

# Postsecondary Education Subcommittee Report to the Workgroup for 6-25-11

The Subcommittee has met on two occasions since the last Workgroup meeting on May 20, 2011. The topics for discussion were to work on the specifics of the items the subcommittee has come to consensus on and questions, suggestions, and statements made during the workgroup meeting.

## A. Items of Consensus:

1. Members present at the last two subcommittees agree that in RCW26.19.090(3) should require the child to be enrolled on a “full-time, per term basis”.
2. If support is suspended for any reason, the members present agree that the suspension should be re-established at the end of the next quarter or semester when the transcripts are available. This will be in-line with the guidelines of most of the educational facilities in Washington.
3. There should be a point when postsecondary educational support should be terminated. Most members agree that the second time the child fails to meet the requirements of section (3) a second time that support should be terminated.
4. Members agree that RCW26.19.090(6) of the statute should never require payments be made to the obligee parent when dealing with PSES. Payments, including room-and-board, should be made to either the educational facility or the child, regardless of where the child is living while attending school. This is a very sensitive issue of this PSES.

## B. Items from the Workgroup meeting:

1. Although section 3.13 of the support order states that support is terminated when the child reaches 18 or graduates high school whichever is later but may be reserved before that per section 3.14, there is no statute to require it. Members feel that this could lead to litigation past the age of majority. Since this has been the presumption for many years, Subcommittee members feel that it should be included in this statute to be more equitable for persons involved.
2. Members feel that the child should have some of the burden of paying for their own postsecondary education. Since many courts order the adult child to provide at least 1/3rd of the costs, members feel that the statute should require the child to cover a minimum of 1/3rd of the responsibility. Financial aid can be part of the adult child's 1/3<sup>rd</sup>.
3. Financial aid and/or funding from other people that is intended to help with education (i.e. grandparent gives money to the child to help with schooling) should be deducted from the postsecondary education support prior to determining the parent's portion of support. ( ex. If costs to attend school for three terms is \$9000.00, room and board to live with mom is

\$3600.00, financial aid is \$7000.00 and grandparents give the child \$3000.00. Add cost of school and R&B \$9000.00 + \$3600.00=\$12600.00 the subtract Financial aid and grandparent donation \$7000.00 + \$3000.00=\$10,000.00. Total parent's combined share is \$12600.00 - \$10,000 = \$2600.00)

4. Any pre-funding from savings, college funds, etc. shall be deducted from that parent's share and postsecondary support shall be treated in the same manner as it would if funding were provided on a monthly basis with regard to minor children. (Ex. Dad saves money for children's college and pays the school directly for tuition and books for the whole year. Dad should be able to deduct the amount paid from his portion of PSES. If there are other minor children then the dicta of Daubert should apply and the child should still be included when determining child support for the other children.)
5. Tuition should not exceed costs of an in-state college tuition

C. Items of reference:

1. Page 3 and 4 of case # 63044-0-1 Millman vs. Josephson

In making the current adjustment, the court commissioner used the maximum basic support obligation per child according to the "Two Children Family" column in the support table (Le., \$946). RCW 26.19.020: CP 196 (115). Millman argued the appropriate amount was \$790 per child, taken from the "Three Children Family" column, since the adult child is receiving support during her postsecondary education. CP 93, 113. The commissioner rejected this argument, holding as follows:

While the court at times follows the *dicta* in *Daubert*,<sup>1</sup> and includes children from college in calculating support, in this case the parties prefunded college and no monthly payment is outgoing by the father. Therefore in this case a two child family calculation is appropriate.

*In re Marriage of Daubert*, 124 Wn. App. 483, 503 n.3, 99 P.3d 401 (2004), overruled on other grounds by *McCausland v. McCausland*, 159 Wn.2d 607, 152 P.3d 1013 (2007).

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CP 202. This Court's decision in *Daubert* is discussed below in the argument section. The commissioner elaborated as follows:  
RP 16.

And I will say that normally we do follow the *dicta* as outlined in Footnote 3 in *Daubert*. That is what we normally do. However, in this particular case I find there to be an unusual situation which is that the parties pre-funded the payment for the college expenses for the oldest child. There's no current

regular monthly payment going out to support that dependent child. The purpose of using the three-child family would be to take into account current monthly payments or current payments being made to support that dependent child. And in this case those payments were already made, and it's not affecting the monthly budgets of the parties, excuse me, for funding the college. And, therefore, I find it appropriate to use the two-child family, and that's what we will use.

This appeal timely followed entry of the commissioner's orders. CP 221-240.

2. Example of Satisfactory Academic Progress:

**a. CLARK COLLEGE**

**FINANCIAL AID SATISFACTORY ACADEMIC PROGRESS POLICY**

Financial Aid measures your academic success in three different ways. You must meet **all three standards** to be in Good Standing and remain eligible for your financial aid.

1. Satisfactorily complete credits of enrollment **AND**
2. Maintain a 2.00 Grade Point Average (GPA) **AND**
3. Make timely progress towards degree

The criterion listed above is checked at the end of each quarter. If you do not meet any one of the requirements you may lose your financial aid funding. Financial aid includes grants, waivers, loans, work study and specific scholarships.

**b. Lower Columbia College**

**Financial Aid Satisfactory Academic Progress  
Effective July 1, 2011**

You must maintain a satisfactory academic progress (SAP) in your program of study at Lower Columbia College (LCC) to retain your eligibility for federal and state student financial aid.

Beginning in the 2011-12 academic year, the Department of Education has instituted a new standard of SAP that differs from Washington State requirements. Students are required to achieve SAP based on the type of aid they are receiving.

Students receiving both types of aid will be held to both standards. Both, the federal and state requirements are monitored quarterly.

**FEDERAL MEASUREMENT**

Students receiving federal aid (Pell Grant, Federal Supplemental Educational Opportunity Grant, Federal Work Study, Direct Loans) will be held to the federal standard and must meet both Pace of Progression and GPA requirements to be in good standing:

**Pace of Progression** is measured cumulatively to make sure you complete your academic program within the 150% federal Maximum Time Frame (MTF), which is the maximum length of time a student is eligible for federal student aid. LCC is also required to count credits you transfer in from other schools as attempted and completed credits. LCC must also count all credits you have attempted and completed regardless of whether you received financial aid for those credits. Example: your academic program is 90 credits in length,  $90 \times 150\% = 135$  credits.

To meet Pace of Progression you must complete a minimum of 67% of your attempted credits. This is calculated by dividing your cumulative completed credits by your cumulative attempted credits.

**Examples:**

1. You register for 12 credits, but you only complete 8 credits,  $8 \div 12 = 67\%$ . You met SAP.
2. You enroll in 15 credits; complete 5 credits. 5 divided by 15 = 33% completion. You did not meet SAP; see Financial Aid Warning and Suspension section below.

**Grade Point Average (GPA)** of a minimum 2.0 quarterly, and cumulatively at the end of the 6<sup>th</sup> quarter of attendance at LCC.

3. Example to re-establish support:

## University of Washington

### HOW TO RE-ESTABLISH ELIGIBILITY

#### MINIMUM CREDITS COMPLETED

A **Students may appeal** based on unusual circumstances beyond their control which prevented their satisfactory academic progress.

B **Students may be reinstated** by passing full-time credits (12 credits for undergraduate and professional students, 10 credits for graduate students) in a quarter of study on their own resources. Students notify our office that they have met this requirement by submitting an appeal in writing.

**If these credits are taken at the University of Washington**, the appeal should be submitted after the grades have been recorded and progress can be verified.

**If the credits are taken at another institution**, students must attach an official copy of the grade report or transcript from that school to the appeal form. (The UW Admissions Office will need an official copy of your academic transcript in order to evaluate your credits.)

**MINIMUM GRADE POINT AVERAGE** Students dropped from the University of Washington for low scholarship must appeal to the Registrar, the Graduate School or professional schools for reinstatement. When reinstated, they should notify our office. A separate appeal to our office is not required unless the situation also involves the minimum credit or maximum time frame requirements.

#### MAXIMUM TIME FRAME

Students who have used up the maximum time frame for completion of their degree program with financial aid eligibility may petition through the regular appeal process for an exception based on extenuating circumstances which prevented their satisfactory academic progress.

4. Suggestions for changes to appropriate sections of current statute: (Changes from current statute are underlined)

### Postsecondary Education Support Revisions

(1) The child support schedule shall be advisory and not mandatory for postsecondary educational support. The parents must petition the court prior to the child's eighteenth birthday or the child graduates high school, whichever is later.

(3) The child must enroll in an accredited academic or vocational school on a full-time, per term basis as determined by the institution, must be actively pursuing a course of study commensurate with the child's vocational goals, and must be in good academic standing as defined by the institution. The court-ordered postsecondary educational support shall be automatically suspended during the period or periods the child fails to comply with these conditions.

a. Postsecondary education support shall be re-established for the monthly payment following when the adult child can show he or she meets the requirements set forth above based on documented school records after the quarter or semester ends in accordance with the school guidelines.

b. Postsecondary education support from the parents shall be permanently terminated if the child fails to comply with the conditions set forth above a second time.

(6) The court shall direct that either or both parents' payments for postsecondary educational expenses be made directly to the educational institution if feasible. If direct payments are not feasible, then the court in its discretion may order that either or both parents' payments be made directly to the child if the child does not reside with either parent. If the child resides with one of the parents the court shall direct either or both parents make the payments to the child. This includes room and board.

The cost of the educational facility shall not exceed the costs of an in-state public educational facility. The adult child must contribute a minimum of 1/3rd of the cost of attending. Financial aid can be contributed toward this amount. Funding from other sources, such as family members, shall be included. Parents may be responsible for the remainder of the costs of attending an educational facility after the child's 1/3rd responsibility and/or financial aid, whichever is larger. Parents share shall be based on each parent's share of combined income. Any pre-funding from savings, college funds, etc. shall be deducted from that parent's share and postsecondary support shall be treated in the same manner as it would if funding were provided on a monthly basis with regard to minor children.