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SECOND SUBSTITUTE HOUSE BILL 2769

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State of Washington

64th Legislature

2016 Regular Session

By House Appropriations (originally sponsored by Representatives Senn, Zeiger, Bergquist, Haler, Reykdal, Frame, Rossetti, Kilduff, and Goodman)

READ FIRST TIME 02/09/16.

1 AN ACT Relating to creating a pilot program for community and  
2 technical colleges to offer bachelor degrees; amending RCW  
3 28B.50.140; reenacting and amending RCW 28B.15.069; adding a new  
4 section to chapter 28B.50 RCW; creating new sections; and providing  
5 an expiration date.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that to meet the  
8 state's attainment goal of seventy percent of residents twenty-five  
9 to forty-four years of age having a postsecondary credential,  
10 certificate, or degree; to enhance job prospects for the state's  
11 residents; to improve the overall state economy and meet the skill  
12 needs of employers; and to provide world-class educational  
13 opportunities for all Washington's citizens anywhere in the state,  
14 additional access to bachelor degree programs is needed.

15 Therefore, the legislature intends to encourage economic  
16 development by increasing access to bachelor degrees through  
17 expansion of upper-division capacity and the creation of bachelor  
18 degree programs at community and technical colleges on a pilot basis.

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

1 (1) The college board shall select up to five community or  
2 technical colleges to develop and offer programs of study leading to  
3 bachelor degrees in high-demand fields of study. Colleges may submit  
4 an application to become a pilot college under this section to the  
5 college board. The college board shall review the applications and  
6 select the pilot colleges using objective criteria, including:

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

9 (b) The college has or can readily engage faculty appropriately  
10 qualified to develop and deliver a high quality curriculum at the  
11 bachelor degree level;

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

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

18 (e) The proposed program fills a skills gap in the local area or  
19 in the state's workforce; and

20 (f) Priority shall be given to colleges submitting an application  
21 designating support from the college's faculty, unless the college  
22 has already received funding from the legislature to develop a  
23 bachelor degree program.

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

30 (b) A pilot college selected under this section may not enroll  
31 students in upper-division courses before the 2017 fall academic  
32 quarter, except if a college has received funding by the legislature  
33 to develop a bachelor degree program. Such program may begin to  
34 enroll students in upper-division courses when approved by the  
35 college board and accredited. The college with such a program will be  
36 counted as one of the five pilot colleges authorized by this section.

37 NEW SECTION. **Sec. 3.** (1) The student achievement council, in  
38 collaboration with the state board for community and technical  
39 colleges and the statewide faculty union organizations, shall study

1 the impact of allowing community and technical colleges to offer  
2 baccalaureate degrees. The study must analyze baccalaureate degree  
3 demand compared to the populations served by current baccalaureate  
4 degree programs. The study must also include a discussion of  
5 alternatives regarding the following:

6 (a) Pricing and cost models addressing different levels of  
7 tuition and state support and in relation to the goal of increasing  
8 the number of courses taught by full-time tenure track faculty;

9 (b) Providing adequate student advising and support services to  
10 ensure student success, including financial aid and other financial  
11 support services;

12 (c) Accreditation and academic quality, including acceptance of  
13 applied baccalaureate and baccalaureate degrees offered by community  
14 and technical colleges for purposes of postgraduate programs and  
15 employer demand;

16 (d) Regional demand for additional baccalaureate degrees; and

17 (e) Any other factors that the student achievement council or the  
18 state board for community and technical colleges deems relevant.

19 (2) The student achievement council shall conduct the study using  
20 existing resources, but may contract with a third-party organization,  
21 or request assistance from faculty and graduate research students  
22 from the institutions of higher education, for research and analysis  
23 services.

24 (3) The student achievement council shall report the study to the  
25 appropriate policy and fiscal committees of the legislature by  
26 November 1, 2018, in accordance with the reporting requirements in  
27 RCW 43.01.036.

28 (4) This section expires August 1, 2019.

29 **Sec. 4.** RCW 28B.15.069 and 2015 3rd sp.s. c 36 s 5 and 2015 3rd  
30 sp.s. c 4 s 945 are each reenacted and amended to read 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 office of financial management and be based on the actual percentage  
34 the building fee is of total tuition for each tuition category in the  
35 1994-95 academic year, rounded up to the nearest half percent. After  
36 October 9, 2015, the dollar value of the building fee shall not be  
37 reduced below the level in the 2014-15 academic year adjusted for  
38 inflation. As used in this subsection, "inflation" has the meaning in  
39 RCW 28B.15.066(2).

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  
9 previously committed to the repayment of bonded debt. These rate  
10 adjustments may exceed the fiscal growth factor. For the 2015-2017  
11 fiscal biennium, each governing board is authorized to increase the  
12 services and activities fees by amounts judged reasonable and  
13 necessary by the services and activities fee committee and the  
14 governing board consistent with the budgeting procedures set forth in  
15 RCW 28B.15.045. The services and activities fee committee provided  
16 for in RCW 28B.15.045 may initiate a request to the governing board  
17 for a fee increase.

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

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

29 (5) The governing board of a college offering an applied  
30 baccalaureate degree program under RCW 28B.50.810 or a bachelor  
31 degree program described in section 2 of this act may charge tuition  
32 fees for those courses above the associate degree level at rates  
33 consistent with rules adopted by the state board for community and  
34 technical colleges, not to exceed tuition fee rates at the regional  
35 universities.

36 **Sec. 5.** RCW 28B.50.140 and 2015 3rd sp.s. c 4 s 946 are each  
37 amended to read as follows:

38 Each board of trustees:

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

3 (2) Shall create comprehensive programs of community and  
4 technical college education and training and maintain an open-door  
5 policy in accordance with the provisions of RCW 28B.50.090(3);

6 (3) Shall employ for a period to be fixed by the board a college  
7 president for each community and technical college and, may appoint a  
8 president for the district, and fix their duties and compensation,  
9 which may include elements other than salary. Compensation under this  
10 subsection shall not affect but may supplement retirement, health  
11 care, and other benefits that are otherwise applicable to the  
12 presidents as state employees. The board shall also employ for a  
13 period to be fixed by the board members of the faculty and such other  
14 administrative officers and other employees as may be necessary or  
15 appropriate and fix their salaries and duties. Except for increments  
16 provided with local resources during the 2015-2017 fiscal biennium,  
17 compensation and salary increases under this subsection shall not  
18 exceed the amount or percentage established for those purposes in the  
19 state appropriations act by the legislature as allocated to the board  
20 of trustees by the state board for community and technical colleges.  
21 The state board for community and technical colleges shall adopt  
22 rules defining the permissible elements of compensation under this  
23 subsection;

24 (4) May establish, in accordance with RCW 28B.77.080, new  
25 facilities as community needs and interests demand. However, the  
26 authority of boards of trustees to purchase or lease major off-campus  
27 facilities shall be subject to the approval of the student  
28 achievement council pursuant to RCW 28B.77.080;

29 (5) May establish or lease, operate, equip and maintain  
30 dormitories, food service facilities, bookstores and other self-  
31 supporting facilities connected with the operation of the community  
32 and technical college;

33 (6) May, with the approval of the college board, borrow money and  
34 issue and sell revenue bonds or other evidences of indebtedness for  
35 the construction, reconstruction, erection, equipping with permanent  
36 fixtures, demolition and major alteration of buildings or other  
37 capital assets, and the acquisition of sites, rights-of-way,  
38 easements, improvements or appurtenances, for dormitories, food  
39 service facilities, and other self-supporting facilities connected  
40 with the operation of the community and technical college in

1 accordance with the provisions of RCW 28B.10.300 through 28B.10.330  
2 where applicable;

3 (7) May establish fees and charges for the facilities authorized  
4 hereunder, including reasonable rules and regulations for the  
5 government thereof, not inconsistent with the rules of the college  
6 board; each board of trustees operating a community and technical  
7 college may enter into agreements, subject to rules of the college  
8 board, with owners of facilities to be used for housing regarding the  
9 management, operation, and government of such facilities, and any  
10 board entering into such an agreement may:

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

13 (b) Employ necessary employees to govern, manage and operate the  
14 same;

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

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

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

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

37 (12) May grant to every student, upon graduation or completion of  
38 a course of study, a suitable diploma, degree, or certificate under  
39 the rules of the state board for community and technical colleges  
40 that are appropriate to their mission. The purposes of these

1 diplomas, certificates, and degrees are to lead individuals directly  
2 to employment in a specific occupation or prepare individuals for a  
3 bachelor's degree or beyond. Technical colleges may only offer  
4 transfer degrees that prepare students for bachelor's degrees in  
5 professional fields, subject to rules adopted by the college board.  
6 In adopting rules, the college board, where possible, shall create  
7 consistency between community and technical colleges and may address  
8 issues related to tuition and fee rates; tuition waivers; enrollment  
9 counting, including the use of credits instead of clock hours; degree  
10 granting authority; or any other rules necessary to offer the  
11 associate degrees that prepare students for transfer to bachelor's  
12 degrees in professional areas. Only colleges under RCW 28B.50.810 or  
13 section 2 of this act may award baccalaureate degrees. The board,  
14 upon recommendation of the faculty, may also confer honorary  
15 associate of arts degrees, or if it is authorized to award  
16 baccalaureate degrees may confer honorary bachelor of applied science  
17 degrees, upon persons other than graduates of the community college,  
18 in recognition of their learning or devotion to education,  
19 literature, art, or science. No degree may be conferred in  
20 consideration of the payment of money or the donation of any kind of  
21 property;

22 (13) Shall enforce the rules prescribed by the state board for  
23 community and technical colleges for the government of community and  
24 technical colleges, students and teachers, and adopt such rules and  
25 perform all other acts not inconsistent with law or rules of the  
26 state board for community and technical colleges as the board of  
27 trustees may in its discretion deem necessary or appropriate to the  
28 administration of college districts: PROVIDED, That such rules shall  
29 include, but not be limited to, rules relating to housing,  
30 scholarships, conduct at the various community and technical college  
31 facilities, and discipline: PROVIDED, FURTHER, That the board of  
32 trustees may suspend or expel from community and technical colleges  
33 students who refuse to obey any of the duly adopted rules;

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

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

1 (16) Notwithstanding any other provision of law, may offer  
2 educational services on a contractual basis other than the tuition  
3 and fee basis set forth in chapter 28B.15 RCW for a special fee to  
4 private or governmental entities, consistent with rules adopted by  
5 the state board for community and technical colleges: PROVIDED, That  
6 the whole of such special fee shall go to the college district and be  
7 not less than the full instructional costs of such services including  
8 any salary increases authorized by the legislature for community and  
9 technical college employees during the term of the agreement:  
10 PROVIDED FURTHER, That enrollments generated hereunder shall not be  
11 counted toward the official enrollment level of the college district  
12 for state funding purposes;

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

27 (18) Shall be authorized to pay dues to any association of  
28 trustees that may be formed by the various boards of trustees; such  
29 association may expend any or all of such funds to submit biennially,  
30 or more often if necessary, to the governor and to the legislature,  
31 the recommendations of the association regarding changes which would  
32 affect the efficiency of such association;

33 (19) May participate in higher education centers and consortia  
34 that involve any four-year public or independent college or  
35 university in accordance with RCW 28B.77.080;

36 (20) Shall perform any other duties and responsibilities imposed  
37 by law or rule of the state board; and

38 (21) May confer honorary associate of arts degrees upon persons  
39 who request an honorary degree if they were students at the college  
40 in 1942 and did not graduate because they were ordered into an



1 internment camp. The honorary degree may also be requested by a  
2 representative of deceased persons who meet these requirements. For  
3 the purposes of this subsection, "internment camp" means a relocation  
4 center to which persons were ordered evacuated by Presidential  
5 Executive Order 9066, signed on February 19, 1942.

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