

WSR 22-21-054

PROPOSED RULES

BELLEVUE COLLEGE

[Filed October 12, 2022, 10:19 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-05-052.

Title of Rule and Other Identifying Information: Chapter 132H-122 WAC, Withholding services for outstanding debts. Amending WAC 132H-122-010, 132H-122-020, and 132H-122-030.

Hearing Location(s): On November 21, 2022, at 3 to 4 p.m., online via Zoom <https://bellevuecollege.zoom.us/j/87239560736>; dial by your location +1 253 215 8782, meeting ID: 872 3956 0736.

Date of Intended Adoption: January 18, 2023.

Submit Written Comments to: Nadescha Bunje, Executive Assistant to the Vice President of Administrative Services, 3000 Landerholm Circle S.E., B-125D, Bellevue, WA 98007, email [nadescha.bunje@bellevuecollege.edu](mailto:nadescha.bunje@bellevuecollege.edu), phone 425-564-5669.

Assistance for Persons with Disabilities: Contact Nadescha Bunje, executive assistant to the vice president of administrative services, phone 425-564-5669, TTY 425-564-6189, email [nadescha.bunje@bellevuecollege.edu](mailto:nadescha.bunje@bellevuecollege.edu).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Bellevue College proposes updates to the current student financial debt rules under chapter 132H-122 WAC in order to be in compliance with current policies, remove outdated information, and clarify processes.

Reasons Supporting Proposal: These changes are proposed to comply with 2SHB 2513, to remove and/or update outdated information, and to further clarify rules.

Statutory Authority for Adoption: Chapter 34.05 RCW; and RCW 28B.50.140.

Statute Being Implemented: RCW 28B.50.140(13).

Rule is not necessitated by federal law, federal or state court decision.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Not applicable.

Name of Proponent: Bellevue College, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Nadescha Bunje, Bellevue College, B-125D, 3000 Landerholm Circle S.E., Bellevue, WA 98007, 425-564-5669.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Bellevue College is not one of the enumerated agencies required to conduct cost-benefit analyses under RCW 34.05.328(5).

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party.

October 12, 2022  
Loreen McRea Keller  
Associate Director, Policies and Special Projects

OTS-4127.1

**Chapter 132H-122 WAC**  
**( (WITHHOLDING SERVICES FOR OUTSTANDING) ) STUDENT FINANCIAL DEBTS**

AMENDATORY SECTION (Amending WSR 92-19-054, filed 9/10/92, effective 10/11/92)

**WAC 132H-122-010 Statement of policy.** ((The college expects that students who receive services for which a financial obligation is incurred will exercise responsibility in meeting these obligations. Appropriate college staff are empowered to act in accordance with regularly adopted procedures to carry out the intent of this policy, and if necessary to initiate legal action to insure that collection matters are brought to a timely and satisfactory conclusion.

Admission to or registration with the college, conferring of degrees and issuance of academic transcripts may be withheld for failure to meet financial obligations to the college.)) (1) Bellevue College expects students who owe a debt for services, tuition and fees, housing, financial aid, fines, and other fees to pay the amount they owe, or set up a payment plan, and to contact the college for additional information, if needed.

(2) Students have the right to ask for details related to the debt, and to appeal a debt.

(3) The finance office is responsible for the implementation of this code.

[Statutory Authority: Chapter 34.05 RCW and RCW 28B.50.140. WSR 92-19-054, § 132H-122-010, filed 9/10/92, effective 10/11/92.]

AMENDATORY SECTION (Amending WSR 02-14-008, filed 6/20/02, effective 7/21/02)

**WAC 132H-122-020 ((Withholding services for outstanding debts.))**  
**Student financial debt procedures.** ((-1) Where there is an outstanding debt owed to the college and upon receipt of a written request inquiring as to the reason(s) for services or refund being withheld the college shall reply in writing to the person that the services and/or refund will not be provided. The college will include the amount of the outstanding debt, and further explain that until that debt is satisfied (or stayed by bankruptcy proceedings or discharged in bankruptcy), no such services and/or refund will be provided to the individual.

(a) The notice shall include a statement to inform the individual that he or she has a right to a hearing before a person designated by the president of the college if he or she believes that no debt is owed. The notice shall state that the request for the hearing must be made within twenty-one days from the date of notification.

(2) Upon receipt of a timely request for a hearing, the person designated by the president shall have the records and files of the college available for review and, at that time, shall hold a brief ad-

~~judicative proceeding concerning whether the individual owes or owed any outstanding debts to the institution. After the brief adjudicative proceeding, a decision shall be rendered by the president's designee indicating whether the college is correct in withholding services and/or applying off-set for the outstanding debt.~~

~~(a) If the outstanding debt is found to be owed by the individual involved, no further services shall be provided.~~

~~(b) Notice of the decision shall be sent to the individual within five days after the hearing.)~~ (1) The college may take the following actions for nonpayment of outstanding student debt:

(a) Place a hold, also called a negative service indicator, on a student's account if they owe a debt for housing, financial aid, tuition, or other college fees. A negative service indicator prevents enrollment for future quarters.

(b) Drop students for nonpayment of any debt at any time.

(c) Refer past due debts that exceed \$100 to a collection agency. Prior to referral, students will receive notice via their Bellevue College email. The notice will include at a minimum the following information:

(i) The amount of the debt owed;

(ii) The nature of the debt;

(iii) Information on how to pay the debt;

(iv) Contact information for the finance office and/or staff member who can provide more information, and/or set up a payment plan;

(v) The deadline for payment of the debt; and

(vi) Any consequences that may result from nonpayment of the debt.

(2) Reporting requirements: The college follows the state reporting rules related to the use of negative service indicators, debt levels, and collection practices.

[Statutory Authority: RCW 28B.50.140. WSR 02-14-008, § 132H-122-020, filed 6/20/02, effective 7/21/02. Statutory Authority: Chapter 34.05 RCW and RCW 28B.50.140. WSR 92-19-054, § 132H-122-020, filed 9/10/92, effective 10/11/92.]

AMENDATORY SECTION (Amending WSR 92-19-054, filed 9/10/92, effective 10/11/92)

**WAC 132H-122-030** ~~((Appeal of initial order upholding the withholding of services for outstanding debts.))~~ **Debt dispute and appeal.**

~~((1) Any person aggrieved by an order issued under WAC 132H-122-020 may file an appeal with the president. The appeal must be in writing and must clearly state errors in fact or matters in extenuation or mitigation which justify the appeal.~~

~~(2) The appeal must be filed within twenty-one days from the date on which the appellant received notification of the order issued under WAC 132H-122-020 upholding the withholding of services for outstanding debts. The president's determination shall be final.))~~ Students who believe that exigent circumstances exist, or an error occurred that may require reduction or removal of a debt, may submit an online appeal form, available on the enrollment services website, for review of the debt.

[Statutory Authority: Chapter 34.05 RCW and RCW 28B.50.140. WSR 92-19-054, § 132H-122-030, filed 9/10/92, effective 10/11/92.]