

NOTICES OF FINAL RULEMAKING

Initiated After January 1, 1995

Unless exempted by A.R.S. § 4101995, each agency shall begin the rulemaking process by first filing a Notice of Proposed Rulemaking, containing the preamble and the full text of the rules, with the Secretary of State's Office. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the Arizona Administrative Register.

Under the Administrative Procedure Art (A.R.S. § 41-1001) *et seq.*, an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the Register before beginning any proceedings for adoption, amendment, or repeal of any rule. A.R.S. §§ 41-1013 and 41-1022.

NOTICE OF FINAL RULEMAKING

TITLE 7. EDUCATION

CHAPTER 1. STATE BOARD OF DIRECTORS FOR COMMUNITY COLLEGES OF ARIZONA

PREAMBLE

1. **Sections Affected** **Rulemaking Action**
R7-1-305 Amend
2. **The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statutes: A.R.S. §§ 15-1424.7, 15-1425.1 and 15-1425.5, and 15-1469
Implementing statutes: Same as authorizing
3. **The effective date of the rules:**
November 22, 1995
4. **A list of all previous notices appearing in the Register addressing the final rule:**
Notice of Proposed Rulemaking:
94 A.A.R. 277, November 30, 1994
5. **The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Thomas J. Saad
Address: State Board of Directors for Community Colleges of Arizona
3225 North Central Avenue, Suite 1220
Phoenix, Arizona
Telephone Number: (602) 255-4037
Fax Number: (602) 279-3464
6. **An explanation of the rule, including the agency's reasons for initiating the rule:**
The rule will authorize the State Board, upon request of local governing boards to: waive tuition and fees for full-time employees, spouses, and dependent children; part-time employees; and out-of-state residents under the provisions of a reciprocal tuition waiver agreement.
In addition, the rule clarifies the payment of out-of-county tuition by boards of supervisors in unorganized counties, when the unorganized county forms a community college district.
Reasons for initiating the rule: A.R.S. § 15-1424(B)(7) authorizes the State Board to waive tuition and fees for community college employees and non-resident students. The rule specifies the terms and conditions for granting waivers to employees and non-resident students.
7. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**
The rule will not diminish the authority of state community colleges. Effectively, the rule increases local boards' authority.
8. **The summary of the economic, small business, and consumer impact:**
The information can be summarized as follows:
 - A. Full-time employees of community college districts, their spouses, and dependent children received 9,327 tuition waivers at a cost of \$700,524 for FY 1994-5.
 - B. Part-time employees of community college districts will receive tuition waivers estimated at \$654,150 per year.
 - C. Non-resident students attending community colleges under a reciprocal tuition waiver agreement received waivers totaling \$491,236 for FY 1994-5.
 - D. Arizona residents attending an out-of-state university received waivers totaling \$643,943 for FY 1994-5.

Notices of Final Rulemaking

- 9. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable)
Various changes in the language of the rules were made to enhance clarity and were not of substance.
- 10. A summary of the principal comments and the agency response to them:
No comments were received.
- 11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:
None.
- 12. Incorporations by reference and their location in the rules:
None.
- 13. Was this rule previously adopted as an emergency rule?
No.
- 14. The full text of the rules follows:

TITLE 7. EDUCATION

CHAPTER 1. STATE BOARD OF DIRECTORS FOR COMMUNITY COLLEGES OF ARIZONA

ARTICLE 3. ADMISSIONS, ENROLLMENT, FEES, AND WAIVERS

R7-1-305. Tuition and Fees

ARTICLE 3. ADMISSIONS, ENROLLMENT, FEES, AND WAIVERS

R7-1-305. Tuition and Fees

- A. General tuition and fees. Tuition shall be the amount of money charged each semester for operational services. All other charges made to students shall be designated as fees.
- B. Out-of-county tuition and fees. An individual domiciled in Arizona, but not in a community college district, shall be required to sign a notarized statement as to county residency stating that the individual has resided in the county for at least 50 days prior to the first day of classes. Upon the validation by the County School Superintendent of the student's county-of-domicile, the Supervisors shall ~~pay the student's tuition~~ reimburse the community college district in which the individual is enrolled as prescribed by A.R.S. § 15-1469. The notarized statement shall be filed by the community college district with the County School Superintendent within 30 days of the official full-time student equivalent count each semester.
- C. Waivers
 - 1. ~~A community college district shall not grant tuition waivers to out-of-state students, except as provided in A.R.S. § 15-1425.~~
 - 2. ~~A district shall waive tuition and fees for employees of the community college district, their spouses, and their dependent children. Employees are defined as all full-time personnel employed by a community college district.~~
 - 3. ~~A district may waive tuition and fees for students who are residents of a contiguous state, provided an intergovernmental agreement is entered into between the State Board and the contiguous state and provided the intergovernmental agreement states how many students may be exchanged in any one year. In addition, such districts shall at the end of each fiscal year file a report with the State Board that provides information regarding the number of students enrolled under the agreement.~~
 - 1. Upon request of a district governing board, the State Board may waive tuition and fees for district full-time employees, their spouses, and their dependent children, and for district part-time employees, provided the district can demonstrate that the loss of revenue will not materially affect the district's capacity to retire outstanding revenue bonds and other forms of debt that are dependent on

tuition and fee revenues. This request shall be made annually at the time the district's tuition plan for the subsequent academic year is presented to the State Board.

- 2. Except as provided in subsections (C)(1) and (C)(3), no waiver of out-of-state tuition and fees shall be granted.
- 3. As provided in A.R.S. § 15-1424(B)(7)(b), upon request of a district governing board, the State Board may approve annually the waiver of out-of-state tuition and fees for students who are residents of another state provided the other state agrees to enter into a reciprocal tuition waiver agreement that specifies an equitable exchange of students, as measured by the number of full-time equivalent students received and provided by each state. In addition, the State Board shall consider the following factors in determining if a waiver is in the best interests of the state and the student: academic program articulation between Arizona community colleges and other-state institutions, increased viability of academic programs at Arizona community colleges, geographic convenience to both Arizona and other-state students, and enhanced access by Arizona students to programs available at other-state institutions.
- 4. Districts shall file a report detailing the number and dollar amount of tuition/fee waivers granted by the Board for the current fiscal year under the provisions of subsections (C)(1) and (C)(3), prior to the first day of April annually.
- D. Tuition; districts without operating colleges. When a new community college district is established pursuant to law, student(s) from that county/district already in attendance in other districts at another community college shall be permitted to complete their programs in those districts programs of study at their respective community college without a change in tuition status. Out-of-county tuition reimbursement, pursuant to A.R.S. § 15-1469, shall be charged to the Board of Supervisors until the new district has an operational college. When a college becomes operational, the district governing board shall be responsible for the tuition of the student(s) county of origin until the new district can provide comparable programs of study.
- E. The provisions of this rule shall be retroactive to November 18, 1985.