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ENGROSSED SUBSTITUTE HOUSE BILL 2076

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State of Washington

58th Legislature

2003 Regular Session

By House Committee on Higher Education (originally sponsored by Representatives Kenney, Cox, Fromhold, Chase, Miloscia, Conway, Berkey, Upthegrove, Moeller, Wood and Schual-Berke)

READ FIRST TIME 03/05/03.

1 AN ACT Relating to roles and responsibilities of the higher  
2 education coordinating board; amending RCW 28B.80.330, 28B.80.340,  
3 28B.80.610, and 28B.50.090; adding a new section to chapter 28B.80 RCW;  
4 creating new sections; and providing an expiration date.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

7 (a) At the time the higher education coordinating board was created  
8 in 1985, the legislature wanted a board with a comprehensive mission  
9 that included planning, budget and program review authority, and  
10 program administration;

11 (b) Since its creation, the board has achieved numerous  
12 accomplishments, including proposals leading to creation of the branch  
13 campus system, and has made access and affordability of higher  
14 education a consistent priority;

15 (c) However, higher education in Washington state is currently at  
16 a crossroads. Demographic, economic, and technological changes present  
17 new and daunting challenges for the state and its institutions of

1 higher education. As the state looks forward to the future, the  
2 legislature, the governor, and institutions need a common strategic  
3 vision to guide planning and decision making.

4 (2) Therefore, it is the legislature's intent to reaffirm and  
5 strengthen the strategic planning role of the higher education  
6 coordinating board. It is also the legislature's intent to examine  
7 options for reassigning or altering other roles and responsibilities to  
8 enable the board to place priority and focus on planning and  
9 coordination.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 28B.80 RCW  
11 to read as follows:

12 (1) The board shall develop a statewide strategic plan that  
13 proposes a vision and identifies goals and priorities for the system of  
14 higher education in Washington state. The board shall also specify  
15 strategies for maintaining and expanding access, affordability,  
16 quality, efficiency, and accountability among the various institutions  
17 of higher education.

18 (2) In developing the statewide strategic plan, the board shall  
19 collaborate with the four-year institutions of higher education, the  
20 community and technical college system, and, when appropriate, the work  
21 force training and education coordinating board, the superintendent of  
22 public instruction, and the independent higher education institutions.  
23 The board shall also seek input from students, faculty organizations,  
24 community and business leaders in the state, members of the  
25 legislature, and the governor.

26 (3) As a foundation for the statewide strategic plan, the board  
27 shall develop and establish role and mission statements for each of the  
28 four-year institutions of higher education and the community and  
29 technical college system. The board shall determine whether certain  
30 major lines of study or types of degrees, including applied degrees or  
31 research-oriented degrees, shall be assigned uniquely to some  
32 institutions or institutional sectors in order to create centers of  
33 excellence that focus resources and expertise.

34 (4) In assessing needs of the state's higher education system, the  
35 board may consider and analyze the following information:

36 (a) Demographic, social, economic, and technological trends and  
37 their impact on service delivery;

1 (b) The changing ethnic composition of the population and the  
2 special needs arising from those trends;

3 (c) Business and industrial needs for a skilled work force;

4 (d) College attendance, retention, transfer, and dropout rates;

5 (e) Needs and demands for basic and continuing education and  
6 opportunities for lifelong learning by individuals of all age groups;  
7 and

8 (f) Needs and demands for access to higher education by placebound  
9 students and individuals in heavily populated areas underserved by  
10 public institutions.

11 (5) The statewide strategic plan shall include, but not be limited  
12 to, the following:

13 (a) Recommendations based on enrollment forecasts and analysis of  
14 data about demand for higher education, and policies and actions to  
15 meet those needs;

16 (b) State or regional priorities for new or expanded degree  
17 programs or off-campus programs, including what models of service  
18 delivery may be most cost-effective;

19 (c) Recommended policies or actions to improve the efficiency of  
20 student transfer and graduation or completion;

21 (d) State or regional priorities for addressing needs in high-  
22 demand fields where enrollment access is limited and employers are  
23 experiencing difficulty finding enough qualified graduates to fill job  
24 openings;

25 (e) Recommended tuition and fees policies and levels; and

26 (f) Priorities and recommendations on financial aid.

27 (6) The board shall present the vision, goals, priorities, and  
28 strategies in the statewide strategic plan in a way that provides  
29 guidance for institutions, the governor, and the legislature to make  
30 further decisions regarding institution-level plans, policies,  
31 legislation, and operating and capital funding for higher education.  
32 In the statewide strategic plan, the board shall recommend specific  
33 actions to be taken and identify measurable performance indicators and  
34 benchmarks for gauging progress toward achieving the goals and  
35 priorities.

36 (7) The board shall submit a draft of the initial statewide  
37 strategic plan under this section to the governor and the legislature  
38 by December 15, 2003. The plan shall be updated every four years and

1 presented to the governor and the appropriate legislative policy  
2 committees. Following public hearings, the legislature shall, by  
3 concurrent resolution, approve or recommend changes to the initial  
4 plan. The plan shall then become state higher education policy unless  
5 legislation is enacted to alter the policies set forth in the plan.  
6 The board shall publish a final plan incorporating any legislative  
7 changes by June 1, 2004, and every four years thereafter.

8 **Sec. 3.** RCW 28B.80.330 and 1997 c 369 s 10 are each amended to  
9 read as follows:

10 The board shall perform the following planning duties in  
11 consultation with the four-year institutions, the community and  
12 technical college system, and when appropriate the work force training  
13 and education coordinating board, the superintendent of public  
14 instruction, and the independent higher educational institutions:

15 ~~(1) ((Develop and establish role and mission statements for each of~~  
16 ~~the four year institutions and for the community and technical college~~  
17 ~~system;~~

18 ~~(2) Identify the state's higher education goals, objectives, and~~  
19 ~~priorities;~~

20 ~~(3) Prepare a comprehensive master plan which includes but is not~~  
21 ~~limited to:~~

22 ~~(a) Assessments of the state's higher education needs. These~~  
23 ~~assessments may include, but are not limited to: The basic and~~  
24 ~~continuing needs of various age groups; business and industrial needs~~  
25 ~~for a skilled work force; analyses of demographic, social, and economic~~  
26 ~~trends; consideration of the changing ethnic composition of the~~  
27 ~~population and the special needs arising from such trends; college~~  
28 ~~attendance, retention, and dropout rates, and the needs of recent high~~  
29 ~~school graduates and placebound adults. The board should consider the~~  
30 ~~needs of residents of all geographic regions, but its initial~~  
31 ~~priorities should be applied to heavily populated areas underserved by~~  
32 ~~public institutions;~~

33 ~~(b) Recommendations on enrollment and other policies and actions to~~  
34 ~~meet those needs;~~

35 ~~(c) Guidelines for continuing education, adult education, public~~  
36 ~~service, and other higher education programs;~~

1       ~~(d) Mechanisms through which the state's higher education system~~  
2 ~~can meet the needs of employers hiring for industrial projects of~~  
3 ~~statewide significance.~~

4       ~~The initial plan shall be submitted to the governor and the~~  
5 ~~legislature by December 1, 1987. Comments on the plan from the board's~~  
6 ~~advisory committees and the institutions shall be submitted with the~~  
7 ~~plan.~~

8       ~~The plan shall be updated every four years, and presented to the~~  
9 ~~governor and the appropriate legislative policy committees. Following~~  
10 ~~public hearings, the legislature shall, by concurrent resolution,~~  
11 ~~approve or recommend changes to the initial plan, and the updates. The~~  
12 ~~plan shall then become state higher education policy unless legislation~~  
13 ~~is enacted to alter the policies set forth in the plan;~~

14       ~~(4))~~ Review, evaluate, and make recommendations on operating and  
15 capital budget requests from four-year institutions and the community  
16 and technical college system, based on ~~((the elements outlined in~~  
17 ~~subsections (1), (2), and (3) of this section, and on))~~ how the budget  
18 requests align with and implement the statewide strategic plan under  
19 section 2 of this act.

20       (a) By December of each odd-numbered year, the board shall  
21 distribute guidelines which outline the board's fiscal priorities(~~(-~~  
22 ~~These guidelines shall be distributed))~~ to the institutions and the  
23 state board for community and technical colleges (~~(board by December of~~  
24 ~~each odd-numbered year))~~). The institutions and the state board for  
25 community and technical colleges (~~(board)~~) shall submit an outline of  
26 their proposed budgets, identifying major components, to the board no  
27 later than August 1<sup>st</sup> of each even-numbered year. The board shall  
28 submit recommendations on the proposed budgets and on the board's  
29 budget priorities to the office of financial management before November  
30 1<sup>st</sup> of each even-numbered year, and to the legislature by January 1<sup>st</sup>  
31 of each odd-numbered year;

32       ~~((5))~~ (b) Institutions and the state board for community and  
33 technical colleges shall submit any supplemental budget requests and  
34 revisions to the board at the same time they are submitted to the  
35 office of financial management. The board shall submit recommendations  
36 on the proposed supplemental budget requests to the office of financial  
37 management by November 1<sup>st</sup> and to the legislature by January 1<sup>st</sup>;

38       ~~((6))~~ (2) Recommend legislation affecting higher education;

1       ~~((7)) Recommend tuition and fees policies and levels based on~~  
2 ~~comparisons with peer institutions;~~

3       ~~(8) Establish priorities and develop recommendations on financial~~  
4 ~~aid based on comparisons with peer institutions;~~

5       ~~(9)) (3) Prepare recommendations on merging or closing~~  
6 ~~institutions; and~~

7       ~~((10)) (4) Develop criteria for identifying the need for new~~  
8 ~~baccalaureate institutions.~~

9       **Sec. 4.** RCW 28B.80.340 and 1985 c 370 s 5 are each amended to read  
10 as follows:

11       (1) The board shall perform the following program responsibilities,  
12 in consultation with the institutions and with other interested  
13 agencies and individuals:

14       ~~((1)) (a)~~ Approve the creation of any new degree programs at the  
15 four-year institutions and prepare fiscal notes on any such programs;

16       ~~((2)) (b)~~ Review, evaluate, and make recommendations for the  
17 modification, consolidation, initiation, or elimination of on-campus  
18 programs, at the four-year institutions;

19       ~~((3)) (c)~~ Review and evaluate and approve, modify, consolidate,  
20 initiate, or eliminate off-campus programs at the four-year  
21 institutions;

22       ~~((4)) (d)~~ Approve, and adopt guidelines for, higher education  
23 centers and consortia;

24       ~~((5)) (e)~~ Approve purchase or lease of major off-campus  
25 facilities for the four-year institutions and the community colleges;

26       ~~((6)) (f)~~ Establish campus service areas and define on-campus and  
27 off-campus activities and major facilities; and

28       ~~((7)) (g)~~ Approve contracts for off-campus educational programs  
29 initiated by the state's four-year institutions individually, in  
30 concert with other public institutions, or with independent  
31 institutions.

32       (2) In performing its responsibilities under this section, the  
33 board shall consider, and require institutions to demonstrate, how the  
34 proposals align with or implement the statewide strategic plan under  
35 section 2 of this act. The board shall also develop clear guidelines  
36 and objective decision-making criteria regarding approval of proposals  
37 under this section.

1       **Sec. 5.** RCW 28B.80.610 and 1993 c 363 s 2 are each amended to read  
2 as follows:

3       (1) At the local level, the higher education institutional  
4 responsibilities include but are not limited to:

5       (a) Development and provision of strategic plans (~~((under the~~  
6 ~~guidelines established by the higher education coordinating board))~~  
7 that implement the vision, goals, priorities, and strategies within the  
8 statewide strategic plan under section 2 of this act based on the  
9 institution's role and mission. Institutional strategic plans shall  
10 also contain measurable performance indicators and benchmarks for  
11 gauging progress toward achieving the goals and priorities. In  
12 developing their strategic plans, the research universities shall  
13 consider the feasibility of significantly increasing the number of  
14 evening graduate classes;

15       (b) For the four-year institutions of higher education, timely  
16 provision of information required by the higher education coordinating  
17 board to report to the governor, the legislature, and the citizens;

18       (c) Provision of local student financial aid delivery systems to  
19 achieve both statewide goals and institutional objectives in concert  
20 with statewide policy; and

21       (d) Operating as efficiently as feasible within institutional  
22 missions and goals.

23       (2) At the state level, the higher education coordinating board  
24 shall be responsible for:

25       (a) (~~Delimitation and coordination of~~) Ensuring that strategic  
26 plans to be prepared by the institutions are aligned with and implement  
27 the statewide strategic plan under section 2 of this act and  
28 periodically monitoring institutions' progress toward achieving the  
29 goals and priorities within their plans;

30       (b) Preparation of reports to the governor, the legislature, and  
31 the citizens on program accomplishments and use of resources by the  
32 institutions;

33       (c) Administration and policy implementation for statewide student  
34 financial aid programs; and

35       (d) Assistance to institutions in improving operational efficiency  
36 through measures that include periodic review of program efficiencies.

37       (3) At the state level, on behalf of community colleges and  
38 technical colleges, the state board for community and technical

1 colleges shall coordinate and report on the system's strategic plans,  
2 including reporting on the system's progress toward achieving the  
3 statewide goals and priorities within its plan, and shall provide any  
4 information required of its colleges by the higher education  
5 coordinating board.

6 **Sec. 6.** RCW 28B.50.090 and 1991 c 238 s 33 are each amended to  
7 read as follows:

8 The college board shall have general supervision and control over  
9 the state system of community and technical colleges. In addition to  
10 the other powers and duties imposed upon the college board by this  
11 chapter, the college board shall be charged with the following powers,  
12 duties and responsibilities:

13 (1) Review the budgets prepared by the boards of trustees, prepare  
14 a single budget for the support of the state system of community and  
15 technical colleges and adult education, and submit this budget to the  
16 governor as provided in RCW 43.88.090;

17 (2) Establish guidelines for the disbursement of funds; and receive  
18 and disburse such funds for adult education and maintenance and  
19 operation and capital support of the college districts in conformance  
20 with the state and district budgets, and in conformance with chapter  
21 43.88 RCW;

22 (3) Ensure, through the full use of its authority:

23 (a) That each college district shall offer thoroughly comprehensive  
24 educational, training and service programs to meet the needs of both  
25 the communities and students served by combining high standards of  
26 excellence in academic transfer courses; realistic and practical  
27 courses in occupational education, both graded and ungraded; and  
28 community services of an educational, cultural, and recreational  
29 nature; and adult education, including basic skills and general,  
30 family, and work force literacy programs and services. However,  
31 technical colleges, and college districts containing only technical  
32 colleges, shall maintain programs solely for occupational education,  
33 basic skills, and literacy purposes. For as long as a need exists,  
34 technical colleges may continue those programs, activities, and  
35 services they offered during the twelve-month period preceding May 17,  
36 1991;



1 (b) That each college district shall maintain an open-door policy,  
2 to the end that no student will be denied admission because of the  
3 location of the student's residence or because of the student's  
4 educational background or ability; that, insofar as is practical in the  
5 judgment of the college board, curriculum offerings will be provided to  
6 meet the educational and training needs of the community generally and  
7 the students thereof; and that all students, regardless of their  
8 differing courses of study, will be considered, known and recognized  
9 equally as members of the student body: PROVIDED, That the  
10 administrative officers of a community or technical college may deny  
11 admission to a prospective student or attendance to an enrolled student  
12 if, in their judgment, the student would not be competent to profit  
13 from the curriculum offerings of the college, or would, by his or her  
14 presence or conduct, create a disruptive atmosphere within the college  
15 not consistent with the purposes of the institution. This subsection  
16 (3)(b) shall not apply to competency, conduct, or presence associated  
17 with a disability in a person twenty-one years of age or younger  
18 attending a technical college;

19 (4) Prepare a comprehensive master plan for the development of  
20 community and technical college education and training in the state;  
21 and assist the office of financial management in the preparation of  
22 enrollment projections to support plans for providing adequate college  
23 facilities in all areas of the state. The master plan shall include  
24 implementation of the vision, goals, priorities, and strategies in the  
25 statewide strategic plan under section 2 of this act based on the  
26 community and technical college system's role and mission. The master  
27 plan shall also contain measurable performance indicators and  
28 benchmarks for gauging progress toward achieving the goals and  
29 priorities;

30 (5) Define and administer criteria and guidelines for the  
31 establishment of new community and technical colleges or campuses  
32 within the existing districts;

33 (6) Establish criteria and procedures for modifying district  
34 boundary lines consistent with the purposes set forth in RCW 28B.50.020  
35 as now or hereafter amended and in accordance therewith make such  
36 changes as it deems advisable;

37 (7) Establish minimum standards to govern the operation of the  
38 community and technical colleges with respect to:

- 1 (a) Qualifications and credentials of instructional and key  
2 administrative personnel, except as otherwise provided in the state  
3 plan for vocational education,
- 4 (b) Internal budgeting, accounting, auditing, and financial  
5 procedures as necessary to supplement the general requirements  
6 prescribed pursuant to chapter 43.88 RCW,
- 7 (c) The content of the curriculums and other educational and  
8 training programs, and the requirement for degrees and certificates  
9 awarded by the colleges,
- 10 (d) Standard admission policies,
- 11 (e) Eligibility of courses to receive state fund support;
- 12 (8) Establish and administer criteria and procedures for all  
13 capital construction including the establishment, installation, and  
14 expansion of facilities within the various college districts;
- 15 (9) Encourage innovation in the development of new educational and  
16 training programs and instructional methods; coordinate research  
17 efforts to this end; and disseminate the findings thereof;
- 18 (10) Exercise any other powers, duties and responsibilities  
19 necessary to carry out the purposes of this chapter;
- 20 (11) Authorize the various community and technical colleges to  
21 offer programs and courses in other districts when it determines that  
22 such action is consistent with the purposes set forth in RCW 28B.50.020  
23 as now or hereafter amended;
- 24 (12) Notwithstanding any other law or statute regarding the sale of  
25 state property, sell or exchange and convey any or all interest in any  
26 community and technical college real and personal property, except such  
27 property as is received by a college district in accordance with RCW  
28 28B.50.140(8), when it determines that such property is surplus or that  
29 such a sale or exchange is in the best interests of the community and  
30 technical college system;
- 31 (13) In order that the treasurer for the state board for community  
32 and technical colleges appointed in accordance with RCW 28B.50.085 may  
33 make vendor payments, the state treasurer will honor warrants drawn by  
34 the state board providing for an initial advance on July 1, 1982, of  
35 the current biennium and on July 1 of each succeeding biennium from the  
36 state general fund in an amount equal to twenty-four percent of the  
37 average monthly allotment for such budgeted biennium expenditures for  
38 the state board for community and technical colleges as certified by

1 the office of financial management; and at the conclusion of such  
2 initial month and for each succeeding month of any biennium, the state  
3 treasurer will reimburse expenditures incurred and reported monthly by  
4 the state board treasurer in accordance with chapter 43.88 RCW:  
5 PROVIDED, That the reimbursement to the state board for actual  
6 expenditures incurred in the final month of each biennium shall be less  
7 the initial advance made in such biennium;

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

18 (15) The college board shall have the power of eminent domain;

19 (16) Provide general supervision over the state's technical  
20 colleges. The president of each technical college shall report  
21 directly to the director of the state board for community and technical  
22 colleges, or the director's designee, until local control is assumed by  
23 a new or existing board of trustees as appropriate, except that a  
24 college president shall have authority over program decisions of his or  
25 her college until the establishment of a board of trustees for that  
26 college. The directors of the vocational-technical institutes on March  
27 1, 1991, shall be designated as the presidents of the new technical  
28 colleges.

29 NEW SECTION. **Sec. 7.** (1) A legislative work group is established  
30 to provide guidance for the statewide strategic plan and review options  
31 pertaining to the higher education coordinating board. The legislative  
32 work group shall consist of the following members:

33 (a) Three members from each caucus of the senate, appointed by the  
34 president of the senate, including at least two members of the higher  
35 education committee and at least two members of the ways and means  
36 committee. The president of the senate shall appoint one member to  
37 serve as cochair; and

1 (b) Three members from each caucus of the house of representatives,  
2 appointed by the speaker of the house of representatives, including two  
3 members each of the higher education, capital budget, and  
4 appropriations committees. The speaker of the house of representatives  
5 shall appoint one member to serve as cochair.

6 (2) The legislative work group shall:

7 (a) Define legislative expectations and provide policy direction  
8 for the statewide strategic plan under section 2 of this act;

9 (b) Make recommendations for ensuring the coordination of higher  
10 education capital and operating budgets with the goals and priorities  
11 in the statewide strategic plan;

12 (c) Examine opportunities to update the roles and responsibilities  
13 of the higher education coordinating board, including alternatives for  
14 administration of financial aid and other programs; review of  
15 institution budget requests; approval of off-campus programs, centers,  
16 and consortia; and collection and analysis of data.

17 (3) The legislative work group shall use legislative facilities and  
18 staff from senate committee services and the office of program  
19 research.

20 (4) The legislative work group shall report its findings and  
21 recommendations to the legislature by January 2, 2004.

22 (5) This section expires July 1, 2004.

--- END ---