



AUTHORIZATION TO CONTRACT AND OPERATE EDUCATIONAL PROGRAMS TO SERVE FOREIGN NATIONALS IN A FOREIGN COUNTRY

The following policy sets forth the method by which a community college district may contract to conduct educational courses or programs serving foreign nationals in a foreign country.

- **Programs or courses that may be approved by districts** — It is the intent of this policy to give district boards of trustees the necessary latitude to achieve the mission of the college while providing the State Board approval of programs that have statewide impacts.

The district board of trustees may contract to offer courses or programs to serve foreign nationals in a foreign country when the board determines they will benefit the people of Washington through contributing to international understanding and cooperation, trade and economic development, or opportunities for student and faculty exchange, provided that the programs and courses approved by the district board of trustees do not involve the use of college owned or leased capital facilities nor exceed, in aggregate, either of the following in a fiscal year:

- Seventy-five (75) FTE equivalent or an FTE equivalent to one percent of the district's state funded FTE, whichever is greater; or
- \$300,000 in expenditures or an amount equal to one percent of the district's annual state allocation whichever is greater.

If the courses or programs involve permanent college owned or operated facilities, or if the aggregate enrollment or aggregate expenditures will exceed the limits above, approval must be sought through the provisions in section (B) below.

The district shall use no state funds in the operation, maintenance, or phase-out of the foreign courses or programs. The district shall maintain accounting systems to ensure that state funds will not be commingled with those used to operate and maintain the foreign courses or programs.

- **Programs or courses that require State Board approval** — The following section sets forth the method by which a college district may secure State Board authorization to contract to conduct educational programs serving foreign nationals in a foreign country where such programs exceed the limits set in section (1).
1. Authorization to contract to conduct educational programs serving foreign nationals in a foreign country shall be made at the discretion of the State Board after it has reviewed a program statement submitted by the requesting college district. The college district shall not commence operation of any such programs nor shall it make any expenditure for its

operation other than reasonable development costs until such time as it receives an official authorization from the State Board. The program statement to be considered by the State Board shall consist at a minimum of the following, and such additional information as it deems necessary:

- a. Location(s) at which the educational program(s) shall be provided.
 - b. A description of the educational program(s) and services to be provided.
 - c. A description of the relationship of the program(s) to the mission of the Washington state community and technical college system.
 - d. A description of the contracting entity (organization, individual, company) and its expectations.
 - e. Assurance that the qualifications of faculty will equal or exceed the qualifications of faculty employed on the home campus.
 - f. Assurance that courses and programs offered at the foreign site will meet the same standards as courses on the home campus and will be subject to the same state approvals as courses and programs offered in the state.
 - g. The means by which a periodic review of all programs will be conducted. This will include a procedure for periodic review of programs by persons approved by the State Director.
 - h. The means by which the college has limited liability and fiscal exposure.
 - i. Assurance that any revenues in excess of costs will be applied to achieve the educational mission of the college.
 - j. Provisions by which the college may terminate the program on reasonable notice and without penalty.
- The State Board may require such contract language as necessary to limit the liability of the state and the system. Further, the State Board may require that the college establish a contingency reserve, or bond, of acceptable size from the revenues generated in order to ensure that state funds are not at risk for liabilities arising from the operation of the program(s).
 - The State Board may adjust a college's allocation to offset costs or losses incurred by the system or the state as a consequence of these programs.
 - The Office of the Attorney General will review all proposed agreements pertaining to the programs and will advise the State Director regarding limitation of liability and compliance with applicable laws and regulations.
 - The State Board acknowledges that the "Policy on Intercollege Transfer and Articulation among Washington Colleges and Universities" will apply to these programs only at the option of the four-year institutions and the Washington Student Achievement Council. The State Board expects that students from these programs will be given no greater consideration for admission to Washington's public institutions of higher education than other qualified foreign students.
 - Each student must receive a full disclosure statement in his/her native language. The college shall maintain the statement on file in both the foreign language and in English. The college shall advise each student on how the courses completed in the foreign country will be treated by public institutions in Washington.

- Unless the State Board grants an exception at the request of the district, any renewal or extension of contracts for educational services provided pursuant to this section shall be subject to the approval of the State Board.
- Copies of all material agreements pertaining to the program(s) shall be provided to the State Director as soon after they are established as possible.
- The Washington Student Achievement Council shall have access to such public documents, as it deems necessary to review the effectiveness of this policy.
- All parties to the contract shall receive a copy of this policy.
- The requesting district shall provide a guarantee to the State Board that no state funds shall be used in the operation, maintenance or phase out of the foreign programs. Furthermore, the district will assure the State Board that accounting procedures will be maintained at the home campus in such fashion that no state funds will be mingled with those used to operate and maintain the foreign programs. A complete audit of the out-of-state programs will be requested of the State Auditor each time the district is audited and a copy of the audit of the foreign programs shall be supplied to the State Director.
- Programs established under this policy shall be reviewed at intervals established by the State Director. The college shall provide such information as required by the State Board. The results of the reviews will be reported to the State Board.

Revision and Amendment History

Description	Revision Date
Revised	03/11/1992
State Board approved authorization	09/22/1989