

VII. STANDING COMMITTEES**A. Academic and Student Affairs***In Joint Session***B. Finance, Audit and Facilities Committee**Waiver of Tuition and Fees – Revisions to WACRECOMMENDED ACTION

It is the recommendation of the administration and the Finance, Audit and Facilities Committee that the Board of Regents approve the attached changes to WAC 478-160-163 (Waivers of Tuition and Fees). These changes to WAC 478-160-163 are necessary to implement the previous action taken by the Board of Regents in October 2005 which revised the provisions of tuition waivers for veterans and members of the Washington National Guard making these provisions consistent with the changes in state law that were implemented with the passage of Substitute House Bill (SHB) 1174.

BACKGROUND FOR RECOMMENDED ACTION

The passage of SHB 1174 during the 2005 State Legislative session made changes in the state law governing tuition waivers for veterans and members of the National Guard. In response to those changes, in October 2005 the Board of Regents re-established tuition waivers for veterans and members of the National Guard under the newly established legal framework.

After the Board of Regents establishes new tuition waivers, the university is required to formally go through a rule-making process to officially enact the provisions of the tuition waivers under Washington Administrative Code (WAC). In order for the necessary amendments to WAC to be effective for Autumn Quarter 2005, they were initially adopted by President Emmert through the emergency rule-making process and were effective October 7, 2005. The permanent rule-making process requires a public hearing which was held on March 13, 2006. On March 21, 2006 the Hearing Officer's report (Attachment 1) was transmitted to the president with the recommendation that the Board of Regent's adopt the proposed amendments to WAC 478-160-163. The Board of Regents adoption of these changes to WAC 478-160-163 (Attachment 2) is the final step in the implementation of the Board's earlier action.

March 21, 2006

President Mark A. Emmert
Office of the President
University of Washington
Box 351230

Dear President Emmert:

Pursuant to your delegation, I served as the Hearing Officer to receive public comment on the University of Washington's proposed amendments to WAC 478-160-163, "Waivers of Tuition and Fees." The hearing commenced at 12:00 p.m. on Monday, March 13, 2006, in Room 309 of the Husky Union Building (HUB) at the University of Washington, Seattle campus. I am pleased to provide you a report of that hearing.

As required by the Administrative Procedure Act, the University filed the following notices with the State of Washington Code Reviser: a Preproposal Statement of Inquiry (published as WSR 05-20-006 in the *Washington State Register* on October 19, 2005) and a notice of Proposed Rule Making (published as WSR 06-04-039 in the *Washington State Register* on February 15, 2006). Campus notice that the hearing would be held was published on March 2, 2006, in *The Daily* and in *University Week*. Additionally, notice of the public hearing was included in the online events calendar for the Seattle campus.

Analysis

No individuals attended the hearing to provide comment on these proposed amendments. No written comments were received and no copies of the proposed amendments were requested from the Rules Coordination Office. The proposed amendments were reviewed by the Office of the Attorney General, endorsed by the Office of Planning and Budgeting, and approved by the Office of the Vice President for Student Affairs. Additionally, these same proposed amendments have been in effect since October 7, 2005, as emergency rules.

Recommendation

WAC 478-160-163 is being amended to reflect the new definitions and limitations established by Substitute House Bill 1174 (RCW 28B.15.621), effective July 24, 2005. Substitute House Bill 1174 repealed existing waivers for Southeast Asia veterans, Persian Gulf veterans, and children of POW/MIAs that had been authorized by RCW 28B.10.265, 28B.15.620, and 28B.15.628, and instead authorized a new permissive waiver for veterans who are Washington domiciles and who were called to active federal duty and who served in a conflict or war on foreign soil/international waters, or in support of such a conflict, and for his/her children or spouse if the veteran became totally disabled or lost his/her life

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while engaged in active federal military or naval service, or if the veteran was determined to be a POW/MIA. Substitute House Bill 1174 also removed eligibility for members of the Washington National Guard and veterans of the Korean conflict to use the state employee tuition exemption, although those with qualifying service can apply for the amended veteran's waiver.

I recommend that the Board of Regents adopt the proposed amendments to WAC 478-160-163, "Waivers of Tuition and Fees."

An audio tape of the hearing has been deposited with the Secretary of the Board of Regents.

Sincerely yours,

Carol S. Niccolls
Executive Assistant to the President

cc: Ms. Rebecca Goodwin Deardorff
Mr. Eric S. Godfrey
Ms. Michele M. Sams
Dr. Phyllis M. Wise

AMENDATORY SECTION (Amending WSR 02-06-021, filed 2/25/02, effective 3/28/02)

WAC 478-160-163 Waivers of tuition and fees. (1) The board of regents is authorized to grant tuition and fee waivers to students pursuant to RCW 28B.15.910 and the laws identified therein. Each of these laws, with the exception of RCW 28B.15.543 and 28B.15.545, authorizes, but does not require, the board of regents to grant waivers for different categories of students and provides for waivers of different fees. The board of regents must affirmatively act to implement the legislature's grant of authority under each individual law. A list of waivers that the board has implemented can be found in the *University of Washington General Catalog*, which is published biennially. The most recent list may be found in the online version of the *General Catalog* at www.washington.edu/students/reg/tuition_exempt_reductions.html.

(2) Even when it has decided to implement a waiver listed in RCW 28B.15.910, the university, for specific reasons and a general need for flexibility in the management of its resources, may choose not to award waivers to all students who may be eligible under the terms of the laws. Where the university has chosen to impose specific limitations on a waiver listed in RCW 28B.15.910, those limitations are delineated in subsection (5) of this section. If the university has not imposed specific limitations on a waiver listed in RCW 28B.15.910, the waiver is not mentioned in subsection (5) of this section. The university's description of the factors it may consider to adjust a waiver program to meet emergent or changing needs is found in subsection ~~((6))~~ (7) of this section. All waivers are subject to subsection ~~((6))~~ (7) of this section.

(3) The board of regents also has the authority under RCW 28B.15.915 to grant waivers of all or a portion of operating fees as defined in RCW 28B.15.031. Waiver programs adopted under RCW 28B.15.915 are described in the *General Catalog*. The most recent list may be found in the online version of the *General Catalog* at www.washington.edu/students/reg/tuition_exempt_reductions.html. Waivers granted under RCW 28B.15.915 are subject to subsection ~~((6))~~ (7) of this section.

(4) Waivers will not be awarded to students participating in self-sustaining courses or programs because they do not pay "tuition," "operating fees," "services and activities fees," or "technology fees" as defined in RCW 28B.15.020, 28B.15.031, 28B.15.041, or 28B.15.051, respectively.

(5) Specific limitations on waivers are as follows:

(a) ~~Waivers authorized by RCW (28B.10.265 for children of Washington domiciles who are prisoners of war or missing in action in Southeast Asia or Korea) 28B.15.621 (2) (a) for eligible veterans and National Guard members,~~ shall be awarded only to undergraduate students pursuing their first bachelor's degree to a maximum of 225 college-level credits, including credits transferred from other institutions of higher education.

(b) Waivers authorized by RCW 28B.15.621 (2) (b) and (c) for children or spouses of eligible veterans and National Guard members who became totally disabled, or lost their

lives, while engaged in active federal military or naval service, or who are prisoners of war or missing in action, shall be awarded only to undergraduate students pursuing their first bachelor's degree to a maximum of 225 college-level credits, including credits transferred from other institutions of higher education.

(c) Waivers of nonresident tuition authorized by RCW 28B.15.014 for university faculty and classified or professional staff shall be restricted to four consecutive quarters from their date of employment with the University of Washington. The recipient of the waiver must be employed by the first day of the quarter for which the waiver is awarded. Waivers awarded to immigrant refugees, or the spouses or dependent children of such refugees, shall be restricted to persons who reside in Washington state and to four consecutive quarters from their arrival in Washington state.

~~((e))~~ (d) Waivers authorized by RCW 28B.15.380 for children of ~~((deceased or permanently disabled))~~ police officers or fire fighters who are deceased or permanently disabled, shall be awarded only to undergraduate students pursuing their first bachelor's degree to a maximum of 225 college-level credits, including credits transferred from other institutions of higher education.

~~((d))~~ (e) Waivers authorized by RCW 28B.15.558 shall be awarded only to:

(i) University of Washington employees who are employed half-time or more, hold qualifying appointments as of the first day of the quarter for which the waivers are requested, are paid monthly, and, for classified staff new to the university, have completed their probationary periods prior to the first day of the quarter; or

(ii) State of Washington permanent employees who are employed half-time or more, are not University of Washington permanent classified employees, are permanent classified or exempt technical college paraprofessional employees, or are permanent faculty members, counselors, librarians or exempt employees at other state of Washington public higher education institutions ~~((; or~~

~~((iii) Members of the Washington National Guard.~~

~~(e) Waivers authorized by RCW 28B.15.620 shall be awarded only to Vietnam veterans pursuing their first bachelor's degree to a maximum of 225 college-level credits, including credits transferred from other institutions of higher education.~~

~~(f) Waivers authorized by RCW 28B.15.628 shall be awarded only to veterans of the Persian Gulf combat zone pursuing a first bachelor's degree to a maximum of 225 college-level credits, including credits transferred from other institutions of higher education.~~

(6) To qualify an individual as an "eligible veteran or National Guard member, "the person seeking the waiver must present proof of domicile in Washington state and a DD fom214 (Report of Separation) indicating their service related to specific United States military operations or campaigns fought on foreign soil or in international waters.

(7) The university may modify its restrictions or requirements pursuant to changes in state or federal law, changes in programmatic requirements, or in response to financial or other considerations, which may include, but are not limited to, the need to adopt fiscally responsible budgets, the management of the overall levels and mix of enrollments, management initiatives to modify enrollment demand for specific programs and management decisions to eliminate or modify academic programs. The university may choose not to exercise the full funding authority granted under RCW 28B.15.910 and may limit the total funding available under RCW 28B.15.915.