
SENATE BILL 5867

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By Senators Schmidt, McAuliffe, Finkbeiner, Esser, Mulliken, Berkey, Shin, Kohl-Welles, Delvin and Rasmussen

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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, and 28B.50.140; adding a new section to
4 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 and that this lack of access creates hardships
9 for students, employers, and the entire state of Washington as it seeks
10 to create and sustain a highly skilled, globally competitive work
11 force. However, the current locations of the main and branch campuses
12 of the state's public four-year institutions of higher education
13 constitute a barrier to access for individuals who live or work some
14 distance from a campus. In many cases, it is not reasonable to expect
15 these individuals to relocate and not feasible for them to commute, yet
16 they seek advanced education in a learning environment with faculty
17 contact and direct instruction. Furthermore, graduates with applied
18 science and applied technology degrees in high demand-high skill fields
19 encounter barriers in accessing technically oriented baccalaureate

1 programs. Because they are more geographically dispersed and
2 accessible to a larger proportion of the state's population, community
3 and technical colleges are ideally positioned to provide convenient,
4 affordable access.

5 (2) Therefore, the legislature intends to permit, on a limited and
6 pilot basis, selected community and technical colleges to award
7 baccalaureate degrees. At the same time, the legislature reaffirms its
8 longstanding policy that the primary mission of a community college is
9 to serve as a two-year institution of higher education that offers
10 basic skills, academic transfer preparation, work force training, and
11 personal enrichment opportunities while the primary purpose of the
12 state's technical colleges is to respond to the work force needs of
13 employers and labor.

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

16 (1) The college board shall select three pilot community colleges
17 and one technical college to develop and offer programs of study
18 leading to a baccalaureate degree.

19 (2) Community and technical colleges may submit an application to
20 become a pilot college under this section. The college board shall
21 review the applications and select the pilot colleges using objective
22 criteria, including:

23 (a) A documented and demonstrated unmet need for baccalaureate
24 graduates in high demand occupational and technical fields;

25 (b) A demonstration that the college has the capacity to make a
26 long-term commitment of resources to build and sustain a high quality
27 program;

28 (c) That the college has or can readily engage faculty
29 appropriately qualified to develop and deliver a high quality
30 curriculum at the baccalaureate level; and

31 (d) That the college can demonstrate demand for the proposed
32 program from a sufficient number of students and employers within its
33 service area to make the program cost-effective and feasible for the
34 college to operate.

35 (3) A college selected as a pilot college under this section may
36 develop the curriculum for and design and deliver courses leading to a
37 baccalaureate degree in no more than three disciplines that have been

1 shown to be in high demand. However, degree programs developed under
2 this section are subject to approval by the college board under RCW
3 28B.50.090 before a pilot college may enroll students in upper-division
4 courses. Colleges selected as pilot colleges shall be allocated twenty
5 full-time equivalent employees per college during the first year of the
6 biennium and forty full-time equivalent employees per college during
7 the second year of the biennium, funded at the upper-division rate of
8 the regional universities. After securing all required approvals and
9 upon matriculating their first classes of upper-division students,
10 pilot colleges shall be allocated appropriate upper-division full-time
11 equivalent employee levels to sustain cohort enrollment levels, which
12 may be as high as fifty full-time equivalent employees. Upon the
13 graduation of each pilot college's first cohort group, the college
14 shall submit a comprehensive report to the state board for community
15 and technical colleges for subsequent dissemination to the legislature.

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

18 (1) The building fee for each academic year shall be a percentage
19 of total tuition fees. This percentage shall be calculated by the
20 higher education coordinating board and be based on the actual
21 percentage the building fee is of total tuition for each tuition
22 category in the 1994-95 academic year, rounded up to the nearest half
23 percent.

24 (2) The governing boards of each institution of higher education,
25 except for the technical colleges, shall charge to and collect from
26 each student a services and activities fee. A governing board may
27 increase the existing fee annually, consistent with budgeting
28 procedures set forth in RCW 28B.15.045, by a percentage not to exceed
29 the annual percentage increase in student tuition fees for resident
30 undergraduate students: PROVIDED, That such percentage increase shall
31 not apply to that portion of the services and activities fee previously
32 committed to the repayment of bonded debt. These rate adjustments may
33 exceed the fiscal growth factor. For the 2003-04 academic year, the
34 services and activities fee shall be based upon the resident
35 undergraduate services and activities fee in 2002-03. The services and
36 activities fee committee provided for in RCW 28B.15.045 may initiate a
37 request to the governing board for a fee increase.

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

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

11 (5) The governing board of a pilot college offering a baccalaureate
12 degree program under section 2 of this act may charge tuition and fees
13 for upper-division courses at rates consistent with rules adopted by
14 the state board for community and technical colleges, not to exceed
15 tuition fee rates at the regional universities.

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

18 The purpose of this chapter is to provide for the dramatically
19 increasing number of students requiring high standards of education
20 either as a part of the continuing higher education program or for
21 occupational education and training, or for adult basic skills and
22 literacy education, by creating a new, independent system of community
23 and technical colleges which will:

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

27 (2) Ensure that each college district shall offer thoroughly
28 comprehensive educational, training and service programs to meet the
29 needs of both the communities and students served by combining high
30 standards of excellence in academic transfer courses; realistic and
31 practical courses in occupational education, both graded and ungraded;
32 community services of an educational, cultural, and recreational
33 nature; and adult education, including basic skills and general,
34 family, and work force literacy programs and services. However,
35 college districts containing only technical colleges shall maintain
36 programs solely for occupational education, basic skills, and literacy

1 purposes, and, for as long as a need exists, may continue those
2 programs, activities, and services offered by the technical colleges
3 during the twelve-month period preceding September 1, 1991;

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

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

9 (5) Provide administration by state and local boards which will
10 avoid unnecessary duplication of facilities or programs; and which will
11 encourage efficiency in operation and creativity and imagination in
12 education, training and service to meet the needs of the community and
13 students;

14 (6) Allow for the growth, improvement, flexibility and modification
15 of the community and technical colleges and their education, training
16 and service programs as future needs occur; and

17 (7) Establish firmly that except on a limited and pilot basis as
18 provided in section 2 of this act, community and technical colleges
19 are, for purposes of academic training, two year institutions, and are
20 an independent, unique, and vital section of our state's higher
21 education system, separate from both the common school system and other
22 institutions of higher learning, and never to be considered for
23 conversion into four-year liberal arts colleges.

24 **Sec. 5.** RCW 28B.50.140 and 2004 c 275 s 58 are each amended to
25 read as follows:

26 Each board of trustees:

27 (1) Shall operate all existing community and technical colleges in
28 its district;

29 (2) Shall create comprehensive programs of community and technical
30 college education and training and maintain an open-door policy in
31 accordance with the provisions of RCW 28B.50.090(3). However,
32 technical colleges, and college districts containing only technical
33 colleges, shall maintain programs solely for occupational education,
34 basic skills, and literacy purposes, except as provided for in the
35 pilot program in section 2 of this act. For as long as a need exists,
36 technical colleges may continue those programs, activities, and

1 services they offered during the twelve-month period preceding
2 September 1, 1991;

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

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

24 (5) May establish or lease, operate, equip and maintain
25 dormitories, food service facilities, bookstores and other self-
26 supporting facilities connected with the operation of the community and
27 technical college;

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

37 (7) May establish fees and charges for the facilities authorized
38 hereunder, including reasonable rules (~~and regulations~~) for the

1 government thereof, not inconsistent with the rules (~~and regulations~~)
2 of the college board; each board of trustees operating a community and
3 technical college may enter into agreements, subject to rules (~~and~~
4 ~~regulations~~) of the college board, with owners of facilities to be
5 used for housing regarding the management, operation, and government of
6 such facilities, and any board entering into such an agreement may:

7 (a) Make rules (~~and regulations~~) for the government, management
8 and operation of such housing facilities deemed necessary or advisable;
9 and

10 (b) Employ necessary employees to govern, manage and operate the
11 same;

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

22 (9) May establish and maintain night schools whenever in the
23 discretion of the board of trustees it is deemed advisable, and
24 authorize classrooms and other facilities to be used for summer or
25 night schools, or for public meetings and for any other uses consistent
26 with the use of such classrooms or facilities for community and
27 technical college purposes;

28 (10) May make rules (~~and regulations~~) for pedestrian and
29 vehicular traffic on property owned, operated, or maintained by the
30 district;

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

35 (12) May grant to every student, upon graduation or completion of
36 a course of study, a suitable diploma, (~~nonbaccalaureate~~) degree or
37 certificate. (~~Technical colleges shall offer only nonbaccalaureate~~
38 ~~technical degrees under the rules of the state board for community and~~

1 ~~technical colleges that are appropriate to their work force education~~
2 ~~and training mission. The primary purpose of this degree is to lead~~
3 ~~the individual directly to employment in a specific occupation.~~
4 ~~Technical colleges may not offer transfer degrees.)) Only pilot
5 colleges under section 2 of this act may award baccalaureate degrees.
6 The board, upon recommendation of the faculty, may also confer honorary
7 associate of arts degrees upon persons other than graduates of the
8 community college, in recognition of their learning or devotion to
9 education, literature, art, or science. No degree may be conferred in
10 consideration of the payment of money or the donation of any kind of
11 property;~~

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

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

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

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

1 services including any salary increases authorized by the legislature
2 for 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) May participate in higher education centers and consortia that
27 involve any four-year public or independent college or university:
28 PROVIDED, That new degree programs or off-campus programs offered by a
29 four-year public or independent college or university in collaboration
30 with a community or technical college are subject to approval by the
31 higher education coordinating board under RCW 28B.76.230; and

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

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