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**SUBSTITUTE HOUSE BILL 2655**

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**State of Washington**

**61st Legislature**

**2010 Regular Session**

**By** House Higher Education (originally sponsored by Representatives Wallace, Seaquist, Anderson, Maxwell, and Kessler)

READ FIRST TIME 02/02/10.

1       AN ACT Relating to expanding the higher education system upon  
2 proven demand; amending RCW 28B.50.020, 28B.50.810, 28B.76.020,  
3 28B.76.230, 28B.120.005, 28B.120.010, and 28B.120.020; and creating a  
4 new section.

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

6       NEW SECTION.   **Sec. 1.**   The legislature finds that the state  
7 institutions of higher education are providing a high quality education  
8 to the citizens of the state. The legislature further finds that to  
9 meet goals of the strategic master plan for higher education the state  
10 needs a higher education system that is capable of delivering many more  
11 degrees. The legislature also finds that expansion of the system  
12 should be based on the proven demands of the citizens and the  
13 marketplace, a concept called "expand on demand." The legislature  
14 further finds that the higher education coordinating board, in  
15 collaboration with the state board for community and technical  
16 colleges, the two-year and four-year institutions of higher education,  
17 and other stakeholders developed a system design plan that contains  
18 seven guiding principles for system expansion, focuses near-term  
19 enrollment growth at university branch campuses, comprehensive

1 universities, and university centers where existing capacity is  
2 available without new state capital investment, establishes a process  
3 for evaluating major new capital expansion, and creates a fund for  
4 innovation to foster change and innovation in higher education  
5 delivery. The legislature finds that the strategies in the plan  
6 support the concept of expand on demand and would increase degree  
7 production by first reinvesting in higher education to use existing  
8 capacity while also providing long-term strategies to guide decisions  
9 on when and where to build new campuses, significantly expand existing  
10 sites, and change missions of existing institutions.

11 The legislature endorses the system design plan, approved by the  
12 higher education coordinating board in November 2009, and adopts the  
13 recommendations and strategies in the plan.

14 **Sec. 2.** RCW 28B.50.020 and 2009 c 64 s 2 are each amended to read  
15 as follows:

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

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

25 (2) Ensure that each college district shall offer thoroughly  
26 comprehensive educational, training, and service programs to meet the  
27 needs of both the communities and students served by combining high  
28 standards of excellence in academic transfer courses; realistic and  
29 practical courses in occupational education, both graded and ungraded;  
30 community services of an educational, cultural, and recreational  
31 nature; and adult education, including basic skills and general,  
32 family, and workforce literacy programs and services;

33 (3) Provide for basic skills and literacy education, and  
34 occupational education and technical training at technical colleges in  
35 order to prepare students for careers in a competitive workforce;

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

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

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

9 (7) Establish firmly that(~~(, except on a pilot basis)~~) as provided  
10 under RCW 28B.50.810, community colleges are, for purposes of academic  
11 training, two year institutions, and are an independent, unique, and  
12 vital section of our state's higher education system, separate from  
13 both the common school system and other institutions of higher  
14 learning(~~(, and never to be considered for conversion into four-year  
15 liberal arts colleges)~~).

16 **Sec. 3.** RCW 28B.50.810 and 2008 c 166 s 2 are each amended to read  
17 as follows:

18 (1) (~~By April 2006,~~) The college board (~~(shall)~~) may select  
19 (~~four~~) community or technical colleges to develop and offer programs  
20 of study leading to (~~an~~) applied baccalaureate degrees. (~~At least  
21 one of the four pilot programs chosen must lead to a baccalaureate of  
22 applied science degree which builds on an associate of applied science  
23 degree. The college board shall convene a task force that includes  
24 representatives of both the community and technical colleges to develop  
25 objective selection criteria.~~

26 (~~2~~) ~~By February 2008, the college board shall select up to three  
27 colleges to develop and offer programs of study leading to an applied  
28 baccalaureate degree. At least one of the colleges selected must be a  
29 technical college. The college board shall use the objective selection  
30 criteria developed under subsections (1) and (3) of this section to  
31 make the selection.~~

32 (~~3~~) ~~Colleges may submit~~ (~~an~~) applications to (~~become a pilot  
33 college under this section~~) the college board. The college board and  
34 the higher education coordinating board shall review the applications  
35 and select the (~~pilot~~) colleges using objective criteria, including,  
36 but not limited to:

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

3 (b) The college has or can readily engage faculty appropriately  
4 qualified to develop and deliver a high quality curriculum at the  
5 baccalaureate level;

6 (c) The college can demonstrate demand for the proposed program  
7 from a sufficient number of students within its service area to make  
8 the program cost-effective and feasible to operate;

9 (d) The college can demonstrate that employers demand the level of  
10 technical training proposed within the program, making it cost-  
11 effective for students to seek the degree; and

12 (e) The proposed program fills a gap in options available for  
13 students because it is not offered by a public four-year institution of  
14 higher education in the college's geographic area.

15 ~~((4)) (2) A college selected ((as a pilot college)) under this~~  
16 ~~section may develop the curriculum for and design and deliver courses~~  
17 ~~leading to an applied baccalaureate degree. However, degree programs~~  
18 ~~developed under this section are subject to approval by the college~~  
19 ~~board under RCW 28B.50.090 and by the higher education coordinating~~  
20 ~~board under RCW 28B.76.230 before a ((pilot)) college may enroll~~  
21 ~~students in upper division courses. ((A pilot college approved under~~  
22 ~~subsection (1) of this section may not enroll students in upper~~  
23 ~~division courses before the fall academic quarter of 2006. A pilot~~  
24 ~~college approved under subsection (2) of this section may not enroll~~  
25 ~~students in upper division courses before the fall academic quarter of~~  
26 ~~2009.))~~

27 **Sec. 4.** RCW 28B.76.020 and 1985 c 370 s 2 are each amended to read  
28 as follows:

29 ~~((For the purposes of this chapter:))~~ The definitions in this  
30 section apply throughout this chapter unless the context clearly  
31 requires otherwise.

32 (1) "Board" means the higher education coordinating board(~~(+and)~~).

33 (2) "Four-year institutions" means the University of Washington,  
34 Washington State University, Central Washington University, Eastern  
35 Washington University, Western Washington University, and The Evergreen  
36 State College.

1       (3) "Major expansion" means expansion of the higher education  
2 system that requires significant new capital investment, including  
3 building new institutions, campuses, branches, or centers or  
4 significant expansion of existing campuses, branches, or centers.

5       (4) "Mission change" means a change in the level of degree awarded  
6 or institutional type not currently authorized in statute.

7       **Sec. 5.** RCW 28B.76.230 and 2005 c 258 s 11 are each amended to  
8 read as follows:

9       (1) The board shall develop a comprehensive and ongoing assessment  
10 process to analyze the need for additional degrees and programs,  
11 additional off-campus centers and locations for degree programs, and  
12 consolidation or elimination of programs by the four-year institutions.  
13 Major expansion and proposed mission changes may be proposed by the  
14 board, any public institution of higher education, or by a state or  
15 local government.

16       (2) As part of the needs assessment process, the board shall  
17 examine:

18       (a) Projections of student, employer, and community demand for  
19 education and degrees, including liberal arts degrees, on a regional  
20 and statewide basis;

21       (b) Current and projected degree programs and enrollment at public  
22 and private institutions of higher education, by location and mode of  
23 service delivery; and

24       (c) Data from the workforce training and education coordinating  
25 board and the state board for community and technical colleges on the  
26 supply and demand for workforce education and certificates and  
27 associate degrees.

28       (3) Every two years the board shall produce, jointly with the state  
29 board for community and technical colleges and the workforce training  
30 and education coordinating board, an assessment of the number and type  
31 of higher education and training credentials required to match employer  
32 demand for a skilled and educated workforce. The assessment shall  
33 include the number of forecasted net job openings at each level of  
34 higher education and training and the number of credentials needed to  
35 match the forecast of net job openings.

36       (4) The board shall determine whether certain major lines of study  
37 or types of degrees, including applied degrees or research-oriented

1 degrees, shall be assigned uniquely to some institutions or  
2 institutional sectors in order to create centers of excellence that  
3 focus resources and expertise.

4 (5) The following activities are subject to approval by the board:

5 (a) New degree programs by a four-year institution;

6 (b) Creation of any off-campus program by a four-year institution;

7 (c) Purchase or lease of major off-campus facilities by a four-year  
8 institution or a community or technical college;

9 (d) Creation of higher education centers and consortia;

10 (e) New degree programs and creation of off-campus programs by an  
11 independent college or university in collaboration with a community or  
12 technical college; and

13 (f) Applied baccalaureate degree programs developed by colleges  
14 under RCW 28B.50.810.

15 (6) Institutions seeking board approval under this section must  
16 demonstrate that the proposal is justified by the needs assessment  
17 developed under this section. Institutions must also demonstrate how  
18 the proposals align with or implement the statewide strategic master  
19 plan for higher education under RCW 28B.76.200.

20 (7) The board shall develop clear guidelines and objective  
21 decision-making criteria regarding approval of proposals under this  
22 section, which must include review and consultation with the  
23 institution and other interested agencies and individuals.

24 (8) The board shall periodically recommend consolidation or  
25 elimination of programs at the four-year institutions, based on the  
26 needs assessment analysis.

27 (9) In the case of a proposed major expansion or mission change,  
28 the needs assessment process under subsection (2) of this section  
29 constitutes a threshold inquiry. If the board determines that the need  
30 for the proposed major expansion or mission change has not been  
31 justified, the inquiry is concluded. If the board determines that the  
32 need for the proposed major expansion or mission change has been  
33 sufficiently established, the board, in consultation with any directly  
34 involved institutions and other interested agencies and individuals,  
35 shall proceed to examine the viability of the proposal using criteria  
36 including, but not limited to:

37 (a) The specific scope of the project including the capital

1 investment requirements, the number of full-time equivalent students  
2 anticipated, and the number of academic programs planned;

3 (b) The existence of an efficient and sustainable financial plan;

4 (c) The extent to which existing resources can be leveraged;

5 (d) The current and five-year projected student population,  
6 faculty, and staff to support the proposed programs, institution, or  
7 innovation;

8 (e) The plans to accommodate expected growth over a twenty-year  
9 time frame;

10 (f) The extent to which new or existing partnerships and  
11 collaborations are a part of the proposal; and

12 (g) The feasibility of any proposed innovations to accelerate  
13 degree production.

14 (10) After the board completes its evaluation of the proposed major  
15 expansion or mission change using the needs assessment under subsection  
16 (2) of this section and viability determination under subsection (9) of  
17 this section, the board shall make a recommendation to either proceed,  
18 modify, or not proceed with the proposed major expansion or mission  
19 change. The board's recommendation shall be presented to the governor  
20 and the legislature.

21 **Sec. 6.** RCW 28B.120.005 and 1999 c 169 s 2 are each amended to  
22 read as follows:

23 The legislature finds that encouraging collaboration among the  
24 various educational sectors to meet statewide productivity and  
25 educational attainment needs as described in the system design plan  
26 developed by the higher education coordinating board will strengthen  
27 the entire educational system, kindergarten through twelfth grade and  
28 higher education. The legislature also recognizes that the most  
29 effective way to develop innovative and collaborative programs is to  
30 encourage institutions to develop them voluntarily, in line with  
31 established state goals. Through a system of competitive grants, the  
32 legislature shall encourage the development of innovative and  
33 collaborative and cost-effective solutions to issues of critical  
34 statewide need, including:

35 (1) Raising educational attainment and planning and piloting  
36 innovative initiatives to reach new locations and populations;

1        (2) Recognizing needs of special populations of students, including  
2 access and completion efforts targeting underrepresented populations;  
3        ~~((+2))~~ (3) Furthering the development of learner-centered,  
4 technology-assisted course delivery, including expansion of online and  
5 hybrid coursework, open courseware, and other uses of technology;  
6        ~~((+3))~~ (4) Furthering the development of competency-based  
7 measurements of student achievement to be used as the basis for  
8 awarding degrees and certificates; ~~((and~~  
9 (+4)) (5) Increasing the collaboration among both public and  
10 private sector institutions of higher education; and  
11 (6) Improving productivity through innovations such as accelerated  
12 programs and alternative scheduling.

13        **Sec. 7.** RCW 28B.120.010 and 1999 c 169 s 5 are each amended to  
14 read as follows:

15        The Washington fund for innovation and quality in higher education  
16 program is established. The higher education coordinating board shall  
17 administer the program ~~((for the purpose of awarding grants in which a~~  
18 ~~four-year institution of higher education is named as the lead~~  
19 ~~institution. The state board for community and technical colleges~~  
20 ~~shall administer the program for the purpose of awarding grants in~~  
21 ~~which a community or technical college is named as the lead~~  
22 ~~institution)) and shall work in close collaboration with the state~~

23 board for community and technical colleges and other local and regional  
24 entities. Through this program the higher education coordinating  
25 board~~((s))~~ may award on a competitive basis incentive grants to state  
26 public or private nonprofit institutions of higher education or  
27 consortia of institutions to encourage ~~((cooperative))~~ programs  
28 designed to address specific system problems. ~~((Grants shall not~~  
29 ~~exceed a two-year period.))~~ Each institution or consortia of  
30 institutions receiving the award shall contribute some financial  
31 support, either by covering part of the costs for the program during  
32 its implementation, or by assuming continuing support at the end of the  
33 grant period. ~~((Strong priority will be given to proposals that~~  
34 ~~involve more than one sector of education, and to proposals that show~~  
35 ~~substantive institutional commitment.))~~ Institutions are encouraged to  
36 solicit nonstate funds to support these cooperative programs.



1       **Sec. 8.** RCW 28B.120.020 and 1999 c 169 s 3 are each amended to  
2 read as follows:

3       The higher education coordinating board shall have the following  
4 powers and duties in administering the program for those proposals in  
5 which a four-year institution of higher education is named as the lead  
6 institution and fiscal agent:

7       (1) To adopt rules necessary to carry out the program;

8       ~~(2) ((To establish one or more review committees to assist in the~~  
9 ~~evaluation of proposals for funding. The review committee shall~~  
10 ~~include individuals with significant experience in higher education in~~  
11 ~~areas relevant to one or more of the funding period priorities and~~  
12 ~~shall include representatives from both the four-year and two-year~~  
13 ~~sectors of higher education;~~

14       ~~(3))~~ To award grants no later than September 1st in those years  
15 when funding is available by June 30th;

16       ~~((4))~~ (3) To establish each biennium specific guidelines for  
17 submitting grant proposals consistent with RCW 28B.120.005 and  
18 consistent with the strategic master plan for higher education, the  
19 system design plan, the overall goals of the program and ~~((consistent~~  
20 ~~with))~~ the guidelines established by the state board for community and  
21 technical colleges under RCW 28B.120.025. ~~((During the 1999-01~~  
22 ~~biennium the guidelines shall be consistent with the following desired~~  
23 ~~outcomes of:~~

24       ~~(a) Minority and diversity initiatives that encourage the~~  
25 ~~participation of minorities in higher education, including students~~  
26 ~~with disabilities;~~

27       ~~(b) K-12 teacher preparation models that encourage collaboration~~  
28 ~~between higher education and K-12 to improve the preparedness of~~  
29 ~~teachers, including provisions for higher education faculty involved~~  
30 ~~with teacher preparation to spend time teaching in K-12 schools;~~

31       ~~(c) Collaborative instructional programs involving K-12, community~~  
32 ~~and technical colleges, and four-year institutions of higher education~~  
33 ~~to develop a three-year degree program, or reduce the time to degree;~~

34       ~~(d) Contracts with public or private institutions or businesses to~~  
35 ~~provide services or the development of collaborative programs;~~

36       ~~(e) Articulation and transfer activities to smooth the transfer of~~  
37 ~~students from K-12 to higher education, or from the community colleges~~  
38 ~~and technical colleges to four-year institutions;~~

1       ~~(f) Projects that further the development of learner-centered,~~  
2 ~~technology-assisted course delivery; and~~

3       ~~(g) Projects that further the development of competency-based~~  
4 ~~measurements of student achievement to be used as the basis for~~  
5 ~~awarding degrees and certificates.)~~

6       After June 30, 2001, and each biennium thereafter, the board shall  
7 determine funding priorities for ~~((collaborative))~~ proposals for the  
8 biennium in consultation with the governor, the legislature, the office  
9 of the superintendent of public instruction, the state board for  
10 community and technical colleges, the workforce training and education  
11 coordinating board, higher education institutions, educational  
12 associations, and business and community groups consistent with  
13 statewide needs;

14       ~~((+5))~~ (4) To solicit grant proposals and provide information to  
15 the institutions of higher education about the program; and

16       ~~((+6))~~ (5) To establish reporting, evaluation, accountability,  
17 monitoring, and dissemination requirements for the recipients of the  
18 grants awarded by the higher education coordinating board.

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