

HOUSE BILL REPORT

ESSB 5184

*As Reported By House Committee on:
Higher Education*

Title: An act relating to work force training and education.

Brief Description: Creating a work force training and education coordinating board, and combining community and vocational-technical schools under one agency.

Sponsor(s): Senate Committee on Higher Education (originally sponsored by Senators Saling, Bauer, Thorsness, Jesernig, Stratton, Talmadge and Snyder; by request of Governor Gardner).

Brief History:

Reported by House Committee on:
Higher Education, April 3, 1991, DPA.

**HOUSE COMMITTEE ON
HIGHER EDUCATION**

Majority Report: *Do pass as amended.* Signed by 11 members: Representatives Jacobsen, Chair; Ogden, Vice Chair; Wood, Ranking Minority Member; May, Assistant Ranking Minority Member; Basich; Dellwo; Fraser; Ludwig; Prince; Sheldon; and Spanel.

Minority Report: *Do not pass.* Signed by 2 members: Representatives Miller; and Van Luven.

Staff: Susan Hosch (786-7120).

Background: Prior to 1967, community colleges were part of the common school system. In 1967, the Legislature combined 26 junior colleges and vocational-technical institutes into the community college system. The Coordinating Council for Occupational Education was established during the same year. The Olympia Vocational-Technical Institute joined the community college system in 1971.

Five vocational-technical institutes in the Puget Sound area remained within the common school system. The overwhelming majority of FTE students attending these institutes are adults. Since 1967, a number of regional vocational skill centers have been constructed by the common school system. These skill centers serve high school age students.

During the early 1970s, legislation was regularly introduced to reunite the two adult educational systems. When proposed legislation required the vocational-technical institutes to join the community college system, the superintendent of public instruction would counter by requesting that the community college system be dissolved and that each college return to the governance of its local school board, and vice versa.

In 1975, the Legislature tried to end these battles by abolishing the coordinating council and creating the Commission on Vocational Education. The commission was charged with a number of duties, including adjudicating disputes between the two systems. The commission was scheduled for a sunset review in 1985.

In its sunset audit, the Legislative Budget Committee (LBC) recommended the commission or its successor have the responsibility for reporting consistent and reliable data on vocational students and programs to the Legislature. The LBC also recommended that the Legislature choose from a range of organizational and governance options to replace the commission. The LBC recommended that any successor organization have responsibility for compliance audits, reviewing and approving new programs, developing an enrollment and cost database, and adjudicating disputes.

The Legislature was unable to agree on legislation to either continue the existence of the commission or to create a successor agency. Therefore, the commission's authority to operate expired on June 30, 1986.

Through an executive order, the governor then created the State Board for Vocational Education to continue performing some of the commission's duties. During the 1990 legislative session, the State Board for Vocational Education was created in statute. The board's authority to exist terminates on July 1, 1992.

The 1990 session of the Legislature also approved legislation directing the Office of Financial Management (OFM) to administer a study of the state's training and retraining system. In the bill, the governor was asked to appoint members to the Advisory Council on Investment in Human Capital. The advisory council's primary mission is: to make recommendations on changes necessary to improve state policies for workforce education and training. Due to legislative concern about the fragmentation of the training system, the advisory council was asked to recommend one agency to govern all postsecondary vocational education and the first two years of higher education not under the jurisdiction of a four-year college or university.

The advisory council's recommendations covered nine major areas. These included creating a coordinating structure for vocational training, improving accountability, consolidating governance of programs for the adult workforce, and expanding apprenticeship programs. The council also recommended enhancing the following: literacy and basic skills programs, K-12 workforce programs, access to and funding for training programs, and efforts to recruit and train workers from diverse ethnic and cultural backgrounds.

Summary of Amended Bill:

WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD

Membership: The Workforce Training and Education Coordinating Board is created as the successor agency to the State Board for Vocational Education. The new board will have nine voting members. Six members, three each from business and labor, will be selected by the governor and confirmed by the Senate. The superintendent of public instruction, the executive director of the State Board for Community College Education, and the commissioner of the Department of Employment Security will be ex-officio voting members. The governor will select a nonvoting chair, who will serve at the governor's pleasure. In selecting the chair, the governor will seek to appoint a person who understands both the economic needs of the state and nation and the role that the training system has in meeting those needs. The chair will select one nonvoting member to represent minorities, women, and people with disabilities.

Duties: The duties of the coordinating board are described. With the exception of duties related to apprenticeship programs, the board will continue to administer programs that are currently administered by the State Board for Vocational Education. In addition, the board will establish and maintain an inventory of training programs, and will develop and maintain a comprehensive plan. The board will recommend operating and capital budget requests for the operating agencies of the training system, and recommend core and basic skill competencies.

The board will provide system coordination; establish standards for data collection and program evaluation; and develop a data base on enrollments, costs, program activities, and job placements from publicly funded vocational education programs. The board will also periodically assess the progress of women and minorities, and will evaluate the training system every two years. In addition, it will provide for the development of common course description formats, facilitate transfer of credit

policies and agreements, and facilitate the adoption and placement of a number of programs and services.

Cooperation: The State Board for Community and Technical Colleges, the superintendent of public instruction, and the commissioner of the Department of Employment Security will cooperate with the board, and will provide the board with information and data in an accessible format.

Staff: The director of the board will be selected by, and serve at the pleasure of, the board. Subject to board approval, the director will select exempt staff. The director will use staff of existing operating agencies to the fullest extent possible. On October 1, 1991, classified staff from the State Board for Vocational Education are transferred to the Workforce Training and Education Coordinating Board. Exempt employees are not transferred.

COUNCILS CREATED

Three councils are statutorily created. These include the Washington State Job Training Coordinating Council, the Washington State Council on Vocational Education, and the Washington Advisory Council on Adult Education. The first two councils are required for receipt of federal program funds. Those two councils will each continue for only so long as a council is required as a condition for receipt of federal funds.

Existing members of the coordinating council and the state council will continue to serve until the governor appoints new members on July 1, 1991. Members of the advisory council will also be appointed by the governor. The types of members to be appointed, and the duties of each council, are described in the legislation. The Workforce Training and Education Coordinating Board will monitor the need for each of the three councils and will propose legislation to terminate any council that is no longer needed.

TECHNICAL COLLEGES

State Board for Community and Technical Colleges: The State Board for Community College Education is replaced by the State Board for Community and Technical Colleges. The college board will consist of nine members selected by the governor. These members may represent the interests of labor, business, women, and minorities. The members of the college board will no longer be chosen from each congressional district, however, the governor will attempt to ensure geographic diversity and balance when selecting members of the board. At least two members will reside east of the Cascade Mountains. At least one member of the board

will represent business and one will represent labor. Existing members of the college board will continue to serve until their terms expire. However, the governor will appoint the ninth member by July 1, 1991.

The five vocational-technical institutes currently under the jurisdiction of the common school system are renamed technical colleges and, on September 1, 1991, are transferred to the State Board for Community and Technical Colleges. The presidents of the technical colleges will report to the director of the college board until local control is assumed by a governing board. The directors of the vocational-technical institutes on March 1, 1991 will become the presidents of their respective technical colleges.

Local Governance Issues: The governor will appoint a five member board of trustees for Bellingham, Renton, and Lake Washington technical colleges. One member of the board will represent labor and one will represent business.

Bates Technical College and Tacoma Community College will be governed by one board. Clover Park Technical College and Pierce College will also be governed by one board. In each case, the board will consist of seven members. Two members will represent labor, two will represent business, and three will represent the community. In making initial board appointments, the governor, to the extent feasible, will appoint business and labor members who have served on advisory committees to the vocational-technical institutes. When appointing the three initial community members, the governor will appoint current members of the governing boards of the community colleges. The presidents of each college will report to the board. Once the new seven member boards are convened, the two community college governing boards in Pierce county will dissolve.

By December 1, 1996, the college board shall complete a report evaluating the successes and difficulties associated with the merger of the community and technical colleges into one system. The report will include consideration of governance models for each technical college.

District boundaries for the five technical colleges are described. If necessary, service areas and other transitional issues will be determined by a taskforce. Issues remaining in dispute on December 1, 1991, will be settled by the governor or the governor's designee.

Educational programs: The technical colleges will maintain programs solely for occupational education, basic skills, and literacy. For as long as a need exists, they may

continue programs, activities, and services offered during the last year. Under rules adopted by the college board, the technical colleges may grant nonbaccalaureate technical degrees, certificates or diplomas for occupational courses of study.

School districts that send students to the vocational-technical institutes may continue to send students to the technical colleges. If local school districts so elect, technical colleges will continue to serve at least the same proportion of high school students as were enrolled in the 1989-90 school year. As high school enrollments grow, serving those increased enrollments will be the first priority of the technical colleges, subject to budgetary restrictions. If local school districts and the technical colleges agree, the colleges may be designated as high school vocational skill centers. No tuition and fees will be charged to high school students attending technical colleges. High school age students with disabilities attending technical colleges will have the same protection and guarantees that they had in the common school system.

Transfer Issues: School districts will continue to redeem general obligation bonds used for the construction of the technical colleges. However, districts are obligated to redeem only bonds that have already been issued. Facilities and assets of which vocational-technical institutes had 75 percent of the use in 1989-90 will stay with the technical colleges. Two exceptions exist: transitional facilities, and facilities that the institutes have already vacated and returned to the district will remain with the school district. Liabilities, including court claims, will transfer with the institutes. In addition, playgrounds will continue to be available for that use.

Any disputed asset transfer issues will be determined by a task force appointed by the governor, in consultation with the superintendent of public instruction and the college board. Issues left unresolved will be decided by the governor or the governor's designee. The decision of the task force or the governor may be appealed to the courts.

All personnel, equipment, licenses, papers, and other tangible assets from the institutes are transferred to the new system. Technical college faculty will become subject to the tenure, benefit, and collective bargaining laws governing community college faculty. Members of the various retirement systems may continue to participate in those systems, under rules of the college board. Classified staff of the technical colleges will remain under the state personnel system. If employee contracts expire before the

new governing convenes, the terms and conditions of existing contracts continue until new contracts are approved, or until October 1, 1991, whichever comes first.

Personnel in the institutes will not suffer discrimination as a result of actions or opinions surrounding the passage of this legislation. Assets will not be removed, indirect costs will not be increased, and parties will cooperate to facilitate a smooth transition.

Special Provisions: For up to two years, the technical colleges will continue to keep tuition and fees. The college board will determine whether tuition statutes and rules apply to the technical colleges.

Community and technical colleges will provide instruction for apprentices. College districts and local school districts offering vocational education will create local advisory committees composed of labor and business members. The duties of the advisory committees are described. Bid limits are increased from \$5000 to \$15,000.

ADULT EDUCATION

All adult education functions of the State Board of Education and the superintendent of public instruction are transferred to the State Board for Community and Technical Colleges. All personnel performing those functions are transferred with the functions. These persons will transfer to the higher education personnel system.

The state office of Adult Basic Skills and Literacy Education is established within the State Board for Community and Technical Colleges. Personnel in the state office will administer programs for basic skills and literacy.

SEATTLE VOCATIONAL INSTITUTE

Statutes pertaining to the Washington Institute of Applied Technology are repealed. The institute is renamed the Seattle Vocational Institute. The personnel, powers, duties, and functions of the institute are transferred to the Seattle Community College District. The institute will become a fourth unit of the district.

The mission of the institute is clarified. It will serve economically disadvantaged populations in the urban areas served by the Seattle Community College District. The mission will be accomplished primarily through open-entry, open-exit, short-term, competency-based basic skill and job training programs. The programs will be targeted primarily

to adults. Funding for the institute will be provided in a separate budget allocation to the district.

The district will conduct a survey of facilities and equipment needed by the institute. By December 1, 1991, the district will present its findings to the State Board for Community and Technical Colleges. The college board will include the survey in its supplemental budget request. The Legislature is directed to consider a supplemental budget appropriation based on the survey.

For up to two years, the institute may continue to keep tuition and fees. In addition, the district may provide waivers and scholarships for students at the institute. The district may employ or contract for staff and faculty for the institute. Other persons hired for the first two years are exempt from statutes pertaining to civil service, state benefits, tenure, and collective bargaining.

MODEL CURRICULUM DEVELOPED

With the assistance of the Workforce Training and Education Coordinating Board, the superintendent of public instruction is directed to develop and distribute model curriculum integrating vocational and academic education at the secondary level.

EFFECTIVE DATES

With the following exceptions, the legislation takes effect on July 1, 1991. The transfer of staff and property from the Office of the Superintendent of Public Instruction and from the school districts takes effect September 1, 1991. The transfer of staff, property, and duties from the State Board for Vocational Education to the coordinating board takes effect on October 1, 1991. At that time statutes pertaining to that board are repealed. Statutes pertaining to the Washington Institute of Applied Technology are repealed on July 1, 1991, when the Seattle Vocational Institute is created.

Amended Bill Compared to Engrossed Substitute Bill:

Workforce Training and Education Coordinating Board

The nonvoting chair of the board, who is not the director, will be appointed by, and serve at the pleasure of, the governor. In selecting the chair, the governor will seek a person who understands the state's economic and training needs. The director of the board will be appointed by, and serve at the pleasure of, the board. Subject to board

approval, the director will select exempt employees. The board will develop a data base.

Agencies with board membership will cooperate with the board and will provide information and data in accessible formats. Duties and personnel of the State Board for Vocational Education transfer to the board on October 1, 1991. In addition, definitions for adult basic education, work force skills and vocational education are clarified.

Councils

Two of the three councils created will continue for only so long as a council is required for receipt of federal funds. The coordinating board will monitor need for each of the three councils, and will recommend legislation if the councils are no longer needed. The members of the coordinating board and the coordinating council will overlap to the maximum extent feasible.

Technical Colleges

Members of the college board will not be selected by congressional district. However, the governor will attempt to ensure geographic diversity and balance. At least two board members will be from Eastern Washington. The college board is not required to create a Division of Technical Colleges.

The governor will appoint two, rather than four governing boards in Pierce County. The composition of the boards is described. By December 1, 1996, the college board will report on the effects of the merged system. The report will include consideration of local governance models.

The technical colleges may offer nonbaccalaureate degrees, diplomas or certificates, under rules of the college board. Language regarding retirement options and benefits of personnel from the technical colleges is clarified.

Each college district or school district offering vocational programs will convene advisory committees comprised of labor and business members. The duties of the advisory committees are described.

Provisions for transferring assets, liabilities, and licenses is clarified. Language creating task forces for arbitrating transfer issues is revised.

Adult Education

The Even Start Program and the GED testing service are transferred from the superintendent of public instruction to the college board. Adult education functions and staff will transfer July 1, 1991. Transferred staff will move to the higher education personnel system.

Seattle Vocational Institute

The Seattle Vocational Institute will become a fourth unit of the Seattle Community College District. The mission of the institute is clarified, staff is transferred, and the institute is permitted to hire some faculty and staff.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill contains an emergency clause and takes effect July 1, 1991, with some exceptions. However, the sections 95 through 103 and 158 are null and void unless funded in the budget.

Testimony For: Issues surrounding the transfer of property, assets, and liabilities need to be clarified. District boundaries should be defined. The governor should ensure geographic dispersion and balance on the coordinating board and the college board.

Testimony Against: The governor should appoint the director of the coordinating board. Each technical college should have its own, separate governing board. The vocational-technical institutes should not be removed from the common school system.

Witnesses: Brian Wilson, Office of the Governor (pro); Dan McConnen, State Board for Community College Education (pro with amendments); John Conniff, Tacoma Schools (pro with amendments); Barbara Domm, Washington Institute of Applied Technology (pro with amendments); Dr. Tom Gonzales, Seattle Community College (pro with amendments); and Mel Neighbors, Clover Park School District (pro with amendments).