

WSR 22-07-060

PERMANENT RULES

STUDENT ACHIEVEMENT COUNCIL

[Filed March 16, 2022, 12:25 p.m., effective July 1, 2022]

Effective Date of Rule: July 1, 2022.

Purpose: The agency proposes to repeal existing chapter 250-83 WAC. The proposed rules create a new chapter 250-100 WAC, Passport to careers program (chapter 28B.117 RCW). This proposal is necessary to implement changes made in the 2018 legislative session. This new chapter does the following:

- Changes the "passport to college promise program" to the "passport to careers program."
- Expanded to include unaccompanied homeless youth.
- Expanded to include federal foster youth, tribal foster youth, unaccompanied refugee minors, and foster youth impacted by the interstate compact for the placement of children updates.
- Expanded the age in care eligibility definition to mirror the federal student aid definition which begins at the age of 13 (phased in over a three-year period)
- Expanded to include eligible apprenticeship programs or recognized preapprenticeship programs.

Citation of Rules Affected by this Order: New chapter 250-100 WAC; and repealing chapter 250-83 WAC.

Statutory Authority for Adoption: RCW 28B.76.120, 28B.77.050.

Adopted under notice filed as WSR 22-03-085 on January 18, 2022.

Changes Other than Editing from Proposed to Adopted Version:

Clarifying language was added to proposed WAC 250-100-015 to recognize that "Preapprenticeship" is also known as apprenticeship preparation.

The primary reason for adopting this change from the proposed rule is to ensure that the terms are recognized equally and are interchangeable based on input provided by one of our stakeholders.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 15, Amended 0, Repealed 9.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: March 9, 2022.

Michael P. Meotti
Executive Director

OTS-3500.3

Chapter 250-100 WAC

NEW SECTION

WAC 250-100-010 Purpose. Recognizing the low college-going rates of youth in and alumni of foster care and unaccompanied youth experiencing homelessness in Washington state, the legislature created the passport to careers program. The program's purpose is:

(1) To encourage current and former youth in foster care and unaccompanied youth experiencing homelessness to prepare for, attend, and successfully complete higher education, a registered apprenticeship and/or preapprenticeship program;

(2) To improve the high school graduation outcomes of youth in foster care and unaccompanied youth experiencing homelessness through coordinated P-20 and child welfare outreach, intervention, and planning; and

(3) To improve postsecondary outcomes by providing current and former youth in foster care and unaccompanied youth experiencing homelessness with the educational planning, information, institutional support, and direct financial resources necessary for them to succeed in either higher education or a registered apprenticeship or preapprenticeship program.

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NEW SECTION

WAC 250-100-015 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Academic year" is that period of time typically between July 1st and the following June 30th, and may include summer terms, during which a full-time student would normally be expected to complete the equivalent of two semesters or three quarters or 900 clock hours of instruction.

(2) "Agency" refers to the Washington student achievement council (WSAC).

(3) "Apprentice" as defined in WAC 296-05-003 means a person enrolled in a state approved, federally registered, or reciprocally recognized apprenticeship program as defined in WAC 296-05-011.

(4) "Apprenticeship" means an apprenticeship training program approved or recognized by the state apprenticeship council or similar federal entity as defined in WAC 296-05-011.

(5) "Cost of attendance" means the cost associated with attending a particular institution of higher education as determined by the office including, but not limited to, tuition, fees, room, board, books, personal expenses, and transportation, plus the cost of reasonable additional expenses incurred by an eligible student and approved by a financial aid administrator at the student's school of attendance.

(6) "Council" means the 10-member council of the Washington student achievement council.

(7) "Federal foster care system" means the foster care program under the federal unaccompanied refugee minor program, Title 8 U.S.C. Sec. 1522 of the Immigration and Nationality Act.

(8) "Financial need" shall be determined as defined in WAC 250-21-010(4) in accordance with industry standards and provisions as recognized and modified by the office.

(9) "Homeless" or "homelessness" means without a fixed, regular, and adequate nighttime residence as set forth in the federal McKinney-Vento Homeless Assistance Act, 42 U.S.C. Sec. 11301 et seq., or as amended.

(10) "Institution of higher education" means any institution eligible for and participating in the Washington college grant program.

(11) "Occupational-specific costs" means the costs associated with entering an apprenticeship or preapprenticeship including, but not limited to, fees, tuition for classes, work clothes, rain gear, boots, occupation-specific tools, as defined by the office.

(12) "Office" means the WSAC office of student financial assistance.

(13) "Preapprenticeship" (also known as apprenticeship preparation program) means an apprenticeship preparation program recognized by the state apprenticeship council and as defined in RCW 28C.18.162.

(14) "Program" means the passport to careers program created in chapter 28B.117 RCW.

(15) "Satisfactory academic progress" shall be defined in accordance with WAC 250-21-010(16) and is the student's successful completion of a minimum number of credit or clock hours for each term in which the grant was received.

(16) "State foster care system" means out-of-home care pursuant to a dependency and includes the placement of dependents from other states who are placed in Washington pursuant to orders issued under the interstate compact on the placement of children, chapter 26.34 RCW.

(17) "Student budgets" are determined by institutions of higher education and subject to approval by the office. 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. Additional adjustment may be needed for varying enrollment periods.

(18) "Tribal court" has the same meaning as defined in RCW 13.38.040.

(19) "Tribal foster care system" means an out-of-home placement under a dependency order from a tribal court.

(20) "Unaccompanied youth experiencing homelessness" means a person that meets age requirements of the passport program, is not in the physical custody of a parent or guardian, and lacks a fixed, regular, and adequate nighttime residence.

(21) "Verification" means that a student's eligibility for passport has been documented by the department of children, youth, and families (DCYF), department of social and health services (DSHS), office of superintendent of public instruction (OSPI), tribal authorities, the office and/or established through the institution's financial aid office based on appropriate documentation.

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NEW SECTION

WAC 250-100-020 Institutional eligibility. An eligible institution is one that:

- (1) Meets the requirements for Washington college grant eligibility defined in RCW 28B.92.030 and WAC 250-21-021;
- (2) Agrees to abide by all program rules adopted by the office;
- (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 program referred to as the student support fund, completes a program addendum to the agreement to participate and has developed a viable student support plan authorized in WAC 250-100-060.

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NEW SECTION

WAC 250-100-030 Identification of eligible foster youth. The program requires early and accurate identification of current and former youth in foster care 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 youth who experienced foster care is facilitated by chapter 28B.117 RCW.

(1) The office will seek verification from the department of children, youth, and families (DCYF), department of social and health services (DSHS), office of the superintendent of public instruction (OSPI), tribal authorities and/or as established through the institutions' financial aid offices awarding the passport funds based on appropriate documentation that applicants meet the passport student eligibility definition when:

(a) The office may enter into data share agreements with the DCYF, OSPI, DSHS and/or tribal authorities for the purpose of identifying and providing services to passport eligible students. In the event the office must initiate eligibility confirmation, the office will secure appropriate consent from the student.

(b) The student has completed the free application for federal student aid or the alternate approved application for state aid as provided by the office, giving the office and the institutions permission to verify information supplied on that application.

(2) The office will confirm the eligibility of foster youth to eligible institutions of higher education.

(3) The office will protect personally identifiable information in accordance with the Family Educational Rights and Privacy Act (34 C.F.R. Part 99) and other applicable privacy standards.

(4) The office 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.

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NEW SECTION**WAC 250-100-040 Student eligibility for passport scholarship.**

(1) To the extent that sufficient funds have been appropriated for this purpose, a student is eligible for the passport to college promise program, if the student:

(a) Meets one of the following:

(i) Were in the care of the state foster care system, tribal foster care system, or federal foster care system in Washington state at any time before age 21 subsequent to age 13 as of July 1, 2020; or

(ii) Beginning July 1, 2019, was verified on or after July 1st of the prior academic year as an unaccompanied youth experiencing homelessness, before age 21.

(b) Is a Washington state resident student as defined in RCW 28B.15.012(2), or if unable to establish residency because of homelessness or placement in out-of-state foster care under the interstate compact for the placement of children, has residency determined through verification by the office;

(c) Is enrolled or will enroll on at least a half-time basis with an institution of higher education or enroll in a registered apprenticeship or recognized preapprenticeship in Washington state before the age of 22;

(d) Demonstrates financial need as defined by the office and according to industry standards;

(e) Has not earned a bachelor's or professional degree;

(f) Is not pursuing a degree in theology;

(g) Is making satisfactory progress toward the completion of a degree, certificate program or registered apprenticeship or recognized preapprenticeship;

(h) Has not received a passport scholarship for more than 10 semesters, or 15 full-time quarters, or an equivalent combination of the two;

(i) May receive a passport to college promise scholarship for a combined maximum of five years of full time equivalent eligibility after the student first enrolls with an institution of higher education or until the student turns age 26, whichever occurs first. If a student turns age 26 during an academic year, and would otherwise be eligible for a scholarship, the student shall continue to be eligible for a scholarship for the remainder of the academic year; and

(j) Does not owe a refund or repayment on other state aid programs and is not in default on a state loan program.

(2) Recipients may utilize passport to college promise or passport to apprenticeship opportunities at different times, but not concurrently; and

(3) The total award an individual may receive in any combination of the programs shall not exceed the equivalent amount that would have been awarded for the individual to attend a public university for five years with the highest annual tuition and state-mandated fees in the state.

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NEW SECTION

WAC 250-100-050 Determining the amount of the passport to college promise scholarship. (1) Eligible students may receive the passport scholarship.

(2) The scholarship shall not exceed the student's financial need.

(3) The office sets the scholarship award on an annual basis not to exceed resident undergraduate tuition and fees at the highest-priced public institution of higher education in the state.

(4) In calculating need, initially based on an established cost of attendance, the institution of higher education and any contracted nongovernmental organization administering passport to careers apprenticeship 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 are recognized.

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NEW SECTION

WAC 250-100-060 Passport student support fund to provide student support services. Passport student support funds are grant payments to institutions based on recruitment, retention, and support of passport eligible students. The payment is available only to institutions agreeing to provide specified student support services.

Institutional participation in the passport student support fund 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 passport student support fund option.

To the extent that funds are allotted for this purpose, the amount of passport student support fund payments to institutions will be reviewed and determined annually by the office based on projected enrollments, appropriations, and other relevant factors.

Participating institutions shall 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 state, tribal or federal foster care in Washington state or is an unaccompanied youth experiencing homelessness under the parameters in RCW 26B.117.040 (1) and (2). All other institutions of higher education, whether participating in the student support fund or not, are strongly encouraged to include this question on their admission application.

(2) Have a viable student support plan. The scope of a viable student support 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 shall:

(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 unaccompanied youth experiencing homelessness; 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.

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NEW SECTION

WAC 250-100-070 Payment of passport to college promise student scholarship and student support funds. The office will provide participating colleges with an allocation that aligns with the program purpose and intent to establish an equitable opportunity for eligible students across the state. This method will be reviewed periodically.

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NEW SECTION

WAC 250-100-075 Passport to apprenticeship program. The passport to apprenticeship opportunities pathway was added in 2019.

(1) (a) The office will provide financial assistance through a nongovernmental entity or entities in RCW 28B.117.055 for registered apprenticeship and recognized preapprenticeship entrance requirements and occupational-specific costs that does not exceed the individual's financial need; and

(b) Extend financial assistance to any eligible applicant for a maximum of six years after first enrolling with a registered apprenticeship or recognized preapprenticeship, or until the applicant turns 26, whichever occurs first. If a registered apprentice turns age 26 during an award year, and would otherwise be eligible for an apprenticeship award, the registered apprentice shall continue to be eligible for the award for the remainder of the award year.

(2) Recipients may utilize passport to college promise or passport to apprenticeship opportunities at different times, but not concurrently.

(3) The total award an individual may receive in any combination of the programs shall not exceed the equivalent amount that would have been awarded for the individual to attend a public university for five years with the highest annual tuition and state-mandated fees in the state.

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NEW SECTION

WAC 250-100-080 Institutional fund management requirements. Institutions must adhere to all fund management requirements as outlined in WAC 250-21-051 for Washington college grant purposes. These requirements include the identification of eligible students, award calculation, student directive requirements for private institutions, frequency of reporting, detailed student reconciliation and records retention, and repayment requirements.

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NEW SECTION

WAC 250-100-090 Program administration and audits. (1) The staff of the office under the direction of the executive director will manage the administrative functions relative to the passport to careers programs.

(2) The office will review institutional administrative compliance as outlined in WAC 250-21-061. Any student who has obtained passport to careers funding through means of willfully false statement or failure to reveal any material fact affecting eligibility will be subject to applicable civil or criminal penalties and repayment similar to processes and procedures outlined in WAC 250-21-051.

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NEW SECTION

WAC 250-100-100 Request for review and student complaints. Should a student question their passport to college scholarship eligibility or award, the student should direct questions and complaints to the financial aid officer at the institution they attend prior to contacting the office for assistance if necessary. Should an apprentice question their passport to careers apprenticeship eligibility, the student should direct questions and complaints to the nongovernmental entity providing the program prior to contacting the office for assistance if necessary.

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NEW SECTION

WAC 250-100-110 Suspension or termination of institutional or nongovernmental entity participation. Institutions and nongovernmental entities may be suspended or terminated from participation in state financial aid programs. Refer to WAC 250-21-081 for Washington college grant for complete information.

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NEW SECTION

WAC 250-100-120 Appeal process. An institution or nongovernmental entity may appeal their termination to participate in state financial aid programs. Refer to WAC 250-21-091 for Washington college grant for the complete process.

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NEW SECTION

WAC 250-100-130 The agency's responsibilities. (1) Administering agency. The Washington student achievement council shall administer the passport to careers program. This program has two programmatic pathways: The passport to college promise program and the passport to apprenticeship opportunities.

(2) The office will ensure colleges are packaging all available need-based and merit-based grant and scholarship aid for which the passport to college promise student qualifies. The office may request or collect additional information from the institution to verify students received such aid.

(3) The office will ensure nongovernmental agencies awarding passport to apprenticeship funds will utilize and award moneys as outlined in the contract.

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OTS-3501.1REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 250-83-010	Purpose.
WAC 250-83-020	Institutional eligibility.
WAC 250-83-030	Identification of eligible foster youth.
WAC 250-83-040	Student eligibility for passport scholarship.
WAC 250-83-050	Determining the amount of the passport student scholarship.
WAC 250-83-060	Institutional incentive grant to provide student support services.
WAC 250-83-070	Reserve of funds and payment of student scholarship and institutional incentive grant.
WAC 250-83-080	Board's responsibilities.

WAC 250-83-090

Definitions.