
SUBSTITUTE SENATE BILL 5867

State of Washington

59th Legislature

2005 Regular Session

By Senate Committee on Early Learning, K-12 & Higher Education
(originally sponsored by Senators Schmidt, McAuliffe, Finkbeiner,
Esser, Mulliken, Berkey, Shin, Kohl-Welles, Delvin and Rasmussen)

READ FIRST TIME 03/02/05.

1 AN ACT Relating to authorizing baccalaureate degrees at selected
2 community and technical colleges on a limited and pilot basis; amending
3 RCW 28B.15.069, 28B.50.020, 28B.50.030, and 28B.50.140; adding a new
4 section to chapter 28B.50 RCW; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that there is
7 increasing demand in all regions of the state for access to
8 baccalaureate education and that this lack of access creates hardships
9 for students, employers, and the entire state of Washington as it seeks
10 to create and sustain a highly skilled, globally competitive work
11 force. However, the current locations of the main and branch campuses
12 of the state's public four-year institutions of higher education
13 constitute a barrier to access for individuals who live or work some
14 distance from a campus. In many cases, it is not reasonable to expect
15 these individuals to relocate and not feasible for them to commute, yet
16 they seek advanced education in a learning environment with faculty
17 contact and direct instruction. Furthermore, graduates with applied
18 science and applied technology degrees in high demand-high skill fields
19 encounter barriers in accessing technically oriented baccalaureate

1 programs. Because they are more geographically dispersed and
2 accessible to a larger proportion of the state's population, community
3 and technical colleges are ideally positioned to provide convenient,
4 affordable access.

5 (2) Therefore, the legislature intends to permit, on a limited and
6 pilot basis, selected community and technical colleges to award
7 baccalaureate degrees. At the same time, the legislature reaffirms its
8 longstanding policy that the primary mission of a community college is
9 to serve as a two-year institution of higher education that offers
10 basic skills, academic transfer preparation, work force training, and
11 personal enrichment opportunities while the primary purpose of the
12 state's technical colleges is to respond to the work force needs of
13 employers and labor.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 28B.50 RCW
15 to read as follows:

16 (1) The college board shall select three pilot community colleges
17 and one technical college to develop and offer programs of study
18 leading to an applied baccalaureate degree.

19 (2) Community and technical colleges may submit an application to
20 become a pilot college under this section. The college board shall
21 review the applications and select the pilot colleges using objective
22 criteria, including:

23 (a) A documented and demonstrated unmet need for baccalaureate
24 graduates in high demand occupational and technical fields;

25 (b) A demonstration that the college has the capacity to make a
26 long-term commitment of resources to build and sustain a high quality
27 program;

28 (c) That the college has or can readily engage faculty
29 appropriately qualified to develop and deliver a high quality
30 curriculum at the baccalaureate level; and

31 (d) That the college can demonstrate demand for the proposed
32 program from a sufficient number of students and employers within its
33 service area to make the program cost-effective and feasible for the
34 college to operate.

35 (3) A college selected as a pilot college under this section may
36 develop the curriculum for and design and deliver courses leading to an
37 applied baccalaureate degree that has been shown to be in high demand.

1 However, degree programs developed under this section are subject to
2 approval by the college board under RCW 28B.50.090 and by the higher
3 education coordinating board under RCW 28B.76.230 before a pilot
4 college may enroll students in upper-division courses. Upon the
5 graduation of each pilot college's first cohort group, the college
6 shall submit a comprehensive report to the state board for community
7 and technical colleges for subsequent dissemination to the legislature.

8 **Sec. 3.** RCW 28B.15.069 and 2003 c 232 s 5 are each amended to read
9 as follows:

10 (1) The building fee for each academic year shall be a percentage
11 of total tuition fees. This percentage shall be calculated by the
12 higher education coordinating board and be based on the actual
13 percentage the building fee is of total tuition for each tuition
14 category in the 1994-95 academic year, rounded up to the nearest half
15 percent.

16 (2) The governing boards of each institution of higher education,
17 except for the technical colleges, shall charge to and collect from
18 each student a services and activities fee. A governing board may
19 increase the existing fee annually, consistent with budgeting
20 procedures set forth in RCW 28B.15.045, by a percentage not to exceed
21 the annual percentage increase in student tuition fees for resident
22 undergraduate students: PROVIDED, That such percentage increase shall
23 not apply to that portion of the services and activities fee previously
24 committed to the repayment of bonded debt. These rate adjustments may
25 exceed the fiscal growth factor. For the 2003-04 academic year, the
26 services and activities fee shall be based upon the resident
27 undergraduate services and activities fee in 2002-03. The services and
28 activities fee committee provided for in RCW 28B.15.045 may initiate a
29 request to the governing board for a fee increase.

30 (3) Tuition and services and activities fees consistent with
31 subsection (2) of this section shall be set by the state board for
32 community and technical colleges for community college summer school
33 students unless the community college charges fees in accordance with
34 RCW 28B.15.515.

35 (4) Subject to the limitations of RCW 28B.15.910, each governing
36 board of a community college may charge such fees for ungraded courses,

1 noncredit courses, community services courses, and self-supporting
2 courses as it, in its discretion, may determine, consistent with the
3 rules of the state board for community and technical colleges.

4 (5) The governing board of a pilot college offering an applied
5 baccalaureate degree program under section 2 of this act may charge
6 tuition and fees for upper-division courses at rates consistent with
7 rules adopted by the state board for community and technical colleges,
8 not to exceed tuition fee rates at the regional universities.

9 **Sec. 4.** RCW 28B.50.020 and 1991 c 238 s 21 are each amended to
10 read as follows:

11 The purpose of this chapter is to provide for the dramatically
12 increasing number of students requiring high standards of education
13 either as a part of the continuing higher education program or for
14 occupational education and training, or for adult basic skills and
15 literacy education, by creating a new, independent system of community
16 and technical colleges which will:

17 (1) Offer an open door to every citizen, regardless of his or her
18 academic background or experience, at a cost normally within his or her
19 economic means;

20 (2) Ensure that each college district shall offer thoroughly
21 comprehensive educational, training and service programs to meet the
22 needs of both the communities and students served by combining high
23 standards of excellence in academic transfer courses and on a limited
24 and pilot basis, upper division courses leading to an applied
25 baccalaureate degree; realistic and practical courses in occupational
26 education, both graded and ungraded; community services of an
27 educational, cultural, and recreational nature; and adult education,
28 including basic skills and general, family, and work force literacy
29 programs and services. However, college districts containing only
30 technical colleges shall maintain programs solely for occupational
31 education, basic skills, and literacy purposes, and, for as long as a
32 need exists, may continue those programs, activities, and services
33 offered by the technical colleges during the twelve-month period
34 preceding September 1, 1991;

35 (3) Provide for basic skills and literacy education, and
36 occupational education and technical training at technical colleges in
37 order to prepare students for careers in a competitive work force;

1 (4) Provide or coordinate related and supplemental instruction for
2 apprentices at community and technical colleges;

3 (5) Provide administration by state and local boards which will
4 avoid unnecessary duplication of facilities or programs; and which will
5 encourage efficiency in operation and creativity and imagination in
6 education, training and service to meet the needs of the community and
7 students;

8 (6) Allow for the growth, improvement, flexibility and modification
9 of the community and technical colleges and their education, training
10 and service programs as future needs occur; and

11 (7) Establish firmly that except on a limited and pilot basis as
12 provided in section 2 of this act, community colleges are, for purposes
13 of academic training, two year institutions, and are an independent,
14 unique, and vital section of our state's higher education system,
15 separate from both the common school system and other institutions of
16 higher learning, and never to be considered for conversion into four-
17 year liberal arts colleges.

18 **Sec. 5.** RCW 28B.50.030 and 2003 2nd sp.s. c 4 s 33 are each
19 amended to read as follows:

20 As used in this chapter, unless the context requires otherwise, the
21 term:

22 (1) "System" shall mean the state system of community and technical
23 colleges, which shall be a system of higher education.

24 (2) "Board" shall mean the work force training and education
25 coordinating board.

26 (3) "College board" shall mean the state board for community and
27 technical colleges created by this chapter.

28 (4) "Director" shall mean the administrative director for the state
29 system of community and technical colleges.

30 (5) "District" shall mean any one of the community and technical
31 college districts created by this chapter.

32 (6) "Board of trustees" shall mean the local community and
33 technical college board of trustees established for each college
34 district within the state.

35 (7) "Occupational education" shall mean that education or training
36 that will prepare a student for employment that does not require a
37 baccalaureate degree.

1 (8) "K-12 system" shall mean the public school program including
2 kindergarten through the twelfth grade.

3 (9) "Common school board" shall mean a public school district board
4 of directors.

5 (10) "Community college" shall include those higher education
6 institutions that conduct education programs under RCW 28B.50.020.

7 (11) "Technical college" shall include those higher education
8 institutions with the sole mission of conducting occupational
9 education, basic skills, literacy programs, and offering on short
10 notice, when appropriate, programs that meet specific industry needs.
11 The programs of technical colleges shall include, but not be limited
12 to, continuous enrollment, competency-based instruction, industry-
13 experienced faculty, curriculum integrating vocational and basic skills
14 education, and curriculum approved by representatives of employers and
15 labor. For purposes of this chapter, technical colleges shall include
16 Lake Washington Vocational-Technical Institute, Renton Vocational-
17 Technical Institute, Bates Vocational-Technical Institute, Clover Park
18 Vocational Institute, and Bellingham Vocational-Technical Institute.

19 (12) "Adult education" shall mean all education or instruction,
20 including academic, vocational education or training, basic skills and
21 literacy training, and "occupational education" provided by public
22 educational institutions, including common school districts for persons
23 who are eighteen years of age and over or who hold a high school
24 diploma or certificate. However, "adult education" shall not include
25 academic education or instruction for persons under twenty-one years of
26 age who do not hold a high school degree or diploma and who are
27 attending a public high school for the sole purpose of obtaining a high
28 school diploma or certificate, nor shall "adult education" include
29 education or instruction provided by any four year public institution
30 of higher education.

31 (13) "Dislocated forest product worker" shall mean a forest
32 products worker who: (a)(i) Has been terminated or received notice of
33 termination from employment and is unlikely to return to employment in
34 the individual's principal occupation or previous industry because of
35 a diminishing demand for his or her skills in that occupation or
36 industry; or (ii) is self-employed and has been displaced from his or
37 her business because of the diminishing demand for the business'

1 services or goods; and (b) at the time of last separation from
2 employment, resided in or was employed in a rural natural resources
3 impact area.

4 (14) "Forest products worker" shall mean a worker in the forest
5 products industries affected by the reduction of forest fiber
6 enhancement, transportation, or production. The workers included
7 within this definition shall be determined by the employment security
8 department, but shall include workers employed in the industries
9 assigned the major group standard industrial classification codes "24"
10 and "26" and the industries involved in the harvesting and management
11 of logs, transportation of logs and wood products, processing of wood
12 products, and the manufacturing and distribution of wood processing and
13 logging equipment. The commissioner may adopt rules further
14 interpreting these definitions. For the purposes of this subsection,
15 "standard industrial classification code" means the code identified in
16 RCW 50.29.025(3).

17 (15) "Dislocated salmon fishing worker" means a finfish products
18 worker who: (a)(i) Has been terminated or received notice of
19 termination from employment and is unlikely to return to employment in
20 the individual's principal occupation or previous industry because of
21 a diminishing demand for his or her skills in that occupation or
22 industry; or (ii) is self-employed and has been displaced from his or
23 her business because of the diminishing demand for the business's
24 services or goods; and (b) at the time of last separation from
25 employment, resided in or was employed in a rural natural resources
26 impact area.

27 (16) "Salmon fishing worker" means a worker in the finfish industry
28 affected by 1994 or future salmon disasters. The workers included
29 within this definition shall be determined by the employment security
30 department, but shall include workers employed in the industries
31 involved in the commercial and recreational harvesting of finfish
32 including buying and processing finfish. The commissioner may adopt
33 rules further interpreting these definitions.

34 (17) "Rural natural resources impact area" means:

35 (a) A nonmetropolitan county, as defined by the 1990 decennial
36 census, that meets three of the five criteria set forth in subsection
37 (18) of this section;

1 (b) A nonmetropolitan county with a population of less than forty
2 thousand in the 1990 decennial census, that meets two of the five
3 criteria as set forth in subsection (18) of this section; or

4 (c) A nonurbanized area, as defined by the 1990 decennial census,
5 that is located in a metropolitan county that meets three of the five
6 criteria set forth in subsection (18) of this section.

7 (18) For the purposes of designating rural natural resources impact
8 areas, the following criteria shall be considered:

9 (a) A lumber and wood products employment location quotient at or
10 above the state average;

11 (b) A commercial salmon fishing employment location quotient at or
12 above the state average;

13 (c) Projected or actual direct lumber and wood products job losses
14 of one hundred positions or more;

15 (d) Projected or actual direct commercial salmon fishing job losses
16 of one hundred positions or more; and

17 (e) An unemployment rate twenty percent or more above the state
18 average. The counties that meet these criteria shall be determined by
19 the employment security department for the most recent year for which
20 data is available. For the purposes of administration of programs
21 under this chapter, the United States post office five-digit zip code
22 delivery areas will be used to determine residence status for
23 eligibility purposes. For the purpose of this definition, a zip code
24 delivery area of which any part is ten miles or more from an urbanized
25 area is considered nonurbanized. A zip code totally surrounded by zip
26 codes qualifying as nonurbanized under this definition is also
27 considered nonurbanized. The office of financial management shall make
28 available a zip code listing of the areas to all agencies and
29 organizations providing services under this chapter.

30 (19) "Applied baccalaureate degree" means a baccalaureate degree
31 awarded by a college under section 2 of this act for successful
32 completion of a program of study that is:

33 (a) Specifically designed for individuals who hold an associate of
34 applied science degree, or its equivalent, in order to maximize
35 application of their technical course credits toward the baccalaureate
36 degree; and

37 (b) Based on a curriculum that incorporates both theoretical and
38 applied knowledge and skills in a specific technical field.

1 **Sec. 6.** RCW 28B.50.140 and 2004 c 275 s 58 are each amended to
2 read 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, except as provided for in the
12 pilot program in section 2 of this act. For as long as a need exists,
13 technical colleges may continue those programs, activities, and
14 services they offered during the twelve-month period preceding
15 September 1, 1991;

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

32 (4) May establish, under the approval and direction of the college
33 board, new facilities as community needs and interests demand.
34 However, the authority of boards of trustees to purchase or lease major
35 off-campus facilities shall be subject to the approval of the higher
36 education coordinating board pursuant to RCW 28B.76.230;

37 (5) May establish or lease, operate, equip and maintain

1 dormitories, food service facilities, bookstores and other self-
2 supporting facilities connected with the operation of the community and
3 technical college;

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

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

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

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

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

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

1 night schools, or for public meetings and for any other uses consistent
2 with the use of such classrooms or facilities for community and
3 technical college purposes;

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

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

11 (12) May grant to every student, upon graduation or completion of
12 a course of study, a suitable diploma, ~~((nonbaccalaureate))~~ degree or
13 certificate. Technical colleges shall offer only ~~((nonbaccalaureate))~~
14 technical degrees under the rules of the state board for community and
15 technical colleges that are appropriate to their work force education
16 and training mission. The primary purpose of this degree is to lead
17 the individual directly to employment in a specific occupation.
18 Technical colleges may not offer transfer degrees. Only pilot colleges
19 under section 2 of this act may award applied baccalaureate degrees.
20 The board, upon recommendation of the faculty, may also confer honorary
21 associate of arts degrees upon persons other than graduates of the
22 community college, in recognition of their learning or devotion to
23 education, literature, art, or science. No degree may be conferred in
24 consideration of the payment of money or the donation of any kind of
25 property;

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

1 students who refuse to obey any of the duly (~~promulgated~~) adopted
2 rules (~~and regulations~~);

3 (14) May, by written order filed in its office, delegate to the
4 president or district president any of the powers and duties vested in
5 or imposed upon it by this chapter. Such delegated powers and duties
6 may be exercised in the name of the district board;

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

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

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

35 (18) Shall be authorized to pay dues to any association of trustees
36 that may be formed by the various boards of trustees; such association
37 may expend any or all of such funds to submit biennially, or more often

1 if necessary, to the governor and to the legislature, the
2 recommendations of the association regarding changes which would affect
3 the efficiency of such association;

4 (19) May participate in higher education centers and consortia that
5 involve any four-year public or independent college or university:
6 PROVIDED, That new degree programs or off-campus programs offered by a
7 four-year public or independent college or university in collaboration
8 with a community or technical college are subject to approval by the
9 higher education coordinating board under RCW 28B.76.230; and

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

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