rules based on substantial documented mitigating circumstances.

[Statutory Authority: Chapter 28B.80 RCW and 1999 c 309 § 611(6). 00-08-082, § 250-80-080, filed 4/4/00, effective 5/5/00.]

WAC 250-80-090 The account. (1) The Washington promise scholarship account is established in the custody of the state treasurer for the purpose of administering the Washington promise scholarship program.

(2) The annual allotment is to be deposited into the account for the purpose of making commitments to students for future scholarship payments, disbursements of the scholarship awards, and for the administrative expenses of the program, as limited by the board's biennial budget provisos.

(3) All moneys not claimed by students, the refund of tuition and fees, and contributions from nonstate sources are to be deposited into the account and used for future payments.

[Statutory Authority: Chapter 28B.80 RCW and 1999 c 309 § 611(6). 00-08-082, § 250-80-090, filed 4/4/00, effective 5/5/00.]

WAC 250-80-100 Program administration. (1) The higher education coordinating board shall administer the program. The board shall be responsible for:

- (a) Collection of student applications;
- (b) Determination of student eligibility;
- (c) Determination of the eligibility of postsecondary institutions within Washington;
- (d) Adjudication of all appeals;
- (e) Disbursement of awards; and
- (f) Maintenance of records.

(2) The OSPI shall be responsible for:

- (a) Certifying the list of qualified high schools in the state of Washington;

(b) Providing guidance to high schools as to how the top ten percent or fifteen percent of each senior graduating class shall be determined;

(c) Specifying the number of students per high school that may be named as comprising the top ten percent or top fifteen percent of the graduating class;

(d) The collection and compilation of the list from each high school of the top ten percent or top fifteen percent of each graduating high school class; and

(e) The delivery of that list to the board.

[Statutory Authority: Chapter 28B.80 RCW and 1999 c 309 § 611(6). 00-08-082, § 250-80-100, filed 4/4/00, effective 5/5/00.]

Chapter 250-81 WAC

MASTERS IN EDUCATION REIMBURSEMENT PROGRAM

WAC

| | |
|------------|--|
| 250-81-010 | Purpose. |
| 250-81-020 | Definitions. |
| 250-81-030 | Application procedure. |
| 250-81-040 | Recipient selection and ranking in priority order. |
| 250-81-050 | Reimbursement amount. |
| 250-81-060 | Program administration. |

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WAC 250-81-010 Purpose. This program is intended to partially reimburse teachers or teacher candidates for educational expenses they incur when they receive a master's degree in education or a master's degree in teaching and return to teaching in a public school classroom.

[Statutory Authority: Chapter 28B.80 RCW and 1999 c 309 § 611(3). 00-08-080, § 250-81-010, filed 4/4/00, effective 5/5/00.]

WAC 250-81-020 Definitions. (1) "Board" means the higher education coordinating board.

(2) "OSPI" means the office of the superintendent of public instruction.

(3) "Public school" means an elementary school, a middle school, junior high school, or high school within the public school system referred to in Article IX of the state Constitution.

(4) "Eligible applicant" means a person who:

(a) Did not possess a master's degree in any subject prior to July 1, 1999;

(b) Receives either a master's in education or a master's in teaching degree from an institution of higher education in Washington after June 30, 1999; and

(c) Is teaching in one of the state's public elementary, middle, or secondary schools or has a contract to teach in one of those schools for the next academic year at a rate of half-time or greater.

(5) "Master's degree" means a master's in education or a master's in teaching degree.

(6) "Institution of higher education" means an accredited public or private college or university offering graduate degree coursework in the state of Washington including the branch campuses of out-of-state institutions which have a physical classroom presence within the state of Washington.

(7) "Accredited" means an institution certified by the Northwest Association of Schools and Colleges or by a similar regional accrediting body.

(8) "Teaching credential" means a teaching endorsement conferred by the office of the superintendent of public instruction or documentation that shows completion of a major or minor in one or more specific priority areas.

(9) "Mathematics or science" means an endorsement or major or minor in mathematics or science, biology, chemistry, earth science, or physics, as determined by the OSPI.

(10) "Priority areas" means those curriculum or teaching specialties defined as priorities in the selection of recipients for reimbursement.

(11) "Documentation" means evidence supporting the applicant's:

(a) Current teaching service;

(b) Possession of a teaching credential in priority area; and

(c) Receipt of an appropriate master's degree from an accredited institution of higher education.

(12) "Educational expenses" means the current representative average annual tuition and fees for resident graduate students attending the state's research institutions, as determined by the board.

[Statutory Authority: Chapter 28B.80 RCW and 1999 c 309 § 611(3). 00-08-080, § 250-81-020, filed 4/4/00, effective 5/5/00.]

(2009 Ed.)

WAC 250-81-030 Application procedure. (1) The completed application will include all necessary documentation.

(2) The board will treat all applications in a confidential manner.

(3) Applications will be made available through several means including:

(a) Mailings to institutions of higher education;

(b) Mailings to related teacher and school organizations;

(c) Posting on the HECB web site at <http://www.hecb.wa.gov>;

(d) Direct mailing to individuals.

(4) The board will annually set a deadline for the receipt of applications and documentation for reimbursement from that year's funds.

[Statutory Authority: Chapter 28B.80 RCW and 1999 c 309 § 611(3). 00-08-080, § 250-81-030, filed 4/4/00, effective 5/5/00.]

WAC 250-81-040 Recipient selection and ranking in priority order. (1) First priority will be given to applicants who possess a mathematics or science teaching credential.

(2) The board may set other priorities if needed to properly expend program funding.

(3) Applicants who do not receive the reimbursement may reapply in the second year.

[Statutory Authority: Chapter 28B.80 RCW and 1999 c 309 § 611(3). 00-08-080, § 250-81-040, filed 4/4/00, effective 5/5/00.]

WAC 250-81-050 Reimbursement amount. (1) Within available funds and until these funds are exhausted, the board may repay all or a portion of the educational expenses incurred by a teacher, or teacher candidate, for one year of master's level studies at an accredited Washington institution of higher education.

(2) The annual maximum reimbursement shall be set by the board. Depending upon the number of eligible applicants, the reimbursement may be prorated among eligible applicants at a rate less than the maximum.

(3) Funds are to be prorated among all eligible first priority applicants, not to exceed the annual maximum as set by the board.

(4) If funds remain after awards have been made to first priority applicants, the board may establish a second priority group to fully expend program funding. The award to this population of applicants shall not exceed the amount received by the first priority applicants.

(5) If funds continue to remain after reimbursing the second priority applicants, then the remaining funds shall be prorated among all remaining eligible applicants, not to exceed the award given to the first priority group.

(6) The reimbursement for any individual eligible applicant shall be reduced by the sum of all other tuition reimbursements received by the applicant from other public sources. Other public sources include the applicant's school and school district, but do not include student loans or student aid awarded through a college or university.

[Statutory Authority: Chapter 28B.80 RCW and 1999 c 309 § 611(3). 00-08-080, § 250-81-050, filed 4/4/00, effective 5/5/00.]

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WAC 250-81-060 Program administration. (1) The board shall administer the program. The board shall be responsible for:

- (a) Collection of applications and documentation;
 - (b) Determination of eligibility;
 - (c) Determination of the eligibility of institutions of higher education within Washington;
 - (d) Adjudication of all appeals;
 - (e) Disbursement of awards; and
 - (f) Maintenance of records.
- (2) The board shall request from the OSPI:
- (a) A list of all public elementary, middle, junior high, and high schools within Washington; and
 - (b) The list of teaching credentials which qualify as mathematics or science.

[Statutory Authority: Chapter 28B.80 RCW and 1999 c 309 § 611(3). 00-08-080, § 250-81-060, filed 4/4/00, effective 5/5/00.]

Chapter 250-82 WAC PUBLIC RECORDS

WAC

| | |
|------------|--|
| 250-82-010 | Authority and purpose. |
| 250-82-020 | Agency description—Contact information—Public records officer. |
| 250-82-030 | Availability of public records. |
| 250-82-040 | Processing of public records requests—General. |
| 250-82-050 | Exemptions. |
| 250-82-060 | Costs of providing copies of public records. |
| 250-82-070 | Review of denials of public records. |

WAC 250-82-010 Authority and purpose. (1) RCW 42.56.070(1) requires each agency to make available for inspection and copying nonexempt "public records" in accordance with published rules. The act defines "public record" to include any "writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained" by the agency. RCW 42.56.070(2) requires each agency to set forth "for informational purposes" every law, in addition to the Public Records Act, that exempts or prohibits the disclosure of public Records held by that agency.

(2) The purpose of these rules is to establish the procedures the Washington higher education coordinating board will follow in order to provide full access to public records. These rules provide information to persons wishing to request access to public records of the Washington higher education coordinating board and establish processes for both requestors and the Washington higher education coordinating board staff that are designed to best assist members of the public in obtaining such access.

(3) The purpose of the act is to provide the public full access to information concerning the conduct of government, mindful of individuals' privacy rights and the desirability of the efficient administration of government. The act and these rules will be interpreted in favor of disclosure. In carrying out its responsibilities under the act, the Washington higher education coordinating board will be guided by the provisions of the act describing its purposes and interpretation.

[Statutory Authority: RCW 42.56.100. 07-12-026, § 250-82-010, filed 5/30/07, effective 6/30/07.]

[Title 250 WAC—p. 80]

WAC 250-82-020 Agency description—Contact information—Public records officer. (1) The Washington higher education coordinating board administers all state student financial aid programs. These programs include state and federal student need based aid, merit based aid, work-force incentive aid, and other outreach programs. In addition, the board provides state level policy development, research, analysis, planning, and coordination of various issues confronting higher education. The Washington higher education coordinating board serves as the administrative agency for the state's guaranteed education tuition program, overseen by the GET committee. The Washington higher education coordinating board central office is located at 917 Lakeridge Way SW, P.O. Box 43430, Olympia, WA 98504-3430.

(2) Any person wishing to request access to public records of Washington higher education coordinating board, or seeking assistance in making such a request should contact the public records officer of the Washington higher education coordinating board:

Public Records Officer
Washington Higher Education Coordinating Board
917 Lakeridge Way SW
P.O. Box 43430
Olympia, WA 98504-3430
Voice 360-753-7800
Fax 360-753-7808
publicrecordsofficer@hecb.wa.gov

Information is also available at the Washington higher education coordinating board web site at <http://www.hecb.wa.gov/>.

(3) The public records officer will oversee compliance with the act but another Washington higher education coordinating board staff member may process the request. Therefore, these rules will refer to the public records officer "or designee." The public records officer or designee and the Washington higher education coordinating board will provide the "fullest assistance" to requestors; create and maintain for use by the public and Washington higher education coordinating board officials an index to public records of the Washington higher education coordinating board; ensure that public records are protected from damage or disorganization; and prevent fulfilling public records requests from causing excessive interference with essential functions of the Washington higher education coordinating board.

[Statutory Authority: RCW 42.56.100. 07-12-026, § 250-82-020, filed 5/30/07, effective 6/30/07.]

WAC 250-82-030 Availability of public records. (1) Hours for inspection of records. Public records are available for inspection and copying during normal business hours of the Washington higher education coordinating board, Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding legal holidays. Records must be inspected at the offices of the Washington higher education coordinating board.

(2) **Records index.** An index of public records is available for use by members of the public, including final orders, declaratory orders, interpretive statements, and statements of policy issued after June 30, 1990.

The volume of records maintained by the Washington higher education coordinating board is such that it would be

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unduly burdensome to develop and maintain an index for all such records. In lieu of an index the following filing system is utilized:

(a) Resolutions by the board are filed by resolution number by year.

(b) The following records are filed by the name of the academic institution:

- Complaints filed by persons claiming loss of tuition or fees as a result of an unfair business practice;
- Records regarding the issuance or denial of authorization for an academic institution to issue one or more degrees, or the waiver or exemption of any requirement of authorization;
- Records regarding the approval or denial of a degree program for an academic institution;
- Records regarding program approval for the use of G.I. Bill benefits;
- Records regarding the approval or denial of an academic institution to participate in the state need grant program.

(3) **Organization of records.** The Washington higher education coordinating board will maintain its records in a reasonably organized manner. The Washington higher education coordinating board will take reasonable actions to protect records from damage and disorganization. A requestor shall not take records from Washington higher education coordinating board offices without the permission of the public records officer or designee. A variety of records is available on the Washington higher education coordinating board web site at <http://www.hecb.wa.gov/>. Requestors are encouraged to view the documents available on the web site prior to submitting a records request.

(4) **Making a request for public records.**

(a) Any person wishing to inspect or copy public records of the Washington higher education coordinating board should make the request in writing on the Washington higher education coordinating board's request form, or by letter, fax, or e-mail addressed to the public records officer and including the following information:

- Name of requestor;
- Address of requestor;
- Other contact information, including telephone number and any e-mail address;
- Identification of the public records adequate for the public records officer or designee to locate the records; and the date and time of day of the request.

(b) If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to pay for copies of the records or a deposit. Pursuant to section 7 of this rule, standard photocopies will be provided at 15 cents per page.

(c) A form is available for use by requestors at the office of the public records officer and on-line at <http://www.hecb.wa.gov/>.

(d) The public records officer or designee may accept requests for public records that contain the above information by telephone or in person. If the public records officer or designee accepts such a request, he or she will confirm receipt of the information and the substance of the request in writing.

[Statutory Authority: RCW 42.56.100. 07-12-026, § 250-82-030, filed 5/30/07, effective 6/30/07.]

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WAC 250-82-040 Processing of public records requests—General. (1) **Providing "fullest assistance."** The Washington higher education coordinating board is charged by statute with adopting rules which provide for how it will "provide full access to public records," "protect records from damage or disorganization," "prevent excessive interference with other essential functions of the agency," provide "fullest assistance" to requestors, and provide the "most timely possible action" on public records requests. The public records officer or designee will process requests in the order allowing the most requests to be processed in the most efficient manner.

(2) **Acknowledging receipt of request.** Within five business days of receipt of the request, the public records officer will do one or more of the following:

- (a) Make the records available for inspection or copying;
- (b) If copies are requested and payment of a deposit, for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requestor;
- (c) Provide a reasonable estimate of when records will be available;
- (d) If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone. The public records officer or designee may revise the estimate of when records will be available; or
- (e) Deny the request.

(3) **Consequences of failure to respond.** If the Washington higher education coordinating board does not respond in writing within five business days of receipt of the request for disclosure, the requestor should consider contacting the public records officer to determine the reason for the failure to respond.

(4) **Protecting rights of others.** In the event that the requested records contain information that may affect rights of others and may be exempt from disclosure, the public records officer may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask him or her to revise the request, or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request.

(5) **Records exempt from disclosure.** Some records are exempt from disclosure, in whole or in part. If the Washington higher education coordinating board believes that a record is exempt from disclosure and should be withheld, the public records officer will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

(6) **Inspection of records.**

(a) Consistent with other demands, the Washington higher education coordinating board shall promptly provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor shall indicate which documents he or she wishes the agency to copy.

(b) The requestor must claim or review the assembled records within thirty days of the Washington higher education coordinating board's notification to him or her that the records are available for inspection or copying. The agency will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the agency to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the thirty-day period or make other arrangements, the Washington higher education coordinating board may close the request and refile the assembled records. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request.

(7) **Providing copies of records.** After inspection is complete, the public records officer or designee shall make the requested copies or arrange for copying.

(8) **Providing records in installments.** When the request is for a large number of records, the public records officer or designee will provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide the records in that way. If, within thirty days, the requestor fails to inspect the entire set of records or one or more of the installments, the public records officer or designee may stop searching for the remaining records and close the request.

(9) **Completion of inspection.** When the inspection of the requested records is complete and all requested copies are provided, the public records officer or designee will indicate that the Washington higher education coordinating board has completed a diligent search for the requested records and made any located nonexempt records available for inspection.

(10) **Closing withdrawn or abandoned request.** When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the public records officer will close the request and indicate to the requestor that the Washington higher education coordinating board has closed the request.

(11) **Later discovered documents.** If, after the Washington higher education coordinating board has informed the requestor that it has provided all available records, the Washington higher education coordinating board becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis.

[Statutory Authority: RCW 42.56.100. 07-12-026, § 250-82-040, filed 5/30/07, effective 6/30/07.]

WAC 250-82-050 Exemptions. (1) The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. In addition, documents are exempt from disclosure if any "other statute" exempts or prohibits disclosure. Requestors should be aware of the following exemptions, outside the Public Records Act, that restrict the availability of some documents held by the Washington higher education coordinating board for inspection and copying:

Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99)

Health Insurance Portability and Accountability Act of 1996 (HIPAA). (PL 104-191 Health Insurance Portability and Accountability Act of 1996; 45 CFR Parts 160, 162, and 164)

28B.76.280 Data collection and research — Research advisory group — Privacy protection.

28B.85.020 Board's duties — Rules — Investigations — Interagency agreements for degree and nondegree programs — Information on institutions offering substandard or fraudulent degree programs — Financial disclosure exempt from public disclosure.

(2) The Washington higher education coordinating board is prohibited by statute from disclosing lists of individuals for commercial purposes.

[Statutory Authority: RCW 42.56.100. 07-12-026, § 250-82-050, filed 5/30/07, effective 6/30/07.]

WAC 250-82-060 Costs of providing copies of public records. (1) **Costs for paper copies.** There is no fee for inspecting public records. A requestor may obtain standard black and white photocopies for fifteen cents per page.

Before beginning to make the copies, the public records officer or designee may require a deposit of up to ten percent of the estimated costs of copying all the records selected by the requestor. The public records officer or designee may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment. The Washington higher education coordinating board will not charge sales tax when it makes copies of public records.

(2) **Costs of mailing.** The Washington higher education coordinating board may also charge actual costs of mailing, including the cost of the shipping container.

(3) **Payment.** Payment may be made by cash, check, or money order to the Washington higher education coordinating board.

[Statutory Authority: RCW 42.56.100. 07-12-026, § 250-82-060, filed 5/30/07, effective 6/30/07.]

WAC 250-82-070 Review of denials of public records. (1) **Petition for internal administrative review of denial of access.** Any person who objects to the initial denial or partial denial of a records request may petition in writing (including e-mail) to the public records officer for a review of that decision. The petition shall include a copy of or reasonably identify the written statement by the public records officer or designee denying the request.

(2) **Consideration of petition for review.** The public records officer shall promptly provide the petition and any other relevant information to the deputy director. The deputy will immediately consider the petition and either affirm or reverse the denial within two business days following the Washington higher education coordinating board's receipt of the petition, or within such other time as the Washington higher education coordinating board and the requestor mutually agree to.

(3) **Review by the attorney general's office.** Pursuant to RCW 42.56.530, if the Washington higher education coordinating board denies a requestor access to public records because it claims the record is exempt in whole or part from disclosure, the requestor may request the attorney general's office to review the matter. The attorney general has adopted rules on such requests in WAC 44-06-160.

(4) **Judicial review.** Any person may obtain court review of denials of public records request pursuant to RCW 42.56.550 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.

[Statutory Authority: RCW 42.56.100. 07-12-026, § 250-82-070, filed 5/30/07, effective 6/30/07.]

Chapter 250-83 WAC

PASSPORT TO COLLEGE PROMISE PROGRAM

WAC

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|------------|--|
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| 250-83-020 | Institutional eligibility. |
| 250-83-030 | Identification of eligible foster youth. |
| 250-83-040 | Student eligibility for passport scholarship. |
| 250-83-050 | Determining the amount of the passport student scholarship. |
| 250-83-060 | Institutional incentive grant to provide student support services. |
| 250-83-070 | Reserve of funds and payment of student scholarship and institutional incentive grant. |
| 250-83-080 | Board's responsibilities. |
| 250-83-090 | Definitions. |

WAC 250-83-010 Purpose. Recognizing the low college going rates of foster youth emancipating from care in Washington state, the legislature has created the passport to college promise program. The program's purpose is:

(1) To encourage current and former foster care youth to prepare for, attend, and successfully complete higher education; and

(2) To provide current and former foster care youth with the educational planning, information, institutional support and direct financial resources necessary for them to succeed in higher education.

[Statutory Authority: RCW 28B.76.500. 08-15-160, § 250-83-010, filed 7/23/08, effective 8/23/08.]

WAC 250-83-020 Institutional eligibility. An eligible institution is one that:

(1) Meets the requirements for state need grant eligibility defined in RCW 28B.92.030 and WAC 250-20-013 and 250-20-021;

(2) Agrees to abide by all program rules adopted by the board;

(3) Completes an agreement to participate in state aid programs;

(4) Provides the eligible student all available need-based and merit-based grant and scholarship aid for which the student qualifies; and

(5) If participating in the incentive grant authorized in WAC 250-83-060, completes a separate board approved passport to college promise program addendum to the agreement to participate.

[Statutory Authority: RCW 28B.76.500. 08-15-160, § 250-83-020, filed 7/23/08, effective 8/23/08.]

(2009 Ed.)

WAC 250-83-030 Identification of eligible foster youth. The program requires early and accurate identification of current and former foster care youth so they can be linked to the financial assistance and other services that will help them succeed in college. The sharing of information to identify eligible foster youth is facilitated by chapter 28B.117 RCW.

(1) The board will seek verification from the department of social and health services that applicants meet the passport student eligibility definition when:

(a) The board has a signed passport to college promise program consent form from the student. The consent is a form that has been developed and approved by the department of social and health services; or

(b) The student has completed the free application for federal student aid giving the board and the institutions permission to verify information supplied on that application; and

(c) The board, acting on behalf of the department of social and health services, will contract with DSHS to receive information for the purpose of conducting outreach to foster youth.

(2) The board will confirm the eligibility of foster youth to eligible institutions of higher education.

(3) The board, DSHS and the institutions of higher education will protect personally identifiable information in accordance with the Family Educational Rights and Privacy Act (34 CFR Part 99) and other applicable privacy standards.

(4) The board will maintain the consent and verification information for the period of the youth's passport eligibility. Thereafter, records will be maintained according to the record retention schedule in RCW 40.14.060.

[Statutory Authority: RCW 28B.76.500. 08-15-160, § 250-83-030, filed 7/23/08, effective 8/23/08.]

WAC 250-83-040 Student eligibility for passport scholarship. To the extent that sufficient funds have been appropriated for this purpose, a student is eligible for the passport scholarship, which functions similar to a grant program, if he or she:

(1) Has, or is expected to have, emancipated from foster care in Washington state on or after January 1, 2007, after having spent at least one year in foster care subsequent to his or her sixteenth birthday;

(2) Is a Washington state resident student as defined in RCW 28B.15.012(2);

(3) Is admitted to, or enrolled in, an eligible degree or certificate program.

To recognize cases where a lack of college preparation exists, the aid administrator may, for up to one academic year, consider the otherwise eligible student for the passport scholarship based upon an institutionally documented educational pathway that leads to an eligible degree or certificate.

For example, a documented pathway can include prerequisites that must be met before admission to a degree or certificate program, or a short term course that connects to a degree or longer certificate program.

(4) Is enrolled or will enroll with an eligible institution before age twenty-two;

(5) Enrolls each term on at least a half-time basis;

- (6) Demonstrates financial need according to federal methodology;
- (7) Has not earned a bachelor's or professional degree;
- (8) Is not pursuing a degree in theology;
- (9) Is making satisfactory progress;
- (10) Has not received a passport scholarship for more than ten semesters, or fifteen full-time quarters, or an equivalent combination of the two;
- (11) Is not twenty-seven years of age or older.
- (12) Does not owe a refund or repayment on other state or federal aid programs and is not in default on a loan made, insured, or guaranteed under the Federal Family Education Loan Program, the Federal Perkins Loan Program, or the Federal Direct Student Loan Program.

[Statutory Authority: RCW 28B.76.500. 08-15-160, § 250-83-040, filed 7/23/08, effective 8/23/08.]

WAC 250-83-050 Determining the amount of the passport student scholarship. (1) Eligible students may receive the passport scholarship.

(2) The scholarship shall not exceed the student's financial need, less a reasonable self-help amount. A reasonable self-help amount is equivalent to what a student can earn by working ten hours per week at minimum wage per term of enrollment.

The scholarship amount cannot be more than an amount equivalent to resident undergraduate tuition and fees at the highest-priced public institution of higher education in the state.

(3) In calculating need, initially based on an established cost of attendance, the institution is encouraged to further examine the student's costs on a case-by-case basis to identify any extenuating circumstances, so actual costs borne by the individual former foster care youth are recognized.

[Statutory Authority: RCW 28B.76.500. 08-15-160, § 250-83-050, filed 7/23/08, effective 8/23/08.]

WAC 250-83-060 Institutional incentive grant to provide student support services. Institutional incentive grants are grant payments to institutions based on satisfactory student performance. The payment is available only to institutions agreeing to provide specified student support services.

Institutional participation in the passport incentive grant is voluntary. An otherwise eligible student can receive a passport scholarship to attend an eligible college even if the institution does not participate in the incentive grant option.

For the 2008-09 academic year, and to the extent that funds are allotted for this purpose, the amount of each incentive grant payment will be equal to five hundred dollars per successful student per quarter or seven hundred fifty dollars per semester. The payment amounts in succeeding years will be determined annually.

Participating institutions will meet the following criteria:

(1) Include on their applications for admission or on their registration materials a question asking whether the applicant has been in foster care in Washington state for at least one year since his or her sixteenth birthday. All other institutions of higher education, whether participating in the incentive grant or not, are strongly encouraged to include this question on their admission application.

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(2) Have a viable plan. The scope of a viable plan is one that generally:

- (a) Identifies those students eligible for assistance under this program;
- (b) Tracks and enhances academic progress of eligible students;
- (c) Addresses their unique needs for assistance during school vacation and academic interims; and
- (d) Links eligible students to appropriate sources of assistance in their transition to adulthood.

At a minimum, each institution's viable plan will:

- (i) Designate campus support staff;
- (ii) Provide a comprehensive financial aid package taking into account available federal, state, institutional and private funding that, to the extent possible, meets the student's financial need;
- (iii) Build a lasting institutional commitment to serve current and former foster youth; and
- (iv) As appropriate, communicate with social services and independent living providers.

(3) Institutions choosing to participate will sign an addendum. The addendum to the state student financial aid participation agreement specifies the services that are to be provided through the institution's viable plan.

(4) Institutions may receive incentive grants for the:

- (a) Student's initial enrollment at the institution.
- (b) Student's enrollment in subsequent terms providing satisfactory progress was maintained for the previous term.

[Statutory Authority: RCW 28B.76.500. 08-15-160, § 250-83-060, filed 7/23/08, effective 8/23/08.]

WAC 250-83-070 Reserve of funds and payment of student scholarship and institutional incentive grant. (1) Reserve of funds. The board will establish a reserve of funds for student scholarships to be used at each institution. The reserve is intended to provide an equitable opportunity for eligible students across the state and provide an efficient allocation method for institutions packaging aid. This method will be reviewed periodically.

(2) Payment of scholarship funds. All passport student scholarships will be paid by the institution. After the institution pays the passport scholarship amount, it will request reimbursement from the board from its reserve. The board will reimburse the institution in a timely manner.

(3) Payment of institutional incentive grant funds.

- (a) The institution may claim a one-time incentive grant payment for each student that coincides with the student's first term of enrollment.
- (b) The institution may claim subsequent incentive grant payments after it can determine the student maintained satisfactory progress for the prior term.
- (c) Incentive grant payments may be claimed at the same time as reimbursements for student scholarship payments.

[Statutory Authority: RCW 28B.76.500. 08-15-160, § 250-83-070, filed 7/23/08, effective 8/23/08.]

(4) Incentive grant payments may be claimed at the same time as reimbursements for student scholarship payments.

[Statutory Authority: RCW 28B.76.500. 08-15-160, § 250-83-070, filed 7/23/08, effective 8/23/08.]

WAC 250-83-080 Board's responsibilities. (1) Administering agency. The higher education coordinating board shall administer the passport to college promise program.

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(2) The board will ensure colleges are packaging all available need-based and merit-based grant and scholarship aid for which the student qualifies. The board may request or collect additional information from the institution to verify students received such aid.

(3) Reports. The board will obtain reports from institutions necessary to the administration and evaluation of the passport to college promise program.

(4) Oversight. If an institution fails to maintain its eligibility for the program, or if the board determines that an institution has failed to comply with program rules and regulations or guidelines, the board may suspend, terminate, or place conditions upon the institution's participation in the program.

(5) Appeals. Any appeal will first be heard by the board's executive director or his or her designee.

Applicants may request in writing a review of decisions affecting their scholarship eligibility.

[Statutory Authority: RCW 28B.76.500. 08-15-160, § 250-83-080, filed 7/23/08, effective 8/23/08.]

WAC 250-83-090 Definitions. (1) "Academic year" means a nine-month period consisting of two semesters or three quarters of academic work. Summer term is additional to the academic year.

(2) "Board" means the Washington state higher education coordinating board. When a duty or responsibility of the board is referenced in these regulations, the authority needed to discharge that responsibility lies with the executive director or his or her designee.

(3) "Emancipated from foster care" for the purpose of creating timely offers of financial aid, means the student has spent at least one year in foster care subsequent to his or her sixteenth birthday and who either has emancipated from care or who is, at the time of verification, expected to emancipate from care by their eighteenth birthday.

(4) "Financial need" means the difference between a student's cost of attendance and the student's total family contribution as determined by federal methodology.

(5) "Program" means the passport to college promise program created in this chapter.

(6) "Satisfactory progress" means a student making progress according to the institutionally determined student financial aid satisfactory policy.

(7) "Verification" means that a student's eligibility for passport has been documented by the department of social and health services.

[Statutory Authority: RCW 28B.76.500. 08-15-160, § 250-83-090, filed 7/23/08, effective 8/23/08.]