

## VII. STANDING COMMITTEES

### A. Academic and Student Affairs

#### Waiver of Tuition and Fees – Revision to WAC 478-160-163

##### RECOMMENDED 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). Four changes are included in this WAC revision: 1) changes to the tuition and fee waiver provisions for the spouses and children of veterans and members of the Washington National Guard who were killed or permanently disabled in military service that are required by Substitute Senate Bill 5002 which was passed by the state legislature during its 2007 session; 2) changes that make specific certificated teachers eligible for the University of Washington employee/Washington State employee tuition waiver – as required by the passage of Substitute Senate Bill 5101 during the 2007 legislative session; 3) technical corrections to the eligibility language for veterans and members of the Washington National Guard; and 4) technical corrections to the wording of the rule to revise language to include a tuition waiver benefit to those few returning combat veterans who may have previously received an advanced degree at another institution but who are now pursuing their first graduate or professional degree at the University of Washington as a qualified veteran.

##### BACKGROUND FOR THE RECOMMENDED ACTION:

Two bills were passed by the state legislature in its 2007 session that require the University of Washington to implement changes to selected tuition waiver provisions. The specific revisions to the WAC language are attached.

Substitute Senate Bill 5002 requires the University of Washington to waive 100% of the tuition and fees for the spouse or children of an eligible veteran or Washington National Guard member who was either killed in the line of duty, permanently disabled in the line of duty or is determined by the federal government to be either a prisoner of war or missing in action. Substitute Senate Bill 5101 created a new category of specific certificated teachers who are eligible for the University of Washington/Washington State employee tuition waiver. The state legislature required that the changes specified in both of these bills be implemented by higher education institutions.

The attached WAC revision includes revisions to the “eligible veteran” definition to make the language in the WAC consistent with the legislative bill language; these are simply technical revisions.

## VII. STANDING COMMITTEES

### A. Academic and Student Affairs

#### Waiver of Tuition and Fees – Revision to WAC 478-160-163 (continued p. 2)

Based on comments made at the required public hearing on the proposed WAC revisions (the Hearing Officer report is attached), the administration is proposing one additional change to the previously adopted provisions that provide a tuition waiver to eligible veterans or members of the Washington National Guard who are enrolled in graduate or professional programs. As previously implemented, the language in this section specified that the tuition waiver would only be provided for a first graduate degree. This language had the unintended consequence of making veterans or members of the Washington National Guard who had received a graduate or professional degree prior to or during their military service not eligible for the tuition waiver if they were pursuing a second graduate or professional degree at the university.

The administration believes that the wording of WAC should be changed to provide a tuition waiver benefit to those few returning combat veterans who may have previously received a graduate or professional degree elsewhere, but who are now pursuing their first graduate or professional degree at the University of Washington as a qualified veteran. The administration proposes that this revised language be applied retroactively to Spring Quarter 2007 when the tuition waiver for eligible veterans and members of the Washington National Guard was changed to include graduate and professional programs.

Attachments: Hearing Officer's Report  
WAC 478-160-163

A-4/201-08  
1/17/08

January 4, 2008

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 Thursday, November 29, 2007, in Room 200A 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 07-16-120, in the *Washington State Register* on August 15, 2007) and a notice of Proposed Rule Making (published as WSR 07-21-032, in the *Washington State Register* on November 7, 2007). Campus notice that the hearing would be held was published in *University Week* on November 15, 2007, and in *The Daily* on November 21, 2007. In addition, notice of the public hearing was included in the online events calendar for the Seattle, Bothell, and Tacoma campuses. The written comment period began August 15, 2007, and ended November 29, 2007.

### **Public Comment**

One student provided oral testimony at the hearing as well as written comments. Kevin McCrae, a first year law student and a returning combat veteran, sought changes to the section of the rule that expanded the veteran's tuition waiver to graduate and professional degree programs adopted by the Regents last spring. He noted that the narrow wording of the subsection left him, and presumably other returning combat veterans, without the tuition waiver benefit because he had previously received a secondary degree at another educational institution. He argued for a broader interpretation of the rule so that a tuition waiver for a qualified veteran might be applied to any single degree program at the University.

### **Analysis and Recommendation**

The proposed changes to WAC 478-160-163 deal primarily with revisions imposed by the State Legislature in the 2007 session: SSB 5002 (Chapter 450, Laws of 2007) created a mandatory waiver of tuition and fees for children and spouses of veterans who have been killed, become totally disabled, are missing in action, or are being held as prisoners of war, where previously there was a permissive waiver established for these same individuals; and SSB 5101 (Chapter 461, Laws of 2007) created a new category of specific certificated teachers eligible for the University of Washington employee/Washington State employee tuition waiver.

However, once the testimony provided by Mr. McCrae was reviewed by the Vice Provost for Student Life and the Vice Provost for Planning and Budgeting, both agreed that the wording of the rule could and should be revised to include a tuition waiver benefit to those few returning combat veterans who may have previously received secondary degrees elsewhere, but who are now pursuing their first degree at the University of Washington as a qualified veteran.

Consequently, the proposed amendments to WAC 478-160-163 (5)(a)(ii), that address this revised wording for the veteran's tuition waiver, are included with the other language revisions that update the rule to comply with the recently enacted legislation. It is my recommendation that all revisions to WAC 478-160-163, "Waivers of Tuition and Fees," be adopted by the Board of Regents.

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

Enclosure

cc: Ms. Janis Campbell  
Ms. Rebecca Goodwin Deardorff  
Mr. Eric S. Godfrey  
Ms. Diane M. Hanks  
Mr. Gary R. Quarfoth  
Ms. Michele M. Sams  
Dr. Phyllis M. Wise  
Mr. Quentin Yerxa

AMENDATORY SECTION (Amending WSR 07-13-024, filed 6/11/07, effective 7/12/07)

**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,))~~ A number of these statutes authorize((s)), but ((does)) do not require, the board of regents to grant waivers for different categories of students and provides for waivers of different fees. For the waivers that are authorized but not required by state law, 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](http://www.washington.edu/students/reg/tuition_exempt_reductions.html).

(2) Even when it has decided to implement a permissive 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 permissive 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 permissive 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 permissive 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](http://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 the waiver may be applied only toward a single degree program at the University of Washington, and, provided further, 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)) the University of Washington shall not be eligible for this waiver.

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 as an active or reserve member of the United States military or naval forces, or a National Guard member called to active duty, who served in active federal service, under either Title 10 or Title 32 of the United States Code, in a war or conflict fought on foreign soil or in international waters or in another location in support of those serving on foreign soil or in international waters, and if discharged from services, has received an honorable discharge.

~~(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))~~ (c) 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))~~ (d) 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) Teachers and other certificated instructional staff employed at public common and vocational schools, holding or seeking a valid endorsement and assignment in a state-identified shortage area.

~~(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.))~~ Waivers mandated by RCW 28B.15.621(4), as amended by section 1, chapter 450, Laws of 2007, for children and spouses or surviving 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 in accordance with, and subject to the limitations set forth in state law.

(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.