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SENATE BILL 6232

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State of Washington

62nd Legislature

2012 Regular Session

By Senators Kilmer, Shin, McAuliffe, and Eide; by request of Governor Gregoire

Read first time 01/16/12. Referred to Committee on Higher Education & Workforce Development.

1 AN ACT Relating to increasing educational attainment; amending RCW  
2 28B.76.020, 28B.76.090, and 28B.76.110; amending 2011 1st sp.s. c 11 s  
3 403 (uncodified); adding new sections to chapter 28B.76 RCW; adding a  
4 new section to chapter 44.28 RCW; adding a new section to chapter 44.04  
5 RCW; creating new sections; repealing RCW 28B.76.080, 28B.76.210,  
6 28B.76.290, 28B.76.310, and 28B.77.005; providing an effective date;  
7 providing an expiration date; and declaring an emergency.

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

9 NEW SECTION. **Sec. 1.** The legislature recognizes that increasing  
10 educational attainment is critical to the social and economic well-  
11 being of Washington. The legislature intends to create the office of  
12 the student achievement council and the student achievement council to  
13 provide the focus and set the goals for increasing educational  
14 attainment including improving student transitions from secondary to  
15 postsecondary education and training and between and among  
16 postsecondary institutions.

17 The legislature finds that increasing educational attainment is  
18 essential for maintaining the health of a democratic society and the  
19 competitiveness of the state in the global economy. It is necessary to

1 have educational opportunities that meet both the educational and  
2 economic requirements of the state. Increasing educational attainment  
3 means Washington needs more students with high school diplomas,  
4 postsecondary certificates, associate degrees, bachelor's degrees, and  
5 graduate degrees. According to a fall 2010 study by the Georgetown  
6 University center on education and the workforce, Washington will rank  
7 sixth in the nation in jobs that will require postsecondary education  
8 or special training.

9 The legislature finds that educational attainment is a powerful  
10 predictor of well-being. Students who have completed higher levels of  
11 education or training are more likely to achieve success in work or  
12 life than those who have not. Education is perhaps the most important  
13 engine of economic growth and individual and financial health. Success  
14 in growing a stronger economy and democracy and lifting incomes and  
15 well-being depends upon increasing educational attainment. It is the  
16 intent of the legislature to focus on the increased educational  
17 attainment as a key priority and closely track progress towards meeting  
18 this goal.

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

21 (1) The office of the student achievement council is created. The  
22 executive director of the office of the student achievement council  
23 shall be appointed by the governor with the consent of the senate and  
24 hold office at the pleasure of the governor.

25 (2) The executive director may employ necessary deputy and  
26 assistant directors and other exempt staff under chapter 41.06 RCW who  
27 shall serve at the executive director's pleasure on such terms and  
28 conditions as he or she determines. Subject to the provisions of  
29 chapter 41.06 RCW the executive director may appoint and employ such  
30 other employees as may be required for the proper discharge of the  
31 functions of the office.

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

34 (1) The student achievement council is created.

35 (2) The council is composed of nine voting members and two  
36 nonvoting members as provided in this subsection.

1 (a) Five citizen members shall be appointed by the governor with  
2 the consent of the senate. The citizen members shall serve for four-  
3 year terms; however, the terms of the initial members shall be  
4 staggered.

5 (b) A representative of each of the following shall be selected by  
6 the respective organizations, who shall serve at the pleasure of the  
7 appointing organizations:

8 (i) A representative of the four-year institutions of higher  
9 education as defined in RCW 28B.10.016, selected by the presidents of  
10 those institutions;

11 (ii) The state board for community and technical colleges;

12 (iii) The superintendent of public instruction; and

13 (iv) The workforce training and education coordinating board.

14 (c) Two nonvoting members shall be selected, with one member  
15 selected by an association of independent schools and another selected  
16 from among independent degree-granting institutions.

17 (3) The chair shall be selected by the council from among the  
18 citizen members appointed to the council. The chair shall serve a one-  
19 year term but may serve more than one term if selected to do so by the  
20 membership.

21 (4) The council shall create advisory committees on an ad hoc basis  
22 for the purpose of obtaining input from students, faculty, and higher  
23 education experts and practitioners, citizens, business and industry,  
24 and labor, and for the purpose of informing their research, policy, and  
25 programmatic functions.

26 (5) Any vacancies on the council shall be filled in the same manner  
27 as the original appointments. Appointments to fill vacancies shall be  
28 only for such terms as remain unexpired. Any vacancies among council  
29 members appointed by the governor shall be filled by the governor  
30 subject to confirmation by the senate and shall have full authority to  
31 act before the time the senate acts on their confirmation.

32 (6) The council shall provide advice to the office as the office  
33 conducts its duties emphasizing the goal of increasing educational  
34 attainment.

35 NEW SECTION. **Sec. 4.** (1) To keep a clear focus on improving  
36 educational attainment, the office, in consultation with the four-year  
37 institutions of higher education and the state board for community and

1 technical colleges, shall recommend changes in statute and rule that  
2 are designed to create a focused, streamlined, and efficient  
3 organization to:

4 (a) Continue duties transferred that promote educational  
5 attainment; or

6 (b) Eliminate duties held by the higher education coordinating  
7 board before the effective date of this section that are no longer  
8 applicable or detract from the ability to focus on educational  
9 attainment.

10 (2) The office shall also review statutes and rules to recommend  
11 eliminating duplicative or unduly burdensome requirements on education  
12 providers.

13 (3) Initial recommendations shall be made to the legislature and  
14 the governor not later than October 1, 2012, with final recommendations  
15 submitted not later than September 1, 2013.

16 (4) This section expires July 1, 2014.

17 **Sec. 5.** RCW 28B.76.020 and 2011 1st sp.s. c 11 s 101 are each  
18 amended to read as follows:

19 The definitions in this section apply throughout this chapter  
20 unless the context clearly requires otherwise.

21 (1) "Council" means the student achievement council (~~((for higher~~  
22 ~~education))~~).

23 (2) "Director" means the director of the office.

24 (3) "Four-year institutions" means the University of Washington,  
25 Washington State University, Central Washington University, Eastern  
26 Washington University, Western Washington University, and The Evergreen  
27 State College.

28 ~~((+3))~~ (4) "Major expansion" means expansion of the higher  
29 education system that requires significant new capital investment,  
30 including building new institutions, campuses, branches, or centers or  
31 conversion of existing campuses, branches, or centers that would result  
32 in a mission change.

33 ~~((+4))~~ (5) "Mission change" means a change in the level of degree  
34 awarded or institutional type not currently authorized in statute.

35 ~~((+5))~~ (6) "Office" means the office of (~~student financial~~  
36 ~~assistance)) the student achievement council.~~

1        NEW SECTION.    **Sec. 6.** A new section is added to chapter 28B.76 RCW  
2 to read as follows:

3        The purpose and mission of the office is to set goals for  
4 increasing the educational attainment in Washington and to monitor  
5 progress toward meeting those goals. Setting these goals links the  
6 work of educational programs, schools, and institutions from secondary  
7 through postsecondary education and training and through careers. The  
8 office must connect the work of the superintendent of public  
9 instruction, the state board of education, the state board for  
10 community and technical colleges, the workforce training and education  
11 coordinating board, and the four-year institutions of higher education,  
12 as well as the independent schools and colleges.

13       NEW SECTION.    **Sec. 7.** A new section is added to chapter 28B.76 RCW  
14 to read as follows:

15        (1)(a) The office must set educational attainment goals both short  
16 and long term.

17        (b) Educational attainment goals include not only reaching higher  
18 levels of educational attainment but earning certificates or degrees  
19 that meet workforce needs.

20        (c) In setting these goals, the office must collaborate with the  
21 superintendent of public instruction, the state board of education, the  
22 state board for community and technical colleges, the four-year  
23 institutions of higher education, organizations of independent colleges  
24 and degree-granting and certificate-granting institutions, and the  
25 workforce training and education coordinating board for each to develop  
26 a set of integrated measurable goals for each sector's contribution to  
27 the overarching goal of increasing educational attainment. Each agency  
28 and institution shall continue to have individual goals and strategic  
29 plans.

30        (d) The office must identify the resources necessary to meet the  
31 goals and also recognize current state economic conditions and state  
32 resources.

33        (e) The office, with the advice of the council, must review and  
34 revise these goals every two years with the first review due to the  
35 governor and legislature by December 1, 2013.

36        (2)(a) The office must conduct strategic planning for meeting the  
37 goal of increasing educational attainment. The strategic plan must

1 include meeting the needs of creating an educated citizenry for a  
2 democracy and the current and future requirement to meet the workforce  
3 needs for a vigorous economy. The strategic plan shall be the result  
4 of collaboration with agencies and stakeholders, and include input from  
5 the legislature.

6 (b) The plan shall be updated every two years, with the initial  
7 plan due by December 1, 2014.

8 (3) As needed, the office must conduct system reviews consistent  
9 with RCW 28B.76.230.

10 (4) The office must facilitate the development and expansion of  
11 innovative practices within, between, and among the sectors to increase  
12 educational attainment, including accountability measures to determine  
13 the effectiveness of the innovations.

14 (5) The office must review the data and analysis produced by the  
15 educational data center created in RCW 43.41.400 in developing policy  
16 recommendations and setting goals. In conducting research and analysis  
17 the office at a minimum must:

18 (a) Identify barriers to increasing educational attainment,  
19 evaluate effectiveness of various educational models, identify best  
20 practices, and recommend methods to overcome barriers;

21 (b) Analyze data from multiple sources including data from academic  
22 research and from areas and agencies outside of education including but  
23 not limited to data from the department of health, the department of  
24 corrections, and the department of social and health services, to  
25 determine best practices to remove barriers and to improve educational  
26 attainment;

27 (c) Assess educational achievement disaggregated by income level,  
28 age, gender, race and ethnicity, country of origin, and other relevant  
29 demographic groups working with the education data center;

30 (d) Track progress toward meeting the state's goals; and

31 (e) Communicate results and provide access to data analysis to  
32 policymakers, the superintendent of public instruction, institutions of  
33 higher education, students, and the public.

34 (6) The office must improve student transitions and success  
35 including but not limited to:

36 (a) Setting minimum college admission standards for four-year  
37 institutions of higher education, including a requirement that  
38 coursework in American sign language or an American Indian language

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

4 (b) Developing programs to encourage students to prepare for,  
5 understand how to access, and pursue postsecondary college and career  
6 programs;

7 (c) Recommending policies that require coordination between or  
8 among sectors such as dual high school-college programs, awarding  
9 college credit for advanced high school work, and transfer between two  
10 and four-year institutions of higher education or between different  
11 four-year institutions of higher education; and

12 (d) Identifying transitions issues and solutions for students, from  
13 high school to postsecondary education including community and  
14 technical colleges, four-year institutions of higher education,  
15 apprenticeships, training, or workplace education; between two-year and  
16 four-year institutions of higher education; and from postsecondary  
17 education to career. In addressing these issues the office must  
18 recognize that these transitions may occur multiple times as students  
19 continue their education.

20 (7) The office must administer student financial aid programs under  
21 RCW 28B.76.090, including but not limited to the state need grant,  
22 college bound and other scholarships, the guaranteed education tuition  
23 program, and work study programs.

24 (8) The office must administer state and federal grants and  
25 programs including but not limited to those programs that provide  
26 incentives for improvements related to increased access and success in  
27 postsecondary education.

28 (9) The office must protect consumers including:

29 (a) Approving private, degree-granting postsecondary institutions  
30 consistent with existing statutory criteria; and

31 (b) Approving programs that are eligible programs for students to  
32 use federal benefits such as veterans' benefits.

33 (10) The office must implement statutory residency requirements  
34 through adopting rules.

35 NEW SECTION. **Sec. 8.** A new section is added to chapter 28B.76 RCW  
36 to read as follows:

1 Members of the council shall be compensated in accordance with RCW  
2 43.03.240 and shall receive travel expenses in accordance with RCW  
3 43.03.050 and 43.03.060.

4 **Sec. 9.** RCW 28B.76.090 and 2011 1st sp.s. c 11 s 102 are each  
5 amended to read as follows:

6 ~~((1)) The office ((of student financial assistance is created.~~  
7 ~~(2) The purpose of the office is to)) must administer state and  
8 federal financial aid and other education services programs, including  
9 the advanced college tuition payment program in chapter 28B.95 RCW, in  
10 a cost-effective manner.~~

11 ~~((3) The office shall employ a director who shall serve at the  
12 pleasure of the governor and shall administer the provisions of this  
13 chapter. The director shall: (a) Employ necessary deputy and  
14 assistant directors and other exempt staff under chapter 41.06 RCW who  
15 shall serve at his or her pleasure on such terms and conditions as he  
16 or she determines and (b) subject to the provisions of chapter 41.06  
17 RCW, appoint and employ such other employees as may be required for the  
18 proper discharge of the functions of the office.))~~

19 **Sec. 10.** RCW 28B.76.110 and 2004 c 275 s 5 are each amended to  
20 read as follows:

21 The ~~((higher education coordinating board))~~ office is designated as  
22 the state commission as provided for in Section 1202 of the education  
23 amendments of 1972 (Public Law 92-318), as now or hereafter amended;  
24 and shall perform such functions as is necessary to comply with federal  
25 directives pertaining to the provisions of such law.

26 NEW SECTION. **Sec. 11.** A new section is added to chapter 44.28 RCW  
27 to read as follows:

28 The joint committee shall conduct a review of the office of the  
29 student achievement council and its functions. The joint committee and  
30 the office of the student achievement council must collaborate to  
31 identify performance measures and goals by which the student  
32 achievement council will be evaluated. The joint committee shall  
33 present its findings to the legislature by December 1, 2019.



1           NEW SECTION.   **Sec. 12.** A new section is added to chapter 44.04 RCW  
2 to read as follows:

3           (1) A joint select legislative committee on student achievement is  
4 established.

5           (2) Members of the joint select committee shall be appointed and  
6 reappointed before the close of each regular legislative session during  
7 odd-numbered years from members serving on education, higher education,  
8 workforce development, or appropriations committees as follows:

9           (a) The president of the senate shall appoint four members from  
10 each of the two largest caucuses of the senate; and

11           (b) The speaker of the house of representatives shall appoint four  
12 members from each of the two largest caucuses of the house of  
13 representatives.

14           (3) The committee shall choose its chair and vice chair. The chair  
15 and vice chair may not be members of the same political party. The  
16 chair shall alternate between members of the majority parties in the  
17 senate and the house of representatives.

18           (4) The committee shall review the work of the office of the  
19 student achievement council and make policy and budget recommendations  
20 on improving educational attainment in Washington.

21           (5) Staff support for the committee shall be provided by senate  
22 committee services and house of representatives office of program  
23 research.

24           (6) Legislative members of the committee shall be reimbursed for  
25 travel expenses in accordance with RCW 44.04.120.

26           (7) The expenses of the committee shall be paid jointly by the  
27 senate and the house of representatives. Committee expenditures are  
28 subject to approval by the senate facilities and operations committee  
29 and the house executive rules committee, or their successor committees.

30           (8) The committee shall report its findings and recommendations to  
31 the governor and to committees of the legislature related to education,  
32 higher education, workforce development, and appropriations each year  
33 by December 1st.

34           NEW SECTION.   **Sec. 13.** A new section is added to chapter 28B.76  
35 RCW to read as follows:

36           (1) The higher education coordinating board is hereby abolished and  
37 its powers, duties, and functions are hereby transferred to the office

1 of the student achievement council. All references to the executive  
2 director or the higher education coordinating board in the Revised Code  
3 of Washington shall be construed to mean the executive director or the  
4 office of the student achievement council.

5 (2)(a) All reports, documents, surveys, books, records, files,  
6 papers, or written material in the possession of the higher education  
7 coordinating board shall be delivered to the custody of the office of  
8 the student achievement council. All cabinets, furniture, office  
9 equipment, motor vehicles, and other tangible property employed by the  
10 higher education coordinating board shall be made available to the  
11 office of the student achievement council. All funds, credits, or  
12 other assets held by the higher education coordinating board shall be  
13 assigned to the office of the student achievement council.

14 (b) Any appropriations made to the higher education coordinating  
15 board shall, on the effective date of this section, be transferred and  
16 credited to the office of the student achievement council.

17 (c) If any question arises as to the transfer of any personnel,  
18 funds, books, documents, records, papers, files, equipment, or other  
19 tangible property used or held in the exercise of the powers and the  
20 performance of the duties and functions transferred, the director of  
21 financial management shall make a determination as to the proper  
22 allocation and certify the same to the state agencies concerned.

23 (3) All employees of the higher education coordinating board are  
24 transferred to the jurisdiction of the office of the student  
25 achievement council subject to review by the executive director of the  
26 office. All employees classified under chapter 41.06 RCW, the state  
27 civil service law, are assigned to the office of the student  
28 achievement council to perform their usual duties upon the same terms  
29 as formerly, without any loss of rights, subject to any action that may  
30 be appropriate thereafter in accordance with the laws and rules  
31 governing state civil service.

32 (4) All rules and all pending business before the higher education  
33 coordinating board shall be continued and acted upon by the office of  
34 the student achievement council. All existing contracts and  
35 obligations shall remain in full force and shall be performed by the  
36 office of the student achievement council.

37 (5) The transfer of the powers, duties, functions, and personnel of

1 the higher education coordinating board shall not affect the validity  
2 of any act performed before the effective date of this section.

3 (6) If apportionments of budgeted funds are required because of the  
4 transfers directed by this section, the director of financial  
5 management shall certify the apportionments to the agencies affected,  
6 the state auditor, and the state treasurer. Each of these shall make  
7 the appropriate transfer and adjustments in funds and appropriation  
8 accounts and equipment records in accordance with the certification.

9 (7) All classified employees of the higher education coordinating  
10 board assigned to the office of the student achievement council under  
11 this section whose positions are within an existing bargaining unit  
12 description at the office of the student achievement council shall  
13 become a part of the existing bargaining unit at the office of the  
14 student achievement council and shall be considered an appropriate  
15 inclusion or modification of the existing bargaining unit under the  
16 provisions of chapter 41.80 RCW.

17 NEW SECTION. **Sec. 14.** The following acts or parts of acts are  
18 each repealed:

19 (1) RCW 28B.76.080 (Members--Compensation and travel expenses) and  
20 1985 c 370 s 16, 1984 c 287 s 65, 1975-'76 2nd ex.s. c 34 s 77, & 1969  
21 ex.s. c 277 s 12;

22 (2) RCW 28B.76.210 (Budget priorities and levels of funding--  
23 Guidelines for institutions--Review and evaluation of budget requests--  
24 Prioritized list--Recommendations) and 2011 1st sp.s. c 11 s 104, 2010  
25 c 245 s 10, 2008 c 205 s 4, 2007 c 458 s 202, 2004 c 275 s 7, 2003 c  
26 130 s 3, 1997 c 369 s 10, 1996 c 174 s 1, 1993 c 363 s 6, & 1985 c 370  
27 s 4;

28 (3) RCW 28B.76.290 (Coordination of activities with segments of  
29 higher education) and 1993 c 77 s 2, 1992 c 60 s 3, 1988 c 172 s 4, &  
30 1985 c 370 s 6;

31 (4) RCW 28B.76.310 (Development of methods and protocols for  
32 measuring educational costs) and 2011 1st sp.s. c 11 s 105, 2004 c 275  
33 s 15, 1995 1st sp.s. c 9 s 7, 1992 c 231 s 5, & 1989 c 245 s 3; and

34 (5) RCW 28B.77.005 (Council for higher education created--Higher  
35 education coordinating board abolished) and 2011 1st sp.s. c 11 s 301.

1       **Sec. 15.** 2011 1st sp.s. c 11 s 403 (uncodified) is amended to read  
2 as follows:

3       Sections (~~(101 through 103,)~~) 106 through 202, 204 through 244, and  
4 301 of this act take effect July 1, 2012.

5       NEW SECTION.   **Sec. 16.** Sections 1 through 14 of this act and  
6 section 103, chapter 11, Laws of 2011 1st sp. sess. are necessary for  
7 the immediate preservation of the public peace, health, or safety, or  
8 support of the state government and its existing public institutions,  
9 and take effect June 1, 2012.

10       NEW SECTION.   **Sec. 17.** Section 15 of this act is necessary for the  
11 immediate preservation of the public peace, health, or safety, or  
12 support of the state government and its existing public institutions,  
13 and takes effect immediately.

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