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ENGROSSED HOUSE BILL 1370

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State of Washington                      55th Legislature                      1997 Regular Session

By Representatives Carlson, Talcott, Linville and Wensman

Read first time 01/23/97. Referred to Committee on Higher Education.

1            AN ACT Relating to the merger of technical and community colleges;  
2 amending RCW 28B.50.215; and reenacting and amending RCW 28B.50.140.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 28B.50.140 and 1991 c 238 s 39 and 1991 c 58 s 1 are  
5 each reenacted and amended to read as follows:

6            Each board of trustees:

7            (1) Shall operate all existing community and technical colleges in  
8 its district;

9            (2) Shall create comprehensive programs of community and technical  
10 college education and training and maintain an open-door policy in  
11 accordance with the provisions of RCW 28B.50.090(3). However,  
12 technical colleges, and college districts containing only technical  
13 colleges, shall maintain programs solely for occupational education,  
14 basic skills, and literacy purposes. For as long as a need exists,  
15 technical colleges may continue those programs, activities, and  
16 services they offered during the twelve-month period preceding  
17 September 1, 1991;

18            (3) Shall employ for a period to be fixed by the board a college  
19 president for each community and technical college and, may appoint a

1 president for the district, and fix their duties and compensation,  
2 which may include elements other than salary. Compensation under this  
3 subsection shall not affect but may supplement retirement, health care,  
4 and other benefits that are otherwise applicable to the presidents as  
5 state employees. The board shall also employ for a period to be fixed  
6 by the board members of the faculty and such other administrative  
7 officers and other employees as may be necessary or appropriate and fix  
8 their salaries and duties. Compensation and salary increases under  
9 this subsection shall not exceed the amount or percentage established  
10 for those purposes in the state appropriations act by the legislature  
11 as allocated to the board of trustees by the state board for community  
12 and technical colleges. The state board for community and technical  
13 colleges shall adopt rules defining the permissible elements of  
14 compensation under this subsection;

15 (4) May establish, under the approval and direction of the college  
16 board, new facilities as community needs and interests demand.  
17 However, the authority of boards of trustees to purchase or lease major  
18 off-campus facilities shall be subject to the approval of the higher  
19 education coordinating board pursuant to RCW 28B.80.340(5);

20 (5) May establish or lease, operate, equip and maintain  
21 dormitories, food service facilities, bookstores and other self-  
22 supporting facilities connected with the operation of the community and  
23 technical college;

24 (6) May, with the approval of the college board, borrow money and  
25 issue and sell revenue bonds or other evidences of indebtedness for the  
26 construction, reconstruction, erection, equipping with permanent  
27 fixtures, demolition and major alteration of buildings or other capital  
28 assets, and the acquisition of sites, rights-of-way, easements,  
29 improvements or appurtenances, for dormitories, food service  
30 facilities, and other self-supporting facilities connected with the  
31 operation of the community and technical college in accordance with the  
32 provisions of RCW 28B.10.300 through 28B.10.330 where applicable;

33 (7) May establish fees and charges for the facilities authorized  
34 hereunder, including reasonable rules and regulations for the  
35 government thereof, not inconsistent with the rules and regulations of  
36 the college board; each board of trustees operating a community and  
37 technical college may enter into agreements, subject to rules and  
38 regulations of the college board, with owners of facilities to be used

1 for housing regarding the management, operation, and government of such  
2 facilities, and any board entering into such an agreement may:

3 (a) Make rules and regulations for the government, management and  
4 operation of such housing facilities deemed necessary or advisable; and

5 (b) Employ necessary employees to govern, manage and operate the  
6 same;

7 (8) May receive such gifts, grants, conveyances, devises and  
8 bequests of real or personal property from private sources, as may be  
9 made from time to time, in trust or otherwise, whenever the terms and  
10 conditions thereof will aid in carrying out the community and technical  
11 college programs as specified by law and the regulations of the state  
12 college board; sell, lease or exchange, invest or expend the same or  
13 the proceeds, rents, profits and income thereof according to the terms  
14 and conditions thereof; and adopt regulations to govern the receipt and  
15 expenditure of the proceeds, rents, profits and income thereof;

16 (9) May establish and maintain night schools whenever in the  
17 discretion of the board of trustees it is deemed advisable, and  
18 authorize classrooms and other facilities to be used for summer or  
19 night schools, or for public meetings and for any other uses consistent  
20 with the use of such classrooms or facilities for community and  
21 technical college purposes;

22 (10) May make rules and regulations for pedestrian and vehicular  
23 traffic on property owned, operated, or maintained by the district;

24 (11) Shall prescribe, with the assistance of the faculty, the  
25 course of study in the various departments of the community and  
26 technical college or colleges under its control, and publish such  
27 catalogues and bulletins as may become necessary;

28 (12) May grant to every student, upon graduation or completion of  
29 a course of study, a suitable diploma, nonbaccalaureate degree or  
30 certificate. ~~((Technical colleges shall offer only nonbaccalaureate  
31 technical degrees, certificates, or diplomas for occupational courses  
32 of study under rules of the college board. Technical colleges in  
33 districts twenty eight and twenty nine may offer nonbaccalaureate  
34 associate of technical or applied arts degrees only in conjunction with  
35 a community college the district of which overlaps with the district of  
36 the technical college, and these degrees may only be offered after a  
37 contract or agreement is executed between the technical college and the  
38 community college. The authority and responsibility to offer transfer  
39 level academic support and general education for students of districts~~

1 ~~twenty one and twenty five shall reside exclusively with Whatcom~~  
2 ~~Community College.))~~ Technical colleges shall offer only  
3 nonbaccalaureate technical degrees under the rules of the state board  
4 for community and technical colleges that are appropriate to their work  
5 force education and training mission. The primary purpose of this  
6 degree is to lead the individual directly to employment in a specific  
7 occupation. Technical colleges may not offer transfer degrees. The  
8 board, upon recommendation of the faculty, may also confer honorary  
9 associate of arts degrees upon persons other than graduates of the  
10 community college, in recognition of their learning or devotion to  
11 education, literature, art, or science. No degree may be conferred in  
12 consideration of the payment of money or the donation of any kind of  
13 property;

14 (13) Shall enforce the rules and regulations prescribed by the  
15 state board for community and technical colleges for the government of  
16 community and technical colleges, students and teachers, and promulgate  
17 such rules and regulations and perform all other acts not inconsistent  
18 with law or rules and regulations of the state board for community and  
19 technical colleges as the board of trustees may in its discretion deem  
20 necessary or appropriate to the administration of college districts:  
21 PROVIDED, That such rules and regulations shall include, but not be  
22 limited to, rules and regulations relating to housing, scholarships,  
23 conduct at the various community and technical college facilities, and  
24 discipline: PROVIDED, FURTHER, That the board of trustees may suspend  
25 or expel from community and technical colleges students who refuse to  
26 obey any of the duly promulgated rules and regulations;

27 (14) May, by written order filed in its office, delegate to the  
28 president or district president any of the powers and duties vested in  
29 or imposed upon it by this chapter. Such delegated powers and duties  
30 may be exercised in the name of the district board;

31 (15) May perform such other activities consistent with this chapter  
32 and not in conflict with the directives of the college board;

33 (16) Notwithstanding any other provision of law, may offer  
34 educational services on a contractual basis other than the tuition and  
35 fee basis set forth in chapter 28B.15 RCW for a special fee to private  
36 or governmental entities, consistent with rules and regulations adopted  
37 by the state board for community and technical colleges: PROVIDED,  
38 That the whole of such special fee shall go to the college district and  
39 be not less than the full instructional costs of such services

1 including any salary increases authorized by the legislature for  
2 community and technical college employees during the term of the  
3 agreement: PROVIDED FURTHER, That enrollments generated hereunder  
4 shall not be counted toward the official enrollment level of the  
5 college district for state funding purposes;

6 (17) Notwithstanding any other provision of law, may offer  
7 educational services on a contractual basis, charging tuition and fees  
8 as set forth in chapter 28B.15 RCW, counting such enrollments for state  
9 funding purposes, and may additionally charge a special supplemental  
10 fee when necessary to cover the full instructional costs of such  
11 services: PROVIDED, That such contracts shall be subject to review by  
12 the state board for community and technical colleges and to such rules  
13 as the state board may adopt for that purpose in order to assure that  
14 the sum of the supplemental fee and the normal state funding shall not  
15 exceed the projected total cost of offering the educational service:  
16 PROVIDED FURTHER, That enrollments generated by courses offered on the  
17 basis of contracts requiring payment of a share of the normal costs of  
18 the course will be discounted to the percentage provided by the  
19 college;

20 (18) Shall be authorized to pay dues to any association of trustees  
21 that may be formed by the various boards of trustees; such association  
22 may expend any or all of such funds to submit biennially, or more often  
23 if necessary, to the governor and to the legislature, the  
24 recommendations of the association regarding changes which would affect  
25 the efficiency of such association;

26 (19) Subject to the approval of the higher education coordinating  
27 board pursuant to RCW 28B.80.340(4), may participate in higher  
28 education centers and consortia that involve any four-year public or  
29 independent college or university; and

30 (20) Shall perform any other duties and responsibilities imposed by  
31 law or rule and regulation of the state board.

32 **Sec. 2.** RCW 28B.50.215 and 1991 c 238 s 144 are each amended to  
33 read as follows:

34 The colleges in each overlapping service area shall jointly submit  
35 for approval to the state board for community and technical colleges  
36 (~~((not later than December 1, 1991,))~~) a regional planning agreement.  
37 The agreement shall provide for the ongoing interinstitutional  
38 coordination of community and technical college programs and services

1 operated in the overlapping service area. The agreement shall include  
2 the means for the adjudication of issues arising from overlapping  
3 service areas. The agreement shall include a definitive statement of  
4 mission, scope, and purpose for each college including the nature of  
5 courses, programs, and services to be offered by each college. ((The  
6 statement shall include a provision that the technical colleges shall  
7 not offer courses designed for transfer to baccalaureate granting  
8 institutions. This shall not preclude such offerings provided through  
9 contracts or agreements with a community college in the service area.))

10 Technical colleges may, under the rules of the state board for  
11 community and technical colleges, offer all specific academic support  
12 courses that may be at a transfer level that are required of all  
13 students to earn a particular certificate or degree. This shall not be  
14 interpreted to mean that their mission may be expanded to include  
15 transfer preparation, nor does it preclude technical colleges from  
16 voluntarily and cooperatively using available community college courses  
17 as components of technical college programs.

18 Any part of the agreement that is not approved by all the colleges  
19 in the service area, shall be determined by the state board for  
20 community and technical colleges. Approved regional planning  
21 agreements shall be enforced by the full authority of the state board  
22 for community and technical colleges. Changes to the agreement are  
23 subject to state board approval.

24 For the purpose of creating and adopting a regional planning  
25 agreement, the trustees of the colleges in Pierce county shall form a  
26 county coordinating committee. The county coordinating committee shall  
27 consist of eight members. Each college board of trustees in Pierce  
28 county shall select two of its members to serve on the county  
29 coordinating committee. The county coordinating committee shall not  
30 employ its own staff, but shall instead utilize staff of the colleges  
31 in the county. The regional planning agreement adopted by the county  
32 coordinating committee shall include, but shall not be limited to: The  
33 items listed in this section, the transfer of credits between technical  
34 and community colleges, program articulation, and the avoidance of  
35 unnecessary duplication in programs, activities, and services.

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