
SENATE BILL 5460

State of Washington

57th Legislature

2001 Regular Session

By Senator Jacobsen

Read first time 01/23/2001. Referred to Committee on Higher Education.

1 AN ACT Relating to local decision making for community and
2 technical colleges; amending RCW 28B.50.090 and 28B.50.140; adding a
3 new section to chapter 28B.15 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature recognizes that the
6 educational needs of citizens differ in different regions of the state.
7 The legislature finds that granting local community and technical
8 colleges' boards of trustees the authority to set tuition, offer
9 programs, and build facilities will give community and technical
10 colleges' boards of trustees the necessary ability to make decisions at
11 the local level to best serve the educational needs of the citizens in
12 local communities.

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

15 (1) The state board for community and technical colleges shall
16 grant, at the request of a community and technical college board of
17 trustees, the authority for the board to locally set the tuition fees
18 charged to full-time students at the community and technical colleges

1 in the community and technical colleges within that community and
2 technical college district. The amounts set by the board of trustees
3 may be above or below the tuition charged in the 2000-01 academic year.
4 Fees may be adjusted for factors that may include time of day and day
5 of week, as well as delivery method and campus, to encourage full use
6 of the state's educational facilities and resources. The tuition rates
7 need not apply uniformly for different programs or courses. The
8 tuition rates need not apply uniformly across student categories as
9 defined in this chapter.

10 (2) To ensure that students receiving state need grants do not have
11 the value of those grants diminished as a result of a board of
12 trustees' action under this section, the board shall provide from
13 tuition revenue collected under this section financial aid grants to
14 state need grant recipients in an amount that is equal to the amount of
15 the increase in full-time tuition. The board may not reduce the
16 proportion of state need grant recipients relative to the total number
17 of community and technical college students in the prior year as
18 determined by the higher education coordinating board.

19 (3) The community and technical colleges choosing to locally set
20 tuition shall report each biennium to the office of financial
21 management, the higher education coordinating board, the state board
22 for community and technical colleges, and the appropriate committees of
23 the senate and the house of representatives as to how they have used
24 any funds generated through the tuition increase authorized under this
25 section.

26 **Sec. 3.** RCW 28B.50.090 and 1991 c 238 s 33 are each amended to
27 read as follows:

28 The college board shall have general supervision and control over
29 the state system of community and technical colleges. In addition to
30 the other powers and duties imposed upon the college board by this
31 chapter, the college board shall be charged with the following powers,
32 duties and responsibilities:

33 (1) Review the budgets prepared by the boards of trustees, prepare
34 a single budget for the support of the state system of community and
35 technical colleges and adult education, and submit this budget to the
36 governor as provided in RCW 43.88.090;

37 (2) Establish guidelines for the disbursement of funds; and receive
38 and disburse such funds for adult education and maintenance and

1 operation and capital support of the college districts in conformance
2 with the state and district budgets, and in conformance with chapter
3 43.88 RCW;

4 (3) Ensure, through the full use of its authority:

5 (a) That each college district shall offer thoroughly comprehensive
6 educational, training and service programs to meet the needs of both
7 the communities and students served by combining high standards of
8 excellence in academic transfer courses; realistic and practical
9 courses in occupational education, both graded and ungraded; and
10 community services of an educational, cultural, and recreational
11 nature; and adult education, including basic skills and general,
12 family, and work force literacy programs and services. However,
13 technical colleges, and college districts containing only technical
14 colleges, shall maintain programs solely for occupational education,
15 basic skills, and literacy purposes. For as long as a need exists,
16 technical colleges may continue those programs, activities, and
17 services they offered during the twelve-month period preceding May 17,
18 1991;

19 (b) That each college district shall maintain an open-door policy,
20 to the end that no student will be denied admission because of the
21 location of the student's residence or because of the student's
22 educational background or ability; that, insofar as is practical in the
23 judgment of the college board, curriculum offerings will be provided to
24 meet the educational and training needs of the community generally and
25 the students thereof; and that all students, regardless of their
26 differing courses of study, will be considered, known and recognized
27 equally as members of the student body: PROVIDED, That the
28 administrative officers of a community or technical college may deny
29 admission to a prospective student or attendance to an enrolled student
30 if, in their judgment, the student would not be competent to profit
31 from the curriculum offerings of the college, or would, by his or her
32 presence or conduct, create a disruptive atmosphere within the college
33 not consistent with the purposes of the institution. This subsection
34 (3)(b) shall not apply to competency, conduct, or presence associated
35 with a disability in a person twenty-one years of age or younger
36 attending a technical college;

37 (4) Prepare a comprehensive master plan for the development of
38 community and technical college education and training in the state;
39 and assist the office of financial management in the preparation of

1 enrollment projections to support plans for providing adequate college
2 facilities in all areas of the state;

3 (5) Define and administer criteria and guidelines for the
4 establishment of new community and technical colleges or campuses
5 within the existing districts;

6 (6) Establish criteria and procedures for modifying district
7 boundary lines consistent with the purposes set forth in RCW 28B.50.020
8 as now or hereafter amended and in accordance therewith make such
9 changes as it deems advisable;

10 (7) Establish minimum standards to govern the operation of the
11 community and technical colleges with respect to:

12 (a) Qualifications and credentials of instructional and key
13 administrative personnel, except as otherwise provided in the state
14 plan for vocational education,

15 (b) Internal budgeting, accounting, auditing, and financial
16 procedures as necessary to supplement the general requirements
17 prescribed pursuant to chapter 43.88 RCW,

18 ~~(c) ((The content of the curriculums and other educational and
19 training programs, and the requirement for degrees and certificates
20 awarded by the colleges,~~

21 ~~(d))~~ Standard admission policies,

22 ~~((e))~~ (d) Eligibility of courses to receive state fund support;

23 (8) Establish and administer criteria and procedures for all
24 capital construction including the establishment, installation, and
25 expansion of facilities within the various college districts;

26 (9) Encourage innovation in the development of new educational and
27 training programs and instructional methods; coordinate research
28 efforts to this end; and disseminate the findings thereof;

29 (10) Exercise any other powers, duties and responsibilities
30 necessary to carry out the purposes of this chapter;

31 ~~(11) ((Authorize the various community and technical colleges to
32 offer programs and courses in other districts when it determines that
33 such action is consistent with the purposes set forth in RCW 28B.50.020
34 as now or hereafter amended;~~

35 ~~(12))~~ Notwithstanding any other law or statute regarding the sale
36 of state property, sell or exchange and convey any or all interest in
37 any community and technical college real and personal property, except
38 such property as is received by a college district in accordance with
39 RCW 28B.50.140(8), when it determines that such property is surplus or

1 that such a sale or exchange is in the best interests of the community
2 and technical college system;

3 ~~((13))~~ (12) In order that the treasurer for the state board for
4 community and technical colleges appointed in accordance with RCW
5 28B.50.085 may make vendor payments, the state treasurer will honor
6 warrants drawn by the state board providing for an initial advance on
7 July 1, 1982, of the current biennium and on July 1st of each
8 succeeding biennium from the state general fund in an amount equal to
9 twenty-four percent of the average monthly allotment for such budgeted
10 biennium expenditures for the state board for community and technical
11 colleges as certified by the office of financial management; and at the
12 conclusion of such initial month and for each succeeding month of any
13 biennium, the state treasurer will reimburse expenditures incurred and
14 reported monthly by the state board treasurer in accordance with
15 chapter 43.88 RCW: PROVIDED, That the reimbursement to the state board
16 for actual expenditures incurred in the final month of each biennium
17 shall be less the initial advance made in such biennium;

18 ~~((14))~~ (13) Notwithstanding the provisions of subsection ~~((12))~~
19 (11) of this section, may receive such gifts, grants, conveyances,
20 devises, and bequests of real or personal property from private sources
21 as may be made from time to time, in trust or otherwise, whenever the
22 terms and conditions thereof will aid in carrying out the community and
23 technical college programs and may sell, lease or exchange, invest or
24 expend the same or the proceeds, rents, profits and income thereof
25 according to the terms and conditions thereof; and adopt
26 ~~((regulations))~~ rules to govern the receipt and expenditure of the
27 proceeds, rents, profits and income thereof;

28 ~~((15))~~ (14) The college board shall have the power of eminent
29 domain;

30 ~~((16))~~ (15) Provide general supervision over the state's
31 technical colleges. The president of each technical college shall
32 report directly to the director of the state board for community and
33 technical colleges, or the director's designee, until local control is
34 assumed by a new or existing board of trustees as appropriate, except
35 that a college president shall have authority over program decisions of
36 his or her college until the establishment of a board of trustees for
37 that college. The directors of the vocational-technical institutes on
38 March 1, 1991, shall be designated as the presidents of the new
39 technical colleges.

1 **Sec. 4.** RCW 28B.50.140 and 1997 c 281 s 1 are each amended to read
2 as follows:

3 Each board of trustees:

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

6 (2) Shall create comprehensive programs of community and technical
7 college education and training and maintain an open-door policy in
8 accordance with the provisions of RCW 28B.50.090(3). However,
9 technical colleges, and college districts containing only technical
10 colleges, shall maintain programs solely for occupational education,
11 basic skills, and literacy purposes. For as long as a need exists,
12 technical colleges may continue those programs, activities, and
13 services they offered during the twelve-month period preceding
14 September 1, 1991;

15 (3) Shall employ for a period to be fixed by the board a college
16 president for each community and technical college and, may appoint a
17 president for the district, and fix their duties and compensation,
18 which may include elements other than salary. Compensation under this
19 subsection shall not affect but may supplement retirement, health care,
20 and other benefits that are otherwise applicable to the presidents as
21 state employees. The board shall also employ for a period to be fixed
22 by the board members of the faculty and such other administrative
23 officers and other employees as may be necessary or appropriate and fix
24 their salaries and duties. Compensation and salary increases under
25 this subsection shall not exceed the amount or percentage established
26 for those purposes in the state appropriations act by the legislature
27 as allocated to the board of trustees by the state board for community
28 and technical colleges. The state board for community and technical
29 colleges shall adopt rules defining the permissible elements of
30 compensation under this subsection;

31 (4) May establish(~~(, under the approval and direction of the~~
32 ~~college board,~~)) new facilities as community needs and interests
33 demand(~~(. However, the authority of boards of trustees to purchase or~~
34 ~~lease major off-campus facilities shall be subject to the approval of~~
35 ~~the higher education coordinating board pursuant to RCW~~
36 ~~28B.80.340(5))~~);

37 (5) May establish or lease, operate, equip and maintain
38 dormitories, food service facilities, bookstores and other self-

1 supporting facilities connected with the operation of the community and
2 technical college;

3 (6) May(~~(, with the approval of the college board,)~~) borrow money
4 and issue and sell revenue bonds or other evidences of indebtedness for
5 the construction, reconstruction, erection, equipping with permanent
6 fixtures, demolition and major alteration of buildings or other capital
7 assets, and the acquisition of sites, rights-of-way, easements,
8 improvements or appurtenances, for dormitories, food service
9 facilities, and other self-supporting facilities connected with the
10 operation of the community and technical college in accordance with the
11 provisions of RCW 28B.10.300 through 28B.10.330 where applicable;

12 (7) May establish fees and charges for the facilities authorized
13 hereunder, including reasonable rules (~~(and regulations)~~) for the
14 government thereof(~~(, not inconsistent with the rules and regulations~~
15 ~~of the college board)~~); each board of trustees operating a community
16 and technical college may enter into agreements(~~(, subject to rules and~~
17 ~~regulations of the college board,)~~) with owners of facilities to be
18 used for housing regarding the management, operation, and government of
19 such facilities, and any board entering into such an agreement may:

20 (a) Make rules (~~(and regulations)~~) for the government, management
21 and operation of such housing facilities deemed necessary or advisable;
22 and

23 (b) Employ necessary employees to govern, manage and operate the
24 same;

25 (8) May receive such gifts, grants, conveyances, devises and
26 bequests of real or personal property from private sources, as may be
27 made from time to time, in trust or otherwise, whenever the terms and
28 conditions thereof will aid in carrying out the community and technical
29 college programs as specified by law and the (~~(regulations)~~) rules of
30 the state college board; sell, lease or exchange, invest or expend the
31 same or the proceeds, rents, profits and income thereof according to
32 the terms and conditions thereof; and adopt (~~(regulations)~~) rules to
33 govern the receipt and expenditure of the proceeds, rents, profits and
34 income thereof;

35 (9) May establish and maintain night schools whenever in the
36 discretion of the board of trustees it is deemed advisable, and
37 authorize classrooms and other facilities to be used for summer or
38 night schools, or for public meetings and for any other uses consistent

1 with the use of such classrooms or facilities for community and
2 technical college purposes;

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

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

10 (12) May grant to every student, upon graduation or completion of
11 a course of study, a suitable diploma, nonbaccalaureate degree or
12 certificate. Technical colleges shall offer only nonbaccalaureate
13 technical degrees under the rules of the state board for community and
14 technical colleges that are appropriate to their work force education
15 and training mission. The primary purpose of this degree is to lead
16 the individual directly to employment in a specific occupation.
17 Technical colleges may not offer transfer degrees. The board, upon
18 recommendation of the faculty, may also confer honorary associate of
19 arts degrees upon persons other than graduates of the community
20 college, in recognition of their learning or devotion to education,
21 literature, art, or science. No degree may be conferred in
22 consideration of the payment of money or the donation of any kind of
23 property;

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

38 (14) May, by written order filed in its office, delegate to the
39 president or district president any of the powers and duties vested in

1 or imposed upon it by this chapter. Such delegated powers and duties
2 may be exercised in the name of the district board;

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

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

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

31 (18) Shall set tuition fees in accordance with section 2 of this
32 act;

33 (19) Shall be authorized to pay dues to any association of trustees
34 that may be formed by the various boards of trustees; such association
35 may expend any or all of such funds to submit biennially, or more often
36 if necessary, to the governor and to the legislature, the
37 recommendations of the association regarding changes which would affect
38 the efficiency of such association;

1 (~~(19)~~) (20) Subject to the approval of the higher education
2 coordinating board pursuant to RCW 28B.80.340(4), may participate in
3 higher education centers and consortia that involve any four-year
4 public or independent college or university; and

5 (~~(20)~~) (21) Shall perform any other duties and responsibilities
6 imposed by law or rule (~~(and regulation)~~) of the state board.

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