
HOUSE BILL 2859

State of Washington

61st Legislature

2010 Regular Session

By Representatives Haler and Anderson

Read first time 01/15/10. Referred to Committee on Higher Education.

1 AN ACT Relating to administration at institutions of higher
2 education; amending RCW 28B.76.290, 43.41.400, 28B.20.130, 28B.30.150,
3 28B.35.120, and 28B.40.120; and adding a new section to chapter 28B.76
4 RCW.

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

6 **Sec. 1.** RCW 28B.76.290 and 1993 c 77 s 2 are each amended to read
7 as follows:

8 The board shall coordinate educational activities among all
9 segments of higher education taking into account the educational
10 programs, facilities, and other resources of both public and
11 independent two and four-year colleges and universities. The four-year
12 institutions and the state board for community and technical colleges
13 shall coordinate information and activities with the board. The board
14 shall have the following additional responsibilities:

- 15 (1) Promote interinstitutional cooperation;
- 16 (2) Establish minimum admission standards for four-year
17 institutions, including a requirement that coursework in American sign
18 language or an American Indian language shall satisfy any requirement

1 for instruction in a language other than English that the board or the
2 institutions may establish as a general undergraduate admissions
3 requirement;

4 (3) Establish transfer policies;

5 (4) Adopt rules implementing statutory residency requirements;

6 (5) Develop and administer reciprocity agreements with bordering
7 states and the province of British Columbia;

8 (6) Review and recommend compensation practices and levels for
9 administrative employees, exempt under chapter 28B.16 RCW, and faculty
10 using comparative data from peer institutions;

11 (7) Monitor higher education activities for compliance with all
12 relevant state policies for higher education;

13 (8) Arbitrate disputes between and among four-year institutions or
14 between and among four-year institutions and community colleges at the
15 request of one or more of the institutions involved, or at the request
16 of the governor, or from a resolution adopted by the legislature. The
17 decision of the board shall be binding on the participants in the
18 dispute;

19 (9) Establish and implement a state system for collecting,
20 analyzing, and distributing information;

21 (10) Recommend to the governor and the legislature ways to remove
22 any economic incentives to use off-campus program funds for on-campus
23 activities; (~~and~~)

24 (11) Make recommendations to increase minority participation, and
25 monitor and report on the progress of minority participation in higher
26 education; and

27 (12) In partnership with the state universities, regional
28 universities, the state college, and the education data center, by July
29 1, 2010, develop a common set of data definitions and methodologies for
30 generating the following measures:

31 (a) Cost of instruction per resident undergraduate student full-
32 time equivalent for lower division instruction and upper division
33 instruction;

34 (b) Total institutional funding by source displayed as a percentage
35 of total institutional budget;

36 (c) Average per full-time equivalent state funding allocation for
37 resident undergraduate students;

38 (d) Average salary and benefits for full-time faculty and staff;

1 (e) Percentage of employees in various categories including but not
2 limited to tenure-track faculty, nontenure-track faculty, classified,
3 and exempt administration;

4 (f) Student-to-teaching faculty ratio;

5 (g) Student-to-staff ratio;

6 (h) Average credits awarded per student per year;

7 (i) Percent of freshman, sophomore, junior, and senior students who
8 declare a major during the academic year;

9 (j) Percent of freshman, sophomore, junior, and senior students who
10 declare a major identified by the institution as high demand during the
11 academic year;

12 (k) Percent of first time, full-time freshman who earn a degree
13 within four, five, and six years, displayed by race and ethnicity and
14 receipt of student financial assistance;

15 (l) Employment rates within three quarters of graduation;

16 (m) Employment rates by industry by field of study;

17 (n) Top ten highest compensated public employees in each
18 institution, including their salary and benefit information; and

19 (o) The percent of courses taken at community and technical
20 colleges that are accepted through academic transfer policies at each
21 institution.

22 **Sec. 2.** RCW 43.41.400 and 2009 c 548 s 201 are each amended to
23 read as follows:

24 (1) An education data center shall be established in the office of
25 financial management. The education data center shall jointly, with
26 the legislative evaluation and accountability program committee,
27 conduct collaborative analyses of early learning, K-12, and higher
28 education programs and education issues across the P-20 system, which
29 includes the department of early learning, the superintendent of public
30 instruction, the professional educator standards board, the state board
31 of education, the state board for community and technical colleges, the
32 workforce training and education coordinating board, the higher
33 education coordinating board, public and private nonprofit four-year
34 institutions of higher education, and the employment security
35 department. The education data center shall conduct collaborative
36 analyses under this section with the legislative evaluation and
37 accountability program committee and provide data electronically to the

1 legislative evaluation and accountability program committee, to the
2 extent permitted by state and federal confidentiality requirements.
3 The education data center shall be considered an authorized
4 representative of the state educational agencies in this section under
5 applicable federal and state statutes for purposes of accessing and
6 compiling student record data for research purposes.

7 (2) The education data center shall:

8 (a) In consultation with the legislative evaluation and
9 accountability program committee and the agencies and organizations
10 participating in the education data center, identify the critical
11 research and policy questions that are intended to be addressed by the
12 education data center and the data needed to address the questions;

13 (b) Coordinate with other state education agencies to compile and
14 analyze education data, including data on student demographics that is
15 disaggregated by distinct ethnic categories within racial subgroups,
16 and complete P-20 research projects;

17 (c) Collaborate with the legislative evaluation and accountability
18 program committee and the education and fiscal committees of the
19 legislature in identifying the data to be compiled and analyzed to
20 ensure that legislative interests are served;

21 (d) Annually provide to the K-12 data governance group a list of
22 data elements and data quality improvements that are necessary to
23 answer the research and policy questions identified by the education
24 data center and have been identified by the legislative committees in
25 (c) of this subsection. Within three months of receiving the list, the
26 K-12 data governance group shall develop and transmit to the education
27 data center a feasibility analysis of obtaining or improving the data,
28 including the steps required, estimated time frame, and the financial
29 and other resources that would be required. Based on the analysis, the
30 education data center shall submit, if necessary, a recommendation to
31 the legislature regarding any statutory changes or resources that would
32 be needed to collect or improve the data;

33 (e) Monitor and evaluate the education data collection systems of
34 the organizations and agencies represented in the education data center
35 ensuring that data systems are flexible, able to adapt to evolving
36 needs for information, and to the extent feasible and necessary,
37 include data that are needed to conduct the analyses and provide

1 answers to the research and policy questions identified in (a) of this
2 subsection;

3 (f) Track enrollment and outcomes through the public centralized
4 higher education enrollment system;

5 (g) Assist other state educational agencies' collaborative efforts
6 to develop a long-range enrollment plan for higher education including
7 estimates to meet demographic and workforce needs;

8 (h) Provide research that focuses on student transitions within and
9 among the early learning, K-12, and higher education sectors in the P-
10 20 system; (~~and~~)

11 (i) Make recommendations to the legislature as necessary to help
12 ensure the goals and objectives of this section and RCW 28A.655.210 and
13 28A.300.507 are met; and

14 (j) Beginning July 1, 2011, and annually thereafter, display the
15 institutional data submissions developed in RCW 28B.76.290 on the
16 education data center's web site. The data must be displayed in an
17 easy to read fashion and include data submissions from previous years.

18 (3) The department of early learning, superintendent of public
19 instruction, professional educator standards board, state board of
20 education, state board for community and technical colleges, workforce
21 training and education coordinating board, higher education
22 coordinating board, public four-year institutions of higher education,
23 and employment security department shall work with the education data
24 center to develop data-sharing and research agreements, consistent with
25 applicable security and confidentiality requirements, to facilitate the
26 work of the center. Private, nonprofit institutions of higher
27 education that provide programs of education beyond the high school
28 level leading at least to the baccalaureate degree and are accredited
29 by the Northwest association of schools and colleges or their peer
30 accreditation bodies may also develop data-sharing and research
31 agreements with the education data center, consistent with applicable
32 security and confidentiality requirements. The education data center
33 shall make data from collaborative analyses available to the education
34 agencies and institutions that contribute data to the education data
35 center to the extent allowed by federal and state security and
36 confidentiality requirements applicable to the data of each
37 contributing agency or institution.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 28B.76 RCW
2 to read as follows:

3 (1) Annually, on a schedule to be determined jointly by the board
4 and the education data center, the state universities, regional
5 universities, and the state college shall complete the data developed
6 under RCW 28B.76.290 and transmit it to the education data center.

7 (2) The board may validate the data once every six academic years.

8 **Sec. 4.** RCW 28B.20.130 and 2004 c 275 s 52 are each amended to
9 read as follows:

10 General powers and duties of the board of regents are as follows:

11 (1) To have full control of the university and its property of
12 various kinds, except as otherwise provided by law.

13 (2)(a) To employ the president of the university, his or her
14 assistants, members of the faculty, and employees of the institution,
15 who except as otherwise provided by law, shall hold their positions
16 during the pleasure of said board of regents.

17 (b) In employing the president of the university, the board has
18 full authority for setting the compensation of the president. However,
19 any employment contract entered into between the board and the
20 president on or after the effective date of this section is subject to
21 the following limitations:

22 (i) Compensation other than the base salary may not be paid from
23 the general fund state account; and

24 (ii) A compensation contract between the board and the president of
25 the university that fails to comply with the terms in this subsection
26 is void and unenforceable.

27 (3) Establish entrance requirements for students seeking admission
28 to the university which meet or exceed the standards specified under
29 RCW 28B.76.290(2). Completion of examinations satisfactory to the
30 university may be a prerequisite for entrance by any applicant at the
31 university's discretion. Evidence of completion of public high schools
32 and other educational institutions whose courses of study meet the
33 approval of the university may be acceptable for entrance.

34 (4) Establish such colleges, schools, or departments necessary to
35 carry out the purpose of the university and not otherwise proscribed by
36 law.

1 (5) With the assistance of the faculty of the university, prescribe
2 the course of study in the various colleges, schools, and departments
3 of the institution and publish the necessary catalogues thereof.

4 (6) Grant to students such certificates or degrees as recommended
5 for such students by the faculty. The board, upon recommendation of
6 the faculty, may also confer honorary degrees upon persons other than
7 graduates of this university in recognition of their learning or
8 devotion to literature, art, or science: PROVIDED, That no degree
9 shall ever be conferred in consideration of the payment of money or the
10 giving of property of whatsoever kind.

11 (7) Accept such gifts, grants, conveyances, bequests, and devises,
12 whether real or personal property, or both, in trust or otherwise, for
13 the use or benefit of the university, its colleges, schools,
14 departments, or agencies; and sell, lease or exchange, invest or expend
15 the same or the proceeds, rents, profits, and income thereof except as
16 limited by the terms of said gifts, grants, conveyances, bequests, and
17 devises. The board shall adopt proper rules to govern and protect the
18 receipt and expenditure of the proceeds of all fees, and the proceeds,
19 rents, profits, and income of all gifts, grants, conveyances, bequests,
20 and devises above-mentioned.

21 (8) Except as otherwise provided by law, to enter into such
22 contracts as the regents deem essential to university purposes.

23 (9) To submit upon request such reports as will be helpful to the
24 governor and to the legislature in providing for the institution.

25 (10) Subject to the approval of the higher education coordinating
26 board pursuant to RCW 28B.76.230, offer new degree programs, offer off-
27 campus programs, participate in consortia or centers, contract for off-
28 campus educational programs, and purchase or lease major off-campus
29 facilities.

30 **Sec. 5.** RCW 28B.30.150 and 2004 c 275 s 53 are each amended to
31 read as follows:

32 The regents of Washington State University, in addition to other
33 duties prescribed by law, shall:

34 (1) Have full control of the university and its property of various
35 kinds, except as otherwise provided by law.

36 (2)(a) Employ the president of the university, his or her

1 assistants, members of the faculty, and employees of the university,
2 who, except as otherwise provided by law, shall hold their positions
3 during the pleasure of said board of regents.

4 (b) In employing the president of the university, the board has
5 full authority for setting the compensation of the president. However,
6 any employment contract entered into between the board and the
7 president on or after the effective date of this section is subject to
8 the following limitations:

9 (i) Compensation other than the base salary may not be paid from
10 the general fund state account; and

11 (ii) A compensation contract between the board and the president of
12 the university that fails to comply with the terms in this subsection
13 is void and unenforceable.

14 (3) Establish entrance requirements for students seeking admission
15 to the university which meet or exceed the standards specified under
16 RCW 28B.76.290(2). Completion of examinations satisfactory to the
17 university may be a prerequisite for entrance by any applicant, at the
18 university's discretion. Evidence of completion of public high schools
19 and other educational institutions whose courses of study meet the
20 approval of the university may be acceptable for entrance.

21 (4) Establish such colleges, schools, or departments necessary to
22 carry out the purpose of the university and not otherwise proscribed by
23 law.

24 (5) Subject to the approval of the higher education coordinating
25 board pursuant to RCW 28B.76.230, offer new degree programs, offer off-
26 campus programs, participate in consortia or centers, contract for off-
27 campus educational programs, and purchase or lease major off-campus
28 facilities.

29 (6) With the assistance of the faculty of the university, prescribe
30 the courses of instruction in the various colleges, schools, and
31 departments of the institution and publish the necessary catalogues
32 thereof.

33 (7) Collect such information as the board deems desirable as to the
34 schemes of technical instruction adopted in other parts of the United
35 States and foreign countries.

36 (8) Provide for holding agricultural institutes including farm
37 marketing forums.

1 (9) Provide that instruction given in the university, as far as
2 practicable, be conveyed by means of laboratory work and provide in
3 connection with the university one or more physical, chemical, and
4 biological laboratories, and suitably furnish and equip the same.

5 (10) Provide training in military tactics for those students
6 electing to participate therein.

7 (11) Establish a department of elementary science and in connection
8 therewith provide instruction in elementary mathematics, including
9 elementary trigonometry, elementary mechanics, elementary and
10 mechanical drawing, and land surveying.

11 (12) Establish a department of agriculture and in connection
12 therewith provide instruction in physics with special application of
13 its principles to agriculture, chemistry with special application of
14 its principles to agriculture, morphology and physiology of plants with
15 special reference to common grown crops and fungus enemies, morphology
16 and physiology of the lower forms of animal life, with special
17 reference to insect pests, morphology and physiology of the higher
18 forms of animal life and in particular of the horse, cow, sheep, and
19 swine, agriculture with special reference to the breeding and feeding
20 of livestock and the best mode of cultivation of farm produce, and
21 mining and metallurgy, appointing demonstrators in each of these
22 subjects to superintend the equipment of a laboratory and to give
23 practical instruction therein.

24 (13) Establish agricultural experiment stations in connection with
25 the department of agriculture, including at least one in the western
26 portion of the state, and appoint the officers and prescribe
27 regulations for their management.

28 (14) Grant to students such certificates or degrees, as recommended
29 for such students by the faculty.

30 (15) Confer honorary degrees upon persons other than graduates of
31 the university in recognition of their learning or devotion to
32 literature, art, or science when recommended thereto by the faculty:
33 PROVIDED, That no degree shall ever be conferred in consideration of
34 the payment of money or the giving of property of whatsoever kind.

35 (16) Adopt plans and specifications for university buildings and
36 facilities or improvements thereto and employ skilled architects and
37 engineers to prepare such plans and specifications and supervise the
38 construction of buildings or facilities which the board is authorized

1 to erect, and fix the compensation for such services. The board shall
2 enter into contracts with one or more contractors for such suitable
3 buildings, facilities, or improvements as the available funds will
4 warrant, upon the most advantageous terms offered at a public
5 competitive letting, pursuant to public notice under rules established
6 by the board. The board shall require of all persons with whom they
7 contract for construction and improvements a good and sufficient bond
8 for the faithful performance of the work and full protection against
9 all liens.

10 (17) Except as otherwise provided by law, direct the disposition of
11 all money appropriated to or belonging to the state university.

12 (18) Receive and expend the money appropriated under the act of
13 congress approved May 8, 1914, entitled "An Act to provide for
14 cooperative agricultural extension work between the agricultural
15 colleges in the several States receiving the benefits of the Act of
16 Congress approved July 2, 1862, and Acts supplemental thereto and the
17 United States Department of Agriculture" and organize and conduct
18 agricultural extension work in connection with the state university in
19 accordance with the terms and conditions expressed in the acts of
20 congress.

21 (19) Except as otherwise provided by law, to enter into such
22 contracts as the regents deem essential to university purposes.

23 (20) Acquire by lease, gift, or otherwise, lands necessary to
24 further the work of the university or for experimental or
25 demonstrational purposes.

26 (21) Establish and maintain at least one agricultural experiment
27 station in an irrigation district to conduct investigational work upon
28 the principles and practices of irrigational agriculture including the
29 utilization of water and its relation to soil types, crops, climatic
30 conditions, ditch and drain construction, fertility investigations,
31 plant disease, insect pests, marketing, farm management, utilization of
32 fruit by-products, and general development of agriculture under
33 irrigation conditions.

34 (22) Supervise and control the agricultural experiment station at
35 Puyallup.

36 (23) Establish and maintain at Wenatchee an agricultural experiment
37 substation for the purpose of conducting investigational work upon the

1 principles and practices of orchard culture, spraying, fertilization,
2 pollenization, new fruit varieties, fruit diseases and pests, by-
3 products, marketing, management, and general horticultural problems.

4 (24) Accept such gifts, grants, conveyances, devises, and bequests,
5 whether real or personal property, in trust or otherwise, for the use
6 or benefit of the university, its colleges, schools, or departments;
7 and sell, lease or exchange, invest or expend the same or the proceeds,
8 rents, profits, and income thereof except as limited by the terms of
9 said gifts, grants, conveyances, bequests, and devises; and adopt
10 proper rules to govern and protect the receipt and expenditure of the
11 proceeds of all fees, and the proceeds, rents, profits, and income of
12 all gifts, grants, conveyances, bequests, and devises.

13 (25) Construct when the board so determines a new foundry and a
14 mining, physical, technological building, and fabrication shop at the
15 university, or add to the present foundry and other buildings, in order
16 that both instruction and research be expanded to include permanent
17 molding and die casting with a section for new fabricating techniques,
18 especially for light metals, including magnesium and aluminum; purchase
19 equipment for the shops and laboratories in mechanical, electrical, and
20 civil engineering; establish a pilot plant for the extraction of
21 alumina from native clays and other possible light metal research;
22 purchase equipment for a research laboratory for technological research
23 generally; and purchase equipment for research in electronics,
24 instrumentation, energy sources, plastics, food technology, mechanics
25 of materials, hydraulics, and similar fields.

26 (26) Make and transmit to the governor and members of the
27 legislature upon request such reports as will be helpful in providing
28 for the institution.

29 **Sec. 6.** RCW 28B.35.120 and 2006 c 263 s 824 are each amended to
30 read as follows:

31 In addition to any other powers and duties prescribed by law, each
32 board of trustees of the respective regional universities:

33 (1) Shall have full control of the regional university and its
34 property of various kinds, except as otherwise provided by law.

35 (2)(a) Shall employ the president of the regional university, his
36 or her assistants, members of the faculty, and other employees of the

1 institution, who, except as otherwise provided by law, shall hold their
2 positions, until discharged therefrom by the board for good and lawful
3 reason.

4 (b) In employing the president of the university, the board has
5 full authority for setting the compensation of the president. However,
6 any employment contract entered into between the board and the
7 president on or after the effective date of this section is subject to
8 the following limitations:

9 (i) Compensation other than the base salary may not be paid from
10 the general fund state account; and

11 (ii) A compensation contract between the board and the president of
12 the university that fails to comply with the terms in this subsection
13 is void and unenforceable.

14 (3) With the assistance of the faculty of the regional university,
15 shall prescribe the course of study in the various schools and
16 departments thereof and publish such catalogues thereof as the board
17 deems necessary: PROVIDED, That the Washington professional educator
18 standards board shall determine the requisites for and give program
19 approval of all courses leading to teacher certification by such board.

20 (4) Establish such divisions, schools or departments necessary to
21 carry out the purposes of the regional university and not otherwise
22 proscribed by law.

23 (5) Except as otherwise provided by law, may establish and erect
24 such new facilities as determined by the board to be necessary for the
25 regional university.

26 (6) May acquire real and other property as provided in RCW
27 28B.10.020, as now or hereafter amended.

28 (7) Except as otherwise provided by law, may purchase all supplies
29 and purchase or lease equipment and other personal property needed for
30 the operation or maintenance of the regional university.

31 (8) May establish, lease, operate, equip and maintain self-
32 supporting facilities in the manner provided in RCW 28B.10.300 through
33 28B.10.330, as now or hereafter amended.

34 (9) Except as otherwise provided by law, to enter into such
35 contracts as the trustees deem essential to regional university
36 purposes.

37 (10) May receive such gifts, grants, conveyances, devises and
38 bequests of real or personal property from whatsoever source, as may be

1 made from time to time, in trust or otherwise, whenever the terms and
2 conditions thereof will aid in carrying out the regional university
3 programs; sell, lease or exchange, invest or expend the same or the
4 proceeds, rents, profits and income thereof except as limited by the
5 terms and conditions thereof; and adopt (~~regulations~~) rules to govern
6 the receipt and expenditure of the proceeds, rents, profits and income
7 thereof.

8 (11) Subject to the approval of the higher education coordinating
9 board pursuant to RCW 28B.76.230, offer new degree programs, offer off-
10 campus programs, participate in consortia or centers, contract for off-
11 campus educational programs, and purchase or lease major off-campus
12 facilities.

13 (12) May (~~promulgate~~) adopt such rules (~~and regulations~~), and
14 perform all other acts not forbidden by law, as the board of trustees
15 may in its discretion deem necessary or appropriate to the
16 administration of the regional university.

17 **Sec. 7.** RCW 28B.40.120 and 2006 c 263 s 825 are each amended to
18 read as follows:

19 In addition to any other powers and duties prescribed by law, the
20 board of trustees of The Evergreen State College:

21 (1) Shall have full control of the state college and its property
22 of various kinds, except as otherwise provided by law.

23 (2)(a) Shall employ the president of the state college, his or her
24 assistants, members of the faculty, and other employees of the
25 institution, who, except as otherwise provided by law, shall hold their
26 positions, until discharged therefrom by the board for good and lawful
27 reason.

28 (b) In employing the president of the state college, the board has
29 full authority for setting the compensation of the president. However,
30 any employment contract entered into between the board and the
31 president on or after the effective date of this section is subject to
32 the following limitations:

33 (i) Compensation other than the base salary may not be paid from
34 the general fund state account; and

35 (ii) A compensation contract between the board and the president of
36 the state college that fails to comply with the terms in this
37 subsection is void and unenforceable.

1 (3) With the assistance of the faculty of the state college, shall
2 prescribe the course of study in the various schools and departments
3 thereof and publish such catalogues thereof as the board deems
4 necessary: PROVIDED, That the Washington professional educator
5 standards board shall determine the requisites for and give program
6 approval of all courses leading to teacher certification by such board.

7 (4) Establish such divisions, schools or departments necessary to
8 carry out the purposes of the college and not otherwise proscribed by
9 law.

10 (5) Except as otherwise provided by law, may establish and erect
11 such new facilities as determined by the board to be necessary for the
12 college.

13 (6) May acquire real and other property as provided in RCW
14 28B.10.020, as now or hereafter amended.

15 (7) Except as otherwise provided by law, may purchase all supplies
16 and purchase or lease equipment and other personal property needed for
17 the operation or maintenance of the college.

18 (8) May establish, lease, operate, equip and maintain self-
19 supporting facilities in the manner provided in RCW 28B.10.300 through
20 28B.10.330, as now or hereafter amended.

21 (9) Except as otherwise provided by law, to enter into such
22 contracts as the trustees deem essential to college purposes.

23 (10) May receive such gifts, grants, conveyances, devises and
24 bequests of real or personal property from whatsoever source, as may be
25 made from time to time, in trust or otherwise, whenever the terms and
26 conditions thereof will aid in carrying out the college programs; sell,
27 lease or exchange, invest or expend the same or the proceeds, rents,
28 profits and income thereof except as limited by the terms and
29 conditions thereof; and adopt (~~regulations~~) rules to govern the
30 receipt and expenditure of the proceeds, rents, profits and income
31 thereof.

32 (11) Subject to the approval of the higher education coordinating
33 board pursuant to RCW 28B.76.230, offer new degree programs, offer off-
34 campus programs, participate in consortia or centers, contract for off-
35 campus educational programs, and purchase or lease major off-campus
36 facilities.

37 (12) May (~~promulgate~~) adopt such rules (~~and regulations~~), and

1 perform all other acts not forbidden by law, as the board of trustees
2 may in its discretion deem necessary or appropriate to the
3 administration of the college.

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