

PROCEDURE

3131-B

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TITLE:	Revenue Sharing
NUMBER:	3131-B
AUTHORIZED BY THE PRESIDENT:	December 4, 1992

Memo from Wendy Bohlke, Assistant Attorney General, to President Harold Heiner, dated December 4, 1992.

You seek my opinion about the legality of the Whatcom Community College Foundation retaining revenues beyond the monies necessarily transferred to the college to cover the instructional and administrative costs incurred by the college in providing educational services to international students pursuant to an agreement entered into between the Foundation and the College on January 14, 1988.

The agreement notes that the College is authorized by RCW 28B.50.140 (17) and WAC 131-21-020 to provide classes or programs with shared funding from a cooperating agency or organization. The agreement goes on to provide that the College will enroll international students “provided by” the Foundation, provided that the Foundation provide shared funding equal to the full cost of instruction plus all direct and indirect support costs.

WAC 131-032-020 requires that tuition and fees for such courses or programs be consistent with WAC 131-28-025 and -026.

Thus, if the college collects the fees in amounts consistent with the above regulations, and there are amounts collected in excess of the amounts to cover instructional and support costs, the Foundation may retain those revenues to cover its expenses in procuring, retaining and providing stewardship to the international students attending the college pursuant to such agreement.

