Committee of the Whole
Business Session

Tuesday, November 11, 2014
8:45 – 10:15 am
Ballroom
Committee of the Whole – Business Session

Agenda

Reconvene Committee of the Whole: Dianne Harrison, WICHE chair

Report and recommended action of the Audit Committee: Leah Bornstein, committee chair and immediate past WICHE chair

Action Item

FY 2014 audit report (separate document)

Report and recommended action of the Executive Committee: Dianne Harrison, WICHE chair

Report and recommended action of the Programs and Services Committee: Patricia Sullivan, committee chair

Report and recommended action of the Issue Analysis and Research Committee: Jeanne Kohl-Welles, committee chair

Report and recommended action of the Self-funded Units Committee: James Hansen, committee chair

Report on the Legislative Advisory Committee annual meeting: Senator Jeanne Kohl-Welles, LAC member

Committee of the Whole Action and Discussion Items

Action Item

Approval of Three States into the WICHE State Authorization Reciprocity Agreement 10-3

Discussion Item: Update on WICHE’s budget 10-8

Action Item

Election of chair, vice chair, and immediate past chair as officers of the WICHE Commission for 2015

Remarks of outgoing chair

Remarks of new chair

Selection of 2015 committee members

Meeting evaluation (electronic)
https://www.surveymonkey.com/s/RRXLVDP

Other business

Adjourn Committee of the Whole business session
ACTION ITEM
Approval of Arizona into the State Authorization Reciprocity Agreement (SARA)

WICHE proposes to approve the state application for Arizona to join as a member of the State Authorization Reciprocity Agreement.

Relationship to WICHE Mission
This action directly supports WICHE’s mission “to expand educational access and excellence for all citizens of the West” by providing an efficient and effective voluntary alternative to existing, overly complex, and confusing state regulation of distance education across state lines. Approval of Arizona to join the W-SARA agreement will enhance student access to online courses and programs and improve consumer protection; while reducing the sizeable costs and burdens institutions face in complying with multiple, and often inconsistent, state laws and regulations.

Background
In order to join the W-SARA agreement, states must be a member of WICHE; have legal authority under state law to enter an interstate agreement on behalf of the state; and have a clearly articulated and comprehensive state process for consumer protection in regard to SARA activities, both with respect to initial institutional approval and ongoing oversight, including the resolution of consumer complaints in all sectors of higher education. The state also must have clear and well-documented policies and practices for addressing catastrophic events, such as an unanticipated institutional closure. Each state must designate a single authorizing agency or entity, known as the SARA Portal Agency, to oversee the work of other companion agencies and institutions, and to serve as the lead in all subsequent interactions related to carrying out the agreement’s requirements.

The W-SARA Steering Committee (see list of members on page 10-7) has guided the development of the W-SARA agreement since 2012, and serves as the initial point of review and recommendation for approval of state SARA applications. The steering committee met on October 20, 2014 to review the state of Arizona’s application and the committee forwards its recommendation that the WICHE Commission approve the state of Arizona application to become a member of SARA.

Program Description – Arizona
Arizona’s regulatory structure of higher education is comprised of three entities: the Arizona Board of Regents (ABOR); the Maricopa County Community College District (MCCCD) on behalf of the Arizona Community Colleges Coordinating Council (ACCCC); and the Arizona State Board for Private Postsecondary Education (AZPPSE). The authority for Arizona to participate in SARA comes from (1) A.R.S. 15-1742 addressing its membership in the Western Interstate Commission for Higher Education compact, (2) A.R.S. 15-1747 authorizing the state to enter into an intergovernmental agreement (IGA) for reciprocity related to distance education, and (3) the formal IGA among the higher education entities listed above for the purpose of participating in SARA.

The IGA and Arizona SARA Council were formally established on October 9, 2014 and the SARA Council will function as the state portal agency, which is responsible for all matters related to SARA. The Council will hire a program director to serve as the central point of contact and its membership includes three representatives from each entity and provides for future representation from an accredited, degree-granting Arizona Tribal college or university. The Council operating agreement satisfactorily details its structure, processes and procedures.

A review of the required application materials revealed the need for few substantive changes. The majority of WICHE staff interaction guiding the Arizona team charged with submitting the application centered around ensuring all required SARA components (as opposed to federal or non-SARA related components) of the complaint process were clearly understood and addressed. The submitted complaint review policy is understandably complex but does satisfy all SARA requirements. The only other required change was inclusion of specific language in the IGA clarifying that SARA relates only to interstate online distance education.
The application contains copies of all documents mentioned above and satisfies all SARA requirements. W-SARA staff and steering committee recommend approval of Arizona’s application to be recognized as a SARA state.

**Action Requested**
Approval of the SARA state application from Arizona (effective November 12, 2014).
ACTION ITEM
Approval of Oregon into the State Authorization Reciprocity Agreement (SARA)

WICHE proposes to approve the state application for Oregon to join as a member of the State Authorization Reciprocity Agreement.

Relationship to WICHE Mission
This action directly supports WICHE’s mission “to expand educational access and excellence for all citizens of the West” by providing an efficient and effective voluntary alternative to existing, overly complex, and confusing state regulation of distance education across state lines. Approval of Oregon to join the W-SARA agreement will enhance student access to online courses and programs and improve consumer protection; while reducing the sizeable costs and burdens institutions face in complying with multiple, and often inconsistent, state laws and regulations.

Background
In order to join the W-SARA agreement, states must be a member of WICHE; have legal authority under state law to enter an interstate agreement on behalf of the state; and have a clearly articulated and comprehensive state process for consumer protection in regard to SARA activities, both with respect to initial institutional approval and ongoing oversight, including the resolution of consumer complaints in all sectors of higher education. The state also must have clear and well-documented policies and practices for addressing catastrophic events, such as an unanticipated institutional closure. Each state must designate a single authorizing agency or entity, known as the SARA Portal Agency, to oversee the work of other companion agencies and institutions, and to serve as the lead in all subsequent interactions related to carrying out the agreement’s requirements.

The W-SARA Steering Committee (see list of members on page 10-7) has guided the development of the W-SARA agreement since 2012, and serves as the initial point of review and recommendation for approval of state SARA applications. The steering committee met on October 20, 2014 to review the state of Oregon’s application and the committee forwards its recommendation that the WICHE Commission approve the state of Oregon application to become a member of SARA.

Program Description – Oregon
Oregon is a state that historically has had in place relatively demanding regulatory requirements for conducting higher education. That continues to be the case and efforts in support of SARA have been aided by significant structural, regulatory and governance changes in recent years.

Oregon’s statutory authority to participate in SARA derives from ORS 351.735 which establishes the Higher Education Coordinating Commission (HECC). The HECC agreed to function as the state portal agency, with operational responsibilities assigned to the Office of Degree Authorization.

The application materials provided satisfactorily address all SARA requirements; however, WICHE staff continues to provide guidance to HECC staff centered around language that clearly defines a plan for student records in the case of some unforeseen castastrophe. Currently, OR is weighing a number of options to more clearly address the records requirement as well as refund and teach out policies in the most efficient manner. The state has been advised these requirements must be satisfied prior to the official WICHE Commission vote in November and discussions to date suggest that will be accomplished.

The application contains copies of all necessary supporting documents therefore W-SARA staff and steering committee recommend conditional approval of Oregon’s application to be recognized as a SARA state pending submission of documentation related to pending issues mentioned above, no later than November 9, 2014.

Action Requested
Approval of the SARA state application from Oregon (effective November 12, 2014).
ACTION ITEM
Approval of South Dakota into the State Authorization Reciprocity Agreement (SARA)

WICHE proposes to approve the state application for South Dakota to join as a member of the State Authorization Reciprocity Agreement.

Relationship to WICHE Mission
This action directly supports WICHE’s mission “to expand educational access and excellence for all citizens of the West” by providing an efficient and effective voluntary alternative to existing, overly complex, and confusing state regulation of distance education across state lines. Approval of South Dakota to join the W-SARA agreement will enhance student access to online courses and programs and improve consumer protection; while reducing the sizeable costs and burdens institutions face in complying with multiple, and often inconsistent, state laws and regulations.

Background
In order to join the W-SARA agreement, states must be a member of WICHE; have legal authority under state law to enter an interstate agreement on behalf of the state; and have a clearly articulated and comprehensive state process for consumer protection in regard to SARA activities, both with respect to initial institutional approval and ongoing oversight, including the resolution of consumer complaints in all sectors of higher education. The state also must have clear and well-documented policies and practices for addressing catastrophic events, such as an unanticipated institutional closure. Each state must designate a single authorizing agency or entity, known as the SARA Portal Agency, to oversee the work of other companion agencies and institutions, and to serve as the lead in all subsequent interactions related to carrying out the agreement’s requirements.

The W-SARA Steering Committee (see list of members on page 10-7) has guided the development of the W-SARA agreement since 2012, and serves as the initial point of review and recommendation for approval of state SARA applications. The steering committee met on October 20, 2014 to review the state of South Dakota’s application and the committee forwards its recommendation that the WICHE Commission approve the state of South Dakota’s application to become a member of SARA.

Program Description – South Dakota
South Dakota’s authority to participate in SARA was established by Executive Order 2014-09 and section 1, chapter 96 of the 2014 Session Laws, codified as SDCL §13-48-42. The South Dakota Board of Regents (SDBOR) has been designated as the state portal agency.

A review of the state’s application materials revealed that the newly created Board Policy Number 1:29 closely mirrored NC-SARA and W-SARA policies and standards thus effectively eliminating the need for substantive changes. W-SARA staff provided editorial recommendations to language SDBOR staff drafted specific to its state structures that interface with SARA requirements.

The only issue that required continued discussion was the state’s desire to reduce the time during which students could appeal institutional decisions resulting from student complaints. NC-SARA and WICHE policies allow students up to two years to appeal decisions; however, the state proposed 90 days. Ultimately, on October 8, 2014 the SDBOR adopted complaint appeal language that mirrored NC-SARA.

Having secured all application materials satisfying SARA requirements, W-SARA staff and steering committee recommend approval of South Dakota’s application to be recognized as a SARA state.

Action Requested
Approval of the SARA state application from South Dakota (effective November 12, 2014).
W-SARA Steering Committee Members

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DISCUSSION ITEM
Update on WICHE’s Budget

WICHE did not budget for any deficits for FY 2014 and did not realize any in the General Fund as you can see on the report titled General Fund Budget Comparing FY 2014 with FY 2015. However, as can be seen on the report Program Area Revenue and Expense Summary for FY2014, two of our program areas (the Mental Health unit and Self-Supporting Services) realized a loss and that caused WICHE to realize a deficit in FY 2014.

Since WICHE is the majority partner in the State Higher Education Policy Center (SHEPC), all the financial activity at SHEPC is combined with the WICHE financial activity and presented in the WICHE financial statements. As can be seen on the Statement of Revenues, Expenses and Changes in Net Position, WICHE’s net position at the end of FY 2014 is $4,731,678 and the total of WICHE and SHEPC is $6,109,405.

The Programs and Services unit, the Policy unit, the Professional Student Exchange program (PSEP), and the Bridges to the Professoriate program all experienced small gains or no changes.

The Mental Health unit experienced a loss of <$496,124>. Since they began the year with a negative fund balance of <$18,647>, they now have a negative fund balance of <$514,771>.

The WCET unit experienced a gain of $29,180. Since they began the year with a fund balance of $281,426, they are now at a fund balance of $310,606.

The General Fund began the year with a reserve of $1,748,405. WICHE used a net of $15,310 from this total and now has a reserve of $1,733,095. Of this total $1,573,420 has been designated for various liabilities by past actions of the commission which leaves $159,675 available for dedication as can be seen on the report titled General Fund Budget Comparing FY 2014 with FY 2015. The largest portion of these liabilities are the balloon payments on loans for the building which will come due in 2015 and 2016.

Looking ahead to Fiscal Year 2015
Again, WICHE did not budget a deficit for FY 2014 nor have we in FY 2015. However, there was a significant loss experienced by the Mental Health unit which will need to be addressed, both to correct the current deficit spending and the past debt accumulated. Both of these will present some challenges.

The General Fund budget for FY 2015 adopted by the commission in May 2014 has a surplus of $220.
Western Interstate Commission for Higher Education  
General Fund Budget  
Comparing FY 2014 with FY 2015  
Revenue and Expenditures

<table>
<thead>
<tr>
<th></th>
<th>FY 2014 Budget</th>
<th>FY 2014 Actual</th>
<th>Actual Higher or (Lower) than Budget</th>
<th>FY 2015 Budget</th>
<th>FY 2015 Actual</th>
<th>FY 2015 Higher or (Lower) than FY 2014 Actual</th>
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<tbody>
<tr>
<td><strong>Revenue</strong></td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>4102 Indirect Cost Reimbursements</td>
<td>$380,000</td>
<td>$563,239</td>
<td>$183,239</td>
<td>48.2%</td>
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<td>4104 Indirect Cost Sharing-WICHE</td>
<td>($120,000)</td>
<td>($173,038)</td>
<td>($53,038)</td>
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<td>4201 Members/Fees States/Institutions a</td>
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<td>$2,096,000</td>
<td>$0</td>
<td>0.0%</td>
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<tr>
<td>4202 California Delinquent Dues b</td>
<td>$87,000</td>
<td>$0</td>
<td>($87,000)</td>
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<td>4300 Interest</td>
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<td>$20,000</td>
<td>($9,686)</td>
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<td>4400 Publication Sales &amp; Refunds</td>
<td>$50</td>
<td>$0</td>
<td>($50)</td>
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<td>4600 Other Income</td>
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<td>($6,731)</td>
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<td>4850 Credit Card Transaction Rev. / Units</td>
<td>$1,000</td>
<td>$0</td>
<td>($1,000)</td>
<td>-100.0%</td>
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<tr>
<td><strong>Total Revenue</strong></td>
<td>$2,474,050</td>
<td>$2,499,784</td>
<td>$25,734</td>
<td>1.0%</td>
<td>$2,570,050</td>
<td>$96,000</td>
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<td></td>
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<td>$30,266</td>
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</table>

| **Expenditures**     |                |                |                                    |                |                |                                               |
| 0102 Student Exchange Program | $313,211       | $287,130       | ($26,080)                          | -8.3%          |                |                                               |
| 0104 Policy Analysis & Research | $368,986       | $377,543       | $8,556                             | 2.3%           |                |                                               |
| 0105 Communications & Public Affairs | $441,307       | $407,222       | ($34,086)                          | -7.7%          |                |                                               |
| 0110 President's Office | $429,495       | $362,256       | ($67,239)                          | -15.7%         |                |                                               |
| 0111 Commission Meeting Expense | $190,393       | $177,629       | ($12,765)                          | -6.7%          |                |                                               |
| 0112 Administrative Services | $520,768       | $505,014       | ($15,754)                          | -2.9%          |                |                                               |
| 0115 Miscellaneous Gen. Fund | $168,921       | $141,358       | ($27,563)                          | -16.3%         |                |                                               |
| 0116 Program Development | $15,000        | $12,890        | ($2,110)                           | -14.6%         |                |                                               |
| 0131 LAC Meeting      | $25,000        | $29,126        | $4,126                             | 16.5%          |                |                                               |
| **Total Expenditures** | $2,473,081     | $2,300,886     | ($172,195)                         | -7.0%          | $2,569,830     | $96,749                                        |
|                      | $220           | $192,749       |                                    |                |                | $268,944                                       |

| **Reserves (Deficit) for the Fiscal Year** | $969       | $198,897       | $197,929                           |                |                | $339,210                                       |

| **Reserves at Beginning of Year** | $296,770 | $296,770 | $0 | 0.0% | $308,380 | $11,610 | 3.9% | $11,610 | 3.9% |
| 2 Reserve for Facility Payments | $219,000 | $219,000 | $0 | 0.0% | $219,000 | $0 | 0.0% | $0 | 0.0% |
| 3 Reserve for Unexpected Shortfall | $247,308 | $247,308 | $0 | 0.0% | $256,963 | $9,675 | 3.9% | $9,675 | 3.9% |
| 4 Reserve required for CECFA Bond. | $70,000 | $70,000 | $0 | 0.0% | $70,000 | $0 | 0.0% | $0 | 0.0% |
| 5 CECFA Bond Balloon Payment | $105,000 | $105,000 | $0 | 0.0% | $105,000 | $0 | 0.0% | $0 | 0.0% |
| 6 Ford Loan Balloon Payment | $614,057 | $614,057 | $0 | 0.0% | $614,057 | $0 | 0.0% | $0 | 0.0% |
| 7 Reserve Available for Dedication | $196,270 | $196,270 | $0 | 0.0% | $159,675 | ($36,595) | -18.6% | ($36,595) | -18.6% |
| **Reserves at Beginning of Year** | $1,748,405 | $1,748,405 | $0 | 0.0% | $1,733,095 | ($13,310) | -0.8% | ($15,310) | -0.8% |

| **Reserves Dedicated during Year** | $30,000 | $30,000 | $0 | 0.0% | $17,740 | $6,467 | 26.7% | $6,467 | 26.7% |
| 9 Deferred Compensation / President | $24,207 | $24,207 | $0 | 0.0% | $0 | $110,000 | 100.0% | $110,000 | 100.0% |
| 10 IT Development Fund | $110,000 | $110,000 | $0 | 0.0% | $0 | $50,000 | 100.0% | $50,000 | 100.0% |
| 11 Collective Purch. Investment | $50,000 | $50,000 | $0 | 0.0% | $0 | $50,000 | 100.0% | $50,000 | 100.0% |
| 12 Deficit (Surplus) for the Fiscal Year above | ($969) | ($198,897) | $197,929 | $17,520 | $165,718 | 304.0% | ($321,211) | 326.6% |
| **Reserves Dedicated during the Fiscal Year** | $213,238 | $15,310 | $197,929 | $17,520 | $165,718 | 304.0% | ($321,211) | 326.6% |

| **Reserves at End of Year** | $1,535,167 | $1,733,095 | $197,929 | $1,715,575 | $150,408 | ($47,520) |

(a) At the May 2012 meeting the Commission set the FY 2014 dues to $131K and the FY 2015 dues to $137K. On April 1, 2013, the Pacific Island U.S. Territories & Free States joined the previous 15 member states of WICHE.
(b) California unpaid Dues from 2005 paid on May 23, 2014 but credited to FY15 by vote of the Commission at the May 2014 meeting.
(c) Minimum reserve set by the commission is 12% of Budgeted Expenses. Set May 2000.
(d) Facility Payments reserve set by commission at 6 months set. May 2007.
(e) Unexpected Shortfall reserve set by commission at 10% of Budgeted Expenses. To be used only if anticipated funding does not materialize. Set May 2007.
(f) CECFA Bond reserve. Legal requirement of bond financing.
(g) CECFA Bond balloon payment amount is $175,100, but the $70,000 reserve requirement will expire at the time the loan is paid off.
(h) Ford Loan balloon payment amount is $1,070,345 of which WICHE owes 57.37%.
(i) Deferred compensation plan for President approved by Commission at the November 2010 meeting.
(j) Funds to increase software development efforts for several programs.
(k) Funds to facilitate transition in purchasing programs.
(m) Approved by Executive Committee at March 18, 2014 meeting by teleconference.
Western Interstate Commission for Higher Education

Program Area Revenue and Expense Summary for FY 2014

<table>
<thead>
<tr>
<th>Revenue</th>
<th>Programs &amp; Services</th>
<th>Policy Analysis</th>
<th>PSEP &amp; Bridges *</th>
<th>Mental Health</th>
<th>WCET</th>
<th>Self Supporting Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Membership Dues and Fees</td>
<td>$ 140,375</td>
<td>$ 204,750</td>
<td>$ 1,147,325</td>
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<tr>
<td>Conference Registration Fees</td>
<td>$ 15,095</td>
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<td>$ 256,627</td>
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<tr>
<td>Grants and Contracts</td>
<td>$ 2,355,577</td>
<td>$ 797,018</td>
<td>$ 277,732</td>
<td>$ 1,418,616</td>
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<td>$ 1,386,692</td>
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<td>Indirect Cost Sharing</td>
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<td></td>
<td></td>
<td>$ 77,155</td>
<td></td>
<td>$ 94,945</td>
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<tr>
<td>Interest</td>
<td></td>
<td>$ 126</td>
<td></td>
<td></td>
<td></td>
<td>$ 151</td>
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<tr>
<td>Miscellaneous Income</td>
<td>$ 15,363</td>
<td>$ 5,000</td>
<td></td>
<td>$ 37,653</td>
<td></td>
<td>$ 34,762 $ 15,102</td>
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<tr>
<td>General Fund Allocation</td>
<td>$ 407,222</td>
<td>$ 377,543</td>
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<td>$ 287,130</td>
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<tr>
<td>Total Revenue</td>
<td>$ 2,933,758</td>
<td>$ 1,180,182</td>
<td>$ 564,862</td>
<td>$ 1,738,174</td>
<td>$ 2,920,502</td>
<td>$ 15,102</td>
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<table>
<thead>
<tr>
<th>Expenses</th>
<th>Programs &amp; Services</th>
<th>Policy Analysis</th>
<th>PSEP &amp; Bridges *</th>
<th>Mental Health</th>
<th>WCET</th>
<th>Self Supporting Services</th>
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</thead>
<tbody>
<tr>
<td>Salaries</td>
<td>$ 768,156</td>
<td>$ 478,296</td>
<td>$ 192,207</td>
<td></td>
<td>$ 733,171</td>
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<tr>
<td>Benefits</td>
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<td>$ 181,187</td>
<td>$ 75,878</td>
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<td>$ 260,085</td>
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<tr>
<td>Audit, Legal &amp; Consulting</td>
<td>$ 248,855</td>
<td>$ 98,050</td>
<td></td>
<td>-</td>
<td>$ 486,427</td>
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<td>Subcontracts</td>
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<td>$ 18,000</td>
<td>$ 68,475</td>
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<td>$ 46,111</td>
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<td>Travel</td>
<td>$ 243,828</td>
<td>$ 197,690</td>
<td></td>
<td>$ 316,567</td>
<td></td>
<td>$ 411,805</td>
</tr>
<tr>
<td>Printing and Copying</td>
<td>$ 10,172</td>
<td>$ 6,929</td>
<td>$ 3,187</td>
<td></td>
<td>$ 6,348</td>
<td></td>
</tr>
<tr>
<td>Rent</td>
<td>$ 81,420</td>
<td>$ 44,902</td>
<td></td>
<td>$ 68,475</td>
<td></td>
<td>$ 46,111</td>
</tr>
<tr>
<td>Computer/Network</td>
<td>$ 67,301</td>
<td>$ 33,495</td>
<td>$ 13,365</td>
<td></td>
<td>$ 67,243</td>
<td></td>
</tr>
<tr>
<td>Communications</td>
<td>$ 15,436</td>
<td>$ 8,933</td>
<td>$ 3,679</td>
<td></td>
<td>$ 16,010</td>
<td></td>
</tr>
<tr>
<td>Supplies and Expense</td>
<td>$ 29,716</td>
<td>$ 10,708</td>
<td>$ 1,671</td>
<td></td>
<td>$ 50,891</td>
<td></td>
</tr>
<tr>
<td>Marketing / Depreciation</td>
<td>$ 98</td>
<td>-</td>
<td>-</td>
<td></td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Indirect Costs</td>
<td>$ 34,227</td>
<td>$ 80,196</td>
<td></td>
<td>$ 198,549</td>
<td></td>
<td>$ 219,075</td>
</tr>
<tr>
<td>Credits for other programs</td>
<td>$ 76,857</td>
<td>$ 16,896</td>
<td></td>
<td>$ 21,351</td>
<td></td>
<td>$ 33,660</td>
</tr>
<tr>
<td>Total Expenses</td>
<td>$ 2,893,917</td>
<td>$ 1,175,284</td>
<td>$ 564,861</td>
<td>$ 2,234,298</td>
<td>$ 2,891,322</td>
<td>$ 92,017</td>
</tr>
</tbody>
</table>

Excess Revenue (Loss) | $ 39,841 | $ 4,898 | | $ 1 | $ (496,124) | | $ 29,180 $ (76,915) |

* PSEP and Bridges are programs included in the Programs and Services unit. They are reported separately for auditing purposes.