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HOUSE BILL 1962

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By Representatives Kessler, Ericks, Sells, Cox, Hunter, Clibborn, Jarrett, Tom, Anderson, Nixon, Priest, Rodne, O'Brien, Santos and Chase

Read first time 02/11/2005. Referred to Committee on Higher Education.

1            AN ACT Relating to authorizing baccalaureate degrees at selected  
2 community and technical colleges on a limited and pilot basis; amending  
3 RCW 28B.15.069, 28B.50.020, 28B.50.030, and 28B.50.140; adding a new  
4 section to chapter 28B.50 RCW; and creating a new section.

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

6            NEW SECTION.    **Sec. 1.** (1) The legislature finds that there is  
7 increasing demand in all regions of the state for access to  
8 baccalaureate education. However, the current locations of the main  
9 and branch campuses of the state's public four-year institutions of  
10 higher education constitute a barrier to access for individuals who  
11 live or work some distance from a campus. In many cases, it is not  
12 reasonable to expect these individuals to relocate and not feasible for  
13 them to commute, yet they seek advanced education in a learning  
14 environment with faculty contact and direct instruction. Community and  
15 technical colleges, however, are more geographically dispersed and  
16 accessible to a larger proportion of the state's population.

17            (2) Therefore the legislature intends to permit, on a limited and  
18 pilot basis, selected community and technical colleges to award  
19 baccalaureate degrees. At the same time, the legislature reaffirms its

1 longstanding policy that the primary mission of a community or  
2 technical college is to serve as a two-year institution of higher  
3 education that offers basic skills, academic transfer preparation, work  
4 force training, and personal enrichment opportunities.

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 28B.50 RCW  
6 to read as follows:

7 (1) The college board shall select five pilot colleges to develop  
8 and offer programs of study leading to an applied baccalaureate degree.

9 (2) Colleges may submit an application to become a pilot college  
10 under this section. The college board shall review the applications  
11 and select the pilot colleges using objective criteria, including:

12 (a) The college is located in a region of the state where local  
13 residents do not have reasonable access to the programs at the main or  
14 branch campus of a public four-year institution of higher education;

15 (b) The college demonstrates the capacity to make a long-term  
16 commitment of resources to build and sustain a high quality program;

17 (c) The college has or can readily engage faculty appropriately  
18 qualified to develop and deliver a high quality curriculum at the  
19 baccalaureate level; and

20 (d) The college can demonstrate demand for the proposed program  
21 from a sufficient number of students within its service area to make  
22 the program cost-effective and feasible for the college to operate.

23 (3) A college selected as a pilot college under this section may  
24 develop the curriculum for and design and deliver courses leading to an  
25 applied baccalaureate degree. However, degree programs developed under  
26 this section are subject to approval by the college board under RCW  
27 28B.50.090 before a pilot college may enroll students in upper-division  
28 courses.

29 **Sec. 3.** RCW 28B.15.069 and 2003 c 232 s 5 are each amended to read  
30 as follows:

31 (1) The building fee for each academic year shall be a percentage  
32 of total tuition fees. This percentage shall be calculated by the  
33 higher education coordinating board and be based on the actual  
34 percentage the building fee is of total tuition for each tuition  
35 category in the 1994-95 academic year, rounded up to the nearest half  
36 percent.

1 (2) The governing boards of each institution of higher education,  
2 except for the technical colleges, shall charge to and collect from  
3 each student a services and activities fee. A governing board may  
4 increase the existing fee annually, consistent with budgeting  
5 procedures set forth in RCW 28B.15.045, by a percentage not to exceed  
6 the annual percentage increase in student tuition fees for resident  
7 undergraduate students: PROVIDED, That such percentage increase shall  
8 not apply to that portion of the services and activities fee previously  
9 committed to the repayment of bonded debt. These rate adjustments may  
10 exceed the fiscal growth factor. For the 2003-04 academic year, the  
11 services and activities fee shall be based upon the resident  
12 undergraduate services and activities fee in 2002-03. The services and  
13 activities fee committee provided for in RCW 28B.15.045 may initiate a  
14 request to the governing board for a fee increase.

15 (3) Tuition and services and activities fees consistent with  
16 subsection (2) of this section shall be set by the state board for  
17 community and technical colleges for community college summer school  
18 students unless the community college charges fees in accordance with  
19 RCW 28B.15.515.

20 (4) Subject to the limitations of RCW 28B.15.910, each governing  
21 board of a community college may charge such fees for ungraded courses,  
22 noncredit courses, community services courses, and self-supporting  
23 courses as it, in its discretion, may determine, consistent with the  
24 rules of the state board for community and technical colleges.

25 (5) The governing board of a college offering an applied  
26 baccalaureate degree program under section 2 of this act may charge  
27 tuition fees for upper-division courses at rates consistent with rules  
28 adopted by the state board for community and technical colleges, not to  
29 exceed tuition fee rates at the regional universities.

30 **Sec. 4.** RCW 28B.50.020 and 1991 c 238 s 21 are each amended to  
31 read as follows:

32 The purpose of this chapter is to provide for the dramatically  
33 increasing number of students requiring high standards of education  
34 either as a part of the continuing higher education program or for  
35 occupational education and training, or for adult basic skills and  
36 literacy education, by creating a new, independent system of community  
37 and technical colleges which will:

1 (1) Offer an open door to every citizen, regardless of his or her  
2 academic background or experience, at a cost normally within his or her  
3 economic means;

4 (2) Ensure that each college district shall offer thoroughly  
5 comprehensive educational, training and service programs to meet the  
6 needs of both the communities and students served by combining high  
7 standards of excellence in academic transfer courses and, on a limited  
8 and pilot basis, upper-division courses leading to a baccalaureate  
9 degree; realistic and practical courses in occupational education, both  
10 graded and ungraded; community services of an educational, cultural,  
11 and recreational nature; and adult education, including basic skills  
12 and general, family, and work force literacy programs and services.  
13 However, college districts containing only technical colleges shall  
14 maintain programs solely for occupational education, basic skills, and  
15 literacy purposes, and, for as long as a need exists, may continue  
16 those programs, activities, and services offered by the technical  
17 colleges during the twelve-month period preceding September 1, 1991;

18 (3) Provide for basic skills and literacy education, and  
19 occupational education and technical training at technical colleges in  
20 order to prepare students for careers in a competitive work force;

21 (4) Provide or coordinate related and supplemental instruction for  
22 apprentices at community and technical colleges;

23 (5) Provide administration by state and local boards which will  
24 avoid unnecessary duplication of facilities or programs; and which will  
25 encourage efficiency in operation and creativity and imagination in  
26 education, training and service to meet the needs of the community and  
27 students;

28 (6) Allow for the growth, improvement, flexibility and modification  
29 of the community colleges and their education, training and service  
30 programs as future needs occur; and

31 (7) Establish firmly that, except on a limited and pilot basis as  
32 provided under section 2 of this act, community colleges are, for  
33 purposes of academic training, two year institutions, and are an  
34 independent, unique, and vital section of our state's higher education  
35 system, separate from both the common school system and other  
36 institutions of higher learning, and never to be considered for  
37 conversion into four-year liberal arts colleges.

1       **Sec. 5.** RCW 28B.50.030 and 2003 2nd sp.s. c 4 s 33 are each  
2 amended to read as follows:

3       As used in this chapter, unless the context requires otherwise, the  
4 term:

5       (1) "System" shall mean the state system of community and technical  
6 colleges, which shall be a system of higher education.

7       (2) "Board" shall mean the work force training and education  
8 coordinating board.

9       (3) "College board" shall mean the state board for community and  
10 technical colleges created by this chapter.

11       (4) "Director" shall mean the administrative director for the state  
12 system of community and technical colleges.

13       (5) "District" shall mean any one of the community and technical  
14 college districts created by this chapter.

15       (6) "Board of trustees" shall mean the local community and  
16 technical college board of trustees established for each college  
17 district within the state.

18       (7) "Occupational education" shall mean that education or training  
19 that will prepare a student for employment that does not require a  
20 baccalaureate degree.

21       (8) "K-12 system" shall mean the public school program including  
22 kindergarten through the twelfth grade.

23       (9) "Common school board" shall mean a public school district board  
24 of directors.

25       (10) "Community college" shall include those higher education  
26 institutions that conduct education programs under RCW 28B.50.020.

27       (11) "Technical college" shall include those higher education  
28 institutions with the sole mission of conducting occupational  
29 education, basic skills, literacy programs, and offering on short  
30 notice, when appropriate, programs that meet specific industry needs.  
31 The programs of technical colleges shall include, but not be limited  
32 to, continuous enrollment, competency-based instruction, industry-  
33 experienced faculty, curriculum integrating vocational and basic skills  
34 education, and curriculum approved by representatives of employers and  
35 labor. For purposes of this chapter, technical colleges shall include  
36 Lake Washington Vocational-Technical Institute, Renton Vocational-  
37 Technical Institute, Bates Vocational-Technical Institute, Clover Park  
38 Vocational Institute, and Bellingham Vocational-Technical Institute.

1 (12) "Adult education" shall mean all education or instruction,  
2 including academic, vocational education or training, basic skills and  
3 literacy training, and "occupational education" provided by public  
4 educational institutions, including common school districts for persons  
5 who are eighteen years of age and over or who hold a high school  
6 diploma or certificate. However, "adult education" shall not include  
7 academic education or instruction for persons under twenty-one years of  
8 age who do not hold a high school degree or diploma and who are  
9 attending a public high school for the sole purpose of obtaining a high  
10 school diploma or certificate, nor shall "adult education" include  
11 education or instruction provided by any four year public institution  
12 of higher education.

13 (13) "Dislocated forest product worker" shall mean a forest  
14 products worker who: (a)(i) Has been terminated or received notice of  
15 termination from employment and is unlikely to return to employment in  
16 the individual's principal occupation or previous industry because of  
17 a diminishing demand for his or her skills in that occupation or  
18 industry; or (ii) is self-employed and has been displaced from his or  
19 her business because of the diminishing demand for the business'  
20 services or goods; and (b) at the time of last separation from  
21 employment, resided in or was employed in a rural natural resources  
22 impact area.

23 (14) "Forest products worker" shall mean a worker in the forest  
24 products industries affected by the reduction of forest fiber  
25 enhancement, transportation, or production. The workers included  
26 within this definition shall be determined by the employment security  
27 department, but shall include workers employed in the industries  
28 assigned the major group standard industrial classification codes "24"  
29 and "26" and the industries involved in the harvesting and management  
30 of logs, transportation of logs and wood products, processing of wood  
31 products, and the manufacturing and distribution of wood processing and  
32 logging equipment. The commissioner may adopt rules further  
33 interpreting these definitions. For the purposes of this subsection,  
34 "standard industrial classification code" means the code identified in  
35 RCW 50.29.025(3).

36 (15) "Dislocated salmon fishing worker" means a finfish products  
37 worker who: (a)(i) Has been terminated or received notice of  
38 termination from employment and is unlikely to return to employment in

1 the individual's principal occupation or previous industry because of  
2 a diminishing demand for his or her skills in that occupation or  
3 industry; or (ii) is self-employed and has been displaced from his or  
4 her business because of the diminishing demand for the business's  
5 services or goods; and (b) at the time of last separation from  
6 employment, resided in or was employed in a rural natural resources  
7 impact area.

8 (16) "Salmon fishing worker" means a worker in the finfish industry  
9 affected by 1994 or future salmon disasters. The workers included  
10 within this definition shall be determined by the employment security  
11 department, but shall include workers employed in the industries  
12 involved in the commercial and recreational harvesting of finfish  
13 including buying and processing finfish. The commissioner may adopt  
14 rules further interpreting these definitions.

15 (17) "Rural natural resources impact area" means:

16 (a) A nonmetropolitan county, as defined by the 1990 decennial  
17 census, that meets three of the five criteria set forth in subsection  
18 (18) of this section;

19 (b) A nonmetropolitan county with a population of less than forty  
20 thousand in the 1990 decennial census, that meets two of the five  
21 criteria as set forth in subsection (18) of this section; or

22 (c) A nonurbanized area, as defined by the 1990 decennial census,  
23 that is located in a metropolitan county that meets three of the five  
24 criteria set forth in subsection (18) of this section.

25 (18) For the purposes of designating rural natural resources impact  
26 areas, the following criteria shall be considered:

27 (a) A lumber and wood products employment location quotient at or  
28 above the state average;

29 (b) A commercial salmon fishing employment location quotient at or  
30 above the state average;

31 (c) Projected or actual direct lumber and wood products job losses  
32 of one hundred positions or more;

33 (d) Projected or actual direct commercial salmon fishing job losses  
34 of one hundred positions or more; and

35 (e) An unemployment rate twenty percent or more above the state  
36 average. The counties that meet these criteria shall be determined by  
37 the employment security department for the most recent year for which  
38 data is available. For the purposes of administration of programs

1 under this chapter, the United States post office five-digit zip code  
2 delivery areas will be used to determine residence status for  
3 eligibility purposes. For the purpose of this definition, a zip code  
4 delivery area of which any part is ten miles or more from an urbanized  
5 area is considered nonurbanized. A zip code totally surrounded by zip  
6 codes qualifying as nonurbanized under this definition is also  
7 considered nonurbanized. The office of financial management shall make  
8 available a zip code listing of the areas to all agencies and  
9 organizations providing services under this chapter.

10 (19) "Applied baccalaureate degree" means a baccalaureate degree  
11 awarded by a college under section 2 of this act for successful  
12 completion of a program of study that is:

13 (a) Specifically designed for individuals who hold an associate of  
14 applied science degree, or its equivalent, in order to maximize  
15 application of their technical course credits toward the baccalaureate  
16 degree; and

17 (b) Based on a curriculum that incorporates both theoretical and  
18 applied knowledge and skills in a specific technical field.

19 **Sec. 6.** RCW 28B.50.140 and 2004 c 275 s 58 are each amended to  
20 read as follows:

21 Each board of trustees:

22 (1) Shall operate all existing community and technical colleges in  
23 its district;

24 (2) Shall create comprehensive programs of community and technical  
25 college education and training and maintain an open-door policy in  
26 accordance with the provisions of RCW 28B.50.090(3). However,  
27 technical colleges, and college districts containing only technical  
28 colleges, shall maintain programs solely for occupational education,  
29 basic skills, and literacy purposes. For as long as a need exists,  
30 technical colleges may continue those programs, activities, and  
31 services they offered during the twelve-month period preceding  
32 September 1, 1991;

33 (3) Shall employ for a period to be fixed by the board a college  
34 president for each community and technical college and, may appoint a  
35 president for the district, and fix their duties and compensation,  
36 which may include elements other than salary. Compensation under this  
37 subsection shall not affect but may supplement retirement, health care,

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

12 (4) May establish, under the approval and direction of the college  
13 board, new facilities as community needs and interests demand.  
14 However, the authority of boards of trustees to purchase or lease major  
15 off-campus facilities shall be subject to the approval of the higher  
16 education coordinating board pursuant to RCW 28B.76.230;

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

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

30 (7) May establish fees and charges for the facilities authorized  
31 hereunder, including reasonable rules (~~and regulations~~) for the  
32 government thereof, not inconsistent with the rules (~~and regulations~~)  
33 of the college board; each board of trustees operating a community and  
34 technical college may enter into agreements, subject to rules (~~and~~  
35 ~~regulations~~) of the college board, with owners of facilities to be  
36 used for housing regarding the management, operation, and government of  
37 such facilities, and any board entering into such an agreement may:

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

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

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

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

29 (12) May grant to every student, upon graduation or completion of  
30 a course of study, a suitable diploma, (~~nonbaccalaureate~~) degree, or  
31 certificate. Technical colleges shall offer only (~~nonbaccalaureate~~)  
32 technical degrees under the rules of the state board for community and  
33 technical colleges that are appropriate to their work force education  
34 and training mission. The primary purpose of this degree is to lead  
35 the individual directly to employment in a specific occupation.  
36 Technical colleges may not offer transfer degrees. Only pilot colleges  
37 under section 2 of this act may award baccalaureate degrees. The  
38 board, upon recommendation of the faculty, may also confer honorary

1 associate of arts degrees upon persons other than graduates of the  
2 community college, in recognition of their learning or devotion to  
3 education, literature, art, or science. No degree may be conferred in  
4 consideration of the payment of money or the donation of any kind of  
5 property;

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

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

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

26 (16) Notwithstanding any other provision of law, may offer  
27 educational services on a contractual basis other than the tuition and  
28 fee basis set forth in chapter 28B.15 RCW for a special fee to private  
29 or governmental entities, consistent with rules (~~(and regulations)~~)  
30 adopted by the state board for community and technical colleges:  
31 PROVIDED, That the whole of such special fee shall go to the college  
32 district and be not less than the full instructional costs of such  
33 services including any salary increases authorized by the legislature  
34 for community and technical college employees during the term of the  
35 agreement: PROVIDED FURTHER, That enrollments generated hereunder  
36 shall not be counted toward the official enrollment level of the  
37 college district for state funding purposes;

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

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

21           (19) May participate in higher education centers and consortia that  
22 involve any four-year public or independent college or university:  
23 PROVIDED, That new degree programs or off-campus programs offered by a  
24 four-year public or independent college or university in collaboration  
25 with a community or technical college are subject to approval by the  
26 higher education coordinating board under RCW 28B.76.230; and

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

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