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**SUBSTITUTE HOUSE BILL 2548**

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**State of Washington 66th Legislature 2020 Regular Session**

**By** House College & Workforce Development (originally sponsored by Representatives Lekanoff, Shewmake, Ramel, Leavitt, Davis, Pollet, and Santos)

AN ACT Relating to the tribally controlled colleges and universities in the state of Washington; and adding a new chapter to Title 28B RCW.

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

NEW SECTION. **Sec.**  The legislature finds that the Northwest Indian College is the only regionally accredited tribal college serving the states of Washington, Oregon, and Idaho. The Northwest Indian College, which received designation as a land grant college in 1994, offers bachelor's, associate's, and certificate programs and provides a valuable culturally based postsecondary experience for tribal and nontribal students alike in and around tribal communities where other postsecondary educational opportunities may be limited. The legislature further finds that the Northwest Indian College is in a unique situation where it receives federal primary operating funding for tribal students; however, there is no state or federal funding provided for nontribal students. As a result, the Northwest Indian College is underfunded, impacting its ability to retain, hire, and pay faculty at competitive wages. Therefore, the legislature intends to recognize the valuable contribution Northwest Indian College provides to the state's postsecondary system, economy, and rural and tribal communities by providing foundational support for nontribal students.

NEW SECTION. **Sec.**  The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Full-time equivalent" means forty-five credit hours for an academic year, which includes fall, winter, and spring terms.

(2) "Nonbeneficiary student" means a resident student as defined under RCW 28B.15.012 who is:

(a) Enrolled at a tribally controlled college or university;

(b) Not an enrolled member of a federally recognized Indian tribe nor a biological child of a living or deceased member of an Indian tribe; and

(c) Charged resident tuition rates.

(3) "Tribally controlled college or university" means a regionally accredited higher education institution in Washington which is formally controlled by an Indian tribe, or any combination of federally recognized Indian tribes, and is eligible for federal funding under the tribally controlled colleges and universities assistance act of 1978 (25 U.S.C. Chapter 20).

NEW SECTION. **Sec.**  The legislature shall appropriate funding for the payments to a tribally controlled college or university as required under this chapter. Allocations must be made on the basis of estimated full-time equivalent nonbeneficiary students enrolled at a tribally controlled college or university.

NEW SECTION. **Sec.**  (1) The student achievement council shall provide payments to a tribally controlled college or university for each full-time equivalent nonbeneficiary student.

(2) The payments must be distributed during each year of the biennium.

(3) The annual payments must be calculated for an amount at least equivalent to the most recent per beneficiary payment provided in accordance with the tribally controlled colleges and universities assistance act of 1978 (25 U.S.C. Chapter 20) for each full-time equivalent nonbeneficiary student enrolled at the tribally controlled college or university.

NEW SECTION. **Sec.**  (1) The student achievement council shall enter into a state-tribal compact with a tribally controlled college or university in order to facilitate payments and data sharing, including providing the student achievement council with an annual report consisting of the following:

(a) The number of full-time equivalent nonbeneficiary students for whom the tribally controlled college or university is entitled payment;

(b) Documentation of the enrollment status of each student for who payment under this chapter is sought;

(c) Evidence that the college or university's enrollment of Indian students is at least fifty-one percent;

(d) The graduation rate for all students, including the rate for beneficiary and nonbeneficiary students;

(e) The ratio between the amount of funding received by the tribally controlled college or university under this section and the college or university's annual operating budget; and

(f) A copy of the tribally controlled college or university's latest financial audit report.

(2) A tribally controlled college or university that fails to meet the requirements of this section is ineligible to receive future payments under this chapter until the college or university submits the required information.

NEW SECTION. **Sec.**  Sections 1 through 5 of this act constitute a new chapter in Title 28B RCW.

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