

VII. STANDING COMMITTEES

A. Academic and Student Affairs

Waiver of Tuition and Fees- Revision to WAC 478-160-163RECOMMENDED ACTION

It is the recommendation of the administration and the Academic and Student Affairs 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 March 2007 which revised the provisions of tuition waivers for qualified graduate and professional students who are veterans or members of the Washington National Guard.

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 March 2007 the Board of Regents expanded the tuition waiver framework for selected veterans and members of the National Guard.

After the Board of Regents establishes new tuition waivers or revises the terms of an existing tuition waiver, the university is required to formally go through a rule-making process to officially enact the provisions under Washington Administrative Code (WAC). In order for the necessary amendments to WAC to be effective for Spring Quarter 2007, they were initially adopted by President Emmert through the emergency rule-making process and were effective March 29, 2007. The permanent rule-making process requires a public hearing which was held on May 22, 2007. On May 24, 2007 the Hearing Officer's report (a copy of this report is attached) 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 (a copy of the proposed amendments is attached) is the final step in the implementation of the Board's earlier action.

May 24, 2007

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 12:30 p.m. on Tuesday, May 22, 2007, in Room 200C of the Husky Union Building (HUB) at the University of Washington, Seattle campus. I am pleased to provide you a report of that hearing and the written comments received.

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 07-05-090, in the *Washington State Register* on March 7, 2007) and a notice of Proposed Rule Making (published as WSR 07-09-082, in the *Washington State Register* on May 2, 2007). Campus notice that the hearing would be held was published in *University Week* on May 3, 2007, and in *The Daily* on May 14 and 16, 2007. In addition, notice of the public hearing was included in the online events calendar for the Seattle campus. The written comment period began March 7, 2007, and ended May 22, 2007.

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 Attorney General's Office, endorsed by the Office of the Vice Provost for Student Life, and approved by the Office of Planning and Budgeting. These same proposed amendments have been in effect since March 29, 2007, as emergency rules.

Recommendation

Currently, the permanent rules of the University of Washington allow veterans, and children and spouses of veterans, who qualify under RCW 28B.15.621 and WAC 478-160-163 to receive tuition waivers when seeking their first undergraduate degree. The proposed amendments to WAC 478-160-163 would extend tuition waivers to eligible veterans, and children and spouses of veterans, who seek their first graduate or professional degree at the University of Washington.

President Mark A. Emmert

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May 24, 2007

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

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

Sincerely yours,

Carol S. Niccolls
Special Counsel to the President

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

AMENDATORY SECTION (Amending WSR 06-12-008, filed 5/26/06, effective 6/26/06)

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 (7) of this section. All waivers are subject to subsection (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 (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.15.621 (2)(a) for eligible veterans and National Guard members, shall be awarded only to:

(i) 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; and

(ii) Full-time graduate or professional degree students pursuing their first advanced degree (including advanced degrees earned at other institutions), provided however, that graduate and professional degree students who received a waiver authorized by RCW 28B.15.621 (2) (a) as undergraduates at any Washington state institution of higher education shall not be eligible for this waiver.

(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:

(i) 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; and

(ii) Full-time graduate or professional degree students pursuing their first advanced degree (including advanced degrees earned at other institutions), provided however, that graduate and professional degree students who received a waiver authorized by RCW 28B.15.621 (2) (b) or (c) as undergraduates at any Washington state institution of higher education shall not be eligible for this waiver.

(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.

(d) Waivers authorized by RCW 28B.15.380 for children of 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.

(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.

(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 form 214 (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.