# Title 28B RCW
# HIGHER EDUCATION

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# Chapter 28B.07 RCW
# WASHINGTON HIGHER EDUCATION FACILITIES AUTHORITY

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## GENERAL PROVISIONS

**RCW 28B.07.010 Findings—Intent—Liberal construction.** The legislature finds that the state has a vital interest in ensuring that higher education institutions are maintained in the state in sufficient numbers and located in such locations, as to be accessible

to as many citizens as possible. Adequate educational opportunities are essential to the economic, intellectual, and social well-being of the state and its people. Washington's independently-governed private nonprofit higher education institutions are a necessary part of the state's higher educational resources. They provide educational diversity and choice for all residents of the communities in which they are located, communities which may not otherwise be served directly by a public baccalaureate-granting college or university.

The legislature further finds that some of the factors that contribute to educational costs are beyond the control of these higher education institutions and their governing boards. The factors include the need to modify facilities to render the facilities accessible to individuals with disabilities, the necessity of modernizing structures to keep them safe and efficient, and the demands of energy conservation and resource utilization. Many of these needs are associated with the public functions these institutions perform and the requirements of the state and federal governments. Compounding the problem is the fact that the cost of these renovations are borne entirely by the institutions.

Because these institutions serve an important public purpose addressing both the needs of individuals and the needs of the state, and because the performance of that public function can be facilitated at no expense or liability to the state, the legislature declares it to be the public policy of the state of Washington to enable the building, providing, and utilization of modern, well-equipped, efficient, and reasonably priced higher educational facilities, as well as the improvement, expansion, and modernization of such facilities, in a manner that will minimize the capital cost of construction, financing, and use of such facilities. The intention of this policy is to improve and ensure the quality and range of educational services available to the citizens of this state. The intent of the legislature is to accomplish these and related purposes, and this chapter shall be liberally construed in order to further these goals. [2020 c 274 s 10; 1983 c 169 s 1.]

**RCW 28B.07.020 Definitions.** As used in this chapter, the following words and terms shall have the following meanings, unless the context otherwise requires:

(1) "Authority" means the Washington higher education facilities authority created under RCW 28B.07.030 or any board, body, commission, department or officer succeeding to the principal functions of the authority or to whom the powers conferred upon the authority shall be given by law.

(2) "Bonds" means bonds, notes, commercial paper, certificates of indebtedness, or other evidences of indebtedness of the authority issued under this chapter.

(3) "Bond resolution" means any resolution of the authority, adopted under this chapter, authorizing the issuance and sale of bonds.

(4) "Higher education institution" means a private, nonprofit educational institution, the main campus of which is permanently situated in the state, which is open to residents of the state, which neither restricts entry on racial or religious grounds, which provides programs of education beyond high school leading at least to the baccalaureate degree, and which is accredited by the Northwest

Association of Schools and Colleges or by an accrediting association recognized by the council for higher education.

(5) "Participant" means a higher education institution which, under this chapter, undertakes the financing of a project or projects or undertakes the refunding or refinancing of obligations, mortgages, or advances previously incurred for a project or projects.

(6) "Project" means any land or any improvement, including, but not limited to, buildings, structures, fixtures, utilities, machinery, excavations, paving, and landscaping, and any interest in such land or improvements, and any personal property pertaining or useful to such land and improvements, which are necessary, useful, or convenient for the operation of a higher education institution, including but not limited to, the following: Dormitories or other multiunit housing facilities for students, faculty, officers, or employees; dining halls; student unions; administration buildings; academic buildings; libraries; laboratories; research facilities; computer facilities; classrooms; athletic facilities; health care facilities; maintenance, storage, or utility facilities; parking facilities; or any combination thereof, or any other structures, facilities, or equipment so related.

(7) "Project cost" means any cost related to the acquisition, construction, improvement, alteration, or rehabilitation by a participant or the authority of any project and the financing of the project through the authority, including, but not limited to, the following costs paid or incurred: Costs of acquisition of land or interests in land and any improvement; costs of contractors, builders, laborers, material suppliers, and suppliers of tools and equipment; costs of surety and performance bonds; fees and disbursements of architects, surveyors, engineers, feasibility consultants, accountants, attorneys, financial consultants, and other professionals; interest on bonds issued by the authority during any period of construction; principal of and interest on interim financing of any project; debt service reserve funds; depreciation funds, costs of the initial start-up operation of any project; fees for title insurance, document recording, or filing; fees of trustees and the authority; taxes and other governmental charges levied or assessed on any project; and any other similar costs. Except as specifically set forth in this definition, the term "project cost" does not include books, fuel, supplies, and similar items which are required to be treated as a current expense under generally accepted accounting principles.

(8) "Trust indenture" means any agreement, trust indenture, or other similar instrument by and between the authority and one or more corporate trustees. [2011 1st sp.s. c 11 s 136; 2007 c 218 s 86; 1985 c 370 s 47; 1983 c 169 s 2.]

**Effective date——2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent——2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Intent——Finding——2007 c 218:** See note following RCW 41.08.020.

**RCW 28B.07.021 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authority" means the Washington higher education facilities authority established pursuant to RCW 28B.07.030 or any board, body, commission, department, or officer succeeding to the principal functions of the authority or to whom the powers conferred upon the authority shall be given by law.

(2) "Educational loans" means:

(a) Guaranteed federal educational loans made in accordance with Title IV, Part B, of the higher education act of 1965, or its successor, to a qualified borrower for payment of educational expenses incurred by a student while attending a participating institution, the payment of principal of and interest on which is insured by the United States secretary of education under the higher education act of 1965, or its successor; and

(b) Alternative state educational loans made in accordance with this chapter to a qualified borrower as determined by the authority for payment of educational expenses incurred by a student while attending a participating institution under the terms and conditions determined by the authority.

(3) "Obligation," "bond," or "bonds" means bonds, notes, commercial paper, certificates of indebtedness, or other evidences of indebtedness of the authority issued under this chapter, whether or not the interest on the obligation is subject to federal income taxation.

(4) "Participating institution" means any posthigh school educational institution, public or private, whose students are eligible for educational loans.

(5) "Qualified borrower" means a student, or the parent of a student, who: (a) Qualifies for an educational loan; and (b) is a resident of the state of Washington or has been accepted for enrollment at or is attending a participating institution within the state of Washington. [2007 c 36 s 2.]

**Policy—Purpose—2007 c 36:** See note following RCW 28B.07.300.

**RCW 28B.07.030 Washington higher education facilities authority—Created—Members—Chairperson—Records—Quorum—Compensation and travel expenses.** (1) The Washington higher education facilities authority is hereby established as a public body corporate and politic, with perpetual corporate succession, constituting an agency of the state of Washington exercising essential governmental functions. The authority is a "public body" within the meaning of RCW 39.53.010.

(2) The authority shall consist of seven members as follows: The governor, lieutenant governor, chair of the student achievement council or the chair's designee, and four public members, one of whom shall be the president of a higher education institution at the time of appointment. The public members shall be residents of the state and appointed by the governor, subject to confirmation by the senate, on the basis of their interest or expertise in the provision of higher education and the financing of higher education. The public members of the authority shall serve for terms of four years. The initial terms of the public members shall be staggered in a manner determined by the governor. In the event of a vacancy on the authority due to death, resignation, or removal of one of the public members, and upon the expiration of the term of any public member, the governor shall

appoint a successor for a term expiring on the fourth anniversary of the successor's date of the appointment. If any of the state offices are abolished, the resulting vacancy on the authority shall be filled by the state officer who shall succeed substantially to the power and duties of the abolished office. Any public member of the authority may be removed by the governor for misfeasance, malfeasance, willful neglect of duty, or any other cause after notice and a public hearing, unless such notice and hearing shall be expressly waived in writing.

(3) The governor shall serve as chairperson of the authority. The authority shall elect annually one of its members as secretary. If the governor shall be absent from a meeting of the authority, the secretary shall preside. However, the governor may designate an employee of the governor's office to act on the governor's behalf in all other respects during the absence of the governor at any meeting of the authority. If the designation is in writing and is presented to the person presiding at the meetings of the authority who is included in the designation, the vote of the designee has the same effect as if cast by the governor.

(4) Any person designated by resolution of the authority shall keep a record of the proceedings of the authority and shall be the custodian of all books, documents, and papers filed with the authority, the minute book or a journal of the authority, and the authority's official seal, if any. The person may cause copies to be made of all minutes and other records and documents of the authority, and may give certificates to the effect that such copies are true copies. All persons dealing with the authority may rely upon the certificates.

(5) Four members of the authority constitute a quorum. Members participating in a meeting through the use of any means of communication by which all members participating can hear each other during the meeting shall be deemed to be present in person at the meeting for all purposes. The authority may act on the basis of a motion except when authorizing the issuance and sale of bonds, in which case the authority shall act by resolution. Bond resolutions and other resolutions shall be adopted upon the affirmative vote of four members of the authority, and shall be signed by those members voting yes. Motions shall be adopted upon the affirmative vote of a majority of a quorum of members present at any meeting of the authority. All actions taken by the authority shall take effect immediately without need for publication or other public notice. A vacancy in the membership of the authority does not impair the power of the authority to act under this chapter.

(6) The members of the authority shall be compensated in accordance with RCW 43.03.240 and shall be entitled to reimbursement, solely from the funds of the authority, for travel expenses as determined by the authority incurred in the discharge of their duties under this chapter. [2013 c 217 s 1; 2011 1st sp.s. c 11 s 137; 2007 c 36 s 14; 1985 c 370 s 48; 1984 c 287 s 62; 1983 c 169 s 3.]

**Effective date——2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent——2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Policy——Purpose——2007 c 36:** See note following RCW 28B.07.300.

**Legislative findings—Severability—Effective date—1984 c 287:** See notes following RCW 43.03.220.

**RCW 28B.07.040 Powers and duties.** The authority is authorized and empowered to do the following, on such terms, with such security and undertakings, subject to such conditions, and in return for such consideration, as the authority shall determine in its discretion to be necessary, useful, or convenient in accomplishing the purposes of this chapter:

(1) To promulgate rules in accordance with chapter 34.05 RCW;

(2) To adopt an official seal and to alter the same at pleasure;

(3) To maintain an office at any place or places as the authority may designate;

(4) To sue and be sued in its own name, and to plead and be impleaded;

(5) To make and execute agreements with participants and others and all other instruments necessary, useful, or convenient for the accomplishment of the purposes of this chapter;

(6) To provide long-term or short-term financing or refinancing to participants for project costs, by way of loan, lease, conditional sales contract, mortgage, option to purchase, or other financing or security device or any such combination;

(7) If, in order to provide to participants the financing or refinancing of project costs described in subsection (6) of this section, the authority deems it necessary or convenient for it to own a project or projects or any part of a project or projects, for any period of time, it may acquire, contract, improve, alter, rehabilitate, repair, manage, operate, mortgage, subject to a security interest, lease, sell, or convey the project;

(8) To fix, revise from time to time, and charge and collect from participants and others rates, rents, fees, charges, and repayments as necessary to fully and timely reimburse the authority for all expenses incurred by it in providing the financing and refinancing and other services under this section and for the repayment, when due, of all the principal of, redemption premium, if any, and interest on all bonds issued under this chapter to provide the financing, refinancing, and services;

(9) To accept and receive funds, grants, gifts, pledges, guarantees, mortgages, trust deeds, and other security instruments, and property from the federal government or the state or other public body, entity, or agency and from any public or private institution, association, corporation, or organization, including participants. It shall not accept or receive from the state or any taxing agency any money derived from taxes, except money to be devoted to the purposes of a project of the state or of a taxing agency;

(10) To open and maintain a bank account or accounts in one or more qualified public depositories in this state and to deposit all or any part of authority funds therein;

(11) To employ consulting engineers, architects, attorneys, accountants, construction and financial experts, superintendents, managers, an executive director, and such other employees and agents as may be necessary in its judgment to carry out the purposes of this chapter, and to fix their compensation;

(12) To provide financing or refinancing to two or more participants for a single project or for several projects in such combinations as the authority deems necessary, useful, or convenient;

(13) To charge to and equitably apportion among participants the administrative costs and expenses incurred in the exercise of the powers and duties conferred by this chapter;

(14) To consult with the student achievement council to determine project priorities under the purposes of this chapter;

(15) Provide for the investment of any funds, including funds held in reserve, not required for immediate disbursement, and provide for the selection of investments; and

(16) To do all other things necessary, useful, or convenient to carry out the purposes of this chapter.

In the exercise of any of these powers, the authority shall incur no expense or liability which shall be an obligation, either general or special, of the state, or a general obligation of the authority, and shall pay no expense or liability from funds other than funds of the authority. Funds of the state shall not be used for such purpose. [2016 c 152 s 8; 2012 c 229 s 508; 1985 c 370 s 49; 1983 c 169 s 4.]

**Effective date——2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**RCW 28B.07.050 Special obligation bonds——Issuance——Personal liability——Debt limit.** (1) The authority may, from time to time, issue its special obligation bonds in order to carry out the purposes of this chapter and to enable the authority to exercise any of the powers granted to it in this chapter. The bonds shall be issued pursuant to a bond resolution or trust indenture and shall be payable solely out of the special fund or funds created by the authority in the bond resolution or trust indenture. The special fund or funds shall be funded in whole or in part from moneys paid by one or more participants for whose benefit such bonds were issued and from the sources, if any, described in RCW 28B.07.040(9) or from the proceeds of bonds issued by the authority for the purpose of refunding any outstanding bonds of the authority.

(2) The bonds may be secured by:

(a) A first lien against any unexpended proceeds of the bonds;

(b) A first lien against moneys in the special fund or funds created by the authority for their payment;

(c) A first or subordinate lien against the revenue and receipts of the participant or participants which revenue is derived in whole or in part from the project financed by the authority;

(d) A first or subordinate security interest against any real or personal property, tangible or intangible, of the participant or participants, including, but not limited to, the project financed by the authority;

(e) Any other real or personal property, tangible or intangible; or

(f) Any combination of (a) through (e) of this subsection.

Any security interest created against the unexpended bond proceeds and against the special funds created by the authority shall be immediately valid and binding against the moneys and any securities in which the moneys may be invested without authority or trustee

possession, and the security interest shall be prior to any party having any competing claim against the moneys or securities, without filing or recording under Article 9A of the Uniform Commercial Code, Title 62A RCW, and regardless of whether the party has notice of the security interest.

(3) The bonds may be issued as serial bonds or as term bonds or any such combination. The bonds shall bear such date or dates; mature at such time or times; bear interest at such rate or rates, either fixed or variable; be payable at such time or times; be in such denominations; be in such form, either coupon or registered, or both; carry such registration privileges; be made transferable, exchangeable, and interchangeable; be payable in lawful money of the United States of America at such place or places; be subject to such terms of redemption; and be sold at public or private sale, in such manner, at such time, and at such price as the authority shall determine. The bonds shall be executed by the manual or facsimile signatures of the chairperson and the authority's duly-elected secretary or its executive director, and by the trustee if the authority determines to use a trustee. At least one signature shall be manually subscribed. Coupon bonds shall have attached interest coupons bearing the facsimile signatures of the chairperson and the secretary or the executive director.

(4) Any bond resolution, trust indenture, or agreement with a participant relating to bonds issued by the authority or the financing or refinancing made available by the authority may contain provisions, which may be made a part of the contract with the holders or owners of the bonds to be issued, pertaining to the following, among other matters: (a) The security interests granted by the participant to secure repayment of any amounts financed and the performance by the participant of its other obligations in the financing; (b) the security interests granted to the holders or owners of the bonds to secure repayment of the bonds; (c) rentals, fees, and other amounts to be charged, and the sums to be raised in each year through such charges, and the use, investment, and disposition of the sums; (d) the segregation of reserves or sinking funds, and the regulation, investment, and disposition thereof; (e) limitations on the uses of the project; (f) limitations on the purposes to which, or the investments in which, the proceeds of the sale of any issue of bonds may be applied; (g) terms pertaining to the issuance of additional parity bonds; (h) terms pertaining to the incurrence of parity debt; (i) the refunding of outstanding bonds; (j) procedures, if any, by which the terms of any contract with bondholders may be amended or abrogated; (k) acts or failures to act which constitute a default by the participant or the authority in their respective obligations and the rights and remedies in the event of a default; (l) the securing of bonds by a pooling of leases whereby the authority may assign its rights, as lessor, and pledge rents under two or more leases with two or more participants, as lessees; (m) terms governing performance by the trustee of its obligation; or (n) such other additional covenants, agreements, and provisions as are deemed necessary, useful, or convenient by the authority for the security of the holders of the bonds.

(5) Bonds may be issued by the authority to refund other outstanding authority bonds, at or prior to the maturity thereof, and to pay any redemption premium with respect thereto. Bonds issued for such refunding purposes may be combined with bonds issued for the financing or refinancing of new projects. Pending the application of

the proceeds of the refunding bonds to the redemption of the bonds to be redeemed, the authority may enter into an agreement or agreements with a corporate trustee under RCW 28B.07.080 with respect to the interim investment of the proceeds and the application of the proceeds and the earnings on the proceeds to the payment of the principal of and interest on, and the redemption of the bonds to be redeemed.

(6) All bonds and any interest coupons appertaining to the bonds shall be negotiable instruments under Title 62A RCW.

(7) Neither the members of the authority, nor its employees or agents, nor any person executing the bonds shall be liable personally on the bonds or be subject to any personal liability or accountability by reason of the issuance of the bonds.

(8) The authority may purchase its bonds with any of its funds available for the purchase. The authority may hold, pledge, cancel, or resell the bonds subject to and in accordance with agreements with bondholders.

(9) At no time shall the total outstanding bonded indebtedness of the authority exceed one billion dollars. [2003 c 84 s 1; 1983 c 169 s 5.]

**RCW 28B.07.060 Bonds—Special obligations—Payment—Funds—Segregation of proceeds and moneys.** Bonds issued under this chapter shall not be deemed to constitute obligations, either general or special, of the state or of any political subdivision of the state, or a pledge of the faith and credit of the state or of any political subdivision, or a general obligation of the authority. The bonds shall be special obligations of the authority and shall be payable solely from the special fund or funds created by the authority in the bond resolution or trust indenture pursuant to which the bonds were issued. The fund or funds shall be funded in whole or in part from moneys paid by one or more participants for whose benefit the bonds were issued, from the sources, if any, under RCW 28B.07.040(9), or from the proceeds of bonds issued by the authority for the purpose of refunding any outstanding bonds of the authority. The issuance of bonds under this chapter shall not obligate, directly, indirectly, or contingently, the state or any political subdivision of the state to levy any taxes or appropriate or expend any funds for the payment of the principal or the interest on the bonds.

Neither the proceeds of bonds issued under this chapter, any moneys used or to be used to pay the principal of or interest on the bonds, nor any moneys received by the authority to defray its administrative costs shall constitute public money or property. All of such moneys shall be kept segregated and set apart from funds of the state and any political subdivision of the state and shall not be subject to appropriation or allotment by the state or subject to the provisions of chapter 43.88 RCW. [1983 c 169 s 6.]

**RCW 28B.07.070 Agreements with participant—Participant's payment of certain costs and expenses.** In connection with any bonds issued by the authority, the authority shall enter into agreements with participants which shall provide for the payment by each participant of amounts which shall be sufficient, together with other revenues available to the authority, if any, to: (1) Pay the participant's share of the administrative costs and expenses of the

authority; (2) pay the costs of maintaining, managing, and operating the project or projects financed by the authority, to the extent that the payment of the costs has not otherwise been adequately provided for; (3) pay the principal of, premium, if any, and interest on outstanding bonds of the authority issued in respect of such project or projects as the same shall become due and payable; and (4) create and maintain reserves required or provided for in any bond resolution or trust indenture authorizing the issuance of such bonds of the authority. The payments shall not be subject to supervision or regulation by any department, committee, board, body, bureau, or agency of the state other than the authority. [1983 c 169 s 7.]

**RCW 28B.07.080 Moneys deemed trust funds—Agreement or trust indenture with bank or trust company authorized.** All moneys received by or on behalf of the authority under this chapter, whether as proceeds from the sale of bonds or from participants or from other sources shall be deemed to be trust funds to be held and applied solely as provided in this chapter. The authority, in lieu of receiving and applying the moneys itself, may enter into an agreement or trust indenture with one or more banks or trust companies having the power and authority to conduct trust business in the state to:

(1) Perform all of any part of the obligations of the authority with respect to: (a) Bonds issued by it; (b) the receipt, investment, and application of the proceeds of the bonds and moneys paid by a participant or available from other sources for the payment of the bonds; (c) the enforcement of the obligations of a participant in connection with the financing or refinancing of any project; and (d) other matters relating to the exercise of the authority's powers under this chapter;

(2) Receive, hold, preserve, and enforce any security interest or evidence of security interest granted by a participant for purposes of securing the payment of the bonds; and

(3) Act on behalf of the authority or the holders or owners of bonds of the authority for purposes of assuring or enforcing the payment of the bonds, when due. [1983 c 169 s 8.]

**RCW 28B.07.090 Holders or owners of bonds—Trustees—Enforcement of rights—Purchase at foreclosure sale.** Any holder or owner of bonds of the authority issued under this chapter or any holder of the coupons appertaining to the bonds, and the trustee or trustees under any trust indenture, except to the extent the rights given are restricted by the authority in any bond resolution or trust indenture authorizing the bonds, may, either at law or in equity, by suit, action, mandamus, or other proceedings, protect and enforce any of their respective rights, and may become the purchaser at any foreclosure sale if the person is the highest bidder. [1983 c 169 s 9.]

**RCW 28B.07.100 Bonds are securities—Legal investments.** The bonds of the authority are securities in which all public officers and bodies of this state and all counties, cities, municipal corporations, and political subdivisions, all banks, bankers, trust companies, savings banks and institutions, building and loan associations,

savings and loan associations, investment companies, insurance companies and associations, and all executors, administrators, guardians, trustees, and other fiduciaries may legally invest any sinking funds, moneys, or other funds belonging to them or within their control. [1983 c 169 s 10.]

**RCW 28B.07.110 Projects or financing—Exemption from certain restrictions on procedures for awarding contracts.** A project or the financing or refinancing thereof pursuant to this chapter shall not be subject to the requirements of any law or rule relating to competitive bidding, lease performance bonds, or other restrictions imposed on the procedure for award of contracts. [1983 c 169 s 11.]

**RCW 28B.07.120 Bond counsel—Selection.** (1) The authority shall adopt written policies to provide for the selection of bond counsel. The policies shall provide for the creation and maintenance of a roster of attorneys whom the authority believes possess the requisite special expertise and professional standing to provide bond counsel opinions which would be accepted by the underwriters, bondholders and other members of the financial community, and which would be in furtherance of the public interest in obtaining the lowest possible interest rates on the bonds issued by the authority. Any attorney may apply to have his or her name placed on the roster, but may not be placed on the roster unless the attorney demonstrates to the authority's satisfaction that the attorney would issue the kind of opinions required by this section.

(2) Prior to selecting an attorney or attorneys to provide bond counsel services, the authority shall provide all attorneys on the roster with a notice of its intentions to select bond counsel and shall invite each of them to submit to the authority his or her fee schedule for providing bond counsel services. The authority shall have wide discretion in selecting the attorney or attorneys it considers to be most appropriate to provide the services, but in the exercise of this discretion the authority shall consider all submitted fee schedules and the public interest in achieving issuance of bonds on terms most favorable to the authority. At least once every two calendar years, the authority shall select anew an attorney or attorneys to serve as bond counsel. However, the authority may retain an attorney for longer than two years when necessary to complete work on a particular bond issue. An attorney previously retained may be selected again but only after the authority has provided other attorneys on the roster with an opportunity to be selected and has made the fee schedule review required under this subsection. As an alternative to retaining counsel for a period of time, the authority may appoint an attorney to serve as counsel in respect to only a particular bond issue or issues. [1983 c 169 s 13.]

**RCW 28B.07.130 Underwriters—Selection.** (1) The authority shall adopt written policies to provide for the selection of underwriters. The policies shall provide for the creation of a roster of underwriters who the authority believes possess the requisite special expertise and professional standing to provide bond marketing services which would be accepted by bondholders and other members of the

financial community, and which would be in furtherance of the public interest in marketing the authority's bonds at the lowest possible costs. Any underwriter may apply to have its name placed on the roster, but may not be placed on the roster unless it demonstrates to the authority's satisfaction that it meets the requirements of this section.

(2) Whenever the authority decides that it needs the services of an underwriter, it shall provide all underwriters on the roster with a notice of its intentions and shall invite each of them to submit to the authority an itemization of its fees and other charges for providing underwriting services on the issue. The itemization shall be by categories designed by the authority. The authority shall have wide discretion in selecting the underwriter it considers to be most appropriate to provide the services, but in the exercise of this discretion the authority shall consider the underwriter's fees and other charges and the public interest in achieving issuance of bonds on terms most favorable to the authority. The authority may adopt rules setting forth conditions under which an institution of higher education may be permitted to exercise the notice and selection procedures set forth in this subsection. These rules shall require the institution to comply with the provisions of this subsection as if it were the authority and to obtain the authority's prior approval of the selection of an underwriter. [1983 c 169 s 14.]

## STUDENT LOAN FINANCING

**RCW 28B.07.300 Student loan financing—Authority—Liability.** (1) In addition to its existing powers, the authority has the following powers with respect to student loan financing:

(a) To originate and purchase educational loans;

(b) To issue revenue bonds payable from and secured by educational loans;

(c) To execute financing documents in connection with such educational loans and bonds;

(d) To adopt rules in accordance with chapter 34.05 RCW;

(e) To participate fully in federal programs that provide guaranties for the repayment of educational loans and do all things necessary, useful, or convenient to make such programs available in the state and carry out the purposes of this chapter;

(f) To contract with an agency, financial institution, or corporation, whether organized under the laws of this state or otherwise, whereby such agency, financial institution, or corporation shall provide billing, accounting, reporting, or administrative services required for educational loan programs administered by the authority or in which the authority participates; and

(g) To form one or more nonprofit special purpose corporations for accomplishing the purposes set forth in this chapter. The authority may contract with any such nonprofit corporation, as set forth in (f) of this subsection.

(2) In the exercise of any of these powers, the authority shall incur no expense or liability that shall be an obligation, either general or special, of the state, and shall pay no expense or liability from funds other than funds of the authority. Funds of the

state may not be used for such purpose unless appropriated for such purpose. [2007 c 36 s 3.]

**Policy—Purpose—2007 c 36:** "It is the public policy of the state and a recognized governmental function to facilitate student loan financing and thereby increase access to higher education for Washington's citizens. The purpose of this act is to bring to the citizens of the state the applicable advantages of federal tax law and federal loan guaranties and to authorize the Washington higher education facilities authority to originate and acquire educational loans and to issue nonrecourse revenue bonds to be paid from such loans." [2007 c 36 s 1.]

**RCW 28B.07.310 Administration of alternative state educational loans.** The authority, in addition to administering federal loan programs, may administer an alternative state educational loan program that may include the purchase or origination of alternative state educational loans with terms as determined by the authority. These loans are not guaranteed by the state and the proceeds from loan repayment including interest or other loan-related payments or authority or contractor revenue may be used by the authority to make any required payments to bondholders. [2007 c 36 s 4.]

**Policy—Purpose—2007 c 36:** See note following RCW 28B.07.300.

**RCW 28B.07.320 Revenue bonds—Issuance—Payment—Personal liability.** (1) The authority may, from time to time, issue revenue bonds in order to carry out the purposes of this chapter.

(2) The bonds shall be issued pursuant to a bond resolution or trust indenture and shall be payable solely out of the special fund or funds created by the authority in the bond resolution or trust indenture. Any security interest created against the unexpended bond proceeds and against the special funds created by the authority shall be immediately valid and binding against the moneys and any securities in which the moneys may be invested without authority or trustee possession, and the security interest shall be prior to any party having any competing claim against the moneys or securities, without filing or recording under Article 62A.9A of the uniform commercial code, and regardless of whether the party has notice of the security interest.

(3) The obligations shall be payable from and secured by a pledge of revenues derived from or by reason of ownership of guaranteed educational loans and investment income, after deduction of expenses of operating the authority's program.

(4) The bonds may be issued as serial bonds or as term bonds or any such combination. The bonds shall bear such date or dates; mature at such time or times; bear interest at such rate or rates, either fixed or variable; be payable at such time or times; be in such denominations; be in such form; carry such registration privileges; be made transferable, exchangeable, and interchangeable; be payable in lawful money of the United States of America at such place or places; be subject to such terms of redemption; and be sold at public or private sale, in such manner, at such time, and at such price as the authority shall determine. The bonds shall be executed by the manual

or facsimile signatures of the chairperson and the authority's duly elected secretary or its executive director, and by the trustee if the authority determines to use a trustee. At least one signature shall be manually subscribed.

(5) Any bond resolution, trust indenture, or other financing document may contain provisions, which may be made a part of the contract with the holders or owners of the bonds to be issued, pertaining to the following, among other matters: (a) The security interests granted to the holders or owners of the bonds to secure repayment of the bonds; (b) the segregation of reserves or sinking funds, and the regulation, investment, and disposition thereof; (c) limitations on the purposes to which, or the investments in which, the proceeds of the sale of any issue of bonds may be applied; (d) terms pertaining to the issuance of additional parity bonds; (e) the refunding of outstanding bonds; (f) procedures, if any, by which the terms of any contract with bondholders may be amended or abrogated; (g) events of default as well as rights and remedies in the event of a default including without limitation the right to declare all principal and interest immediately due and payable; (h) terms governing performance by the trustee of its obligation; or (i) such other additional covenants, agreements, and provisions as are deemed necessary, useful, or convenient by the authority for the security of the holders of the bonds.

(6) All bonds and any interest coupons appertaining to the bonds shall be negotiable instruments under Title 62A RCW.

(7) Neither the members of the authority, nor its employees or agents, nor any person executing the bonds shall be liable personally on the bonds or be subject to any personal liability or accountability by reason of the issuance of the bonds.

(8) The authority may purchase its bonds with any of its funds available for the purchase. The authority may hold, pledge, cancel, or resell the bonds subject to and in accordance with agreements with bondholders.

(9) Bonds issued under this chapter shall not be deemed to constitute obligations, either general or special, of the state or of any political subdivision of the state, or a pledge of the faith and credit of the state or of any political subdivision, or a general obligation of the authority. The bonds shall be special obligations of the authority and shall be payable solely from the special fund or funds created by the authority in the bond resolution or trust indenture pursuant to which the bonds were issued. The issuance of bonds under this chapter shall not obligate, directly, indirectly, or contingently, the state or any political subdivision of the state to levy any taxes or appropriate or expend any funds for the payment of the principal or the interest on the bonds.

(10) Neither the proceeds of bonds issued under this chapter, any moneys used or to be used to pay the principal of or interest on the bonds, nor any moneys received by the authority to defray its administrative costs shall constitute public money or property. All of such moneys shall be kept segregated and set apart from funds of the state and any political subdivision of the state and shall not be subject to appropriation or allotment by the state or subject to the provisions of chapter 43.88 RCW. [2007 c 36 s 5.]

**Policy—Purpose—2007 c 36:** See note following RCW 28B.07.300.

**RCW 28B.07.330 Revenue refunding bonds.** Bonds may be issued by the authority to refund other outstanding bonds issued pursuant to this chapter, at or prior to the maturity thereof, and to pay any redemption premium with respect thereto. Bonds issued for such refunding purposes may be combined with bonds issued for the origination or purchase of educational loans. Pending the application of the proceeds of the refunding bonds to the redemption of the bonds to be redeemed, the authority may enter into an agreement or agreements with a corporate trustee with respect to the interim investment of the proceeds and the application of the proceeds and the earnings on the proceeds to the payment of the principal of and interest on, and the redemption of the bonds to be redeemed. [2007 c 36 s 6.]

**Policy—Purpose—2007 c 36:** See note following RCW 28B.07.300.

**RCW 28B.07.340 Trust funds—Trust agreements.** All moneys received by or on behalf of the authority under this chapter, whether as proceeds from the sale of bonds or from other sources shall be deemed to be trust funds to be held and applied solely as provided in this chapter. The authority, in lieu of receiving and applying the moneys itself, may enter into an agreement or trust indenture with one or more banks or trust companies having the power and authority to conduct trust business in the state to:

(1) Perform all or any part of the obligations of the authority with respect to: (a) Bonds issued by it; (b) the receipt, investment, and application of the proceeds of the bonds and moneys available for the payment of the bonds; and (c) other matters relating to the exercise of the authority's powers under this chapter;

(2) Receive, hold, preserve, and enforce any security interest or evidence of security interest granted by a participant for purposes of securing the payment of the bonds; and

(3) Act on behalf of the authority or the holders or owners of bonds of the authority for purposes of assuring or enforcing the payment of the bonds, when due. [2007 c 36 s 7.]

**Policy—Purpose—2007 c 36:** See note following RCW 28B.07.300.

**RCW 28B.07.350 Proceeds fund.** (1) All proceeds derived from a particular bond under the provisions of this chapter shall be deposited in a fund to be known as the proceeds fund, which shall be maintained in such bank or banks as shall be determined by the authority. Proceeds deposited in the fund shall be expended only on approval of the authority.

(2) A separate proceeds fund shall be maintained for each series of bonds issued by the authority.

(3) Funds credited to a proceeds fund may be used for any or all of the following purposes:

(a) The payment of the necessary expenses, including, without limitation, the costs of issuing the authority's bonds, incurred by the authority in carrying out its responsibilities under RCW 28B.07.021, 28B.07.300 through 28B.07.380, 28B.07.925, 28B.07.927, and 28B.07.030;

(b) The establishment of a debt service reserve account to secure the payment of bonds;

(c) The making of educational loans to qualified borrowers;

(d) The purchase, either directly or acting through a bank with trust powers for its account, of educational loans; and

(e) The acquisition of an investment contract or contracts or any other investments permitted under an indenture of the authority securing its bonds. The income from the contract, contracts, or investments, after payment of the bonds and all expenses associated therewith, shall be used by the authority to assist in carrying out its purposes under this chapter. [2007 c 36 s 8.]

**Policy—Purpose—2007 c 36:** See note following RCW 28B.07.300.

**RCW 28B.07.360 Default.** The proceedings authorizing any revenue obligations under this chapter or any financing document securing the revenue bonds may provide that if there is a default in the payment of the principal of or the interest on the bonds or in the performance of any agreement contained in the proceedings or financing document, the payment and performance may be enforced by mandamus or by the appointment of a receiver in equity with power to collect revenues in accordance with the proceedings or provisions of the financing document. [2007 c 36 s 9.]

**Policy—Purpose—2007 c 36:** See note following RCW 28B.07.300.

**RCW 28B.07.370 Debt limitation.** Bonds issued by the authority under this chapter shall not be subject to the debt limitation set forth in RCW 28B.07.050(9). [2007 c 36 s 11.]

**Policy—Purpose—2007 c 36:** See note following RCW 28B.07.300.

**RCW 28B.07.380 Sale of assets.** The authority is authorized to offer for sale from time to time loan portfolios or other assets accumulated by the authority. Sales shall be conducted in a competitive manner and shall be approved by the authority board. [2007 c 36 s 12.]

**Policy—Purpose—2007 c 36:** See note following RCW 28B.07.300.

CONSTRUCTION

**RCW 28B.07.900 Chapter supplemental—Application of other laws.** This chapter provides a complete, additional, and alternative method for accomplishing the purposes of this chapter and shall be regarded as supplemental and additional to powers conferred by other laws. The issuance of bonds and refunding bonds under this chapter need not comply with the requirements of any other law applicable to the issuance of bonds. [1983 c 169 s 15.]

**RCW 28B.07.910 Construction—1983 c 169.** This chapter, being necessary for the welfare of the state and its inhabitants, shall be liberally construed to effect its purposes. Insofar as the provisions of this chapter are inconsistent with the provisions of any general or special law, or parts thereof, the provisions of this chapter shall be controlling. [1983 c 169 s 16.]

**RCW 28B.07.925 Chapter supplemental—Application of other laws.** This chapter shall be regarded as supplemental and additional to the powers conferred on the authority by other laws. The issuance of bonds and refunding bonds under this chapter need not comply with requirements of any other laws applicable to the issuance of bonds. [2007 c 36 s 13.]

**RCW 28B.07.926 Construction—2007 c 36.** This act, being necessary for the welfare of the state and its inhabitants, shall be liberally construed to effect the purposes thereof. [2007 c 36 s 15.]

**RCW 28B.07.927 Conflict with federal requirements—2007 c 36.** If any part of this act is found to be in conflict with federal requirements under the higher education act of 1965, the conflicting part of this act is hereby declared to be inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and such finding or determination shall not affect the operation of the remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements that are a necessary condition for participation of a state agency under the higher education act of 1965, or its successor. [2007 c 36 s 10.]

# Chapter 28B.10 RCW
# COLLEGES AND UNIVERSITIES GENERALLY

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*Students, residence for election purposes not lost by: State Constitution Art. 6 s 4, RCW 29A.04.151(3).*

*Vacation leave for personnel: RCW 43.01.042.*

*Western regional higher education compact: Chapter 28B.70 RCW.*

**RCW 28B.10.016 Definitions.** For the purposes of this title:

(1) "State universities" means the University of Washington and Washington State University.

(2) "Regional universities" means Western Washington University at Bellingham, Central Washington University at Ellensburg, and Eastern Washington University at Cheney.

(3) "State college" means The Evergreen State College in Thurston county.

(4) "Institutions of higher education" or "postsecondary institutions" means the state universities, the regional universities, The Evergreen State College, the community colleges, and the technical colleges.

(5) "Governing board" means the board of regents or the board of trustees of the institutions of higher education. [1992 c 231 s 1; 1991 c 238 s 113; 1977 ex.s. c 169 s 1.]

**Effective date—1992 c 231:** "This act shall take effect July 1, 1992." [1992 c 231 s 35.]

**Tenure or terms, rights, including property rights, not affected—1977 ex.s. c 169:** "Nothing in this 1977 amendatory act shall affect the tenure of or the terms of any officials, administrative assistants, faculty members, or other employees of any institution of higher education within this state, whether such institutions have hereinabove in this 1977 amendatory act been redesignated as regional universities or otherwise. Nothing in this 1977 amendatory act shall affect any rights, whether to property or otherwise, existing on or after the effective date of this 1977 amendatory act, the intent of the legislature being solely to redesignate as regional universities certain institutions of higher education within this state." [1977 ex.s. c 169 s 113.]

**Statute and RCW designations affected—1977 ex.s. c 169:** "It is the intent of the legislature that after the effective date of this 1977 amendatory act, where the names "Western Washington State College", "Central Washington State College", or "Eastern Washington State College" are used in any bill enacted by the legislature or found within the Revised Code of Washington, they shall mean "Western

Washington University", "Central Washington University", and "Eastern Washington University", respectively." [1977 ex.s. c 169 s 114.]

**Severability—1977 ex.s. c 169:** "If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1977 ex.s. c 169 s 116.]

**RCW 28B.10.017 "Eligible student" defined.** "Eligible student" means a student who (1) was enrolled in a Washington college, university, community college, or vocational-technical institute on or after August 2, 1990, and (2) is unable to complete the period of enrollment or academic term in which the student was enrolled because the student was deployed either in the Persian Gulf combat zone, as designated by the president of the United States by executive order, or in another location in support of the Persian Gulf combat zone. An eligible student is required to verify his or her inability to complete an academic term through military service records, movement orders, or a certified letter signed by the student's installation personnel officer. [1991 c 164 s 1.]

**RCW 28B.10.019 Electronic signatures.** (1) Institutions of higher education and state higher education agencies may use or accept secure electronic signatures for any human resource, benefits, or payroll processes that require a signature. Such signatures are valid and enforceable.

(2) The definitions in this subsection apply throughout this section.

(a) "Electronic signature" means an electronic sound, symbol, or process, attached to, or logically associated with, a contract or other record and executed or adopted by a person with the intent to sign the record.

(b) "Secure electronic signature" means an electronic signature that:

(i) Is unique to the person making the signature;

(ii) Uses a technology or process to make the signature that is under the sole control of the person making the signature;

(iii) Uses a technology or process that can identify the person using the technology or process; and

(iv) Can be linked with an electronic record in such a way that it can be used to determine whether the electronic record has been changed since the electronic signature was incorporated in, attached to, or associated with the electronic record. [2013 c 218 s 2.]

**RCW 28B.10.020 Acquisition of property by universities and The Evergreen State College.** The boards of regents of the University of Washington and Washington State University, respectively, and the boards of trustees of Central Washington University, Eastern Washington University, Western Washington University, and The Evergreen State College, respectively, shall have the power and authority to acquire by exchange, gift, purchase, lease, or condemnation in the manner provided by chapter 8.04 RCW for

condemnation of property for public use, such lands, real estate and other property, and interests therein as they may deem necessary for the use of said institutions respectively. However, the purchase or lease of major off-campus facilities is subject to the approval of the student achievement council under RCW 28B.77.080. [2012 c 229 s 509; 2004 c 275 s 47; 1985 c 370 s 50; 1977 ex.s. c 169 s 7; 1969 ex.s. c 223 s 28B.10.020. Prior: 1967 c 47 s 16; 1947 c 104 s 1; Rem. Supp. 1947 s 4623-20. Formerly RCW 28.76.020.]

**Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Part headings not law—2004 c 275:** See note following RCW 28B.76.090.

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**RCW 28B.10.022 Authority to enter into financing contracts—Notice.** (1) The boards of regents of the state universities and the boards of trustees of the regional universities, The Evergreen State College, and the state board for community and technical colleges, are severally authorized to enter into financing contracts as provided in chapter 39.94 RCW. Except as provided in subsection (2) of this section, financing contracts shall be subject to the approval of the state finance committee.

(2) The board of regents of a state university may enter into financing contracts which are payable solely from and secured by all or any component of the fees and revenues of the university derived from its ownership and operation of its facilities not subject to appropriation by the legislature and not constituting "general state revenues," as defined in Article VIII, section 1 of the state Constitution, without the prior approval of the state finance committee.

(3) Except for financing contracts for facilities or equipment described under chapter 28B.140 RCW, the board of regents shall notify the state finance committee at least sixty days prior to entering into such contract and provide information relating to such contract as requested by the state finance committee. [2003 c 6 s 1; 2002 c 151 s 5; 1989 c 356 s 6.]

**RCW 28B.10.023 Contracts subject to requirements established under office of minority and women's business enterprises.** All contracts entered into under this chapter by institutions of higher education on or after September 1, 1983, are subject to the requirements established under chapter 39.19 RCW. [1983 c 120 s 10.]

**Effective date—Applicability—Severability—Conflict with federal requirements—1983 c 120:** See RCW 39.19.910, 39.19.920.

**RCW 28B.10.024 Awards of procurement contracts to veteran-owned businesses.** All procurement contracts entered into under this chapter

on or after June 10, 2010, are subject to the requirements established under RCW 43.60A.200. [2010 c 5 s 7.]

**Purpose—Construction—2010 c 5:** See notes following RCW 43.60A.010.

**RCW 28B.10.025 Purchases of works of art—Procedure.** The Washington state arts commission shall, in consultation with the boards of regents of the University of Washington and Washington State University and with the boards of trustees of the regional universities, The Evergreen State College, and the community and technical college districts, determine the amount to be made available for the purchases of art under RCW 28B.10.027, and payment therefor shall be made in accordance with law. The designation of projects and sites, the selection, contracting, purchase, commissioning, reviewing of design, execution and placement, acceptance, maintenance, and sale, exchange, or disposition of works of art shall be the responsibility of the Washington state arts commission in consultation with the board of regents or trustees. [2015 c 55 s 201; 2005 c 36 s 2; 1990 c 33 s 557; 1983 c 204 s 8; 1977 ex.s. c 169 s 8; 1974 ex.s. c 176 s 4.]

**Purpose—Statutory references—Severability—1990 c 33:** See RCW 28A.900.100 through 28A.900.102.

**Severability—1983 c 204:** See note following RCW 43.46.090.

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

*Acquisition of works of art for public buildings and lands—Visual arts program established: RCW 43.46.090.*

*Allocation of moneys for acquisition of works of art—Expenditure by arts commission—Conditions: RCW 43.17.200.*

*Purchase of works of art—Interagency reimbursement for expenditure by visual arts program: RCW 43.17.205.*

*State art collection: RCW 43.46.095.*

**RCW 28B.10.027 Allocation of moneys for acquisition of works of art—Expenditure by arts commission—Conditions.** (1) All universities and colleges shall allocate as a nondeductible item, out of any moneys appropriated for the original construction or any major renovation or remodel work exceeding two hundred thousand dollars of any building, an amount of one-half of one percent of the appropriation to be expended by the Washington state arts commission with the approval of the board of regents or trustees for the acquisition of works of art.

(2) For projects funded in the capital budget, an institution of higher education, working with the Washington state arts commission, may expend up to ten percent of the projected art allocation for a project during the design phase in order to select an artist and design art to be integrated in the building design. The one-half of one percent to be expended by the Washington state arts commission

must be adjusted downward by the amount expended by a university or college during the design phase of the capital project.

(3) The works of art may be placed on public lands of institutions of higher education, integral to or attached to a public building or structure of institutions of higher education, detached within or outside a public building or structure of institutions of higher education, part of a portable exhibition or collection, part of a temporary exhibition, or loaned or exhibited in other public facilities.

(4) In addition to the cost of the works of art, the one-half of one percent of the appropriation shall be used to provide for the administration of the visual arts program, including conservation of the state art collection, by the Washington state arts commission and all costs for installation of the work of art. For the purpose of this section building shall not include sheds, warehouses, and other buildings of a temporary nature. [2019 c 240 s 1; 2018 c 2 s 7013; 2016 sp.s. c 35 s 6008; 2005 c 36 s 3; 1983 c 204 s 9.]

**Effective date——2018 c 2:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [January 19, 2018]." [2018 c 2 s 7033.]

**Effective date——2016 sp.s. c 35:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 18, 2016]." [2016 sp.s. c 35 s 6023.]

**Severability——1983 c 204:** See note following RCW 43.46.090.

**RCW 28B.10.029 Property purchase and disposition——Independent purchasing authority——Purchase of correctional industries products.** (1)(a) An institution of higher education may, consistent with RCW 28B.10.925 and 28B.10.926, exercise independently those powers otherwise granted to the director of enterprise services in chapters 43.19 and 39.26 RCW in connection with the purchase and disposition of all material, supplies, services, and equipment needed for the support, maintenance, and use of the respective institution of higher education.

(b) Property disposition policies followed by institutions of higher education shall be consistent with policies followed by the department of enterprise services.

(c)(i) Except as provided in (c)(ii) and (iii) of this subsection and elsewhere as provided by law, purchasing policies and procedures followed by institutions of higher education shall be in compliance with chapters 39.19, 39.26, and 43.03 RCW, and RCW 43.19.1917, 43.19.685, and 43.19.560 through 43.19.637.

(ii) Institutions of higher education may use all appropriate means for making and paying for travel arrangements including, but not limited to, electronic booking and reservations, advance payment and deposits for tours, lodging, and other necessary expenses, and other travel transactions based on standard industry practices and federal accountable plan requirements. Such arrangements shall support student, faculty, staff, and other participants' travel, by groups and

individuals, both domestic and international, in the most cost-effective and efficient manner possible, regardless of the source of funds.

(iii) Formal sealed, electronic, or web-based competitive bidding is not necessary for purchases or personal services contracts by institutions of higher education for less than one hundred thousand dollars. However, for purchases and personal services contracts of ten thousand dollars or more and less than one hundred thousand dollars, quotations must be secured from at least three vendors to assure establishment of a competitive price and may be obtained by telephone, electronic, or written quotations, or any combination thereof. As part of securing the three vendor quotations, institutions of higher education must invite at least one quotation each from a certified minority and a certified woman-owned vendor that otherwise qualifies to perform the work. A record of competition for all such purchases and personal services contracts of ten thousand dollars or more and less than one hundred thousand dollars must be documented for audit purposes.

(d) Purchases under chapter 39.26, 43.19, or 43.105 RCW by institutions of higher education may be made by using contracts for materials, supplies, services, or equipment negotiated or entered into by, for, or through group purchasing organizations.

(e) The community and technical colleges shall comply with RCW 43.19.450.

(f) Except for the University of Washington, institutions of higher education shall comply with RCW 43.19.769, 43.19.763, and 43.19.781.

(g) If an institution of higher education can satisfactorily demonstrate to the director of the office of financial management that the cost of compliance is greater than the value of benefits from any of the following statutes, then it shall be exempt from them: RCW 43.19.685 and 43.19.637.

(h) When any institution of higher education exercises its independent purchasing authority for a commodity or group of commodities, the director of enterprise services shall not be required to provide those services for that institution for the duration of the enterprise services contract term for that commodity or group of commodities.

(2) The council of presidents and the state board for community and technical colleges shall convene its correctional industries business development advisory committee, and work collaboratively with correctional industries, to:

(a) Reaffirm purchasing criteria and ensure that quality, service, and timely delivery result in the best value for expenditure of state dollars;

(b) Update the approved list of correctional industries products from which higher education shall purchase; and

(c) Develop recommendations on ways to continue to build correctional industries' business with institutions of higher education.

(3) Higher education and correctional industries shall develop a plan to build higher education business with correctional industries to increase higher education purchases of correctional industries products, based upon the criteria established in subsection (2) of this section. The plan shall include the correctional industries' production and sales goals for higher education and an approved list of products from which higher education institutions shall purchase,

based on the criteria established in subsection (2) of this section. Higher education and correctional industries shall report to the legislature regarding the plan and its implementation no later than January 30, 2005.

(4)(a) Institutions of higher education shall set as a target to contract, beginning not later than June 30, 2006, to purchase one percent of the total goods and services required by the institutions each year produced or provided in whole or in part from class II inmate work programs operated by the department of corrections. Institutions of higher education shall set as a target to contract, beginning not later than June 30, 2008, to purchase two percent of the total goods and services required by the institutions each year produced or provided in whole or in part from class II inmate work programs operated by the department of corrections.

(b) Institutions of higher education shall endeavor to assure the department of corrections has notifications of bid opportunities with the goal of meeting or exceeding the purchasing target in (a) of this subsection. [2016 c 197 s 1; 2015 c 79 s 1; 2013 c 291 s 27; 2012 c 230 s 4. Prior: 2011 1st sp.s. c 43 s 303; 2011 c 198 s 1; 2010 c 61 s 1; 2004 c 167 s 10; prior: 1998 c 344 s 5; 1998 c 111 s 2; 1996 c 110 s 5; 1993 c 379 s 101.]

**Effective date—Purpose—2011 1st sp.s. c 43:** See notes following RCW 43.19.003.

**Intent—Findings—1998 c 344:** "It is the intent of the legislature to provide the necessary access to quality upper-division and graduate higher education opportunities for the citizens of Spokane. The legislature intends that the Spokane branch campus of Washington State University, offering upper-division and graduate programs, be located at the Riverpoint Higher Education Park and that Washington State University be the administrative and fiscal agent for the Riverpoint Higher Education Park. In addition, those programs offered by Eastern Washington University that meet the rules and guidelines established by the higher education coordinating board's program approval process may serve students at the Riverpoint Higher Education Park. The legislature intends to streamline the program planning and approval process in Spokane by eliminating the joint center for higher education; thereby treating the Spokane higher education community like other public higher education communities in Washington that receive program approval from the higher education coordinating board. However, the legislature encourages partnerships, collaboration, and avoidance of program duplication through regular communication among the presidents of Spokane's public and private institutions of higher education. The legislature further intends that the residential mission of Eastern Washington University in Cheney be strengthened and that Eastern Washington University focus on the excellence of its primary campus in Cheney.

In addition, the legislature finds that the Spokane intercollegiate research and technology institute is a vital and necessary element in the academic and economic future of eastern Washington. The legislature also finds that it is in the interest of the state of Washington to support and promote applied research and technology in areas of the state that, because of geographic or historic circumstances, have not developed fully balanced economies. It is the intent of the legislature that institutions of higher

education and the *department of community, trade, and economic development work cooperatively with the private sector in the development and implementation of a technology transfer and integration program to promote the economic development and enhance the quality of life in eastern Washington." [1998 c 344 s 1.]

***Reviser's note:** The "department of community, trade, and economic development" was renamed the "department of commerce" by 2009 c 565.

**Intent—1993 c 379:** "The legislature acknowledges the academic freedom of institutions of higher education, and seeks to improve their efficiency and effectiveness in carrying out their missions. By this act, the legislature intends to increase the flexibility of institutions of higher education to manage personnel, construction, purchasing, printing, and tuition." [1993 c 379 s 1.]

**Severability—1993 c 379:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1993 c 379 s 407.]

**Effective date—1993 c 379:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993." [1993 c 379 s 408.]

**RCW 28B.10.0291 Savings report—2012 c 230.** By January 1, 2017, institutions of higher education as defined in RCW 28B.10.016 must report to the legislature and the governor on: (1) The amount of savings resulting from use of the higher education provisions of chapter 230, Laws of 2012; and (2) the manner in which such savings were used to promote student academic success. [2012 c 230 s 5.]

**RCW 28B.10.030 Display of United States flag.** Every board of trustees or board of regents shall cause a United States flag being in good condition to be displayed on the campus of their respective state institution of higher education during the hours of nine o'clock a.m. and four o'clock p.m. on school days, except during inclement weather. [1969 ex.s. c 223 s 28B.10.030. Prior: 1939 c 17 s 1; RRS s 4531-1. Formerly RCW 28.76.030.]

**RCW 28B.10.031 Check cashing privileges.** (1) Any institution of higher education may, at its option and after the approval by governing boards, accept in exchange for cash a payroll check, expense check, financial aid check, or personal check from a student or employee of that institution of higher education in accordance with the following conditions:

(a) The check shall be drawn to the order of cash or bearer and be immediately payable by a drawee financial institution;

(b) The person presenting the check to the institution of higher education shall produce identification that he or she is currently enrolled or employed at the institution of higher education; and

(c) The payroll check, expense check, or financial aid check shall have been issued by the institution of higher education.

(2) In the event that any personal check cashed under this section is dishonored by the drawee financial institution when presented for payment, the institution of higher education, after giving notice of the dishonor to the student or employee and providing an opportunity for a brief adjudicative proceeding, may:

(a) In the case of a student, place a hold on the student's enrollment and transcript records until payment in full of the value of the dishonored check and reasonable collection fees and costs;

(b) In the case of an employee, withhold from the next payroll check or expense check the full amount of the dishonored check plus a collection fee. In the case that the employee no longer is employed by the institution of higher education at time of dishonor, then the institution of higher education may pursue other legal collection efforts that are to be paid by the drawer or endorser of the dishonored check along with the full value of the check. [1993 c 145 s 1.]

**RCW 28B.10.032 Public and private institutions offering teacher preparation programs—Exploration of methods to enhance awareness of teacher preparation programs.** The state's public and private institutions of higher education offering teacher preparation programs and school districts are encouraged to explore ways to facilitate faculty exchanges, and other cooperative arrangements, to generate increased awareness and understanding by higher education faculty of the common school teaching experience and increased awareness and understanding by common school faculty of the teacher preparation programs. [1987 c 525 s 233.]

**Intent—Short title—1987 c 525 ss 202-233:** See notes following RCW 28A.410.040.

**Severability—1987 c 525:** See note following RCW 28A.300.050.

**RCW 28B.10.033 Teacher preparation programs.** (1)(a) Each Washington professional educator standards board-approved teacher preparation program, including an alternative route teacher certification program, must develop a plan describing how the program will partner with school districts in the general geographic region of the program regarding field placement of student teachers. The plans must be developed in collaboration with school districts desiring to partner with the programs, and may include use of unexpended federal or state funds to support residencies and mentoring for students who are likely to continue teaching in the district in which they have a supervised field placement.

(b) Beginning July 1, 2020, the following goals must be considered when developing the plans required under this section:

(i) Field placement of student teachers should be targeted to high-need subject areas, including special education and English learner, and high-need geographic areas, including Title I and rural schools; and

(ii) Student teacher mentors should be highly effective as evidenced by the mentors having received level 3 or above on both

criteria 3 (recognizing individual student learning needs and developing strategies to address those needs) and criteria 6 (using multiple student data elements to modify instruction and improve student learning) on their most recent comprehensive performance evaluation under RCW 28A.405.100. Student teacher mentors should also have received or be concurrently receiving professional development in mentoring skills.

(2) The plans required under subsection (1) of this section must be submitted to the Washington professional educator standards board and updated by July 1st every even-numbered year.

(3) The Washington professional educator standards board shall post the plans and updates required under this section on its website. [2019 c 295 s 202; 2016 c 233 s 10.]

**Findings——Intent——2019 c 295:** "(1) The legislature finds that financial incentives, assistance, and supports are essential to recruit and retain persons into educator positions within the public common school system. In order to have the most impact, these incentives, assistance, and supports must be related explicitly and directly to the legislature's objectives for recruiting and retaining an educator workforce that will best serve diverse student populations, as well as meet the state's short-term and long-term educator workforce needs.

(2) Therefore, the legislature intends to:

(a) Promote effective incentives, assistance, and supports;

(b) Remove barriers and disincentives; and

(c) Enhance and encourage capacity-building for and coordination between educator preparation programs and the public common school system, especially in underserved areas.

(3) The legislature finds that conditional scholarship and loan repayment programs are effective tools to attract persons into the profession of education and to encourage future teachers to seek certifications in shortage areas. Therefore, the legislature intends to utilize conditional scholarships to recruit candidates to meet targeted needs in education and to assist with keeping new educators in the profession during the early years of their career. The legislature recognizes that the state need grant does not meet the needs of many qualified students, so conditional scholarships are intended to be provided in a "last dollar in" model. The legislature also intends for loan repayment programs to help retain certificated educators who are already working in the public common schools.

(4) The legislature finds that the location and characteristics of a student teacher's field placement are strong predictors of where the teacher takes his or her first job. Therefore, the legislature intends to encourage the appropriate placement of student teachers, especially in high-need subject and geographic areas. In addition, the legislature intends to continue providing grants for student teachers at Title I public common schools." [2019 c 295 s 201.]

**Intent——2019 c 295:** "The legislature recognizes the important role of teacher preparation programs in addressing the shortages in the educator career continuum. Through the omnibus appropriations act, the legislature intends to prioritize the expansion of teacher preparation program enrollments in high-need subjects and high-need locations within the state, taking into consideration the community

and technical colleges' capacity to contribute to teacher preparation." [2019 c 295 s 231.]

**Effective date—Findings—Intent—2019 c 295:** See notes following RCW 28A.310.235.

**Intent—2019 c 295:** See note following RCW 28B.102.030.

**Findings—Intent—2019 c 295:** See note following RCW 28A.415.265.

**Findings—Intent—2019 c 295:** See note following RCW 28A.180.120.

**RCW 28B.10.034 Central Washington University—Student teacher remote supervision.** (1) Subject to the availability of amounts appropriated for this specific purpose, Central Washington University shall acquire the necessary audiovisual technology and equipment for university faculty to remotely supervise student teachers in ten schools.

(2) A school selected for the purposes of remote supervision of student teachers under this section must be a rural public school that currently is unable to have student teachers from Central Washington University's teacher preparation program due to its geographic location. [2019 c 295 s 205.]

**Effective date—Findings—Intent—2019 c 295:** See notes following RCW 28A.310.235.

**Findings—Intent—2019 c 295:** See notes following RCW 28B.10.033.

**Intent—2019 c 295:** See note following RCW 28B.102.030.

**Findings—Intent—2019 c 295:** See note following RCW 28A.415.265.

**Findings—Intent—2019 c 295:** See note following RCW 28A.180.120.

**RCW 28B.10.035 Concurrent enrollment program accreditation.** (1) To establish a uniform standard by which concurrent enrollment programs and professional development activities may be measured, any college or university offering concurrent enrollment program courses at a public high school, or college in the high school programs, must receive accreditation by a national accrediting body for concurrent enrollment by the 2027-28 school year.

(2) Any college or university engaged in concurrent enrollment program courses at a public high school, or college in the high school programs, during or before the 2019-20 academic year that are not accredited by a national accrediting body for concurrent enrollment must continue to meet the same quality and eligibility standards and obtain approval in a manner consistent with the procedure established by rules adopted for the college in the high school program until the program is accredited by a national accrediting body for concurrent enrollment.

(3) After the 2027-28 school year, any college or university with concurrent enrollment program courses in place at a public high school, or college in the high school programs, during or before the

2019-20 academic year that have not been accredited in accordance with subsection (1) of this section or do not have an application pending further action by the accrediting body under subsection (1) of this section may not offer a concurrent enrollment program course at a public high school or college in the high school program.

(4) New college and university concurrent enrollment program courses that are implemented after the 2019-20 academic year have seven years from the beginning of the first term of classes to submit an application for accreditation for review by a national accrediting body for concurrent enrollment to comply with this section.

(5) All colleges and universities are encouraged to provide institutional resources to support the transition to accreditation, including professional development, engage with national associations focused on concurrent enrollment accreditation, and collaboration with the state board for community and technical colleges or an organization that represents the public, four-year universities, and colleges.

(6) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "College in the high school program" is a program that meets the requirements of RCW 28A.600.287.

(b) "Concurrent enrollment program" means a partnership between K-12 schools and postsecondary education institutions through which credit-bearing college courses offered by public or private institutions of higher education and taught by appropriately qualified high school teachers are taken in high school by high school students who have not yet received the credits required for the award of a high school diploma, and for which earned credits are recorded on a college or university transcript. "Concurrent enrollment program" does not include programs under RCW 28B.50.531 or the running start program.

(c) "Public high school" means a high school that is a public school as defined in RCW 28A.150.010. [2021 c 71 s 5; 2019 c 272 s 1.]

**RCW 28B.10.037 Student expression in school-sponsored media.** (1) Students at institutions of higher education have the right to exercise freedom of speech and of the press in school-sponsored media, whether or not the media are supported financially by the school or by use of school facilities, or are produced in conjunction with a class. All school-sponsored media produced primarily by students at an institution of higher education are public forums for expression by the student journalists and student editors at the particular institution. Student media, whether school-sponsored or nonschool sponsored, are not subject to mandatory prior review by school officials.

(2) Student editors of school-sponsored media are responsible for determining the news, opinion, feature, and advertising content of the media. This subsection does not prevent a student media adviser from teaching professional standards of English and journalism to the student journalists. A student media adviser may not be terminated, transferred, removed, or otherwise disciplined for refusing to suppress the protected free expression rights of student journalists.

(3) Nothing in this section may be interpreted to authorize expression by students that:

(a) Is libelous or slanderous;

(b) Constitutes an unwarranted invasion of privacy;

(c) Violates the federal communications act or any rule or regulation of the federal communications commission; or

(d) So incites students as to create a clear and present danger of:

(i) The commission of unlawful acts on school premises;

(ii) The violation of lawful school regulations, policies, or procedures; or

(iii) The material and substantial disruption of the orderly operation of the school. A school official must base a forecast of material and substantial disruption on specific facts, including past experience in the school and current events influencing student behavior, and not on undifferentiated fear or apprehension.

(4) Any student enrolled in an institution of higher education may commence a civil action to obtain appropriate injunctive and declaratory relief as determined by a court for a violation of subsection (1) of this section by the institution of higher education. Upon a motion, a court may award reasonable attorneys' fees to a prevailing plaintiff in a civil action brought under this section.

(5) Expression made by students in school-sponsored media is not the expression of school policy. Neither a school official nor the governing board of any institution of higher education may be held responsible in any civil or criminal action for any expression made or published by students in school-sponsored media unless school officials or the governing board have interfered with or altered the content of the student expression.

(6) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "School-sponsored media" means any matter that is prepared, substantially written, published, or broadcast by student journalists, that is distributed or generally made available, either free of charge or for a fee, to members of the student body, and that is prepared under the direction of a student media adviser. "School-sponsored media" does not include media that is intended for distribution or transmission solely in the classrooms in which they are produced.

(b) "Student journalist" means a student who gathers, compiles, writes, edits, photographs, records, or prepares information for dissemination in school-sponsored media.

(c) "Student media adviser" means a person who is employed, appointed, or designated by the school to supervise, or provide instruction relating to, school-sponsored media. [2018 c 125 s 3.]

**Finding—Intent—2018 c 125:** See note following RCW 28A.600.027.

**RCW 28B.10.040 Higher educational institutions to be nonsectarian.** All institutions of higher education supported wholly or in part by state funds, and by whatsoever name so designated, shall be forever free from religious or sectarian control or influence. [1969 ex.s. c 223 s 28B.10.040. Prior: (i) 1909 c 97 p 242 s 7; RRS s 4559; prior: 1897 c 118 s 188; 1890 p 396 s 5. Formerly RCW 28.77.013; 28.76.040, part. (ii) 1909 c 97 p 243 s 1, part; RRS s 4568, part; prior: 1897 c 118 s 190, part; 1891 c 145 s 1, part. Formerly RCW 28.80.015, part; 28.76.040, part.]

*Nonsectarian: State Constitution Art. 9 s 4, Art. 26.*

**RCW 28B.10.041 High school directory information——Data-sharing agreements with the office of the superintendent of public instruction.** (1) The Washington student achievement council and institutions of higher education must enter into data-sharing agreements with the office of the superintendent of public instruction to facilitate the transfer of high school student directory information collected under RCW 28A.150.515 for the purposes of informing Washington high school students of postsecondary financial aid and educational opportunities available in the state.

(2) Data-sharing agreements entered into under this section must provide for the education research and data center to share student enrollment and outcome information from institutions of higher education, including federally designated minority serving institutions of higher education that are participating in data-sharing agreements under subsection (4) of this section, to the office of the superintendent of public instruction. Information provided in accordance with this subsection (2) must include the statewide student identifier for each student. To the extent possible, the office of the superintendent of public instruction shall transmit student enrollment information to the enrolled students' host districts for the current year.

(3)(a) Data-sharing agreements entered into by a community college or technical college as defined in RCW 28B.50.030 are limited to informing Washington high school students of postsecondary educational opportunities available within a college's service district as enumerated in RCW 28B.50.040.

(b) The state board for community and technical colleges may coordinate with all of the community and technical colleges to develop a single data-sharing agreement between the community and technical colleges and the office of the superintendent of public instruction.

(4) Federally designated minority-serving institutions of higher education that are bachelor degree-granting institutions and not subject to subsection (1) of this section may enter into data-sharing agreements with the office of the superintendent of public instruction to facilitate the transfer of high school student directory information collected under RCW 28A.150.515 for the purpose of informing Washington high school students of postsecondary educational opportunities available in the state.

(5) Agreements entered into under this section must obligate the Washington student achievement council and institutions that will receive information through an agreement to maintain the statewide student identifier for each student.

(6) For the purposes of this section, "statewide student identifier" means the statewide student identifier required by RCW 28A.320.175 that is included in the longitudinal student data system established under RCW 28A.300.500.

(7) For the purposes of this section, "directory information" has the same meaning as in RCW 28A.150.515. [2024 c 324 s 1; 2023 c 406 s 1.]

**RCW 28B.10.042 Personal identifiers——Use of social security numbers prohibited.** (1) Institutions of higher education shall not use the social security number of any student, staff, or faculty for identification except for the purposes of employment, financial aid,

research, assessment, accountability, transcripts, or as otherwise required by state or federal law.

(2) Each institution of higher education shall develop a system of personal identifiers for students to be used for grading and other administrative purposes. The personal identifiers may not be social security numbers. [2001 c 103 s 2.]

**Findings—2001 c 103:** "The legislature finds that the occurrences of identity theft are increasing. The legislature also finds that widespread use of the federally issued social security numbers has made identity theft more likely to occur." [2001 c 103 s 1.]

**Effective date—2001 c 103 s 2:** "Section 2 of this act takes effect July 1, 2002." [2001 c 103 s 5.]

**RCW 28B.10.0421 Personal identifiers—Funding.** Each institution of higher education shall use its own existing budgetary funds to develop the system for personal identifiers. No new state funds shall be allocated for this purpose. [2001 c 103 s 4.]

**Findings—2001 c 103:** See note following RCW 28B.10.042.

**RCW 28B.10.050 Entrance requirements exceeding minimum requirements.** Except as the legislature shall otherwise specifically direct, the boards of regents and the boards of trustees for the state universities, the regional universities, and The Evergreen State College may establish entrance requirements for their respective institutions of higher education which meet or exceed the minimum entrance requirements established under *RCW 28B.76.290(2). [2004 c 275 s 48; 1985 c 370 s 91; 1984 c 278 s 19; 1977 ex.s. c 169 s 9; 1969 ex.s. c 223 s 28B.10.050. Prior: 1917 c 10 s 9; RRS s 4540. Formerly RCW 28.76.050.]

***Reviser's note:** RCW 28B.76.290 was repealed by 2012 c 229 s 120.

**Part headings not law—2004 c 275:** See note following RCW 28B.76.090.

**Severability—1984 c 278:** See note following RCW 28A.185.010.

**Effective date—1984 c 278:** See note following RCW 28A.230.130.

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**RCW 28B.10.053 Postsecondary credit for high school coursework—Master list of qualifying courses and qualifying examination scores—Dissemination of information.** (1) By December 1, 2011, and by June of each odd-numbered year thereafter, the institutions of higher education shall collaboratively develop a master list of postsecondary courses that can be fulfilled by taking the advanced placement, international baccalaureate, or other recognized college-level proficiency examinations, including but not limited to examinations by

a national multidisciplinary science, technology, engineering, and mathematics program, and meeting the qualifying examination score or demonstrated competencies for lower division general education requirements or postsecondary professional technical requirements. The master list of postsecondary courses fulfilled by proficiency examinations or demonstrated competencies are those that fulfill lower division general education requirements or career and technical education requirements and qualify for postsecondary credit. From the master list, each institution shall create and publish a list of its courses that can be satisfied by successful proficiency examination scores or demonstrated competencies for lower division general education requirements or postsecondary professional technical requirements. The qualifying examination scores and demonstrated competencies shall be included in the published list. The requirements to develop a master list under this section do not apply if an institution has a clearly published policy of awarding credit for the advanced placement, international baccalaureate, or other recognized college-level placement exams and does not require those credits to meet specific course requirements but generally applies those credits towards degree requirements.

(2) To the maximum extent possible, institutions of higher education shall agree on examination qualifying scores and demonstrated competencies for the credits or courses under subsection (3) of this section, with scores equivalent to qualified or well-qualified. Nothing in this subsection shall prevent an institution of higher education from adopting policies using higher scores for additional purposes.

(3) Each institution of higher education, in designing its certificate, technical degree program, two-year academic transfer program, or first-year student and sophomore courses of a baccalaureate program or baccalaureate degree, must recognize the equivalencies of at least one year of course credit and maximize the application of the credits toward lower division general education requirements that can be earned through successfully demonstrating proficiency on examinations, including but not limited to advanced placement and international baccalaureate examinations. The successful completion of the examination and the award of credit shall be noted on the student's college transcript.

(4) Each institution of higher education must clearly include in its admissions materials and on its website the credits or the institution's list of postsecondary courses that can be fulfilled by proficiency examinations or demonstrated competencies and the agreed-upon examination scores and demonstrated competencies that qualify for postsecondary credit. Each institution must provide the information to the student achievement council and state board for community and technical colleges in a form that the superintendent of public instruction is able to distribute to school districts. [2013 c 23 s 52; 2012 c 229 s 510; 2011 2nd sp.s. c 3 s 1; 2011 c 77 s 3.]

**Effective date——2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Findings——Intent——Short title——2011 c 77:** See notes following RCW 28A.230.130.

**RCW 28B.10.054 Credit policies for AP, international baccalaureate, and Cambridge international exams——Reports.** (1) The institutions of higher education must establish a coordinated, evidence-based policy for granting as many undergraduate college credits, as possible and appropriate, to students who have earned minimum scores of three on advanced placement exams, four on standard-level and higher-level international baccalaureate exams, or scores of E(e) or higher on A and AS level Cambridge international exams.

(2) Each institution of higher education must create a process for retroactively awarding international baccalaureate exam undergraduate college credits under the terms of this section to students who first enrolled in the institution of higher education in the 2018-19 academic year.

(3) Credit policies regarding all advanced placement and international baccalaureate exams must be posted on campus websites effective for the 2019 fall academic term. Credit policies regarding all Cambridge international exams must be posted on campus websites effective for the 2020 fall academic term. If an institution of higher education is unable to award a general education course equivalency, the student may request in writing an evidence-based reason as to why general education course equivalency cannot be granted. Institutions of higher education must maintain websites regarding their advanced placement, international baccalaureate, and Cambridge international policies in a publicly accessible way. The institutions of higher education must conduct biennial reviews of their advanced placement, international baccalaureate, and Cambridge international credit policies and report noncompliance to the appropriate committees of the legislature by November 1st each biennium beginning November 1, 2019.

(4) The institutions of higher education must provide an update to the joint legislative audit and review committee on their credit awarding policies by December 31, 2019.

(5) For the purposes of this section, "general education course equivalency" means credit that fulfills general education or major requirements and is not awarded as elective credit. [2019 c 316 s 2; 2017 c 179 s 2.]

**Findings——2019 c 316:** "The legislature finds that advanced placement, international baccalaureate, and Cambridge international coursework prepares students for postsecondary success and provides opportunities for them to earn college credit or secure placement in advanced courses.

The legislature feels strongly that students who have earned minimum scores of three on advanced placement exams, four on standard-level and higher-level international baccalaureate exams, or scores of E(e) or higher on A and AS level Cambridge international exams deserve to receive undergraduate college credit, including elective credit and, where appropriate, course equivalent credit, for their work.

The legislature finds it necessary to develop a systemwide credit policy that allows those students to easily understand in advance whether institutions of higher education will award them credit, as well as which type of credit students will receive and the rationale for the institution of higher education's determination.

The legislature further encourages institutions of higher education to establish a policy favoring the award of course equivalent credit for the successful completion of standardized and commonly required courses." [2019 c 316 s 1.]

**Findings—Intent—2017 c 179:** "The legislature finds that advanced placement coursework prepares students for postsecondary success and provides opportunities for them to earn college credit or secure placement in advanced courses. The legislature further finds that eighty-four thousand eight hundred sixty-six students took an AP exam in Washington state in 2015. The legislature further finds that six thousand six hundred sixty-seven of those students were underrepresented minority students and nine thousand four hundred seventy-one were low-income students. The legislature further finds that of the students that took an AP exam in Washington state in 2015, fifty-one thousand seven hundred twenty-five scored a three, four, or five.

Therefore, the legislature intends to establish a policy for granting as many undergraduate course credits as possible to students who have earned a minimum score of three on their AP exams and clearly communicate credit awarding policies and course equivalencies to students. The goal of the policy is to award course credit in all appropriate instances and maximize the number of college students given college credit for AP exam scores of three or higher." [2017 c 179 s 1.]

**RCW 28B.10.057 Academic credit for military training.** (1) Before December 31, 2015, each institution of higher education must adopt a policy to award academic credit for military training applicable to the student's certificate or degree requirements. The policy shall apply to any individual who is enrolled in the institution of higher education and who has successfully completed a military training course or program as part of his or her military service that is:

(a) Recommended for credit by a national higher education association that provides credit recommendations for military training courses and programs;

(b) Included in the individual's military transcript issued by any branch of the armed services; or

(c) Other documented military training or experience.

(2) Each institution of higher education must develop a procedure for receiving the necessary documentation to identify and verify the military training course or program that an individual is claiming for academic credit.

(3) Each institution of higher education must provide a copy of its policy for awarding academic credit for military training to any applicant who listed prior or present military service in his or her application. Each institution of higher education must develop and maintain a list of military training courses and programs that have qualified for academic credit.

(4) Each institution of higher education must submit its policy for awarding academic credit for military training to the prior learning assessment work group convened pursuant to RCW 28B.77.230. [2014 c 186 s 1.]

**RCW 28B.10.058 College in the high school program—At no cost—Rate per college funding.** (1) Beginning on September 1, 2023, institutions of higher education must provide enrollment and registration in college in the high school courses in which a student

is eligible to receive college credit available at no cost for students in the ninth, 10th, 11th, or 12th grade at public high schools.

(2) Beginning with the 2023-2025 omnibus operating appropriations act, the legislature must pass an omnibus operating appropriations act that appropriates to the state board of [for] community and technical colleges and each of the public four-year institutions of higher education state funding for college in high school courses administered at public secondary schools.

(3) State appropriations for the college in the high school program to the institutions of higher education shall be calculated as follows: The total college in the high school courses administered in the prior academic year, funded at $300 per student up to a maximum rate of:

(a) $6,000 per college in the high school course administered by a state university as defined in RCW 28B.10.016;

(b) $5,000 per college in the high school course administered by a regional university or the state college; or

(c) $3,500 per college in the high school course administered by a community or technical college.

(4) Beginning with fiscal year 2025 the rate per college in the high school course administered must be adjusted annually for inflation as measured by the consumer price index.

(5) State appropriations must be based on the total number of college in the high school courses administered by an institution of higher education for the academic year immediately prior to the current fiscal year. The state appropriation is based on course administration data submitted annually by October 15th to the office of financial management and legislative fiscal staff.

(6) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Community or technical college" has the same meaning as provided for under RCW 28B.50.030.

(b) "Course" means a class taught under a contract between an institution of higher education and a single high school teacher on an articulated subject in which the student is eligible to receive college credit.

(c) "High school" means a public school, as defined in RCW 28A.150.010, that serves students in any of grades nine through 12.

(d) "Institutions of higher education" has the same meaning as provided for under RCW 28B.10.016.

(e) "College in the high school" is the program created under RCW 28A.600.287. [2023 c 314 s 1.]

**RCW 28B.10.063 College in the high school—Private institution pilot program.** ***(Expires December 31, 2030.)*** (1) Subject to the amounts appropriated for this specific purpose, the student achievement council shall select a private, not-for-profit four-year institution as defined in RCW 28B.07.020(4) with a main campus located in Yakima county and who serves rural or underserved communities to participate in a pilot program to offer college in the high school courses at no cost to the students enrolling in the courses.

(2) The student achievement council shall distribute funds to the pilot institution at a rate of $300 per student, up to a maximum of

$6,000 per college in the high school course administered by the pilot institution.

(3) College in the high school courses shall not include content or instruction that would subject students to religious behavior or conduct by the pilot institution or its faculty.

(4)(a) The pilot institution shall provide the following information to the student achievement council by November 1, 2025, and annually thereafter:

(i) College in the high school courses offered, including:

(A) The name of each course;

(B) The number of courses offered;

(C) The specific locations where the courses are taught; and

(D) Student enrollment information disaggregated by school districts and high schools;

(ii) Data on college in the high school student demographics;

(iii) Awards of postsecondary credit at the pilot institution; and

(iv) The academic performance of students taking the offered college in the high school courses.

(b) The student achievement council shall compile the information provided in (a) of this subsection and provide a report to the legislature by December 1, 2025, and annually thereafter, in compliance with RCW 43.01.036.

(5) As used in this section:

(a) "Course" means a class taught under a contract between an institution and a single high school teacher on an articulated subject in which the student is eligible to receive college credit.

(b) "High school" means a public school, as defined in RCW 28A.150.010, that serves students in any of grades nine through 12.

(6) This section expires December 31, 2030. [2024 c 240 s 1.]

**RCW 28B.10.065 College in the high school—Affidavit necessary for pilot program participation.** (1) In administering RCW 28B.10.063, the student achievement council shall adopt rules which allow for each institution of higher education to annually sign an affidavit that the institution has adopted policies in compliance with this section. The affidavit must attest to the following nondiscrimination policies:

(a) The institution prohibits discrimination on the basis of race, creed, color, national origin, citizenship or immigration status, sex, veteran or military status, sexual orientation, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability;

(b) The institution operates its education program or activity in a manner free of discrimination. No student may be excluded from participation in an education program or activity, denied the benefits of an education program or activity, or subjected to discrimination on the basis of that student's age, sex, marital status, sexual orientation, race, creed, color, national origin, citizenship or immigration status, veteran or military status, or the presence of any sensory[,] mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability, unless based upon bona fide qualification of the education program; and

(c) The institution, acting in its capacity as an employer, does not:

(i) Refuse to hire, promote, or confer tenure to any person because of age, sex, marital status, sexual orientation, race, creed, color, national origin, citizenship or immigration status, veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability, unless based upon bona fide occupational qualification. However, the prohibition against discrimination because of a disability in this subsection (1)(c)(i) does not apply if the particular disability prevents the proper performance of the particular work involved. This subsection may not be construed to require an employer to establish employment goals or quotas based on sexual orientation;

(ii) Discharge or bar any person from employment because of age, sex, marital status, sexual orientation, race, creed, color, national origin, citizenship or immigration status, veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability;

(iii) Discriminate against any person in compensation or in other terms or conditions of employment because of age, sex, marital status, sexual orientation, race, creed, color, national origin, citizenship or immigration status, veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability. However, this section does not prohibit an employer from segregating wash rooms or locker room facilities on the basis of sex, or basing other terms and conditions of employment on the sex of employees where the Washington state human rights commission, created under chapter 49.60 RCW, has by regulation or ruling in a particular instance found the employment practice to be appropriate for the practical realization of equality of opportunity between the sexes; or

(iv) Print or circulate, or cause to be printed or circulated, any statement, advertisement, or publication, or use any form of application for employment, or make any inquiry in connection with prospective employment, which expresses any limitation, specification, or discrimination as to age, sex, marital status, sexual orientation, race, creed, color, national origin, citizenship or immigration status, veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability; or any intent to make any such limitation, specification, or discrimination, unless based upon a bona fide occupational qualification. However, nothing in this subsection prohibits advertising in a foreign language.

(2) Participation in theology academic programs and campus ministry departments, including the employment, promotion, or granting of tenure of faculty members for courses of study in theology, is exempt from the requirements under this section.

(3) Institutions of higher education that take no action regarding the signing of the affidavit are ineligible to participate in the pilot program in RCW 28B.10.063. [2024 c 240 s 2.]

**RCW 28B.10.100 "Major line" defined.** The term "major line," whenever used in this code, shall be held and construed to mean the development of the work or courses of study in certain subjects to their fullest extent, leading to a degree or degrees in that subject.

[1969 ex.s. c 223 s 28B.10.100. Prior: 1917 c 10 s 1; RRS s 4532. Formerly RCW 28.76.010.]

**RCW 28B.10.105 Courses exclusive to the University of Washington.** See RCW 28B.20.060.

**RCW 28B.10.106 Courses exclusive to Washington State University.** See RCW 28B.30.060 and 28B.30.065.

**RCW 28B.10.115 Major lines common to University of Washington and Washington State University.** Except as provided in RCW 28B.30.058, the courses of instruction of both the University of Washington and Washington State University shall embrace as major lines, pharmacy, architecture, and forest management as distinguished from forest products and logging engineering which are exclusive to the University of Washington. These major lines shall be offered and taught at said institutions only. [2015 c 6 s 2; 2009 c 207 s 1; 2003 c 82 s 1; 1985 c 218 s 1; 1969 ex.s. c 223 s 28B.10.115. Prior: 1963 c 23 s 2; 1961 c 71 s 2; prior: (i) 1917 c 10 s 8; RRS s 4539. (ii) 1917 c 10 s 4; RRS s 4535. Formerly RCW 28.76.080.]

**RCW 28B.10.118 Accelerated baccalaureate degree programs—Approval.** (1) State universities, regional universities, and The Evergreen State College may develop accelerated baccalaureate degree programs that will allow academically qualified students to obtain a baccalaureate degree in three years without attending summer classes or enrolling in more than a full-time class load during the regular academic year. The programs must allow academically qualified students to begin coursework within their academic field during their first term or semester of enrollment.

(2) The state universities, regional universities, and The Evergreen State College shall report on their plans for the accelerated baccalaureate degree programs to the student achievement council for approval. [2012 c 229 s 511; 2011 c 108 s 2.]

**Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Findings—Intent—2011 c 108:** "The legislature finds that some students are eager to complete a degree in the shortest time possible in order to enter the job market. The legislature further finds that providing a streamlined path to a baccalaureate degree would shorten the time required for students to complete a degree, improve the graduation rate, and improve accessibility for students who have proven academic abilities. The legislature intends to provide an accelerated baccalaureate degree program that will allow academically qualified students to obtain baccalaureate degrees in three years. The legislature finds that this streamlined path does not represent a new three-year standard for all students. The legislature intends to provide greater options to students, while not diminishing the quality or value of a standard baccalaureate degree. Further, the legislature

intends that baccalaureate institutions explore reasonable possibilities for accelerated degree programs for academically qualified students." [2011 c 108 s 1.]

**RCW 28B.10.120 Graduate work.** Whenever a course is authorized to be offered and taught by this code, in any of the institutions herein mentioned, as a major line, it shall carry with it the right to offer, and teach graduate work in such major lines. [1969 ex.s. c 223 s 28B.10.120. Prior: 1917 c 10 s 7; RRS s 4538. Formerly RCW 28.76.100.]

**RCW 28B.10.140 Teachers' training courses.** The University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, and The Evergreen State College are each authorized to train teachers and other personnel for whom teaching certificates or special credentials prescribed by the Washington professional educator standards board are required, for any grade, level, department, or position of the public schools of the state. [2005 c 497 s 217; 2004 c 60 s 1; 1977 ex.s. c 169 s 10; 1969 ex.s. c 223 s 28B.10.140. Prior: 1967 c 47 s 17; 1949 c 34 s 1; Rem. Supp. 1949 s 4618-3. Formerly RCW 28.76.120.]

**Intent—Part headings not law—Effective date—2005 c 497:** See notes following RCW 28A.305.011.

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**RCW 28B.10.145 Diversity, equity, inclusion, and antiracism—Professional development.** (1) Each institution of higher education must:

(a) Provide professional development, either existing or new, focused on diversity, equity, inclusion, and antiracism for faculty and staff. This program must be developed in partnership with the institution's administration, faculty, staff, and student leadership groups. Efforts must be made to ensure the program is developed and delivered by individuals with innate and acquired experience and expertise in the field of diversity, equity, and inclusion. The content framework for professional development must be posted on each institution's public website for parents and community members. The professional development must begin in the 2022-23 academic year;

(b) Create an evaluation for professional development participants. The evaluations must, at minimum, capture a participant's level of satisfaction with the professional development opportunity, the degree to which the learning objectives were achieved, and how the knowledge gained may be applied to their work;

(c)(i) Share completed evaluations of program participants annually with either the state board for community and technical colleges or an organization representing the presidents of the public four-year institutions of higher education, depending on the institution; and (ii) submit curriculum and other pertinent information regarding the program beginning July 1, 2023, and,

subsequently, if there is a meaningful change or by request of the reporting entity.

(2) The purpose of each professional development program curriculum must be rooted in eliminating structural racism against all races and promoting diversity, equity, and inclusion while improving academic, social, and health and wellness outcomes for students from historically marginalized communities. The program must also include elements that focus on commonalities and humanity. Institutions of higher education may further develop a curriculum that is reflective of the needs of the campus community.

(3)(a) Beginning with the 2022-23 academic year, every new faculty and staff member at an institution of higher education must participate in the program, regardless of whether they are a full-time or part-time employee. All faculty and staff participating in the professional development program must complete an evaluation. Other faculty and staff may participate in the professional development program as needed or required by their institution. Each institution must develop a goal of at least 80 percent of their total faculty and staff completing the professional development program every two years and report on their goal's progress in the report established in RCW 28B.10.151. Each institution may determine how to show progress towards their goal. Part-time faculty and staff who are employed at more than one institution of higher education are only required to complete the professional development program at one institution if they provide proof of completion to their other institution of higher education employers to receive credit for participation.

(b) Beginning with the 2024-25 academic year, 35 percent of tenured faculty and 35 percent of administrators at each institution of higher education must complete the professional development program every two years, regardless of whether they are a full-time or part-time employee.

(4) The state board for community and technical colleges and an organization representing the presidents of the public four-year institutions of higher education may conduct further analysis of the professional development programs through participant evaluation data, use of focus groups, or other methods to determine promising practices. The state board for community and technical colleges and an organization representing the presidents of the public four-year institutions of higher education must post a list of model standards and promising practices for professional development on their public websites for parents and community members.

(5) The institutions of higher education shall adopt rules as necessary or appropriate for effecting the provisions of this section, not in conflict with this chapter, and in accordance with the provisions of chapter 34.05 RCW, the administrative procedure act. [2021 c 275 s 2.]

**Findings——Intent——2021 c 275:** "The legislature finds that a postsecondary credential such as a degree, apprenticeship, or certificate is increasingly necessary to obtain a job that offers a good salary and advancement opportunities and that increasing the number of students in Washington who obtain such a credential is essential to the state's economic success. The legislature also recognizes that equity gaps remain among postsecondary students and that those gaps particularly impact students from historically marginalized communities.

The legislature finds that developing and maintaining a culture of belonging and support for students, faculty, and staff at institutions of higher education is essential to student success, and that faculty and staff play a key role. The legislature therefore seeks to ensure that public institutions of higher education provide faculty and staff, as well as students, with training to give them tools to address matters related to antiracism, diversity, equity, and inclusion.

The legislature further finds it necessary to regularly analyze the impact of that training on the campus community and to identify any measures needed to increase diversity, equity, and inclusion. Accordingly, the legislature intends that each public institution of higher education assess the learning, working, and living environment on campus that students, faculty, and staff experience to better understand the evolving state of diversity, equity, and inclusion." [2021 c 275 s 1.]

**Conflict with federal requirements—2021 c 275:** "If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state." [2021 c 275 s 6.]

**RCW 28B.10.147 Diversity, equity, inclusion, and antiracism—Campus climate assessment.** (1)(a) The institutions of higher education as defined in RCW 28B.10.016 shall each conduct a campus climate assessment to understand the current state of diversity, equity, and inclusion in the learning, working, and living environment on campus for students, faculty, and staff. The assessment shall occur, at minimum, every five years. Institutions of higher education shall use the results of the campus climate assessment to inform the professional development, established in RCW 28B.10.145, and program, established in RCW 28B.10.149. Institutions may use an existing campus climate assessment to meet this requirement.

(b) The state board for community and technical colleges shall develop a model campus climate assessment for the community and technical colleges that the colleges may use or modify to meet the requirements of this section.

(2) The design of an existing or new campus climate assessment must involve, at minimum, students, college and university diversity officers, faculty, and staff. The campus climate assessment must include, at minimum, an evaluation of student and employee attitudes and awareness of campus diversity, equity, and inclusion issues. The campus climate assessment may also include questions evaluating the prevalence of discrimination, sexual assault, harassment, and retaliation on and off campus, in addition to student, faculty, and staff knowledge of campus policies and procedures addressing discrimination, sexual assault, harassment, and retaliation. College and university diversity officers and students must be consulted in the development of recommendations.

(3) Institutions of higher education must, at minimum, conduct annual listening and feedback sessions for diversity, equity, and inclusion for the entire campus community during periods between campus climate assessments. Institutions of higher education must, to the maximum extent practicable, compensate students for their participation in the annual listening and feedback sessions.

(4) Beginning July 1, 2022, the institutions of higher education shall report findings or progress in completing their campus climate assessment and, when applicable, information on their listening and feedback sessions annually to either the state board for community and technical colleges or an organization representing the presidents of the public four-year institutions of higher education. The institutions of higher education must also publish annually on the institution's public website the results of either the campus climate assessment or listening and feedback sessions.

(5) The state board for community and technical colleges may require colleges to repeat their campus climate assessment. An organization representing the presidents of the public four-year institutions of higher education may also request state universities, regional universities, and The Evergreen State College to repeat their campus climate assessment. [2021 c 275 s 3.]

**Findings—Intent—Conflict with federal requirements—2021 c 275:** See notes following RCW 28B.10.145.

**RCW 28B.10.149 Diversity, equity, inclusion, and antiracism—Program for students.** (1) Each institution of higher education must:

(a) Provide a program, either existing or new, on diversity, equity, inclusion, and antiracism to students beginning with the 2024-25 academic year. Institutions of higher education may expand the focus of its program to reflect the needs of the campus community. This program must be developed in partnership with the institution's administration, faculty, staff, and student leadership groups. Efforts should be made to ensure the program is developed and delivered by individuals with innate and acquired experience and expertise in the field of diversity, equity, and inclusion. The content framework for each program must be posted on each institution's public website for parents and community members; and

(b) Create an evaluation for program participants. The evaluation must, at minimum, capture a participant's level of satisfaction with the program and how they will apply the program to their education.

(2) The purpose of each program must be rooted in eliminating structural racism against all races and promoting diversity, equity, and inclusion while improving outcomes for students from historically marginalized communities. The program must also include elements that focus on commonalities and humanity. Institutions of higher education may further develop a curriculum that is reflective of the needs of the campus community.

(3) During the 2024-25 academic year, all degree-seeking students at institutions of higher education must participate in the program, regardless of whether they are a full-time or part-time student. Beginning with the 2025-26 academic year, the program is only required for degree-seeking students who are new or have transferred to the institution and have not yet participated in a required diversity, equity, inclusion, and antiracism program at an institution of higher

education. Students must be allowed to opt out of participation in the program if they self-attest to taking a diversity, equity, inclusion, and antiracism training at an institution of higher education within the previous five years.

(4) The state board for community and technical colleges and an organization representing the presidents of the public four-year institutions of higher education may conduct further analysis of the programs, through participant evaluation data, use of focus groups, or other methods to determine promising practices. The state board for community and technical colleges and an organization representing the presidents of the public four-year institutions of higher education must post a list of model standards and promising practices for programs on their public websites for parents and community members.

(5) The institutions of higher education shall adopt rules as necessary or appropriate for effecting the provisions of this section, not in conflict with this chapter, and in accordance with the provisions of chapter 34.05 RCW, the administrative procedure act.

(6) For purposes of this section, "student" or "students" does not include nonmatriculated students. [2021 c 275 s 4.]

**Findings—Intent—Conflict with federal requirements—2021 c 275:** See notes following RCW 28B.10.145.

**RCW 28B.10.151 Diversity, equity, inclusion, and antiracism—Reports.** By December 31, 2024, and biennially thereafter, the state board for community and technical colleges and an organization representing the presidents of the public four-year institutions of higher education shall each submit a report to the higher education committees of the legislature in accordance with RCW 43.01.036 for their respective institutions of higher education. The reports must include the following:

(1) Information on the professional development programs implemented by each institution of higher education, including updates on progress towards meeting the goal outlined in section 1, chapter 275, Laws of 2021;

(2) A summary of results of the campus climate assessments and other relevant information received by the institutions of higher education; and

(3) By December 31, 2026, and biennially thereafter, the reports must also include information on the student diversity, equity, inclusion, and antiracism programs implemented by each institution of higher education. [2021 c 275 s 5.]

**Findings—Intent—Conflict with federal requirements—2021 c 275:** See notes following RCW 28B.10.145.

**RCW 28B.10.170 College and university fees.** See chapter 28B.15 RCW.

**RCW 28B.10.270 Rights of Washington national guard and other military reserve students called to service.** (1) A member of the Washington national guard or any other military reserve component who is a student at an institution of higher education and who is ordered

for a period exceeding thirty days to either active state service, as defined in RCW 38.04.010, or to federal active military service has the following rights:

(a) With regard to courses in which the person is enrolled, the person may:

(i) Withdraw from one or more courses for which tuition and fees have been paid that are attributable to the courses. The tuition and fees must be credited to the person's account at the institution. Any refunds are subject to the requirements of the state or federal financial aid programs of origination. In such a case, the student shall not receive credit for the courses and shall not receive a failing grade, an incomplete, or other negative annotation on the student's record, and the student's grade point average shall not be altered or affected in any manner because of action under this item;

(ii) Be given a grade of incomplete and be allowed to complete the course upon release from active duty under the institution's standard practice for completion of incompletes; or

(iii) Continue and complete the course for full credit. Class sessions the student misses due to performance of state or federal active military service must be counted as excused absences and must not be used in any way to adversely impact the student's grade or standing in the class. Any student who selects this option is not, however, automatically excused from completing assignments due during the period the student is performing state or federal active military service. A letter grade or a grade of pass must only be awarded if, in the opinion of the faculty member teaching the course, the student has completed sufficient work and has demonstrated sufficient progress toward meeting course requirements to justify the grade;

(b) To receive a refund of amounts paid for room, board, and fees attributable to the time period during which the student was serving in state or federal active military service and did not use the facilities or services for which the amounts were paid. Any refund of room, board, and fees is subject to the requirements of the state or federal financial aid programs of origination; and

(c) If the student chooses to withdraw, the student has the right to be readmitted and enrolled as a student at the institution, without penalty or redetermination of admission eligibility, within one year following release from the state or federal active military service.

(2)(a) A member of the Washington national guard or any other military reserve or guard component who is a student at an institution of higher education and who is ordered for a period of thirty days or less to either active or inactive state or federal service and as a result of that service or follow-up medical treatment for injury incurred during that service misses any class, test, examination, laboratory, or class day on which a written or oral assignment is due, or other event upon which a course grade or evaluation is based, is entitled to make up the class, test, examination, laboratory, presentation, or event without prejudice to the final course grade or evaluation. The makeup must be scheduled after the member's return from service and after a reasonable time for the student to prepare for the test, examination, laboratory, presentation, or event.

(b) Class sessions a student misses due to performance of state or federal active or inactive military service must be counted as excused absences and may not be used in any way to adversely impact the student's grade or standing in class.

(c) If the faculty member teaching the course determines that the student has completed sufficient work and has demonstrated sufficient

progress toward meeting course requirements to justify the grade without making up the class, test, examination, presentation, or other event, the grade may be awarded without the makeup, but the missed class, test, examination, laboratory, class day, presentation, or other event must not be used in any way to adversely impact the student's grade or standing in the class.

(3) The protections in this section may be invoked as follows:

(a) The person, or an appropriate officer from the military organization in which the person will be serving, must give written notice that the person is being, or has been, ordered to qualifying service; and

(b) Upon written request from the institution, the person shall provide written verification of service.

(4) This section provides minimum protections for students. Nothing in this section prevents institutions of higher education from providing additional options or protections to students who are ordered to state or federal active military service. [2013 c 271 s 1; 2004 c 161 s 1.]

**Effective date——2004 c 161:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 26, 2004]." [2004 c 161 s 7.]

**RCW 28B.10.280 Student loans——Federal student aid programs.** The boards of regents of the state universities and the boards of trustees of regional universities, The Evergreen State College, and community and technical college districts may each create student loan funds, and qualify and participate in the National Defense Education Act of 1958 and such other similar federal student aid programs as are or may be enacted from time to time, and to that end may comply with all of the laws of the United States, and all of the rules, regulations and requirements promulgated pursuant thereto. [2015 c 55 s 202; 1977 ex.s. c 169 s 11; 1970 ex.s. c 15 s 27; 1969 ex.s. c 222 s 2; 1969 ex.s. c 223 s 28B.10.280. Prior: 1959 c 191 s 1. Formerly RCW 28.76.420.]

**Severability——Nomenclature——Savings——1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**Severability——1970 ex.s. c 15:** See note following RCW 28A.230.160.

**Legislative declaration——1969 ex.s. c 222:** "The legislature hereby declares that it regards the higher education of its qualified domiciliaries to be a public purpose of great importance to the welfare and security of this state and nation; and further declares that the establishment of a student financial aid program, assisting financially needy or disadvantaged students in this state to be a desirable and economical method of furthering this purpose. The legislature has concluded that the benefit to the state in assuring the development of the talents of its qualified domiciliaries will bring tangible benefits to the state in the future.

The legislature further declares that there is an urgent need at present for the establishment of a state of Washington student

financial aid program, and that the most efficient and economical way to meet this need is through the plan prescribed in this act." [1969 ex.s. c 222 s 6.]

*State educational trust fund—Established—Deposits—Use: RCW 28B.92.140.*

**RCW 28B.10.281 Student loans—Certain activities may make student ineligible for aid.** Any student who organizes and/or participates in any demonstration, riot or other activity of which the effect is to interfere with or disrupt the normal educational process at such institution shall not be eligible for such aid. [1969 ex.s. c 222 s 3. Formerly RCW 28.76.421.]

**Legislative declaration—1969 ex.s. c 222:** See note following RCW 28B.10.280.

**RCW 28B.10.284 Uniform minor student capacity to borrow act.** See chapter 26.30 RCW.

**RCW 28B.10.285 Student financial aid information—Notice to students—Development of reporting form—Compliance reporting.** (1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Educational institution" includes any entity that is an institution of higher education as defined in RCW 28B.10.016, a degree-granting institution as defined in RCW 28B.85.010, a private vocational school as defined in RCW 28C.10.020, or school as defined in RCW 18.16.020.

(b) "Student education loan" means any loan solely for personal use to finance postsecondary education and costs of attendance at an educational institution.

(2) An educational institution must provide to an enrolled student who has applied for student financial aid a notification including the following information about the student education loans the educational institution has certified:

(a) An estimate, based on information available at the time the notification is provided, of the:

(i) Total amount of student education loans taken out by the student;

(ii) Potential total payoff amount of the student education loans incurred or a range of the total payoff amount, including principal and interest;

(iii) The monthly repayment amount that the student may incur for the amount of student education loans the student has taken out, based on the federal loan repayment plan borrowers are automatically enrolled in if they do not select an alternative repayment plan;

(iv) A statement that income-driven repayment plans may allow a federal student loan borrower to reduce their monthly payment according to a percentage of their income, and a brief summary of the potentially applicable plans; and

(v) Percentage of the aggregate federal direct loan borrowing limit applicable to the student's program of study the student has reached at the time the information is sent to the student; and

(b) Consumer information about the differences between private student loans and federal student loans, including a brief overview of the availability of income-driven repayment plans and loan forgiveness programs for federal loans.

(3) The notification provided under subsection (2) of this section must include a statement that the estimates and ranges provided are general in nature and not meant as a guarantee or promise of the actual projected amount. It must also include a statement that a variety of repayment plans are available for federal student loans that may limit the monthly repayment amount based on income.

(4) The notification must include information about how to access resources for student education loan borrowers provided by federal or state agencies, such as a student education loan debt hotline and website or student loan advocate, federal student loan repayment calculator, complaint portals, or other available resources. This information must include contact information for the student loan advocate established pursuant to RCW 28B.77.007.

(5) An educational institution must provide the notification required in subsection (2) of this section via email. In addition, the educational institution may provide the notification in writing, in an electronic format, or in person.

(6) An educational institution does not incur liability, including for actions under chapter 19.86 RCW by the attorney general, for any good faith representations made under subsection (2) of this section.

(7) Educational institutions must begin providing the notification required under subsection (2) of this section by July 1, 2018, each time a financial aid package that includes a new or revised student education loan is offered to the student.

(8) Subject to the availability of amounts appropriated for this specific purpose, an organization representing the public four-year colleges and universities, an organization representing the private nonprofit institutions, the state board for community and technical colleges under chapter 28B.50 RCW, the workforce training and education coordinating board as defined in RCW 28C.18.020, and the department of licensing under chapter 46.01 RCW, must develop a form for the educational institutions to use to report compliance by July 1, 2018.

(9) Beginning December 1, 2019, and biannually thereafter until December 25, 2025, the organizations under subsection (8) of this section must submit a report in compliance with RCW 43.01.036 to the legislature that details how the educational institutions are in compliance with this section. [2018 c 62 s 2; 2017 c 154 s 2.]

**Application—Short title—2018 c 62:** See RCW 31.04.905 and 31.04.906.

**Finding—Intent—2017 c 154:** "The legislature finds and declares that students pursuing higher education benefit from periodic notification about the balance of their student education loan debt. This notification helps students and their families make informed borrowing decisions about how to finance their postsecondary education and be more prepared for repayment when leaving school. The

legislature recognizes the steps many higher education institutions in Washington have already taken to provide financial education and information to their students. The legislature encourages schools to continue to strengthen financial literacy training, financial aid counseling, and other resources available to students. It is the intent of the legislature to ensure that all students pursuing higher education in Washington receive periodic notifications about their student education loan debt." [2017 c 154 s 1.]

**Short title——2017 c 154:** "This act may be known and cited as the Washington student loan transparency act." [2017 c 154 s 3.]

**RCW 28B.10.287 Postsecondary institution financial aid disbursement by third party.** (1) For purposes of this section and RCW 28B.77.270, "postsecondary institution" means the institutions of higher education as defined in RCW 28B.10.016 and any degree-granting institution, for-profit institution, or for-profit vocational institute, operating in the state and offering instruction and training beyond the high school level for gainful employment in a recognized profession.

(2) A postsecondary institution that disburses a student's federal or state financial aid balance by means other than directly depositing the student's balance into the student's existing account or issuing a check directly from the postsecondary institution must comply with the requirements of this section.

(3) The postsecondary institution must:

(a) Provide the student, in a readily noticeable way and a reasonably understandable format, a summary of the key features associated with the debit card, access device, or financial account associated with the student's financial aid disbursement and the commonly assessed fees that the student may incur, such as surcharges if a student uses an automated teller machine that is not affiliated with the third-party servicer or financial institution issuing the disbursement. The notice may be provided by a link to a public website;

(b) Provide the student with information on the location of every surcharge-free automated teller machine located on campus that the student may use to access the student's financial aid disbursement funds without incurring a fee and whether the machines are accessible twenty-four hours a day;

(c) Provide the student with full disclosure of the contract the postsecondary institution has entered into with a third-party servicer or financial institution in the disbursement of student financial aid balances. The disclosure may be provided by a link to a public website;

(d) Provide easily understandable and prominent notice to the student of the student's rights as a consumer and notice of a complaint process for students to file complaints with the postsecondary institution if the student is being charged excessive fees or is unable to access his or her funds without incurring fees;

(e) Develop and maintain a complaint resolution process to be used by students who have complaints regarding the timeliness of the student's financial aid disbursement or fees charged related to the disbursement. The process must include procedures for students to have the student achievement council review unresolved complaints; and

(f) Comply with the rules or requirements for participation in the state financial aid programs adopted by the student achievement council, as authorized under RCW 28B.77.270.

(4) The federal laws and regulations that apply to the disbursement of federal financial aid using third-party servicers or financial institutions also applies to the disbursement of state financial aid using third-party servicers or financial institutions.

(5) Nothing in this section requires a postsecondary institution to duplicate notices or disclosures or provide additional notices or disclosures on federal financial aid that would otherwise be required under federal law. [2018 c 13 s 2.]

**Finding—Intent—2018 c 13:** "(1) In the last few years, there has been an increase in the number of postsecondary institutions entering into agreements with financial account providers to disburse students' federal financial aid. Disbursement of financial aid often is made using access cards, such as debit cards or prepaid cards, that have fees associated with the use of those cards. Recent reports from the federal government and consumer groups have documented troubling practices used by some financial account providers, such as providers prioritizing disbursements to their own affiliated accounts over the student's preexisting bank accounts, providers and schools giving students the impression that signing up for the financial provider's card account is required to receive financial aid, and students being charged unavoidable fees to access their funds. The federal government adopted regulations in 2015 to address these issues. The legislature intends for sections 2 and 3 of this act to be compatible with federal rules.

(2) The legislature finds that although the federal regulations provide some protection for students, Washington's postsecondary institutions must ensure that students are treated fairly and that one hundred percent of state financial aid awards be available to students for purposes for which aid is granted, rather than for fees or other costs incurred by the student to access their aid awards. The legislature intends to strengthen protections for students by requiring that postsecondary institutions give students full disclosure and notice, comply with all federal and state rules and regulations, and operate their student financial aid disbursements in a manner where students bear none of the financial weight of accessing their own funds and are not discouraged from having funds disbursed to them in the manner that provides the greatest ease of access. The legislature intends to extend similar protections required under federal rules for federal financial aid to the disbursement of state financial aid." [2018 c 13 s 1.]

**RCW 28B.10.293 Collection of debts—Conditions and limitations on institutions of higher education.** (1) Institutions of higher education may, in the control and collection of any debt or claim due owing to it, impose reasonable financing and late charges, as well as reasonable costs and expenses incurred in the collection of such debts, if provided for in the note or agreement signed by the debtor.

(2) Institutions of higher education may not do any of the following for the purposes of debt collection, unless the debts are related to nonpayment of tuition fees, room and board fees, or financial aid funds owed:

(a) Refuse to provide an official transcript for a current or former student on the grounds that the student owes a debt;

(b) Condition the provision of an official transcript on the payment of the debt, other than a fee charged to provide the official transcript;

(c) Charge a higher fee for obtaining the official transcript, or provide less than favorable treatment of an official transcript request because a student owes a debt; or

(d) Use transcript issuance as a tool for debt collection.

(3) Institutions of higher education may not withhold a student's official transcript, regardless of debt, except the fee charged to provide an official transcript, if the official transcript is requested by a student or entity for any of the following purposes:

(a) Job applications;

(b) Transferring to another institution;

(c) Applying for financial aid;

(d) Pursuit of opportunities in the military or national guard; or

(e) Pursuit of other postsecondary opportunities.

(4) Institutions of higher education may not withhold registration privileges as a debt collection tool, excluding the case of any debts related to nonpayment of tuition fees, room and board fees, or financial aid funds owed.

(5) If an institution of higher education chooses to withhold official transcripts or registration privileges as a tool for debt collection, the institution shall disclose to students through a secure portal or email and the class registration process the following at the start of each academic term:

(a) The amount of debt, if any, owed by the student to the institution;

(b) Information on payment of the debt, including who to contact to set up a payment plan; and

(c) Any consequences that will result from the nonpayment of the debt.

(6) For the purposes of this section:

(a) "Debt" means any money, obligation, claim, or sum, due or owing, or alleged to be due or owing, from a student.

(b) "Financial aid funds owed" means any financial aid funds owed to the institution under Title IV, or to the state, due to miscalculation, withdrawal, misinformation, or other reason, not including standard repayment of student loans.

(c) "Institutions of higher education" means the same as in RCW 28B.92.030.

(d) "Room and board fees" means any money, obligation, claim, or sum, due or owing, or alleged to be due or owing, from a student for the provision of contractually agreed to on-campus housing or meal services plans.

(e) "Tuition fees" means tuition fees as defined in RCW 28B.15.020, services and activities fees as defined in RCW 28B.15.041, technology fees as defined in RCW 28B.15.051, and fees charged for nonstate funded, fee-based, self-supporting degree, certificate, or continuing education courses, or similar charges for nonpublic institutions. [2020 c 281 s 1; 1977 ex.s. c 18 s 1.]

**RCW 28B.10.294 Collection of debts—Report.** Institutions of higher education shall report to the governor and the higher education committees of the legislature in accordance with RCW 43.01.036 annually beginning on December 1, 2020, on transcript and registration holds used as debt collection tools, including:

(1) Each institution's policy on when transcript and registration holds are used, including the time frames and amounts for which holds are to be used and the lowest amount for which an institution assigns a debt to a third-party collection agency;

(2) The number of official transcripts and registration privileges being withheld by each institution; and

(3) The number of past-due accounts assigned to third-party collection agencies. [2020 c 281 s 2.]

**RCW 28B.10.295 Educational materials on abuses of, and illnesses consequent from, alcohol.** The boards of regents of the state's universities, the boards of trustees of the respective state colleges, and the boards of trustees of the respective community colleges, with the cooperation of the *state board for community college education, shall make available at some place of prominence within the premises of each campus educational materials on the abuses of alcohol in particular and the illnesses consequent therefrom in general: PROVIDED, That such materials shall be obtained from public or private organizations at no cost to the state. [1975 1st ex.s. c 164 s 2.]

***Reviser's note:** The state board for community college education was renamed the state board for community and technical colleges by 1991 c 238 s 30.

**Legislative recognition of community alcohol centers:** "The legislature recognizes the invaluable services performed by the community alcohol centers throughout the state, which centers would view making available such educational materials as referred to in section 2 of this act as a part of their community outreach education and preventive program and for which material no fees would be charged." [1975 1st ex.s. c 164 s 1.]

**RCW 28B.10.300 Acquisition, construction, equipping and betterment of lands, buildings and facilities at universities and The Evergreen State College—Authorized.** The boards of regents of the state universities and the boards of trustees of the regional universities and The Evergreen State College are severally authorized to:

(1) Enter into contracts with persons, firms or corporations for the construction, installation, equipping, repairing, renovating and betterment of buildings and facilities for the following:

(a) Dormitories

(b) Hospitals

(c) Infirmaries

(d) Dining halls

(e) Student activities

(f) Services of every kind for students, including, but not limited to, housing, employment, registration, financial aid, counseling, testing and offices of the dean of students

(g) Vehicular parking

(h) Student, faculty and employee housing and boarding;

(2) Purchase or lease lands and other appurtenances necessary for the construction and installation of such buildings and facilities and to purchase or lease lands with buildings and facilities constructed or installed thereon suitable for the purposes aforesaid;

(3) Lease to any persons, firms, or corporations such portions of the campus of their respective institutions as may be necessary for the construction and installation of buildings and facilities for the purposes aforesaid and the reasonable use thereof;

(4) Borrow money to pay the cost of the acquisition of such lands and of the construction, installation, equipping, repairing, renovating, and betterment of such buildings and facilities, including interest during construction and other incidental costs, and to issue revenue bonds or other evidence of indebtedness therefor, and to refinance the same before or at maturity and to provide for the amortization of such indebtedness from services and activities fees or from the rentals, fees, charges, and other income derived through the ownership, operation and use of such lands, buildings, and facilities and any other dormitory, hospital, infirmary, dining, student activities, student services, vehicular parking, housing or boarding building or facility at the institution;

(5) Contract to pay as rental or otherwise the cost of the acquisition of such lands and of the construction and installation of such buildings and facilities on the amortization plan; the contract not to run over forty years;

(6) Expend on the amortization plan services and activities fees and/or any part of all of the fees, charges, rentals, and other income derived from any or all revenue-producing lands, buildings, and facilities of their respective institutions, heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land or the appurtenances thereon, and to pledge such services and activities fees and/or the net income derived through the ownership, operation and use of any lands, buildings or facilities of the nature described in subsection (1) hereof for the payment of part or all of the rental, acquisition, construction, and installation, and the betterment, repair, and renovation or other contract charges, bonds or other evidence of indebtedness agreed to be paid on account of the acquisition, construction, installation or rental of, or the betterment, repair or renovation of, lands, buildings, facilities and equipment of the nature authorized by this section. [1977 ex.s. c 169 s 13; 1973 1st ex.s. c 130 s 1; 1969 ex.s. c 223 s 28B.10.300. Prior: 1967 ex.s. c 107 s 1; 1963 c 167 s 1; 1961 c 229 s 2; prior: (i) 1950 ex.s. c 17 s 1, part; 1947 c 64 s 1, part; 1933 ex.s. c 23 s 1, part; 1925 ex.s. c 91 s 1, part; Rem. Supp. 1947 s 4543-1, part. (ii) 1947 c 64 s 2, part; 1933 ex.s. c 23 s 2, part; 1925 ex.s. c 91 s 2, part; Rem. Supp. 1947 s 4543-2, part. Formerly RCW 28.76.180.]

**Severability——Nomenclature——Savings——1977 ex.s. c 169:** See notes following RCW 28B.10.016.

*Prior bonds validated: See 1961 c 229 s 10.*

**RCW 28B.10.305 Acquisition, construction, equipping and betterment of lands, buildings and facilities at universities and The Evergreen State College—Use of lands, buildings, and facilities.** The lands, buildings, facilities, and equipment acquired, constructed or installed for those purposes shall be used in the respective institutions primarily for:

(1) Dormitories

(2) Hospitals

(3) Infirmaries

(4) Dining halls

(5) Student activities

(6) Services of every kind for students, including, but not limited to housing, employment, registration, financial aid, counseling, testing and offices of the dean of students

(7) Vehicular parking

(8) Student, faculty and employee housing and boarding. [1969 ex.s. c 223 s 28B.10.305. Prior: 1967 ex.s. c 107 s 2; 1963 c 167 s 2; 1961 c 229 s 3; prior: 1950 ex.s. c 17 s 1, part; 1947 c 64 s 1, part; 1933 ex.s. c 23 s 1, part; 1925 ex.s. c 91 s 1, part; Rem. Supp. 1947 s 4543-1, part. Formerly RCW 28.76.190.]

**RCW 28B.10.310 Acquisition, construction, equipping and betterment of lands, buildings and facilities at universities and The Evergreen State College—Bonds—Sale, interest, form, payment, term, execution, negotiability, etc.** Each issue or series of such bonds: Shall be sold at such price and at such rate or rates of interest; may be serial or term bonds; may mature at such time or times in not to exceed forty years from date of issue; may be sold at public or private sale; may be payable both principal and interest at such place or places; may be subject to redemption prior to any fixed maturities; may be in such denominations; may be payable to bearer or to the purchaser or purchasers thereof or may be registrable as to principal or principal and interest as provided in RCW 39.46.030; may be issued under and subject to such terms, conditions, and covenants providing for the payment of the principal thereof and interest thereon, which may include the creation and maintenance of a reserve fund or account to secure the payment of such principal and interest and a provision that additional bonds payable out of the same source or sources may later be issued on a parity therewith, and such other terms, conditions, covenants, and protective provisions safeguarding such payment, all as determined and found necessary and desirable by said boards of regents or trustees. If found reasonably necessary and advisable, such boards of regents or trustees may select a trustee for the owners of each such issue or series of bonds and/or for the safeguarding and disbursements of the proceeds of their sale for the uses and purposes for which they were issued and, if such trustee or trustees are so selected, shall fix its or their rights, duties, powers, and obligations. The bonds of each such issue or series: Shall be executed on behalf of such universities or colleges by the president of the board of regents or the chair of the board of trustees, and shall be attested by the secretary or the treasurer of such board, one of which signatures may be a facsimile signature; and shall have the seal of such university or college impressed, printed, or lithographed thereon, and any interest coupons attached thereto shall be executed with the facsimile signatures of said officials. The

bonds of each such issue or series and any of the coupons attached thereto shall be negotiable instruments within the provisions and intent of the negotiable instruments law of this state even though they shall be payable solely from any special fund or funds. [2011 c 336 s 709; 1983 c 167 s 31; 1972 ex.s. c 25 s 1; 1970 ex.s. c 56 s 22; 1969 ex.s. c 232 s 96; 1969 ex.s. c 223 s 28B.10.310. Prior: 1961 c 229 s 7. Formerly RCW 28.76.192.]

**Liberal construction—Severability—1983 c 167:** See RCW 39.46.010 and note following.

**Purpose—1970 ex.s. c 56:** See note following RCW 39.52.020.

**Validation—Saving—Severability—1969 ex.s. c 232:** See notes following RCW 39.52.020.

**RCW 28B.10.315 Acquisition, construction, equipping and betterment of lands, buildings and facilities at universities and The Evergreen State College—Funding, refunding bonds.** Such boards of regents or trustees may from time to time provide for the issuance of funding or refunding revenue bonds to fund or refund at or prior to maturity any or all bonds of other indebtedness, including any premiums or penalties required to be paid to effect such funding or refunding, heretofore or hereafter issued or incurred to pay all or part of the cost of acquiring, constructing, or installing any lands, buildings, or facilities of the nature described in RCW 28B.10.300.

Such funding or refunding bonds and any coupons attached thereto shall be negotiable instruments within the provisions and intent of the negotiable instruments law of this state.

Such funding or refunding bonds may be exchanged for or applied to the payment of the bonds or other indebtedness being funded or refunded or may be sold in such manner and at such price, and at such rate or rates of interest as the boards of regents or trustees deem advisable, either at public or private sale.

The provisions of this chapter relating to the maturities, terms, conditions, covenants, interest rate, issuance, and sale of revenue bonds shall be applicable to such funding or refunding bonds except as may be otherwise specifically provided in this section. [1983 c 167 s 32; 1970 ex.s. c 56 s 23; 1969 ex.s. c 232 s 97; 1969 ex.s. c 223 s 28B.10.315. Prior: 1961 c 229 s 8. Formerly RCW 28.76.194.]

**Liberal construction—Severability—1983 c 167:** See RCW 39.46.010 and note following.

**Purpose—1970 ex.s. c 56:** See note following RCW 39.52.020.

**Validation—Saving—Severability—1969 ex.s. c 232:** See notes following RCW 39.52.020.

**RCW 28B.10.320 Acquisition, construction, equipping and betterment of lands, buildings and facilities at universities and The Evergreen State College—Authority to be liberally construed—Future acquisitions and installations may be pledged for payment.** The authority granted in RCW 28B.10.300 through 28B.10.330 and 28B.15.220

shall be liberally construed and shall apply to all lands, buildings, and facilities of the nature described in RCW 28B.10.300 heretofore or hereafter acquired, constructed, or installed and to any rentals, contract obligations, bonds or other indebtedness heretofore or hereafter issued or incurred to pay part or all of the cost thereof, and shall include authority to pledge for the amortization plan the net income from any and all existing and future lands, buildings and facilities of the nature described in RCW 28B.10.300 whether or not the same were originally financed hereunder or under predecessor statutes. [1969 ex.s. c 223 s 28B.10.320. Prior: 1961 c 229 s 9. Formerly RCW 28.76.196.]

**RCW 28B.10.325 Acquisition, construction, equipping and betterment of lands, buildings and facilities at universities and The Evergreen State College—Rate of interest on obligations.** The rate or rates of interest on the principal of any obligation made or incurred under the authority granted in RCW 28B.10.300 shall be as authorized by the board of regents or trustees. [1970 ex.s. c 56 s 24; 1969 ex.s. c 232 s 98; 1969 ex.s. c 223 s 28B.10.325. Prior: 1961 c 229 s 4; prior: 1950 ex.s. c 17 s 1, part; 1947 c 64 s 1, part; 1933 ex.s. c 23 s 1, part; 1925 ex.s. c 91 s 1, part; Rem. Supp. 1947 s 4353-1, part. Formerly RCW 28.76.200.]

**Purpose—1970 ex.s. c 56:** See note following RCW 39.52.020.

**Validation—Saving—Severability—1969 ex.s. c 232:** See notes following RCW 39.52.020.

**RCW 28B.10.330 Acquisition, construction, equipping and betterment of lands, buildings and facilities at universities and The Evergreen State College—Nonliability of state.** The state shall incur no liability by reason of the exercise of the authority granted in RCW 28B.10.300. [1969 ex.s. c 223 s 28B.10.330. Prior: 1961 c 229 s 5; prior: 1950 ex.s. c 17 s 1, part; 1947 c 64 s 1, part; 1933 ex.s. c 23 s 1, part; 1925 ex.s. c 91 s 1, part; Rem. Supp. 1947 s 4543-1, part. Formerly RCW 28.76.210.]

**RCW 28B.10.335 Validation of prior bond issues.** All terms, conditions, and covenants, including the pledges of student activity fees, student use fees and student building use fees, special student fees or any similar fees charged to all full time students, or to all students, as the case may be, registering at the state's colleges and universities, contained in all bonds heretofore issued to pay all or part of the cost of acquiring, constructing or installing any lands, buildings, or facilities of the nature described in RCW 28B.10.300 are hereby declared to be lawful and binding in all respects. [1973 1st ex.s. c 130 s 3.]

**RCW 28B.10.350 Construction work, remodeling, or demolition—Public bid—Exemption—Waiver—Prevailing rate of wage—Universities and The Evergreen State College.** (1) When the cost to The Evergreen State College or any regional or state university of any building,

construction, renovation, remodeling, or demolition, other than maintenance or repairs, will equal or exceed the sum of $110,000, or $90,000 if the work involves one trade or craft area, complete plans and specifications for the work shall be prepared, the work shall be put out for public bid, and the contract shall be awarded to the responsible bidder who submits the lowest responsive bid.

(2) Any building, construction, renovation, remodeling, or demolition project that exceeds the dollar amounts in subsection (1) of this section is subject to the provisions of chapter 39.12 RCW.

(3) The Evergreen State College or any regional or state university may require a project to be put to public bid even when it is not required to do so under subsection (1) of this section. Any project publicly bid under this subsection is subject to the provisions of chapter 39.12 RCW.

(4) Where the estimated cost of any building, construction, renovation, remodeling, or demolition is less than $110,000 or the contract is awarded by the small works roster procedure authorized in RCW 39.04.151 through 39.04.154, the publication requirements of RCW 39.04.020 do not apply.

(5) In the event of any emergency when the public interest or property of The Evergreen State College or a regional or state university would suffer material injury or damage by delay, the president of such college or university may declare the existence of an emergency and, reciting the facts constituting the same, may waive the requirements of this section with reference to any contract in order to correct the condition causing the emergency. For the purposes of this section, "emergency" means a condition likely to result in immediate physical injury to persons or to property of the college or university in the absence of prompt remedial action or a condition which immediately impairs the institution's ability to perform its educational obligations.

(6) This section does not apply when a contract is awarded by the small works roster procedure authorized in RCW 39.04.151 through 39.04.154 or under any other procedure authorized for an institution of higher education. [2023 c 395 s 18; 2023 c 97 s 1; 2009 c 229 s 2; 2007 c 495 s 1; 2001 c 38 s 1; 2000 c 138 s 202; 1993 c 379 s 109; 1985 c 152 s 1; 1979 ex.s. c 12 s 1; 1977 ex.s. c 169 s 14; 1971 ex.s. c 258 s 1.]

**Reviser's note:** This section was amended by 2023 c 97 s 1 and by 2023 c 395 s 18, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

**Effective date—2023 c 395 ss 1-30, 32-34, 36, and 37:** See note following RCW 39.04.010.

**Findings—Intent—2023 c 395:** See note following RCW 39.04.010.

**Purpose—Part headings not law—2000 c 138:** See notes following RCW 39.04.010.

**Intent—Severability—Effective date—1993 c 379:** See notes following RCW 28B.10.029.

**Severability—1979 ex.s. c 12:** "If any provision of this act or its application to any person or circumstance is held invalid, the

remainder of the act or the application of the provision to other persons or circumstances is not affected." [1979 ex.s. c 12 s 3.]

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**Severability—1971 ex.s. c 258:** "If any provision of this 1971 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1971 ex.s. c 258 s 3.]

*Subcontractors to be identified by bidder, when: RCW 39.30.060.*

**RCW 28B.10.354 High-performance public buildings requirements.** Institutions of higher education must comply with high-performance public building[s] requirements under RCW 39.35D.010 through 39.35D.030 and 39.35D.060. [2005 c 12 s 8.]

**RCW 28B.10.360 Educational and career opportunities in the military, student access to information on, when.** If a public institution of higher education provides access to the campus and the student information directory to persons or groups which make students aware of occupational or educational options, the institution of higher education shall provide access on the same basis to official recruiting representatives of the military forces of the state and the United States for the purpose of informing students of educational and career opportunities available in the military. [1980 c 96 s 2.]

**RCW 28B.10.365 Early course registration period—Service members.** (1) Beginning in the 2024-25 academic year, institutions of higher education that offer an early course registration period for any segment of the student population must have a process in place to offer students who are eligible veterans, national guard members, active duty military members, and their spouses, domestic partners, and dependents early course registration as follows:

(a) New students who are eligible under this subsection and who have completed all of their admission processes must be offered an early course registration period; and

(b) Continuing and returning former students who are eligible under this subsection and who have met current enrollment requirements must be offered early course registration among continuing students with the same level of class standing or credit as determined by the attending institution and according to institutional policies.

(2) For purposes of this section, "eligible veterans or national guard members" has the same meaning as in RCW 28B.15.621. [2024 c 89 s 1.]

**RCW 28B.10.400 Annuities and retirement income plans—Authorized.** (1) The boards of regents of the state universities, the boards of trustees of the regional universities and of The Evergreen

State College, the state board for community and technical colleges, and the student achievement council are authorized and empowered:

(a) To assist the faculties and such other employees exempt from civil service pursuant to RCW 41.06.070 (1)(z) and (2) as any such board may designate in the purchase of old age annuities or retirement income plans under such rules as any such board may prescribe, subject to the restrictions in subsection (2) of this section. County agricultural agents, home demonstration agents, 4-H club agents, and assistant county agricultural agents paid jointly by the Washington State University and the several counties shall be deemed to be full-time employees of the Washington State University for the purposes of this section;

(b) To provide, under such rules as any such board may prescribe for the faculty members or other employees exempt from civil service pursuant to RCW 41.06.070 (1)(z) and (2) under its supervision, for the retirement of any such faculty member or other exempt employee on account of age or condition of health, retirement on account of age to be not earlier than the sixty-fifth birthday: PROVIDED, That such faculty member or such other exempt employee may elect to retire at the earliest age specified for retirement by federal social security law: PROVIDED FURTHER, That any supplemental payment authorized by (c) of this subsection and paid as a result of retirement earlier than age sixty-five shall be at an actuarially reduced rate; and shall be provided only to those persons who participate in an annuity or retirement income plan under (a) of this subsection prior to July 1, 2011;

(c) To pay only to those persons who participate in an annuity or retirement income plan under (a) of this subsection prior to July 1, 2011, or to his or her designated beneficiary(s), each year after his or her retirement, a supplemental amount which, when added to the amount of such annuity or retirement income plan, or retirement income benefit pursuant to RCW 28B.10.415, received by the retired person or the retired person's designated beneficiary(s) in such year, will not exceed fifty percent of the average annual salary paid to such retired person for his or her highest two consecutive years of full-time service under an annuity or retirement income plan established pursuant to (a) of this subsection at an institution of higher education: PROVIDED, HOWEVER, That if such retired person prior to retirement elected a supplemental payment survivors option, any such supplemental payments to such retired person or the retired person's designated beneficiary(s) shall be at actuarially reduced rates: PROVIDED FURTHER, That if a faculty member or other employee of an institution of higher education who is a participant in a retirement plan authorized by this section dies, or has died before retirement but after becoming eligible for retirement on account of age, the designated beneficiary(s) shall be entitled to receive the supplemental payment authorized by this subsection to which such designated beneficiary(s) would have been entitled had said deceased faculty member or other employee retired on the date of death after electing a supplemental payment survivors option: PROVIDED FURTHER, That for the purpose of this subsection, the designated beneficiary(s) shall be (i) the surviving spouse of the retiree; or, (ii) with the written consent of such spouse, if any, such other person or persons as shall have an insurable interest in the retiree's life and shall have been nominated by written designation duly executed and filed with the retiree's institution of higher education.

(2) Boards are prohibited from offering a purchased annuity or retirement income plan authorized under this section to employees hired on or after July 1, 2011, who have retired or are eligible to retire from a public employees' retirement system described in RCW 41.50.030. The student achievement council shall only offer participation in a purchased annuity or retirement income plan authorized under this section to employees who have previously contributed premiums to a similar qualified plan.

(3) During the 2011 legislative interim, the select committee on pension policy shall evaluate the suitability and necessity of the annuity and retirement plans authorized under this chapter for employees in various positions within higher education institutions. The select committee shall report its findings, including any recommendations for restrictions on future plan membership, to the ways and means committees of the house of representatives and the senate no later than December 31, 2011. [2012 c 229 s 512; 2011 1st sp.s. c 47 s 2; 2010 c 21 s 1; 1979 ex.s. c 259 s 1; 1977 ex.s. c 169 s 15; 1975 1st ex.s. c 212 s 1; 1973 1st ex.s. c 149 s 1; 1971 ex.s. c 261 s 1; 1969 ex.s. c 223 s 28B.10.400. Prior: 1965 c 54 s 2; 1957 c 256 s 1; 1955 c 123 s 1; 1947 c 223 s 1; 1943 c 262 s 1; 1937 c 223 s 1; Rem. Supp. 1947 s 4543-11. Formerly RCW 28.76.240.]

**Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Intent—2011 1st sp.s. c 47:** "The legislature intends that the retirement and annuity programs of the state's institutions of higher education be revised for future participants to reflect changes that have already occurred in state pension plans. The legislature intends also that newly hired employees who are eligible for participation in an annuity or retirement income plan offered by a higher education institution have an opportunity to participate in either (1) that plan without a supplemental benefit under RCW 28B.10.400(1)(c), or (2) the public employees' retirement system plan 3 or the teachers' retirement system plan 3. Plan 3 provides a combination of defined contribution and defined benefit pension, which will be available for newly hired employees. Further, the legislature intends that effective July 1, 2011, state funding for annuity or retirement income plans under RCW 28B.10.400 will not exceed six percent of salary. The legislature also intends to reduce the expanded postretirement employment provisions for members of the public employees' retirement system plan 1 and the teachers' retirement system plan 1 that were temporarily expanded due to the shortage of qualified workers in particular teaching and public employment categories, and eliminate postretirement employment exceptions that existed for annuity or retirement income plan-covered positions that have been the subject of abuse." [2011 1st sp.s. c 47 s 1.]

**Effective dates—2011 1st sp.s. c 47:** "Except for sections 10 and 19 of this act which take effect January 1, 2012, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2011." [2011 1st sp.s. c 47 s 23.]

**Effective date—1979 ex.s. c 259:** "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately." [1979 ex.s. c 259 s 5.]

**Severability—1979 ex.s. c 259:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1979 ex.s. c 259 s 4.]

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**Severability—1973 1st ex.s. c 149:** "If any provision of this 1973 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1973 1st ex.s. c 149 s 9.]

**Appropriation—1973 1st ex.s. c 149:** "The sum of $1,611,650 is hereby appropriated from the general fund for the purpose of carrying out this 1973 amendatory act, to be allocated by the governor to the institutions of higher education." [1973 1st ex.s. c 149 s 10.]

**Effective date—1973 1st ex.s. c 149:** "This 1973 amendatory act shall take effect on July 1, 1974." [1973 1st ex.s. c 149 s 11.]

**Severability—1971 ex.s. c 261:** "If any provision of this 1971 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1971 ex.s. c 261 s 7.]

**RCW 28B.10.401 Assumptions to be applied when establishing supplemental payment under RCW 28B.10.400(3).** The boards of regents of the state universities, the boards of trustees of the state colleges, and the *state board for community college education, when establishing the amount of supplemental payment under **RCW 28B.10.400(3) as now or hereafter amended, shall apply the following assumptions:

(1) That the faculty member or such other employee at the time of retirement elected a joint and two-thirds survivor option on their annuity or retirement income plan using actual ages, but not exceeding a five-year age difference if married, or an actuarial equivalent option if single, which represents accumulations including all dividends from all matching contributions and any benefit that such faculty member is eligible to receive from any Washington state public retirement plan while employed at an institution of higher education;

(2) That on and after July 1, 1974, matching contributions were allocated equally between a fixed dollar and a variable dollar annuity;

(3) That for each year after age fifty, the maximum amount of contributions pursuant to RCW 28B.10.410 as now or hereafter amended be contributed toward the purchase of such annuity or retirement income plan, otherwise three-fourths of the formula described in RCW

28B.10.415, as now or hereafter amended, shall be applied. [1979 ex.s. c 259 s 3.]

**Reviser's note:** *(1) The state board for community college education was renamed the state board for community and technical colleges by 1991 c 238 s 30.

**(2) RCW 28B.10.400 was amended by 2011 1st sp.s. c 47 s 2, changing subsection (3) to subsection (1)(c).

**Effective date—Severability—1979 ex.s. c 259:** See notes following RCW 28B.10.400.

**RCW 28B.10.405 Annuities and retirement income plans—Contributions by faculty and employees.** Members of the faculties and such other employees exempt from civil service pursuant to RCW 41.06.070 (1)(z) and (2) as are designated by the boards of regents of the state universities, the boards of trustees of the regional universities and of The Evergreen State College, the student achievement council, or the state board for community and technical colleges who do not opt to become members of the teachers' retirement system or the public employees' retirement system under RCW 41.32.836 or 41.40.798, or who are not prevented from participation in an annuity or retirement plan under RCW 28B.10.400(2) shall be required to contribute not less than five percent of their salaries during each year of full-time service after the first two years of such service toward the purchase of such annuity or retirement income plan; such contributions may be in addition to federal social security tax contributions, if any. [2012 c 229 s 513; 2011 1st sp.s. c 47 s 3; 1977 ex.s. c 169 s 16; 1973 1st ex.s. c 149 s 2; 1971 ex.s. c 261 s 2; 1969 ex.s. c 223 s 28B.10.405. Prior: 1955 c 123 s 2; 1947 c 223 s 2; Rem. Supp. 1947 s 4543-12. Formerly RCW 28.76.250.]

**Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Intent—Effective dates—2011 1st sp.s. c 47:** See notes following RCW 28B.10.400.

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**Severability—Appropriation—Effective date—1973 1st ex.s. c 149:** See notes following RCW 28B.10.400.

**Severability—1971 ex.s. c 261:** See note following RCW 28B.10.400.

**RCW 28B.10.407 Annuities and retirement income plans—Credit for authorized leaves of absence without pay.** (1) A faculty member or other employee designated by the boards of regents of the state universities, the boards of trustees of the regional universities and The Evergreen State College, or the *state board for community college education who is granted an authorized leave of absence without pay

may apply the period of time while on the leave in the computation of benefits in any annuity and retirement plan authorized under RCW 28B.10.400 through 28B.10.430 only to the extent provided in subsection (2) of this section.

(2) An employee who is eligible under subsection (1) of this section may receive a maximum of two years' credit during the employee's entire working career for periods of authorized leave without pay. Such credit may be obtained only if the employee pays both the employer and employee contributions required under RCW 28B.10.405 and 28B.10.410 while on the authorized leave of absence and if the employee returns to employment with the university or college immediately following the leave of absence for a period of not less than two years. The employee and employer contributions shall be based on the average of the employee's compensation at the time the leave of absence was authorized and the time the employee resumes employment. Any benefit under **RCW 28B.10.400(3) shall be based only on the employee's compensation earned from employment with the university or college.

An employee who is inducted into the armed forces of the United States shall be deemed to be on an unpaid, authorized leave of absence. [1987 c 448 s 1.]

**Reviser's note:** *(1) The state board for community college education was renamed the state board for community and technical colleges by 1991 c 238 s 30.

**(2) RCW 28B.10.400 was amended by 2011 1st sp.s. c 47 s 2, changing subsection (3) to subsection (1)(c).

**RCW 28B.10.409 Annuities and retirement income plans—Membership while serving as state legislator.** (1) On or after January 1, 1997, any employee who is on leave of absence from an institution in order to serve as a state legislator may elect to continue to participate in any annuity or retirement plan authorized under RCW 28B.10.400 during the period of such leave.

(2) The institution shall pay the employee's salary attributable to legislative service and shall match the employee's retirement plan contributions based on the salary for the leave period. The state legislature shall reimburse the institution for the salary and employer contributions covering the leave period.

(3) "Institution" for purposes of this section means any institution or entity authorized to provide retirement benefits under RCW 28B.10.400. [1997 c 123 s 2.]

**RCW 28B.10.410 Annuities and retirement income plans—Limitation on institution's contribution.** The boards of regents of the state universities, the boards of trustees of the regional universities and of The Evergreen State College, the student achievement council, or the state board for community and technical colleges shall pay not more than one-half of the annual premium of any annuity or retirement income plan established under the provisions of RCW 28B.10.400. Such contribution shall not exceed ten percent of the salary of the faculty member or other employee on whose behalf the contribution is made. This contribution may be in addition to federal social security tax contributions made by the boards, if any. [2012 c 229 s 514; 2011 1st sp.s. c 47 s 4; 1977 ex.s. c 169 s 17; 1973 1st ex.s. c 149 s 3; 1971

ex.s. c 261 s 3; 1969 ex.s. c 223 s 28B.10.410. Prior: 1955 c 123 s 3; 1947 c 223 s 3; Rem. Supp. 1947 s 4543-13. Formerly RCW 28.76.260.]

**Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Intent—Effective dates—2011 1st sp.s. c 47:** See notes following RCW 28B.10.400.

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**Severability—Appropriation—Effective date—1973 1st ex.s. c 149:** See notes following RCW 28B.10.400.

**Severability—1971 ex.s. c 261:** See note following RCW 28B.10.400.

**RCW 28B.10.415 Annuities and retirement income plans—Limitation on annuity or retirement income plan payment.** The boards of regents of the state universities, the boards of trustees of the regional universities and of The Evergreen State College, the student achievement council, or the state board for community and technical colleges shall not pay any amount to be added to the annuity or retirement income plan of any retired person who was first hired on or after July 1, 2011, or who has served for less than ten years in one or more of the state institutions of higher education. In the case of persons who have served more than ten years but less than twenty-five years no amount shall be paid in excess of four percent of the amount authorized in RCW 28B.10.400(1)(c), multiplied by the number of years of full-time service rendered by such person: PROVIDED, That credit for years of service at an institution of higher education shall be limited to those years in which contributions were made by a faculty member or other employee designated pursuant to RCW 28B.10.400(1)(a) and the institution or the state as a result of which a benefit is being received by a retired person from any Washington state public retirement plan: PROVIDED FURTHER, That all such benefits that a retired person is eligible to receive shall reduce any supplementation payments provided for in RCW 28B.10.400. [2012 c 229 s 515; 2011 1st sp.s. c 47 s 5; 1979 ex.s. c 259 s 2; 1977 ex.s. c 169 s 18; 1973 1st ex.s. c 149 s 4; 1971 ex.s. c 261 s 4; 1969 ex.s. c 223 s 28B.10.415. Prior: 1955 c 123 s 4; 1947 c 223 s 4; Rem. Supp. 1947 s 4543-14. Formerly RCW 28.76.270.]

**Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Intent—Effective dates—2011 1st sp.s. c 47:** See notes following RCW 28B.10.400.

**Effective date—Severability—1979 ex.s. c 259:** See notes following RCW 28B.10.400.

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**Severability—Appropriation—Effective date—1973 1st ex.s. c 149:** See notes following RCW 28B.10.400.

**Severability—1971 ex.s. c 261:** See note following RCW 28B.10.400.

**RCW 28B.10.417 Annuities and retirement income plans—Rights and duties of faculty or employees with Washington state teachers' retirement system credit—Regional universities and The Evergreen State College.** (1) This section applies only to those persons who are first employed by a higher education institution in a position eligible for participation in an annuity or retirement program under RCW 28B.10.400 prior to July 1, 2011.

(2) A faculty member or other employee exempt from civil service pursuant to RCW 41.06.070 (1)(z) and (2) designated by the board of trustees of the applicable regional university or of The Evergreen State College as being subject to an annuity or retirement income plan and who, at the time of such designation, is a member of the Washington state teachers' retirement system, shall retain credit for such service in the Washington state teachers' retirement system and, except as provided in subsection (3) of this section, shall leave his or her accumulated contributions in the teachers' retirement fund. Upon his or her attaining eligibility for retirement under the Washington state teachers' retirement system, such faculty member or other employee shall receive from the Washington state teachers' retirement system a retirement allowance consisting of an annuity which shall be the actuarial equivalent of his or her accumulated contributions at his or her age when becoming eligible for such retirement and a pension for each year of creditable service established and retained at the time of said designation as provided in RCW 41.32.497. Anyone who on July 1, 1967, was receiving pension payments from the teachers' retirement system based on thirty-five years of creditable service shall thereafter receive a pension based on the total years of creditable service established with the retirement system: PROVIDED, HOWEVER, That any such faculty member or other employee exempt from civil service pursuant to RCW 41.06.070 (1)(z) and (2) who, upon attainment of eligibility for retirement under the Washington state teachers' retirement system, is still engaged in public educational employment, shall not be eligible to receive benefits under the Washington state teachers' retirement system until he or she ceases such public educational employment. Any retired faculty member or other employee who enters service in any public educational institution shall cease to receive pension payments while engaged in such service: PROVIDED FURTHER, That such service may be rendered up to seventy-five days in a school year without reduction of pension.

(3) A faculty member or other exempt employee designated by the board of trustees of the applicable regional university or of The Evergreen State College as being subject to the annuity and retirement income plan and who, at the time of such designation, is a member of the Washington state teachers' retirement system may, at his or her election and at any time, on and after midnight June 10, 1959,

terminate his or her membership in the Washington state teachers' retirement system and withdraw his or her accumulated contributions and interest in the teachers' retirement fund upon written application to the board of trustees of the Washington state teachers' retirement system. Faculty members or other employees who withdraw their accumulated contributions, on and after the date of withdrawal of contributions, shall no longer be members of the Washington state teachers' retirement system and shall forfeit all rights of membership, including pension benefits, theretofore acquired under the Washington state teachers' retirement system. [2015 c 225 s 28; 2011 1st sp.s. c 47 s 6; 1977 ex.s. c 169 s 19; 1971 ex.s. c 261 s 5.]

**Intent—Effective dates—2011 1st sp.s. c 47:** See notes following RCW 28B.10.400.

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**Severability—1971 ex.s. c 261:** See note following RCW 28B.10.400.

**RCW 28B.10.420 Annuities and retirement income plans—Retirement at age seventy—Reemployment, conditions when.** (1) Except as provided otherwise in subsection (2) of this section, faculty members or other employees designated by the boards of regents of the state universities, the boards of trustees of the regional universities or of The Evergreen State College, or the *state board for community college education pursuant to RCW 28B.10.400 through 28B.10.420 as now or hereafter amended shall be retired from their employment with their institutions of higher education not later than the end of the academic year next following their seventieth birthday.

(2) As provided in this subsection, the board of regents of a state university, the board of trustees of a regional university or The Evergreen State College, or the *state board for community college education may reemploy any person who is "retired" pursuant to subsection (1) of this section, who applies for reemployment and who has reached seventy years of age on or after July 1, 1970. The following provisions shall govern such reemployment:

(a) Prior to the reemployment, the board of regents, board of trustees, or state board shall have found that the person possesses outstanding qualifications which in the judgment of the board would permit the person to continue valuable service to the institution.

(b) The period of reemployment shall not be counted as service under, or result in any eligibility for benefits or increased benefits under, any state authorized or supported annuity or retirement income plan. Reemployment shall not result in the reemployed person or employer making any contributions to any such plan.

(c) No person may be reemployed on a full time basis if such person is receiving benefits under any state authorized or supported annuity or retirement income plan. The reemployment of any person on a full time basis shall be immediately terminated upon the person's obtaining of any such benefits.

(d) A person may be reemployed on a part time basis and receive or continue to receive any benefits for which such person is eligible under any state authorized or supported annuity or retirement income

plan. Such part time work, however, shall not exceed forty percent of full time employment during any year.

(e) A person reemployed pursuant to this section shall comply with all conditions of reemployment and all rules providing for the administration of this subsection which are prescribed or adopted by the board of regents, or board of trustees, or by the *state board for community college education. [1979 c 14 s 1. Prior: 1977 ex.s. c 276 s 1; 1977 ex.s. c 169 s 20; 1973 1st ex.s. c 149 s 5; 1969 ex.s. c 223 s 28B.10.420; prior: 1947 c 223 s 5; Rem. Supp. 1947 s 4543-14a. Formerly RCW 28.76.280.]

***Reviser's note:** The state board for community college education was renamed the state board for community and technical colleges by 1991 c 238 s 30.

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**Severability—Appropriation—Effective date—1973 1st ex.s. c 149:** See notes following RCW 28B.10.400.

*Retirement, earliest age allowable: RCW 28B.10.400.*

*"State universities," "regional universities," "state college," "institutions of higher education," and "postsecondary institutions" defined: RCW 28B.10.016.*

**RCW 28B.10.423 Annuities and retirement income plans—Limit on retirement income—Adjustment of rates—Limitation of state funding—Actuarial valuation of supplemental benefit plans.** (1) For employees who are first employed by an institution of higher education in a position eligible for participation in an old age annuities or retirement income plan under this chapter prior to July 1, 2011, it is the intent of RCW 28B.10.400, 28B.10.405, 28B.10.410, 28B.10.415, and 28B.10.420 and this section that the retirement income resulting from the contributions described herein from the state of Washington and the employee shall be projected actuarially so that it shall not exceed sixty percent of the average of the highest two consecutive years salary. Periodic review of the retirement systems established pursuant to RCW 28B.10.400, 28B.10.405, 28B.10.410, 28B.10.415, and 28B.10.420 and this section will be undertaken at such time and in such manner as determined by the committees on ways and means of the senate and of the house of representatives, the select committee on pension policy, and the pension funding council, and joint contribution rates will be adjusted if necessary to accomplish this intent.

(2) Beginning July 1, 2011, state funding for annuity or retirement income plans under RCW 28B.10.400 shall not exceed six percent of salary. The state board for community and technical colleges and the student achievement council are exempt from the provisions of this subsection (2).

(3) By June 30, 2013, and every two years thereafter, each institution of higher education that is responsible for payment of supplemental amounts under RCW 28B.10.400(1)(c) shall contract with the state actuary under chapter 41.44 RCW for an actuarial valuation of their supplemental benefit plan. By June 30, 2013, and at least

once every six years thereafter, each institution shall also contract with the state actuary under chapter 41.44 RCW for an actuarial experience study of the mortality, service, compensation, and other experience of the annuity or retirement income plans created in this chapter, and into the financial condition of each system. At the discretion of the state actuary, the valuation or experience study may be performed by the state actuary or by an outside actuarial firm under contract to the office of the state actuary. Each institution of higher education is required to provide the data and information required for the performance of the valuation or experience study to the office of the state actuary or to the actuary performing the study on behalf of the state actuary. The state actuary may charge each institution for the actual cost of the valuation or experience study through an interagency agreement. Upon completion of the valuation or experience study, the state actuary shall provide copies of the study to the institution of higher education and to the select committee on pension policy and the pension funding council.

(4)(a) From January 1, 2012, through June 30, 2013, an employer contribution rate of one-quarter of one percent of salary is established to begin prefunding the unfunded future obligations of the supplemental benefit established in RCW 28B.10.400.

(b) Beginning July 1, 2013, an employer contribution rate of one-half of one percent of salary is established to prefund the unfunded future obligations of the supplemental benefit established in RCW 28B.10.400.

(c)(i) Beginning July 1, 2020, the employer contribution rates for each state institution of higher education are as follows:

University of Washington: 0.38 percent
Washington State University: 0.30 percent
Western Washington University: 0.21 percent
Eastern Washington University: 0.28 percent
Central Washington University: 0.28 percent
The Evergreen State College: 0.23 percent
State board for community and technical colleges: 0.13 percent

(ii) The contribution rates established in this section may be changed by rates adopted by the pension funding council beginning July 1, 2021, consistent with (e) of this subsection.

(iii) The rates in this subsection (4) are subject to the limit established in subsection (2) of this section.

(d) Consistent with chapter 41.50 RCW, the department of retirement systems shall collect the employer contribution rates established in this section from each state institution of higher education, and deposit those contributions into the higher education retirement plan supplemental benefit fund under RCW 41.50.075(6). The contributions made by each employer into the higher education retirement plan supplemental benefit fund and the earnings on those contributions shall be accounted for separately within the fund.

(e) Following the completion and review of the actuarial valuations and experience study conducted pursuant to subsection (3) of this section, the pension funding council may, by July 31, 2020, and every two years thereafter, adopt and make changes to the employer contribution rates established in this subsection consistent with the procedures established in chapter 41.45 RCW. If the actuarial valuations of the higher education retirement plans of each institution contributing to the higher education retirement plan supplemental benefit fund suggest that different contribution rates are appropriate for each institution, different rates may be adopted.

Rates adopted by the pension funding council are subject to revision by the legislature.

(f)(i) The rates adopted by the pension funding council must be designed to keep the cost of the higher education retirement plan supplemental benefits at a more level percentage of pay than a pay-as-you-go method. This more level percentage of pay of costs means a combination of the cost of supplemental benefits paid by the institution directly, plus the cost of contributions to the higher education retirement plan supplemental benefit fund. Contributions shall continue until the projected value of the funds equals the projected cost of future benefits for the institution.

(ii) Funds are anticipated to be accumulated in the higher education retirement plan supplemental benefit fund, and not expended on benefits until approximately the year 2035.

(iii) The pension funding council, in consultation with the state actuary, may choose and occasionally revise, a funding method designed to achieve these objectives. [2020 c 103 s 2; 2012 c 229 s 516; 2011 1st sp.s. c 47 s 7; 1973 1st ex.s. c 149 s 8.]

**Findings—Intent—2020 c 103:** "(1) The legislature finds that:

(a) Chapter 47, Laws of 2011 1st sp. sess. (Engrossed Substitute House Bill No. 1981) established a framework to allow the state's institutions of higher education to begin funding the unfunded portion of the defined benefit component of the higher education retirement plans.

(b) Moneys in the fund are being invested in short-term assets with low rates of return because there is no stated or clear pathway for when these funds will be used to pay benefits and that a stated strategy would allow these funds to be invested at a higher rate of return.

(c) The first actuarial analysis of the plans was completed in 2016, which provided information about projected future costs and potential institution specific rates that would allow benefits to be paid from the fund beginning in 2035.

(2) Therefore, the legislature intends the following:

(a) To establish institution specific contribution rates for each institutions of higher education supplemental benefit plan;

(b) The pension funding council will adjust the institution specific rates periodically based on updated experience and actuarial analyses to maintain progress towards funding the actuarial liabilities of each institution and to allow payment from the funds by 2035;

(c) Future contribution rates represent the cost of paying on a combined prefunded and pay-as-you-go basis in a way that reduces the year-to-year changes in cost that the higher education retirement plan supplemental benefit has under current law;

(d) The department of retirement systems assumes responsibility for administering the higher education retirement plan supplemental benefit fund when sufficient assets have been accumulated, as determined by the pension funding council;

(e) When sufficient funding has been accumulated to begin making benefit payments that the payments be made solely from that institution's portion of the higher education retirement plan supplemental benefit fund;

(f) That moneys in the fund be invested in a way to maximize returns." [2020 c 103 s 1.]

**Effective date—2020 c 103:** "This act takes effect July 1, 2020." [2020 c 103 s 8.]

**Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Intent—Effective dates—2011 1st sp.s. c 47:** See notes following RCW 28B.10.400.

**Severability—Appropriation—Effective date—1973 1st ex.s. c 149:** See notes following RCW 28B.10.400.

**RCW 28B.10.425 Additional pension for certain retired university faculty members or employees.** Retired faculty members or employees of the University of Washington or Washington State University, who have reached age sixty-five or are disabled from further service as of June 10, 1971, who at the time of retirement or disability were not eligible for federal old age, survivors, or disability benefit payments (social security), and who are receiving retirement income on July 1, 1970 pursuant to RCW 28B.10.400, shall, upon application approved by the board of regents of the institution retired from, receive an additional pension of three dollars per month for each year of full time service at such institution, including military leave. For periods of service that are less than full time service, the monthly rate of the pension shall be prorated accordingly to include such periods of service. [1971 ex.s. c 76 s 1.]

**RCW 28B.10.430 Annuities and retirement income plans—Minimum monthly benefit—Computation.** (1) This section applies only to those persons who are first employed by an institution of higher education in a position eligible for participation in an old age annuities or retirement income plan under this chapter prior to July 1, 2011.

(2) For any person receiving a monthly benefit pursuant to a program established under RCW 28B.10.400, the pension portion of such benefit shall be the sum of the following amounts:

(a) One-half of the monthly benefit payable under such program by a life insurance company; and

(b) The monthly equivalent of the supplemental benefit described in RCW 28B.10.400(1)(c).

(3) Notwithstanding any provision of law to the contrary, effective July 1, 1979, no person receiving a monthly benefit pursuant to RCW 28B.10.400 shall receive, as the pension portion of that benefit, less than ten dollars per month for each year of service creditable to the person whose service is the basis of the benefit. Portions of a year shall be treated as fractions of a year and the decimal equivalent shall be multiplied by ten dollars. Where the benefit was adjusted at the time benefit payments to the beneficiary commenced, the minimum pension provided in this section shall be adjusted in a manner consistent with that adjustment.

(4) Notwithstanding any provision of law to the contrary, effective July 1, 1979, the monthly benefit of each person who commenced receiving a monthly benefit under this chapter as of a date

no later than July 1, 1974, shall be permanently increased by a post-retirement adjustment. Such adjustment shall be calculated as follows:

(a) Monthly benefits to which this subsection and subsection (3) of this section are both applicable shall be determined by first applying subsection (3) of this section and then applying this subsection. The institution shall determine the total years of creditable service and the total dollar benefit base accrued as of December 31, 1978, except that this determination shall take into account only those persons to whom this subsection applies;

(b) The institution shall multiply the total benefits determined in (a) of this subsection by six percent and divide the dollar value thus determined by the total service determined in (a) of this subsection. The resultant figure shall then be a post-retirement increase factor which shall be applied as specified in (c) of this subsection;

(c) Each person to whom this subsection applies shall receive an increase which is the product of the factor determined in (b) of this subsection multiplied by the years of creditable service. [2011 1st sp.s. c 47 s 8; 1979 ex.s. c 96 s 5.]

**Intent—Effective dates—2011 1st sp.s. c 47:** See notes following RCW 28B.10.400.

**RCW 28B.10.431 Annuities and retirement income plans—Monthly benefit—Post-retirement adjustment—Computation.** Notwithstanding any provision of law to the contrary, effective July 1, 1983, the monthly benefit of each person who either is receiving a benefit pursuant to a program established under RCW 28B.10.400 for their service as of July 1, 1978, or commenced receiving a monthly benefit as a surviving spouse or written designated beneficiary with an insurable interest in the retiree as of a date no later than December 31, 1982, shall be permanently increased by a post-retirement adjustment of $.74 per month for each year of creditable service the faculty member or employee established with the annuity or retirement income plan. Any fraction of a year of service shall be counted in the computation of the post-retirement adjustment. [1983 1st ex.s. c 56 s 2.]

**Effective date—1983 1st ex.s. c 56:** See note following RCW 2.12.046.

**RCW 28B.10.480 Tax deferred annuities for employees.** The regents or trustees of any of the state's institutions of higher education are authorized to provide and pay for tax deferred annuities for their respective employees in lieu of a portion of salary or wages as authorized under the provisions of 26 U.S.C., section 403(b), as amended by Public Law 87-370, 75 Stat. 796 as now or hereafter amended. [1969 ex.s. c 223 s 28B.10.480. Prior: 1965 c 54 s 1, part. Formerly RCW 28.02.120, part.]

**RCW 28B.10.485 Charitable gift annuities, issuance of by universities and The Evergreen State College—Scope.** The boards of the state universities, regional universities, and the state college are authorized to issue charitable gift annuities paying a fixed

dollar amount to individual annuitants for their lifetimes in exchange for the gift of assets to the respective institution in a single transaction. The boards shall invest one hundred percent of the charitable gift annuity assets in a reserve for the lifetimes of the respective annuitants to meet liabilities that result from the gift program. [1979 c 130 s 1.]

**Severability—1979 c 130:** "If any provision of this 1979 act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1979 c 130 s 15.]

*Charitable gift annuity business: Chapter 48.38 RCW.*

*Title 48 RCW not to apply to charitable gift annuities issued by university or state college: RCW 48.23.010.*

**RCW 28B.10.487 Charitable gift annuities, issuance of by universities and The Evergreen State College—Obligation as to annuity payments.** The obligation to make annuity payments to individuals under charitable gift annuity agreements issued by the board of a state university, regional university, or of the state college pursuant to RCW 28B.10.485 shall be secured by and limited to the assets given in exchange for the annuity and reserves established by the board. Such agreements shall not constitute:

(1) An obligation, either general or special, of the state; or

(2) A general obligation of a state university, regional university, or of the state college or of the board. [1979 c 130 s 5.]

**Severability—1979 c 130:** See note following RCW 28B.10.485.

**RCW 28B.10.500 Removal of regents or trustees from universities and The Evergreen State College.** No regent of the state universities, or trustee of the regional universities or of The Evergreen State College shall be removed during the term of office for which appointed, excepting only for misconduct or malfeasance in office, and then only in the manner hereinafter provided. Before any regent or trustee may be removed for such misconduct or malfeasance, a petition for removal, stating the nature of the misconduct or malfeasance of such regent or trustee with reasonable particularity, shall be signed and verified by the governor and served upon such regent or trustee. Said petition, together with proof of service of same upon such regent or trustee, shall forthwith be filed with the clerk of the supreme court. The chief justice of the supreme court shall thereupon designate a tribunal composed of three judges of the superior court to hear and adjudicate the charges. Such tribunal shall fix the time of hearing, which shall be public, and the procedure for the hearing, and the decision of such tribunal shall be final and not subject to review by the supreme court. Removal of any member of the board by the tribunal shall disqualify such member for reappointment. [1977 ex.s. c 169 s 21; 1969 ex.s. c 223 s 28B.10.500. Prior: 1943 c 59 s 1; Rem. Supp. 1943 s 4603-1. Formerly RCW 28.76.290.]

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**RCW 28B.10.510 Attorney general as advisor.** The attorney general of the state shall be the legal advisor to the presidents and the boards of regents and trustees of the institutions of higher education and he or she shall institute and prosecute or defend all suits in behalf of the same. [2011 c 336 s 710; 1973 c 62 s 3; 1969 ex.s. c 223 s 28B.10.510. Prior: 1909 c 97 p 242 s 8; RRS s 4560; prior: 1897 c 118 s 189; 1890 p 399 s 19. Formerly RCW 28.77.125; 28.76.300.]

**Savings—1973 c 62:** "Nothing in this 1973 amendatory act shall be construed to affect any existing right acquired under the statutes amended or repealed herein or the term of office or election or appointment or employment of any person elected, appointed or employed under the statutes amended or repealed herein." [1973 c 62 s 26.]

**Severability—1973 c 62:** "If any provision of this 1973 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1973 c 62 s 28.]

*Attorney general's powers in general: Chapter 43.10 RCW.*

*Employment of attorneys by state agencies restricted: RCW 43.10.067.*

**RCW 28B.10.520 Regents and trustees—Oaths.** Each member of a board of regents or board of trustees of a university or other state institution of higher education, before entering upon his or her duties, shall take and subscribe an oath to discharge faithfully and honestly his or her duties and to perform strictly and impartially the same to the best of his or her ability, such oath to be filed with the secretary of state. [2011 c 336 s 711; 1977 ex.s. c 169 s 22; 1969 ex.s. c 223 s 28B.10.520. Prior: 1909 c 97 p 248 s 13; RRS s 4593; prior: 1897 c 118 s 202; 1891 c 145 s 14. Formerly RCW 28.80.140.]

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**RCW 28B.10.525 Regents and trustees—Travel expenses.** Each member of a board of regents or board of trustees of a university or other state institution of higher education, shall be entitled to receive travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended for each day or portion thereof in which he or she is actually engaged in business of the board. [1979 c 14 s 2. Prior: 1977 ex.s. c 169 s 23; 1977 ex.s. c 118 s 1; 1975-'76 2nd ex.s. c 34 s 72; 1969 ex.s. c 223 s 28B.10.525; prior: (i) 1939 c 176 s 1, part; 1927 c 227 s 1, part; 1909 c 97 p 240 s 5, part; RRS s 4557, part. Formerly RCW 28.77.130, part. (ii) 1909 c 97 p 249 s 14; RRS s 4594; prior: 1897 c 118 s 203; 1891 c 145 s 15. Formerly RCW 28.80.150.]

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**Effective date—Severability—1975-'76 2nd ex.s. c 34:** See notes following RCW 2.08.115.

**RCW 28B.10.528 Delegation of powers and duties by governing boards.** The governing boards of institutions of higher education shall have power, when exercised by resolution, to delegate to the president or his or her designee, of their respective university or college, any of the powers and duties vested in or imposed upon such governing board by law. Delegated powers and duties may be exercised in the name of the respective governing boards. [2011 c 336 s 712; 1971 ex.s. c 57 s 21.]

**RCW 28B.10.550 Police forces for universities and The Evergreen State College—Authorized.** The boards of regents of the state universities, and the boards of trustees of the regional universities or of The Evergreen State College, acting independently and each on behalf of its own institution:

(1) May each establish a police force for its own institution, which force shall function under such conditions and regulations as the board prescribes; and

(2) May supply appropriate badges and uniforms indicating the positions and authority of the members of such police force. [1977 ex.s. c 169 s 24; 1969 ex.s. c 223 s 28B.10.550. Prior: 1965 ex.s. c 16 s 1; 1949 c 123 s 1; Rem. Supp. 1949 s 4543-16. Formerly RCW 28.76.310.]

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**RCW 28B.10.555 Police forces for universities and The Evergreen State College—Powers.** The members of a police force established under authority of RCW 28B.10.550, when appointed and duly sworn:

(1) Shall be peace officers of the state and have such police powers as are vested in sheriffs and peace officers generally under the laws of this state; and

(2) May exercise such powers upon state lands devoted mainly to the educational or research activities of the institution to which they were appointed; and

(3) Shall have power to pursue and arrest beyond the limits of such state lands, if necessary, all or any violators of the rules or regulations herein provided for. [1969 ex.s. c 223 s 28B.10.555. Prior: 1965 ex.s. c 16 s 2; 1949 c 123 s 2; Rem. Supp. 1949 s 4543-17. Formerly RCW 28.76.320.]

**RCW 28B.10.560 Police forces for universities and The Evergreen State College—Establishment of traffic regulations—Adjudication of parking infractions—Appeal.** (1) The boards of regents of the state universities, and the boards of trustees of the regional universities

and of The Evergreen State College, acting independently and each on behalf of its own institution, may each:

(a) Establish and promulgate rules and regulations governing pedestrian traffic and vehicular traffic and parking upon lands and facilities of the university or college;

(b) Adjudicate matters involving parking infractions internally; and

(c) Collect and retain any penalties so imposed.

(2) If the rules or regulations promulgated under subsection (1) of this section provide for internal adjudication of parking infractions, a person charged with a parking infraction who deems himself or herself aggrieved by the final decision in an internal adjudication may, within ten days after written notice of the final decision, appeal by filing a written notice thereof with the college or university police force. Documents relating to the appeal shall immediately be forwarded to the district court in the county in which the offense was committed, which court shall have jurisdiction over such offense and such appeal shall be heard de novo. [1983 c 221 s 1; 1977 ex.s. c 169 s 25; 1969 ex.s. c 223 s 28B.10.560. Prior: 1965 ex.s. c 16 s 3; 1949 c 123 s 3; Rem. Supp. 1949 s 4543-18. Formerly RCW 28.76.330.]

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**RCW 28B.10.567 Police forces for universities and The Evergreen State College—Benefits for duty-related death, disability or injury.** The boards of regents of the state universities and board of trustees of the regional universities and the board of trustees of The Evergreen State College are authorized and empowered, under such rules and regulations as any such board may prescribe for the duly sworn police officers employed by any such board as members of a police force established pursuant to RCW 28B.10.550, to provide for the payment of death or disability benefits or medical expense reimbursement for death, disability, or injury of any such duly sworn police officer who, in the line of duty, loses his or her life or becomes disabled or is injured, and for the payment of such benefits to be made to any such duly sworn police officer or his or her surviving spouse or the legal guardian of his or her child or children, as defined in RCW 41.26.030(6), or his or her estate: PROVIDED, That the duty-related benefits authorized by this section shall in no event be greater than the benefits authorized on June 25, 1976, for duty-related death, disability, or injury of a law enforcement officer under chapter 41.26 RCW: PROVIDED FURTHER, That the duty-related benefits authorized by this section shall be reduced to the extent of any amounts received or eligible to be received on account of the duty-related death, disability, or injury to any such duly sworn police officer, his or her surviving spouse, the legal guardian of his or her child or children, or his or her estate, under workers' compensation, social security including the changes incorporated under Public Law 89-97 as now or hereafter amended, or disability income insurance and health care plans under chapter 41.05 RCW. [2011 c 336 s 713; 1987 c 185 s 2; 1977 ex.s. c 169 s 26; 1975-'76 2nd ex.s. c 81 s 1.]

**Intent—Severability—1987 c 185:** See notes following RCW 51.12.130.

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**RCW 28B.10.570 Interfering by force or violence with any administrator, faculty member or student unlawful—Penalty.** (1) It shall be unlawful for any person, singly or in concert with others, to interfere by force or violence with any administrator, faculty member, or student of any university, college, or community or technical college who is in the peaceful discharge or conduct of his or her duties or studies.

(2) A person violating this section is guilty of a gross misdemeanor and shall be fined not more than five hundred dollars, or imprisoned in jail not more than six months, or both such fine and imprisonment. [2015 c 55 s 203; 2003 c 53 s 171; 1971 c 45 s 1; 1970 ex.s. c 98 s 1. Formerly RCW 28.76.600.]

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

**Severability—1971 c 45:** "If any provision of this 1971 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provisions to other persons or circumstances is not affected." [1971 c 45 s 8.]

**Severability—1970 ex.s. c 98:** "If a court of competent jurisdiction shall adjudge to be invalid or unconstitutional any clause, sentence, paragraph, section, or part of this act, such judgment or decree shall not affect, impair, invalidate or nullify the remainder of this act, but the effect thereof shall be confined to the clause, sentence, paragraph, section or part of this act so adjudged to be invalid or unconstitutional." [1970 ex.s. c 98 s 5.]

*Disturbing school, school activities or meetings—Penalty—Disposition of fines: RCW 28A.635.030.*

**RCW 28B.10.571 Intimidating any administrator, faculty member, or student by threat of force or violence unlawful—Penalty.** (1) It shall be unlawful for any person, singly or in concert with others, to intimidate by threat of force or violence any administrator, faculty member, or student of any university, college, or community or technical college who is in the peaceful discharge or conduct of his or her duties or studies.

(2) A person violating this section is guilty of a gross misdemeanor and shall be fined not more than five hundred dollars, or imprisoned in jail not more than six months, or both such fine and imprisonment. [2015 c 55 s 204; 2003 c 53 s 172; 1971 c 45 s 2; 1970 ex.s. c 98 s 2. Formerly RCW 28.76.601.]

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

**Severability—1971 c 45:** See note following RCW 28B.10.570.

**Severability—1970 ex.s. c 98:** See note following RCW 28B.10.570.

**RCW 28B.10.572 Certain unlawful acts—Disciplinary authority exception.** The crimes defined in RCW 28B.10.570 and 28B.10.571 shall not apply to school administrators or teachers who are engaged in the reasonable exercise of their disciplinary authority. [2003 c 53 s 173; 1970 ex.s. c 98 s 3. Formerly RCW 28.76.602.]

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

**Severability—1970 ex.s. c 98:** See note following RCW 28B.10.570.

**RCW 28B.10.575 Student housing—Liquor prohibited, areas—Complaints regarding liquor and illegal drug use—Policies, procedures, sanctions.** (1) Each public institution of higher education shall notify all students applying for college or university-owned student housing of the availability of housing in an area in which all liquor use is prohibited.

(2) Each public institution of higher education, upon request, shall provide students access to student housing on a residence hall floor, designated area, or in a building where liquor use is prohibited.

(3) Each public institution shall have in place, and distribute to students in college or university-owned student housing, a process for reporting violations and complaints of liquor and illegal drug use.

(4) Each public institution shall have in place, distribute to students, and vigorously enforce policies and procedures for investigating complaints regarding liquor and illegal drug use in college or university-owned student housing, including the sanctions that may be applied for violations of the institution's liquor and illegal drug use policies.

(5) Students who violate the institution's liquor and illegal drug use policies are subject to disciplinary action. Sanctions that may be applied for violations of the institution's liquor or illegal drug use policies include warnings, restitution for property damage, probation, expulsion from college or university-owned housing, and suspension from the institution.

(6) As used in this section:

(a) "Liquor" has the meaning in RCW 66.04.010; and

(b) "Illegal drug use" refers to the unlawful use of controlled substances under chapter 69.50 RCW or legend drugs under chapter 69.41 RCW. [1996 c 17 s 2.]

**Policy—1996 c 17:** "The state makes a substantial investment of finances and resources in students who are attending state institutions of higher education. In exchange, students are expected to actively pursue their education and contribute to an academic environment that is conducive to learning. Students who abuse liquor and drugs, however, are unable to make full use of this educational opportunity. More important, students who abuse liquor and drugs

create an environment that interferes with the ability of other students to pursue their education. This is especially true in university-owned student housing where liquor and drug abuse contribute to noise, vandalism, theft, and violence. While the universities and colleges may not be able to stop all liquor and drug abuse among student populations, the very least they can do is ensure that the vast majority of students without drug or liquor problems are provided with a living environment that is safe and conducive to the pursuit of higher education." [1996 c 17 s 1.]

**RCW 28B.10.577 Opioid overdose reversal medication—Administration—Training—Assistance with grants and donations.** (1) For the purposes of this section:

(a) "Opioid overdose reversal medication" has the meaning provided in RCW 69.41.095; and

(b) "Opioid-related overdose" has the meaning provided in RCW 69.41.095.

(2) By the beginning of the 2019-20 academic year, a public institution of higher education with a residence hall housing at least one hundred students must develop a plan: (a) For the maintenance and administration of opioid overdose reversal medication in and around the residence hall; and (b) for the training of designated personnel to administer opioid overdose reversal medication to respond to symptoms of an opioid-related overdose. The training may utilize free online training resources including, but not limited to, the free online training resources identified as appropriate for public schools in RCW 28A.210.395. The plan may identify: The ratio of residents to opioid overdose reversal medication doses; the designated trained personnel, who may include residence hall advisers; and whether the designated trained personnel covers more than one residence hall.

(3) The state board for community and technical colleges shall assist an individual community or technical college with applying for grants or donations to obtain opioid overdose reversal medication at no cost or at a discount. [2019 c 314 s 43.]

**Declaration—2019 c 314:** See note following RCW 18.22.810.

**RCW 28B.10.578 Opioid and fentanyl prevention education—Medication through standing order.** (1) Each public and private institution of higher education shall provide opioid and fentanyl prevention education and awareness information to all students. Education may be offered in person or electronically and must include information on the "good samaritan" statute in RCW 69.50.315. This education must be posted on each institution's public website for students, parents, and legal guardians to view.

(2) Naloxone and fentanyl strips must be made available to students on campus in various accessible locations such as student wellness centers, student union buildings, and student housing.

(3) Institutions of higher education must provide staff working in residence halls education and training on administering naloxone.

(4) For the purpose of assisting a person at risk of experiencing an opioid-related overdose, an institution of higher education may obtain and maintain opioid overdose reversal medication through a

standing order prescribed and dispensed in accordance with RCW 69.41.095.

(5) For the purposes of this section, "institutions of higher education" has the same meaning as defined in RCW 28B.92.030. [2024 c 211 s 1.]

**RCW 28B.10.580 Term papers, theses, dissertations, sale of prohibited—Legislative findings—Purpose.** (1) The legislature finds that commercial operations selling term papers, theses, and dissertations encourages academic dishonesty, and in so doing impairs the public confidence in the credibility of institutions of higher education whether in this state or any other to function within their prime mission, that of providing a quality education to the citizens of this or any other state.

(2) The legislature further finds that this problem, beyond the ability of these institutions to control effectively, is a matter of state concern, while at the same time recognizing the need for and the existence of legitimate research functions.

It is the declared intent of RCW 28B.10.580 through 28B.10.584, therefore, that the state of Washington prohibit the preparation for sale or commercial sale of term papers, theses and dissertations: PROVIDED, That such legislation shall not affect legitimate and proper research activities: PROVIDED FURTHER, That such legislation does not impinge on the rights, under the First Amendment, of freedom of speech, of the press, and of distributing information. [1981 c 23 s 1; 1979 c 43 s 1.]

**Severability—1981 c 23:** "If any provision of this amendatory act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1981 c 23 s 3.]

**Severability—1979 c 43:** "If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1979 c 43 s 4.]

**RCW 28B.10.582 Term papers, theses, dissertations, sale of prohibited—Definitions.** Unless the context clearly indicates otherwise, the words used in RCW 28B.10.580 through 28B.10.584 shall have the meaning given in this section:

(1) "Person" means any individual, partnership, corporation, or association.

(2) "Assignment" means any specific written, recorded, pictorial, artistic, or other academic task, including but not limited to term papers, theses, dissertations, essays, and reports, that is intended for submission to any postsecondary institution in fulfillment of the requirements of a degree, diploma, certificate, or course of study at any such educational institution.

(3) "Prepare" means to create, write, or in any way produce in whole or substantial part a term paper, thesis, dissertation, essay, report, or other assignment for a monetary fee.

(4) "Postsecondary institution" means any university, college, or other postsecondary educational institution. [1981 c 23 s 2; 1979 c 43 s 2.]

**Severability—1981 c 23:** See note following RCW 28B.10.580.

**Severability—1979 c 43:** See note following RCW 28B.10.580.

**RCW 28B.10.584 Term papers, theses, dissertations, sale of prohibited—Violations enumerated—Exempted acts—Civil penalties—Injunctive relief.** (1) No person shall prepare, offer to prepare, cause to be prepared, sell, or offer for sale to any other person, including any student enrolled in a postsecondary institution, any assignment knowing, or under the circumstances having reason to know, that said assignment is intended for submission either in whole or substantial part under a student's name in fulfillment of the requirements for a degree, diploma, certificate, or course of study at any postsecondary institution.

(2) No person shall sell or offer for sale to any student enrolled in a postsecondary institution any assistance in the preparation, research or writing of an assignment knowing or under the circumstances having reason to know, that said assignment is intended for submission either in whole or substantial part under said student's name to such educational institution in fulfillment of the requirements for a degree, diploma, certificate, or course of study.

(3) Nothing contained in this section shall prevent any person from providing tutorial assistance, research material, information, or other assistance to persons enrolled in a postsecondary institution which is not intended for submission in whole or in substantial part as an assignment under the student's name to such institution. Nor shall any person be prevented by this section from rendering services for a monetary fee which includes typing, assembling, transcription, reproduction, or editing of a manuscript or other assignment: PROVIDED, That such services are not rendered with the intent of making substantive changes in a manuscript or other assignment.

(4) Any person violating any provision of RCW 28B.10.580, 28B.10.582 or 28B.10.584 shall be subject to civil penalties of not more than one thousand dollars for each violation. Any court of competent jurisdiction is hereby authorized to grant such further relief as is necessary to enforce the provisions of this section, including the issuance of an injunction.

(5) Any person against whom a judgment has been entered pursuant to subsection (4) of this section, shall upon any subsequent violation of RCW 28B.10.580, 28B.10.582 or 28B.10.584 be subject to civil penalties not to exceed ten thousand dollars. Any court of competent jurisdiction is hereby authorized to grant such further relief as is necessary to enforce the provisions of this section, including the issuance of an injunction.

(6) Actions for injunction under the provisions of this section may be brought in the name of the state of Washington upon the complaint of the attorney general or any prosecuting attorney in the name of the state of Washington. [1979 c 43 s 3.]

**Severability—1979 c 43:** See note following RCW 28B.10.580.

**RCW 28B.10.590 Course materials——Cost savings——Online course descriptions.** (1) The boards of regents of the state universities, the boards of trustees of the regional universities and The Evergreen State College, and the boards of trustees of each community and technical college district, in collaboration with affiliated bookstores and student and faculty representatives, shall adopt rules requiring that:

(a) Affiliated bookstores:

(i) Provide students the option of purchasing materials that are unbundled when possible, disclose to faculty and staff the costs to students of purchasing materials, and disclose publicly how new editions vary from previous editions;

(ii) Actively promote and publicize book buy-back programs;

(iii) Disclose retail costs for course materials on a per course basis to faculty and staff and make this information publicly available; and

(iv) Disclose information to students on required course materials including but not limited to title, authors, edition, price, and International Standard Book Number (ISBN) at least four weeks before the start of the class for which the materials are required. The chief academic officer may waive the disclosure requirement provided in this subsection (1)(a)(iv), on a case-by-case basis, if students may reasonably expect that nearly all information regarding course materials is available four weeks before the start of the class for which the materials are required. The requirement provided in this subsection (1)(a)(iv) does not apply if the faculty member using the course materials is hired four weeks or less before the start of class; and

(b) Faculty and staff members consider the least costly practices in assigning course materials, such as adopting the least expensive edition available, adopting free, open textbooks when available, and working with college librarians to put together collections of free online web and library resources, when educational content is comparable as determined by the faculty.

(2) The state universities, the regional universities, and The Evergreen State College shall each designate in their online course descriptions used by students for registration purposes whether a course uses open educational resources or low-cost required instructional materials. If a course's required textbooks and course materials are not determined prior to registration due to an unassigned faculty member, the textbooks' and course materials' low-cost or open educational resource designation must be provided as soon as feasible after a faculty member is assigned.

(3) As used in this section:

(a) "Materials" means any supplies or texts required or recommended by faculty or staff for a given course.

(b) "Bundled" means a group of objects joined together by packaging or required to be purchased as an indivisible unit.

(c) "Low-cost" means the entire course's required instructional materials equal $50 or less in 2021 dollars. The institutions of higher education shall adjust the dollar value of low-cost course materials at least once every five years to reflect the percentage change in the consumer price index over the preceding five years. [2021 c 152 s 1; 2009 c 241 s 1; 2007 c 457 s 1; 2006 c 81 s 2.]

**Findings——Intent——2006 c 81:** "The legislature finds that:

(1) Often the bundling of texts, workbooks, CD-ROMs, and other course related materials is unnecessary since many students do not use all of the materials included and may realize cost savings if materials are also offered independently one from the other; and

(2) Many faculty and staff select materials uninformed of the retail costs and differences between versions.

It is the intent of the legislature to give students more choices for purchasing educational materials and to encourage faculty and staff to work closely with bookstores and publishers to implement the least costly option without sacrificing educational content and to provide maximum cost savings to students." [2006 c 81 s 1.]

**RCW 28B.10.592 College textbook information—Publishers' duties.** (1) Each publisher of college textbooks shall make immediately available to faculty of institutions of higher education:

(a) The price at which the publisher would make the products available to the store run by or in a contractual relationship with the institution of higher education that would offer the products to students; and

(b) The history of revisions for the products, if any.

(2) For the purposes of this section:

(a) "Immediately available" means with any marketing materials presented to a member of the faculty.

(b) "Products" means all versions of a textbook or set of textbooks, except custom textbooks or special editions of textbooks, available in the subject area for which a faculty member is teaching a course, including supplemental items, both when sold together or separately from a textbook. [2007 c 186 s 1.]

**RCW 28B.10.600 District schools may be used for teacher training by universities and The Evergreen State College—Authority.** The boards of regents of the state universities are each authorized to enter into agreements with the board of directors of any school district in this state whereby one or more of the public schools operated by such district may be used by the university for the purpose of training students at said university as teachers, supervisors, principals, or superintendents. The boards of trustees of the regional universities and of The Evergreen State College are authorized to enter into similar agreements for the purpose of training students at their institutions as teachers, supervisors, or principals. [1977 ex.s. c 169 s 27; 1969 ex.s. c 223 s 28B.10.600. Prior: 1949 c 182 s 1; Rem. Supp. 1949 s 4543-40. Formerly RCW 28.76.350.]

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

*Regional university model schools and training departments: RCW 28B.35.300 through 28B.35.315.*

*The Evergreen State College model schools and training departments: RCW 28B.40.300 through 28B.40.315.*

**RCW 28B.10.605 District schools may be used for teacher training by universities and The Evergreen State College—Agreement for financing, organization, etc.** The financing and the method of organization and administration of such a training program operated by agreement between a state university board of regents or a regional university board of trustees or The Evergreen State College board of trustees, and the board of directors of any school district, shall be determined by agreement between them. [1977 ex.s. c 169 s 28; 1969 ex.s. c 223 s 28B.10.605. Prior: 1949 c 182 s 2; Rem. Supp. 1949 s 4543-41. Formerly RCW 28.76.360.]

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**RCW 28B.10.618 Credit card marketing policies.** (1)(a) Subject to subsection (2) of this section, institutions of higher education shall develop policies regarding the marketing or merchandising of credit cards on institutional property to students, except as provided in newspapers, magazines, or similar publications or within any location of a financial services business regularly doing business on the institution's property.

(b) "Merchandising" means the offering of free merchandise or incentives to students as part of the credit card marketing effort.

(c) "Student" means any student enrolled for one or more credit hours at an institution of higher education.

(2) Institutions of higher education shall each develop official credit card marketing policies. The process of development of these policies must include consideration of student comments. The official credit card marketing policies must, at a minimum, include consideration of and decisions regarding:

(a) The registration of credit card marketers;

(b) Limitations on the times and locations of credit card marketing; and

(c) Prohibitions on material inducements to complete a credit card application unless the student has been provided credit card debt education literature, which includes, but is not limited to, brochures of written or electronic information.

(3)(a) The policies shall include the following elements: A requirement for credit card marketers to inform students about good credit management practices through programs developed in concert with the institution of higher education; and

(b) A requirement to make the official credit card marketing policy available to all students upon their request. [2005 c 74 s 1.]

**RCW 28B.10.620 Agreements for research work by private nonprofit corporations at universities—Authority.** The boards of regents of the state universities are hereby empowered to enter into agreements with corporations organized under *chapters 24.08, 24.16 or 24.20 RCW, whereby such corporations may be permitted to conduct on university property devoted mainly to medical, educational or research activities, under such conditions as the boards of regents shall prescribe, any educational, hospital, research or related activity which the boards of regents shall find will further the objects of the

university. [1969 ex.s. c 223 s 28B.10.620. Prior: 1949 c 152 s 1; Rem. Supp. 1949 s 4543-30. Formerly RCW 28.76.370.]

***Reviser's note:** Chapters 24.08 and 24.16 RCW were repealed by 1967 c 235; but see chapter 24.03A RCW, the Washington nonprofit corporation act.

**RCW 28B.10.625 Agreements for research work by private nonprofit corporations at universities—Funds may be expended in cooperative effort.** The boards of regents of the state universities may expend funds available to said institutions in any cooperative effort with such corporations which will further the objects of the particular university and may permit any such corporation or corporations to use any property of the university in carrying on said functions. [1969 ex.s. c 223 s 28B.10.625. Prior: 1949 c 152 s 2; Rem. Supp. 1949 s 4543-31. Formerly RCW 28.76.380.]

**RCW 28B.10.630 Commercialization of research and other economic development and workforce development opportunities.** (1) It is the intent of the legislature that state universities engage in the commercialization of research and other economic development and workforce development activities that benefit the intermediate and long-term economic vitality of Washington. State universities are expected to develop and strengthen university-industry relationships through the conduct of research, the support of company formation and job generation, and collaborative training. The state universities, using a collaborative process that may include both in-house resources and independent contractors with necessary technical expertise or innovative processes, must perform one or more of the following functions:

(a) Provide collaborative research and technology transfer opportunities;

(b) Publicize their commercialization processes and include an explanation of how to access commercialization resources at the universities;

(c) Develop mechanisms for pairing researchers, entrepreneurs, and investors. Such mechanisms are to include, but are not limited to, developing guides, websites, or workshops on funding opportunities, on entrepreneurship and the process of starting a company, and on university-industry relations;

(d) Host events to connect researchers to entrepreneurs, investors, and individuals from the state's technology-based industries; and

(e) Provide opportunities for training undergraduate and graduate students through direct involvement in research and industry interactions.

(2) In carrying out the functions in this section, the universities may work with and through the *higher education coordinating board. [2010 1st sp.s. c 14 s 1.]

***Reviser's note:** The higher education coordinating board was abolished by 2011 1st sp.s. c 11 s 301, effective July 1, 2012.

**RCW 28B.10.631 Bridge-funding programs—Establishment and administration.** To support the formation of companies created around the technologies developed at state universities, the state universities are authorized to establish and administer bridge-funding programs for start-up companies using funds from the federal government and the private sector. [2010 1st sp.s. c 14 s 2.]

**RCW 28B.10.640 Student associations to contract for certain purchases, concessions, printing, etc.—Procedure.** The associated students of the University of Washington, the associated students of Washington State University, the student associations of the state community colleges and the student associations of the regional universities and of The Evergreen State College shall contract for all purchases for printing of athletic programs, athletic tickets, athletic press brochures, yearbooks, magazines, newspapers, and letting of concessions, exceeding one thousand dollars, notice of call for bid on the same to be published in at least two newspapers of general circulation in the county wherein the institution is located two weeks prior to the award being made. The contract shall be awarded to the lowest responsible bidder, if the price bid is fair and reasonable and not greater than the market value and price, and if the bid satisfactorily covers the quality, design, performance, convenience and reliability of service of the manufacturer and/or dealer. The aforesaid student associations may require such security as they deem proper to accompany the bids submitted, and they shall also fix the amount of the bond or other security that shall be furnished by the person to whom the contract is awarded. Such student associations may reject any or all bids submitted, if for any reason it is deemed for the best interest of their organizations to do so and readvertise in accordance with the provisions of this section. The student associations may reject the bid of any person who has had a prior contract, and who did not, in its opinion, faithfully comply with its terms: PROVIDED, That nothing in this section shall apply to printing done or presses owned and operated by the associated students of the University of Washington, the associated students of Washington State University or the student associations of the regional universities or of The Evergreen State College or community colleges, or to printing done on presses owned or operated by their respective institutions. [1977 ex.s. c 169 s 29; 1969 ex.s. c 223 s 28B.10.640. Prior: 1967 ex.s. c 8 s 50; 1957 c 212 s 1. Formerly RCW 28.76.390.]

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**RCW 28B.10.648 Employees—Peer review committees—Members' immunity—Proceedings—Statement of reasons—Legal representation of members.** (1) Employees, agents, or students of institutions of higher education serving on peer review committees which recommend or decide on appointment, reappointment, tenure, promotion, merit raises, dismissal, or other disciplinary measures for employees of the institution, are immune from civil actions for damages arising from the good faith performance of their duties as members of the committees. Individuals who provide written or oral statements in

support of or against a person reviewed are also immune from civil actions if their statements are made in good faith.

(2) Peer review proceedings shall be pursuant to rules and regulations promulgated by the respective institutions of higher education.

(3) Upon the request of an evaluated person, the appropriate administrative officer of the institution shall provide a statement of the reasons of the peer review committees and of participating administrative officers for a final unfavorable decision on merit, promotion, tenure or reappointment. In the case of a disciplinary or dismissal proceeding, a statement of reasons shall be provided by the reviewing committee to the evaluated person for any decision unfavorable to such person.

(4) The institutions of higher education shall provide legal representation for any past or current members of the peer review committee and for individuals who testify orally or in writing in good faith before such committee in any legal action which may arise from committee proceedings. [1984 c 137 s 1.]

**Severability—1984 c 137:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1984 c 137 s 2.]

**RCW 28B.10.650 Remunerated professional leaves for faculty members of institutions of higher education.** It is the intent of the legislature that when the state and regional universities, The Evergreen State College, and community and technical colleges grant professional leaves to faculty and exempt staff, such leaves be for the purpose of providing opportunities for study, research, and creative activities for the enhancement of the institution's instructional and research programs.

The boards of regents of the state universities, the boards of trustees of the regional universities and of The Evergreen State College and the board of trustees of each community or technical college district may grant remunerated professional leaves to faculty members and exempt staff, as defined in RCW 41.06.070, in accordance with regulations adopted by the respective governing boards for periods not to exceed twelve consecutive months in accordance with the following provisions:

(1) The remuneration from state general funds and general local funds for any such leave granted for any academic year shall not exceed the average of the highest quartile of a rank order of salaries of all full time teaching faculty holding academic year contracts or appointments at the institution or in the district.

(2) Remunerated professional leaves for a period of more or less than an academic year shall be compensated at rates not to exceed a proportional amount of the average salary as otherwise calculated for the purposes of subsection (1) of this section.

(3) The grant of any such professional leave shall be contingent upon a signed contractual agreement between the respective governing board and the recipient providing that the recipient shall return to the granting institution or district following his or her completion of such leave and serve in a professional status for a period commensurate with the amount of leave so granted. Failure to comply

with the provisions of such signed agreement shall constitute an obligation of the recipient to repay to the institution any remuneration received from the institution during the leave.

(4) The aggregate cost of remunerated professional leaves awarded at the institution or district during any year, including the cost of replacement personnel, shall not exceed the cost of salaries which otherwise would have been paid to personnel on leaves: PROVIDED, That for community or technical college districts the aggregate cost shall not exceed one hundred fifty percent of the cost of salaries which would have otherwise been paid to personnel on leaves: PROVIDED FURTHER, That this subsection shall not apply to any community or technical college district with fewer than seventy-five full time faculty members and granting fewer than three individuals such leaves in any given year.

(5) The average number of annual remunerated professional leaves awarded at any such institution or district shall not exceed four percent of the total number of full time equivalent faculty, as defined by the office of financial management, who are engaged in instruction, and exempt staff as defined in RCW 41.06.070.

(6) Negotiated agreements made in accordance with chapter 28B.52 RCW and entered into after July 1, 1977, shall be in conformance with the provisions of this section.

(7) The respective institutions and districts shall maintain such information which will ensure compliance with the provisions of this section. [2015 c 55 s 205; 2004 c 275 s 45; 1985 c 370 s 53; 1981 c 113 s 1; 1979 c 44 s 1; 1979 c 14 s 3. Prior: 1977 ex.s. c 173 s 1; 1977 ex.s. c 169 s 30; 1969 ex.s. c 223 s 28B.10.650; prior: 1959 c 155 s 1. Formerly RCW 28.76.400.]

**Part headings not law—2004 c 275:** See note following RCW 28B.76.090.

**Effective date—1977 ex.s. c 173:** "This act shall take effect on July 1, 1977." [1977 ex.s. c 173 s 4.]

**Severability—1977 ex.s. c 173:** "If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1977 ex.s. c 173 s 3.]

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**RCW 28B.10.660 Insurance or protection—Premiums—Health benefits for graduate student appointees—Students participating in studies or research outside the United States.** (1) The governing boards of any of the state's institutions of higher education may make available liability, life, health, health care, accident, disability and salary protection or insurance or any one of, or a combination of, the enumerated types of insurance, or any other type of insurance or protection, for the regents or trustees and students of the institution. Except as provided in subsections (2) and (3) of this section, the premiums due on such protection or insurance shall be borne by the assenting regents, trustees, or students. The regents or

trustees of any of the state institutions of higher education may make liability insurance available for employees of the institutions. The premiums due on such liability insurance shall be borne by the university or college.

(2) A governing board of a public four-year institution of higher education may make available, and pay the costs of, health benefits for graduate students holding graduate service appointments, designated as such by the institution. Such health benefits may provide coverage for spouses and dependents of such graduate student appointees.

(3) A governing board of a state institution of higher education may require its students who participate in studies or research outside of the United States sponsored, arranged, or approved by the institution to purchase, as a condition of participation, insurance approved by the governing board, that will provide coverage for expenses arising from emergency evacuation, repatriation of remains, injury, illness, or death sustained while participating in the study or research abroad. The governing board of the institution may bear all or part of the costs of the insurance. A student shall not be required to purchase insurance if the student is covered under an insurance policy that will provide coverage for expenses arising from emergency evacuation, repatriation of remains, injury, illness, or death sustained while participating in the study or research abroad. [2009 c 297 s 1; 1993 sp.s. c 9 s 1; 1979 ex.s. c 88 s 1. Prior: 1973 1st ex.s. c 147 s 4; 1973 1st ex.s. c 9 s 2; 1971 ex.s. c 269 s 3; 1969 ex.s. c 237 s 4; 1969 ex.s. c 223 s 28B.10.660; prior: 1967 c 135 s 2, part; 1959 c 187 s 1, part. Formerly RCW 28.76.410, part.]

**Effective date—Effect of veto—Savings—Severability—1973 1st ex.s. c 147:** See notes following RCW 41.05.050.

**Severability—1971 ex.s. c 269:** See note following RCW 28A.400.350.

**RCW 28B.10.665 Liability insurance for officers and employees authorized.** See RCW 36.16.138.

**RCW 28B.10.679 Washington mathematics placement test.** All public two and four-year institutions of higher education must use a common performance standard on the mathematics placement test for purposes of determining college readiness in mathematics. The performance standard must be publicized to all high schools in the state. [2015 c 55 s 206; 2007 c 396 s 10.]

**Captions not law—2007 c 396:** See note following RCW 28A.305.215.

**Finding—Intent—2007 c 396:** See note following RCW 28A.188.020.

**RCW 28B.10.680 Precollege coursework—Findings—Intent.** The legislature finds that some college students who have recently graduated from high school must immediately enroll in one or more precollege classes before they can proceed successfully through college. The legislature also finds that these students should have

received basic skills in English, reading, spelling, grammar, and mathematics before graduating from high school. It is the intent of the legislature that colleges and universities provide information to school districts about recent graduates who enroll in precollege classes. It is also the intent of the legislature to encourage institutions of higher education and the common schools to work together to solve problems of common concern. [1995 c 310 s 1.]

**RCW 28B.10.685 Precollege coursework—Enrollment information—Report.** Beginning in 1997, by September 30th of each year, each state university, regional university, state college, and, for community colleges and technical colleges, the state board for community and technical colleges shall provide a report to the office of the superintendent of public instruction, the state board of education, and the commission on student learning under *RCW 28A.630.885. The report shall contain the following information on students who, within three years of graduating from a Washington high school, enrolled the prior year in a state-supported precollege level class at the institution: (1) The number of such students enrolled in a precollege level class in mathematics, reading, grammar, spelling, writing, or English; (2) the types of precollege classes in which each student was enrolled; and (3) the name of the Washington high school from which each student graduated.

For students who enrolled in a precollege class within three years of graduating from a Washington high school, each institution of higher education shall also report to the Washington high school from which the student graduated. The annual report shall include information on the number of students from that high school enrolled in precollege classes, and the types of classes taken by the students. [1995 c 310 s 3.]

***Reviser's note:** RCW 28A.630.885 was recodified as RCW 28A.655.060 pursuant to 1999 c 388 s 607. RCW 28A.655.060 was subsequently repealed by 2004 c 19 s 206.

**RCW 28B.10.686 Precollege coursework—When required—Use of multiple measures—Posting course placement options.** State universities, regional universities, and The Evergreen State College may use multiple measures to determine whether a student must enroll in a precollege course including, but not limited to, placement tests, the SAT, high school transcripts, college transcripts, or initial class performance. Additionally, state universities, regional universities, and The Evergreen State College must post all the available options for course placement on their websites and in their admissions materials. [2015 c 83 s 1.]

**RCW 28B.10.690 Graduation rate improvement—Findings.** The legislature finds that, in public colleges and universities, improvement is needed in graduation rates and in the length of time required for students to attain their educational objectives. The legislature also finds that public colleges and universities should offer classes in a way that will permit full-time students to complete a degree or certificate program in about the amount of time described

in the institution's catalog as necessary to complete that degree or certificate program. [1993 c 414 s 1.]

**RCW 28B.10.691 Graduation rate improvement—Strategic plans—Adoption of strategies.** (1) By May 15, 1994, each state institution of higher education, as part of its strategic plan, shall adopt strategies designed to shorten the time required for students to complete a degree or certificate and to improve the graduation rate for all students.

(2) Beginning with the fall 1995-96 academic term, each institution of higher education as defined in RCW 28B.10.016 shall implement the strategies described in subsection (1) of this section. [1993 c 414 s 2.]

**RCW 28B.10.693 Graduation rate improvement—Student progression understandings.** Each institution of higher education as defined in RCW 28B.10.016 may enter into a student progression understanding with an interested student. The terms of the understanding shall permit a student to obtain a degree or certificate within the standard period of time assumed for a full-time student pursuing that degree or certificate. Usually, the standard amount of time will be about two years for an associate of arts degree and about four years for a baccalaureate degree. Student progression understandings shall not give rise to any cause of action on behalf of any student as a result of the failure of any state institution of higher education to fulfill its obligations under the student progression understanding. [1993 c 414 s 4.]

**RCW 28B.10.695 Timely completion of degree and certificate programs—Adoption of policies.** (1) Each four-year institution of higher education and the state board for community and technical colleges shall develop policies that ensure undergraduate students enrolled in degree or certificate programs complete their programs in a timely manner in order to make the most efficient use of instructional resources and provide capacity within the institution for additional students.

(2) Policies adopted under this section shall address, but not be limited to, undergraduate students in the following circumstances:

(a) Students who accumulate more than one hundred twenty-five percent of the number of credits required to complete their respective baccalaureate or associate degree or certificate programs;

(b) Students who drop more than twenty-five percent of their course load before the grading period for the quarter or semester, which prevents efficient use of instructional resources; and

(c) Students who remain on academic probation for more than one quarter or semester.

(3) Policies adopted under this section may include assessment by the institution of a surcharge in addition to regular tuition and fees to be paid by a student for continued enrollment. [2003 c 407 s 1.]

**RCW 28B.10.696 Transfer students' credit—List of academic courses equivalent to one year of general education credit—One-year**

**academic completion certificate—Arts and sciences degrees for students entering with junior status—Publication of recommended courses by academic major for transfer students.** (1) A graduate of a community or technical college in this state who has earned a transferable associate of arts or sciences degree when admitted to a four-year institution of higher education shall have junior standing. A graduate who has earned the direct transfer associate of arts degree will be deemed to have met the lower division general education requirements of the receiving four-year institution of higher education. A graduate who has earned the associate of science transfer degree will be deemed to have met most requirements that prepare the graduate for baccalaureate degree majors in science, technology, engineering, and math and will be required to complete only such additional lower division, general education courses at the receiving four-year institutions of higher education as would have been required to complete the direct transfer associate of arts degree.

(2) A student who has earned the equivalent of ninety quarter credit hours and has completed the general education requirements at that four-year institution of higher education in Washington when admitted to another four-year institution of higher education shall have junior standing and shall be deemed to have met the lower division general education requirements of the institution to which the student transfers.

(3) The community and technical colleges, jointly with the four-year institutions of higher education, must develop a list of academic courses that are equivalent to one-year's worth of general education credit and that would transfer for that purpose to any other two or four-year institution of higher education. If a student completes one-year's worth of general education credits, the student may be issued a one-year academic completion certificate. This certificate shall be accepted at any transferring two or four-year institution of higher education.

(4) Each institution of higher education must develop a minimum of one degree within the arts and sciences disciplines that can be completed within the equivalent of ninety quarter upper-division credits by any student who enters an institution of higher education with junior status and lower division general education requirements completed.

(5) Each four-year institution of higher education must publish a list of recommended courses for each academic major designed to help students who are planning to transfer design their course of study. Publication of the list of courses must be easily identified and accessible on the institution's website.

(6) The requirements to publish a list of recommended courses for each academic major under this section does not apply if an institution does not require courses or majors to meet specific requirements but generally applies credits earned towards degree requirements. [2011 1st sp.s. c 10 s 11.]

**Findings—Intent—Short title—2011 1st sp.s. c 10:** See notes following RCW 28B.15.031.

**RCW 28B.10.698 Schools of medicine—Health equity curriculum.** (1) Within existing resources, by January 1, 2023, the school of medicine at the University of Washington, established under chapter

28B.20 RCW, and the school of medicine at Washington State University, established under chapter 28B.30 RCW, shall each develop curriculum on health equity for medical students. The curriculum must teach attitudes, knowledge, and skills that enable students to care effectively for patients from diverse cultures, groups, and communities. The objectives of the curriculum must be to provide tools for eliminating structural racism in health care systems and to build cultural safety. A person may not graduate with a degree from either medical school without completing a course, or courses, that include curriculum on health equity for medical students.

(2) Course topics on health equity may include, but are not limited to:

(a) Strategies for recognizing patterns of health care disparities and eliminating factors that influence them;

(b) Intercultural communication skills training, including how to work effectively with an interpreter and how communication styles differ across cultures;

(c) Historical examples of medical and public health racism and how racism may manifest itself in a student's field of medicine;

(d) Cultural safety training that requires examination of each student's culture and potential impacts on clinical interactions and health care service delivery;

(e) Structural competency training that gives attention to forces influencing health outcomes at levels above individual interactions;

(f) Methods of evaluating health care systems; and

(g) Implicit bias training to identify strategies to reduce bias during assessment and diagnosis. [2021 c 96 s 2.]

**Finding—Purpose—2021 c 96:** "The legislature finds that inequities in health outcomes exist in the state of Washington and that future generations of health care professionals have an important role to play in mitigating these disparate outcomes. Because the schools of medicine at the University of Washington and Washington State University are tasked with the formative role of educating medical professionals, the legislature sees fit to ensure students leaving these institutions are prepared to care effectively for the people of diverse cultures, groups, and communities that will become their patients. By equipping them with the tools to serve diverse communities around our state and our nation, students of medicine will become practitioners of medicine with the knowledge, attitudes, and skills to understand and counteract racism and implicit bias in health care. The purpose of this act is to serve medical students, medical professionals, and patients in communities in which these professionals work, and to undo structural racism in the systems through which they navigate. To that end, this act establishes opportunities for education that provide tools to students of medicine to build a better, more equitable health care system." [2021 c 96 s 1.]

**RCW 28B.10.699 Schools of medicine—Underrepresented students—Report.** (1) Within existing resources, by January 1, 2022, the school of medicine at the University of Washington, established under chapter 28B.20 RCW, and the school of medicine at Washington State University, established under chapter 28B.30 RCW, shall each develop a goal focused on increasing the number of underrepresented students at each

school of medicine, guided by the state of Washington's need for physicians from diverse racial and ethnic backgrounds and each school's predominant equity goals. In developing the goal, special consideration may be given to students attending the school of medicine at the University of Washington as a part of a regional partnership with other states. Each initial goal shall be set for January 1, 2025.

(2) The school of medicine at the University of Washington and the school of medicine at Washington State University shall report progress towards their goal on an annual basis through their public websites. [2021 c 96 s 3.]

**Finding—Purpose—2021 c 96:** See note following RCW 28B.10.698.

**RCW 28B.10.700 Physical education in curriculum.** The *state board for community college education, the boards of trustees of the regional universities and of The Evergreen State College, and the boards of regents of the state universities, with appreciation of the legislature's desire to emphasize physical education courses in their respective institutions, shall provide for the same, being cognizant of legislative guide lines put forth in RCW 28A.230.050 relating to physical education courses in high schools. [1977 ex.s. c 169 s 31; 1969 ex.s. c 223 s 28B.10.700. Prior: 1963 c 235 s 1, part; prior: (i) 1923 c 78 s 1, part; 1919 c 89 s 2, part; RRS s 4683, part. (ii) 1919 c 89 s 5, part; RRS s 4686, part. Formerly RCW 28.05.040, part.]

***Reviser's note:** The state board for community college education was renamed the state board for community and technical colleges by 1991 c 238 s 30.

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**RCW 28B.10.703 Programs for intercollegiate athletic competition—Authorized.** The governing boards of each of the state universities, the regional universities, The Evergreen State College, and community colleges in addition to their other duties prescribed by law shall have the power and authority to establish programs for intercollegiate athletic competition. Such competition may include participation as a member of an athletic conference or conferences, in accordance with conference rules. [1977 ex.s. c 169 s 32; 1971 ex.s. c 28 s 2.]

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**RCW 28B.10.704 Funds for assistance of student participants in intercollegiate activities or activities relating to performing arts.** Funds used for purposes of providing scholarships or other forms of financial assistance to students in return for participation in intercollegiate athletics in accordance with RCW 28B.10.703 shall include but not be limited to moneys received as contributed or donated funds, or revenues derived from athletic events, including gate receipts and revenues obtained from the licensing of radio and television broadcasts.

Funds used for purposes of providing scholarships or other forms of financial assistance to students in return for participation in curriculum-related activities relating to performing arts shall include but not be limited to moneys received as contributed or donated funds, or revenues derived from performing arts events, including admission receipts and revenues obtained from the licensing of radio and television broadcasts. [1979 ex.s. c 1 s 1; 1973 1st ex.s. c 46 s 9; 1971 ex.s. c 28 s 3.]

**Severability—1973 1st ex.s. c 46:** "If any provision of this 1973 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1973 1st ex.s. c 46 s 11.]

**RCW 28B.10.708 Graduation ceremonies—Tribal regalia.** (1) Institutions of higher education may not prohibit students who are members of a federally recognized tribe from wearing traditional tribal regalia or objects of Native American cultural significance along with or attached to a gown at graduation ceremonies or related events. Institutions of higher education may not require such students to wear a cap if it is incompatible with the regalia or significant object.

(2) Institutions of higher education shall update any relevant policies or procedures in accordance with this section.

(3) For the purposes of this section, "institutions of higher education" has the same meaning as in RCW 28B.10.016. [2020 c 35 s 4.]

**Intent—Applicability—Short title—Effective date—2020 c 35:** See notes following RCW 28A.600.500.

**RCW 28B.10.710 Washington state or Pacific Northwest history in curriculum.** (1)(a) There shall be a one quarter or semester course in either Washington state history and government, or Pacific Northwest history and government in the curriculum of all teacher preparation programs.

(b) No person shall be graduated from any of said programs without completing said course of study, unless otherwise determined by the Washington professional educator standards board.

(2) Any course in Washington state or Pacific Northwest history and government used to fulfill the requirement in subsection (1) of this section shall include information on the culture, history, and government of the American Indian peoples who were the first human inhabitants of the state and the region.

(3) Teacher preparation programs shall meet the requirements of this section by integrating the curriculum developed and made available free of charge by the office of the superintendent of public instruction into existing programs or courses and may modify that curriculum in order to incorporate elements that have a regionally specific focus. [2018 c 144 s 2; 2006 c 263 s 823; 1993 c 77 s 1; 1969 ex.s. c 223 s 28B.10.710. Prior: 1967 c 64 s 1, part; 1963 c 31 s 1, part; 1961 c 47 s 2, part; 1941 c 203 s 1, part; Rem. Supp. 1941 s 4898-3, part. Formerly RCW 28.05.050, part.]

**Finding—Intent—2018 c 144:** "The legislature finds that the 2015 legislature mandated common schools to use the Since Time Immemorial curriculum, developed by the office of the superintendent of public instruction and available free of charge. The legislature recognizes the need to extend the state's commitment to educate students about tribal sovereignty, history, culture, and treaty rights by requiring educator preparation programs to also use the Since Time Immemorial curriculum. The legislature intends the use of the curriculum to improve the understanding of students and educators about the past contributions of Indian nations to the state of Washington and the contemporary and ongoing tribal and state government relations." [2018 c 144 s 1.]

**Findings—Purpose—Part headings not law—2006 c 263:** See notes following RCW 28A.150.230.

**RCW 28B.10.730 AIDS information—Four-year institutions.** The governing board of each state four-year institution of higher education shall make information available to all newly matriculated students on methods of transmission of the human immunodeficiency virus and prevention of acquired immunodeficiency syndrome. The curricula and materials shall be reviewed for medical accuracy by the office on AIDS in coordination with the appropriate regional AIDS service network. [1988 c 206 s 501.]

**RCW 28B.10.735 Identification cards—Suicide prevention and sexual misconduct information.** (1) Within existing resources, student identification cards, faculty or staff identification cards, or both, must have printed on either side of the identification cards:

(a) The contact information for a national suicide prevention organization;

(b) The contact information for one or more campus, local, state, or national organizations specializing in suicide prevention, crisis intervention, or counseling, if available; and

(c) The phone number of a regional community-based organization focused on survivors of sexual assault, sexual harassment, and sex-based and gender-based violence that provides 24/7 support.

(2)(a) The requirements in subsection (1)(a) and (b) of this section apply to student identification cards and faculty or staff identification cards issued for the first time and issued to replace a damaged or lost identification card at an institution of higher education as defined in RCW 28B.10.016.

(b) The requirements in subsection (1)(c) of this section apply to student identification cards issued for the first time and issued to replace a damaged or lost identification card at a state university, regional university, and the state college, as defined in RCW 28B.10.016. [2025 c 124 s 2; 2020 c 39 s 3.]

**Finding—Intent—2020 c 39:** See note following RCW 28A.210.400.

**RCW 28B.10.776 Budget calculation—Enrollment levels—Participation rate.** It is the policy of the state of Washington that the essential requirements level budget calculation for institutions

of higher education include enrollment levels necessary to maintain, by educational sector, the participation rate funded in the 1993 fiscal year. The participation rate shall be based on the state's estimated population ages seventeen and above by appropriate age groups. [1993 sp.s. c 15 s 2.]

**Findings—1993 sp.s. c 15:** "The legislature finds that the proportion of the state budget dedicated to postsecondary educational programs has decreased for two decades. At the same time, major technological, economic, and demographic changes have exacerbated the need for improved training and education to maintain a high quality, competitive workforce, and a well-educated populace to meet the challenges of the twenty-first century. Therefore, the legislature finds that there is increasing need for postsecondary educational opportunities for citizens of the state of Washington.

The legislature declares that the policy of the state of Washington shall be to improve the access to, and the quality of, this state's postsecondary educational system. The budgetary policy of the state of Washington shall be to provide a level of protection and commitment to the state's postsecondary educational system commensurate with the responsibility of this state to the educational and professional improvement of its citizens and workforce." [1993 sp.s. c 15 s 1.]

**Effective date—1993 sp.s. c 15:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993." [1993 sp.s. c 15 s 10.]

**RCW 28B.10.778 Budget calculation—New enrollments—Funding level—Inflation factor.** It is the policy of the state of Washington that, for new enrollments provided under RCW 28B.10.776, the essential requirements level budget calculation for those enrollments shall, each biennium, at a minimum, include a funding level per full-time equivalent student that is equal to the rate assumed in the omnibus appropriations act for the last fiscal year of the previous biennium for the instructional, primary support, and library programs, plus an inflation factor. The inflation factor should be equivalent to the inflation factor used to calculate basic education in the common school system budget request submitted by the governor. [1993 sp.s. c 15 s 3.]

**Findings—Effective date—1993 sp.s. c 15:** See notes following RCW 28B.10.776.

**RCW 28B.10.780 Budget calculation—Funding level.** It is the policy of the state of Washington that the essential requirements level budget calculation for state institutions of higher education include a funding level per full-time equivalent student that is, each biennium, at a minimum, equal to the general fund—state and tuition fund rate per student assumed in the omnibus appropriations act for the last fiscal year of the previous biennium for the state-funded programs, minus one-time expenditures and plus an inflation factor. The inflation factor should be equivalent to the inflation factor used

to calculate basic education in the common school system budget request submitted by the governor. [1993 sp.s. c 15 s 4.]

**Findings—Effective date—1993 sp.s. c 15:** See notes following RCW 28B.10.776.

**RCW 28B.10.782 Budget calculation—Increased enrollment target level—Availability of information.** It is the policy of the state of Washington that higher education enrollments be increased in increments each biennium in order to achieve, by the year 2010, the goals, by educational sector, adopted by the *higher education coordinating board in its enrollment plan entitled "Design for the 21st Century: Expanding Higher Education Opportunities in Washington," or subsequent revisions adopted by the board.

Per student costs for additional students to achieve this policy shall be at the same rate per student as enrollments mandated in RCW 28B.10.776.

For each public college and university, and for the community and technical college system, budget documents generated by the governor and the legislature in the development and consideration of the biennial omnibus appropriations act shall display an enrollment target level. The enrollment target level is the biennial state-funded enrollment increase necessary to fulfill the state policy set forth in this section. The budget documents shall compare the enrollment target level with the state-funded enrollment increases contained in the biennial budget proposals of the governor and each house of the legislature. The information required by this section shall be set forth in the budget documents so that enrollment and cost information concerning the number of students and additional funds needed to reach the enrollment goals are prominently displayed and easily understood.

For the governor's budget request, the information required by this section shall be made available in the document entitled "Operating Budget Supporting Data" or its successor document. [1993 sp.s. c 15 s 5.]

***Reviser's note:** The higher education coordinating board was abolished by 2011 1st sp.s. c 11 s 301, effective July 1, 2012.

**Findings—Effective date—1993 sp.s. c 15:** See notes following RCW 28B.10.776.

**RCW 28B.10.784 Budget calculation—Participation rate and enrollment level estimates—Recommendations to governor and legislature.** The participation rate used to calculate enrollment levels under RCW 28B.10.776 and 28B.10.782 shall be based on fall enrollment reported in the higher education enrollment report as maintained by the office of financial management, fall enrollment as reported in the management information system of the state board for community and technical colleges, and the corresponding fall population forecast by the office of financial management. Formal estimates of the state participation rates and enrollment levels necessary to fulfill the requirements of RCW 28B.10.776 and 28B.10.782 shall be determined by the office of financial management as part of its responsibility to develop and maintain student enrollment forecasts for colleges and universities under RCW 43.62.050. Formal

estimates of the state participation rates and enrollment levels required by this section shall be based on procedures and standards established by a technical work group consisting of staff from the student achievement council, the public four-year institutions of higher education, the state board for community and technical colleges, the fiscal and higher education committees of the house of representatives and the senate, and the office of financial management. Formal estimates of the state participation rates and enrollment levels required by this section shall be submitted to the fiscal committees of the house of representatives and senate on or before November 15th of each even-numbered year. The student achievement council shall periodically review the enrollment goals set forth in RCW 28B.10.776 and 28B.10.782 and submit recommendations concerning modification of these goals to the governor and to the higher education committees of the house of representatives and the senate. [2012 c 229 s 517; 1993 sp.s. c 15 s 6.]

**Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Findings—Effective date—1993 sp.s. c 15:** See notes following RCW 28B.10.776.

**RCW 28B.10.786 Budget calculation—Student financial aid programs.** It is the policy of the state of Washington that financial need not be a barrier to participation in higher education. It is also the policy of the state of Washington that the essential requirements level budget calculation include funding for state student financial aid programs. The calculation should, at a minimum, include a funding level equal to the amount provided in the second year of the previous biennium in the omnibus appropriations act, adjusted for the percentage of needy resident students, by educational sector, likely to be included in any enrollment increases necessary to maintain, by educational sector, the participation rate funded in the 1993 fiscal year. The calculation should also be adjusted to reflect, by educational sector, any increases in cost of attendance. The cost of attendance figures should be calculated by the office of financial management and provided to the appropriate legislative committees by June 30th of each even-numbered year. [2011 1st sp.s. c 11 s 138; 1993 sp.s. c 15 s 7.]

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Findings—Effective date—1993 sp.s. c 15:** See notes following RCW 28B.10.776.

**RCW 28B.10.790 State student financial aid program—Eligibility of certain residents attending college or university in states with reciprocity agreements.** Washington residents attending any nonprofit college or university in another state which has a reciprocity

agreement with the state of Washington shall be eligible for the student financial aid program outlined in chapter 28B.92 RCW if:

(1) They qualify as a student who demonstrates financial need as defined under RCW 28B.92.030; and

(2) The institution attended is a member institution of an accrediting association recognized by rule of the student achievement council for the purposes of this section and is specifically encompassed within or directly affected by such reciprocity agreement and agrees to and complies with program rules and regulations pertaining to such students and institutions adopted pursuant to RCW 28B.92.150. [2019 c 406 s 25; 2012 c 229 s 518; 2011 1st sp.s. c 11 s 139; 2004 c 275 s 44; 1985 c 370 s 54; 1980 c 13 s 1.]

**Findings—Intent—2019 c 406:** See note following RCW 43.79.195.

**Findings—Short title—2019 c 406:** See notes following RCW 28B.92.200.

**Findings—2019 c 406:** See note following RCW 28B.94.020.

**Findings—Intent—2019 c 406:** See note following RCW 28C.30.050.

**Findings—Intent—2019 c 406:** See note following RCW 43.216.135.

**Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Part headings not law—2004 c 275:** See note following RCW 28B.76.090.

**Severability—1980 c 13:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1980 c 13 s 3.]

**RCW 28B.10.792 State student financial aid program—Guidelines to determine institutions affected by reciprocity agreements.** The office of student financial assistance shall develop guidelines for determining the conditions under which an institution can be determined to be directly affected by a reciprocity agreement for the purposes of RCW 28B.10.790: PROVIDED, That no institution shall be determined to be directly affected unless students from the county in which the institution is located are provided, pursuant to a reciprocity agreement, access to Washington institutions at resident tuition and fee rates to the extent authorized by Washington law. [2011 1st sp.s. c 11 s 140; 1985 c 370 s 55; 1980 c 13 s 2.]

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Severability—1980 c 13:** See note following RCW 28B.10.790.

**RCW 28B.10.825 Institutional student loan fund for needy students.** The board of trustees or regents of each of the state's colleges or universities may allocate from services and activities fees an amount not to exceed one dollar per quarter or one dollar and fifty cents per semester to an institutional student loan fund for needy students, to be administered by such rules or regulations as the board of trustees or regents may adopt: PROVIDED, That loans from such funds shall not be made for terms exceeding twelve months, and the true annual rate of interest charged shall be six percent. [1971 ex.s. c 279 s 4.]

**Severability—1971 ex.s. c 279:** See note following RCW 28B.15.005.

*Colleges and universities defined: RCW 28B.15.005.*

**RCW 28B.10.840 Definitions for purposes of RCW 28B.10.840 through 28B.10.844.** The term "institution of higher education" whenever used in RCW 28B.10.840 through 28B.10.844, shall be held and construed to mean any public institution of higher education in Washington. The term "educational board" whenever used in RCW 28B.10.840 through 28B.10.844, shall be held and construed to mean the state board for community and technical colleges. [2011 1st sp.s. c 11 s 141; 1985 c 370 s 57; 1975 1st ex.s. c 132 s 17; 1972 ex.s. c 23 s 1.]

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Effective date—Severability—1975 1st ex.s. c 132:** See notes following RCW 28B.77.060.

**RCW 28B.10.842 Actions against regents, trustees, officers, employees, or agents of institutions of higher education or educational boards—Defense—Costs—Payment of obligations from liability account.** Whenever any action, claim, or proceeding is instituted against any regent, trustee, officer, employee, or agent of an institution of higher education or member of the governing body, officer, employee, or agent of an educational board arising out of the performance or failure of performance of duties for, or employment with such institution or educational board, the board of regents or board of trustees of the institution or governing body of the educational board may grant a request by such person that the attorney general be authorized to defend said claim, suit, or proceeding, and the costs of defense of such action shall be paid as provided in RCW 4.92.130. If a majority of the members of a board of regents or trustees or educational board is or would be personally affected by

such findings and determination, or is otherwise unable to reach any decision on the matter, the attorney general is authorized to grant a request. When a request for defense has been authorized, then any obligation for payment arising from such action, claim, or proceedings shall be paid from the liability account, notwithstanding the nature of the claim, pursuant to the provisions of *RCW 4.92.130 through 4.92.170, as now or hereafter amended: PROVIDED, That this section shall not apply unless the authorizing body has made a finding and determination by resolution that such regent, trustee, member of the educational board, officer, employee, or agent was acting in good faith. [1999 c 163 s 7; 1975 c 40 s 4; 1972 ex.s. c 23 s 2.]

***Reviser's note:** RCW 4.92.140 and 4.92.170 were repealed by 1989 c 419 s 18, effective July 1, 1989.

**Effective date—1999 c 163:** See note following RCW 4.92.130.

*Liability coverage of university personnel and students: RCW 28B.20.250 through 28B.20.255.*

**RCW 28B.10.844 Regents, trustees, officers, employees, or agents of institutions of higher education or educational boards, insurance to protect and hold personally harmless.** The board of regents and the board of trustees of each of the state's institutions of higher education and governing body of an educational board are authorized to purchase insurance to protect and hold personally harmless any regent, trustee, officer, employee, or agent of their respective institution, any member of an educational board, its officers, employees or agents, from any action, claim, or proceeding instituted against him or her arising out of the performance or failure of performance of duties for or employment with such institution or educational board and to hold him or her harmless from any expenses connected with the defense, settlement, or monetary judgments from such actions. [2011 c 336 s 714; 1972 ex.s. c 23 s 3.]

*Liability coverage of university personnel and students: RCW 28B.20.250 through 28B.20.255.*

**RCW 28B.10.846 Report of child abuse or neglect—Reporting responsibilities.** (1)(a) All employees of institutions of higher education, not considered academic or athletic department employees, who have reasonable cause to believe a child has suffered abuse or neglect, must report such abuse or neglect immediately to the appropriate administrator or supervisor, as designated by the institution. The administrator or supervisor to whom the report was made, if not already a mandatory reporter under RCW 26.44.030, must report the abuse or neglect within forty-eight hours to a mandatory reporter designated by the institution for this purpose.

(b) For purposes of this section, "child" has the same meaning as in RCW 26.44.020(2).

(c) For purposes of this section, "abuse or neglect" has the same meaning as in RCW 26.44.020(1).

(2) Institutions of higher education must ensure that the employees covered by the provisions of RCW 26.44.030 and subsection (1)(a) of this section have knowledge of their reporting

responsibilities through whatever means are most likely to succeed in providing this information to affected employees. [2012 c 55 s 2.]

**RCW 28B.10.878 G. Robert Ross distinguished faculty award.** The G. Robert Ross distinguished faculty award is hereby established. The board of trustees at Western Washington University shall establish the guidelines for the selection of the recipients of the G. Robert Ross distinguished faculty award. The board shall establish a local endowment fund for the deposit of all state funds appropriated for this purpose and any private donations. The board shall administer the endowment fund and the award. The principal of the invested endowment fund shall not be invaded and the proceeds from the endowment fund may be used to supplement the salary of the holder of the award, to pay salaries of his or her assistants, and to pay expenses associated with the holder's scholarly work. [1988 c 125 s 2.]

**Finding—1988 c 125 s 2:** "The legislature finds that G. Robert Ross, immediate past president of Western Washington University, was an exemplary university president who helped lead his school to a position of increasing excellence and national prominence. Dr. Ross was a convincing spokesperson for excellence in all areas of education and was a leader who strongly encouraged the faculty and staff at Western Washington University to be actively involved in the pursuit of scholarly activities.

The legislature wishes to honor the public spirit, dedication, integrity, perseverance, inspiration, and accomplishments of Western Washington University faculty through the creation of the G. Robert Ross Distinguished Faculty Award." [1988 c 125 s 1.]

**RCW 28B.10.890 Collegiate license plate fund—Scholarships.** A collegiate license plate fund is established in the custody of the state treasurer for each college or university with a collegiate license plate program approved by the department of licensing under RCW 46.18.225. All receipts from collegiate license plates authorized under RCW 46.17.220 must be deposited in the appropriate local college or university nonappropriated, nonallotted fund. Expenditures from the funds may be used only for student scholarships. Only the president of the college or university or the president's designee may authorize expenditures from the fund. [2010 c 161 s 1102; 1994 c 194 s 7.]

**Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161:** See notes following RCW 46.04.013.

**RCW 28B.10.900 "Hazing" defined.** As used in RCW 28B.10.901 and 28B.10.902, "hazing" includes any act committed as part of a person's recruitment, initiation, pledging, admission into, or affiliation with a student organization, athletic team, or living group, or any pastime or amusement engaged in with respect to such an organization, athletic team, or living group that causes, or is likely to cause, bodily danger or physical harm, or serious psychological or emotional harm, to any student or other person attending a public or private institution of higher education or other postsecondary educational

institution in this state, including causing, directing, coercing, or forcing a person to consume any food, liquid, alcohol, drug, or other substance which subjects the person to risk of such harm, regardless of the person's willingness to participate. "Hazing" does not include customary athletic events or other similar contests or competitions. [2022 c 209 s 1; 1993 c 514 s 1.]

**Short title—2022 c 209:** "This act may be known and cited as the Sam's law act." [2022 c 209 s 7.]

**RCW 28B.10.901 Hazing prohibited—Penalty.** (1) No student, or other person in attendance at any public or private institution of higher education, or any other postsecondary educational institution, may intentionally haze another.

(2)(a) Except as provided in (b) of this subsection, a violation of subsection (1) of this section is a gross misdemeanor, punishable as provided under RCW 9A.20.021.

(b) A violation of subsection (1) of this section that causes substantial bodily harm, as defined in RCW 9A.04.110, to another person is a class C felony.

(3) Any student organization, association, or student living group that permits hazing is strictly liable for damages caused to persons or property resulting from hazing. If the student organization, association, or student living group is a corporation whether for profit or nonprofit, the individual directors of the corporation may be held individually liable for damages. [2023 c 196 s 1; 1993 c 514 s 2.]

**Short title—2023 c 196:** "This act may be known and cited as the Sam Martinez stop hazing law." [2023 c 196 s 5.]

**RCW 28B.10.902 Participating in or permitting hazing—Loss of state-funded grants or awards—Loss of official recognition or control—Rules.** (1) A person who participates in the hazing of another shall forfeit any entitlement to state-funded grants, scholarships, or awards for a period of time determined by the institution of higher education.

(2) Any organization, association, or student living group that knowingly permits hazing to be conducted by its members or by others subject to its direction or control shall be deprived of any official recognition or approval granted by a public institution of higher education.

(3) The public institutions of higher education shall adopt rules to implement this section. [1993 c 514 s 3.]

**RCW 28B.10.903 Conduct associated with initiation into group or pastime or amusement with group—Sanctions adopted by rule.** Institutions of higher education shall adopt rules providing sanctions for conduct associated with initiation into a student organization or living group, or any pastime or amusement engaged in with respect to an organization or living group not amounting to a violation of RCW 28B.10.900. Conduct covered by this section may include embarrassment,

ridicule, sleep deprivation, verbal abuse, or personal humiliation. [1993 c 514 s 4.]

**RCW 28B.10.904 Hazing—Code of conduct—Educational program.** (1) Each public and private institution of higher education shall prohibit in its code of conduct hazing off campus as well as on campus.

(2) Beginning with the 2022 fall term, each public and private institution of higher education shall provide students with an educational program on hazing and the dangers of and prohibition on hazing, which shall include information regarding hazing awareness, prevention, intervention, and the institution's policy on hazing. The educational program may be offered in person or electronically. The institution must incorporate the educational program as part of new student orientation sessions. The educational program must be posted on each institution's public website for parents, legal guardians, and volunteers to view.

(3) Institutional materials on student rights and responsibilities given to student organizations, athletic teams, or living groups, either electronically or in hard copy form, shall include a statement on the institution's antihazing policy and on the dangers of hazing. [2022 c 209 s 2.]

**Short title—2022 c 209:** See note following RCW 28B.10.900.

**RCW 28B.10.905 Hazing—Prevention committee.** Each public institution of higher education shall establish a hazing prevention committee to promote and address hazing prevention. The committee shall have a minimum of six members including a designated chair appointed by the president of the institution. Fifty percent of the committee positions shall include students currently attending the higher education institution with at least one position filled by a student from a student organization, athletic team, or living group. The other fifty percent of the committee positions shall include at least one faculty or staff member and one parent or legal guardian of a student currently enrolled at the institution. Student input shall be considered for committee membership. A student who is a member of a student organization, athletic team, or living group that was affiliated with a finding of a hazing violation within the last twelve months may not participate in or be a member of the hazing prevention committee. [2022 c 209 s 3.]

**Short title—2022 c 209:** See note following RCW 28B.10.900.

**RCW 28B.10.906 Hazing—Report of violations.** (1) Beginning with the 2022-23 academic year, each public and private institution of higher education shall maintain and publicly report actual findings of violations by any student organization, athletic team, or living group of the public or private institution of higher education's code of conduct, antihazing policies, or state or federal laws relating to hazing or offenses related to alcohol, drugs, sexual assault, or physical assault.

(2) The report shall include the following:

(a) The name of the student organization, athletic team, or living group;

(b) The date the investigation was initiated;

(c) The date on which the investigation ended with a finding that a violation occurred;

(d) A description of the incident or incidents, including the date of the initial violation, and the violations, findings, and sanctions placed on the student organization, athletic team, or living group;

(e) The details of the sanction or sanctions imposed, including the beginning and end dates of the sanction or sanctions; and

(f) The date the student organization, athletic team, or living group was charged with a violation.

(3) Investigations that do not result in a finding of formal violations of the student code of conduct or state or federal law shall not be included in the report. The report shall not include any personal or identifying information of individual student members and shall be subject to the requirements of the federal family education rights and privacy act of 1974, 20 U.S.C. Sec. 1232g.

(4) Public and private institutions of higher education shall make reports under this section available on their websites in a prominent location clearly labeled and easily accessible from the institution's website.

(5) Each public and private institution of higher education shall maintain reports as they are updated for five years and shall post them on their respective websites at least 45 calendar days before the start of each fall academic term and at least 10 days before the start of all other academic terms. [2022 c 209 s 4.]

**Short title——2022 c 209:** See note following RCW 28B.10.900.

**RCW 28B.10.907 Hazing——Prevention education——Incident reporting.** (1) Beginning in the 2022 fall academic term, each public and private institution of higher education shall provide hazing prevention education on the signs and dangers of hazing as well as the institution's prohibition on hazing to employees, including student employees, either in person or electronically. The prevention education shall be provided to employees at the beginning of each academic year and for new employees at the beginning of each academic term.

(2) If, as a result of observations or information received in the course of employment or volunteer service, any employee, including a student employee, or volunteer at a public or private institution of higher education has reasonable cause to believe that hazing has occurred, the employee or volunteer shall report the incident, or cause a report to be made, to a designated authority at the institution. The employee or volunteer shall make the report at the first opportunity to do so.

(3) "Reasonable cause" means a person who witnesses hazing or receives a credible written or oral report alleging hazing or potential or planned hazing activity.

(4) A person who witnesses hazing or has reasonable cause to believe hazing has occurred or will occur and makes a report in good faith may not be sanctioned or punished for the violation of hazing

unless the person is directly engaged in the planning, directing, or act of hazing reported.

(5) Nothing in this section shall preclude a person from independently reporting hazing or suspected hazing activity to law enforcement.

(6) As used in this section, "employee" means a person who is receiving wages from the institution of higher education and is in a position with direct ongoing contact with students in a supervisory role or position of authority. "Employee" does not include a person employed as medical staff or with an affiliated organization, entity, or extension of a postsecondary educational institution, unless the employee has a supervisory role or position of authority over students. "Employee" does not include confidential employees. [2022 c 209 s 5.]

**Short title—2022 c 209:** See note following RCW 28B.10.900.

**RCW 28B.10.908 Hazing—Social fraternity and sorority organizations.** (1) Social fraternity and sorority organizations shall notify the public or private institution of higher education before chartering, rechartering, opening, or reopening a local chapter or operating at the public or private institution of higher education.

(2) Social fraternity and sorority organizations shall notify the public or private institution of higher education when the organization instigates an investigation of a local chapter at the public or private institution of higher education for hazing or other activity that includes an element of hazing, such as furnishing alcohol to minors. The organization shall provide the results of such investigation and a copy of the full findings report to the public or private institution of higher education's student conduct office.

(3) Beginning in the 2022 fall academic term, any local social fraternity or sorority chapter seeking to obtain or maintain registration with any public or private institution of higher education in the state must certify in writing and provide weblinks to that institution showing that the landing pages of all websites owned or maintained by the local chapter contain a full list for the previous five years of all findings of violations of antihazing policies, state or federal laws relating to hazing, alcohol, drugs, sexual assault, or physical assault, or the institution's code of conduct against the local chapter.

(4) Failure of a social fraternity or sorority organization to comply with subsections (1) through (3) of this section shall result in automatic loss of recognition until such time that the organization comes into compliance with those subsections. [2022 c 209 s 6.]

**Short title—2022 c 209:** See note following RCW 28B.10.900.

**RCW 28B.10.910 Students with disabilities—Core services.** Each student with one or more disabilities is entitled to receive a core service only if the service is reasonably needed to accommodate the student's disabilities. The requesting student shall make a reasonable request for core services in a timely manner and the institution of higher education or agency providing the service shall respond reasonably and in a timely manner. [1994 c 105 s 2.]

**Intent——1994 c 105:** "It is a fundamental aspiration of the people of Washington that individuals be afforded the opportunity to compete academically. Accordingly, it is an appropriate act of state government, in furtherance of this aspiration, to make available appropriate support services to those individuals who are able to attend college by virtue of their potential and desire, but whose educational progress and success is hampered by a lack of accommodation.

Furthermore, under existing federal and state laws, institutions of higher education are obligated to provide services to students with disabilities. The legislature does not intend to confer any new or expanded rights, however, the intent of this act is to provide a clearer, more succinct statement of those rights than is presently available and put Washington on record as supporting those rights.

It is the intent of the legislature that these services be provided within the bounds of the law. Therefore, the institution of higher education's obligations to provide reasonable accommodations are limited by the defenses provided in federal and state statutes, such as undue financial burden and undue hardship." [1994 c 105 s 1.]

**RCW 28B.10.912 Students with disabilities——Core services described——Notice of nondiscrimination.** Each institution of higher education shall ensure that students with disabilities are reasonably accommodated within that institution. The institution of higher education shall provide students with disabilities with the appropriate core service or services necessary to ensure equal access.

Core services shall include, but not be limited to:

(1) Flexible procedures in the admissions process that use a holistic review of the student's potential, including appropriate consideration in statewide and institutional alternative admissions programs;

(2) Early registration or priority registration;

(3) Sign language, oral and tactile interpreter services, or other technological alternatives;

(4) Textbooks and other educational materials in alternative media, including, but not limited to, large print, braille, electronic format, and audiotape;

(5) Provision of readers, notetakers, scribes, and proofreaders including recruitment, training, and coordination;

(6) Ongoing review and coordination of efforts to improve campus accessibility, including but not limited to, all aspects of barrier-free design, signage, high-contrast identification of hazards of mobility barriers, maintenance of access during construction, snow and ice clearance, and adequate disability parking for all facilities;

(7) Facilitation of physical access including, but not limited to, relocating of classes, activities, and services to accessible facilities and orientation if route of travel needs change, such as at the beginning of a quarter or semester;

(8) Access to adaptive equipment including, but not limited to, TDDs, FM communicators, closed caption devices, amplified telephone receivers, closed circuit televisions, low-vision reading aids, player/recorders for 15/16 4-track tapes, photocopy machines able to use eleven-by-seventeen inch paper, brailling devices, and computer enhancements;

(9) Referral to appropriate on-campus and off-campus resources, services, and agencies;

(10) Release of syllabi, study guides, and other appropriate instructor-produced materials in advance of general distribution, and access beyond the regular classroom session to slides, films, overheads and other media and taping of lectures;

(11) Accessibility for students with disabilities to tutoring, mentoring, peer counseling, and academic advising that are available on campus;

(12) Flexibility in test taking arrangements;

(13) Referral to the appropriate entity for diagnostic assessment and documentation of the disability;

(14) Flexibility in timelines for completion of courses, certification, and degree requirements;

(15) Flexibility in credits required to be taken to satisfy institutional eligibility for financial aid; and

(16) Notification of the institution of higher education's policy of nondiscrimination on the basis of disability and of steps the student may take if he or she believes discrimination has taken place. This notice shall be included in all formal correspondence that communicates decisions or policies adversely affecting the student's status or rights with the institution of higher education. This notice shall include the phone numbers of the United States department of education, the United States office of civil rights, and the Washington state human rights commission. [1994 c 105 s 3.]

**Intent——1994 c 105:** See note following RCW 28B.10.910.

**RCW 28B.10.914 Students with disabilities——Accommodation.** Reasonable accommodation for students with disabilities shall be provided as appropriate for all aspects of college and university life, including but not limited to: Recruitment, the application process, enrollment, registration, financial aid, coursework, research, academic counseling, housing programs owned or operated by the institution of higher education, and nonacademic programs and services. [1994 c 105 s 4.]

**Intent——1994 c 105:** See note following RCW 28B.10.910.

**RCW 28B.10.916 Supplemental instructional materials for students with print access disability.** (1) An individual, firm, partnership or corporation that publishes or manufactures instructional materials for students attending any public or private institution of higher education in the state of Washington shall provide to the public or private institution of higher education, for use by students attending the institution, any instructional material in an electronic format mutually agreed upon by the publisher or manufacturer and the public or private institution of higher education. Computer files or electronic versions of printed instructional materials shall be provided; video materials must be captioned or accompanied by transcriptions of spoken text; and audio materials must be accompanied by transcriptions. These supplemental materials shall be provided to the public or private institution of higher education at no additional

cost and in a timely manner, upon receipt of a written request as provided in subsection (2) of this section.

(2) A written request for supplemental materials must:

(a) Certify that a student with a print access disability attending or registered to attend a public or participating private institution of higher education has purchased the instructional material or the public or private institution of higher education has purchased the instructional material for use by a student with a print access disability;

(b) Certify that the student has a print access disability that substantially prevents him or her from using standard instructional materials;

(c) Certify that the instructional material is for use by the student in connection with a course in which he or she is registered or enrolled at the public or private institution of higher education; and

(d) Be signed by the coordinator of services for students with disabilities at the public or private institution of higher education or by the college or campus official responsible for monitoring compliance with the Americans with disabilities act of 1990 (42 U.S.C. 12101 et seq.) at the public or private institution of higher education.

(3) An individual, firm, partnership or corporation specified in subsection (1) of this section may also require that, in addition to the requirements in subsection (2) of this section, the request include a statement signed by the student agreeing to both of the following:

(a) He or she will use the instructional material provided in specialized format solely for his or her own educational purposes; and

(b) He or she will not copy or duplicate the instructional material provided in specialized format for use by others.

(4) A public or private institution of higher education that provides a specialized format version of instructional material pursuant to this section may not require that the student return the specialized format version of the instructional material, except that if the institution has determined that it is not required to allow the student to retain the material under the Americans with disabilities act or other applicable laws, and the material was translated or transcribed into a specialized format at the expense of the institution and the cost to reproduce a copy of the translation or transcription is greater than one hundred dollars, the institution may require that the student return the specialized format version.

(5) If a public or private institution of higher education provides a student with the specialized format version of an instructional material, the media must be copy-protected or the public or private institution of higher education shall take other reasonable precautions to ensure that students do not copy or distribute specialized format versions of instructional materials in violation of the copyright revision act of 1976, as amended (17 U.S.C. Sec. 101 et seq.).

(6) For purposes of this section:

(a) "Instructional material or materials" means textbooks and other materials that are required or essential to a student's success in a postsecondary course of study in which a student with a disability is enrolled. The determination of which materials are "required or essential to student success" shall be made by the instructor of the course in consultation with the official making the

request in accordance with guidelines issued pursuant to subsection (10) of this section. The term specifically includes both textual and nontextual information.

(b) "Print access disability" means a condition in which a person's independent reading of, reading comprehension of, or visual access to materials is limited or reduced due to a sensory, neurological, cognitive, physical, psychiatric, or other disability recognized by state or federal law. The term is applicable, but not limited to, persons who are blind, have low vision, or have reading disorders or physical disabilities.

(c) "Structural integrity" means all instructional material, including but not limited to the text of the material, sidebars, the table of contents, chapter headings and subheadings, footnotes, indexes, glossaries, graphs, charts, illustrations, pictures, equations, formulas, and bibliographies. Structural order of material shall be maintained. Structural elements, such as headings, lists, and tables must be identified using current markup and tools. If good faith efforts fail to produce an agreement between the publisher or manufacturer and the public or private institution of higher education, as to an electronic format that will preserve the structural integrity of instructional materials, the publisher or manufacturer shall provide the instructional material in a verified and valid HTML format and shall preserve as much of the structural integrity of the instructional materials as possible.

(d) "Specialized format" means Braille, audio, or digital text that is exclusively for use by blind or other persons with print access disabilities.

(7) Nothing in this section is to be construed to prohibit a public or private institution of higher education from assisting a student with a print access disability through the use of an electronic version of instructional material gained through this section or by transcribing or translating or arranging for the transcription or translation of the instructional material into specialized formats that provide persons with print access disabilities the ability to have increased independent access to instructional materials. If such specialized format is made, the public or private institution of higher education may share the specialized format version of the instructional material with other students with print access disabilities for whom the public or private institution of higher education is authorized to request electronic versions of instructional material. The addition of captioning to video material by a Washington public or private institution of higher education does not constitute an infringement of copyright.

(8) A specialized format version of instructional materials developed at one public or private institution of higher education in Washington state may be shared for use by a student at another public or private institution of higher education in Washington state for whom the latter public or private institution of higher education is authorized to request electronic versions of instructional material.

(9) Nothing in this section shall be deemed to authorize any use of instructional materials that would constitute an infringement of copyright under the copyright revision act of 1976, as amended (17 U.S.C. Sec. 101 et seq.).

(10) The governing boards of public and participating private institutions of higher education in Washington state shall each adopt guidelines consistent with this section for its implementation and

administration. At a minimum, the guidelines shall address all of the following:

(a) The designation of materials deemed "required or essential to student success";

(b) The determination of the availability of technology for the conversion of materials pursuant to subsection (5) of this section and the conversion of mathematics and science materials pursuant to subsection (6)(c) of this section;

(c) The procedures and standards relating to distribution of files and materials pursuant to this section;

(d) The guidelines shall include procedures for granting exceptions when it is determined that an individual, firm, partnership or corporation that publishes or manufactures instructional materials is not technically able to comply with the requirements of this section; and

(e) Other matters as are deemed necessary or appropriate to carry out the purposes of this section.

(11) A violation of this chapter constitutes an unfair practice under chapter 49.60 RCW, the law against discrimination. All rights and remedies under chapter 49.60 RCW, including the right to file a complaint with the human rights commission and to bring a civil action, apply. [2011 c 356 s 2; 2004 c 46 s 1.]

**RCW 28B.10.918 Disability history month——Activities.** Annually, during the month of October, each of the public institutions of higher education shall conduct or promote educational activities that provide instruction, awareness, and understanding of disability history and people with disabilities. The activities may include, but not be limited to, guest speaker presentations. [2008 c 167 s 4.]

**RCW 28B.10.923 Online learning technologies——Common learning management system for institutions of higher education.** All institutions of higher education are encouraged to use common online learning technologies including, but not limited to, existing learning management and web conferencing systems currently managed and governed by the state board for community and technical colleges; and share professional development materials and activities related to effective use of these tools. The state board for community and technical colleges may adjust existing vendor licenses to accommodate and provide enterprise services for any interested institutions of higher education. The common learning management system shall be designed in a way that allows for easy sharing of courses, learning objects, and other digital content among the institutions of higher education. Institutions of higher education may begin migration to these common systems immediately. The state board for community and technical colleges shall convene representatives from each four-year institution of higher education to develop a shared fee structure. [2009 c 407 s 2.]

**Intent——2009 c 407:** "The legislature recognizes that the state must educate more people to higher levels to adapt to the economic and social needs of the future. While our public colleges and universities have realized great success in helping students achieve their dreams, the legislature also recognizes that much more must be done to prepare

current and future students for a twenty-first century economy. To raise the levels of skills and knowledge needed to sustain the state's economic prosperity and competitive position in a global environment, the public higher education system must reach out to every prospective student and citizen in unprecedented ways, with unprecedented focus.

To reach out to these citizens, the state must dismantle the barriers of geographic isolation, cost, and competing demands of work and family life. The state must create a more nimble system of learning that is student-centric, more welcoming of nontraditional and underserved students, easier to access and use, and more tailored to today's student needs and expectations.

Technology can play a key role in helping achieve this systemic goal. While only a decade ago access to personal computers was widely viewed a luxury, today computers, digital media, electronic information, and content have changed the nature of how students learn and instructors teach. This presents a vast, borderless opportunity to extend the reach and impact of the state's public educational institutions and educate more people to higher levels.

Each higher education institution and workforce program serves a unique group of students and as such, has customized its own technology solutions to meet its emerging needs. While local solutions may have served institutions of higher education in the past, paying for and operating multiple technology solutions, platforms, systems, models, agreements, and operational functionality for common applications and support services no longer serves students or the state.

Today's students access education differently. Rather than enrolling in one institution of higher education, staying two to four years and graduating, today's learners prefer a cafeteria approach; they often enroll in and move among multiple institutions - sometimes simultaneously. Rather than sitting in lecture halls taking notes, they may listen to podcasts of a lecture while grocery shopping or hold a virtual study group with classmates on a video chat room. They may prefer hybrid courses where part of their time is spent in the classroom and part is spent online. They prefer online access for commodity administrative services such as financial aid, admissions, transcript services, and more.

Institutions of higher education not only must rethink teaching and learning in a digital-networked world, but also must tailor their administrative and student services technologies to serve the mobile student who requires dynamic, customized information online and in real time. Because these relationships are changing so fast and so fundamentally, it is incumbent on the higher education system to transform its practices just as profoundly.

Therefore, the legislature intends to both study and implement its findings regarding how the state's public institutions of higher education can share core resources in instructional, including library, resources, student services, and administrative information technology resources, user help desk services, faculty professional development, and more. The study will examine how public institutions of higher education can pursue a strategy of implementing single, shared, statewide commonly needed standards-based software, web hosting and support service solutions that are cost-effective, easily integrated, user-friendly, flexible, and constantly improving. The full range of applications that serve students, faculty, and administration shall be included. Expensive, proprietary, nonstandards-based customized applications, databases and services,

and other resources that do not allow for the transparent sharing of information across institutions, agencies, and educational levels, including K-12, are inconsistent with the state's objective of educating more people to higher levels." [2009 c 407 s 1.]

**RCW 28B.10.924 Aviation biofuel demonstration project—Income from commercialization of patents, copyrights, proprietary processes, or licenses—Deposit of proportionate percentage of income.** If a state university or foundation derives income from the commercialization of patents, copyrights, proprietary processes, or licenses developed by the forest biomass to aviation fuel demonstration project in section 2, chapter 217, Laws of 2011, a percentage of that income, proportionate to the percent of state resources used to develop and commercialize the patent, copyright, proprietary process, or license must be deposited in the state general fund. [2011 c 217 s 3.]

**Findings—2011 c 217:** "The legislature finds that the work that is already underway in exploring the potential of linking Washington's forest products and aeronautics industries in producing a sustainable aviation biofuel with feedstock from the state's public and private forestlands is important to this state's economy and its sustainable energy policies. The sustainable aviation fuel Northwest initiative has set the stage by beginning the process and initiating stakeholder involvement in assessing the options for developing the biofuel industry in the Northwest.

The legislature further finds that the work that is being done by the department of natural resources and our state research universities in exploring opportunities to develop aviation biofuel in Washington will provide the scientific and technological analyses needed to determine a pathway for the sustainable use of forest biomass to produce biofuels." [2011 c 217 s 1.]

**RCW 28B.10.925 Transfer of ownership of institution-owned vessel—Review of vessel's physical condition.** (1) Prior to transferring ownership of an institution-owned vessel, an institution of higher education shall conduct a thorough review of the physical condition of the vessel, the vessel's operating capability, and any containers and other materials that are not fixed to the vessel.

(2) If the institution of higher education determines that the vessel is in a state of advanced deterioration or poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination, the institution of higher education may: (a) Not transfer the vessel until the conditions identified under this subsection have been corrected; or (b) permanently dispose of the vessel by landfill, deconstruction, or other related method. [2013 c 291 s 25.]

**RCW 28B.10.926 Transfer of ownership of institution-owned vessel—Further requirements.** (1) Following the inspection required under RCW 28B.10.925 and prior to transferring ownership of an institution-owned vessel, the institution of higher education shall obtain the following from the transferee:

(a) The purposes for which the transferee intends to use the vessel; and

(b) Information demonstrating the prospective owner's intent to obtain legal moorage following the transfer, in the manner determined by the institution of higher education.

(2)(a) The institution of higher education shall remove any containers or other materials that are not fixed to the vessel and contain hazardous substances, as defined under RCW 70A.305.020.

(b) However, the institution of higher education may transfer a vessel with:

(i) Those containers or materials described under (a) of this subsection where the transferee demonstrates to the institution of higher education's satisfaction that the container's or material's presence is consistent with the anticipated use of the vessel; and

(ii) A reasonable amount of fuel as determined by the institution of higher education, based on factors including the vessel's size, condition, and anticipated use of the vessel including initial destination following transfer.

(c) The institution of higher education may consult with the department of ecology in carrying out the requirements of this subsection.

(3) Prior to sale, and unless the vessel has a title or valid marine document, the institution of higher education is required to apply for a certificate of title for the vessel under RCW 88.02.510 and register the vessel under RCW 88.02.550. [2021 c 65 s 21; 2013 c 291 s 26.]

**Explanatory statement——2021 c 65:** See note following RCW 53.54.030.

**RCW 28B.10.928 Investment authority——Bonds, warrants, certificates, notes, bankers' acceptances, and commercial paper.** (1) The following definitions apply throughout this section unless the context clearly requires otherwise.

(a) "Bond" means any agreement which may or may not be represented by a physical instrument, including but not limited to bonds, notes, warrants, or certificates of indebtedness, that evidences an obligation under which the issuer agrees to pay a specified amount of money, with or without interest, at a designated time or times either to registered owners or bearers.

(b) "Local government" means any county, city, town, special purpose district, political subdivision, municipal corporation, or quasi-municipal corporation, including any public corporation, authority, or other instrumentality created by such an entity.

(c) "State" includes any state in the United States, other than the state of Washington.

(2) In addition to any other statutorily authorized investments permissible pursuant to chapters 28B.20, 28B.30, 28B.35, 28B.40, and 28B.50 RCW, institutions of higher education may invest in:

(a) Bonds of the state of Washington and any local government in the state of Washington, which bonds have at the time of investment one of the three highest credit ratings of a nationally recognized rating agency;

(b) General obligation bonds of a state and general obligation bonds of a local government of a state, which bonds have at the time

of investment one of the three highest credit ratings of a nationally recognized rating agency;

(c) Subject to compliance with RCW 39.56.030, registered warrants of a local government in the same county as the institution of higher education making the investment;

(d) Certificates, notes, or bonds of the United States, or other obligations of the United States or its agencies, or of any corporation wholly owned by the government of the United States; or United States dollar denominated bonds, notes, or other obligations that are issued or guaranteed by supranational institutions, provided that, at the time of investment, the institution has the United States government as its largest shareholder;

(e) Federal home loan bank notes and bonds, federal land bank bonds and federal national mortgage association notes, debentures and guaranteed certificates of participation, or the obligations of any other government sponsored corporation whose obligations are or may become eligible as collateral for advances to member banks as determined by the board of governors of the federal reserve system;

(f) Bankers' acceptances purchased on the secondary market;

(g) Commercial paper purchased in the secondary market, provided that any institution of higher education that invests in such commercial paper must adhere to the investment policies and procedures adopted by the state investment board; and

(h) Corporate notes purchased on the secondary market, provided that any institution of higher education that invests in such notes must adhere to the investment policies and procedures adopted by the state investment board.

(3) Nothing in this section limits the investment authority granted pursuant to chapters 28B.20, 28B.30, 28B.35, 28B.40, and 28B.50 RCW. [2016 c 152 s 21.]

**RCW 28B.10.930 Comprehensive cancer care collaborative arrangements—Nonstate entity.** (1) To facilitate a public-private collaborative arrangement between a comprehensive cancer center and an institution of higher education and maintain the independence of the comprehensive cancer center as a nonprofit private entity, a comprehensive cancer center that is operated in conformance with subsection (3) of this section is not:

(a) A state agency, state employer, quasi-government entity, or the functional equivalent of a state entity for any purpose under Washington law;

(b) Subject to any obligation or duty of a state agency, state employer, or quasi-government entity under any Washington law; and

(c) Subject to state laws or rules and local ordinances, resolutions, or rules specifically applicable to state agencies solely because of an entity's status as a state agency, but is subject to generally applicable state laws and rules and local ordinances, resolutions, and rules.

(2) Employees of a comprehensive cancer center that is operated in conformance with subsection (3) of this section are not employees of a state agency, nor have any right or entitlement to any benefits conferred upon employees of a state agency.

(3)(a) For purposes of chapter 71, Laws of 2022, and to ensure that a comprehensive cancer center maintains its character as a nonpublic entity, a comprehensive cancer center must not:

(i) Perform an exclusively governmental function, but perform cancer research and medical treatment that are traditionally performed by both governmental and nongovernmental entities;

(ii) Receive a majority of its operations funding from the government of the state of Washington or its agencies or institutions, but perform research and medical services under contract to both governmental and nongovernmental entities;

(iii) Be subject to day-to-day management by any state agency or institution of higher education; and

(iv) Be created solely by a state agency or an institution of higher education.

(b) For purposes of chapter 71, Laws of 2022, and to ensure that the employees of a comprehensive cancer center are at no times employees of a state agency or institution of higher education, state employer, quasi-government entity, or the functional equivalent of a state entity, no state agency or institution of higher education, nor the employees, designees, or agents of a state agency or institution of higher education, may:

(i) Directly exercise employer management over comprehensive cancer center employees' day-to-day operation of the comprehensive cancer center;

(ii) Solely determine the compensation, benefits, and working conditions of comprehensive cancer center employees for their comprehensive cancer center employment; or

(iii) Engage in collective bargaining, the ratification of collective bargaining agreements as an employer, or other discussion with the exclusive bargaining representatives of the employees of a comprehensive cancer center related to comprehensive cancer center employees.

(4) For the purposes of chapter 71, Laws of 2022, the following definitions apply:

(a) "Collaborative arrangement" means a written arrangement between a comprehensive cancer center and an institution of higher education, through which the cancer care programs of the comprehensive cancer center and institution of higher education will be aligned and managed.

(b) "Comprehensive cancer center" means a comprehensive cancer center as defined in RCW 82.04.4265 that enters into a collaborative arrangement with an institution of higher education and is operated in conformance with this section. [2022 c 71 s 2.]

**Findings—Intent—2022 c 71:** "(1) The legislature finds that Washington benefits from its outstanding university research and health care delivery for cancer patients. The legislature finds that Washington state's citizens and its economy are benefited from the ability to attract and retain private, not-for-profit cancer research and health care delivery institutions. The legislature finds it is in the interest of the citizens of the state of Washington to promote collaboration between public universities and private not-for-profit entities in health care that will provide the highest level of cancer care for patients and advance the prevention, treatment, and cure of cancer through advanced research. The legislature intends to foster the development of cooperative and collaborative arrangements between institutions of higher education and private nonprofit comprehensive cancer centers, for the effective and efficient delivery of cancer-

related clinical care and as a platform to further advance cancer-related education and research.

(2) Further, the legislature intends that private nonprofit comprehensive cancer centers are not hindered in entering into such collaborations that would benefit the state of Washington and its residents by the application of certain laws governing state agencies.

(3) The legislature intends that private nonprofit comprehensive cancer centers in such collaborative arrangements are not state entities, or quasi-government entities, as a result of any such collaborative arrangement so long as the parties to the collaborative arrangement operate in conformance with section 2 of this act. The legislature further intends that employees of such private nonprofit entities are not state employees as a result of the collaboration so long as the parties to the collaborative arrangement operate in conformance with section 2 of this act.

(4) The legislature intends to maintain existing responsibilities that state institutions of higher education, as state agencies, owe to the citizens of the state, including but not limited to being subject to state audit and public records requirements, and preserving assets in the interest of the citizens of the state. Further, the legislature intends for private comprehensive cancer centers to retain their private status as they enter into the collaborative agreements with state institutions of higher education, described herein. The legislature intends that collaborations between state institutions of higher education and comprehensive cancer centers be governed by contractual arrangements that address, as necessary and appropriate, the intellectual property rights and obligations of the state." [2022 c 71 s 1.]

**RCW 28B.10.935 Hunger-free and basic needs campus strategic plan——Benefits navigators——Survey and reports——Definitions.** (1) Subject to the availability of amounts appropriated for this specific purpose, each institution of higher education, the university campuses created under chapter 28B.45 RCW, and the tribal college must have a minimum of one benefits navigator employed at a minimum .75 full-time equivalent rate, not to be divided between two or more staff, to assist students in accessing public benefits, existing emergency assistance programs such as those funded by RCW 28B.50.295, and other community resources. Each benefits navigator must be stationed at a single location on campus where students are directed to receive assistance. The institutions of higher education and the tribal college, in coordination with the respective benefits navigators, must each develop a hunger-free and basic needs campus strategic plan by April 1, 2024. Each strategic plan must:

(a) Identify campus food pantry policies that, in practice, create barriers to access and reduce or remove those barriers in the implementation of this subsection;

(b) Review and update methods to identify likely low-income and food-insecure students and conduct communications and outreach methods by the institution to promote opportunities for benefits assistance (such as basic food enrollment, working connections child care enrollment, referrals to the special supplemental nutrition program for women, infants, and children, affordable housing assistance) and emergency financial resources;

(c) Assess the needs and advantages of the benefits navigators;

(d) Identify opportunities for the institution and partnerships with community-based organizations to holistically support students' basic needs, access to benefits and community resources;

(e) Facilitate discussions and generate recommendations amongst community stakeholders on the basic needs of the institution's geographic postsecondary student population; and

(f) Assess the distribution of state funds for basic needs support provided to institutions of higher education and the tribal college.

(2) By the beginning of the 2024-25 academic year, the Washington student achievement council must collect and disseminate results of a student survey developed by the student achievement council, in collaboration with the state board for community and technical colleges and an organization representing the presidents of the public four-year institutions of higher education, to assess food security, housing security, and access to basic economic supports. Results from the survey may be used by the institutions of higher education and the tribal college. Existing survey tools may be used for this purpose.

(3) Public four-year institutions of higher education and their respective university campuses shall coordinate with an organization representing the presidents of the public four-year institutions to submit a report that must include outcomes from implementation of benefits navigators and findings and activities from their respective hunger-free and basic needs campus strategic plans. The community and technical colleges shall coordinate with the state board for community and technical colleges to submit a report that must include outcomes from implementation of benefits navigators and findings and activities from their respective hunger-free and basic needs campus strategic plans. The organizations representing the presidents of the public four-year institutions and the state board for community and technical colleges must submit the reports by December 1, 2025, and every other year thereafter, to the appropriate committees of the legislature in accordance with RCW 43.01.036.

(4) The tribal college shall submit a report that must include the findings and activities from implementation of the benefits navigator and findings and activities from the hunger-free and basic needs campus strategic plan. The tribal college must submit the report by December 1, 2025, and every other year thereafter, to the appropriate committees of the legislature in accordance with RCW 43.01.036.

(5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Benefits navigator" means an individual who is employed by an institution of higher education for the purpose of helping students seek, apply for, and receive assistance from benefits programs, emergency resources, and community resources.

(b) "Institutions of higher education" has the same meaning as in RCW 28B.10.016.

(c) "Student basic needs" means food, water, shelter, clothing, physical health, mental health, child care, or similar needs that students enrolled at an institution of higher education or tribal college may face difficulty with and that hinders their ability to begin or continue their enrollment.

(d) "Tribal colleges" means institutions of higher education operated by an Indian tribe as defined in RCW 43.376.010. [2023 c 421 s 2.]

**Findings—Intent—2023 c 421:** "In 2022, students at 39 colleges and universities across Washington state participated in a survey about basic needs insecurities, including access to food, housing, child care, and more. The survey found that nearly half of all students in all regions of the state experienced some type of basic needs insecurity. One in every three students experienced either food insecurity or housing insecurity. One in every 10 students had also experienced homelessness in the previous 12 months. Some students experienced these insecurities at higher rates than others, and former foster youth had the highest rates of basic needs insecurities with 75 percent experiencing either food or housing insecurity. Addressing basic needs challenges for students contributes to their ability to remain enrolled and pursue their educational goals as evidenced by data from the two student support programs the legislature previously enacted, the student emergency assistance grant program and the supporting students experiencing homelessness pilot program. When students received this assistance, an average of 88 percent of them were able to persist in their programs.

Therefore, the legislature intends to continue to support students and help students meet their basic needs by increasing access to resources and support services." [2023 c 421 s 1.]

**RCW 28B.10.980 Construction—Chapter applicable to state registered domestic partnerships—2009 c 521.** For the purposes of this chapter, the terms spouse, marriage, marital, husband, wife, widow, widower, next of kin, and family shall be interpreted as applying equally to state registered domestic partnerships or individuals in state registered domestic partnerships as well as to marital relationships and married persons, and references to dissolution of marriage shall apply equally to state registered domestic partnerships that have been terminated, dissolved, or invalidated, to the extent that such interpretation does not conflict with federal law. Where necessary to implement chapter 521, Laws of 2009, gender-specific terms such as husband and wife used in any statute, rule, or other law shall be construed to be gender neutral, and applicable to individuals in state registered domestic partnerships. [2009 c 521 s 73.]

# Chapter 28B.12 RCW
# STATE WORK-STUDY PROGRAM

**Sections**


28B.12.010 Created.
28B.12.020 Purpose.
28B.12.030 Definitions.
28B.12.040 Office of student financial assistance to develop and administer program—Agreements authorized.
28B.12.050 Disbursal of state work-study funds—Criteria—Salary matching limitations.
28B.12.055 Work-study opportunity grant for high-demand occupations.
28B.12.060 Rules—Mandatory provisions.
28B.12.070 Annual report of institutions to office of student financial assistance.


**RCW 28B.12.010 Created.** There is hereby created a program of financial aid to students pursuing a post-secondary education which shall be known as the state work-study program. [1994 c 130 s 1; 1974 ex.s. c 177 s 1.]

**Severability—1974 ex.s. c 177:** "If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1974 ex.s. c 177 s 10.]

**RCW 28B.12.020 Purpose.** The purpose of the program created in RCW 28B.12.010 is to provide financial assistance to needy students, including needy students from middle-income families, attending eligible post-secondary institutions in the state of Washington by stimulating and promoting their employment, thereby enabling them to pursue courses of study at such institutions. An additional purpose of this program shall be to provide such needy students, wherever possible, with employment related to their academic or vocational pursuits. [1994 c 130 s 2; 1974 ex.s. c 177 s 2.]

**Severability—1974 ex.s. c 177:** See note following RCW 28B.12.010.

**RCW 28B.12.030 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Eligible institution" means any postsecondary institution in this state accredited by the Northwest Association of Schools and Colleges, or a campus of a member institution of an accrediting association recognized by rule of the student achievement council for purposes of this section, that is eligible for federal student financial aid assistance and has operated as a nonprofit college or university delivering on-site classroom instruction for a minimum of twenty consecutive years within the state of Washington, or any public technical college in the state.

(2) "Financial need" has the same meaning as in RCW 28B.92.030.

(3) "Office" means the office of student financial assistance. [2024 c 182 s 1; 2019 c 406 s 26; 2017 c 52 s 1; 2012 c 229 s 519; 2011 1st sp.s. c 11 s 142; 2002 c 187 s 2; 1994 c 130 s 3; 1974 ex.s. c 177 s 3.]

**Findings—Intent—2019 c 406:** See note following RCW 43.79.195.

**Findings—Short title—2019 c 406:** See notes following RCW 28B.92.200.

**Findings—2019 c 406:** See note following RCW 28B.94.020.

**Findings—Intent—2019 c 406:** See note following RCW 28C.30.050.

**Findings—Intent—2019 c 406:** See note following RCW 43.216.135.

**Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Severability—1974 ex.s. c 177:** See note following RCW 28B.12.010.

**RCW 28B.12.040 Office of student financial assistance to develop and administer program—Agreements authorized.** The office shall develop and administer the state work-study program. The office may create and enter into agreements with employers and eligible institutions to implement this chapter. [2024 c 182 s 2; 2012 c 229 s 520; 2011 1st sp.s. c 11 s 143; 2009 c 560 s 21; 1994 c 130 s 4; 1993 c 385 s 3; 1985 c 370 s 58; 1974 ex.s. c 177 s 4.]

**Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Intent—Effective date—Disposition of property and funds—Assignment/delegation of contractual rights or duties—2009 c 560:** See notes following RCW 18.06.080.

**Severability—1974 ex.s. c 177:** See note following RCW 28B.12.010.

**Purpose—1974 ex.s. c 177:** See RCW 28B.12.020.

**RCW 28B.12.050 Disbursal of state work-study funds——Criteria——Salary matching limitations.** (1) The office shall disburse state work-study funds. In performing its duties under this section, the office shall consult eligible institutions and postsecondary education advisory and governing bodies. The office shall establish criteria designed to achieve such distribution of assistance under this chapter among students attending eligible institutions as will most effectively carry out the purposes of this chapter.

(2) Funds appropriated for compensation of students placed at state work-study employers must not exceed 80 percent of the total compensation paid to students, subject to the following exceptions:

(a) Off-campus community service placements; and

(b) Placements at public and nonprofit employers that seek to increase postsecondary enrollment for high school students.

(3) The office shall define and approve, and may determine salary matching requirements for, community service placements and placements at public and nonprofit employers that seek to increase postsecondary enrollment for high school students. [2024 c 182 s 3; 2011 1st sp.s. c 11 s 144; 1994 c 130 s 5; 1987 c 330 s 201; 1985 c 370 s 59; 1974 ex.s. c 177 s 5.]

**Effective date——2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent——2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Construction——Application of rules——1987 c 330:** "This act shall not be construed as affecting any existing right acquired or liability or obligation incurred under the sections amended or repealed in this act or under any rule, regulation, or order adopted under those sections, nor as affecting any proceeding instituted under those sections. The rules of the agencies abolished by this act shall continue in force until acted upon by the succeeding agency and shall be enforced by the succeeding agency. If there is no succeeding agency, the rules shall terminate." [1987 c 330 s 1401.]

**Severability——1987 c 330:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1987 c 330 s 1402.]

**Severability——1974 ex.s. c 177:** See note following RCW 28B.12.010.

**RCW 28B.12.055 Work-study opportunity grant for high-demand occupations.** (1) Within existing resources, the office of student financial assistance shall establish the work-study opportunity grant for high-demand occupations, a competitive grant program to encourage job placements in high-demand fields. The office shall award grants to eligible institutions of higher education that have developed a partnership with a proximate organization willing to host work-study placements. Partner organizations may be nonprofit organizations, for-profit firms, or public agencies. Eligible institutions of higher education must verify that all job placements will last for a minimum

of one academic quarter or one academic semester, depending on the system used by the eligible institution of higher education.

(2) The office may adopt rules to identify high-demand fields for purposes of this section. The legislature recognizes that the high-demand fields identified by the office may differ in different regions of the state.

(3) The office may award grants to eligible institutions of higher education that cover both student wages and program administration.

(4) The office shall develop performance benchmarks regarding program success including, but not limited to, the number of students served, the amount of employer contributions, and the number of participating high-demand employers. [2011 1st sp.s. c 11 s 145; 2009 c 215 s 12.]

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Findings—Intent—Effective date—2009 c 215:** See notes following RCW 28B.92.030.

**RCW 28B.12.060 Rules—Mandatory provisions.** The office of student financial assistance shall adopt rules as may be necessary or appropriate for effecting the provisions of this chapter, and not in conflict with this chapter, in accordance with the provisions of chapter 34.05 RCW, the administrative procedure act. Such rules shall include provisions designed to make employment under the work-study program reasonably available, to the extent of available funds, to all eligible needy students in eligible postsecondary institutions. The rules shall include:

(1) Providing work under the state work-study program that will not result in the displacement of employed workers or impair existing contracts for services;

(2) Furnishing work only to a student who:

(a) Is capable, in the opinion of the eligible institution, of maintaining good standing in such course of study while employed under the program covered by the agreement; and

(b) Has been accepted for enrollment as at least a half-time student at the eligible institution or, in the case of a student already enrolled in and attending the eligible institution, is in good standing and in at least half-time attendance there either as an undergraduate, graduate or professional student; and

(c) Is not pursuing a degree in theology;

(3) Placing priority on providing:

(a) Work opportunities for students who are residents of the state of Washington as defined in RCW 28B.15.012 and 28B.15.013, particularly former foster youth as defined in *RCW 28B.92.060;

(b) Job placements in fields related to each student's academic or vocational pursuits, with an emphasis on off-campus job placements whenever appropriate; and

(c) Off-campus community service placements;

(4) To the extent practicable, limiting the proportion of state subsidy expended upon nonresident students to fifteen percent, or such less amount as specified in the biennial appropriations act;

(5) Provisions to assure that in the state institutions of higher education, utilization of this work-study program:

(a) Shall only supplement and not supplant classified positions under jurisdiction of chapter 41.06 RCW;

(b) That all positions established which are comparable shall be identified to a job classification under the director of personnel's classification plan and shall receive equal compensation;

(c) Shall not take place in any manner that would replace classified positions reduced due to lack of funds or work; and

(d) That work-study positions shall only be established at entry-level positions of the classified service unless the overall scope and responsibilities of the position indicate a higher level; and

(6) Provisions to encourage job placements in high employer demand occupations that meet Washington's economic development goals, including those in international trade and international relations. The office shall permit appropriate job placements in other states and other countries. [2011 1st sp.s. c 11 s 146; 2009 c 172 s 1; 2005 c 93 s 4; 2002 c 354 s 224; 1994 c 130 s 6. Prior: 1993 sp.s. c 18 s 3; 1993 c 281 s 14; 1987 c 330 s 202; 1985 c 370 s 60; 1974 ex.s. c 177 s 6.]

***Reviser's note:** RCW 28B.92.060 was repealed by 2019 c 406 s 79.

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Findings—Intent—2005 c 93:** See note following RCW 74.13.570.

**Short title—Headings, captions not law—Severability—Effective dates—2002 c 354:** See RCW 41.80.907 through 41.80.910.

**Effective date—1993 sp.s. c 18:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993." [1993 sp.s. c 18 s 38.]

**Effective date—1993 c 281:** See note following RCW 41.06.022.

**Construction—Application of rules—Severability—1987 c 330:** See notes following RCW 28B.12.050.

**Severability—1974 ex.s. c 177:** See note following RCW 28B.12.010.

**RCW 28B.12.070 Annual report of institutions to office of student financial assistance.** Each eligible institution shall submit to the office of student financial assistance an annual report in accordance with such requirements as are adopted by the office. [2012 c 229 s 602; 2011 1st sp.s. c 11 s 147; 1994 c 130 s 7; 1985 c 370 s 61; 1974 ex.s. c 177 s 7.]

**Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Severability—1974 ex.s. c 177:** See note following RCW 28B.12.010.

# Chapter 28B.14H RCW
# WASHINGTON'S FUTURE BOND ISSUE

**Sections**


28B.14H.005 Intent.
28B.14H.010 Definitions.
28B.14H.020 Washington's future bonds authorized.
28B.14H.030 Bond issuance—Intent.
28B.14H.040 Terms and covenants.
28B.14H.050 Proceeds.
28B.14H.060 Projects for the 2005-07 and 2007-09 biennia—Intent.
28B.14H.070 Payment procedures.
28B.14H.080 Bonds—Legal investment for public funds.
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**RCW 28B.14H.005 Intent.** The state's institutions of higher education are a vital component of the future economic prosperity of our state. In order to ensure that Washington continues to be able to provide a highly qualified workforce that can attract businesses and support the economic vitality of the state, it is the intent of chapter 18, Laws of 2003 1st sp. sess. to provide new money for capital projects to help fulfill higher education needs across the state.

This new source of funding for the critical capital needs of the state's institutions of higher education furthers the mission of higher education and is intended to enhance the abilities of those institutions, over the next six years, to fulfill their critical roles in maintaining and stimulating the state's economy.

It is the intent of the legislature that this new source of funding not displace funding levels for the capital and operating budgets of the institutions of higher education. It is instead intended that the new funding will allow the institutions, over the next three biennia, to use the current level of capital funding to provide for many of those urgent preservation, replacement, and maintenance needs that have been deferred. This approach is designed to maintain or improve the current infrastructure of our institutions of higher education, and simultaneously to provide new instruction and research capacity to serve the increasing number of traditional college-aged students and those adults returning to college to update skills or retrain so that they can meet the demands of Washington's changing workforce. This new source of funding may also be used for major preservation projects that renovate, replace, or modernize facilities to enhance capacity/access by maintaining or improving the usefulness of existing space for important instruction and research programs. [2003 1st sp.s. c 18 s 2.]

**RCW 28B.14H.010 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Bonds" means bonds, notes, commercial paper, certificates of indebtedness, or other evidences of indebtedness of the state issued under this chapter.

(2) "Institutions of higher education" means the University of Washington and Washington State University, Western Washington University at Bellingham, Central Washington University at Ellensburg, Eastern Washington University at Cheney, The Evergreen State College, and the community colleges and technical colleges as defined by RCW 28B.50.030.

(3) "Washington's future bonds" means all or any portion of the general obligation bonds authorized in RCW 28B.14H.020. [2003 1st sp.s. c 18 s 3.]

**RCW 28B.14H.020 Washington's future bonds authorized.** (1) For the purpose of providing needed capital improvements consisting of the predesign, design, acquisition, construction, modification, renovation, expansion, equipping, and other improvement of state buildings and facilities for the institutions of higher education, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of seven hundred seventy-two million five hundred thousand dollars, or so much thereof as may be required, to finance all or a part of the cost of these projects and all costs incidental thereto. The bonds issued under the authority of this section shall be known as Washington's future bonds.

(2) Bonds authorized in this section shall be sold in the manner, at the time or times, in amounts, and at such prices as the state finance committee shall determine.

(3) No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds. [2003 1st sp.s. c 18 s 4.]

**RCW 28B.14H.030 Bond issuance——Intent.** It is the intent of the legislature that the proceeds of new bonds authorized in this chapter will be appropriated in phases over three biennia, beginning with the 2003-2005 biennium, to provide additional funding for capital projects and facilities of the institutions of higher education above historical levels of funding.

This chapter is not intended to limit the legislature's ability to appropriate bond proceeds if the full amount authorized in this chapter has not been appropriated after three biennia, and the authorization to issue bonds contained in this chapter does not expire until the full authorization has been appropriated and issued. [2003 1st sp.s. c 18 s 5.]

**RCW 28B.14H.040 Terms and covenants.** (1) The state finance committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds provided for in this chapter, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance.

(2) Bonds issued under this chapter shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise

to pay the principal and interest as the same shall become due. [2003 1st sp.s. c 18 s 6.]

**RCW 28B.14H.050 Proceeds.** (1)(a) The proceeds from the sale of the bonds authorized in RCW 28B.14H.020 shall be deposited in the Gardner-Evans higher education construction account created in RCW 28B.14H.110.

(b) If the state finance committee deems it necessary to issue the bonds authorized in RCW 28B.14H.020 as taxable bonds in order to comply with federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds, the proceeds of such taxable bonds shall be deposited to the state taxable building construction account in lieu of any deposit otherwise provided by this section. The state treasurer shall submit written notice to the director of financial management if it is determined that any such deposit to the state taxable building construction account is necessary. Moneys in the account may be spent only after appropriation.

(2) The proceeds shall be used exclusively for the purposes in RCW 28B.14H.020 and for the payment of the expenses incurred in connection with the sale and issuance of the bonds. [2005 c 487 s 6; 2003 1st sp.s. c 18 s 7.]

**Effective date—2005 c 487:** See RCW 43.99S.901.

**RCW 28B.14H.060 Projects for the 2005-07 and 2007-09 biennia—Intent.** The legislature intends to use the proceeds from the sale of bonds issued under this chapter for the following projects during the 2005-07 and 2007-09 biennia:

(1) For the University of Washington:

(a) Life sciences I building;

(b) Bothell branch campus phase 2B;

(2) For Washington State University:

(a) Spokane Riverpoint campus - academic center building;

(b) Pullman campus - Holland Library renovation;

(c) Pullman campus - biotechnology/life sciences 1;

(d) Tri-Cities campus - bioproducts and sciences building; and

(e) Intercollegiate College of Nursing, Spokane - nursing building at Riverpoint;

(3) For Eastern Washington University: Hargreaves Hall;

(4) For Central Washington University: Hogue technology;

(5) For The Evergreen State College:

(a) Daniel J. Evans building;

(b) Communications building and theater expansion;

(6) For Western Washington University:

(a) Academic instructional center;

(b) Parks Hall;

(c) Performing Arts Center renovation;

(7) For the community and technical college system:

(a) Green River Community College science building;

(b) Walla Walla Community College basic skills/computer lab;

(c) Pierce College Puyallup, communication arts and allied health; or

(8) For other projects that maintain or increase access to institutions of higher education. [2003 1st sp.s. c 18 s 8.]

**RCW 28B.14H.070 Payment procedures.** (1) The debt-limit general fund bond retirement account shall be used for the payment of the principal of and interest on the bonds authorized in this chapter.

(2) The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements on the bonds authorized in this chapter.

(3) On each date on which any interest or principal and interest payment is due on bonds issued under this chapter, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the debt-limit general fund bond retirement account an amount equal to the amount certified by the state finance committee to be due on the payment date.

(4) The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section. [2003 1st sp.s. c 18 s 9.]

**RCW 28B.14H.080 Bonds—Legal investment for public funds.** The bonds authorized by this chapter shall constitute a legal investment for all state funds or for funds under state control and all funds of municipal corporations. [2003 1st sp.s. c 18 s 10.]

**RCW 28B.14H.090 Additional methods of paying debt service authorized.** The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized under this chapter, and RCW 28B.14H.070 shall not be deemed to provide an exclusive method for payment. [2003 1st sp.s. c 18 s 11.]

**RCW 28B.14H.100 Chapter supplemental.** This chapter provides a complete, additional, and alternative method for accomplishing the purposes of this chapter and is supplemental and additional to powers conferred by other laws. The issuance of bonds under this chapter shall not be deemed to be the only method to fund projects under this chapter. [2003 1st sp.s. c 18 s 12.]

**RCW 28B.14H.110 Creation of the Gardner-Evans higher education construction account.** The Gardner-Evans higher education construction account is created in the state treasury. Proceeds from the bonds issued under RCW 28B.14H.020 shall be deposited in the account. The account shall be used for purposes of RCW 28B.14H.020. Moneys in the account may be spent only after appropriation. [2003 1st sp.s. c 18 s 13.]

**RCW 28B.14H.120 Expiration of authority to issue bonds.** If any bonds authorized in this chapter have not been issued by June 30,

2018, the authority of the state finance committee to issue such remaining unissued bonds expires June 30, 2018. [2018 c 3 s 304.]

**Effective date——2018 c 3:** See note following RCW 43.100A.300.

**RCW 28B.14H.901 Short title.** This act shall be known as the building Washington's future act. [2003 1st sp.s. c 18 s 1.]

# Chapter 28B.15 RCW
# COLLEGE AND UNIVERSITY FEES

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*Uniform minor student capacity to borrow act: Chapter 26.30 RCW.*

**RCW 28B.15.005 "Colleges and universities" defined.** (1) "Colleges and universities" for the purposes of this chapter shall mean Central Washington University at Ellensburg, Eastern Washington University at Cheney, Western Washington University at Bellingham, The Evergreen State College in Thurston county, community colleges as are provided for in chapter 28B.50 RCW, the University of Washington, and Washington State University.

(2) "State universities" for the purposes of this chapter shall mean the University of Washington and Washington State University.

(3) "Regional universities" for the purposes of this chapter shall mean Central Washington University, Eastern Washington University and Western Washington University. [1977 ex.s. c 169 s 33; 1971 ex.s. c 279 s 1.]

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**Severability—1971 ex.s. c 279:** "If any provision of this 1971 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1971 ex.s. c 279 s 25.]

**RCW 28B.15.011 Classification as resident or nonresident student—Legislative intent.** It is the intent of the legislature that the state institutions of higher education shall apply uniform rules as prescribed in RCW 28B.15.012 through 28B.15.014, and not otherwise, in determining whether students shall be classified as resident students or nonresident students for all tuition and fee purposes. [1971 ex.s. c 273 s 1.]

**Severability—1971 ex.s. c 273:** "If any provision of this 1971 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provisions to other persons or circumstances is not affected." [1971 ex.s. c 273 s 6.]

**RCW 28B.15.012 Classification as resident or nonresident student—Definitions.** Whenever used in this chapter:

(1) The term "institution" shall mean a public university, college, or community or technical college within the state of Washington.

(2) The term "resident student" shall mean:

(a) A financially independent student who has had a domicile in the state of Washington for the period of one year immediately prior to the time of commencement of the first day of the semester or quarter for which the student has registered at any institution and

has in fact established a bona fide domicile in this state primarily for purposes other than educational;

(b) A dependent student, if one or both of the student's parents or legal guardians have maintained a bona fide domicile in the state of Washington for at least one year immediately prior to commencement of the semester or quarter for which the student has registered at any institution;

(c) A student classified as a resident based upon domicile by an institution on or before May 31, 1982, who was enrolled at a state institution during any term of the 1982-1983 academic year, so long as such student's enrollment (excepting summer sessions) at an institution in this state is continuous;

(d) Any student who has spent at least seventy-five percent of both his or her junior and senior years in high schools in this state, whose parents or legal guardians have been domiciled in the state for a period of at least one year within the five-year period before the student graduates from high school, and who enrolls in a public institution of higher education within six months of leaving high school, for as long as the student remains continuously enrolled for three quarters or two semesters in any calendar year;

(e) Any person who has completed and obtained a high school diploma, or a person who has received the equivalent of a diploma; who has continuously lived in the state of Washington for at least a year primarily for purposes other than postsecondary education before the individual is admitted to an institution of higher education under subsection (1) of this section; and who provides to the institution an affidavit indicating that the individual will file an application to become a permanent resident at the earliest opportunity the individual is eligible to do so and a willingness to engage in any other activities necessary to acquire citizenship, including but not limited to citizenship or civics review courses;

(f) Any person who has lived in Washington, primarily for purposes other than postsecondary education, for at least one year immediately before the date on which the person has enrolled in an institution, and who holds lawful nonimmigrant status pursuant to 8 U.S.C. Sec. (a)(15) (E)(iii), (H)(i), or (L), or who holds lawful nonimmigrant status as the spouse or child of a person having nonimmigrant status under one of those subsections, or who, holding or having previously held such lawful nonimmigrant status as a principal or derivative, has filed an application for adjustment of status pursuant to 8 U.S.C. Sec. 1255(a);

(g) A student who is on active military duty stationed in the state or who is a member of the Washington national guard;

(h) A student who is on active military duty or a member of the Washington national guard who meets the following conditions:

(i) Entered service as a Washington resident;

(ii) Has maintained a Washington domicile; and

(iii) Is stationed out-of-state;

(i) A student who is on active military duty who is stationed out-of-state after having been stationed in Washington and is either:

(i) Admitted to an institution of higher education in Washington before the reassignment and enrolls in that institution for the term the student was admitted;

(ii) Enrolled in an institution of higher education in Washington and remains continuously enrolled at the institution; or

(iii) Enrolls in an institution of higher education in Washington within three years from the date of reassignment out-of-state;

(j) A student who is the spouse, state registered domestic partner, or a dependent as defined in Title 10 U.S.C. Sec. 1072(2) as it existed on January 18, 2022, or such subsequent date as the student achievement council may determine by rule of a person defined in (g) or (h) of this subsection. If the person defined in (g) of this subsection is reassigned out-of-state, the student maintains the status as a resident student so long as the student is either:

(i) Admitted to an institution before the reassignment and enrolls in that institution for the term the student was admitted;

(ii) Enrolled in an institution and remains continuously enrolled at the institution; or

(iii) Enrolled in an institution of higher education in Washington within three years from the date of reassignment out-of-state;

(k) A student who is eligible for veterans administration educational assistance or rehabilitation benefits under Title 38 U.S.C. or educational assistance under Title 10 U.S.C. chapter 1606 as the titles existed on January 18, 2022, or such subsequent date as the student achievement council may determine by rule;

(l) A student who has separated or retired from the uniformed services with at least 10 years of service and at least 90 days of active duty service, with a qualifying discharge as defined in RCW 73.04.005, and who enters an institution of higher education in Washington within three years of the date of separation or retirement;

(m) A student who is the spouse, state registered domestic partner, or child under the age of 26 years of an individual who has separated or retired from the uniformed services with at least 10 years of service and at least 90 days of active duty service, with a qualifying discharge as defined in RCW 73.04.005, and who enters an institution of higher education in Washington within three years of the service member's date of separation or retirement;

(n) A student who has separated from the uniformed services who was discharged for a reason described in RCW 73.04.005(1)(d);

(o) A student who is defined as a covered individual in 38 U.S.C. Sec. 3679(c)(2) as it existed on January 18, 2022, or such subsequent date as the student achievement council may determine by rule;

(p) A student of an out-of-state institution of higher education who is attending a Washington state institution of higher education pursuant to a home tuition agreement as described in RCW 28B.15.725;

(q) A student who meets the requirements of RCW 28B.15.0131 or 28B.15.0139: PROVIDED, That a nonresident student enrolled for more than six hours per semester or quarter shall be considered as attending for primarily educational purposes, and for tuition and fee paying purposes only such period of enrollment shall not be counted toward the establishment of a bona fide domicile of one year in this state unless such student proves that the student has in fact established a bona fide domicile in this state primarily for purposes other than educational;

(r) A student who resides in Washington and is on active military duty stationed in the Oregon counties of Columbia, Gilliam, Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, or Washington; or

(s) A student who resides in Washington and is the spouse or a dependent of a person defined in (r) of this subsection. If the person defined in (r) of this subsection moves from Washington or is reassigned out of the Oregon counties of Columbia, Gilliam, Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla,

Union, Wallowa, Wasco, or Washington, the student maintains the status as a resident student so long as the student resides in Washington and is either:

(i) Admitted to an institution before the reassignment and enrolls in that institution for the term the student was admitted; or

(ii) Enrolled in an institution and remains continuously enrolled at the institution.

(3)(a) A student who qualifies under subsection (2)(k), (l), (m), (n), or (o) of this section and who remains continuously enrolled at an institution of higher education shall retain resident student status.

(b) Nothing in subsection (2)(k), (l), (m), or (o) of this section applies to students who have a bad conduct discharge, officer dismissal, or dishonorable discharge from the uniformed services, or to students who are the spouse or child of an individual who has a bad conduct discharge, officer dismissal, or dishonorable discharge from the uniformed services, unless the student is receiving veterans administration educational assistance benefits.

(4) The term "nonresident student" shall mean any student who does not qualify as a "resident student" under the provisions of this section and RCW 28B.15.013. Except for students qualifying under subsection (2)(e) or (p) of this section, a nonresident student shall include:

(a) A student attending an institution with the aid of financial assistance provided by another state or governmental unit or agency thereof, such nonresidency continuing for one year after the completion of such semester or quarter. This condition shall not apply to students from Columbia, Multnomah, Clatsop, Clackamas, or Washington county, Oregon participating in the border county pilot project under RCW 28B.76.685, 28B.76.690, and 28B.15.0139.

(b) A person who is not a citizen of the United States of America, unless the person meets and complies with all applicable requirements in this section and RCW 28B.15.013 and is one of the following:

(i) A lawful permanent resident;

(ii) A temporary resident;

(iii) A person who holds "refugee-parolee," "conditional entrant," or U or T nonimmigrant status with the United States citizenship and immigration services;

(iv) A person who has been issued an employment authorization document by the United States citizenship and immigration services that is valid as of the date the person's residency status is determined;

(v) A person who has been granted deferred action for childhood arrival status before, on, or after June 7, 2018, regardless of whether the person is no longer or will no longer be granted deferred action for childhood arrival status due to the termination, suspension, or modification of the deferred action for childhood arrival program; or

(vi) A person who is otherwise permanently residing in the United States under color of law, including deferred action status.

(5) The term "domicile" shall denote a person's true, fixed and permanent home and place of habitation. It is the place where the student intends to remain, and to which the student expects to return when the student leaves without intending to establish a new domicile elsewhere. The burden of proof that a student, parent or guardian has

established a domicile in the state of Washington primarily for purposes other than educational lies with the student.

(6) The term "dependent" shall mean a person who is not financially independent. Factors to be considered in determining whether a person is financially independent shall be set forth in rules adopted by the student achievement council and shall include, but not be limited to, the state and federal income tax returns of the person and/or the student's parents or legal guardian filed for the calendar year prior to the year in which application is made and such other evidence as the council may require.

(7) The term "active military duty" means the person is serving on active duty in:

(a) The armed forces of the United States government; or

(b) The Washington national guard; or

(c) The coast guard, merchant mariners, or other nonmilitary organization when such service is recognized by the United States government as equivalent to service in the armed forces.

(8) The term "active duty service" means full-time duty, other than active duty for training, as a member of the uniformed services of the United States. Active duty service as a national guard member under Title 32 U.S.C. for the purpose of organizing, administering, recruiting, instructing, or training and active service under Title 32 U.S.C. Sec. 502(f) for the purpose of responding to a national emergency is recognized as active duty service.

(9) The term "uniformed services" is defined by Title 10 U.S.C.; subsequently structured and organized by Titles 14, 33, and 42 U.S.C.; consisting of the United States army, United States marine corps, United States navy, United States air force, United States coast guard, United States space force, United States public health service commissioned corps, and the national oceanic and atmospheric administration commissioned officer corps.

(10) "Washington national guard" means that part of the military force of the state that is organized, equipped, and federally recognized under the provisions of the national defense act of the United States, and in the event the national guard is called into federal service or in the event the state guard or any part or individual member thereof is called into active state service by the commander-in-chief. National guard service includes being subject to call up for active duty under Title 32 U.S.C. or Title 10 U.S.C. status or when called to state active service by the governor under the provisions of RCW 38.08.040.

(11) "Child" includes, but is not limited to:

(a) A legitimate child;

(b) An adopted child;

(c) A stepchild;

(d) A foster child; and

(e) A legal dependent. [2024 c 146 s 11; 2022 c 249 s 1; 2021 c 272 s 9; 2020 c 232 s 1; 2019 c 126 s 1; 2018 c 204 s 3; 2017 c 191 s 1; 2015 3rd sp.s. c 8 s 1. Prior: 2015 c 55 s 207; 2014 c 183 s 1; 2012 c 229 s 521; 2011 1st sp.s. c 11 s 148; 2010 c 183 s 1; 2009 c 220 s 1; 2004 c 128 s 1; 2003 c 95 s 1; 2002 c 186 s 2; prior: (2002 c 186 s 1 expired June 30, 2002); 2000 c 160 s 1; 2000 c 117 s 2; (2000 c 117 s 1 expired June 30, 2002); 1999 c 320 s 5; 1997 c 433 s 2; 1994 c 188 s 2; 1993 sp.s. c 18 s 4; prior: 1987 c 137 s 1; 1987 c 96 s 1; 1985 c 370 s 62; 1983 c 285 s 1; 1982 1st ex.s. c 37 s 1; 1972 ex.s. c 149 s 1; 1971 ex.s. c 273 s 2.]

**Intent—2024 c 146:** See note following RCW 73.04.005.

**Intent—Findings—Short title—2021 c 272:** See notes following RCW 28B.50.920.

**Effective date—2015 3rd sp.s. c 8 s 1:** "Section 1 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 24, 2015." [2015 3rd sp.s. c 8 s 2.]

**Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Effective date—2009 c 220:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2009." [2009 c 220 s 2.]

**Intent—2003 c 95:** "It is the intent of the legislature to ensure that students who receive a diploma from a Washington state high school or receive the equivalent of a diploma in Washington state and who have lived in Washington for at least three years prior to receiving their diploma or its equivalent are eligible for in-state tuition rates when they enroll in a public institution of higher education in Washington state." [2003 c 95 s 2.]

**Effective date—2003 c 95:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2003." [2003 c 95 s 4.]

**Expiration date—2002 c 186 s 1:** "Section 1 of this act expires June 30, 2002." [2002 c 186 s 4.]

**Effective date—2002 c 186 s 2:** "Section 2 of this act takes effect June 30, 2002." [2002 c 186 s 5.]

**Expiration date—2000 c 117 s 1:** "Section 1 of this act expires June 30, 2002." [2000 c 117 s 4.]

**Effective date—2000 c 117 s 2:** "Section 2 of this act takes effect June 30, 2002." [2000 c 117 s 5.]

**Intent—Severability—1997 c 433:** See notes following RCW 28B.15.725.

**Effective date—1993 sp.s. c 18:** See note following RCW 28B.12.060.

**Effective date—1982 1st ex.s. c 37:** "Sections 13 and 14 of this amendatory act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately. All other sections of this amendatory act shall take effect on June 1, 1982." [1982 1st ex.s. c 37 s 24.]

**Severability—1982 1st ex.s. c 37:** "If any provision of this amendatory act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1982 1st ex.s. c 37 s 23.]

**Severability—1971 ex.s. c 273:** See note following RCW 28B.15.011.

**RCW 28B.15.013 Classification as resident or nonresident student—Standards for determining domicile in the state—Presumptions—Cut-off date for classification application change.** (1) The establishment of a new domicile in the state of Washington by a person formerly domiciled in another state has occurred if such person is physically present in Washington primarily for purposes other than educational and can show satisfactory proof that such person is without a present intention to return to such other state or to acquire a domicile at some other place outside of Washington.

(2) Unless proven to the contrary it shall be presumed that:

(a) The domicile of any person shall be determined according to the individual's situation and circumstances rather than by marital status or sex.

(b) A person does not lose a domicile in the state of Washington by reason of residency in any state or country while a member of the civil or military service of this state or of the United States, nor while engaged in the navigation of the waters of this state or of the United States or of the high seas if that person returns to the state of Washington within one year of discharge from said service with the intent to be domiciled in the state of Washington; any resident dependent student who remains in this state when such student's parents, having theretofore been domiciled in this state for a period of one year immediately prior to the time of commencement of the first day of the semester or quarter for which the student has registered at any institution, remove from this state, shall be entitled to continued classification as a resident student so long as such student's attendance (except summer sessions) at an institution in this state is continuous.

(3) To aid the institution in deciding whether a student, parent, legally appointed guardian or the person having legal custody of a student is domiciled in the state of Washington primarily for purposes other than educational, the rules adopted by the student achievement council shall include but not be limited to the following:

(a) Registration or payment of Washington taxes or fees on a motor vehicle, mobile home, travel trailer, boat, or any other item of personal property owned or used by the person for which state registration or the payment of a state tax or fee is required will be a factor in considering evidence of the establishment of a Washington domicile.

(b) Permanent full time employment in Washington by a person will be a factor in considering the establishment of a Washington domicile.

(c) Registration to vote for state officials in Washington will be a factor in considering the establishment of a Washington domicile.

(4) After a student has registered at an institution such student's classification shall remain unchanged in the absence of satisfactory evidence to the contrary. A student wishing to apply for a change in classification shall reduce such evidence to writing and file it with the institution. In any case involving an application for a change from nonresident to resident status, the burden of proof shall rest with the applicant. Any change in classification, either nonresident to resident, or the reverse, shall be based upon written evidence maintained in the files of the institution and, if approved, shall take effect the semester or quarter such evidence was filed with the institution: PROVIDED, That applications for a change in classification shall be accepted up to the thirtieth calendar day following the first day of instruction of the quarter or semester for which application is made. [2012 c 229 s 522; 2011 1st sp.s. c 11 s 149; 1989 c 175 s 79; 1985 c 370 s 63; 1982 1st ex.s. c 37 s 2; 1979 ex.s. c 15 s 1; 1972 ex.s. c 149 s 2; 1971 ex.s. c 273 s 3.]

**Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Effective date—1989 c 175:** See note following RCW 34.05.010.

**Effective date—Severability—1982 1st ex.s. c 37:** See notes following RCW 28B.15.012.

**Severability—1971 ex.s. c 273:** See note following RCW 28B.15.011.

**RCW 28B.15.0131 Resident tuition rates—American Indian students.** For the purposes of determining resident tuition rates, resident students shall include American Indian students who meet two conditions. First, for a period of one year immediately prior to enrollment at a state institution of higher education as defined in RCW 28B.10.016, the student must have been domiciled in one or a combination of the following states: Idaho; Montana; Oregon; or Washington. Second, the students must be members of one of the federally recognized Indian tribes whose traditional and customary tribal boundaries included portions of the state of Washington, or whose tribe was granted reserved lands within the state of Washington. Federal recognition of an Indian tribe shall be as determined under 25 C.F.R. by the United States bureau of Indian affairs.

Any student enrolled at a state institution of higher education as defined in RCW 28B.10.016 who is paying resident tuition under this section, and who has not established domicile in the state of Washington at least one year before enrollment, shall not be included

in any calculation of state-funded enrollment for budgeting purposes, and no state general fund moneys shall be appropriated to a state institution of higher education for the support of such student. [2005 c 163 s 1; 1994 c 188 s 1.]

**RCW 28B.15.0139 Resident tuition rates—Border county higher education opportunity project.** For the purposes of determining resident tuition rates, "resident student" includes a resident of Oregon, residing in Columbia, Gilliam, Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, or Washington county, who meets the following conditions:

(1) The student is eligible to pay resident tuition rates under Oregon laws and has been domiciled in Columbia, Gilliam, Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, or Washington county for at least ninety days immediately before enrollment at a community college located in Asotin, Benton, Clark, Columbia, Cowlitz, Franklin, Garfield, Klickitat, Pacific, Skamania, Wahkiakum, or Walla Walla county, Washington;

(2) The student is enrolled in courses located at the Tri-Cities or Vancouver campus of Washington State University for eight credits or less; or

(3) The student is currently domiciled in Washington and:

(a) Was eligible to pay resident tuition rates under Oregon laws; and

(b) Had been domiciled in Columbia, Gilliam, Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, or Washington county for at least ninety days immediately before being domiciled in Washington. [2017 c 52 s 2; 2009 c 158 s 2; 2003 c 159 s 4; 2002 c 130 s 3; 2000 c 160 s 2; 1999 c 320 s 4.]

**RCW 28B.15.014 Exemption from nonresident tuition fees differential.** Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community and technical colleges may exempt the following nonresidents from paying all or a portion of the nonresident tuition fees differential:

(1) Any person who resides in the state of Washington and who holds a graduate service appointment designated as such by a public institution of higher education or is employed for an academic department in support of the instructional or research programs involving not less than twenty hours per week during the term such person shall hold such appointment.

(2) Any faculty member, classified staff member or administratively exempt employee holding not less than a half time appointment at an institution who resides in the state of Washington, and the dependent children and spouse of such persons.

(3) Any immigrant refugee and the spouse and dependent children of such refugee, if the refugee (a) is on parole status, or (b) has received an immigrant visa, or (c) has applied for United States citizenship.

(4) Any dependent of a member of the United States congress representing the state of Washington. [2015 c 55 s 208; 2000 c 117 s

3; 1997 c 433 s 3; 1993 sp.s. c 18 s 5; 1992 c 231 s 3. Prior: 1989 c 306 s 3; 1989 c 290 s 3; 1985 c 362 s 1; 1984 c 232 s 1; 1982 1st ex.s. c 37 s 3; 1971 ex.s. c 273 s 4.]

**Intent—Severability—1997 c 433:** See notes following RCW 28B.15.725.

**Effective date—1993 sp.s. c 18:** See note following RCW 28B.12.060.

**Effective date—1992 c 231:** See note following RCW 28B.10.016.

**Intent—1989 c 290:** See note following RCW 28B.15.725.

**Severability—1984 c 232:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1984 c 232 s 2.]

**Effective date—Severability—1982 1st ex.s. c 37:** See notes following RCW 28B.15.012.

**Severability—1971 ex.s. c 273:** See note following RCW 28B.15.011.

**RCW 28B.15.015 Classification as resident or nonresident student—Rules.** The student achievement council, with the advice of the attorney general, shall adopt rules to be used by the state's institutions for determining a student's resident and nonresident status and for recovery of fees for improper classification of residency. [2012 c 229 s 523; 2011 1st sp.s. c 11 s 150; 1985 c 370 s 64; 1982 1st ex.s. c 37 s 4.]

**Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Effective date—Severability—1982 1st ex.s. c 37:** See notes following RCW 28B.15.012.

**RCW 28B.15.020 "Tuition fees" defined—Use.** The term "tuition fees" as used in this chapter shall mean the fees charged students registering at the state's colleges and universities which consist of:

(1) The "building fees" as defined in RCW 28B.15.025; and

(2) The "operating fees" as defined in RCW 28B.15.031. [1985 c 390 s 11; 1977 ex.s. c 169 s 34; 1969 ex.s. c 223 s 28B.15.020. Prior: (i) 1967 ex.s. c 8 s 31, part. Formerly RCW 28.85.310, part. (ii) 1963 c 181 s 1, part; 1961 ex.s. c 10 s 1, part; 1959 c 186 s 1, part; 1947 c 243 s 1, part; 1945 c 187 s 1, part; 1933 c 169 s 1, part; 1931 c 48

s 1, part; 1921 c 139 s 1, part; 1919 c 63 s 1, part; 1915 c 66 s 2, part; RRS s 4546, part. Formerly RCW 28.77.030, part. (iii) 1963 c 180 s 1, part; 1961 ex.s. c 11 s 1, part; 1949 c 73 s 1, part; 1931 c 49 s 1, part; 1921 c 164 s 1, part; Rem. Supp. 1949 s 4569, part. Formerly RCW 28.80.030, part. (iv) 1967 c 47 s 10, part; 1965 ex.s. c 147 s 1, part; 1963 c 143 s 1, part; 1961 ex.s. c 13 s 3, part. Formerly RCW 28.81.080, part.]

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**RCW 28B.15.022 "Nonresident tuition fees differential" defined.** Unless the context clearly requires otherwise, as used in this chapter "nonresident tuition fees differential" means the difference between resident tuition fees and nonresident tuition fees. [1992 c 231 s 32.]

**Effective date—1992 c 231:** See note following RCW 28B.10.016.

**RCW 28B.15.025 "Building fees" defined—Use.** The term "building fees" means the fees charged students registering at the state's colleges and universities, which fees are to be used as follows: At the University of Washington, solely for the purposes provided in RCW 28B.15.210; at Washington State University, solely for the purposes provided in RCW 28B.15.310; at each of the regional universities and at The Evergreen State College, solely for the purposes provided in RCW 28B.35.370; and at the community and technical colleges, for the purposes provided in RCW 28B.50.320, 28B.50.360 and 28B.50.370. The term "building fees" is a renaming of the "general tuition fee," and shall not be construed to affect otherwise moneys pledged to, or used for bond retirement purposes. [2015 c 55 s 209; 1985 c 390 s 12.]

**RCW 28B.15.031 "Operating fees"—Defined—Disposition.** (1) The term "operating fees" as used in this chapter shall include the fees, other than building fees, charged all students registering at the state's colleges and universities but shall not include fees for short courses, self-supporting degree credit programs and courses, marine station work, experimental station work, correspondence or extension courses, and individual instruction and student deposits or rentals, disciplinary and library fines, which colleges and universities shall have the right to impose, laboratory, gymnasium, health, technology and student activity fees, or fees, charges, rentals, and other income derived from any or all revenue producing lands, buildings and facilities of the colleges or universities heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land, or the appurtenances thereon, or such other special fees as may be established by any college or university board of trustees or regents from time to time. All moneys received as operating fees at any institution of higher education shall be deposited in a local account containing only operating fees revenue and related interest: PROVIDED, That a minimum of four percent of operating fees shall be

retained by four-year institutions of higher education and a minimum of three and one-half percent of operating fees shall be retained by the community and technical colleges for the purposes of RCW 28B.15.820. At least thirty percent of operating fees required to be retained by the four-year institutions for purposes of RCW 28B.15.820 shall be used only for the purposes of RCW 28B.15.820(10).

(2) In addition to the three and one-half percent of operating fees retained by the institutions under subsection (1) of this section, up to three percent of operating fees charged to students at community and technical colleges shall be transferred to the community and technical college innovation account for the implementation of the college board's strategic technology plan in RCW 28B.50.515. The percentage to be transferred to the community and technical college innovation account shall be determined by the college board each year but shall not exceed three percent of the operating fees collected each year.

(3) Local operating fee accounts shall not be subject to appropriation by the legislature but shall be subject to allotment procedures by budget program and fiscal year under chapter 43.88 RCW. [2015 3rd sp.s. c 36 s 1; 2012 c 230 s 6. Prior: 2011 1st sp.s. c 10 s 2; 2011 c 274 s 2; 2003 c 232 s 2; 1996 c 142 s 2; 1995 1st sp.s. c 9 s 2; prior: 1993 sp.s. c 18 s 6; 1993 c 379 s 201; 1987 c 15 s 2; prior: 1985 c 390 s 13; 1985 c 356 s 2; 1982 1st ex.s. c 37 s 12; 1981 c 257 s 1; 1979 c 151 s 14; 1977 ex.s. c 331 s 3; 1971 ex.s. c 279 s 2.]

**Short title——2015 3rd sp.s. c 36:** "This act may be known and cited as the college affordability program." [2015 3rd sp.s. c 36 s 13.]

**Savings report——2012 c 230:** See RCW 28B.10.0291.

**Findings——Intent——2011 1st sp.s. c 10:** "(1) The legislature finds that in the knowledge-based, globally interdependent economy of the twenty-first century, postsecondary education is the most indispensable form of currency. Public institutions of higher education are drivers of economic growth and job creation and incubators for innovation. An educated citizenry is a critical component of our democracy, and a commitment to provide public funding for public higher education institutions is imperative. At the same time, the legislature finds that Washington state is experiencing a profound structural shift in the funding of higher education. State support has declined dramatically over the past twenty years, thereby necessitating increases in tuition to supplant the support of higher education from general taxpayers. The problem faced by all stakeholders -students and their families, institutions, and policymakers - is a growing reliance on tuition dollars and a reduced reliance on state support. At the same time, there is insufficient visibility into the use of locally retained tuition dollars. There is little transparency regarding whether increasing tuition dollars gives students, their families, and Washington taxpayers a high-value return on investment. Responding to those concerns, and recognizing that tuition-setting authority is interrelated to a wide variety of factors including state funding, student aid, admissions, dual credit, educational effectiveness, regulatory and reporting requirements, and

other policies and practices, this higher education opportunity act directs a number of higher education system reforms.

(2) It is the intent of the legislature to:

(a) Ensure that tuition dollars are spent to improve student access, affordability, and the quality of education;

(b) Establish a clear nexus between tuition dollars and improved productivity and greater accountability of public institutions of higher education;

(c) Create a modern and robust higher education financial system that funds outcomes and results rather than input and process; and

(d) Continue a commitment to public funding of higher education through state appropriations that are essential for providing access, affordability, and quality in higher education for all students across the state.

(3)(a) It is the intent of the legislature to set goals for four-year institutions of higher education to increase the number of students who earn baccalaureate degrees, while maintaining quality, and achieve the following initial degree completion targets by 2018:

(i) Increasing the number of bachelor's degrees earned by Washington's resident students from the 2009-10 academic year levels by at least six thousand degrees completed or by twenty-seven percent;

(ii) Consistent with the priority for expanding the number of enrollments and degrees in the fields of engineering, technology, biotechnology, sciences, computer sciences, and mathematics, at least two thousand of the additional degrees under this subsection (3)(a) would be awarded in the areas of science, which includes agriculture and natural resources, biology and biomedical sciences, computer and information sciences, engineering and engineering technologies, health professions and clinical sciences, mathematics and statistics, and physical sciences and science technologies; and

(iii) Attaining parity in degree attainment for students from underrepresented groups, which would mean that at least nineteen percent of the degrees awarded would include students who are low-income or are the first in their families to attend college.

(b) It is the intent of the legislature that the bachelor degree completion targets in (a) of this subsection be updated every two years based upon the state's changing population and economic needs and that targets be set for five-year periods following the 2018 target.

(c) It is the intent of the legislature to urge four-year institutions of higher education to place the highest priority on achieving the degree completion targets under (a) of this subsection. The legislature intends to examine the strategies used and progress made by institutions of higher education to meet the targets in addition to evidence of increased cost-effectiveness and efficiency. The legislature recognizes that individual institutions develop their campus goals recognizing the role of their campus as part of the system of public higher education and may implement a variety of innovative methods to achieve these goals." [2011 1st sp.s. c 10 s 1.]

**Short title——2011 1st sp.s. c 10:** "This act may be known and cited as the higher education opportunity act." [2011 1st sp.s. c 10 s 30.]

**Finding——Intent——2011 c 274:** See note following RCW 28B.50.515.

**Finding—Intent—2003 c 232:** "The legislature finds that, as a partner in financing public higher education with students and parents who pay tuition and fees, periodic increases in state funding, state financial aid, and tuition must be authorized to provide high quality higher education for the citizens of Washington. It is the intent of the legislature to address higher education through a cooperative bipartisan effort that includes the legislative and executive branches of government, parents, students, educators, as well as business, labor, and community leaders. The legislature recognizes the importance of keeping the public commitment to public higher education and will continue searching for policies that halt the trend for the growth in tuition revenue to outpace the revenue provided by the state. The legislature believes that a well-educated citizenry is essential to both the private and the public good. The economic and civic health of the state require both an educated citizenry and a well-trained workforce. The six-year time limitation authorizing the governing boards to establish tuition rates for all students other than undergraduate resident students will give the legislature, the governor, and the higher education institutions an opportunity to determine whether this policy achieves the goal of maintaining quality and access for all who are eligible for and can benefit from a higher education. Using data from six years of this tuition policy, the state will be able to identify options for long-term funding of higher education including not only tuition but general fund and financial aid sources." [2003 c 232 s 1.]

**Severability—1996 c 142:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1996 c 142 s 4.]

**Effective date—1996 c 142:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [March 25, 1996]." [1996 c 142 s 5.]

**Intent—Purpose—1995 1st sp.s. c 9:** "It is the intent of the legislature to address higher education funding through a cooperative bipartisan effort that includes the legislative and executive branches of government, parents, students, educators, and concerned citizens. This effort will begin in 1995, with the results providing the basis for discussion during the 1996 legislative session for future decisions and final legislative action in 1997.

The purpose of this act is to provide tuition increases for public institutions of higher education as a transition measure until final action is taken in 1997." [1995 1st sp.s. c 9 s 1.]

**Effective date—1995 1st sp.s. c 9:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [June 14, 1995]." [1995 1st sp.s. c 9 s 14.]

**Appropriation—1993 sp.s. c 18:** "All moneys in the accounts established under *RCW 28B.15.824 on July 1, 1993, are hereby appropriated to the respective institutions of higher education for

deposit in the institution's local account established under RCW 28B.15.031." [1993 sp.s. c 18 s 15.]

***Reviser's note:** RCW 28B.15.824 was repealed by 1993 c 379 s 206 and by 1993 sp.s. c 18 s 14, effective July 1, 1993.

**Effective date—1993 sp.s. c 18:** See note following RCW 28B.12.060.

**Intent—Severability—Effective date—1993 c 379:** See notes following RCW 28B.10.029.

**Effective date—1987 c 15:** See note following RCW 28B.15.411.

**Effective date—Severability—1982 1st ex.s. c 37:** See notes following RCW 28B.15.012.

**Severability—1981 c 257:** "If any provision of this amendatory act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1981 c 257 s 13.]

**Effective date—1977 ex.s. c 331:** "The effective date of this 1977 amendatory act shall be September 1, 1977." [1977 ex.s. c 331 s 5.]

**Severability—1977 ex.s. c 331:** "If any provision of this 1977 act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1977 ex.s. c 331 s 4.]

**Severability—1971 ex.s. c 279:** See note following RCW 28B.15.005.

**RCW 28B.15.041 "Services and activities fees" defined.** The term "services and activities fees" as used in this chapter is defined to mean fees, other than tuition fees, charged to all students registering at the state's community colleges, technical colleges, regional universities, The Evergreen State College, and state universities. Services and activities fees shall be used as otherwise provided by law or by rule or regulation of the board of trustees or regents of each of the state's community colleges, technical colleges, The Evergreen State College, the regional universities, or the state universities for the express purpose of funding student activities and programs of their particular institution. Student activity fees, student use fees, student building use fees, special student fees, or other similar fees charged to all full time students, or to all students, as the case may be, registering at the state's colleges or universities and pledged for the payment of bonds heretofore or hereafter issued for, or other indebtedness incurred to pay, all or part of the cost of acquiring, constructing or installing any lands, buildings, or facilities of the nature described in RCW 28B.10.300 as now or hereafter amended, shall be included within and deemed to be services and activities fees. [2015 c 55 s 210; 1985 c 390 s 14; 1977

ex.s. c 169 s 35. Prior: 1973 1st ex.s. c 130 s 2; 1973 1st ex.s. c 46 s 1; 1971 ex.s. c 279 s 3.]

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**Severability—1973 1st ex.s. c 46:** See note following RCW 28B.10.704.

**Severability—1971 ex.s. c 279:** See note following RCW 28B.15.005.

**RCW 28B.15.043 "Services and activities fees"—Allocations from for institutional loan fund for needy students.** See RCW 28B.10.825.

**RCW 28B.15.044 Services and activities fees—Legislative declaration on expenditure.** It is the intent of the legislature that students will propose budgetary recommendations for consideration by the college or university administration and governing board to the extent that such budget recommendations are intended to be funded by services and activities fees. It is also the intent of the legislature that services and activities fee expenditures for programs devoted to political or economic philosophies shall result in the presentation of a spectrum of ideas. [1986 c 91 s 1; 1980 c 80 s 1.]

**Severability—1980 c 80:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1980 c 80 s 4.]

**RCW 28B.15.045 Services and activities fees—Guidelines governing establishment and funding of programs supported by—Scope—Mandatory provisions—Dispute resolution.** The legislature recognizes that institutional governing boards have a responsibility to manage and protect institutions of higher education. This responsibility includes ensuring certain lawful agreements for which revenues from services and activities fees have been pledged. Such lawful agreements include, but are not limited to, bond covenant agreements and other contractual obligations. Institutional governing boards are also expected to protect the stability of programs that benefit students.

The legislature also recognizes that services and activities fees are paid by students for the express purpose of funding student services and programs. It is the intent of the legislature that governing boards ensure that students have a strong voice in recommending budgets for services and activities fees. The boards of trustees and the boards of regents of the respective institutions of higher education shall adopt guidelines governing the establishment and funding of programs supported by services and activities fees. Such guidelines shall stipulate procedures for budgeting and expending services and activities fee revenue. Any such guidelines shall be consistent with the following provisions:

(1) Student representatives from the services and activities fee committee and representatives of the college or university

administration shall have an opportunity to address the board before board decisions on services and activities fee budgets and dispute resolution actions are made.

(2) Members of the governing boards shall adhere to the principle that services and activities fee committee desires be given priority consideration on funding items that do not fall into the categories of preexisting contractual obligations, bond covenant agreements, or stability for programs affecting students.

(3) Responsibility for proposing to the administration and the governing board program priorities and budget levels for that portion of program budgets that derive from services and activities fees shall reside with a services and activities fee committee, on which students shall hold at least a majority of the voting memberships, such student members shall represent diverse student interests, and shall be recommended by the student government association or its equivalent. The chairperson of the services and activities fee committee shall be selected by the members of that committee. The governing board shall insure that the services and activities fee committee provides an opportunity for all viewpoints to be heard at a public meeting during its consideration of the funding of student programs and activities.

(4) The services and activities fee committee shall evaluate existing and proposed programs and submit budget recommendations for the expenditure of those services and activities fees with supporting documents simultaneously to the college or university governing board and administration.

(5) The college or university administration shall review the services and activities fee committee budget recommendations and publish a written response to the services and activities fee committee. This response shall outline potential areas of difference between the committee recommendations and the administration's proposed budget recommendations. This response, with supporting documentation, shall be submitted to the services and activities fee committee in a timely manner to allow adequate consideration.

(6)(a) In the event of a dispute or disputes involving the services and activities fee committee recommendations, the college or university administration shall meet with the services and activities fee committee in a good faith effort to resolve such dispute or disputes prior to submittal of final recommendations to the governing board.

(b) If said dispute is not resolved within fourteen days, a dispute resolution committee shall be convened by the chair of the services and activities fee committee within fourteen days.

(7) The dispute resolution committee shall be selected as follows: The college or university administration shall appoint two nonvoting advisory members; the governing board shall appoint three voting members; and the services and activities fee committee chair shall appoint three student members of the services and activities fee committee who will have a vote, and one student representing the services and activities fee committee who will chair the dispute resolution committee and be nonvoting. The committee shall meet in good faith, and settle by vote any and all disputes. In the event of a tie vote, the chair of the dispute resolution committee shall vote to settle the dispute.

(8) The governing board may take action on those portions of the services and activities fee budget not in dispute in accordance with the customary budget approval timeline established by the board. The

governing board shall consider the results, if any, of the dispute resolution committee and shall take action.

(9) Services and activities fees and revenues generated by programs and activities funded by such fees shall be deposited and expended through the office of the chief fiscal officer of the institution.

(10) Services and activities fees and revenues generated by programs and activities funded by such fees shall be subject to the applicable policies, regulations, and procedures of the institution and the budget and accounting act, chapter 43.88 RCW.

(11) All information pertaining to services and activities fees budgets shall be made available to interested parties. Annually, by September 30th, the services and activities fees committee at each institution of higher education, in coordination with the administration of the institution of higher education, shall post services and activities fees expenditure information for the prior academic year on the college or university website so that the information is clearly visible and easily accessible to students and the public. At a minimum, the services and activities fees budget information must include all the major categories of expenditure and the amounts expended in each category.

(12) With the exception of any funds needed for bond covenant obligations, once the budget for expending service and activities fees is approved by the governing board, funds shall not be shifted from funds budgeted for associated students or departmentally related categories or the reserve fund until the administration provides written justification to the services and activities fee committee and the governing board, and the governing board and the services and activities fee committee give their express approval. In the event of a fund transfer dispute among the services and activities fee committee, the administration, or the governing board, said dispute shall be resolved pursuant to subsections (6)(b), (7), and (8) of this section.

(13) Any service and activities fees collected which exceed initially budgeted amounts are subject to subsections (1) through (10) and (12) of this section. [2012 c 104 s 2; 1994 c 41 s 1; 1990 c 7 s 1; 1986 c 91 s 2; 1980 c 80 s 2.]

**Intent——2012 c 104:** "The legislature recognizes that students play an important role in recommending how services and activities fees should be expended, as the majority of members of the services and activities fees committee at each institution of higher education. It is the intent of the legislature to increase transparency, so that expenditures of revenue from services and activities fees are clearly visible and accessible to the students who pay those fees." [2012 c 104 s 1.]

**Severability——1980 c 80:** See note following RCW 28B.15.044.

**RCW 28B.15.051 "Technology fees"——Defined——Use——Student government approval.** (1) The governing board of each of the state universities, the regional universities, and The Evergreen State College, upon the written agreement of its respective student government association or its equivalent, may establish and charge each enrolled student a technology fee, separate from tuition fees.

During the 1996-97 academic year, any technology fee shall not exceed one hundred twenty dollars for a full-time student. Any technology fee charged to a part-time student shall be calculated as a pro rata share of the fee charged to a full-time student.

(2) Revenue from this fee shall be used exclusively for technology resources for general student use.

(3) Only changes in the amount of the student technology fee agreed upon by both the governing board and its respective student government association or its equivalent shall be used to adjust the amount charged to students. Changes in the amount charged to students, once implemented, become the basis for future changes.

(4) Annually, the student government association or its equivalent may abolish the fee by a majority vote. In the event of such a vote, the student government association or its equivalent shall notify the governing board of the institution. The fee shall cease being collected the term after the student government association or its equivalent voted to eliminate the fee.

(5) The student government association or its equivalent shall approve the annual expenditure plan for the fee revenue.

(6) The universities and The Evergreen State College shall deposit three and one-half percent of revenues from the technology fee into the institutional financial aid fund under RCW 28B.15.820.

(7) As used in this section, "technology fee" is a fee charged to students to recover, in whole or in part, the costs of providing and maintaining services to students that include, but need not be limited to: Access to the internet and world wide web, email, computer and multimedia work stations and laboratories, computer software, and dial-up telephone services.

(8) Prior to the establishment of a technology fee, a governing board shall provide to the student governing body a list of existing fees of a similar nature or for a similar purpose. The board and the student governing body shall ensure that student fees for technology are not duplicative. [1996 c 142 s 1.]

**Severability—Effective date—1996 c 142:** See notes following RCW 28B.15.031.

**RCW 28B.15.065 Adjustment of state appropriations for student financial aid.** It is the intent of the legislature that students who demonstrate financial need not be deprived of access to higher education due to increases in educational costs or consequent increases in tuition and fees. It is the sense of the legislature that state appropriations for student financial aid be adjusted in an amount which together with funds estimated to be available in the form of basic educational opportunity grants as authorized under Section 411 of the federal Higher Education Act of 1965 as now or hereafter amended will equal twenty-four percent of any change in revenue estimated to occur as a result of revisions in tuition and fee levels under the provisions of chapter 322, Laws of 1977 ex. sess. [2019 c 406 s 29; 1977 ex.s. c 322 s 6.]

**Findings—Intent—2019 c 406:** See note following RCW 43.79.195.

**Findings—Short title—2019 c 406:** See notes following RCW 28B.92.200.

**Findings—2019 c 406:** See note following RCW 28B.94.020.

**Findings—Intent—2019 c 406:** See note following RCW 28C.30.050.

**Findings—Intent—2019 c 406:** See note following RCW 43.216.135.

**Severability—1977 ex.s. c 322:** "If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1977 ex.s. c 322 s 17.]

**RCW 28B.15.066 Appropriations to institutions of higher education—"Inflation" defined.** (1) Beginning with the 2015-2017 omnibus appropriations act, the legislature shall appropriate to the state board for community and technical colleges and to each of the four-year institutions of higher education an amount that is at least equal to the total state funds appropriated in the 2013-2015 biennium and the net revenue loss from resident undergraduate tuition operating fees based on budgeted full-time equivalent enrollment received for the 2015-2017 fiscal biennium under *RCW 28B.15.067 (3) and (6). The net revenue loss shall be adjusted for inflation in subsequent biennia.

(2) As used in this section and RCW 28B.15.069, "inflation" shall be based on the consumer price index, using the official current base, compiled by the bureau of labor statistics, United States department of labor for the state of Washington. If the bureau of labor statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people and covering areas exclusively within the boundaries of the state shall be used. [2015 3rd sp.s. c 36 s 2; 2003 c 232 s 3; 2000 c 152 s 2; 1999 c 309 s 932; 1995 1st sp.s. c 9 s 3; 1993 c 379 s 205.]

***Reviser's note:** RCW 28B.15.067 was amended by 2020 c 114 s 4, changing subsection (3) to subsection (2) and deleting subsection (6).

**Short title—2015 3rd sp.s. c 36:** See note following RCW 28B.15.031.

**Finding—Intent—2003 c 232:** See note following RCW 28B.15.031.

**Severability—Effective date—1999 c 309:** See notes following RCW 41.06.152.

**Intent—Purpose—Effective date—1995 1st sp.s. c 9:** See notes following RCW 28B.15.031.

**Intent—Severability—Effective date—1993 c 379:** See notes following RCW 28B.10.029.

**RCW 28B.15.067 Tuition fees—Established.** (1) Tuition fees shall be established under the provisions of this chapter.

(2) The maximum increase in tuition operating fees for resident undergraduates at institutions of higher education as defined in RCW

28B.10.016, excluding applied baccalaureate degrees as defined in RCW 28B.50.030, shall be calculated by the office of financial management and transmitted to the institutions of higher education by October 1st of each year for the following academic year. Tuition operating fees for resident undergraduates at institutions of higher education as defined in RCW 28B.10.016, excluding applied baccalaureate degrees as defined in RCW 28B.50.030, may increase by no more than the average annual percentage growth rate in the median hourly wage for Washington as the wage is determined by the federal bureau of labor statistics and calculated based on the previous 14 years prior to the transmittal date by the office of financial management.

(3) The governing boards of the state universities, regional universities, and The Evergreen State College; and the state board for community and technical colleges may reduce or increase full-time tuition fees for all students other than resident undergraduates, including nonresident students, summer school students, and students in other self-supporting degree programs. Percentage increases in full-time tuition may exceed the fiscal growth factor. Except during the 2013-2015 fiscal biennium, the state board for community and technical colleges may pilot or institute differential tuition models. The board may define scale, scope, and rationale for the models.

(4) The tuition fees established under this chapter shall not apply to high school students enrolling in participating institutions of higher education under RCW 28A.600.300 through 28A.600.400.

(5)(a) The tuition fees established under this chapter shall not apply to eligible students enrolling in a dropout reengagement program through an interlocal agreement between a school district and a community or technical college under RCW 28A.175.100 through 28A.175.110.

(b) The tuition fees established under this chapter shall not apply to students incarcerated with the department of corrections who are participating in credit-eligible postsecondary education courses and degree programs when the program expenses are funded by nontuition resources such as, but not limited to, grants, contracts, and donations.

(6) As a result of any changes in tuition under section 3, chapter 36, Laws of 2015 3rd sp. sess., the governing boards of the state universities, the regional universities, and The Evergreen State College shall not reduce resident undergraduate enrollment below the 2014-15 academic year levels. [2023 c 9 s 1; 2021 c 200 s 9; 2020 c 114 s 4; 2015 3rd sp.s. c 36 s 3; 2015 c 55 s 211; 2013 2nd sp.s. c 4 s 958. Prior: 2012 2nd sp.s. c 7 s 914; 2012 c 228 s 6; 2011 1st sp.s. c 10 s 3; 2010 c 20 s 7; 2009 c 574 s 1; 2007 c 355 s 7; 2006 c 161 s 6; 2003 c 232 s 4; 1997 c 403 s 1; 1996 c 212 s 1; 1995 1st sp.s. c 9 s 4; 1992 c 231 s 4; 1990 1st ex.s. c 9 s 413; 1986 c 42 s 1; 1985 c 390 s 15; 1982 1st ex.s. c 37 s 15; 1981 c 257 s 2.]

**Effective date—2020 c 114:** See note following RCW 28A.175.075.

**Short title—2015 3rd sp.s. c 36:** See note following RCW 28B.15.031.

**Effective dates—2013 2nd sp.s. c 4:** See note following RCW 2.68.020.

**Effective date—2012 2nd sp.s. c 7:** See note following RCW 2.68.020.

**Findings—Intent—Short title—2011 1st sp.s. c 10:** See notes following RCW 28B.15.031.

**Intent—2010 c 20:** See note following RCW 28A.175.100.

**Finding—Intent—2007 c 355:** See note following RCW 28B.50.535.

**Effective date—2006 c 161:** See note following RCW 49.04.160.

**Finding—Intent—2003 c 232:** See note following RCW 28B.15.031.

**Severability—1996 c 212:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1996 c 212 s 2.]

**Intent—Purpose—Effective date—1995 1st sp.s. c 9:** See notes following RCW 28B.15.031.

**Effective date—1992 c 231:** See note following RCW 28B.10.016.

**Finding—Severability—1990 1st ex.s. c 9:** See notes following RCW 28A.225.220.

**Effective date—Severability—1982 1st ex.s. c 37:** See notes following RCW 28B.15.012.

**Severability—1981 c 257:** See note following RCW 28B.15.031.

**RCW 28B.15.0681 Information provided to students on tuition billing statements or website—Notice of federal educational tax credits.** (1) In addition to the requirement in *RCW 28B.76.300(4), institutions of higher education shall disclose to their undergraduate resident students on the tuition billing statement, in dollar figures for a full-time equivalent student:

(a) The full cost of instruction;

(b) The amount collected from student tuition and fees; and

(c) The difference between the amounts for the full cost of instruction and the student tuition and fees.

(2) The tuition billing statement shall note that the difference between the cost and tuition under subsection (1)(c) of this section was paid by state tax funds and other moneys.

(3) Beginning in the 2010-11 academic year, the amount determined in subsection (1)(c) of this section shall be labeled an "opportunity pathway" on the tuition billing statement.

(4) Beginning in the 2010-11 academic year, institutions of higher education shall label financial aid awarded to resident undergraduate students as an "opportunity pathway" on the tuition billing statement or financial aid award notification. Aid granted to students outside of the financial aid package provided through the institution of higher education and loans provided by the federal government are not subject to the labeling provisions in this

subsection. All other aid from all sources including federal, state, and local governments, local communities, nonprofit and for-profit organizations, and institutions of higher education must be included. The disclosure requirements specified in this section do not change the source, award amount, student eligibility, or student obligations associated with each award. Institutions of higher education retain the ability to customize their tuition billing statements to inform students of the assistance source, amount, and type so long as provisions of this section are also fulfilled.

(5) Institutions of higher education shall provide the following information to all undergraduate resident students either on the tuition billing statement or via a link to a website detailing the following information:

(a) The sources of all institutional revenue received during the prior academic or fiscal year, including but not limited to state, federal, local, and private sources;

(b) The uses of tuition revenue collected during the prior academic or fiscal year by program category as determined by the office of financial management; and

(c) The accountability and performance data under **RCW 28B.76.270.

(6) The tuition billing statement disclosures shall be in twelve-point type and boldface type where appropriate.

(7) All tuition billing statements or financial aid award notifications at institutions of higher education must notify resident undergraduate students of federal tax credits related to higher education for which they may be eligible. [2011 1st sp.s. c 10 s 4; 2009 c 215 s 6; 2007 c 151 s 2.]

**Reviser's note:** *(1) RCW 28B.76.300 was repealed by 2011 1st sp.s. c 11 s 245.

**(2) RCW 28B.76.270 was recodified as RCW 28B.77.090 pursuant to 2012 c 229 s 904.

**Findings—Intent—Short title—2011 1st sp.s. c 10:** See notes following RCW 28B.15.031.

**Findings—Intent—Effective date—2009 c 215:** See notes following RCW 28B.92.030.

**Captions not law—2007 c 151:** "Captions used in this act are not any part of the law." [2007 c 151 s 3.]

**RCW 28B.15.069 Building fees—Services and activities fees—Other fees.** (1) The building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the office of financial management and be based on the actual percentage the building fee is of total tuition for each tuition category in the 1994-95 academic year, rounded up to the nearest half percent. After October 9, 2015, the dollar value of the building fee shall not be reduced below the level in the 2014-15 academic year adjusted for inflation. As used in this subsection, "inflation" has the meaning in RCW 28B.15.066(2).

(2) The governing boards of each institution of higher education shall charge to and collect from each student a services and activities fee. A governing board may increase the existing fee

annually, consistent with budgeting procedures set forth in RCW 28B.15.045, by amounts that shall not exceed four percent per year, judged reasonable and necessary by the services and activities fee committee and the governing board. The governing boards of the community and technical colleges may increase the existing student and activities fee annually, consistent with budgeting procedures set forth in RCW 28B.15.045, by a percentage not to exceed the annual percentage increase in student tuition fees for resident undergraduate students: PROVIDED, That such percentage increase shall not apply to that portion of the services and activities fee previously committed to the repayment of bonded debt. These rate adjustments may exceed the fiscal growth factor. The services and activities fee committee provided for in RCW 28B.15.045 may initiate a request to the governing board for a fee increase.

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

(4) Subject to the limitations of RCW 28B.15.910, each governing board of a community or technical college may charge such fees for ungraded courses, noncredit courses, community services courses, and self-supporting courses as it, in its discretion, may determine, consistent with the rules of the state board for community and technical colleges.

(5) The governing board of a college offering an applied baccalaureate degree program under RCW 28B.50.810 or a bachelor of science degree program described in RCW 28B.50.825 may charge tuition fees for those courses above the associate degree level at rates consistent with rules adopted by the state board for community and technical colleges, not to exceed tuition fee rates at the regional universities. [2018 c 202 s 1. Prior: 2016 sp.s. c 33 s 2; 2016 c 202 s 57; prior: 2015 3rd sp.s. c 36 s 5; 2015 3rd sp.s. c 4 s 945; 2015 c 55 s 212; 2013 2nd sp.s. c 4 s 959; 2012 c 229 s 701; 2005 c 258 s 10; 2003 c 232 s 5; 1997 c 403 s 2; 1995 1st sp.s. c 9 s 5.]

**Short title—2015 3rd sp.s. c 36:** See note following RCW 28B.15.031.

**Effective dates—2015 3rd sp.s. c 4:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [June 30, 2015], except for section 971 (RCW 77.12.203) of this act, which takes effect July 1, 2015." [2015 3rd sp.s. c 4 s 1902.]

**Effective dates—2013 2nd sp.s. c 4:** See note following RCW 2.68.020.

**Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Findings—Intent—2005 c 258:** See note following RCW 28B.45.014.

**Finding—Intent—2003 c 232:** See note following RCW 28B.15.031.

**Intent—Purpose—Effective date—1995 1st sp.s. c 9:** See notes following RCW 28B.15.031.

**RCW 28B.15.071 Degree program support—Change from state funding to self-supporting and fee-based.** (1) When a decision is being considered to change an existing degree program that is supported by state funding to a program that is self-supporting and fee-based, the state universities, regional universities, and The Evergreen State College shall:

(a) Publicly notify prospective students, including notification in admission offers with an estimate of tuition and fees;

(b) Notify enrolled students and undergraduate or graduate student government associations at least six months before implementation with an estimate of tuition and fees; and

(c) Allow students currently enrolled in the program to continue in the state-supported program structure for a consecutive amount of time no greater than four years in length.

(2)(a) The state universities, regional universities, and The Evergreen State College shall each establish or designate a committee comprised of administrators, faculty, and students to create criteria upon which to evaluate, prior to a shift being made, the proposed shift of a degree program from a state-supported degree program to a self-supporting funding basis. Where possible, an existing budget or advisory committee shall be designated instead of establishing a new committee. When establishing evaluation criteria, the committee shall consider including the following:

(i) The financial health and sustainability of the program;

(ii) If moving the program to a self-supporting funding basis alters the availability of student financial aid;

(iii) The audience for the program, the format of the program, and the institutional priority for state funding of the program;

(iv) Demographics of students served and graduates practicing in typical fields of study; and

(v) Alternatives to shifting to a self-supporting funding basis including raising tuition within the state-funded context or program elimination.

(b) The committee that creates the criteria for moving a degree from a state-supported degree program to a self-supporting funding basis may also establish a process to periodically evaluate programs that have shifted from a state-supported program to a fee-based funding model for alignment with criteria established. [2014 c 60 s 1.]

**RCW 28B.15.100 Tuition and fees set by individual institutions—Limitations—Tuition and fees for certain part-time, additional time, and out-of-state students.** (1) The governing boards of the state universities, the regional universities, The Evergreen State College, and the community and technical colleges shall charge to and collect from each of the students registering at the particular institution for any quarter or semester such tuition fees and services and activities fees, and other fees as such board shall in its discretion determine. For the governing boards of the state universities, the regional universities, and The Evergreen State College, the total of all fees shall be rounded to the nearest whole dollar amount:

PROVIDED, That such tuition fees shall be established in accordance with RCW 28B.15.067.

(2) Part-time students shall be charged tuition and services and activities fees proportionate to full-time student rates established for residents and nonresidents: PROVIDED, That except for students registered at community and technical colleges, students registered for fewer than two credit hours shall be charged tuition and services and activities fees at the rate established for two credit hours: PROVIDED FURTHER, That, subject to the limitations of RCW 28B.15.910, residents of Idaho or Oregon who are enrolled in community college district number twenty for six or fewer credits during any quarter or semester may be exempted from payment of all or a portion of the nonresident tuition fees differential upon a declaration by the office of student financial assistance that it finds Washington residents from the community college district are afforded substantially equivalent treatment by such other states.

(3) Full-time students registered for more than eighteen credit hours shall be charged an additional operating fee for each credit hour in excess of eighteen hours at the applicable established per credit hour tuition fee rate for part-time students: PROVIDED, That, subject to the limitations of RCW 28B.15.910, the governing boards of the state universities and the community and technical colleges may exempt all or a portion of the additional charge, for students who are registered exclusively in first professional programs in medicine, dental medicine, veterinary medicine, doctor of pharmacy, or law, or who are registered exclusively in required courses in vocational preparatory programs. [2015 c 55 s 213; 2011 1st sp.s. c 11 s 151; 2011 c 274 s 5; 2003 c 232 s 6; 1999 c 321 s 2; 1998 c 75 s 1; 1995 1st sp.s. c 9 s 8; 1993 sp.s. c 18 s 7; 1992 c 231 s 6. Prior: 1985 c 390 s 18; 1985 c 370 s 67; 1982 1st ex.s. c 37 s 11; 1981 c 257 s 5; 1977 ex.s. c 322 s 2; 1977 ex.s. c 169 s 36; 1971 ex.s. c 279 s 5; 1969 ex.s. c 223 s 28B.15.100; prior: (i) 1967 ex.s. c 8 s 31, part. Formerly RCW 28.85.310, part. (ii) 1963 c 181 s 1, part; 1961 ex.s. c 10 s 1, part; 1959 c 186 s 1, part; 1947 c 243 s 1, part; 1945 c 187 s 1, part; 1933 c 169 s 1, part; 1931 c 48 s 1, part; 1921 c 139 s 1, part; 1919 c 63 s 1, part; 1915 c 66 s 2, part; RRS s 4546, part. Formerly RCW 28.77.030, part. (iii) 1963 c 180 s 1, part; 1961 ex.s. c 11 s 1, part; 1949 c 73 s 1, part; 1931 c 49 s 1, part; 1921 c 164 s 1, part; Rem. Supp. 1949 s 4569, part. Formerly RCW 28.80.030, part. (iv) 1967 c 47 s 10, part; 1965 ex.s. c 147 s 1, part; 1963 c 143 s 1, part; 1961 ex.s. c 13 s 3, part. Formerly RCW 28.81.080, part.]

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Finding—Intent—2011 c 274:** See note following RCW 28B.50.515.

**Finding—Intent—2003 c 232:** See note following RCW 28B.15.031.

**Intent—1999 c 321:** "The legislature recognizes that certain tuition policies may have an adverse impact on the unique role of community colleges.

Therefore, it is the intent of the legislature to eliminate impediments to the ability of community colleges to meet the diverse needs of students and business interests." [1999 c 321 s 1.]

**Intent—Purpose—Effective date—1995 1st sp.s. c 9:** See notes following RCW 28B.15.031.

**Effective date—1993 sp.s. c 18:** See note following RCW 28B.12.060.

**Effective date—1992 c 231:** See note following RCW 28B.10.016.

**Effective date—Severability—1982 1st ex.s. c 37:** See notes following RCW 28B.15.012.

**Severability—1981 c 257:** See note following RCW 28B.15.031.

**Severability—1977 ex.s. c 322:** See note following RCW 28B.15.065.

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**Severability—1971 ex.s. c 279:** See note following RCW 28B.15.005.

**RCW 28B.15.110 Tuition and fees when joint program of four year institutions—Supplemental fees, when.** Where students at any of the four year state colleges or universities participate in a joint program undertaken by two or more of such institutions, and which leads to a degree, the tuition and fees assessed each student participating in such joint program shall be equal.

The governing board at each state four year institution shall, where the tuition and fees which it charges resident students participating in a joint program falling within the scope of this section would be less than those charged to any such students from any other state four year institution who participates in such joint program, impose a supplemental fee upon its resident students so participating in order to make the tuition and fees charged to them equal to the highest amount charged to any other resident student from a state four year institution who participates in the program. Such governing board shall, where the tuition and fees which it charges nonresident students participating in a joint program falling within the scope of this section would be less than those charged to any such students participating from any other state four year institution who participates in such joint program, impose a supplemental fee upon its nonresident students so participating in order to make the tuition and fees charged to them equal to the highest amount charged to any other nonresident student from a state four year institution who participates in the program. [1977 ex.s. c 126 s 1.]

*"State universities," "regional universities," "state college," "institutions of higher education," and "postsecondary institutions" defined: RCW 28B.10.016.*

**RCW 28B.15.120 Board of trustees or regents—Annual budget requirements.** (1) The board of trustees or regents of each of the state's colleges and universities under RCW 28B.15.005 must specifically approve in an open public meeting, the annual budget for its programs for intercollegiate athletic competition in advance of any expenditure for that fiscal year.

(2) If a college or university's programs experience an operating deficit at the end of any fiscal year, the board of trustees or regents must:

(a) Approve a plan for how the programs will reduce operating deficits in future fiscal years;

(b) Conspicuously post to the college or university's website the financial statements of the programs for the three prior fiscal years and the plan in (a) of this subsection. Any public records request for a copy of the financial statements or plan must be at no cost to the requester;

(c) Approve in advance any transfer exceeding two hundred fifty thousand dollars; and

(d) Except as provided in subsection (3) of this section, approve in advance any expenditure over two hundred fifty thousand dollars that was not included in the approved annual budget, in an open public meeting.

(3) Approval of an expenditure by the board of trustees or regents may occur at the next regularly scheduled board meeting after the expenditure if the expenditure is:

(a) Time sensitive and the net fiscal impact of the expenditure results in a direct revenue gain to the program; or

(b) Required to meet an immediate public safety need.

(4) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section:

(a) "Expenditure" means any discrete purchase, payment, contract amendment, or expense, unless that expenditure is required to meet an immediate public safety need.

(b) "Operating costs" means all direct and indirect costs to operate the programs including the value of any costs that are typically charged to departments, but have been waived by the college or university. Waived costs include, but are not limited to the value of tuition waivers for student athletes and any internal or central service costs not charged to the programs.

(c) "Operating deficit" means the amount by which the aggregate operating costs of the programs exceeds the aggregated receipts and revenue directly generated by the programs in the fiscal year, plus any transfers of reserves that were originally generated directly by the athletic department account.

(d) "Programs for intercollegiate athletic competition" or "programs" means those programs established under RCW 28B.10.703.

(e) "Transfers" means any transfer of moneys to an account used by programs for intercollegiate athletic competition from any account that holds moneys not directly generated by the programs. [2018 c 292 s 1.]

**RCW 28B.15.190 Student advisory committees—Consideration of student access and success in educational programs—Advising and assisting administration of four-year institutions of higher education.** (1) One student advisory committee may be formed at each

four-year institution of higher education by that institution's recognized student government organization for the purpose of advising and assisting the administration of that four-year institution of higher education on issues that directly affect students' ability to access and succeed in their educational programs. Issues that the student advisory committee may consider include:

(a) The institution's annual budget;

(b) Tuition and fee levels;

(c) Financial aid policies;

(d) Long-range budget priorities and allocation planning; and

(e) Admission and enrollment policies.

(2) Members of a student advisory committee may be appointed in a manner that is consistent with policies adopted by the recognized student government organizations at each institution. If there is both an undergraduate and graduate recognized student government organization at one institution, members of the student advisory committee may be appointed in a manner consistent with policies adopted by both organizations.

(3) The administration of each four-year institution of higher education must: (a) Make readily available all nonconfidential information, documents, and reports requested by the student advisory committee and that are necessary for the committee to provide informed recommendations; and (b) provide the opportunity to present recommendations to the boards of regents or trustees before final decisions of the administration that relate to the issues described in subsection (1) of this section.

(4) A student advisory committee must: (a) Make reasonable efforts to solicit feedback from students regarding the issues described in subsection (1) of this section and matters that are of general interest and impact students; and (b) take reasonable steps to keep students informed of deliberations and actions of the student advisory committee. [2013 c 218 s 4.]

**RCW 28B.15.210 Fees——University of Washington——Disposition of building fees.** Within 35 days from the date of collection thereof, all building fees at the University of Washington, including building fees to be charged students registering in the schools of medicine and dentistry, shall be paid into the state treasury and credited as follows:

One-half or such larger portion as may be necessary to prevent a default in the payments required to be made out of the bond retirement fund to the "University of Washington bond retirement fund" and the remainder thereof to the "University of Washington building account." The sum so credited to the University of Washington building account shall be used exclusively for the purpose of erecting, altering, maintaining, equipping, or furnishing buildings, and for certificates of participation under chapter 39.94 RCW, except for any sums transferred as authorized in RCW 28B.20.725(3). The sum so credited to the University of Washington bond retirement fund shall be used for the payment of principal of and interest on bonds outstanding as provided by chapter 28B.20 RCW except for any sums transferred as authorized in RCW 28B.20.725(5). During the 2023-2025 and 2025-2027 fiscal biennia, sums credited to the University of Washington building account may also be used for routine facility maintenance, utility costs, and facility condition assessments. [2025 c 414 s 8026; 2023 c

474 s 8024; 2021 c 332 s 7025; 2019 c 413 s 7023; 2017 3rd sp.s. c 1 s 952; 2015 3rd sp.s. c 3 s 7027; 2013 2nd sp.s. c 19 s 7026; 2011 1st sp.s. c 48 s 7022. Prior: 2009 c 499 s 1; 2009 c 497 s 6019; 1985 c 390 s 20; 1969 ex.s. c 223 s 28B.15.210; prior: 1963 c 224 s 1; 1959 c 193 s 7; 1957 c 254 s 6; 1947 c 243 s 2; 1945 c 187 s 2; 1939 c 156 s 1; 1933 c 169 s 2; 1921 c 139 s 2; 1919 c 63 s 2; 1915 c 66 s 3; Rem. Supp. 1947 s 4547. Formerly RCW 28.77.040.]

**Effective date——2025 c 414:** See note following RCW 79A.25.210.

**Conflict with federal requirements——Effective date——2023 c 474:** See notes following RCW 28A.320.330.

**Effective date——2021 c 332:** See note following RCW 43.19.501.

**Effective date——2019 c 413:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 21, 2019]." [2019 c 413 s 7041.]

**Effective date——2017 3rd sp.s. c 1:** See note following RCW 43.41.455.

**Effective date——2015 3rd sp.s. c 3:** See note following RCW 43.160.080.

**Effective date——2013 2nd sp.s. c 19:** See note following RCW 43.34.080.

**Effective date——2011 1st sp.s. c 48:** See note following RCW 39.35B.050.

**Effective date——2009 c 497:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 15, 2009], except for sections 6020, 6021, and 6024 through 6027 of this act which take effect July 1, 2009." [2009 c 497 s 6055.]

**RCW 28B.15.220 Fees——University of Washington——Disposition of special fees.** All fees except building fees shall be held by the board of regents as a revolving fund and expended for the purposes for which collected and be accounted for in accordance with law: PROVIDED, That the board of regents shall have authority to place in a separate fund or funds any or all fees or rentals exacted for the use of facilities of any dormitory, hospital, or infirmary building, and the board of regents shall have authority to pledge any or all such fees for the retirement of any bonds that may be issued for the construction of such dormitory, hospital, or infirmary building. [1985 c 390 s 21; 1969 ex.s. c 223 s 28B.15.220. Prior: 1961 c 229 s 6; prior: (i) 1933 ex.s. c 24 s 1; 1921 c 139 s 3; 1919 c 63 s 3; 1915 c 66 s 4; RRS s 4548. (ii) 1947 c 64 s 2, part; 1933 ex.s. c 23 s 2, part; 1925 ex.s. c 91 s 2, part; Rem. Supp. 1947 s 4543-2, part. Formerly RCW 28.77.050.]

**RCW 28B.15.225 Exemption from fees of schools of medicine or dentistry at University of Washington—Exemption from nonresident tuition fees differential for participants in the Washington, Alaska, Montana, Idaho, or Wyoming program at Washington State University.** Subject to the limitations of RCW 28B.15.910, the governing board of the University of Washington may exempt the following students from the payment of all or a portion of the nonresident tuition fees differential: Students admitted to the university's school of medicine pursuant to contracts with the states of Alaska, Montana, Idaho, or Wyoming, or agencies thereof, providing for a program of regionalized medical education conducted by the school of medicine; or students admitted to the university's school of dentistry pursuant to contracts with the states of Utah, Idaho, or any other western state which does not have a school of dentistry, or agencies thereof, providing for a program of regionalized dental education conducted by the school of dentistry. The proportional cost of the program, in excess of resident student tuition and fees, will be reimbursed to the university by or on behalf of participating states or agencies. Subject to the limitations of RCW 28B.15.910, the governing board of Washington State University may exempt from payment all or a portion of the nonresident tuition fees differential for any student admitted to the University of Washington's school of medicine and attending Washington State University as a participant in the Washington, Alaska, Montana, Idaho, or Wyoming program in this section. Washington State University may reduce the professional student tuition for students enrolled in this program by the amount the student pays the University of Washington as a registration fee. [1997 c 50 s 1; 1993 sp.s. c 18 s 9; 1992 c 231 s 8; 1981 c 20 s 1; 1975 1st ex.s. c 105 s 1.]

**Effective date—1993 sp.s. c 18:** See note following RCW 28B.12.060.

**Effective date—1992 c 231:** See note following RCW 28B.10.016.

**RCW 28B.15.310 Fees—Washington State University—Disposition of building fees.** Within 35 days from the date of collection thereof, all building fees shall be paid and credited as follows: To the Washington State University bond retirement fund, one-half or such larger portion as may be necessary to prevent a default in the payments required to be made out of such bond retirement fund; and the remainder thereof to the Washington State University building account.

The sum so credited to the Washington State University building account shall be expended by the board of regents for buildings, equipment, or maintenance on the campus of Washington State University as may be deemed most advisable and for the best interests of the university, and for certificates of participation under chapter 39.94 RCW, except for any sums transferred as authorized by law. During the 2023-2025 and 2025-2027 fiscal biennia, sums credited to the Washington State University building account may also be used for routine facility maintenance, utility costs, and facility condition assessments. Expenditures so made shall be accounted for in accordance with existing law and shall not be expended until appropriated by the legislature.

The sum so credited to the Washington State University bond retirement fund shall be used to pay and secure the payment of the

principal of and interest on building bonds issued by the university, except for any sums which may be transferred out of such fund as authorized by law. [2025 c 414 s 8027; 2023 c 474 s 8025; 2021 c 332 s 7026; 2019 c 413 s 7024; 2017 3rd sp.s. c 1 s 953; 2015 3rd sp.s. c 3 s 7026; 2013 2nd sp.s. c 19 s 7028; 2011 1st sp.s. c 48 s 7023. Prior: 2009 c 499 s 2; 2009 c 497 s 6020; 1985 c 390 s 22; 1969 ex.s. c 223 s 28B.15.310; prior: 1961 ex.s. c 11 s 2; 1935 c 185 s 1; 1921 c 164 s 2; RRS s 4570. Formerly RCW 28.80.040.]

**Effective date—2025 c 414:** See note following RCW 79A.25.210.

**Conflict with federal requirements—Effective date—2023 c 474:** See notes following RCW 28A.320.330.

**Effective date—2021 c 332:** See note following RCW 43.19.501.

**Effective date—2019 c 413:** See note following RCW 28B.15.210.

**Effective date—2017 3rd sp.s. c 1:** See note following RCW 43.41.455.

**Effective date—2015 3rd sp.s. c 3:** See note following RCW 43.160.080.

**Effective date—2013 2nd sp.s. c 19:** See note following RCW 43.34.080.

**Effective date—2011 1st sp.s. c 48:** See note following RCW 39.35B.050.

**Effective date—2009 c 497:** See note following RCW 28B.15.210.

**RCW 28B.15.380 Exemption from payment of fees at state universities, regional universities, and The Evergreen State College—Children and surviving spouses of certain law enforcement officers, firefighters, state patrol officers, or highway workers.** Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities, the regional universities, and The Evergreen State College shall exempt the following students from the payment of all tuition fees and services and activities fees:

(1) Children of any law enforcement officer as defined in chapter 41.26 RCW, firefighter as defined in chapter 41.26 or 41.24 RCW, highway worker, or Washington state patrol officer who lost his or her life or became totally disabled in the line of duty while employed by any public law enforcement agency or full-time or volunteer fire department in this state, or was a highway worker while either employed by a general contractor or subcontractor, on a transportation project or employed by a transportation agency: PROVIDED, That such persons may receive the exemption only if they begin their course of study at a state-supported college or university within ten years of their graduation from high school; and

(2) Surviving spouses of any law enforcement officer as defined in chapter 41.26 RCW, firefighter as defined in chapter 41.26 or 41.24 RCW, highway worker, or Washington state patrol officer who lost his or her life or became totally disabled in the line of duty while

employed by any public law enforcement agency or full-time or volunteer fire department in this state, or was a highway worker while either employed by a general contractor or subcontractor, on a transportation project or employed by a transportation agency.

(3) The governing boards of the state universities, the regional universities, and The Evergreen State College shall report to the education data center on the annual cost of tuition fees and services and activities fees waived for surviving spouses and children under this section. The education data center shall consolidate the reports of the waived fees and annually report to the appropriate fiscal and policy committees of the legislature.

(4) As used in this section, "transportation agency" means any agency, department, or division of a municipal corporation, political subdivision, or other unit of local government in this state, and any agency, department, or division of state government, having as its primary function the construction and maintenance of the highways and roads within the state of Washington. Such an agency, department, or division is distinguished from a transit agency having as one of its functions the highway maintenance, including but not limited to the state department of transportation. A transportation agency under this section does not include a government contractor. [2019 c 144 s 1; 2015 c 46 s 1; 2012 c 229 s 703; 2010 c 261 s 4; 2005 c 249 s 2; 1993 sp.s. c 18 s 10; 1992 c 231 s 9; 1990 c 154 s 1; 1985 c 390 s 23; 1979 c 82 s 1; 1977 ex.s. c 322 s 10; 1977 ex.s. c 169 s 37; 1973 1st ex.s. c 191 s 1; 1971 ex.s. c 279 s 8; 1969 ex.s. c 269 s 8; 1969 ex.s. c 223 s 28B.15.380. Prior: (i) 1947 c 46 s 1; 1921 c 139 s 5; Rem. Supp. 1947 s 4550. Formerly RCW 28.77.070. (ii) 1921 c 164 s 4, part; RRS s 4572, part. Formerly RCW 28.80.060, part.]

**Effective date——2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Effective date——1993 sp.s. c 18:** See note following RCW 28B.12.060.

**Effective date——1992 c 231:** See note following RCW 28B.10.016.

**Severability——1979 c 82:** "If any provision of this amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1979 c 82 s 3.]

**Severability——1977 ex.s. c 322:** See note following RCW 28B.15.065.

**Severability——Nomenclature——Savings——1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**Effective date——1973 1st ex.s. c 191:** "This 1973 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1973." [1973 1st ex.s. c 191 s 4.]

**Severability—1971 ex.s. c 279:** See note following RCW 28B.15.005.

*"Totally disabled" defined for certain purposes: RCW 28B.15.385.*

**RCW 28B.15.385 "Totally disabled" defined for certain purposes.** For the purposes of RCW 28B.15.380, the phrase "totally disabled" means a person who has become totally and permanently disabled for life by bodily injury or disease, and is thereby prevented from performing any occupation or gainful pursuit. [2015 c 55 s 214; 2008 c 188 s 2; 2007 c 450 s 3; 1973 1st ex.s. c 191 s 5.]

**Effective date—1973 1st ex.s. c 191:** See note following RCW 28B.15.380.

**RCW 28B.15.395 Waiver of tuition and fees for wrongly convicted persons and their children.** (1) Subject to the conditions in subsection (2) of this section and the limitations in RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community and technical colleges, must waive all tuition and fees for the following persons:

(a) A wrongly convicted person; and

(b) Any child or stepchild of a wrongly convicted person who was born or became the stepchild of, or was adopted by, the wrongly convicted person before compensation is awarded under RCW 4.100.060.

(2) The following conditions apply to waivers under subsection (1) of this section:

(a) A wrongly convicted person must be a Washington domiciliary to be eligible for the tuition waiver.

(b) A child must be a Washington domiciliary ages seventeen through twenty-six years to be eligible for the tuition waiver. A child's marital status does not affect eligibility.

(c) Each recipient's continued participation is subject to the school's satisfactory progress policy.

(d) Tuition waivers for graduate students are not required for those who qualify under subsection (1) of this section but are encouraged.

(e) Recipients who receive a waiver under subsection (1) of this section may attend full time or part time. Total credits earned using the waiver may not exceed two hundred quarter credits, or the equivalent of semester credits.

(3) Private vocational schools and private higher education institutions are encouraged to provide waivers consistent with the terms of this section.

(4) For the purposes of this section:

(a) "Child" means a biological child, stepchild, or adopted child who was born of, became the stepchild of, or was adopted by a wrongly convicted person before compensation is awarded under RCW 4.100.060.

(b) "Fees" includes all assessments for costs incurred as a condition to a student's full participation in coursework and related activities at an institution of higher education.

(c) "Washington domiciliary" means a person whose true, fixed, and permanent house and place of habitation is the state of

Washington. In ascertaining whether a wrongly convicted person or child is domiciled in the state of Washington, public institutions of higher education must, to the fullest extent possible, rely upon the standards provided in RCW 28B.15.013.

(d) "Wrongly convicted person" means a Washington domiciliary who was awarded damages under RCW 4.100.060. [2015 c 55 s 215; 2013 c 175 s 11.]

**RCW 28B.15.411 Fees—Installment payments.** Each institution of higher education, at its discretion, may offer students an optional plan to pay in advance the building fees, operating fees, and services and activities fees for any quarter or semester in periodic installments, as established by that institution of higher education. [1987 c 15 s 1; 1985 c 356 s 1.]

**Effective date—1987 c 15:** "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect June 30, 1987." [1987 c 15 s 3.]

**Report to legislature—1985 c 356:** "Any institution of higher education offering a payment plan under RCW 28B.15.411, shall report to the legislature by January 1, 1988, about the effectiveness of the plan and costs of administering the plan." [1985 c 356 s 3.]

**RCW 28B.15.450 Gender equity—Intent.** The legislature finds that the ratio of women to men in intercollegiate athletics in Washington's higher education system is inequitable. It is the intent of the legislature, through additional tuition and fee waivers, to achieve gender equity in intercollegiate athletics. [1989 c 340 s 1.]

**RCW 28B.15.455 Gender equity—Goals.** Institutions of higher education shall strive to accomplish the following goals by June 30, 2002:

(1) Provide the following benefits and services equitably to male and female athletes participating in intercollegiate athletic programs: Equipment and supplies; medical services; services and insurance; transportation and per diem allowances; opportunities to receive coaching and instruction; scholarships and other forms of financial aid; conditioning programs; laundry services; assignment of game officials; opportunities for competition, publicity, and awards; and scheduling of games and practice times, including use of courts, gyms, and pools. Each institution which provides showers, toilets, lockers, or training room facilities for athletic purposes shall provide access to comparable facilities for both males and females.

(2) Provide equitable intercollegiate athletic opportunities for male and female students including opportunities to participate and to receive the benefits of the services listed in subsection (1) of this section.

(3) Provide participants with female and male coaches and administrators to act as role models. [1997 c 5 s 1; 1989 c 340 s 3.]

**Effective date—1997 c 5:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1997." [1997 c 5 s 7.]

**RCW 28B.15.460 Gender equity—Tuition and fee waivers—Institutional plan for underrepresented gender class.** (1) An institution of higher education shall not grant any waivers for the purpose of achieving gender equity until the 1991-92 academic year, and may grant waivers for the purpose of achieving gender equity in intercollegiate athletic programs as authorized in RCW 28B.15.740, for the 1991-92 academic year only if the institution's governing board has adopted a plan for complying with the provisions of RCW 28B.15.455 and submitted the plan to the student achievement council.

(2)(a) Beginning in the 1992-93 academic year, an institution of higher education shall not grant any waiver for the purpose of achieving gender equity in intercollegiate athletic programs as authorized in RCW 28B.15.740 unless the institution's plan has been approved by the student achievement council.

(b) Beginning in the 1999-2000 academic year, an institution that did not provide, by June 30, 1998, athletic opportunities for an historically underrepresented gender class at a rate that meets or exceeds the current rate at which that class participates in high school athletics in Washington state shall have a new institutional plan approved by the student achievement council before granting further waivers.

(c) Beginning in the 2003-04 academic year, an institution of higher education that was not within five percent of the ratio of undergraduates described in RCW 28B.15.470 by June 30, 2002, shall have a new plan for achieving gender equity in intercollegiate athletic programs approved by the student achievement council before granting further waivers.

(3) The plan shall include, but not be limited to:

(a) For any institution with an historically underrepresented gender class described in subsection (2)(b) of this section, provisions that ensure that by July 1, 2000, the institution shall provide athletic opportunities for the underrepresented gender class at a rate that meets or exceeds the current rate at which that class participates in high school interscholastic athletics in Washington state not to exceed the point at which the underrepresented gender class is no longer underrepresented;

(b) For any institution with an underrepresented gender class described in subsection (2)(c) of this section, provisions that ensure that by July 1, 2004, the institution will have reached substantial proportionality in its athletic program;

(c) Activities to be undertaken by the institution to increase participation rates of any underrepresented gender class in interscholastic and intercollegiate athletics. These activities may include, but are not limited to: Sponsoring equity conferences, coaches clinics and sports clinics; and taking a leadership role in working with athletic conferences to reduce barriers to participation by those gender classes in interscholastic and intercollegiate athletics;

(d) An identification of barriers to achieving and maintaining equitable intercollegiate athletic opportunities for men and women; and

(e) Measures to achieve institutional compliance with the provisions of RCW 28B.15.455. [2012 c 229 s 527; 1997 c 5 s 2; 1989 c 340 s 4.]

**Effective date——2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Effective date——1997 c 5:** See note following RCW 28B.15.455.

**RCW 28B.15.470 Gender equity——"Underrepresented gender class," "equitable" defined.** (1) As used in and for the limited purposes of RCW 28B.15.450 through *28B.15.465 and 28B.15.740, "underrepresented gender class" means female students or male students, where the ratio of participation of female or male students who are seventeen to twenty-four year old undergraduates enrolled full-time on the main campus, respectively, in intercollegiate athletics has historically been less than approximately the ratio of female to male students or male to female students, respectively, enrolled as undergraduates at an institution.

(2) As used in and for the limited purpose of RCW 28B.15.460(3)(a), an "underrepresented gender class" in interscholastic athletics means female students or male students, where the ratio of participation of female or male students, respectively, in K-12 interscholastic athletics has historically been less than approximately the ratio of female to male students or male to female students, respectively, enrolled in K-12 public schools in Washington.

(3) As used in and for the limited purposes of RCW 28B.15.460, "equitable" means that the ratio of female and male students participating in intercollegiate athletics is substantially proportionate to the percentages of female and male students who are seventeen to twenty-four year old undergraduates enrolled full time on the main campus. [1997 c 5 s 4; 1989 c 340 s 6.]

***Reviser's note:** RCW 28B.15.465 was repealed by 2011 1st sp.s. c 11 s 245.

**Effective date——1997 c 5:** See note following RCW 28B.15.455.

**RCW 28B.15.475 Gender equity——Construction——1989 c 340.** Nothing in this act shall be construed to excuse any institution from any more stringent requirement to achieve gender equity imposed by law, nor to permit any institution to decrease participation of any underrepresented gender class. [1989 c 340 s 7.]

**RCW 28B.15.515 Community and technical colleges——State-funded enrollment levels——Summer school——Enrollment level variances.** (1) The boards of trustees of the community and technical college districts

may operate summer schools on either a self-supporting or a state-funded basis.

If summer school is operated on a self-supporting basis, the fees charged shall be retained by the colleges, and shall be sufficient to cover the direct costs, which are instructional salaries and related benefits, supplies, publications, and records.

Community and technical colleges that have self-supporting summer schools shall continue to receive general fund state support for vocational programs that require that students enroll in a four quarter sequence of courses that includes summer quarter due to clinical or laboratory requirements and for ungraded courses limited to adult basic education, vocational apprenticeship, aging and retirement, small business management, industrial first aid, and parent education.

(2) The board of trustees of a community or technical college district may permit the district's state-funded, full-time equivalent enrollment level, as provided in the omnibus state appropriations act, to vary. If the variance is above the state-funded level, the district may charge those students above the state-funded level a fee equivalent to the amount of tuition and fees that are charged students enrolled in state-funded courses. These fees shall be retained by the colleges.

(3) The state board for community and technical colleges shall ensure compliance with this section. [2015 c 55 s 216. Prior: 1993 sp.s. c 18 s 13; 1993 sp.s. c 15 s 8; 1991 c 353 s 1.]

**Effective date——1993 sp.s. c 18:** See note following RCW 28B.12.060.

**Findings——Effective date——1993 sp.s. c 15:** See notes following RCW 28B.10.776.

**Effective date——1991 c 353:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect June 15, 1991." [1991 c 353 s 3.]

**RCW 28B.15.520 Waiver of fees and nonresident tuition fees——Community and technical colleges.** Subject to the limitations of RCW 28B.15.910, the governing boards of the community and technical colleges:

(1) May waive all or a portion of tuition fees and services and activities fees for students who are eligible for resident tuition and fee rates as defined in RCW 28B.15.012 through 28B.15.015, who enroll in a course of study or program which will enable them to finish their high school education and obtain a high school diploma or certificate, but who are not eligible students as defined by RCW 28A.600.405;

(2)(a) Shall waive all of tuition fees and services and activities fees for:

(i) Children of any law enforcement officer as defined in chapter 41.26 RCW, firefighter as defined in chapter 41.26 or 41.24 RCW, or Washington state patrol officer who lost his or her life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state: PROVIDED, That such persons may receive the waiver only if they

begin their course of study at a community or technical college within ten years of their graduation from high school; and

(ii) Surviving spouses of any law enforcement officer as defined in chapter 41.26 RCW, firefighter as defined in chapter 41.26 or 41.24 RCW, or Washington state patrol officer who lost his or her life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state.

(b) For the purposes of this section, "totally disabled" means a person who has become totally and permanently disabled for life by bodily injury or disease, and is thereby prevented from performing any occupation or gainful pursuit.

(c) The governing boards of the community and technical colleges shall report to the state board for community and technical colleges on the annual cost of tuition fees and services and activities fees waived for surviving spouses and children under (a) of this subsection. The state board for community and technical colleges shall consolidate the reports of the waived fees and annually report to the appropriate fiscal and policy committees of the legislature; and

(3) May waive all or a portion of the nonresident tuition fees differential for:

(a) Nonresident students enrolled in a community or technical college course of study or program which will enable them to finish their high school education and obtain a high school diploma or certificate but who are not eligible students as defined by RCW 28A.600.405. The waiver shall be in effect only for those courses which lead to a high school diploma or certificate; and

(b) Up to forty percent of the students enrolled in the regional education program for deaf students, subject to federal funding of such program. [2025 c 42 s 1; 2015 c 55 s 217; 2010 c 261 s 5; 2007 c 355 s 6; 1993 sp.s. c 18 s 16; 1992 c 231 s 12; 1990 c 154 s 2; 1987 c 390 s 1. Prior: 1985 c 390 s 26; 1985 c 198 s 1; 1982 1st ex.s. c 37 s 8; 1979 ex.s. c 148 s 1; 1973 1st ex.s. c 191 s 2; 1971 ex.s. c 279 s 12; 1970 ex.s. c 59 s 8; 1969 ex.s. c 261 s 29. Formerly RCW 28.85.310, part.]

**Finding—Intent—2007 c 355:** See note following RCW 28B.50.535.

**Effective date—1993 sp.s. c 18:** See note following RCW 28B.12.060.

**Effective date—1992 c 231:** See note following RCW 28B.10.016.

**Effective date—Severability—1982 1st ex.s. c 37:** See notes following RCW 28B.15.012.

**Effective date—1973 1st ex.s. c 191:** See note following RCW 28B.15.380.

**Severability—1971 ex.s. c 279:** See note following RCW 28B.15.005.

**Severability—1970 ex.s. c 59:** "If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1970 ex.s. c 59 s 11.]

**Severability——1969 ex.s. c 261:** See note following RCW 28B.50.020.

*GED test, eligibility: RCW 28A.305.190.*

*"Totally disabled" defined for certain purposes: RCW 28B.15.385.*

**RCW 28B.15.522 Waiver of tuition and fees for long-term unemployed or underemployed persons——Community and technical colleges.** (1) The governing boards of the community and technical colleges may waive all or a portion of the tuition and services and activities fees for persons under subsection (2) of this section pursuant to the following conditions:

(a) Such persons shall register for and be enrolled in courses on a space available basis and new course sections shall not be created as a result of the registration;

(b) Enrollment information on persons registered pursuant to this section shall be maintained separately from other enrollment information and shall not be included in official enrollment reports, nor shall such persons be considered in any enrollment statistics which would affect budgetary determinations; and

(c) Persons who enroll under this section shall have the same access to support services as do all other students and shall be subject to all course prerequisite requirements.

(2) A person is eligible for the waiver under subsection (1) of this section if the person:

(a) Meets the requirements for a resident student under RCW 28B.15.011 through 28B.15.015;

(b) Is twenty-one years of age or older;

(c) At the time of initial enrollment under subsection (1) of this section, has not attended an institution of higher education for the previous six months;

(d) Is not receiving or is not entitled to receive unemployment compensation of any nature under Title 50 RCW; and

(e) Has an income at or below the need standard established under chapter 74.04 RCW by the department of social and health services.

(3) The state board for community and technical colleges shall adopt rules to carry out this section. [2015 c 55 s 218; 1993 sp.s. c 18 s 17; 1992 c 231 s 13; 1985 c 390 s 27; 1984 c 50 s 2.]

**Effective date——1993 sp.s. c 18:** See note following RCW 28B.12.060.

**Effective date——1992 c 231:** See note following RCW 28B.10.016.

**Intent——1984 c 50:** "The legislature finds that providing educational opportunities to the long-term unemployed and underemployed is a valuable incentive to these individuals to reestablish themselves as contributing members of society. To this end, the legislature finds that creating the opportunity for these people to attend the state's community colleges on a space available basis, without charge, will provide the impetus for self-improvement without drawing upon the limited resources of the state or its institutions." [1984 c 50 s 1.]

**Severability—1984 c 50:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1984 c 50 s 4.]

**RCW 28B.15.524 Community college international student exchange program.** The community college international student exchange program is hereby established. [1987 c 12 s 1.]

**RCW 28B.15.526 Community college international student exchange program—Resident tuition for participants authorized.** The legislature intends to permit the governing boards of the community colleges to charge resident tuition and fees for students of foreign nations who are participants in the international student exchange program. [1987 c 12 s 2.]

**RCW 28B.15.527 Waiver of nonresident tuition fees differential for students of foreign nations—Community colleges.** Subject to the limitations of RCW 28B.15.910, the governing boards of the community colleges may waive all or a portion of the nonresident tuition fees differential for undergraduate students of foreign nations as follows:

(1) Priority in the awarding of waivers shall be given to students on academic exchanges and students participating in special programs recognized through formal agreements between states, cities, or institutions;

(2) The waiver programs under this section shall promote reciprocal placements and waivers in foreign nations for Washington residents. The number of foreign students granted waivers through this program shall not exceed the number of that institution's own students enrolled in approved study programs abroad during the same period;

(3) No reciprocal placements shall be required for up to thirty students participating in the Georgetown University scholarship program funded by the United States agency for international development;

(4) Participation shall be limited to one hundred full-time foreign students each year. [1993 sp.s. c 18 s 18; 1992 c 231 s 14; 1989 c 245 s 5; 1987 c 12 s 3.]

**Effective date—1993 sp.s. c 18:** See note following RCW 28B.12.060.

**Effective date—1992 c 231:** See note following RCW 28B.10.016.

**Analyses—1989 c 245:** See note following RCW 43.41.415.

**RCW 28B.15.540 Waiver of tuition and fees for residents sixty years of age or older—Limitations.** Consistent with the regulations and procedures established by the governing boards of the state universities, the regional universities, and The Evergreen State College and the state board for community and technical colleges, each institution may for Washington residents who are sixty years of age or older:

(1) Waive, in whole or in part, the tuition and services and activities fees for students who qualify under this section and who are enrolled for credit, and

(2) Waive, in whole or in part, the tuition and services and activities fees for students who qualify under this section, but charge a nominal fee not to exceed five dollars per quarter, or semester, as the case may be, for such students who are enrolled on an audit basis: PROVIDED, That residents enrolling with fee exemptions under this section shall register for not more than two quarter or semester courses at one time on a space available basis, and no new course sections shall be created as a direct result of such registration: PROVIDED FURTHER, That such waivers shall not be available to students who plan to use the course credits gained thereby for increasing credentials or salary schedule increases: PROVIDED FURTHER, That enrollment information concerning fee exemptions awarded under this section shall be maintained separately from other enrollment information but shall not be included in official enrollment reports: PROVIDED, That persons who enroll pursuant to provisions of this section shall not be considered for any purpose in determining student-teacher ratio, nor for any purpose relating to enrollment totals, nor any other statistic which would affect budgetary determinations. Persons enrolling under the provisions of this section shall have, in equal with all other students, access to course counseling services and shall be subject to all course prerequisite requirements. [1992 c 231 s 16; 1985 c 390 s 29; 1975 1st ex.s. c 157 s 2.]

**Effective date—1992 c 231:** See note following RCW 28B.10.016.

**Purpose—1975 1st ex.s. c 157:** "In recognition of the worthwhile goal of making education a lifelong process, it is the declared desire of the legislature to promote the availability of postsecondary education for the state's older residents." [1975 1st ex.s. c 157 s 1.]

**RCW 28B.15.541 Waiver of tuition and fees for tribal elders—Community and technical colleges.** (1) Each community and technical college may waive all or a portion of tuition fees and services and activity fees for tribal elders over the age of 55 from eligible Indian tribes as defined in RCW 43.376.010.

(2) The state board for community and technical colleges may adopt and amend as necessary rules to implement this section. [2025 c 177 s 1.]

**RCW 28B.15.543 Grants for undergraduate coursework for recipients of the Washington scholars award.** Students named by the office of student financial assistance after June 30, 1994, as recipients of the Washington scholars award under RCW 28A.600.100 through 28A.600.150 shall be eligible to receive a grant for undergraduate coursework as authorized under RCW 28B.76.660. [2015 c 55 s 219; 2011 1st sp.s. c 11 s 152; 2004 c 275 s 49; 1995 1st sp.s. c 5 s 2; 1993 sp.s. c 18 s 19; 1992 c 231 s 17; 1990 c 33 s 558; 1987 c 465 s 2. Prior: 1985 c 390 s 30; 1985 c 370 s 68; 1985 c 341 s 16; 1984 c 278 s 17.]

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Part headings not law—2004 c 275:** See note following RCW 28B.76.090.

**Severability—Effective date—1995 1st sp.s. c 5:** See notes following RCW 28A.600.130.

**Effective date—1993 sp.s. c 18:** See note following RCW 28B.12.060.

**Effective date—1992 c 231:** See note following RCW 28B.10.016.

**Purpose—Statutory references—Severability—1990 c 33:** See RCW 28A.900.100 through 28A.900.102.

**Application—1987 c 465 s 2:** "The amendments to RCW 28B.15.543 by section 2, chapter 465, Laws of 1987 shall apply to persons holding the Washington scholars award as of July 26, 1987, as well as persons holding the award after July 26, 1987." [1987 c 465 s 3.]

**Severability—1984 c 278:** See note following RCW 28A.185.010.

**RCW 28B.15.544 Waiver of nonresident tuition fees differential for western undergraduate exchange program students.** Subject to the limitations of RCW 28B.15.910, the governing boards of Washington State University, Eastern Washington University, and Central Washington University may waive all or a portion of the difference between fifty percent of the resident tuition and fees amount and the nonresident tuition fees differential for nonresident students who enroll under the western interstate commission for higher education western undergraduate exchange program. [1999 c 344 s 2.]

**Findings—Intent—1999 c 344:** "The legislature finds that policies that encourage regional planning and access to higher education benefit both the students and the state. Such policies improve access, reduce unnecessary duplication, and make higher education more cost-effective. The western undergraduate exchange program, coordinated by the western interstate commission for higher education is a program through which students in participating states may enroll in designated institutions in other participating states at a special, reduced tuition level. During the 1998-99 school year institutions in fifteen western states participated in the western undergraduate exchange program, including Washington's bordering states of Oregon and Idaho. Eastern Washington University participated on a pilot basis. It is the intent of the legislature to permit Washington's institutions of higher education to participate in the western undergraduate exchange program." [1999 c 344 s 1.]

**RCW 28B.15.545 Grants for undergraduate coursework for recipients of the Washington award for vocational excellence.**

Students named by the workforce training and education coordinating board after June 30, 1994, as recipients of the Washington award for vocational excellence under RCW 28C.04.520 through 28C.04.550 shall be eligible to receive a grant for undergraduate coursework as authorized under RCW 28B.76.670. [2015 c 55 s 220; 2004 c 275 s 50; 1995 1st sp.s. c 7 s 7; 1993 sp.s. c 18 s 20; 1992 c 231 s 18; 1987 c 231 s 1; 1985 c 390 s 31; 1984 c 267 s 6.]

**Part headings not law—2004 c 275:** See note following RCW 28B.76.090.

**Severability—1995 1st sp.s. c 7:** See note following RCW 28C.04.520.

**Effective date—1993 sp.s. c 18:** See note following RCW 28B.12.060.

**Effective date—1992 c 231:** See note following RCW 28B.10.016.

**RCW 28B.15.555 Waiver of tuition and fees for students of foreign nations—Intent.** The legislature intends to permit the governing boards of the four-year institutions of higher education to waive tuition and fees for certain students of foreign nations. To the greatest extent possible, students chosen for these waivers and for the institutions' own approved study abroad programs shall reflect the range of socioeconomic and ethnic characteristics of the students' institutions and native countries. [1986 c 232 s 1.]

**RCW 28B.15.556 Waiver of tuition and fees for students of foreign nations—Authorized—Limitations.** Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities, the regional universities, and The Evergreen State College may waive all or a portion of the tuition, and services and activities fees for undergraduate or graduate students of foreign nations subject to the following limitations:

(1) No more than the equivalent of one hundred waivers may be awarded to undergraduate or graduate students of foreign nations at each of the two state universities;

(2) No more than the equivalent of twenty waivers may be awarded to undergraduate or graduate students of foreign nations at each of the regional universities and The Evergreen State College;

(3) Priority in the awarding of waivers shall be given to students on academic exchanges or academic special programs sponsored by recognized international educational organizations; and

(4) An undergraduate or graduate student of a foreign nation receiving a waiver under this section is not eligible for any other waiver.

The waiver programs under this section, to the greatest extent possible, shall promote reciprocal placements and waivers in foreign nations for Washington residents. The number of waivers awarded by each institution shall not exceed the number of that institution's own students enrolled in approved study programs abroad during the same period. [1993 sp.s. c 18 s 21; 1992 c 231 s 19; 1986 c 232 s 2.]

**Effective date—1993 sp.s. c 18:** See note following RCW 28B.12.060.

**Effective date—1992 c 231:** See note following RCW 28B.10.016.

**RCW 28B.15.558 Waiver of tuition and fees for state employees and educational employees—Report.** (1) The governing boards of the state universities, the regional universities, The Evergreen State College, and the community and technical colleges may waive all or a portion of the tuition and services and activities fees for state employees as defined under subsection (2) of this section, teachers and other certificated instructional staff under subsection (3) of this section, and K-12 classified staff under subsection (4) of this section. The enrollment of these persons is pursuant to the following conditions:

(a) Such persons shall register for and be enrolled in courses on a space available basis and no new course sections shall be created as a result of the registration;

(b) Enrollment information on persons registered pursuant to this section shall be maintained separately from other enrollment information and shall not be included in official enrollment reports, nor shall such persons be considered in any enrollment statistics that would affect budgetary determinations; and

(c) Persons registering on a space available basis shall be charged a registration fee of not less than five dollars.

(2) For the purposes of this section, "state employees" means persons employed half-time or more in one or more of the following employee classifications:

(a) Permanent employees in classified service under chapter 41.06 RCW;

(b) Permanent employees governed by chapter 41.56 RCW pursuant to the exercise of the option under *RCW 41.56.201;

(c) Permanent classified employees and exempt paraprofessional employees of technical colleges; and

(d) Faculty, counselors, librarians, and exempt professional and administrative employees at institutions of higher education as defined in RCW 28B.10.016.

(3) The waivers available to state employees under this section shall also be available to teachers and other certificated instructional staff employed at public common and vocational schools.

(4) The waivers available under this section shall also be available to classified staff employed at public common schools, as defined in RCW 28A.150.020, when used for coursework relevant to the work assignment or coursework that is part of a teacher preparation program.

(5) In awarding waivers, an institution of higher education may award waivers to eligible persons employed by the institution before considering waivers for eligible persons who are not employed by the institution.

(6) If an institution of higher education exercises the authority granted under this section, it shall include all eligible state employees in the pool of persons eligible to participate in the program.

(7) In establishing eligibility to receive waivers, institutions of higher education may not discriminate between full-time employees and employees who are employed half-time or more.

(8) Each institution of higher education that awards waivers under this section must report annually to the student achievement council with the number, type, and value of waivers awarded under this section in the prior academic year, and must compare this information with other tuition and fee waivers awarded by the institution. [2019 c 295 s 230; 2016 c 233 s 18; 2015 c 55 s 221; 2007 c 461 s 1; 2005 c 249 s 4; 2003 c 160 s 2; 1997 c 211 s 1; 1996 c 305 s 3; 1992 c 231 s 20; 1990 c 88 s 1.]

***Reviser's note:** RCW 41.56.201 was repealed by 2002 c 354 s 403, effective July 1, 2005.

**Effective date—Findings—Intent—2019 c 295:** See notes following RCW 28A.310.235.

**Findings—Intent—2019 c 295:** See notes following RCW 28B.10.033.

**Intent—2019 c 295:** See note following RCW 28B.102.030.

**Findings—Intent—2019 c 295:** See note following RCW 28A.415.265.

**Findings—Intent—2019 c 295:** See note following RCW 28A.180.120.

**Finding—Intent—2003 c 160:** "The legislature finds that military and naval veterans who have served their country in wars on foreign soil have risked their own lives to defend both the lives of all Americans and the freedom that define[s] and distinguish[es] our nation. It is the intent of the legislature to honor veterans of the Korean conflict for the public service they have provided to their country." [2003 c 160 s 1.]

**Effective date—1996 c 305 s 3:** "Section 3 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [March 30, 1996]." [1996 c 305 s 4.]

**Severability—1996 c 305:** See note following RCW 28B.85.020.

**Effective date—1992 c 231:** See note following RCW 28B.10.016.

**RCW 28B.15.600 Refunds or cancellation of fees—Four-year institutions of higher education.** (1) The governing boards of the state universities, the regional universities, and The Evergreen State College may refund or cancel in full the tuition and services and activities fees if the student withdraws from a university or college course or program prior to the sixth day of instruction of the quarter or semester for which the fees have been paid or are due. If the student withdraws on or after the sixth day of instruction, the governing boards may refund or cancel up to one-half of the fees, provided such withdrawal occurs within the first thirty calendar days following the beginning of instruction. However, if a different policy

is required by federal law in order for the institution of higher education to maintain eligibility for federal funding of programs, the governing board may adopt a refund policy that meets the minimum requirements of the federal law, and the policy may treat all students attending the institution in the same manner. Additionally, if federal law provides that students who receive federal financial aid must return a larger amount to the federal government than that refunded by the institution, the governing board may adopt a refund policy that uses the formula used to calculate the amount returned to the federal government, and the policy may treat all students attending the institution in the same manner.

(2) The governing boards of the respective universities and college may adopt rules for the refund of tuition and fees for courses or programs that begin after the start of the regular quarter or semester.

(3) The governing boards may extend the refund or cancellation period for students who withdraw for medical reasons, shall adopt policies that comply with RCW 28B.10.270 for students who are called into the military service of the United States, and may refund other fees pursuant to such rules as they may prescribe. [2004 c 161 s 2; 2003 c 319 s 1; 1995 c 36 s 1; 1993 sp.s. c 18 s 22; 1991 c 164 s 5; 1985 c 390 s 32; 1983 c 256 s 1; 1977 ex.s. c 169 s 40; 1973 1st ex.s. c 46 s 2; 1971 ex.s. c 279 s 15; 1969 ex.s. c 223 s 28B.15.600. Prior: 1963 c 89 s 1. Formerly RCW 28.76.430.]

**Effective date——2004 c 161:** See note following RCW 28B.10.270.

**Effective date——1995 c 36:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [April 13, 1995]." [1995 c 36 s 3.]

**Effective date——1993 sp.s. c 18:** See note following RCW 28B.12.060.

**Severability——Nomenclature——Savings——1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**Severability——1973 1st ex.s. c 46:** See note following RCW 28B.10.704.

**Severability——1971 ex.s. c 279:** See note following RCW 28B.15.005.

**RCW 28B.15.605 Refunds or cancellation of fees——Community colleges and technical colleges.** (1) The governing boards of the community colleges and technical colleges shall refund or cancel up to one hundred percent but no less than eighty percent of the tuition and services and activities fees if the student withdraws from a college course or program before the sixth day of instruction of the regular quarter for which the fees have been paid or are due. If the student withdraws on or after the sixth day of instruction, the governing boards shall refund or cancel up to fifty percent but no less than forty percent of the fees provided such withdrawal occurs within the first twenty calendar days following the beginning of instruction.

However, if a different policy is required by federal law in order for the college to maintain eligibility for federal funding of programs, the governing board may adopt a refund policy that meets the minimum requirements of the federal law and the policy may treat all students attending the institution in the same manner.

(2) The governing boards of the respective community college or technical college shall adopt rules consistent with subsection (1) of this section for the refund of tuition and fees for the summer quarter and for courses or programs that begin after the start of the regular quarter.

(3) The governing boards of community colleges and technical colleges may extend the refund or cancellation period for students who withdraw for medical reasons and shall adopt policies that comply with RCW 28B.10.270 for students who are called into the military service of the United States. [2004 c 161 s 3; 1995 c 36 s 2.]

**Effective date—2004 c 161:** See note following RCW 28B.10.270.

**Effective date—1995 c 36:** See note following RCW 28B.15.600.

**RCW 28B.15.610 Voluntary fees of students.** ***(Effective until January 1, 2026.)*** The provisions of this chapter shall not apply to or affect any student fee or charge which the students voluntarily maintain upon themselves for student purposes only. Students are authorized to create or increase voluntary student fees for each academic year when passed by a majority vote of the student government or its equivalent, or referendum presented to the student body or such other process that has been adopted under this section. Notwithstanding RCW 42.17A.635 (2) and (3), voluntary student fees imposed under this section and services and activities fees may be used for lobbying by a student government association or its equivalent and may also be used to support a statewide or national student organization or its equivalent that may engage in lobbying. [2011 c 60 s 11; 2009 c 179 s 1; 1969 ex.s. c 223 s 28B.15.610. Prior: 1915 c 66 s 8; RRS s 4552. Formerly RCW 28.77.065.]

**Effective date—2011 c 60:** See RCW 42.17A.919.

**RCW 28B.15.610 Voluntary fees of students.** ***(Effective January 1, 2026.)*** The provisions of this chapter shall not apply to or affect any student fee or charge which the students voluntarily maintain upon themselves for student purposes only. Students are authorized to create or increase voluntary student fees for each academic year when passed by a majority vote of the student government or its equivalent, or referendum presented to the student body or such other process that has been adopted under this section. Notwithstanding RCW 29B.50.090 (2) and (3), voluntary student fees imposed under this section and services and activities fees may be used for lobbying by a student government association or its equivalent and may also be used to support a statewide or national student organization or its equivalent that may engage in lobbying. [2024 c 164 s 505; 2011 c 60 s 11; 2009 c 179 s 1; 1969 ex.s. c 223 s 28B.15.610. Prior: 1915 c 66 s 8; RRS s 4552. Formerly RCW 28.77.065.]

**Intent—Construction—Rules remain valid—Effective date—2024 c 164:** See notes following RCW 29B.10.010.

**Effective date—2011 c 60:** See note following RCW 29B.20.030.

**RCW 28B.15.615 Exemption from resident operating fees and technology fees for persons holding graduate service appointments.** Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities and the regional universities may exempt the following students from paying all or a portion of the resident operating fee and the technology fee: Students granted a graduate service appointment, designated as such by the institution, involving not less than twenty hours of work per week. The exemption shall be for the term of the appointment. [1996 c 142 s 3; 1993 sp.s. c 18 s 23; 1992 c 231 s 21; 1984 c 105 s 1.]

**Severability—Effective date—1996 c 142:** See notes following RCW 28B.15.031.

**Effective date—1993 sp.s. c 18:** See note following RCW 28B.12.060.

**Effective date—1992 c 231:** See note following RCW 28B.10.016.

**RCW 28B.15.621 Tuition waivers and textbook stipends—Veterans and national guard members—Dependents—Private institutions.** (1) The legislature finds that active military and naval veterans, reserve military and naval veterans, and national guard members called to active duty have served their country and have risked their lives to defend the lives of all Americans and the freedoms that define and distinguish our nation. The legislature intends to honor active military and naval veterans, reserve military and naval veterans, and national guard members who have served on active military or naval duty for the public service they have provided to this country.

(2) Subject to the limitations in RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community and technical colleges, may waive all or a portion of tuition and fees for an eligible veteran or national guard member.

(3) The governing boards of the state universities, the regional universities, The Evergreen State College, and the community and technical colleges, may waive all or a portion of tuition and fees for a military or naval veteran who is a Washington domiciliary, but who did not serve on foreign soil or in international waters or in another location in support of those serving on foreign soil or in international waters and who does not qualify as an eligible veteran or national guard member under subsection (8) of this section. However, there shall be no state general fund support for waivers granted under this subsection.

(4) Subject to the conditions in subsection (5) of this section and the limitations in RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community and technical colleges, shall waive all tuition and fees for the following persons:

(a) A child and the spouse or the domestic partner or surviving spouse or surviving domestic partner of an eligible veteran or national guard member who became totally disabled as a result of serving in active federal military or naval service, or who is determined by the federal government to be a prisoner of war or missing in action; and

(b) A child and the surviving spouse or surviving domestic partner of an eligible veteran or national guard member who lost his or her life as a result of serving in active federal military or naval service.

(5) The conditions in this subsection (5) apply to waivers under subsection (4) of this section.

(a) A child must be a Washington domiciliary between the age of seventeen and twenty-six to be eligible for the tuition waiver. A child's marital status does not affect eligibility.

(b)(i) A surviving spouse or surviving domestic partner must be a Washington domiciliary.

(ii)(A) A surviving spouse or surviving domestic partner of the eligible veteran or national guard member has ten years to receive benefits under the waiver from whichever date occurs last:

(I) The date of the death;

(II) The date of total disability;

(III) Federal determination of service-connected death or total disability; or

(IV) Federal determination of prisoner of war or missing in action status.

(B) Upon remarriage or registration in a subsequent domestic partnership, the surviving spouse or surviving domestic partner is ineligible for the waiver of all tuition and fees.

(c) Each recipient's continued participation is subject to the school's satisfactory progress policy.

(d) Tuition waivers for graduate students are not required for those who qualify under subsection (4) of this section but are encouraged.

(e) Recipients who receive a waiver under subsection (4) of this section may attend full-time or part-time. Total credits earned using the waiver may not exceed two hundred fifty quarter credits, or the equivalent of semester credits.

(f) Subject to amounts appropriated, recipients who receive a waiver under subsection (4) of this section shall also receive a stipend for textbooks and course materials in the amount of five hundred dollars per academic year, to be divided equally among academic terms and prorated for part-time enrollment.

(6) Required waivers of all tuition and fees under subsection (4) of this section shall not affect permissive waivers of tuition and fees under subsection (3) of this section.

(7) Private vocational schools and private higher education institutions are encouraged to provide waivers consistent with the terms in subsections (2) through (5) of this section.

(8) The definitions in this subsection apply throughout this section.

(a) "Child" means a biological child, adopted child, or stepchild.

(b) "Eligible veteran or national guard member" means a Washington domiciliary who was an active or reserve member of the United States military or naval forces, or a national guard member called to active duty, who served in active federal service, under

either Title 10 or Title 32 of the United States Code, in a war or conflict fought on foreign soil or in international waters or in support of those serving on foreign soil or in international waters, and if discharged from service, has a qualifying discharge as defined in RCW 73.04.005.

(c) "Totally disabled" means a person who has been determined to be one hundred percent disabled by the federal department of veterans affairs.

(d) "Washington domiciliary" means a person whose true, fixed, and permanent house and place of habitation is the state of Washington. "Washington domiciliary" includes a person who is residing in rental housing or residing in base housing. In ascertaining whether a child or surviving spouse or surviving domestic partner is domiciled in the state of Washington, public institutions of higher education shall, to the fullest extent possible, rely upon the standards provided in RCW 28B.15.013.

(9) As used in subsection (4) of this section, "fees" includes all assessments for costs incurred as a condition to a student's full participation in coursework and related activities at an institution of higher education.

(10) The governing boards of the state universities, the regional universities, The Evergreen State College, and the community and technical colleges shall report to the higher education committees of the legislature by November 15, 2010, and every two years thereafter, regarding the status of implementation of the waivers under subsection (4) of this section. The reports shall include the following data and information:

(a) Total number of waivers;

(b) Total amount of tuition waived;

(c) Total amount of fees waived;

(d) Average amount of tuition and fees waived per recipient;

(e) Recipient demographic data that is disaggregated by distinct ethnic categories within racial subgroups; and

(f) Recipient income level, to the extent possible. [2024 c 146 s 12; 2022 c 45 s 1; 2019 c 406 s 73; 2018 c 129 s 1; 2017 c 127 s 1; 2015 c 55 s 222; 2009 c 316 s 1. Prior: 2008 c 188 s 1; 2008 c 6 s 501; 2007 c 450 s 1; 2005 c 249 s 1.]

**Intent—2024 c 146:** See note following RCW 73.04.005.

**Findings—Intent—2019 c 406:** See note following RCW 43.79.195.

**Findings—Short title—2019 c 406:** See notes following RCW 28B.92.200.

**Findings—2019 c 406:** See note following RCW 28B.94.020.

**Findings—Intent—2019 c 406:** See note following RCW 28C.30.050.

**Findings—Intent—2019 c 406:** See note following RCW 43.216.135.

**Part headings not law—Severability—2008 c 6:** See RCW 26.60.900 and 26.60.901.

**RCW 28B.15.622 Waiver of fees—Persons eligible to participate in the department of defense tuition assistance program.** For military service members eligible to participate in the United States department of defense tuition assistance program, the governing boards of the community and technical colleges, the state universities, the regional universities, and The Evergreen State College may waive all or a portion of the following fees not covered by that program:

(1) Building fees as defined in RCW 28B.15.025; and

(2) Services and activities fees as defined in RCW 28B.15.041. [2015 c 143 s 1.]

**RCW 28B.15.625 Rights of Washington national guard and other military reserve students called to active service.** Private vocational schools and private higher education institutions are encouraged to provide students who are members of the Washington national guard or any other military reserve component and who are ordered for a period exceeding thirty days into active state service or federal active military service the same rights and opportunities provided under RCW 28B.10.270 by public higher education institutions. [2004 c 161 s 4; 1991 c 164 s 10.]

**Effective date—2004 c 161:** See note following RCW 28B.10.270.

**RCW 28B.15.700 Nonresident tuition fees—Exemption under Western regional higher education compact contracts.** See RCW 28B.70.050.

**RCW 28B.15.725 Home tuition programs.** (1) The governing boards of the state universities, the regional universities, and The Evergreen State College may establish home tuition programs by negotiating home tuition agreements with an out-of-state institution or consortium of institutions of higher education if no loss of tuition and fee revenue occurs as a result of the agreements.

(2) Home tuition agreements allow students at Washington state institutions of higher education to attend an out-of-state institution of higher education as part of a student exchange. Students participating in a home tuition program shall pay an amount equal to their regular, full-time tuition and required fees to either the Washington institution of higher education or the out-of-state institution of higher education depending upon the provisions of the particular agreement. Payment of course fees in excess of generally applicable tuition and required fees must be addressed in each home tuition agreement to ensure that the instructional programs of the Washington institution of higher education do not incur additional uncompensated costs as a result of the exchange.

(3) Student participation in a home tuition agreement authorized by this section is limited to one academic year.

(4) Students enrolled under a home tuition agreement shall reside in Washington state for the duration of the program, may not use the year of enrollment under this program to establish Washington state residency, and are not eligible for state financial aid. [1997 c 433 s 4; 1994 c 234 s 1; 1993 sp.s. c 18 s 26; 1992 c 231 s 24; 1989 c 290 s 2.]

**Intent—1997 c 433:** "It is the intent of the legislature to provide for diverse educational opportunities at the state's institutions of higher education and to facilitate student participation in educational exchanges with institutions outside the state of Washington. To accomplish this, this act establishes a home tuition program allowing students at Washington state institutions of higher education to take advantage of out-of-state and international educational opportunities while paying an amount equal to their regularly charged tuition and required fees." [1997 c 433 s 1.]

**Severability—1997 c 433:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1997 c 433 s 6.]

**Effective date—1993 sp.s. c 18:** See note following RCW 28B.12.060.

**Effective date—1992 c 231:** See note following RCW 28B.10.016.

**Intent—1989 c 290; 1994 c 234:** "The legislature recognizes that a unique educational experience can result from an undergraduate student attending an out-of-state institution. It also recognizes that some Washington residents may be unable to pursue such out-of-state enrollment owing to their limited financial resources and the higher cost of nonresident tuition. The legislature intends to facilitate expanded nonresident undergraduate enrollment opportunities for residents of the state by authorizing the governing boards of the four-year institutions of higher education to enter into exchange programs with other states' institutions with comparable programs wherein the participating institutions agree that visiting undergraduate students will pay resident tuition rates of the host institutions." [1994 c 234 s 2; 1989 c 290 s 1.]

**RCW 28B.15.730 Waiver of nonresident tuition fees differential—Washington/Oregon reciprocity program.** Subject to the limitations of RCW 28B.15.910, the state board for community and technical colleges and the governing boards of the state universities, the regional universities, the community colleges, and The Evergreen State College may waive all or a portion of the nonresident tuition fees differential for residents of Oregon, upon completion of and to the extent permitted by an agreement between the governing boards of the respective individual institutions of higher education or the state board for community and technical colleges and appropriate officials and agencies in Oregon granting similar waivers for residents of the state of Washington. [2012 c 229 s 704; 1993 sp.s. c 18 s 27; 1992 c 231 s 25; 1985 c 370 s 69; 1983 c 104 s 1; 1979 c 80 s 1.]

**Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Effective date—1993 sp.s. c 18:** See note following RCW 28B.12.060.

**Effective date——1992 c 231:** See note following RCW 28B.10.016.

**Severability——1979 c 80:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1979 c 80 s 5.]

**RCW 28B.15.734 Washington/Oregon reciprocity tuition and fee program——Implementation agreement.** The governing boards of the state universities, the regional universities, and The Evergreen State College, and the state board for community and technical colleges may enter into an agreement with appropriate officials or agencies in Oregon to implement the provisions of RCW 28B.15.730 through 28B.15.734. [2012 c 229 s 705; 1985 c 370 s 71; 1979 c 80 s 3.]

**Effective date——2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Severability——1979 c 80:** See note following RCW 28B.15.730.

**RCW 28B.15.740 Limitation on total tuition and fee waivers.** (1) Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community and technical colleges may waive all or a portion of tuition and fees for students who demonstrate financial need and are eligible for resident tuition and fee rates pursuant to RCW 28B.15.012 and 28B.15.013. Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community and technical colleges may waive all or a portion of tuition and fees for other students at the discretion of the governing boards, except on the basis of participation in intercollegiate athletic programs, not to exceed three-fourths of one percent of gross authorized operating fees revenue under RCW 28B.15.910 for the community and technical colleges considered as a whole and not to exceed two percent of gross authorized operating fees revenue for the other institutions of higher education.

(2) In addition to the tuition and fee waivers provided in subsection (1) of this section and subject to the provisions of RCW 28B.15.455, 28B.15.460, and 28B.15.910, a total dollar amount of tuition and fee waivers awarded by any state university, regional university, or state college under this chapter, not to exceed one percent, as calculated in subsection (1) of this section, may be used for the purpose of achieving or maintaining gender equity in intercollegiate athletic programs. At any institution that has an underrepresented gender class in intercollegiate athletics, any such waivers shall be awarded:

(a) First, to members of the underrepresented gender class who participate in intercollegiate athletics, where such waivers result in saved or displaced money that can be used for athletic programs for the underrepresented gender class. Such saved or displaced money shall be used for programs for the underrepresented gender class; and

(b) Second, (i) to nonmembers of the underrepresented gender class who participate in intercollegiate athletics, where such waivers result in saved or displaced money that can be used for athletic programs for members of the underrepresented gender class. Such saved or displaced money shall be used for programs for the underrepresented gender class; or (ii) to members of the underrepresented gender class who participate in intercollegiate athletics, where such waivers do not result in any saved or displaced money that can be used for athletic programs for members of the underrepresented gender class. [2019 c 406 s 30; 2015 c 55 s 223; 1997 c 207 s 1; 1995 1st sp.s. c 9 s 9; 1993 sp.s. c 18 s 28; 1992 c 231 s 26; 1989 c 340 s 2; 1986 c 232 s 3; 1985 c 390 s 33; 1982 1st ex.s. c 37 s 9; 1980 c 62 s 1; 1979 ex.s. c 262 s 1.]

**Findings—Intent—2019 c 406:** See note following RCW 43.79.195.

**Findings—Short title—2019 c 406:** See notes following RCW 28B.92.200.

**Findings—2019 c 406:** See note following RCW 28B.94.020.

**Findings—Intent—2019 c 406:** See note following RCW 28C.30.050.

**Findings—Intent—2019 c 406:** See note following RCW 43.216.135.

**Intent—Purpose—Effective date—1995 1st sp.s. c 9:** See notes following RCW 28B.15.031.

**Effective date—1993 sp.s. c 18:** See note following RCW 28B.12.060.

**Effective date—1992 c 231:** See note following RCW 28B.10.016.

**Effective date—Severability—1982 1st ex.s. c 37:** See notes following RCW 28B.15.012.

**Severability—1979 ex.s. c 262:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1979 ex.s. c 262 s 5.]

**RCW 28B.15.750 Waiver of nonresident tuition fees differential—Washington/Idaho reciprocity program.** Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities, the regional universities, and The Evergreen State College and the state board for community and technical colleges may waive all or a portion of the nonresident tuition fees differential for residents of Idaho, upon completion of and to the extent permitted by an agreement between the governing boards of the individual institutions of higher education or the state board for community and technical colleges and appropriate officials and agencies in Idaho granting similar waivers for residents of the state of Washington. [2012 c 229 s 706; 1993 sp.s. c 18 s 29; 1992 c 231 s 27; 1985 c 370 s 73; 1983 c 166 s 1.]

**Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Effective date—1993 sp.s. c 18:** See note following RCW 28B.12.060.

**Effective date—1992 c 231:** See note following RCW 28B.10.016.

**RCW 28B.15.756 Waiver of nonresident tuition fees differential—Washington/British Columbia reciprocity program.** Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities, the regional universities, and The Evergreen State College and the state board for community and technical colleges may waive all or a portion of the nonresident tuition fees differential for residents of the Canadian province of British Columbia, upon completion of and to the extent permitted by an agreement between the governing boards of the individual institutions of higher education or the state board for community and technical colleges and appropriate officials and agencies in the Canadian province of British Columbia providing for enrollment opportunities for residents of the state of Washington without payment of tuition or fees in excess of those charged to residents of British Columbia. [2012 c 229 s 707; 1993 sp.s. c 18 s 30; 1992 c 231 s 28; 1987 c 446 s 2; 1985 c 370 s 76; 1983 c 166 s 4.]

**Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Effective date—1993 sp.s. c 18:** See note following RCW 28B.12.060.

**Effective date—1992 c 231:** See note following RCW 28B.10.016.

**Effective date—1987 c 446:** "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect June 30, 1987." [1987 c 446 s 5.]

**RCW 28B.15.760 Loan program for mathematics and science teachers—Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 28B.15.762 and 28B.15.764.

(1) "Borrower" means an eligible student who has received a loan under RCW 28B.15.762.

(2) "Council" means the student achievement council.

(3) "Eligible student" means a student registered for at least ten credit hours or the equivalent and demonstrates achievement of a 3.00 grade point average for each academic year, who is a resident student as defined by RCW 28B.15.012 through 28B.15.015, who is a student who demonstrates financial need as defined in RCW 28B.92.030, and who has a declared major in a program leading to a degree in teacher education in a field of science or mathematics, or a

certificated teacher who meets the same credit hour and financial eligibility requirements and is seeking an additional degree in science or mathematics.

(4) "Forgiven" or "to forgive" means to collect service as a teacher in a field of science or mathematics at a public school in the state of Washington in lieu of monetary payment.

(5) "Institution of higher education" or "institution" means a college or university in the state of Washington which is a member institution of an accrediting association recognized as such by rule of the council.

(6) "Office" means the office of student financial assistance.

(7) "Public school" means a middle school, junior high school, or high school within the public school system referred to in Article IX of the state Constitution.

(8) "Satisfied" means paid-in-full. [2019 c 406 s 31; 2012 c 229 s 528. Prior: 2011 1st sp.s. c 11 s 155; 2004 c 275 s 65; 1985 c 370 s 79; 1983 1st ex.s. c 74 s 1.]

**Findings—Intent—2019 c 406:** See note following RCW 43.79.195.

**Findings—Short title—2019 c 406:** See notes following RCW 28B.92.200.

**Findings—2019 c 406:** See note following RCW 28B.94.020.

**Findings—Intent—2019 c 406:** See note following RCW 28C.30.050.

**Findings—Intent—2019 c 406:** See note following RCW 43.216.135.

**Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Part headings not law—2004 c 275:** See note following RCW 28B.76.090.

**Severability—1983 1st ex.s. c 74:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1983 1st ex.s. c 74 s 6.]

**RCW 28B.15.762 Loan program for mathematics and science teachers—Terms and conditions—Collection—Disposition of payments—Rules.** (1) The council may make long-term loans to eligible students at institutions of higher education from the funds appropriated to the council for this purpose. The amount of any such loan shall not exceed the demonstrated financial need of the student or two thousand five hundred dollars for each academic year whichever is less, and the total amount of such loans to an eligible student shall not exceed ten thousand dollars. The interest rates and terms of deferral of such

loans shall be consistent with the terms of the guaranteed loan program established by 20 U.S.C. Sec. 1701 et seq. The period for repaying the loan principal and interest shall be ten years with payments accruing quarterly commencing nine months from the date the borrower graduated. The entire principal and interest of each loan payment shall be forgiven for each payment period in which the borrower teaches science or mathematics in a public school in this state until the entire loan is satisfied or the borrower ceases to teach science or mathematics at a public school in this state. Should the borrower cease to teach science or mathematics at a public school in this state before the time in which the principal and interest on the loan are satisfied, payments on the unsatisfied portion of the principal and interest on the loan shall begin the next payment period and continue until the remainder of the loan is paid.

(2) The council is responsible for collection of loans made under subsection (1) of this section and shall exercise due diligence in such collection, maintaining all necessary records to insure that maximum repayments are made. Collection and servicing of loans under subsection (1) of this section shall be pursued using the full extent of the law, including wage garnishment if necessary, and shall be performed by entities approved for such servicing by the Washington student loan guaranty association or its successor agency. The council is responsible to forgive all or parts of such loans under the criteria established in subsection (1) of this section and shall maintain all necessary records of forgiven payments.

(3) Receipts from the payment of principal or interest or any other subsidies to which the council as lender is entitled, which are paid by or on behalf of borrowers under subsection (1) of this section, shall be deposited with the office and shall be used to cover the costs of making the loans under subsection (1) of this section, maintaining necessary records, and making collections under subsection (2) of this section. The office shall maintain accurate records of these costs, and all receipts beyond those necessary to pay such costs shall be used to make loans to eligible students.

(4) Any funds not used to make loans, or to cover the cost of making loans or making collections, shall be placed in the state educational trust fund for students who demonstrate financial need.

(5) The council shall adopt necessary rules to implement this section. [2019 c 406 s 32; 2012 c 229 s 529; 2011 1st sp.s. c 11 s 156; 1996 c 107 s 2; 1985 c 370 s 80; 1983 1st ex.s. c 74 s 2.]

**Findings—Intent—2019 c 406:** See note following RCW 43.79.195.

**Findings—Short title—2019 c 406:** See notes following RCW 28B.92.200.

**Findings—2019 c 406:** See note following RCW 28B.94.020.

**Findings—Intent—2019 c 406:** See note following RCW 28C.30.050.

**Findings—Intent—2019 c 406:** See note following RCW 43.216.135.

**Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Severability—1983 1st ex.s. c 74:** See note following RCW 28B.15.760.

**RCW 28B.15.764 Loan program for mathematics and science teachers—Cooperation by office and institutions of higher education.** The office and institutions of higher education shall work cooperatively to implement RCW 28B.15.762 and to publicize this program to eligible students. [2012 c 229 s 603; 1985 c 370 s 81; 1983 1st ex.s. c 74 s 3.]

**Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Severability—1983 1st ex.s. c 74:** See note following RCW 28B.15.760.

**RCW 28B.15.766 Loan program for mathematics and science teachers—Duration—*Legislative budget committee review.** No loans shall be made after August 23, 1989, until the program is reviewed by the *legislative budget committee and is reenacted by the legislature. [1983 1st ex.s. c 74 s 4.]

***Reviser's note:** The "legislative budget committee" was redesignated the "joint legislative audit and review committee" by 1996 c 288 s 3.

**Severability—1983 1st ex.s. c 74:** See note following RCW 28B.15.760.

**RCW 28B.15.790 Effective communication—Intent.** The legislature finds that the quality of undergraduate education is enhanced by association with graduate assistants from other countries who can effectively communicate their knowledge and diverse cultural backgrounds.

It is the intent of the legislature to assist the institutions in their effort to improve the quality of undergraduate education at the state's four-year colleges and universities. Attainment of an excellent education is facilitated when communication is clear, concise, sensitive to cultural differences, and demonstrative of proven pedagogical skills. It is the further intent of the legislature to assure students and parents that graduate teaching assistants at our state institutions of higher education are able to communicate effectively and understandably with undergraduate students. [1991 c 228 s 1.]

**RCW 28B.15.792 Effective communication—Principles.** The Washington state legislature affirms the following principles:

(1) Washington's college and university students are entitled to excellent instruction at the state's institutions of higher education. Excellent education requires the ability to communicate effectively in college classrooms and laboratories.

(2) The presence of students, faculty, and staff from other countries on Washington's college campuses enriches the educational experience of Washington's students and enhances scholarship and research at the state's colleges and universities.

(3) With the exception of courses designed to be taught primarily in a foreign language, undergraduate students shall be provided with classroom instruction, laboratory instruction, clinics, seminars, studios, and other participatory and activity courses by a person fluent in both the spoken and written English language.

(4) Persons of all nationalities, races, religions, and ethnic backgrounds are welcome and valued in the state of Washington. [1991 c 228 s 2.]

**RCW 28B.15.794 Effective communication—Implementation of principles.** The governing board of each state university, regional university, state college, and community college shall ensure that the principles in *section 1 of this act are implemented at its institution of higher education. [1991 c 228 s 3.]

***Reviser's note:** A translation of "section 1 of this act" is RCW 28B.15.790. RCW 28B.15.792 was apparently intended.

**RCW 28B.15.800 Pledged bond retirement funds to be set aside from tuition and fees—1977 ex.s. c 322.** Notwithstanding any other section of chapter 322, Laws of 1977 ex. sess., the boards of regents and trustees of the respective institutions of higher education shall set aside from tuition and fees charged in each schedule an amount heretofore pledged and necessary for the purposes of bond retirement until such time as any such debt has been satisfied. [1985 c 390 s 34; 1977 ex.s. c 322 s 15.]

**Severability—1977 ex.s. c 322:** See note following RCW 28B.15.065.

**RCW 28B.15.805 Pledged bond retirement funds to be set aside from tuition and fees—1981 c 257.** Notwithstanding any other provision of chapter 257, Laws of 1981, the boards of regents and trustees of the respective institutions of higher education shall set aside from tuition and fees charged in each schedule an amount heretofore pledged and necessary for the purposes of bond retirement until such time as any such debt has been satisfied. [1981 c 257 s 10.]

**Severability—1981 c 257:** See note following RCW 28B.15.031.

**RCW 28B.15.820 Institutional financial aid fund——"Eligible student" defined.** (1) Each institution of higher education, including technical colleges, shall deposit a minimum of three and one-half percent of revenues collected from tuition and services and activities fees in an institutional financial aid fund that is hereby created and which shall be held locally. Moneys in the fund shall be used only for the following purposes: (a) To make guaranteed long-term loans to eligible students as provided in subsections (3) through (8) of this section; (b) to make short-term loans as provided in subsection (9) of this section; (c) to provide financial aid to students who demonstrate financial need as provided in subsection (10) of this section; or (d) to provide financial aid to students as provided in subsection (11) of this section.

(2) An "eligible student" for the purposes of subsections (3) through (8) and (10) of this section is a student registered for at least three credit hours or the equivalent, who is eligible for resident tuition and fee rates as defined in RCW 28B.15.012 and 28B.15.013, and who is a student who demonstrates financial need as defined in RCW 28B.92.030.

(3) The amount of the guaranteed long-term loans made under this section shall not exceed the demonstrated financial need of the student. Each institution shall establish loan terms and conditions which shall be consistent with the terms of the guaranteed loan program established by 20 U.S. Code Section 1071 et seq., as now or hereafter amended. All loans made shall be guaranteed by the Washington student loan guaranty association or its successor agency. Institutions are hereby granted full authority to operate as an eligible lender under the guaranteed loan program.

(4) Before approving a guaranteed long-term loan, each institution shall analyze the ability of the student to repay the loan based on factors which include, but are not limited to, the student's accumulated total education loan burdens and the employment opportunities and average starting salary characteristics of the student's chosen fields of study. The institution shall counsel the student on the advisability of acquiring additional debt, and on the availability of other forms of financial aid.

(5) Each institution is responsible for collection of guaranteed long-term loans made under this section and shall exercise due diligence in such collection, maintaining all necessary records to insure that maximum repayments are made. Institutions shall cooperate with other lenders and the Washington student loan guaranty association, or its successor agency, in the coordinated collection of guaranteed loans, and shall assure that the guarantability of the loans is not violated. Collection and servicing of guaranteed long-term loans under this section shall be performed by entities approved for such servicing by the Washington student loan guaranty association or its successor agency: PROVIDED, That institutions be permitted to perform such servicing if specifically recognized to do so by the Washington student loan guaranty association or its successor agency. Collection and servicing of guaranteed long-term loans made by community colleges under subsection (1) of this section shall be coordinated by the state board for community and technical colleges and shall be conducted under procedures adopted by the state board.

(6) Receipts from payment of interest or principal or any other subsidies to which institutions as lenders are entitled, that are paid by or on behalf of borrowers of funds under subsections (3) through

(8) of this section, shall be deposited in each institution's financial aid fund and shall be used to cover the costs of making the guaranteed long-term loans under this section and maintaining necessary records and making collections under subsection (5) of this section: PROVIDED, That such costs shall not exceed five percent of aggregate outstanding loan principal. Institutions shall maintain accurate records of such costs, and all receipts beyond those necessary to pay such costs, shall be deposited in the institution's financial aid fund.

(7) The governing boards of the state universities, the regional universities, and The Evergreen State College, and the state board for community and technical colleges, on behalf of the community colleges and technical colleges, shall each adopt necessary rules and regulations to implement this section.

(8) First priority for any guaranteed long-term loans made under this section shall be directed toward students who would not normally have access to educational loans from private financial institutions in Washington state, and maximum use shall be made of secondary markets in the support of loan consolidation.

(9) Short-term loans, not to exceed one year, may be made from the institutional financial aid fund to students enrolled in the institution. No such loan shall be made to any student who is known by the institution to be in default or delinquent in the payment of any outstanding student loan. A short-term loan may be made only if the institution has ample evidence that the student has the capability of repaying the loan within the time frame specified by the institution for repayment.

(10) Any moneys deposited in the institutional financial aid fund that are not used in making long-term or short-term loans may be used by the institution for locally administered financial aid programs for students who demonstrate financial need, such as need-based institutional employment programs or need-based tuition and fee scholarship or grant programs. These funds shall be used in addition to and not to replace institutional funds that would otherwise support these locally administered financial aid programs. First priority in the use of these funds shall be given to students who demonstrate financial need who have accumulated excessive educational loan burdens. An excessive educational loan burden is a burden that will be difficult to repay given employment opportunities and average starting salaries in the student's chosen fields of study. Second priority in the use of these funds shall be given to single parents who are students who demonstrate financial need, to assist these students with their educational expenses, including expenses associated with child care and transportation.

(11) Any moneys deposited in the institutional financial aid fund may be used by the institution for a locally administered financial aid program for high school students enrolled in dual credit programs. If institutions use funds in this manner, the governing boards of the state universities, the regional universities, The Evergreen State College, and the state board for community and technical colleges shall each adopt necessary rules to implement this subsection. Moneys from this fund may be used for all educational expenses related to a student's participation in a dual credit program including but not limited to tuition, fees, course materials, and transportation. [2019 c 406 s 33; 2009 c 215 s 9; 2007 c 404 s 4; 2004 c 275 s 66; 1995 1st sp.s. c 9 s 10. Prior: 1993 c 385 s 1; 1993 c 173 s 1; 1985 c 390 s

35; 1983 1st ex.s. c 64 s 1; 1982 1st ex.s. c 37 s 13; 1981 c 257 s 9.]

**Findings—Intent—2019 c 406:** See note following RCW 43.79.195.

**Findings—Short title—2019 c 406:** See notes following RCW 28B.92.200.

**Findings—2019 c 406:** See note following RCW 28B.94.020.

**Findings—Intent—2019 c 406:** See note following RCW 28C.30.050.

**Findings—Intent—2019 c 406:** See note following RCW 43.216.135.

**Findings—Intent—Effective date—2009 c 215:** See notes following RCW 28B.92.030.

**Part headings not law—2004 c 275:** See note following RCW 28B.76.090.

**Intent—Purpose—Effective date—1995 1st sp.s. c 9:** See notes following RCW 28B.15.031.

**Effective date—Severability—1982 1st ex.s. c 37:** See notes following RCW 28B.15.012.

**Severability—1981 c 257:** See note following RCW 28B.15.031.

**RCW 28B.15.821 Dual credit program—Definition.** As used in this chapter, "dual credit program" means a program, administered by either an institution of higher education or a high school, through which high school students in the eleventh or twelfth grade who have not yet received the credits required for the award of a high school diploma apply to a participating institution of higher education to enroll in courses or programs offered by the institution of higher education and simultaneously earn high school and college credit. [2009 c 215 s 8.]

**Findings—Intent—Effective date—2009 c 215:** See notes following RCW 28B.92.030.

**RCW 28B.15.910 Limitation on total operating fees revenue waived, exempted, or reduced—Outreach to veterans.** (1) For the purpose of providing state general fund support to public institutions of higher education, except for revenue waived under programs listed in subsections (3) and (4) of this section, and unless otherwise expressly provided in the omnibus state appropriations act, the total amount of operating fees revenue waived, exempted, or reduced by a state university, a regional university, The Evergreen State College, or the community and technical colleges as a whole, shall not exceed the percentage of total gross authorized operating fees revenue in this subsection. As used in this section, "gross authorized operating fees revenue" means the estimated gross operating fees revenue as estimated under RCW 82.33.020 or as revised by the office of financial

management, before granting any waivers. This limitation applies to all tuition waiver programs established before or after July 1, 1992.

(a) University of Washington. . . . . 21 percent
(b) Washington State University. . . . . 20 percent
(c) Eastern Washington University. . . . . 11 percent
(d) Central Washington University. . . . . 10 percent
(e) Western Washington University. . . . . 10 percent
(f) The Evergreen State College. . . . . 10 percent
(g) Community and technical colleges as a whole. . . . 35 percent

(2) The limitations in subsection (1) of this section apply to waivers, exemptions, or reductions in operating fees contained in the following:

(a) RCW 28B.15.014;
(b) RCW 28B.15.100;
(c) RCW 28B.15.225;
(d) RCW 28B.15.380;
(e) RCW 28B.15.520;
(f) RCW 28B.15.526;
(g) RCW 28B.15.527;
(h) RCW 28B.15.555;
(i) RCW 28B.15.556;
(j) RCW 28B.15.615;
(k) RCW 28B.15.621 (2) and (4);
(l) RCW 28B.15.730;
(m) RCW 28B.15.740;
(n) RCW 28B.15.750;
(o) RCW 28B.15.756;
(p) RCW 28B.50.259; and
(q) RCW 28B.70.050.

(3) The limitations in subsection (1) of this section do not apply to waivers, exemptions, or reductions in services and activities fees contained in the following:

(a) RCW 28B.15.522;
(b) RCW 28B.15.540;
(c) RCW 28B.15.558; and
(d) RCW 28B.15.621(3).

(4) The total amount of operating fees revenue waived, exempted, or reduced by institutions of higher education participating in the western interstate commission for higher education western undergraduate exchange program under RCW 28B.15.544 shall not exceed the percentage of total gross authorized operating fees revenue in this subsection.

(a) Washington State University. . . . . 1 percent
(b) Eastern Washington University. . . . . 3 percent
(c) Central Washington University. . . . . 3 percent

(5) The institutions of higher education will participate in outreach activities to increase the number of veterans who receive tuition waivers. Colleges and universities shall revise the application for admissions so that all applicants shall have the opportunity to advise the institution that they are veterans who need assistance. If a person indicates on the application for admissions that the person is a veteran who is in need of assistance, then the institution of higher education shall ask the person whether they have any funds disbursed in accordance with the Montgomery GI Bill available to them. Each institution shall encourage veterans to utilize funds available to them in accordance with the Montgomery GI Bill prior to providing the veteran a tuition waiver. [2015 c 55 s

224; 2008 c 188 s 3. Prior: 2007 c 522 s 948; 2007 c 450 s 2; 2007 c 130 s 1; 2006 c 229 s 2; 2005 c 249 s 3; 2004 c 275 s 51; 2000 c 152 s 3; 1999 c 344 s 3; 1998 c 346 s 904; 1997 c 433 s 5; 1993 sp.s. c 18 s 31; 1992 c 231 s 33.]

**Severability—Effective date—2007 c 522:** See notes following RCW 15.64.050.

**Finding—Intent—2006 c 229:** "The legislature finds that active military and naval veterans, reserve military and naval veterans, and national guard members called to active duty have served their country and have risked their lives to defend the lives of all Americans and the freedoms that define and distinguish our nation. The legislature intends to honor active military and naval veterans, reserve military and naval veterans, and national guard members who have served on active military or naval duty for the public service they have provided to this country by making available to all eligible admitted veterans a waiver of operating fees by a state university, a regional university, The Evergreen State College, or the community colleges as a whole, to veterans who qualify under RCW 28B.15.621." [2006 c 229 s 1.]

**Part headings not law—2004 c 275:** See note following RCW 28B.76.090.

**Findings—Intent—1999 c 344:** See note following RCW 28B.15.544.

**Construction—Severability—Effective date—1998 c 346:** See notes following RCW 50.24.014.

**Intent—Severability—1997 c 433:** See notes following RCW 28B.15.725.

**Effective date—1993 sp.s. c 18:** See note following RCW 28B.12.060.

**Effective date—1992 c 231:** See note following RCW 28B.10.016.

**RCW 28B.15.915 Waiver of operating fees—Report.** In addition to waivers granted under the authority of RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community and technical colleges, subject to state board policy, may waive all or a portion of the operating fees for any student. There shall be no state general fund support for waivers granted under this section.

By January 31st of each odd-numbered year, the institutions of higher education shall prepare a report of the costs and benefits of waivers granted under chapter 152, Laws of 2000 and shall transmit copies of their report to the appropriate policy and fiscal committees of the legislature. [2015 c 55 s 225; 2000 c 152 s 1.]

**RCW 28B.15.980 Construction—Chapter applicable to state registered domestic partnerships—2009 c 521.** For the purposes of this chapter, the terms spouse, marriage, marital, husband, wife,

widow, widower, next of kin, and family shall be interpreted as applying equally to state registered domestic partnerships or individuals in state registered domestic partnerships as well as to marital relationships and married persons, and references to dissolution of marriage shall apply equally to state registered domestic partnerships that have been terminated, dissolved, or invalidated, to the extent that such interpretation does not conflict with federal law. Where necessary to implement chapter 521, Laws of 2009, gender-specific terms such as husband and wife used in any statute, rule, or other law shall be construed to be gender neutral, and applicable to individuals in state registered domestic partnerships. The rules and time periods to establish residency that apply to spouses of Washington residents shall apply equally to state registered domestic partners of Washington residents. [2009 c 521 s 74.]

# Chapter 28B.20 RCW
# UNIVERSITY OF WASHINGTON

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## GENERAL

**RCW 28B.20.010 Designation.** The state university located and established in Seattle, King county, shall be designated the University of Washington. [1969 ex.s. c 223 s 28B.20.010. Prior: 1909 c 97 p 238 s 1; RRS s 4544; prior: 1897 c 118 s 182; 1890 p 395 s 1. Formerly RCW 28.77.010.]

**RCW 28B.20.020 Purpose.** The aim and purpose of the University of Washington shall be to provide a liberal education in literature, science, art, law, medicine, military science and such other fields as may be established therein from time to time by the board of regents or by law. [1969 ex.s. c 223 s 28B.20.020. Prior: 1909 c 97 p 238 s 2; RRS s 4545; prior: 1897 c 118 s 183; 1893 c 122 s 6; 1890 p 395 s 2. Formerly RCW 28.77.020.]

**RCW 28B.20.054 Credits—Statewide transfer policy and agreement—Establishment.** See RCW 28B.77.210 and 28B.77.215.

**RCW 28B.20.055 "Major line" defined.** See RCW 28B.10.100.

**RCW 28B.20.057 Major lines common to University of Washington and Washington State University.** See RCW 28B.10.115.

**RCW 28B.20.060 Courses exclusive to University of Washington.** Except as provided in RCW 28B.30.058, the courses of instruction of the University of Washington shall embrace as exclusive major lines, law, medicine, forest products, logging engineering, library sciences, and fisheries. [2015 c 6 s 3; 2009 c 207 s 2; 1985 c 218 s 2; 1969 ex.s. c 223 s 28B.20.060. Prior: 1963 c 23 s 1; 1961 c 71 s 1; prior: (i) 1917 c 10 s 2; RRS s 4533. (ii) 1917 c 10 s 5; RRS s 4536. Formerly RCW 28.77.025; 28.76.060.]

**RCW 28B.20.100 Regents—Appointment—Terms—Vacancies—Quorum.** (1)(a) The governance of the University of Washington shall be vested in a board of regents to consist of 11 members, one of whom shall be a student and one of whom shall be a full-time or emeritus member of the faculty.

(b) The members shall be appointed by the governor with the consent of the senate, and, except for the student member and faculty member, shall hold their offices for a term of six years from the first day of October and until their successors shall be appointed and qualified.

(c) The governor shall select the student member from a list of candidates, of at least three and not more than five, submitted by the governing body of the associated students. The student member shall hold the office for a term of one year from the first day of July until the first day of July of the following year or until a successor is appointed and qualified, whichever is later. The student member shall be a full-time student in good standing at the university at the time of appointment.

(d) The governor shall select the faculty member from a list of candidates, of at least two and not more than five, submitted by the faculty senate. The faculty member shall hold the office for a term of three years from the first day of October and until a successor is appointed and qualified.

(2) Six members of said board shall constitute a quorum for the transaction of business. In the case of a vacancy, or when an appointment is made after the date of the expiration of a term, the governor shall fill the vacancy for the remainder of the term of the regent whose office has become vacant or expired.

(3) Except for the term of the student member and the faculty member, no more than the terms of two members will expire simultaneously on the last day of September in any one year.

(4) A student appointed under this section may not participate or vote on matters relating to the hiring, discipline, or tenure of faculty members and personnel. A faculty member appointed under this section may not participate or vote on matters related to the hiring, discipline, or tenure of specific faculty members. [2022 c 12 s 1; 2006 c 78 s 1; 1998 c 95 s 1; 1985 c 61 s 1; 1979 ex.s. c 103 s 2; 1973 c 62 s 7; 1969 ex.s. c 223 s 28B.20.100. Prior: 1909 c 97 p 239 s 3; RRS s 4554; prior: 1897 c 118 s 184; 1895 c 101 s 1; 1890 p 396 s 3. Formerly RCW 28.77.090, 28.77.100, part.]

**Present terms not affected—1979 ex.s. c 103:** "Nothing in sections 2 through 6 of this amendatory act shall shorten the terms of regents or trustees presently in office." [1979 ex.s. c 103 s 7.]

**Severability—1979 ex.s. c 103:** "If any provision of this amendatory act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1979 ex.s. c 103 s 8.]

**Savings—Severability—1973 c 62:** See notes following RCW 28B.10.510.

**RCW 28B.20.105 Regents—Organization and conduct of business—Bylaws, rules and regulations—Open public meetings.** The board shall organize by electing from its membership a president and an executive committee, of which committee the president shall be ex officio chair. The board may adopt bylaws or rules and regulations for its own government and shall follow procedures for open public meetings in chapter 42.30 RCW. The board shall provide time for public comment at each meeting. The board shall hold regular quarterly meetings, and during the interim between such meetings the executive committee may transact business for the whole board: PROVIDED, That the executive committee may call special meetings of the whole board when such action is deemed necessary. [2012 c 228 s 1; 2011 c 336 s 717; 1969 ex.s. c 223 s 28B.20.105. Prior: (i) 1909 c 97 p 240 s 4; RRS s 4555; prior: 1897 c 118 s 185. Formerly RCW 28.77.100. (ii) 1939 c 176 s 1, part; 1927 c 227 s 1, part; 1909 c 97 p 240 s 5, part; RRS s 4557, part. Formerly RCW 28.77.130, part.]

**RCW 28B.20.110 Regents—Secretary—Treasurer—Duties—Treasurer's bond.** The board shall appoint a secretary and a treasurer who shall hold their respective offices during the pleasure of the board and carry out such respective duties as the board shall prescribe. In addition to such other duties as the board prescribes, the secretary shall record all proceedings of the board and carefully preserve the same. The treasurer shall give bond for the faithful performance of the duties of his or her office in such amount as the regents may require: PROVIDED, That the university shall pay the fee for such bond. [2011 c 336 s 718; 1969 ex.s. c 223 s 28B.20.110. Prior: 1890 p 396 s 6; RRS s 4556. Formerly RCW 28.77.110.]

**RCW 28B.20.115 Regents—Oaths.** See RCW 28B.10.520.

**RCW 28B.20.116 Regents—Expenses.** See RCW 28B.10.525.

**RCW 28B.20.117 Regents—Attorney general as advisor.** See RCW 28B.10.510.

**RCW 28B.20.130 Powers and duties of regents—General.** General powers and duties of the board of regents are as follows:

(1) To have full control of the university and its property of various kinds, except as otherwise provided by law.

(2) To employ the president of the university, his or her assistants, members of the faculty, and employees of the institution, who except as otherwise provided by law, shall hold their positions during the pleasure of said board of regents.

(3) Establish entrance requirements for students seeking admission to the university which meet or exceed the standards specified under RCW 28B.77.020. Completion of examinations satisfactory to the university may be a prerequisite for entrance by any applicant at the university's discretion. Evidence of completion of public high schools and other educational institutions whose courses of study meet the approval of the university may be acceptable for entrance.

(4) Establish such colleges, schools, or departments necessary to carry out the purpose of the university and not otherwise proscribed by law.

(5) With the assistance of the faculty of the university, prescribe the course of study in the various colleges, schools, and departments of the institution and publish the necessary catalogues thereof.

(6) Grant to students such certificates or degrees as recommended for such students by the faculty. The board, upon recommendation of the faculty, may also confer honorary degrees upon persons other than graduates of this university in recognition of their learning or devotion to literature, art, or science: PROVIDED, That no degree shall ever be conferred in consideration of the payment of money or the giving of property of whatsoever kind.

(7) Accept such gifts, grants, conveyances, bequests, and devises, whether real or personal property, or both, in trust or otherwise, for the use or benefit of the university, its colleges, schools, departments, or agencies; and sell, lease or exchange, invest or expend the same or the proceeds, rents, profits, and income thereof except as limited by the terms of said gifts, grants, conveyances, bequests, and devises. The board shall adopt proper rules to govern and protect the receipt and expenditure of the proceeds of all fees, and the proceeds, rents, profits, and income of all gifts, grants, conveyances, bequests, and devises above-mentioned.

(8) Except as otherwise provided by law, to enter into such contracts as the regents deem essential to university purposes.

(9) To submit upon request such reports as will be helpful to the governor and to the legislature in providing for the institution.

(10) To offer new degree programs, offer off-campus programs, participate in consortia or centers, contract for off-campus educational programs, and purchase or lease major off-campus facilities in accordance with RCW 28B.77.080.

(11) To confer honorary degrees upon persons who request an honorary degree if they were students at the university in 1942 and did not graduate because they were ordered into an internment camp. The honorary degree may also be requested by a representative of deceased persons who meet these requirements. For the purposes of this subsection, "internment camp" means a relocation center to which persons were ordered evacuated by Presidential Executive Order 9066, signed February 19, 1942. [2012 c 229 s 804; 2010 c 51 s 1; 2004 c 275 s 52; 1998 c 245 s 16; 1985 c 370 s 92; 1977 c 75 s 20; 1969 ex.s. c 223 s 28B.20.130. Prior: 1939 c 176 s 1, part; 1927 c 227 s 1, part; 1909 c 97 p 240 s 5, part; RRS s 4557, part; prior: 1895 c 101 s 2, part; 1893 c 122 s 10, part; 1890 pp 396, 397, 398 ss 7, 9, 11. Formerly RCW 28.77.130, 28.77.140.]

**Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Part headings not law—2004 c 275:** See note following RCW 28B.76.090.

**RCW 28B.20.134 Powers and duties of regents—Consent to sale of university granted lands.** See RCW 79.11.010.

**RCW 28B.20.135 Powers and duties of regents—Employment of architects, engineers, for construction of buildings and facilities.** The board shall have power to employ or contract for the services of skilled architects and engineers to prepare plans and specifications, and supervise the construction of university buildings and facilities and to fix the compensation for such employees or for such services. [1969 ex.s. c 223 s 28B.20.135. Prior: 1909 c 97 p 242 s 10; RRS s 4563. Formerly RCW 28.77.133.]

**RCW 28B.20.140 Powers and duties of regents—Contracts for erection of buildings or improvements.** The board of regents shall enter into such contracts with one or more contractors for the erection and construction of university buildings or improvements thereto as in their judgment shall be deemed for the best interest of the university; such contract or contracts shall be let after public notice and under such regulations as shall be established by said board or as otherwise provided by law to the person or persons able to perform the same on the most advantageous terms: PROVIDED, That in all cases said board shall require from contractors a good and sufficient bond for the faithful performance of the work, and the full protection of the state against mechanics' and other liens: AND PROVIDED FURTHER, That the board shall not have the power to enter into any contract for the erection of any buildings or improvements which shall bind said board to pay out any sum of money in excess of the amount provided for said purpose. [1969 ex.s. c 223 s 28B.20.140. Prior: 1909 c 97 p 242 s 9; RRS s 4562. Formerly RCW 28.77.137.]

**RCW 28B.20.145 Powers and duties of regents—Regents' spending limited by income.** The board of regents are hereby prohibited from creating any debt or in any manner encumbering the university beyond its capacity for payment thereof from the biennial income of the university for the then current biennium. [1969 ex.s. c 223 s 28B.20.145. Prior: 1890 p 399 s 20; RRS s 4566. Formerly RCW 28.77.170.]

**RCW 28B.20.150 Endowment investments—Disclosure of private fund information—Conflicts of interest.** The University of Washington must disclose: (1) The names and commitment amounts of the private funds in which it is invested; and (2) the aggregate quarterly performance results for its portfolio of investments in such funds. The University of Washington shall have formal policies addressing conflicts of

interest in regard to the private funds in which the endowment is invested, in compliance with RCW 42.52.190, and shall post these policies on their public website. [2009 c 394 s 2.]

**Intent—2009 c 394:** "The intent of this act is to clarify provisions governing disclosure of information related to University of Washington endowment investments, and thereby improve the university's ability to maximize the performance of its endowment portfolio. For endowment investments in privately managed funds, this act requires disclosure of the names of the funds, the amounts invested in the funds, and quarterly performance results for the endowment's portfolio of investments in such funds. These disclosures are intended to provide the public with information about the overall performance of the privately managed endowment investments, while prohibiting disclosure of proprietary information that could result in loss to the endowment or to persons who provide the proprietary information." [2009 c 394 s 1.]

**RCW 28B.20.200 Faculty—Composition—General powers.** The faculty of the University of Washington shall consist of the president of the university and the professors and the said faculty shall have charge of the immediate government of the institution under such rules as may be prescribed by the board of regents. [1969 ex.s. c 223 s 28B.20.200. Prior: 1909 c 97 p 241 s 6; RRS s 4558; prior: 1897 c 118 s 187. Formerly RCW 28.77.120.]

**RCW 28B.20.250 Liability coverage of university personnel and students—Authorized—Scope.** The board of regents of the University of Washington, subject to such conditions and limitations and to the extent it may prescribe, is authorized to provide by purchase of insurance, by self-insurance, or by any combination of arrangements, indemnification of regents, officers, employees, agents, and students from liability on any action, claim, or proceeding instituted against them arising out of the performance or failure of performance, of duties for or employment with the university, or of responsibilities imposed by approved programs of the university, and to hold such persons harmless from any expenses connected with the defense, settlement, or payment of monetary judgments from such action, claim, or proceeding. [1975-'76 2nd ex.s. c 12 s 1.]

**RCW 28B.20.253 Liability coverage of university personnel and students—Self-insurance revolving fund.** (1) A self-insurance revolving fund in the custody of the university is hereby created to be used solely and exclusively by the board of regents of the University of Washington for the following purposes:

(a) The payment of judgments against the university, its schools, colleges, departments, and hospitals and against its regents, officers, employees, agents, and students for whom the defense of an action, claim, or proceeding has been provided pursuant to RCW 28B.20.250.

(b) The payment of claims against the university, its schools, colleges, departments, and hospitals and against its regents, officers, employees, agents, and students for whom the defense of an

action, claim, or proceeding has been provided pursuant to RCW 28B.20.250: PROVIDED, That payment of claims in excess of twenty-five thousand dollars must be approved by the state attorney general.

(c) For the cost of investigation, administration, and defense of actions, claims, or proceedings, and other purposes essential to its liability program.

(2) Said self-insurance revolving fund shall consist of periodic payments by the University of Washington from any source available to it in such amounts as are deemed reasonably necessary to maintain the fund at levels adequate to provide for the anticipated cost of payments of incurred claims and other costs to be charged against the fund.

(3) No money shall be paid from the self-insurance revolving fund unless first approved by the board of regents, and unless all proceeds available to the claimant from any valid and collectible liability insurance shall have been exhausted. [1997 c 288 s 1; 1991 sp.s. c 13 s 117; 1975-'76 2nd ex.s. c 12 s 2.]

**Effective dates—Severability—1991 sp.s. c 13:** See notes following RCW 18.08.240.

**RCW 28B.20.255 Liability coverage of university personnel and students—As exclusive authority.** RCW 28B.20.250 through 28B.20.255 constitutes the exclusive authority for the board of regents of the University of Washington to provide liability coverage for its regents, officers, employees, agents, and students, and further provides the means for defending and payment of all such actions, claims, or proceedings. RCW 28B.20.250 through 28B.20.255 shall govern notwithstanding the provisions of chapter 4.92 RCW and RCW 28B.10.842 and 28B.10.844. [1975-'76 2nd ex.s. c 12 s 3.]

**RCW 28B.20.277 Mathematics, engineering, and science achievement program—Establishment and administration through university.** See RCW 28A.188.082.

**RCW 28B.20.298 Clean energy research, development, manufacturing, and marketing—Findings—Policy.** (1) The legislature finds that Washington state currently derives many benefits from its renewable energy and energy efficiency sectors. These sectors are an important source of employment and income for a significant number of Washington residents, currently generating close to one billion dollars in annual revenue and employing over three thousand eight hundred people. Equally important, energy efficiency and renewable energy businesses add to the region's quality of life by employing technologies that can reduce some of the harmful effects of the reliance on fossil fuels. Washington state possesses all the necessary elements to do much more to develop these sectors and to become a national leader in the research, development, manufacturing, and marketing of clean energy technologies and services. The state's workforce is highly educated; the state's higher education institutions are supportive of clean energy research and cooperate closely with the private sector in developing and deploying new energy technologies; there are numerous enterprises already located in the

state that are engaged in clean energy research and development; and the state's citizens, utilities, and governmental sectors at all levels are committed to diversifying the state's energy sources and increasing energy efficiency.

(2) It is therefore declared to be the policy of the state that its public agencies and institutions of higher learning maximize their efforts collectively and cooperatively with the private sector to establish the state as a leader in clean energy research, development, manufacturing, and marketing. To this end, all state agencies are directed to employ their existing authorities and responsibilities to:

(a) Work with local organizations and energy companies to facilitate the development and implementation of workable renewable energy and energy efficiency projects;

(b) Actively promote policies that support energy efficiency and renewable energy development;

(c) Encourage utilities and customer groups to invest in new renewables and products and services that promote energy efficiency; and

(d) Assist in the development of stronger markets for renewables and products and services that promote energy efficiency.

(3) For the purposes of this section and *RCW 28B.20.296 and for *RCW 28B.20.285 and 28B.20.287, energy efficiency shall include the application of digital technologies to the generation, delivery, and use of power. [2004 c 151 s 1.]

***Reviser's note:** RCW 28B.20.285, 28B.20.287, and 28B.20.296 were repealed by 2011 1st sp.s. c 14 s 16.

**RCW 28B.20.300 Schools of medicine, dentistry, and related health services—Authorization.** The board of regents of the University of Washington is hereby authorized and directed forthwith to establish, operate and maintain schools of medicine, dentistry, and related health sciences at the university. [1969 ex.s. c 223 s 28B.20.300. Prior: 1945 c 15 s 1; Rem. Supp. 1945 s 4566-5. Formerly RCW 28.77.200.]

*Autopsy of deceased infant under three years, delivery of body to University of Washington medical school for purposes of, costs: RCW 68.50.100, 68.50.104.*

*Requisites for accreditation and approval of medical schools: RCW 18.71.055.*

**RCW 28B.20.305 Schools of medicine, dentistry, and related health services—Purpose.** The aim and purpose of the schools of medicine, dentistry and related health sciences shall be to provide for students of both sexes, on equal terms, all and every type of instruction in the various branches of medicine, dentistry, and related health sciences and to grant such degrees as are commonly granted by similar institutions. [1969 ex.s. c 223 s 28B.20.305. Prior: 1945 c 15 s 2; Rem. Supp. 1945 s 4566-6. Formerly RCW 28.77.210.]

**RCW 28B.20.308 Global Asia institute.** (1) A global Asia institute is created within the Henry M. Jackson School of International Studies. The mission of the institute is to promote the understanding of Asia and its interactions with Washington state and the world. The institute shall host visiting scholars and policymakers, sponsor programs and learning initiatives, engage in collaborative research projects, and facilitate broader understanding and cooperation between the state of Washington and Asia through general public programs and targeted collaborations with specific communities in the state.

(2) Within existing resources, a global Asia institute advisory board is established. The director of the Henry M. Jackson School of International Studies shall appoint members of the advisory board and determine the advisory board's roles and responsibilities. The board shall include members representing academia, business, and government. [2012 c 229 s 806; 2009 c 466 s 2.]

**Effective date——2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Findings——Intent——2009 c 466:** "The legislature finds that Asia and its interactions with the rest of the world are transforming the way the world works in the twenty-first century. The legislature further finds that trade, finance, technology, and global influence and institutions are all areas in which China, India, and other Asian states are in the process of reshaping the nature of the international system, and that Washington state is uniquely situated to contribute to enhance interactions between the United States and Asia. The legislature intends to establish a global Asia institute at the University of Washington." [2009 c 466 s 1.]

**RCW 28B.20.315 Drug testing laboratory——Service——Employees as expert witnesses, traveling expenses and per diem.** The University of Washington is authorized and directed to arrange for a drug testing laboratory. The laboratory shall offer a testing service for law enforcement officers for the identification of known or suspected dangerous and narcotic drugs. Employees of the laboratory are authorized to appear as expert witnesses in criminal trials held within the state: PROVIDED, That the traveling expenses and per diem of such employees shall be borne by the party for the benefit of whom the testimony of such employees is requested. [1969 ex.s. c 266 s 1. Formerly RCW 28.77.215.]

**RCW 28B.20.320 Marine biological preserve——Established and described——Unlawful gathering of marine biological materials——Penalty.** (1) There is hereby created an area of preserve of marine biological materials useful for scientific purposes, except when gathered for human food, and except, also, the plant nereocystis, commonly called "kelp." Such area of preserve shall consist of the salt waters and the beds and shores of the islands constituting San Juan county and of Cypress Island in Skagit county.

(2) No person shall gather such marine biological materials from the area of preserve, except upon permission first granted by the

director of the Friday Harbor Laboratories of the University of Washington.

(3) A person gathering such marine biological materials contrary to the terms of this section is guilty of a misdemeanor. [2003 c 53 s 174; 1969 ex.s. c 223 s 28B.20.320. Prior: 1923 c 74 s 1; RRS s 8436-1. Formerly RCW 28.77.230.]

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

**RCW 28B.20.328 Lease of lands with outdoor recreation potential—Restrictions—Unlawful to use posted lands.** (1) Any lease of public lands with outdoor recreation potential authorized by the regents of the University of Washington shall be open and available to the public for compatible recreational use unless the regents of the University of Washington determine that the leased land should be closed in order to prevent damage to crops or other land cover, to improvements on the land, to the lessee, or to the general public or is necessary to avoid undue interference with carrying forward a university program. Any lessee may file an application with the regents of the University of Washington to close the leased land to any public use. The regents shall cause a written notice of the impending closure to be posted in a conspicuous place in the university's business office and in the office of the county auditor in which the land is located thirty days prior to the public hearing. This notice shall state the parcel or parcels involved and shall indicate the time and place of the public hearing. Upon a determination by the regents that posting is not necessary, the lessee shall desist from posting. Upon a determination by the regents that posting is necessary, the lessee shall post his or her leased premises so as to prohibit recreational uses thereon. In the event any such lands are so posted, it shall be unlawful for any person to hunt or fish, or for any person other than the lessee or his or her immediate family to use any such posted lands for recreational purposes.

(2) The regents of the University of Washington may insert the provisions of subsection (1) of this section in all leases hereafter issued. [2011 c 336 s 719; 1969 ex.s. c 46 s 3. Formerly RCW 28.77.235.]

**RCW 28B.20.330 Rights-of-way to railroads and streetcar railways—Conditions.** Any railroad company now having in operation a line of railroad, or branches, sidings, or spurs thereof, upon any property in this state in use by the University of Washington for university purposes, or as a part of the grounds set aside or devoted to university purposes, may have such right-of-way confirmed to it, its successors and assigns, upon the following terms and conditions: Such railroad company shall file with the board of regents of said university a plat showing the right-of-way desired, and shall file a duplicate thereof with the commissioner of public lands; and any railroad company or streetcar company desiring hereafter to construct a railroad or streetcar line, or extensions thereof, with branches, sidings, or spurs, upon any property in this state in use by the University of Washington for university purposes, or as a part of the ground set aside or devoted to university purposes, may have such

right-of-way confirmed to it, its successors and assigns, upon the following terms and conditions: Such railroad company or streetcar company shall file with the board of regents of said university a plat showing the right-of-way desired, and shall file a duplicate thereof with the commissioner of public lands. [1969 ex.s. c 223 s 28B.20.330. Prior: 1909 c 248 s 1; RRS s 8095. Formerly RCW 28.77.240.]

**RCW 28B.20.332 Rights-of-way to railroads and streetcar railways—Regents to make agreement.** The board of regents of said University of Washington are authorized, upon the filing of such plat with it, to agree in writing with any such railroad company or streetcar company, upon the boundaries and the extent of such right-of-way, the manner in which the same shall be maintained and fenced and occupied, and prescribe the number, character, and maintenance of crossings, cross-overs, and subways, and as to what sum said railroad company or streetcar company shall pay for the right-of-way granted. [1969 ex.s. c 223 s 28B.20.332. Prior: 1909 c 248 s 2; RRS s 8096. Formerly RCW 28.77.250.]

**RCW 28B.20.334 Rights-of-way to railroads and streetcar railways—Form of deed—Certified copy filed.** If such agreement is entered into, said board of regents shall transmit a certified copy thereof to the commissioner of public lands, who shall, after the full amount of money provided in such agreement shall be paid by said railroad company or streetcar company to the state treasurer, issue to such railroad company or streetcar company, in the name of the state of Washington, a deed for the right-of-way described in such agreement, which said deed shall recite and be subject to all the terms and conditions of such agreement, and certified copies of said deed shall be filed, one in the office of the commissioner of public lands, and the other with the secretary of said board of regents. [1969 ex.s. c 223 s 28B.20.334. Prior: 1909 c 248 s 3; RRS s 8097. Formerly RCW 28.77.260.]

**RCW 28B.20.336 Rights-of-way to railroads and streetcar railways—Deed conveys conditional easement.** The conveyance herein provided for shall not be deemed to convey the fee to the land described, but an easement only thereover and for railroad or streetcar purposes only, and when the right-of-way granted as aforesaid shall not be used for the purposes for which it was granted, then and thereupon the easement right shall immediately become void. [1969 ex.s. c 223 s 28B.20.336. Prior: 1909 c 248 s 4; RRS s 8098. Formerly RCW 28.77.270.]

**RCW 28B.20.340 University site dedicated for street and boulevard purposes—Description.** There is hereby dedicated to the public for street and boulevard purposes the following described lands situated in section 16, township 25 north, range 4 east, W.M., and blocks 7 and 8 of Lake Washington shorelands, to wit: Beginning at the one-quarter (1/4) corner on the north line of said section sixteen (16); thence east along the north line thereof, a distance of three

hundred forty-nine and thirty-four one-hundredths (349.34) feet; thence south at right angles to the said north line, a distance of thirty-five feet to the point of beginning of this description; thence south eighty-nine degrees fifty-seven minutes and forty-three seconds (89°57'43") east a distance of six hundred seventy-three and seventeen one-hundredths (673.17) feet; thence southwesterly along the arc of a curve to the left, having a uniform radius of one thousand (1,000) feet, said curve being tangent to the last above described line, a distance of one thousand three hundred seventy-three and six one-hundredths (1,373.06) feet to a point of tangency; thence south eleven degrees twenty-two minutes and two seconds (11°22'02") west, a distance of five hundred fifty-six and twenty-two one-hundredths (556.22) feet to a point of tangency on the easterly margin of Montlake Boulevard as laid off and established by Ordinance No. 26332; thence along said easterly margin northerly along the arc of a curve to the left, having a uniform radius of four hundred sixty (460) feet, a distance of one hundred forty-three and forty-one one-hundredths (143.41) feet to a point of a reverse curve; thence northerly along the arc of a curve to the right having a uniform radius of four hundred sixty (460) feet, a distance of one hundred twenty and ninety-four one-hundredths (120.94) feet to a point of reverse curve; thence northerly along the arc of a curve to the left, having a uniform radius of two thousand nine hundred seventy-four and ninety-three one-hundredths (2,974.93) feet, a distance of two hundred eighty-four (284) feet; thence departing from said easterly margin north eleven degrees twenty-two minutes and two seconds (11°22'02") east, a distance of fourteen and seventy-four one-hundredths (14.74) feet to the beginning of a curve to the right, having a uniform radius of one thousand seventy (1,070) feet; thence northeasterly along the arc of said curve, a distance of seven hundred ninety-six and thirty-three one-hundredths (796.33) feet to a point of reverse curve; thence northeasterly, northerly and northwesterly along the arc of a curve to the left, having a uniform radius of seventy-four and forty-six one-hundredths (74.46) feet, a distance of one hundred eighty-seven and ten one-hundredths (187.10) feet to the point of beginning.

Also the following described lands, to wit: Beginning at a point on the east line of said section, said point being distant nine hundred eighty-nine and sixty one-hundredths (989.60) feet south from the northeast corner of said section; thence south along said east line a distance of four hundred seventy-nine and fifty-three one-hundredths (479.53) feet to a point on the government meander line along the shore of Lake Washington; thence along said meander line south seventy-eight degrees thirteen minutes thirty-three seconds (78°13'33") west, a distance of sixty-six and fifty one-hundredths (66.50) feet; thence north twenty-nine degrees forty-six minutes twenty-seven seconds (29°46'27") west, a distance of one hundred sixty-six and ninety-two one-hundredths (166.92) feet; thence departing from said meander line north no degrees fifty-three minutes seven seconds (0°53'07") east, a distance of three hundred fifty-four and sixty-three one-hundredths (354.63) feet; thence northwesterly along the arc of a curve to the right having a uniform radius of one hundred eighty-five (185) feet, a distance of twenty-two and two one-hundredths (22.02) feet to a point of tangency on a line which bears north twenty-nine degrees six minutes fifty-three seconds (29°06'53") west; thence northwesterly along said line, a distance of nine hundred eighteen and sixty-five one-hundredths (918.65) feet to the beginning of a curve to the left, having a uniform radius of two hundred fifty

(250) feet; thence northwesterly along the arc of said curve, a distance of two hundred sixty-five and fifty one-hundredths (265.50) feet to a point of tangency on the south margin of East Forty-fifth Street; thence east along said south margin, a distance of three hundred twenty-nine and fourteen one-hundredths (329.14) feet to a point which is distant five hundred ten and seventy-nine one-hundredths (510.79) feet west from the east line of said section sixteen (16); thence southwesterly, southerly and southeasterly along the arc of a curve to the left having a uniform radius of sixty (60) feet a distance of one hundred twenty-four and seventy-eight one-hundredths (124.78) feet to a point of tangency; thence south twenty-nine degrees six minutes fifty-three seconds (29˚06'53") east, a distance of nine hundred twenty-four and twenty-four one-hundredths (924.24) feet to the beginning of a curve to the left having a uniform radius of one hundred fifteen (115) feet; thence southeasterly along the arc of said curve, a distance of one hundred twenty and fifty-one one-hundredths (120.51) feet to the point of beginning. [1969 ex.s. c 223 s 28B.20.340. Prior: 1913 c 24 s 1. Formerly RCW 28.77.280.]

**RCW 28B.20.342 University site dedicated for street and boulevard purposes—Local assessments barred against site.** No assessments for the opening, improvement or maintenance of any public street upon the tracts of land described in RCW 28B.20.340 shall ever be levied, assessed or collected upon any portion of section 16, township 25 north, range 4 east, W.M., or upon any portion of blocks 7 and 8 Lake Washington shorelands. [1969 ex.s. c 223 s 28B.20.342. Prior: 1913 c 24 s 2. Formerly RCW 28.77.290.]

**RCW 28B.20.344 University site dedicated for street and boulevard purposes—Eminent domain may not be exercised against site.** The power of eminent domain of any municipal or other corporation whatever is hereby declared not to extend to any portion of said section 16, township 25 north, range 4 east, W.M., and blocks 7 and 8 of Lake Washington shorelands. [1969 ex.s. c 223 s 28B.20.344. Prior: 1913 c 24 s 3. Formerly RCW 28.77.300.]

**RCW 28B.20.350 1947 conveyance for arboretum and botanical garden purposes—Description.** There is hereby granted to the University of Washington the following described land, to wit:

Lots two (2) and three (3), Block eleven-A (11-A) of the supplemental map of Lake Washington shorelands, filed September 5, 1916 in the office of the commissioner of public lands, to be used for arboretum and botanical garden purposes and for no other purposes, except as provided in RCW 28B.20.354. [1969 ex.s. c 223 s 28B.20.350. Prior: 1947 c 45 s 1. Formerly RCW 28.77.310.]

**RCW 28B.20.352 1947 conveyance for arboretum and botanical garden purposes—Deed of conveyance.** The commissioner of public lands is hereby authorized and directed to certify the lands described in RCW 28B.20.350 to the governor, and the governor is hereby authorized and directed to execute, and the secretary of state to attest, a deed

of said shorelands to the university. [1969 ex.s. c 223 s 28B.20.352. Prior: 1947 c 45 s 2. Formerly RCW 28.77.315.]

**RCW 28B.20.354 1947 conveyance for arboretum and botanical garden purposes—Part may be conveyed by regents to city of Seattle.** (1) The board of regents of the University of Washington is hereby authorized to convey to the city of Seattle that portion of said lot three (3) of the shorelands described in RCW 28B.20.350 which is within the following described tract, to wit:

A rectangular tract of land one hundred twenty (120) feet in north-south width, and four hundred (400) feet in east-west length, with the north boundary coincident with the north boundary of the old canal right-of-way, and the west boundary on the southerly extension of the west line of Lot eleven (11), Block four (4), Montlake Park, according to the recorded plat thereof, approximately five hundred sixty (560) feet east of the east line of Montlake Boulevard.

(2) The board of regents is authorized to convey to the city of Seattle free of all restrictions or limitations, or to incorporate in the conveyance to the city of Seattle such provisions for reverter of said land to the university as the board deems appropriate. Should any portion of the land so conveyed to the city of Seattle again vest in the university by reason of the operation of any provisions incorporated by the board in the conveyance to the city of Seattle, the University of Washington shall hold such reverted portion subject to the reverter provisions of RCW 28B.20.356. [1969 ex.s. c 223 s 28B.20.354. Prior: 1947 c 45 s 3. Formerly RCW 28.77.320.]

**RCW 28B.20.356 1947 conveyance for arboretum and botanical garden purposes—Reversion for unauthorized use—Reconveyance for highway purposes.** In case the University of Washington should attempt to use or permit the use of such shorelands or any portion thereof for any other purpose than for arboretum and botanical garden purposes, except as provided in RCW 28B.20.354, the same shall forthwith revert to the state of Washington without suit, action or any proceedings whatsoever or the judgment of any court forfeiting the same: PROVIDED, That the board of regents of the University of Washington is hereby authorized and directed to reconvey to the state of Washington block eleven-A (11-A) of the supplemental map of Lake Washington shorelands, filed September 5, 1916 in the office of the commissioner of public lands, or such portion thereof as may be required by the state of Washington or any agency thereof for state highway purposes. The state of Washington or any agency thereof requiring said land shall pay to the University of Washington the fair market value thereof and such moneys paid shall be used solely for arboretum purposes. Such reconveyance shall be made at such time as the state or such agency has agreed to pay the same. [1969 ex.s. c 223 s 28B.20.356. Prior: 1959 c 164 s 2; 1947 c 45 s 4; No RRS. Formerly RCW 28.77.330.]

**RCW 28B.20.360 1939 conveyance of shorelands to university—Description.** The commissioner of public lands of the state of Washington is hereby authorized and directed to certify in the manner now provided by law to the governor for deeding to the University of Washington all of the following described Lake Washington shorelands,

to wit: Blocks sixteen (16) and seventeen (17), Lake Washington Shorelands, as shown on the map of said shorelands on file in the office of the commissioner of public lands. [1969 ex.s. c 223 s 28B.20.360. Prior: 1939 c 60 s 1; No RRS. Formerly RCW 28.77.333.]

**RCW 28B.20.362 1939 conveyance of shorelands to university—Deed of conveyance.** The governor is hereby authorized and directed to execute, and the secretary of state to attest, a deed conveying to the University of Washington all of said shorelands. [1969 ex.s. c 223 s 28B.20.362. Prior: 1939 c 60 s 2; No RRS. Formerly RCW 28.77.335.]

**RCW 28B.20.364 1939 conveyance of shorelands to university—Grant for arboretum and botanical garden purposes—Reversion for unauthorized use—Reconveyance for highway purposes.** All of the shorelands described in RCW 28B.20.360 are hereby granted to the University of Washington to be used for arboretum and botanical garden purposes and for no other purposes. In case the said University of Washington should attempt to use or permit the use of said shorelands or any portion thereof for any other purpose, the same shall forthwith revert to the state of Washington without suit, action or any proceedings whatsoever or the judgment of any court forfeiting the same: PROVIDED, That the board of regents of the University of Washington is hereby authorized and directed to reconvey to the state of Washington blocks 16 and 17 of Lake Washington shorelands, or such portions thereof as may be required by the state of Washington or any agency thereof for state highway purposes. The state of Washington or any agency thereof requiring said land shall pay to the University of Washington the fair market value thereof and such moneys paid shall be used solely for arboretum purposes. Such reconveyance shall be made at such time as the state or such agency has agreed to pay the same. [1969 ex.s. c 223 s 28B.20.364. Prior: 1959 c 164 s 1; 1939 c 60 s 3; No RRS. Formerly RCW 28.77.337.]

**RCW 28B.20.370 Transfer of certain Lake Union shorelands to university.** Block 18-A, Second Supplemental Maps of Lake Union Shorelands, as shown on the official maps thereof on file in the office of the commissioner of public lands, is hereby transferred to the University of Washington and shall be held and used for university purposes only. [1969 ex.s. c 223 s 28B.20.370. Prior: 1963 c 71 s 1. Formerly RCW 28.77.339.]

**RCW 28B.20.381 "University tract" defined.** For the purposes of this chapter, "university tract" means the tract of land in the city of Seattle, consisting of approximately ten acres, originally known as the "old university grounds," and more recently referred to as the "metropolitan tract," together with all buildings, improvements, facilities, and appurtenances thereon. [1999 c 346 s 2.]

**Purpose—Construction—1999 c 346:** "The purpose of this act is to consolidate the statutes authorizing the board of regents of the University of Washington to control the property of the university. Nothing in this act may be construed to diminish in any way the powers

of the board of regents to control its property including, but not limited to, the powers now or previously set forth in RCW *28B.20.392 through 28B.20.398." [1999 c 346 s 1.]

***Reviser's note:** RCW 28B.20.392 was repealed by 1999 c 346 s 8.

**Effective date——1999 c 346:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 17, 1999]." [1999 c 346 s 9.]

**RCW 28B.20.382 University tract——Conditions for sale, lease, or lease renewal——Inspection of records——Deposit of proceeds——University of Washington facilities bond retirement account.** (1) Until authorized by statute of the legislature, the board of regents of the university, with respect to the university tract, shall not sell the land or any part thereof or any improvement thereon, or lease the land or any part thereof or any improvement thereon or renew or extend any lease thereof for a term of more than eighty years. Any sale of the land or any part thereof or any improvement thereon, or any lease or renewal or extension of any lease of the land or any part thereof or any improvement thereon for a term of more than eighty years made or attempted to be made by the board of regents shall be null and void until the same has been approved or ratified and confirmed by legislative act.

(2) The board of regents shall have power from time to time to lease the land, or any part thereof or any improvement thereon for a term of not more than eighty years. Any and all records, books, accounts, and agreements of any lessee or sublessee under this section, pertaining to compliance with the terms and conditions of such lease or sublease, shall be open to inspection by the board of regents, the ways and means committee of the senate, the appropriations committee of the house of representatives, and the joint legislative audit and review committee or any successor committees. It is not intended that unrelated records, books, accounts, and agreements of lessees, sublessees, or related companies be open to such inspection. The board of regents shall make a full, detailed report of all leases and transactions pertaining to the land or any part thereof or any improvement thereon to the joint legislative audit and review committee, including one copy to the staff of the committee, during odd-numbered years.

(3) The net proceeds from the sale or lease of land in the university tract, or any part thereof or any improvement thereon, shall be deposited into the University of Washington facilities bond retirement account hereby established outside the state treasury as a nonappropriated local fund to be used exclusively for the purpose of erecting, altering, maintaining, equipping, or furnishing buildings at the University of Washington. The board of regents shall transfer from the University of Washington facilities bond retirement account to the University of Washington building account under RCW 43.79.080 any funds in excess of amounts reasonably necessary for payment of debt service in combination with other nonappropriated local funds related to capital projects for which debt service is required under section 4, chapter 380, Laws of 1999. [1999 c 346 s 3; 1998 c 245 s 17; 1996 c 288 s 27; 1987 c 505 s 13; 1980 c 87 s 10; 1977 ex.s. c 365 s 1; 1974 ex.s. c 174 s 1.]

**Purpose—Construction—Effective date—1999 c 346:** See notes following RCW 28B.20.381.

**RCW 28B.20.394 University tract—Powers of regents—Agreements to pay for governmental services.** In addition to the powers conferred upon the board of regents of the University of Washington by RCW 28B.20.395, the board of regents is authorized and shall have the power to enter into an agreement or agreements with the city of Seattle and the county of King, Washington, to pay to the city and the county such sums as shall be mutually agreed upon for governmental services rendered to the university tract, which sums shall not exceed the amounts that would be received pursuant to limitations imposed by RCW 84.52.043 by the city of Seattle and county of King respectively from real and personal property taxes paid on the university tract or any leaseholds thereon if such taxes could lawfully be levied. [1999 c 346 s 4; 1973 1st ex.s. c 195 s 10; 1972 ex.s. c 107 s 1; 1969 ex.s. c 223 s 28B.20.394. See also 1973 1st ex.s. c 195 s 140. Prior: 1955 c 229 s 1. Formerly RCW 28.77.361.]

**Purpose—Construction—Effective date—1999 c 346:** See notes following RCW 28B.20.381.

**Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195:** See notes following RCW 84.52.043.

**RCW 28B.20.395 University tract—Powers of regents, generally.** In addition to the powers conferred under the original deeds of conveyance to the state of Washington and under existing law, and subject to RCW 28B.20.382, the board of regents has full control of the university tract as provided in this chapter including, but not limited to:

(1) With regard to the whole or portions of the land, the authority to manage, to improve, to alter, to operate, to lease, to contract indebtedness, to borrow funds, to issue bonds, notes, and warrants, to provide for the amortization of and to pay the bonds, notes, warrants, and other evidences of indebtedness, at or prior to maturity, to use and pledge the income derived from operating, managing, and leasing the university tract for such purpose, and to otherwise own, operate, and control the university tract to the same extent as any other property of the university;

(2) With regard to the whole or portions of any building or buildings or other improvements thereon or appurtenances thereto, the authority to sell, subject to the terms of any underlying lease on the land, to manage, to improve, to alter, to operate, to lease, to grant a deed of trust or a mortgage lien, to contract indebtedness, to borrow funds, to issue bonds, notes, and warrants, to provide for the amortization thereof and to pay the bonds, notes, warrants, and other evidences of indebtedness, at or prior to maturity, to use and pledge the income derived from operating, managing, and leasing the university tract for such purpose, and to otherwise own, operate, and control the university tract to the same extent as any other property of the university consistent with the purpose of the donors of the metropolitan tract. [1999 c 346 s 5.]

**Purpose—Construction—Effective date—1999 c 346:** See notes following RCW 28B.20.381.

**RCW 28B.20.396 University tract—Bonding authority.** Bonds issued pursuant to the authority granted under RCW 28B.20.395:

(1) Shall not constitute (a) an obligation, either general or special, of the state or (b) a general obligation of the University of Washington or of the board of regents;

(2) Shall be:

(a) Either in bearer form or in registered form as provided in RCW 39.46.030, and

(b) Issued in denominations of not less than one hundred dollars;

(3) Shall state:

(a) The date of issue, and

(b) The series of the issue and be consecutively numbered within the series, and

(c) That the bond is payable only out of a special fund established for the purpose, and designate the fund;

(4) Shall bear interest, payable either annually, or semiannually as the board of regents may determine;

(5) Shall be payable solely out of:

(a) Revenue derived from operating, managing and leasing the university tract, and

(b) A special fund, created by the board of regents for the purpose, consisting either of (i) a fixed proportion, or (ii) a fixed amount out of and not exceeding a fixed proportion, or (iii) a fixed amount without regard to any fixed proportion, of the revenue so derived;

(6) May contain covenants by the board of regents in conformity with the provisions of RCW 28B.20.398(2);

(7) Shall be payable at such times over a period of not to exceed thirty years, in such manner and at such place or places as the board of regents determines;

(8) Shall be executed in such manner as the board of regents by resolution determines;

(9) Shall be sold in such manner as the board of regents deems for the best interest of the University of Washington;

(10) May be issued under chapter 39.46 RCW. [1999 c 346 s 6; 1983 c 167 s 33; 1970 ex.s. c 56 s 25; 1969 ex.s. c 232 s 99; 1969 ex.s. c 223 s 28B.20.396. Prior: 1947 c 284 s 3; Rem. Supp. 1947 s 4566-13. Formerly RCW 28.77.370.]

**Purpose—Construction—Effective date—1999 c 346:** See notes following RCW 28B.20.381.

**Liberal construction—Severability—1983 c 167:** See RCW 39.46.010 and note following.

**Purpose—1970 ex.s. c 56:** See note following RCW 39.52.020.

**Validation—Saving—Severability—1969 ex.s. c 232:** See notes following RCW 39.52.020.

**RCW 28B.20.398 University tract—Powers of regents—Bond issuance—Covenants—Redemption—Action for compliance.** (1) Any resolution of the board of regents pursuant to the provisions of RCW 28B.20.395 shall provide for the creation of a special fund, in conformity with the provisions of RCW 28B.20.396(5)(b).

(2) Any resolution authorizing the issuance of bonds pursuant to the provisions of RCW 28B.20.395, 28B.20.396, and 28B.20.398 may contain covenants of the board of regents to protect and safeguard the security and rights of the owners of any such bonds such as are then customary in connection with similar bonds and considered advisable in order to assure the maximum marketability for said bonds. Without limiting the generality of the foregoing, any such resolution may contain covenants as to:

(a) The creation of a special fund into which the proceeds of all bonds issued pursuant to the provisions of such resolution shall be deposited, the terms and conditions upon which payments may be made from such special fund, and for the payment of interest on bonds issued pursuant to such resolution from the moneys in said fund;

(b) Maintaining rental and leasehold rates and other charges at a level sufficient at all times to provide revenue (i) to pay the interest on and principal of all bonds and other obligations payable from said revenue, (ii) to make all other payments from said revenues required under the provisions of any resolution adopted in connection with the issuance of warrants or bonds under RCW 28B.20.395, 28B.20.396, and 28B.20.398 and (iii) to pay the operating, management, maintenance, repair and upkeep costs of the university tract;

(c) Collection, deposit, custody and disbursement of the revenues from the university tract or any portions thereof including (i) a specification of the depositaries to be designated, and (ii) authorization of such depositaries, or other banks or trust companies, to act as fiscal agent of the board of regents for the custody of the proceeds of bonds and the moneys held in any funds created pursuant to RCW 28B.20.395, 28B.20.396, and 28B.20.398, or any resolution authorizing such bonds, and to represent bond owners in the event of a default on such bonds or in the event of a default in the performance of any duty or obligation of the board of regents in connection therewith, with such power and duty as such resolution may provide;

(d) Creation and administration of reserve and other funds for the payment, at or prior to maturity, of any indebtedness chargeable against the revenues from the university tract and for creation of working funds, depreciation funds, replacement funds, reserves for extraordinary repairs and any other fund deemed necessary or desirable to insure the continued profitable operation of the said university tract;

(e) Deposit of collateral security or indemnity bonds to secure the proceeds (i) of bonds issued pursuant to the provisions of such resolution and (ii) of all revenues which are pledged to secure the repayment of bonds issued pursuant to the provisions of such resolution and (iii) of all moneys deposited in any special fund created under the authority of RCW 28B.20.395, 28B.20.396, and 28B.20.398 or any covenant thereunder;

(f) The obligation of the board of regents to maintain the building or buildings in good condition and to operate and manage the same in an economical and efficient manner;

(g) The amount and kind of insurance to be carried by the board of regents in connection with the building or buildings, the companies

in which such insurance shall be carried, the term thereof, the application of the proceeds of any such insurance, and adjustments of losses under any such policy of insurance;

(h) Limitations upon the amount of additional bonds, warrants and other obligations payable out of the revenues from the building or buildings which may be thereafter issued and the terms and conditions upon which such additional bonds, warrants or other obligations may be issued;

(i) Limitations upon the creation of additional liens or encumbrances on the building or buildings or the personal property used in connection therewith;

(j) The terms and conditions upon which the building or buildings, or any part thereof, may be sold, mortgaged, leased or otherwise disposed of, and the use or other disposition of the proceeds of any such sale, mortgage or lease;

(k) The methods of operation, management and maintenance of the building or buildings;

(l) Accounting and auditing and the keeping of records, reports and audits with respect to the building or buildings;

(m) The amendment or modification of any resolution authorizing the issuance of bonds pursuant to the provisions of RCW 28B.20.395, 28B.20.396, and 28B.20.398, including the terms and conditions upon which such amendment or modification may be effected and the number, amount or percentage of assenting bonds necessary to effectuate the same;

(n) Limitations upon the use of space or facilities in the building or buildings without payment therefor; and

(o) Such other matters as may be necessary or desirable to insure a successful and profitable operation of the building or buildings.

(3) The term "building or buildings" as used in subsection (2) of this section means the building or buildings or improvements upon the university tract with respect to which the revenues are pledged, under the terms of the resolution, to secure the payment of bonds issued under such resolution.

(4) The provisions of RCW 28B.20.395, 28B.20.396, and 28B.20.398 and of any resolution adopted in conformity with the provisions of this section shall constitute a contract with the owners of warrants or bonds issued pursuant thereto, and the provisions thereof shall be enforceable in any court of competent jurisdiction by any owner of such warrants or bonds by mandamus or any other appropriate suit, action or proceeding at law or in equity.

(5) Bonds issued pursuant to the provisions of RCW 28B.20.395, 28B.20.396, and 28B.20.398 may be redeemed, at the option of the board of regents, at such time or times, upon such terms and conditions, and at such premiums as the board of regents specifies in the resolution.

(6) If the board of regents fails to pay the required amounts into the special fund, established in conformity with subsection (2) of this section, the owner of any bond or bonds affected thereby may maintain an action against the board of regents to compel compliance with the terms of the resolution in this respect.

(7) Pending the preparation and execution of any bonds the issuance of which is authorized under the provisions of subsection (2) of this section, temporary bonds may be issued in such form as the board of regents determines. [1999 c 346 s 7; 1983 c 167 s 34; 1969 ex.s. c 223 s 28B.20.398. Prior: 1947 c 284 s 4; Rem. Supp. 1947 s 4566-14. Formerly RCW 28.77.380.]

**Purpose—Construction—Effective date—1999 c 346:** See notes following RCW 28B.20.381.

**Liberal construction—Severability—1983 c 167:** See RCW 39.46.010 and note following.

SCHOLARSHIPS, FELLOWSHIPS, SPECIAL RESEARCH PROJECTS, HOSPITAL, AND STATEWIDE RESOURCE

**RCW 28B.20.410 Center for research and training in intellectual and developmental disabilities—Established.** There is hereby established at the University of Washington a center for research and training in intellectual and developmental disabilities. [2010 c 94 s 8; 1969 ex.s. c 223 s 28B.20.410. Prior: 1963 c 193 s 1. Formerly RCW 28.77.430.]

**Purpose—2010 c 94:** See note following RCW 44.04.280.

**RCW 28B.20.412 Center for research and training in intellectual and developmental disabilities—Administration.** The center shall be administered by the board of regents of the University of Washington. [1982 c 163 s 4; 1973 c 62 s 8; 1969 ex.s. c 223 s 28B.20.412. Prior: 1963 c 193 s 2. Formerly RCW 28.77.432.]

**Severability—Effective date—1982 c 163:** See notes following RCW 2.10.052.

**Savings—Severability—1973 c 62:** See notes following RCW 28B.10.510.

**RCW 28B.20.414 Center for research and training in intellectual and developmental disabilities—Purpose.** The general purposes of the center shall be:

(1) To provide clinical and laboratory facilities for research on the causes, diagnosis, prevention, and treatment of intellectual and developmental disabilities;

(2) To develop improved professional and in-service training programs in the various disciplines concerned with persons with disabilities;

(3) To provide diagnostic and consultative services to various state programs and to regional and local centers, to an extent compatible with the primary research and teaching objectives of the center. [2010 c 94 s 9; 1969 ex.s. c 223 s 28B.20.414. Prior: 1963 c 193 s 3. Formerly RCW 28.77.434.]

**Purpose—2010 c 94:** See note following RCW 44.04.280.

**RCW 28B.20.420 Graduate scholarships for engineering research—Established.** In order to further the development of advance studies in engineering there shall be established in the engineering laboratories of the University of Washington, ten graduate

scholarships and/or fellowships to the amount of one thousand dollars and tuition each, per academic year. These scholarships shall be in the field of engineering which can best be used to aid the industrial development of the state of Washington and its resources. This graduate work shall be done in the laboratories of the university and shall be directed along the lines of professional research and testing. [1969 ex.s. c 223 s 28B.20.420. Prior: 1945 c 241 s 1. Formerly RCW 28.77.220.]

**RCW 28B.20.422 Graduate scholarships for engineering research—Studies published—Direction of program—Qualifications for candidates.** The studies and results of such scholarships shall be published as bulletins or engineering reports of the college of engineering of the university and a reasonable number of copies thereof shall be available to the public without cost. The provisions of RCW 28B.20.420 and this section shall include the cost of individual scholarships, the cost of necessary supplies and materials to be utilized, and the cost of printing and distribution of the bulletins or engineering reports. The direction of this research program shall rest in the proper department or departments and schools of the engineering college of the university and the candidates must meet the qualifications of the graduate school of the university for graduate students. [1969 ex.s. c 223 s 28B.20.422. Prior: 1945 c 241 s 2. Formerly RCW 28.77.225; 28.77.220, part.]

**RCW 28B.20.440 University hospital.** The board of regents of the University of Washington is hereby authorized to operate a hospital upon university grounds to be used in conjunction with the university's medical and dental schools, including equipping and additional construction to the same. [1969 ex.s. c 223 s 28B.20.440. Cf. (i) 1947 c 286 s 2. No RRS. (ii) 1945 c 15 s 4. No RRS.]

**RCW 28B.20.445 Child and adolescent psychiatry residency program—Requirement to offer additional residency position.** Subject to the availability of amounts appropriated for this specific purpose, the child and adolescent psychiatry residency program at the University of Washington shall offer two additional twenty-four month residency positions that are approved by the accreditation council for graduate medical education to two residents specializing in child and adolescent psychiatry. The positions must each include a minimum of eighteen months of training in settings where children's mental health services are provided under the supervision of experienced psychiatric consultants and must be located west of the crest of the Cascade mountains. [2019 c 360 s 5; 2018 c 175 s 11.]

**Effective date—2019 c 360 s 5:** "Section 5 of this act takes effect July 1, 2022." [2019 c 360 s 10.]

**Findings—Intent—2019 c 360:** See note following RCW 74.09.4951.

**Effective date—2018 c 175 s 11:** "Section 11 of this act takes effect July 1, 2020." [2018 c 175 s 12.]

**RCW 28B.20.450 Occupational and environmental research facility ——Construction and maintenance authorized——Purpose.** There shall be constructed and maintained at the University of Washington an occupational and environmental research facility in the school of medicine having as its objects and purposes testing, research, training, teaching, consulting and service in the fields of industrial and occupational medicine and health, the prevention of industrial and occupational disease among workers, the promotion and protection of safer working environments and dissemination of the knowledge and information acquired from such objects and purposes. [1989 c 12 s 4; 1969 ex.s. c 223 s 28B.20.450. Prior: 1963 c 151 s 1. Formerly RCW 28.77.410.]

**RCW 28B.20.452 Occupational and environmental research facility ——Industry to share costs.** See RCW 51.16.042.

**RCW 28B.20.454 Occupational and environmental research facility ——Submission of industrial and occupational health problems to facility——Availability of information.** Any matter or problem relating to the industrial and occupational health of workers may be submitted to the environmental research facility by any public agency or interested party. All research data and pertinent information available or compiled at such facility related to the industrial and occupational health of workers shall be made available and supplied without cost to any public agency or interested party. [1989 c 12 s 5; 1969 ex.s. c 223 s 28B.20.454. Prior: 1963 c 151 s 3. Formerly RCW 28.77.414.]

**RCW 28B.20.456 Occupational and environmental research facility ——Advisory committee.** There is hereby created an advisory committee to the environmental research facility consisting of eight members. Membership on the committee shall consist of the director of the department of labor and industries, the assistant secretary for the division of health services of the department of social and health services, the president of the Washington state labor council, the president of the association of Washington business, the dean of the school of public health and community medicine of the University of Washington, the dean of the school of engineering of the University of Washington, the president of the Washington state medical association, or their representatives, and the chair of the department of environmental health of the University of Washington, who shall be ex officio chair of the committee without vote. Such committee shall meet at least semiannually at the call of the chair. Members shall serve without compensation. It shall consult, review and evaluate policies, budgets, activities, and programs of the facility relating to industrial and occupational health to the end that the facility will serve in the broadest sense the health of the worker as it may be related to his or her employment. [2011 c 336 s 720; 1973 c 62 s 9; 1969 ex.s. c 223 s 28B.20.456. Prior: 1963 c 151 s 4. Formerly RCW 28.77.416.]

**Savings——Severability——1973 c 62:** See notes following RCW 28B.10.510.

**RCW 28B.20.458 Occupational and environmental research facility—Acceptance of loans, gifts, etc.—Presentment of vouchers for payments from accident and medical aid funds.** The University of Washington may accept and administer loans, grants, funds, or gifts, conditional or otherwise, in furtherance of the objects and purposes of RCW 28B.20.450 through 28B.20.458, from the federal government and from other sources public or private. For the purpose of securing payment from the accident fund and medical aid fund as funds are required, vouchers shall be presented to the department of labor and industries. [1969 ex.s. c 223 s 28B.20.458. Prior: 1963 c 151 s 5. Formerly RCW 28.77.418.]

**RCW 28B.20.462 Warren G. Magnuson institute for biomedical research and health professions training—Established.** The Warren G. Magnuson institute for biomedical research and health professions training is established within the Warren G. Magnuson health sciences center at the University of Washington. The institute shall be administered by the university. The institute may be funded through a combination of federal, state, and private funds, including earnings on the endowment fund in RCW 28B.20.472. [1990 c 282 s 1.]

**RCW 28B.20.464 Warren G. Magnuson institute—Purposes.** The purposes of the Warren G. Magnuson institute for biomedical research and health professions training are as follows:

(1) Supporting one or more individuals engaged in biomedical research into the causes of, the treatments for, or the management of diabetes is the primary purpose of the institute;

(2) Providing financial assistance to students in graduate or postgraduate training programs in the health professions at the university is the secondary purpose of the institute;

(3) Supporting biomedical research into the causes of, the treatment for, or the management of Parkinson's disease, osteoporosis, or any other disease or medical disorder where the achievement of a significant result in the near term is especially promising; and

(4) Enhancing the training, research, and public service missions of the health sciences schools of the University of Washington. [1990 c 282 s 2.]

**RCW 28B.20.466 Warren G. Magnuson institute—Endowment fund earnings.** Unless designated otherwise by donors, the earnings on the endowment fund in RCW 28B.20.472 shall be distributed as follows:

(1) Earnings on the first seven hundred fifty thousand dollars shall be expended at the direction of the dean of the school of medicine, in support of one or more individuals engaged in biomedical research into the causes of, the treatments for, or the management of diabetes;

(2) Earnings on the next two hundred fifty thousand dollars shall be expended to provide financial assistance to students in graduate or postgraduate training programs in the health professions at the university, including: Medicine, nursing, public health and community medicine, dentistry, pharmacy, and social work. At least one such student at all times shall be in a career pathway preparing for or

engaged in research related to diabetes, its antecedents, or complications; and

(3) Earnings on additional funds within the endowment may be used for any purpose of the institute as outlined in RCW 28B.20.464. [1990 c 282 s 3.]

**RCW 28B.20.472 Warren G. Magnuson institute—Local endowment fund.** The state matching funds and the private donations shall be deposited in the university's local endowment fund. The university is responsible for investing and maintaining all moneys within the fund. The principal of the invested endowment fund shall not be invaded. The university may augment the endowment fund with additional private donations. The earnings of the fund shall be used solely to support the purposes of the Warren G. Magnuson institute for biomedical research and health professions training as set forth in RCW 28B.20.464. [1990 c 282 s 6.]

**RCW 28B.20.475 Sea grant program—Geoduck aquaculture—Scientific research studies—Reports.** (1) The sea grant program at the University of Washington shall, consistent with this section, commission a series of scientific research studies that examines the possible effects, including the cumulative effects, of the current prevalent geoduck aquaculture techniques and practices on the natural environment in and around Puget Sound, including the Strait of Juan de Fuca. The sea grant program shall use funding provided from the geoduck aquaculture research account created in RCW 28B.20.476 to review existing literature, directly perform research identified as needed, or to enter into and manage contracts with scientific organizations or institutions to accomplish these results.

(2) Prior to entering into a contract with a scientific organization or institution, the sea grant program must:

(a) Analyze, through peer review, the credibility of the proposed party to the contract, including whether the party has credible experience and knowledge and has access to the facilities necessary to fully execute the research required by the contract; and

(b) Require that all proposed parties to a contract fully disclose any past, present, or planned future personal or professional connections with the shellfish industry or public interest groups.

(3) All research commissioned under this section must be subjected to a rigorous peer review process prior to being accepted and reported by the sea grant program.

(4) In prioritizing and directing research under this section, the sea grant program shall meet with the department of ecology at least annually and rely on guidance submitted by the department of ecology. The department of ecology shall convene the shellfish aquaculture regulatory committee created in section 4, chapter 216, Laws of 2007 as necessary to serve as an oversight committee to formulate the guidance provided to the sea grant program. The objective of the oversight committee, and the resulting guidance provided to the sea grant program, is to ensure that the research required under this section satisfies the planning, permitting, and data management needs of the state, to assist in the prioritization of research given limited funding, and to help identify any research that

is beneficial to complete other than what is listed in subsection (5) of this section.

(5) To satisfy the minimum requirements of subsection (1) of this section, the sea grant program shall review all scientific research that is existing or in progress that examines the possible effect of currently prevalent geoduck practices, on the natural environment, and prioritize and conduct new studies as needed, to measure and assess the following:

(a) The environmental effects of structures commonly used in the aquaculture industry to protect juvenile geoducks from predation;

(b) The environmental effects of commercial harvesting of geoducks from intertidal geoduck beds, focusing on current prevalent harvesting techniques, including a review of the recovery rates for benthic communities after harvest;

(c) The extent to which geoducks in standard aquaculture tracts alter the ecological characteristics of overlying waters while the tracts are submerged, including impacts on species diversity, and the abundance of other benthic organisms;

(d) Baseline information regarding naturally existing parasites and diseases in wild and cultured geoducks, including whether and to what extent commercial intertidal geoduck aquaculture practices impact the baseline;

(e) Genetic interactions between cultured and wild geoduck, including measurements of differences between cultured geoducks and wild geoducks in terms of genetics and reproductive status; and

(f) The impact of the use of sterile triploid geoducks and whether triploid animals diminish the genetic interactions between wild and cultured geoducks.

(6) If adequate funding is not made available for the completion of all research required under this section, the sea grant program shall consult with the shellfish aquaculture regulatory committee, via the department of ecology, to prioritize which of the enumerated research projects have the greatest cost/benefit ratio in terms of providing information important for regulatory decisions; however, the study identified in subsection (5)(b) of this section shall receive top priority. The prioritization process may include the addition of any new studies that may be appropriate in addition to, or in place of, studies listed in this section.

(7) When appropriate, all research commissioned under this section must address localized and cumulative effects of geoduck aquaculture.

(8) The sea grant program and the University of Washington are prohibited from retaining greater than fifteen percent of any funding provided to implement this section for administrative overhead or other deductions not directly associated with conducting the research required by this section.

(9) Individual commissioned contracts under this section may address single or multiple components listed for study under this section.

(10) All research commissioned under this section must be completed and the results reported to the appropriate committees of the legislature by December 1, 2013. In addition, the sea grant program shall provide the appropriate committees of the legislature with annual reports updating the status and progress of the ongoing studies that are completed in advance of the 2013 deadline. [2007 c 216 s 1.]

**RCW 28B.20.476 Sea grant program—Geoduck aquaculture research account.** The geoduck aquaculture research account is created in the custody of the state treasurer. All receipts from any legislative appropriations, the aquaculture industry, or any other private or public source directed to the account must be deposited in the account. Expenditures from the account may only be used by the sea grant program for the geoduck research projects identified by RCW 28B.20.475. Only the president of the University of Washington or the president's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. During the 2017-2019, 2019-2021, and 2021-2023 fiscal biennia, amounts available in the geoduck aquaculture research account may also be appropriated for the sea grant program at the University of Washington to conduct research examining the possible negative and positive effects of evolving shellfish aquaculture techniques and practices on Washington's economy and marine ecosystems. It is the intent of the legislature that this policy be continued in future biennia. [2021 c 334 s 961; 2019 c 415 s 953; 2018 c 299 s 905; 2013 2nd sp.s. c 4 s 960; 2007 c 216 s 2.]

**Conflict with federal requirements—Effective date—2021 c 334:** See notes following RCW 43.79.555.

**Effective date—2019 c 415:** "Except for section 989 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 21, 2019]." [2019 c 415 s 1803.]

**Effective date—2018 c 299:** See note following RCW 43.41.433.

**Effective dates—2013 2nd sp.s. c 4:** See note following RCW 2.68.020.

**RCW 28B.20.478 Center for human rights.** A University of Washington center for human rights is created. The mission of the center is to expand opportunities for Washington residents to receive a world-class education in human rights, generate research data and expert knowledge to enhance public and private policymaking, and become an academic center for human rights teaching and research in the nation. The center shall align with the founding principles and philosophies of the United States of America and engage faculty, staff, and students in service to enhance the promise of life and liberty as outlined in the Preamble of the United States Constitution. Key substantive issues for the center include: The rights of all persons to security against violence; the rights of immigrants, native Americans, and ethnic or religious minorities; human rights and the environment; health as a human right; human rights and trade; the human rights of working people; and women's rights as human rights. State funds may not be used to support the center for human rights created in this section. [2012 c 229 s 807; 2009 c 465 s 1.]

**Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**RCW 28B.20.4781 Center for human rights—Reports.** The University of Washington center for human rights shall report to the appropriate committees of the legislature by December 1, 2010, and biennially thereafter regarding the center's activities. The report shall include, but not be limited to, descriptions of the center's activities and accomplishments especially as they relate to: International human rights issues and community service; documentation of measurable accomplishments in improving outcomes in the issue areas outlined in RCW 28B.20.478; and documentation of engagement with agencies and nongovernmental organizations outside of the University of Washington. [2009 c 465 s 2.]

**RCW 28B.20.500 Medical students from rural areas—Admission preference.** The school of medicine at the University of Washington shall develop and implement a policy to grant admission preference to prospective medical students from rural areas of the state who agree to serve for at least five years as primary care physicians in rural areas of Washington after completion of their medical education and have applied for and meet the qualifications of the program under chapter 28B.115 RCW. Should the school of medicine be unable to fill any or all of the admission openings due to a lack of applicants from rural areas who meet minimum qualifications for study at the medical school, it may admit students not eligible for preferential admission under this section. [1991 c 332 s 26; 1990 c 271 s 9.]

**Application to scope of practice—Captions not law—1991 c 332:** See notes following RCW 18.130.010.

**RCW 28B.20.502 Medical cannabis research.** (1) The University of Washington and Washington State University may conduct scientific research on the efficacy and safety of administering cannabis as part of medical treatment. As part of this research, the University of Washington and Washington State University may develop and conduct studies to ascertain the general medical safety and efficacy of cannabis, and may develop medical guidelines for the appropriate administration and use of cannabis.

(2) The University of Washington and Washington State University may, in accordance with RCW 69.50.372, contract with cannabis research licensees to conduct research permitted under this section and RCW 69.50.372.

(3) The University of Washington and Washington State University may contract to conduct cannabis research with an entity licensed to conduct such research by a federally recognized Indian tribe located within the geographical boundaries of the state of Washington.

(4) For the purposes of this section, "cannabis" has the meaning provided in RCW 69.50.101. [2022 c 16 s 26; 2015 2nd sp.s. c 4 s 1502; 2015 c 71 s 2; 2011 c 181 s 1002.]

**Intent—Finding—2022 c 16:** See note following RCW 69.50.101.

**Findings—Intent—Effective dates—2015 2nd sp.s. c 4:** See notes following RCW 69.50.334.

**RCW 28B.20.510 Behavioral health and suicide prevention—Statewide resource.** (1) Subject to availability of amounts appropriated for this specific purpose, an entity within the University of Washington school of social work that has expertise in suicide prevention, in collaboration with the student achievement council, shall develop a statewide resource for behavioral health and suicide prevention for the state's postsecondary institutions.

(2) To establish the components of the statewide resource, the entity shall convene and consult with a work group that consists of representatives from stakeholder groups the entity deems appropriate. The entity must consider representatives from those organizations listed in the mental health and suicide prevention in higher education task force, created by chapter 67, Laws of 2015. At a minimum, the stakeholders in the work group must include:

(a) Representation from a tribal college;

(b) Representation from a veterans training support center;

(c) Representation from students and families;

(d) Representatives selected by the educational opportunity gap oversight and accountability committee;

(e) Representation from a community behavioral health provider;

(f) A suicide prevention expert;

(g) Representation from the department of health; and

(h) Three institutional counseling center directors or executive directors to include one from each of the following: A public four-year college or university, a private, nonprofit institution, and a community and technical college.

(3) The entity must be responsible for constructing and hosting the statewide resource and linking the resource to the student achievement council's and the department of health's websites.

(4) At a minimum, the statewide resource must:

(a) Be made publicly available through a web-based portal or a support line;

(b) Provide a free curriculum to train faculty, staff, and students in suicide recognition and referral skills and in the specific needs of student veterans;

(c) Provide a resource to build capacity within the institutions to train individuals to deliver training in person;

(d) Contain model crisis protocols, per sector, that include behavioral health and suicide identification, intervention, reentry, and postvention;

(e) Contain model marketing materials and messages that promote student behavioral health on college campuses;

(f) Develop capacity for an annual conference for postsecondary institutions seeking to address students' behavioral health and suicide prevention needs. The entity must be responsible for hosting the first conference for postsecondary institutions; and

(g) Include resources that will serve diverse communities and underrepresented populations, including resources that are culturally relevant.

(5) The statewide resource must be made available to postsecondary institutions by June 30, 2020. [2018 c 293 s 2.]

**Intent—Findings—2018 c 293:** "(1) Washington has been a leader in addressing suicide as a public health issue. The legislature intends for Washington to continue its leadership by supporting the creation of comprehensive suicide prevention and behavioral health initiatives for postsecondary students. In 2015, the legislature created the mental health and suicide prevention in higher education task force. The task force was charged with determining the policies, resources, and technical assistance needed to support postsecondary institutions in improving access to behavioral health services and improving suicide prevention responses. In November 2016, the task force issued its report on mental health and suicide prevention in higher education.

(2) According to the task force report:

(a) The 2005 American college health assessment survey found that nine and one-half percent of students seriously considered suicide, one and one-half percent of students nationwide have attempted suicide, and less than twenty percent were in treatment. According to the 2015 American college health association national college health assessment, seventy-five percent of postsecondary students reported feeling overwhelmed and thirty percent reported feeling so depressed it was difficult to function. More than one-third of students reported anxiety as negatively impacting academics and almost one-quarter said depression negatively impacted academics;

(b) There is incomplete data on suicide deaths among Washington's postsecondary students and the availability of behavioral health resources on Washington's campuses. There is currently no statewide system in place to track this data;

(c) Lack of funding for behavioral health resources across all sectors is the largest barrier to providing services for postsecondary students statewide;

(d) Due to funding constraints, the level of professional mental and behavioral health counseling is often limited for postsecondary institutions in all sectors. For example, six institutions in the public two-year sector servicing nearly fifty thousand students have either no professional mental health providers to counsel students or have such limited resources that the counselor to student ratio was as low as one to nearly eight thousand five hundred in 2014-2015.

(3) The legislature also recognizes that, as of 2016, there were over sixteen thousand student veterans and dependents enrolled in Washington's community and technical colleges, and approximately four thousand veterans and dependents enrolled in Washington's four-year institutions of higher education. The legislature recognizes that the risk for suicide is significantly higher among veterans when compared to nonveteran adults in the United States and that student veterans face unique challenges and often have vastly different life experiences from traditional students. According to a study presented a few years ago at an annual convention of the American psychological association, almost half of military veterans who are enrolled in college have contemplated suicide at some point and twenty percent have planned to kill themselves.

(4) The legislature intends to implement task force recommendations by:

(a) Creating a publicly available statewide resource for postsecondary institutions;

(b) Developing and centralizing data collection; and

(c) Creating a grant program for resource-challenged institutions to help develop suicide prevention programs in those institutions, which may include for example, enhancing treatment services to student veterans; creating campus-wide crisis services; expanding existing crisis plans to integrate suicide intervention; reentry, including medical leave that supports reentry; postvention; and creating links and referral systems between campus behavioral health resources and community-based mental health resources." [2018 c 293 s 1.]

**RCW 28B.20.520 Behavioral health and suicide prevention—Data.** (1) By December 31, 2018, for the purposes of collecting data on suicide prevention and behavioral health in higher education, the entity within the University of Washington school of social work specified under RCW 28B.20.510 shall identify data, methods for data collection, and data definitions to be used by postsecondary institutions required to submit annual reports under *RCW 28B.20.515. The entity shall collaborate with the postsecondary institutions, as defined in RCW 28B.77.120, in establishing data collection requirements and criteria.

(2) The entity shall aggregate the information it receives by sector and, by December 1st of each year, the entity must submit an aggregated summary report to the relevant committees of the legislature. The entity shall serve as the depository for annual reports submitted by institutions of higher education under *RCW 28B.20.515. [2018 c 293 s 5.]

***Reviser's note:** RCW 28B.20.515 expired December 31, 2022.

**Intent—Findings—2018 c 293:** See note following RCW 28B.20.510.

**RCW 28B.20.522 Suicide prevention training modules—Construction industry.** (1) Subject to funds appropriated for this specific purpose, the University of Washington's forefront suicide prevention center of excellence, in coordination with associations representing the construction industry, shall develop:

(a) An online, interactive training module in suicide prevention; and

(b) A series of modules intended to be delivered by the construction industry that complement the online training module, which must include training on available resources, lethal means safety, screening tools, men's mental health, and a refresher on the online training.

(2) The University of Washington's forefront suicide prevention center of excellence shall complete the modules developed under subsection (1) of this section by July 1, 2021. [2020 c 229 s 3.]

**RCW 28B.20.530 Behavioral health innovation and integration campus.** (1) A behavioral health innovation and integration campus is created within the University of Washington school of medicine. The campus must include inpatient treatment capacity and focus on inpatient and outpatient care for individuals with behavioral health needs while training a behavioral health provider workforce. The training must include an interdisciplinary curriculum and programs that support and encourage professionals to work in teams. The

training must use current best practices, including best practices in suicide prevention, must encourage innovation of future best practices in order to provide behavioral health care across the entire spectrum of health care providers, and must be culturally appropriate, including training specifically appropriate for providing care to federally recognized tribes and tribal members.

(2) The siting and design for the new campus should take into account local community needs and resources, with attention to diversity and cultural competence, a focus on training and supporting the next generation of health care providers, and close coordination with existing local and regional programs, clinics, and resources. [2019 c 323 s 2.]

**Findings—Intent—2019 c 323:** "The legislature finds that there is a need for services for individuals with behavioral health needs, and there is a shortage of behavioral health workers in Washington state. The legislature further finds that there is a need for a trained workforce that is experienced in fully integrated care and able to address a full range of needs, including primary care, mental health, substance use disorder, and suicide prevention, in all health care specialties. The legislature further finds that there is a need to support rural and otherwise underserved communities around the state with timely telepsychiatry specialty consultation.

The legislature further finds that the University of Washington school of medicine department of psychiatry and behavioral sciences is a nationally competitive program and has the expertise to establish innovative clinical inpatient and outpatient care for individuals with behavioral health needs while at the same time training the next generation of behavioral health providers, including primary care professionals, in inpatient and outpatient settings. The legislature further finds that the University of Washington school of medicine department of psychiatry and behavioral sciences, along with the University of Washington schools of nursing, social work, pharmacy, public health, the department of psychology, and other relevant disciplines, are especially well-situated to take on the task of developing this transformational service-oriented programming.

Therefore, the legislature intends to partner with the University of Washington to develop plans for the creation of the University of Washington behavioral health innovation and integration campus to increase access to behavioral health services in the state. Planning for the campus should also include capacity to provide inpatient care for up to one hundred fifty individuals who receive extended inpatient psychiatric care at western state hospital under the state's involuntary treatment act, chapter 71.05 RCW." [2019 c 323 s 1.]

**RCW 28B.20.535 Behavioral health innovation and integration campus—Teaching facility.** For purposes of siting and other land use planning and approval process, work should be done within the existing major institution master plan including the existing community advisory committee addressing land use and building permit approval for the behavioral health teaching facility under RCW 28B.20.530 and section 3, chapter 323, Laws of 2019. [2019 c 323 s 4.]

**Findings—Intent—2019 c 323:** See note following RCW 28B.20.530.

**RCW 28B.20.540 Diversity in clinical trials.** If at any time the University of Washington receives funding from the national institutes of health to conduct clinical trials of drugs or medical devices, the University of Washington shall adopt a policy concerning the identification and recruitment of persons who are members of underrepresented demographic groups to participate in clinical trials of drugs and medical devices. This policy must include requirements to:

(1) Adopt a policy concerning the identification and recruitment of persons who are members of underrepresented demographic groups to participate in clinical trials. This policy must include requirements that investigators who are conducting clinical trials collaborate with community-based organizations and use methods recognized by the United States food and drug administration to identify and recruit such persons to participate in those clinical trials;

(2) Provide information to trial participants in languages other than English;

(3) Provide translation services or bilingual staff for trial screening;

(4) Provide culturally specific recruitment materials alongside general enrollment materials; and

(5) Provide electronic consent when not prohibited by the granting entity or federal regulations. [2023 c 426 s 8.]

**RCW 28B.20.545 Alternative jet fuels—Emissions of ultrafine and fine particulate matter.** (1) To assess the potential cobenefits of alternative jet fuel for Washington's communities, by December 1, 2024, and December 1st of each year until such time as the joint legislative audit and review committee has completed its final report on the tax preferences contained in RCW 82.04.287, 82.04.436, 82.04.4361, and 82.16.187, the University of Washington's department of environmental and occupational health sciences, in collaboration with Washington State University, shall calculate emissions of ultrafine and fine particulate matter and sulfur oxides from the use of alternative jet fuel as compared to conventional fossil jet fuel, including the potential regional air quality benefits of any reductions. This emissions calculation shall be conducted for alternative jet fuel used from an international airport owned by a port district in a county with a population greater than 1,500,000. The University of Washington may access and use any data necessary to complete the reporting requirements of this section.

(2) To facilitate the calculation required in subsection (1) of this section, an international airport owned by a port district in a county with a population greater than 1,500,000 must report to the University of Washington the total annual volume of conventional and alternative jet fuel used for flights departing the airport by July 1, 2024, and July 1st of each year until such time as the joint legislative audit and review committee has completed its final report on the tax preferences contained in RCW 82.04.287, 82.04.436, 82.04.4361, and 82.16.187. [2023 c 232 s 7.]

**Reviser's note:** 2023 c 232 s 7 directed that this section be added to chapter 28B.30 RCW, but codification in chapter 28B.20 RCW appears to be more appropriate.

**Effective date——2023 c 232 ss 1-7:** See note following RCW 70A.535.010.

**Automatic expiration date exemption——2023 c 232:** See note following RCW 82.04.287.

**Intent——2023 c 232:** See note following RCW 70A.535.010.

**RCW 28B.20.550 Alcohol use disorder decision-making tool.** The addictions, drug, and alcohol institute at the University of Washington shall create a patient shared decision-making tool to assist behavioral health and medical providers when discussing medication treatment options for patients with alcohol use disorder. The institute shall distribute the tool to behavioral health and medical providers and instruct them on ways to incorporate the use of the tool into their practices. The institute shall conduct regular evaluations of the tool and update the tool as necessary. [2024 c 366 s 3.]

**Findings——Intent——2024 c 366:** See note following RCW 71.24.847.

FINANCING BUILDINGS AND FACILITIES——1957 ACT

**RCW 28B.20.700 Construction, remodeling, improvement, financing, etc., authorized.** The board of regents of the University of Washington is empowered, in accordance with the provisions of this chapter, to provide for the construction, completion, reconstruction, remodeling, rehabilitation and improvement of buildings and facilities authorized by the legislature for the use of the university and to finance the payment thereof by bonds payable out of a special fund from revenues hereafter derived from the payment of building fees, gifts, bequests or grants, and such additional funds as the legislature may provide. [1985 c 390 s 36; 1969 ex.s. c 223 s 28B.20.700. Prior: 1959 c 193 s 1; 1957 c 254 s 1. Formerly RCW 28.77.500.]

**RCW 28B.20.705 Definitions.** The following terms, whenever used or referred to in this chapter, shall have the following meaning, excepting in those instances where the context clearly indicates otherwise:

(1) The word "board" means the board of regents of the University of Washington.

(2) The words "building fees" mean the building fees charged students registering at the university.

(3) The words "bond retirement fund" mean the special fund created by chapter 254, Laws of 1957, to be known as the University of Washington bond retirement fund.

(4) The word "bonds" means the bonds payable out of the bond retirement fund.

(5) The word "projects" means the construction, completion, reconstruction, remodeling, rehabilitation, or improvement of any building or other facility of the university authorized by the

legislature at any time and to be financed by the issuance and sale of bonds. [1985 c 390 s 37; 1969 ex.s. c 223 s 28B.20.705. Prior: 1963 c 224 s 2; 1963 c 182 s 1; 1959 c 193 s 2; 1957 c 254 s 2. Formerly RCW 28.77.510.]

**RCW 28B.20.710 Contracts, issuance of evidences of indebtedness, acceptance of grants.** In addition to the powers conferred under existing law, the board is authorized and shall have the power:

(1) To contract for the construction, completion, reconstruction, remodeling, rehabilitation and improvement of such buildings or other facilities of the university as are and which may hereafter be authorized by the legislature.

(2) To finance the same by the issuance of bonds secured by the pledge of any or all of the revenues and receipts of the bond retirement fund.

(3) Without limitation of the foregoing, to accept grants from the United States government, or any federal or state agency or instrumentality, or any public or private corporation, association, or person to aid in defraying the costs of any such projects. [1969 ex.s. c 223 s 28B.20.710. Prior: 1963 c 182 s 2; 1959 c 193 s 3; 1957 c 254 s 3. Formerly RCW 28.77.520.]

**RCW 28B.20.715 Bonds——Issuance, sale, form, term, interest, etc.——Covenants——Use of proceeds.** For the purpose of financing the cost of any projects, the board is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable. Said bonds:

(1) Shall not constitute

(a) An obligation, either general or special, of the state; or

(b) A general obligation of the University of Washington or of the board;

(2) Shall be

(a) Either registered or in coupon form; and

(b) Issued in denominations of not less than one hundred dollars; and

(c) Fully negotiable instruments under the laws of this state; and

(d) Signed on behalf of the university by the president of the board, attested by the secretary of the board, have the seal of the university impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such president and secretary;

(3) Shall state

(a) The date of issue; and

(b) The series of the issue and be consecutively numbered within the series; and

(c) That, except as otherwise provided in subsection (8)(e) of this section, the bond is payable both principal and interest solely out of the bond retirement fund;

(4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine;

(5) Shall be payable both principal and interest out of the bond retirement fund;

(6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;

(7) Shall be sold in such manner and at such price as the board may prescribe;

(8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with this chapter, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

(a) A covenant that the building fees shall be established, maintained and collected in such amounts that will provide money sufficient to pay the principal of and interest on all bonds payable out of the bond retirement fund, to set aside and maintain the reserves required to secure the payment of such principal and interest, and to maintain any coverage which may be required over such principal and interest;

(b) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

(c) A covenant that sufficient moneys may be transferred from the University of Washington building account to the bond retirement fund when ordered by the board of regents in the event there is ever an insufficient amount of money in the bond retirement fund to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(d) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued;

(e) A covenant to obligate, to pay the principal of or interest on the bonds, all or a component of the fees and revenues of the University of Washington that are not subject to appropriation by the legislature and that do not constitute general state revenues as defined in Article VIII, section 1 of the state Constitution or general state revenues for the purpose of calculating statutory limits on state indebtedness pursuant to *RCW 39.42.060.

The proceeds of the sale of all bonds issued in accordance with this chapter shall be used solely for paying the costs of the projects, including costs of issuance and other financing costs. [2009 c 499 s 7; 1985 c 390 s 38; 1970 ex.s. c 56 s 26; 1969 ex.s. c 232 s 100; 1969 ex.s. c 223 s 28B.20.715. Prior: 1959 c 193 s 4; 1957 c 254 s 4. Formerly RCW 28.77.530.]

***Reviser's note:** RCW 39.42.060 was repealed by 2009 c 500 s 13.

**Purpose—1970 ex.s. c 56:** See note following RCW 39.52.020.

**Validation—Saving—Severability—1969 ex.s. c 232:** See notes following RCW 39.52.020.

**RCW 28B.20.720 University of Washington bond retirement fund—Composition—Pledge of building fees.** For the purpose of paying and securing the payment of the principal of and interest on the bonds as

the same shall become due, there is created in the custody of the state treasurer a special trust fund to be known as the University of Washington bond retirement fund. An appropriation is not required for expenditures from the fund. There shall be paid into the fund, the following:

(1) One-half of such building fees as the board may from time to time determine, or such larger portion as may be necessary to prevent default in the payments required to be made out of the bond retirement fund;

(2) Any gifts, bequests, or grants which may be made, or may become available, for the purpose of furthering the construction of any authorized projects, or for the repayment of the costs thereof;

(3) Such additional funds as the legislature may provide.

While any bonds issued in accordance with the provisions of this chapter or any interest thereon remain unpaid, the bond retirement fund shall be available solely for the payment thereof except as provided in RCW 28B.20.725(5). As a part of the contract of sale of such bonds, the board undertakes to charge and collect building fees and to deposit the portion of such fees in the bond retirement fund in amounts which will be sufficient to pay the principal of, and interest on all such bonds outstanding. [2009 c 499 s 3; 1985 c 390 s 39; 1969 ex.s. c 223 s 28B.20.720. Prior: 1959 c 193 s 5; 1957 c 254 s 5. Formerly RCW 28.77.540.]

**RCW 28B.20.721 Revenues derived from certain university lands deposited in University of Washington bond retirement fund.** All moneys received from the lease or rental of lands set apart by the enabling act for university purposes; all interest or income arising from the proceeds of the sale of such lands or of the timber, fallen timber, stone, gravel, or other valuable material thereon; and all moneys received as interest on deferred payments on contracts for the sale of such lands shall be deposited in the "University of Washington bond retirement fund" to be expended for the purposes set forth in RCW 28B.20.720. [1969 ex.s. c 223 s 28B.20.721. Prior: 1963 c 216 s 1. Formerly RCW 28.77.541.]

**RCW 28B.20.725 Additional powers of board—Issuance of bonds, investments, transfer of funds, etc.** The board is hereby empowered:

(1) To reserve the right to issue bonds later on a parity with any bonds being issued;

(2) To authorize the investing of moneys in the bond retirement fund and any reserve account therein;

(3) To authorize the transfer of money from the University of Washington building account to the bond retirement fund when necessary to prevent a default in the payments required to be made out of such fund;

(4) To create a reserve account or accounts in the bond retirement fund to secure the payment of the principal of and interest on any bonds;

(5) To authorize the transfer to the University of Washington building account of any money on deposit in the bond retirement fund in excess of debt service for a period of three years from the date of such transfer on all outstanding bonds payable out of such fund. However, during the 2023-2025 and 2025-2027 fiscal biennia, the

legislature may transfer to the University of Washington building account moneys that are in excess of the debt service due within the respective fiscal biennium from the date of such transfer on all outstanding bonds payable out of the bond retirement fund. [2025 c 414 s 8025; 2023 c 474 s 8023; 2021 c 332 s 7027; 2019 c 413 s 7025; 2018 c 2 s 7019; 2015 3rd sp.s. c 3 s 7025; 2013 2nd sp.s. c 19 s 7027; 2011 1st sp.s. c 48 s 7020; 2010 1st sp.s. c 36 s 6008; 1969 ex.s. c 223 s 28B.20.725. Prior: 1959 c 193 s 6. Formerly RCW 28.77.545.]

**Effective date—2025 c 414:** See note following RCW 79A.25.210.

**Conflict with federal requirements—Effective date—2023 c 474:** See notes following RCW 28A.320.330.

**Effective date—2021 c 332:** See note following RCW 43.19.501.

**Effective date—2019 c 413:** See note following RCW 28B.15.210.

**Effective date—2018 c 2:** See note following RCW 28B.10.027.

**Effective date—2015 3rd sp.s. c 3:** See note following RCW 43.160.080.

**Effective date—2013 2nd sp.s. c 19:** See note following RCW 43.34.080.

**Effective date—2011 1st sp.s. c 48:** See note following RCW 39.35B.050.

**Effective date—2010 1st sp.s. c 36:** See note following RCW 43.155.050.

**RCW 28B.20.730 Refunding bonds.** The board is hereby empowered to issue refunding bonds to provide funds to refund any or all outstanding bonds payable from the bond retirement fund and to pay any redemption premium payable on such outstanding bonds being refunded. Such refunding bonds may be issued in the manner and on terms and conditions and with the covenants permitted by this chapter for the issuance of bonds. The refunding bonds shall be payable out of the bond retirement fund and shall not constitute an obligation either general or special, of the state or a general obligation of the University of Washington or the board. The board may exchange the refunding bonds at par for the bonds which are being refunded or may sell them in such manner, at such price and at such rate or rates of interest as it deems for the best interest of the university. [1970 ex.s. c 56 s 27; 1969 ex.s. c 232 s 101; 1969 ex.s. c 223 s 28B.20.730. Prior: 1959 c 193 s 8. Formerly RCW 28.77.547.]

**Purpose—1970 ex.s. c 56:** See note following RCW 39.52.020.

**Validation—Saving—Severability—1969 ex.s. c 232:** See notes following RCW 39.52.020.

**RCW 28B.20.735 Bonds not general obligations—Legislature may provide additional means of payment.** The bonds authorized to be issued pursuant to the provisions of RCW 28B.20.700 through 28B.20.740 shall not be general obligations of the state of Washington, but shall be limited obligation bonds payable only from the special fund created for their payment as herein provided. The legislature may provide additional means for raising money for the payment of interest and principal of said bonds. RCW 28B.20.700 through 28B.20.740 shall not be deemed to provide an exclusive method for such payment. The power given to the legislature by this section to provide additional means for raising money is permissive, and shall not in any way be construed as a pledge of the general credit of the state of Washington. [2009 c 499 s 8; 1985 c 390 s 40; 1969 ex.s. c 223 s 28B.20.735. Prior: 1957 c 254 s 7. Formerly RCW 28.77.550.]

**RCW 28B.20.740 RCW 28B.20.700 through 28B.20.740 as concurrent with other laws.** RCW 28B.20.700 through 28B.20.740 is to be construed as concurrent with other legislation with reference to providing funds for the construction of buildings at the University of Washington, and is not to be construed as limiting any other provision of law with reference thereto. [1969 ex.s. c 223 s 28B.20.740. Prior: 1957 c 254 s 10. Formerly RCW 28.77.580.]

MISCELLANEOUS

**RCW 28B.20.744 University buildings and facilities for critical patient care or specialized medical research—Alternative process for awarding contracts—Reports.** (1) This section provides an alternative process for awarding contracts for construction, building, renovation, remodeling, alteration, repair, or improvement of university buildings and facilities in which critical patient care or highly specialized medical research is located. These provisions may be used, in lieu of other procedures to award contracts for such work, when the estimated cost of the work is equal to or less than five million dollars and the project involves construction, renovation, remodeling, or alteration of improvements within a building that is used directly for critical patient care or highly specialized medical research.

(2) The university may create a single critical patient care or specialized medical research facilities roster or may create multiple critical patient care or specialized medical research facilities rosters for different trade specialties or categories of anticipated work. At least once a year, the university shall publish in a newspaper of general circulation and with the office of minority and women's business enterprises, a notice of the existence of the roster or rosters and solicit a statement of qualifications from contractors who wish to be on the roster or rosters of prime contractors. In addition, qualified contractors shall be added to the roster or rosters at any time they submit a written request, necessary records, and meet the qualifications established by the university. The university may require eligible contractors desiring to be placed on a roster to keep current records of any applicable licenses, certifications, registrations, bonding, insurance, or other appropriate matters on file with the university with input from the

women-owned and minority-owned business community as a condition of being placed on a roster or rosters. Placement on a roster shall be on the basis of qualifications.

(3) The public solicitation of qualifications shall include but not be limited to:

(a) A description of the types of projects to be completed and where possible may include programmatic, performance, and technical requirements and specifications;

(b) The reasons for using the critical patient care and specialized medical research roster process;

(c) A description of the qualifications to be required of a contractor, including submission of an accident prevention program;

(d) A description of the process the university will use to evaluate qualifications, including evaluation factors and the relative weight of factors;

(e) The form of the contract to be awarded;

(f) A description of the administrative process by which the required qualifications, evaluation process, and project types may be appealed; and

(g) A description of the administrative process by which decisions of the university may be appealed.

(4) The university shall establish a committee that includes one representative from the minority-owned business community and one representative from the women-owned business community to evaluate the contractors submitting qualifications. Evaluation criteria for selection of the contractor or contractors to be included on a roster shall include, but not be limited to:

(a) Ability of a contractor's professional personnel;

(b) A contractor's past performance on similar projects, including but not limited to medical facilities, and involving either negotiated work or other public works contracts;

(c) The contractor's ability to meet time and budget requirements;

(d) The contractor's ability to provide preconstruction services, as appropriate;

(e) The contractor's capacity to successfully complete the project;

(f) The contractor's approach to executing projects;

(g) The contractor's approach to safety and the contractor's safety history;

(h) The contractor's record of performance, integrity, judgment, and skills;

(i) The contractor's record of including office of minority and women's business enterprises-certified, minority, women, veteran, and small businesses; and

(j) The contractor's past history of use of small business entities, disadvantaged business enterprises, minority business enterprises, women business enterprises, and minority women business enterprises over the last five years on projects of five million dollars or less and the contractor's proposed outreach plan and commitment to include such firms.

(5) Contractors meeting the evaluation committee's criteria for selection must be placed on the applicable roster or rosters.

(6) When a project is selected for delivery through this roster process, the university must establish a procedure for securing written quotations from all contractors on a roster to assure that a competitive price is established. Invitations for quotations shall

include an estimate of the scope and nature of the work to be performed as well as materials and equipment to be furnished. Plans and specifications must be included in the invitation but may not be detailed. Award of a project must be made to the responsible bidder submitting the lowest responsive bid.

(7) The university shall make an effort to solicit proposals from certified minority or certified woman-owned contractors. The university business diversity program shall establish aspirational goals for small business entities, disadvantaged business enterprises, minority business enterprises, women business enterprises, and minority women business enterprises for each roster based on the projected subcontracting opportunities and to the extent permitted by the Washington state civil rights act, RCW 49.60.400.

(8) Beginning in September 2010 and every other September thereafter, the university shall provide a report to the capital projects advisory review board which must, at a minimum, include a list of rosters used, contracts awarded, office of minority and women's business enterprises-certified small business entities, disadvantaged business enterprises, veterans, and women and minority-owned business use rates on the projects.

(9) Beginning in September 2015 and every September thereafter, the university shall report to the office of minority and women's business enterprises and to the appropriate legislative fiscal committees the number of qualified women and minority-owned business contractors on the roster or rosters and the number of contracts awarded to women and minority-owned businesses.

(10) The university shall require contractors to solicit proposals from office of minority and women's business enterprises-certified firms. [2017 c 124 s 1; 2015 3rd sp.s. c 3 s 7043; 2010 c 245 s 11.]

**Effective date——2017 c 124:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 30, 2017." [2017 c 124 s 3.]

**Effective date——2015 3rd sp.s. c 3:** See note following RCW 43.160.080.

**Findings——Expand on demand——System design plan endorsed——2010 c 245:** See note following RCW 28B.50.020.

**RCW 28B.20.745 Validation——1959 c 193.** Any covenants of the bonds issued by the University of Washington under the authority of chapter 254, Laws of 1957 not expressly authorized by said chapter but authorized in chapter 193, Laws of 1959 are hereby declared to be legal and binding in all respects. [1969 ex.s. c 223 s 28B.20.745. Prior: 1959 c 193 s 11. Formerly RCW 28.77.590.]

**RCW 28B.20.746 Development of curriculum for pharmacy students on suicide assessment, treatment, and management——Work group.** The schools of pharmacy at the University of Washington and Washington State University shall convene a work group to jointly develop a curriculum on suicide assessment, treatment, and management for

pharmacy students. The curriculum must include material on identifying at-risk patients and limiting access to lethal means. When developing the curriculum, the schools shall consult with experts on suicide assessment, treatment, and management, and with the safe homes task force created in *RCW 43.70.445 on appropriate suicide awareness and prevention messaging. The schools of pharmacy shall submit a progress report to the governor and the relevant committees of the legislature by December 1, 2016. [2016 c 90 s 6.]

***Reviser's note:** RCW 43.70.445 expired July 1, 2021.

**Findings——2016 c 90:** See note following RCW 43.70.442.

**RCW 28B.20.770 Acquisition, construction, equipping and betterment of lands, buildings and facilities at universities and The Evergreen State College.** See RCW 28B.10.300 through 28B.10.330.

**RCW 28B.20.800 Revenues derived from certain university lands and income from university permanent fund deposited in University of Washington bond retirement fund——Covenant.** All moneys hereafter received from the lease or rental of lands set apart for the University of Washington by chapter 91, Laws of 1903 and section 9, chapter 122, Laws of 1893, and all interest or income arising from the proceeds of the sale of such land, less the allocation to the state treasurer's service account [fund] pursuant to RCW 43.08.190 and the state investment board expense account pursuant to RCW 43.33A.160, and all proceeds from the sale of timber, fallen timber, stone, gravel, or other valuable material and all other receipts therefrom shall be deposited to the credit of the "University of Washington bond retirement fund" to be expended for the purposes set forth in RCW 28B.20.720. All proceeds of sale of such lands, exclusive of investment income, shall be deposited to the credit of the state university permanent fund, shall be retained therein and shall not be transferred to any other fund or account. All interest earned or income received from the investment of the money in the state university permanent fund shall be deposited to the credit of the University of Washington bond retirement fund less the allocations to the state treasurer's service fund pursuant to RCW 43.08.190 and the state investment board expense account pursuant to RCW 43.33A.160.

As a part of the contract of sale of bonds payable out of the University of Washington bond retirement fund, the board of regents of the University of Washington may covenant that all moneys derived from the above provided sources, which are required to be paid into the bond retirement fund, shall continue to be paid into such bond retirement fund for as long as any of such bonds are outstanding. [1991 sp.s. c 13 s 97; 1969 ex.s. c 223 s 28B.20.800. Prior: 1965 ex.s. c 135 s 1. Formerly RCW 28.77.620.]

**Effective dates——Severability——1991 sp.s. c 13:** See notes following RCW 18.08.240.

**RCW 28B.20.805 Revenues derived from certain university lands and income from university permanent fund deposited in University of Washington bond retirement fund——Ratification of previous transfers.**

The transfers heretofore made of all moneys from the sources described in RCW 28B.20.800 and 43.79.201 into the University of Washington bond retirement fund and permanent fund are in all respects ratified and confirmed. [1969 ex.s. c 223 s 28B.20.805. Prior: 1965 ex.s. c 135 s 3. Formerly RCW 28.77.630.]

**RCW 28B.20.810 Revenues derived from certain university lands and income from university permanent fund deposited in University of Washington bond retirement fund—Transfers of certain funds and investments from university permanent fund to University of Washington bond retirement fund and University of Washington building account.** The board of regents of the University of Washington is empowered to authorize from time to time the transfer from the state university permanent fund to be held in reserve in the bond retirement fund created by RCW 28B.20.720 any unobligated funds and investments derived from lands set apart for the support of the university by chapter 91, Laws of 1903 and section 9, chapter 122, Laws of 1893, to the extent required to comply with bond covenants regarding principal and interest payments and reserve requirements for bonds payable out of the bond retirement fund up to a total amount of five million dollars, and to transfer any or all of said unobligated funds and investments in excess of five million dollars to the university building account created by RCW 43.79.330(9). Any funds transferred to the bond retirement fund pursuant to this section shall be replaced by moneys first available out of the moneys required to be deposited in such fund pursuant to RCW 28B.20.800. The board is further empowered to direct the state finance committee to convert any investments in such permanent fund acquired with funds derived from such lands into cash or obligations of or guaranteed by the United States of America prior to the transfer of such funds and investments to such reserve account or building account. [2025 c 58 s 2012; 1991 sp.s. c 13 s 78; 1969 ex.s. c 223 s 28B.20.810. Prior: 1965 ex.s. c 135 s 4. Formerly RCW 28.77.640.]

**Explanatory note—2025 c 58:** See note following RCW 1.16.050.

**Effective dates—Severability—1991 sp.s. c 13:** See notes following RCW 18.08.240.

**RCW 28B.20.820 Revenues derived from certain university lands and income from university permanent fund deposited in University of Washington bond retirement fund—RCW 79.64.040 not affected.** Nothing contained in RCW 28B.20.800 through 28B.20.820 and RCW 43.79.201 is intended to amend or modify RCW 79.64.040 (section 4, chapter 178, Laws of 1961). [1969 ex.s. c 223 s 28B.20.820. Prior: 1965 ex.s. c 135 s 5. Formerly RCW 28.77.650.]

**RCW 28B.20.835 Domestic violence center of excellence—Plan.** (1) Subject to funds appropriated for this specific purpose, the University of Washington shall develop a plan to establish a center of excellence in research, policy, and practice to reduce domestic violence.

(2) The plan must be developed with relevant disciplines across the schools of the University of Washington. The school of public health shall lead the development of the plan. The development of the plan must include, but not be limited to, the schools of social work, law, medicine, and nursing, and the Alene Moris women's center.

(3) The University of Washington must develop a report summarizing the plan, which must evaluate, but not be limited to, the following topics:

(a) Conducting scientifically rigorous intimate partner violence research that informs policy and practice in Washington;

(b) Disseminating existing research findings and best practices in order to proliferate evidence-based intimate partner violence policy and practice;

(c) Promoting effective strategies to reduce the incidence of domestic violence and domestic violence homicide; and

(d) Engaging in strategic planning efforts with relevant stakeholders to develop policy recommendations to improve the state's response to domestic violence.

(4) In developing the plan, the University of Washington shall establish an external stakeholder group that shall ensure that all work conducted by the center is informed by survivors of domestic violence, including Black, indigenous, and survivors of color, and LGBTQ survivors, to ensure that research interventions are holistic, trauma-informed, and antiracist and policy recommendations are appropriate and effective for Washington's diverse communities. The University of Washington shall include, but not be limited to, survivors of intimate partner violence, including low-income communities, immigrants, refugee communities, people with religious diversity, people with physical disabilities, children and other family members of survivors, representatives from systems that interact with survivors and perpetrators, and representatives from communities disproportionately impacted by intimate partner violence in order to guide development of the plan's overarching goals and strategic vision. The University of Washington shall provide stipends to stakeholder participants to the extent necessary to maximize participation.

(5) The University of Washington shall provide a report to the relevant committees of the legislature with its findings and recommendations as soon as practicable, but no later than January 15, 2024.

(6) Subject to funds appropriated for this specific purpose, the University of Washington shall begin implementation of the plan by July 1, 2024. [2023 c 462 s 602.]

# Chapter 28B.30 RCW
# WASHINGTON STATE UNIVERSITY

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**RCW 28B.30.010 Designation.** The state university located and established in Pullman, Whitman county, shall be designated Washington State University. [1969 ex.s. c 223 s 28B.30.010. Prior: 1959 c 77 s 1; 1905 c 53 s 1; 1891 c 145 s 1; RRS s 4567. Formerly RCW 28.80.010.]

**RCW 28B.30.015 Purpose.** The aim and the purpose of Washington State University shall be to provide a higher education in such fields as may be established therein from time to time by the board of regents or by law, including instruction in agriculture or other industrial pursuits, mechanical arts and the natural sciences. [1969 ex.s. c 223 s 28B.30.015. Prior: 1909 c 97 p 243 s 1, part; RRS s 4568, part; prior: 1897 c 118 s 190, part; 1891 c 145 s 1, part. Formerly RCW 28.80.015; 28.76.040, part and 28.76.050, part.]

**RCW 28B.30.050 Collaboration with Eastern Washington University and local community colleges.** Washington State University and Eastern Washington University shall collaborate with one another and with local community colleges in providing educational pathways and programs to the citizens of the Spokane area. [2004 c 57 s 3; 1991 c 205 s 11; 1989 1st ex.s. c 7 s 6. Formerly RCW 28B.45.050.]

**Findings—Intent—2004 c 57:** See RCW 28B.45.012.

**Findings—1989 1st ex.s. c 7:** See RCW 28B.45.010.

**RCW 28B.30.054 Credits—Statewide transfer policy and agreement—Establishment.** See RCW 28B.77.210 and 28B.77.215.

**RCW 28B.30.055 "Major line" defined.** See RCW 28B.10.100.

**RCW 28B.30.057 Major lines common to University of Washington and Washington State University.** See RCW 28B.10.115.

**RCW 28B.30.058 Major lines—School of medicine—Forestry.** The board of regents of Washington State University may offer and teach medicine as a major line, and is authorized to establish, operate, and maintain a school of medicine at the university. The board of regents of Washington State University may offer and teach forestry as a major line. [2015 c 6 s 1.]

**RCW 28B.30.060 Courses exclusive to Washington State University.** The courses of instruction of Washington State University shall embrace as exclusive major lines, agriculture in all its branches and subdivisions, veterinary medicine, and economic science in its application to agriculture and rural life. [1969 ex.s. c 223 s 28B.30.060. Prior: 1917 c 10 s 3; RRS s 4534. Formerly RCW 28.80.025; 28.76.070, part.]

**RCW 28B.30.065 Exclusive instruction in agriculture.** Work and instruction in agriculture in all its branches and subdivisions shall be offered and taught in Washington State University exclusively. [1969 ex.s. c 223 s 28B.30.065. Prior: 1917 c 10 s 6; RRS s 4537. Formerly RCW 28.80.026; 28.76.070, part.]

**RCW 28B.30.067 Wine grape industry, instruction relating to—Purpose.** Marked increases in state and national consumption make it evident that our developing wine grape industry has a bright future. To help assure its success the legislature concludes that Washington State University should provide a sound research, extension, and resident instruction base for both wine grape production and the processing aspects of the wine industry. [1981 1st ex.s. c 5 s 5.]

**Effective date—1981 1st ex.s. c 5:** See RCW 66.98.100.

*Liquor revolving fund—Distribution—Reserve for administration—Disbursement to universities and department of social and health services: RCW 66.08.180.*

**RCW 28B.30.068 Wine grape industry, instruction relating to—Administration.** Revenues received from RCW 66.08.180 for wine and wine grape research, extension programs related to wine and wine grape research, and resident instruction in both wine grape production and the processing aspects of the wine industry by Washington State University shall be administered by the College of Agriculture. When formulating or changing plans for programs and research, the College of Agriculture shall confer with representatives of the Washington Wine Society. [1981 1st ex.s. c 5 s 7.]

**Effective date—1981 1st ex.s. c 5:** See RCW 66.98.100.

*Liquor revolving fund—Distribution—Reserve for administration—Disbursement to universities and department of social and health services: RCW 66.08.180.*

**RCW 28B.30.095 Management.** The management of Washington State University and its experiment stations, the care and preservation of all property of which the institution shall become possessed, the erection and construction of all buildings necessary for the use of said university and stations, and the disbursement and expenditure of all money provided for said university, shall be vested in the board of regents, constituted as provided in RCW 28B.30.100; said regents and their successors in office shall have the right to cause all things to be done necessary to carry out the provisions of this chapter or as otherwise provided by law. [1969 ex.s. c 223 s 28B.30.095. Prior: 1949 c 115 s 1, part; 1909 c 97 p 245 s 5, part; Rem. Supp. 1949 s 4576, part; prior: 1897 c 118 s 194, part; 1891 c 145 s 4, part. Formerly RCW 28.80.070, part, 28.80.080, part and 28.80.130, part.]

**RCW 28B.30.100 Regents—Appointment—Terms—Vacancies—Quorum—Bond.** (1)(a) The governance of Washington State University shall be vested in a board of regents to consist of 11 members, one of whom shall be a student and one of whom shall be a full-time or emeritus member of the faculty.

(b) The members shall be appointed by the governor with the consent of the senate, and, except for the student member and faculty member, shall hold their offices for a term of six years from the first day of October and until their successors shall be appointed and qualified.

(c) The governor shall select the student member from a list of candidates, of at least three and not more than five, submitted by the governing body of the associated students. The student member shall hold the office for a term of one year from the first day of July until the first day of July of the following year or until a successor is appointed and qualified, whichever is later. The student member shall be a full-time student in good standing at the university at the time of appointment.

(d) The governor shall select the faculty member from a list of candidates, of at least two and not more than five, submitted by the faculty senate. The faculty member shall hold the office for a term of three years from the first day of October and until a successor is appointed and qualified.

(2) Six members of said board shall constitute a quorum for the transaction of business. In the case of a vacancy or when an appointment is made after the date of the expiration of a term, the governor shall fill the vacancy for the remainder of the term of the regent whose office has become vacant or expired.

(3) Except for the term of the student member and the faculty member, no more than the terms of two members will expire simultaneously on the last day of September in any one year.

(4) Each regent shall, before entering upon the discharge of his respective duties as such, execute a good and sufficient bond to the state of Washington, with two or more sufficient sureties, residents of the state, or with a surety company licensed to do business within the state, in the penal sum of not less than five thousand dollars, conditioned for the faithful performance of his duties as such regent: PROVIDED, That the university shall pay any fees incurred for any such bonds for their board members.

(5) A student appointed under this section may not participate or vote on matters relating to the hiring, discipline, or tenure of faculty members and personnel. A faculty member appointed under this section may not participate or vote on matters related to the hiring, discipline, or tenure of specific faculty members. [2022 c 12 s 2; 2006 c 78 s 2; 1998 c 95 s 2; 1985 c 61 s 2; 1979 ex.s. c 103 s 3; 1973 c 62 s 10; 1969 ex.s. c 223 s 28B.30.100. Prior: 1949 c 115 s 1, part; 1909 c 97 p 245 s 5, part; Rem. Supp. 1949 s 4576, part; prior: 1897 c 118 s 194, part; 1891 c 145 s 4, part. Formerly RCW 28.80.070, part, 28.80.080, part and 28.80.130, part.]

**Present terms not affected—Severability—1979 ex.s. c 103:** See notes following RCW 28B.20.100.

**Savings—Severability—1973 c 62:** See notes following RCW 28B.10.510.

**RCW 28B.30.115 Regents—Oaths.** See RCW 28B.10.520.

**RCW 28B.30.116 Regents—Expenses.** See RCW 28B.10.525.

**RCW 28B.30.117 Regents—Attorney general as advisor.** See RCW 28B.10.510.

**RCW 28B.30.120 Regents—Open public meetings—Vacancy not to affect rights of remaining members.** Meetings of the board of regents may be called in such manner as the board may prescribe and shall follow procedures for open public meetings in chapter 42.30 RCW. A full meeting of the board shall be called at least once a year. The board shall provide time for public comment at each meeting. No vacancy in said board shall impair the rights of the remaining members of the board. [2012 c 228 s 2; 1979 ex.s. c 103 s 6; 1969 ex.s. c 223 s 28B.30.120. Prior: 1909 c 97 p 248 s 12; RRS s 4592; prior: 1897 c 118 s 201; 1891 c 145 s 12. Formerly RCW 28.80.100.]

**Present terms not affected—Severability—1979 ex.s. c 103:** See notes following RCW 28B.20.100.

**RCW 28B.30.125 Regents—Board organization—President—President's duties—Bylaws, laws.** The board of regents shall meet and organize by the election of a president from their own number on or as soon as practicable after the first Wednesday in April of each year.

The board president shall be the chief executive officer of the board and shall preside at all meetings thereof, except that in his or her absence the board may appoint a chair pro tempore. The board president shall sign all instruments required to be executed by said board other than those for the disbursement of funds.

The board may adopt bylaws for its own organizational purposes and enact laws for the government of the university and its properties. [2011 c 336 s 721; 1969 ex.s. c 223 s 28B.30.125. Prior: (i) 1955 c 346 s 1, part; 1909 c 97 p 246 s 6, part; RRS s 4577, part. Formerly RCW 28.80.110, part. (ii) 1909 c 97 p 247 s 7, part; RRS s 4578, part; prior: 1897 c 118 s 196, part; 1891 c 145 s 7, part. Formerly RCW 28.80.120, part. (iii) 1909 c 97 p 249 s 16, part; RRS s 4596, part; prior: 1897 c 118 s 205, part; 1891 c 145 s 19, part. Formerly RCW 28.80.160, part.]

**RCW 28B.30.130 Regents—Treasurer of board—Bond—Disbursement of funds by.** The board of regents shall appoint a treasurer who shall be the financial officer of the board and who shall hold office during the pleasure of the board. The treasurer shall render a true and faithful account of all moneys received and paid out by him or her, and shall give bond for the faithful performance of the duties of his or her office in such amount as the regents require: PROVIDED, That the university shall pay the fee for such bond.

The treasurer shall make disbursements of the funds in his or her hands on the order of the board, which order shall be countersigned by the secretary of the board, and shall state on what account the

disbursement is made. [2011 c 336 s 722; 1969 ex.s. c 223 s 28B.30.130. Prior: (i) 1955 c 346 s 1, part; 1909 c 97 p 246 s 6, part; RRS s 4577, part. Formerly RCW 28.80.110, part. (ii) 1909 c 97 p 246 s 7, part; RRS s 4578, part; prior: 1897 c 118 s 196, part; 1891 c 145 s 7, part. Formerly RCW 28.80.120, part. (iii) 1909 c 97 p 249 s 16, part; RRS s 4596, part; prior: 1897 c 118 s 205, part; 1891 c 145 s 19, part. Formerly RCW 28.80.160, part.]

**RCW 28B.30.135 Regents—University president as secretary of board—Duties—Bond.** The president of the university shall be secretary of the board of regents but he or she shall not have the right to vote; as such he or she shall be the recording officer of said board, shall attest all instruments required to be signed by the board president, shall keep a true record of all the proceedings of the board, and shall perform all the duties pertaining to the office and do all other things required of him or her by the board. The secretary shall give a bond in the penal sum of not less than five thousand dollars conditioned for the faithful performance of his or her duties as such officer: PROVIDED, That the university shall pay the fee for such bond. [2011 c 336 s 723; 1969 ex.s. c 223 s 28B.30.135. Prior: (i) 1955 c 346 s 1, part; 1909 c 97 p 246 s 6, part; RRS s 4577, part. Formerly RCW 28.80.110, part. (ii) 1909 c 97 p 247 s 7, part; RRS s 4578, part; prior: 1897 c 118 s 196, part; 1891 c 145 s 7, part. Formerly RCW 28.80.120, part.]

**RCW 28B.30.140 Regents—Employees, board members, to have no interest in contracts.** No employee or member of the university board of regents shall be interested pecuniarily, either directly or indirectly, in any contract for any building or improvement at said university, or for the furnishing of supplies for the same. [1969 ex.s. c 223 s 28B.30.140. Prior: 1909 c 97 p 249 s 17; RRS s 4597; prior: 1897 c 118 s 206; 1891 c 145 s 21. Formerly RCW 28.80.170.]

*Code of ethics, interest in contract, public officers and employees: Chapters 42.23, 42.52 RCW.*

**RCW 28B.30.150 Regents—General powers and duties.** The regents of Washington State University, in addition to other duties prescribed by law, shall:

(1) Have full control of the university and its property of various kinds, except as otherwise provided by law.

(2) Employ the president of the university, his or her assistants, members of the faculty, and employees of the university, who, except as otherwise provided by law, shall hold their positions during the pleasure of said board of regents.

(3) Establish entrance requirements for students seeking admission to the university which meet or exceed the standards specified under RCW 28B.77.020. Completion of examinations satisfactory to the university may be a prerequisite for entrance by any applicant, at the university's discretion. Evidence of completion of public high schools and other educational institutions whose courses of study meet the approval of the university may be acceptable for entrance.

(4) Establish such colleges, schools, or departments necessary to carry out the purpose of the university and not otherwise proscribed by law.

(5) Offer new degree programs, offer off-campus programs, participate in consortia or centers, contract for off-campus educational programs, and purchase or lease major off-campus facilities in accordance with RCW 28B.77.080.

(6) With the assistance of the faculty of the university, prescribe the courses of instruction in the various colleges, schools, and departments of the institution and publish the necessary catalogues thereof.

(7) Collect such information as the board deems desirable as to the schemes of technical instruction adopted in other parts of the United States and foreign countries.

(8) Provide for holding agricultural institutes including farm marketing forums.

(9) Provide that instruction given in the university, as far as practicable, be conveyed by means of laboratory work and provide in connection with the university one or more physical, chemical, and biological laboratories, and suitably furnish and equip the same.

(10) Provide training in military tactics for those students electing to participate therein.

(11) Establish a department of elementary science and in connection therewith provide instruction in elementary mathematics, including elementary trigonometry, elementary mechanics, elementary and mechanical drawing, and land surveying.

(12) Establish a department of agriculture and in connection therewith provide instruction in physics with special application of its principles to agriculture, chemistry with special application of its principles to agriculture, morphology and physiology of plants with special reference to common grown crops and fungus enemies, morphology and physiology of the lower forms of animal life, with special reference to insect pests, morphology and physiology of the higher forms of animal life and in particular of the horse, cow, sheep, and swine, agriculture with special reference to the breeding and feeding of livestock and the best mode of cultivation of farm produce, and mining and metallurgy, appointing demonstrators in each of these subjects to superintend the equipment of a laboratory and to give practical instruction therein.

(13) Establish agricultural experiment stations in connection with the department of agriculture, including at least one in the western portion of the state, and appoint the officers and prescribe regulations for their management.

(14) Grant to students such certificates or degrees, as recommended for such students by the faculty.

(15) Confer honorary degrees upon persons other than graduates of the university in recognition of their learning or devotion to literature, art, or science when recommended thereto by the faculty: PROVIDED, That no degree shall ever be conferred in consideration of the payment of money or the giving of property of whatsoever kind.

(16) Adopt plans and specifications for university buildings and facilities or improvements thereto and employ skilled architects and engineers to prepare such plans and specifications and supervise the construction of buildings or facilities which the board is authorized to erect, and fix the compensation for such services. The board shall enter into contracts with one or more contractors for such suitable buildings, facilities, or improvements as the available funds will

warrant, upon the most advantageous terms offered at a public competitive letting, pursuant to public notice under rules established by the board. The board shall require of all persons with whom they contract for construction and improvements a good and sufficient bond for the faithful performance of the work and full protection against all liens.

(17) Except as otherwise provided by law, direct the disposition of all money appropriated to or belonging to the state university.

(18) Receive and expend the money appropriated under the act of congress approved May 8, 1914, entitled "An Act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of the Act of Congress approved July 2, 1862, and Acts supplemental thereto and the United States Department of Agriculture" and organize and conduct agricultural extension work in connection with the state university in accordance with the terms and conditions expressed in the acts of congress.

(19) Except as otherwise provided by law, to enter into such contracts as the regents deem essential to university purposes.

(20) Acquire by lease, gift, or otherwise, lands necessary to further the work of the university or for experimental or demonstrational purposes.

(21) Establish and maintain at least one agricultural experiment station in an irrigation district to conduct investigational work upon the principles and practices of irrigational agriculture including the utilization of water and its relation to soil types, crops, climatic conditions, ditch and drain construction, fertility investigations, plant disease, insect pests, marketing, farm management, utilization of fruit by-products, and general development of agriculture under irrigation conditions.

(22) Supervise and control the agricultural experiment station at Puyallup.

(23) Establish and maintain at Wenatchee an agricultural experiment substation for the purpose of conducting investigational work upon the principles and practices of orchard culture, spraying, fertilization, pollenization, new fruit varieties, fruit diseases and pests, by-products, marketing, management, and general horticultural problems.

(24) Accept such gifts, grants, conveyances, devises, and bequests, whether real or personal property, in trust or otherwise, for the use or benefit of the university, its colleges, schools, or departments; and sell, lease or exchange, invest or expend the same or the proceeds, rents, profits, and income thereof except as limited by the terms of said gifts, grants, conveyances, bequests, and devises; and adopt proper rules to govern and protect the receipt and expenditure of the proceeds of all fees, and the proceeds, rents, profits, and income of all gifts, grants, conveyances, bequests, and devises.

(25) Construct when the board so determines a new foundry and a mining, physical, technological building, and fabrication shop at the university, or add to the present foundry and other buildings, in order that both instruction and research be expanded to include permanent molding and die casting with a section for new fabricating techniques, especially for light metals, including magnesium and aluminum; purchase equipment for the shops and laboratories in mechanical, electrical, and civil engineering; establish a pilot plant for the extraction of alumina from native clays and other possible

light metal research; purchase equipment for a research laboratory for technological research generally; and purchase equipment for research in electronics, instrumentation, energy sources, plastics, food technology, mechanics of materials, hydraulics, and similar fields.

(26) Make and transmit to the governor and members of the legislature upon request such reports as will be helpful in providing for the institution.

(27) Confer honorary degrees upon persons who request an honorary degree if they were students at the university in 1942 and did not graduate because they were ordered into an internment camp. The honorary degree may also be requested by a representative of deceased persons who meet these requirements. For the purposes of this subsection, "internment camp" means a relocation center to which persons were ordered evacuated by Presidential Executive Order 9066, signed February 19, 1942. [2012 c 229 s 805; 2010 c 51 s 2; 2004 c 275 s 53; 1998 c 245 s 19; 1985 c 370 s 93; 1977 c 75 s 21; 1973 1st ex.s. c 154 s 47; 1969 ex.s. c 223 s 28B.30.150. Prior: (a) 1953 c 101 s 1, amending (i) 1909 c 97 p 244 s 4; 1897 c 118 s 193; 1890 p 263 s 8; RRS s 4575. (ii) 1949 c 115 s 1, part; 1909 c 97 p 245 s 5, part; 1897 c 118 s 194; 1891 c 145 s 4; Rem. Supp. 1949 s 4576, part. (iii) 1909 c 97 p 249 s 19; 1897 c 118 s 208; 1895 c 146 s 1; RRS s 4599. (iv) 1909 c 97 p 247 s 8; 1897 c 118 s 197; 1891 c 145 s 8; RRS s 4579. (v) 1909 c 97 p 247 s 9; 1897 c 118 s 198; 1891 c 145 s 9; RRS s 4580. (vi) 1915 c 125 s 1; RRS s 4583. (vii) 1909 c 97 p 250 s 20; 1897 c 118 s 209; 1891 c 145 s 17; RRS s 4600. (viii) 1909 c 97 p 250 s 21; 1897 c 118 s 210; 1891 c 145 s 18; RRS s 4601. (ix) 1909 c 228 s 1; RRS s 4588. (x) 1917 c 101 s 1; RRS s 4589. (xi) 1917 c 101 s 2; RRS s 4590. (xii) 1909 c 97 p 249 s 15; 1897 c 118 s 204; 1891 c 145 s 16; RRS s 4595. (xiii) 1909 c 97 p 244 s 3, part; 1897 c 118 s 192; 1891 c 145 s 3; RRS s 4574, part. (xiv) 1899 c 107 s 1; RRS s 4603. (xv) 1899 c 82 s 1; RRS s 4587. (xvi) 1937 c 25 s 1; RRS s 4579-1. (xvii) 1937 c 25 s 2; RRS s 4579-2. Formerly RCW 28.80.130. (b) 1961 c 25 s 1. Formerly RCW 28.80.135.]

**Effective date——2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Part headings not law——2004 c 275:** See note following RCW 28B.76.090.

**Severability——1973 1st ex.s. c 154:** See note following RCW 2.12.030.

**RCW 28B.30.200 Morrill act funds allotted to university.** All funds granted by the United States government under the Morrill act, passed by congress and approved July 2, 1892 [1862], together with all acts amendatory thereof and supplementary thereto, for the support and in aid of colleges of agriculture and mechanic arts, as well as experiment stations and farms and extension work in agriculture and home economics in connection with colleges of agriculture and mechanic arts are hereby allotted to Washington State University. [1969 ex.s. c 223 s 28B.30.200. Prior: 1917 c 11 s 2; RRS s 4584. Formerly RCW 28.80.180.]

**RCW 28B.30.210 Acceptance of federal aid—1907 c 198—Assent.** The state of Washington hereby assents to the purposes, terms, provisions and conditions of the grant of money provided in an act of congress approved March 16, 1906, said act being entitled "An Act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof," and having for its purpose the more complete endowment and maintenance of agricultural experiment stations theretofore or thereafter established under an act of congress approved March 2, 1887. [1969 ex.s. c 223 s 28B.30.210. Prior: 1907 c 198 s 1; RRS s 4585. Formerly RCW 28.80.190.]

**RCW 28B.30.215 Acceptance of certain federal aid.** Said annual sum appropriated and granted to the state of Washington in pursuance of said act of congress approved March 16, 1906, shall be paid as therein provided to the treasurer or other officer duly appointed by the board of regents of Washington State University at Pullman, Washington; and the board of regents of such university are hereby required to report thereon as the secretary of agriculture may prescribe. [1977 c 75 s 22; 1969 ex.s. c 223 s 28B.30.215. Prior: 1907 c 198 s 2; RRS s 4586. Formerly RCW 28.80.200.]

**RCW 28B.30.220 Acceptance of federal aid—1925 ex.s. c 182.** The assent of the legislature of the state of Washington to the provisions of the act of congress approved February 24, 1925, entitled "An Act to authorize the more complete endowment of agricultural experiment stations and for other purposes," is hereby given. [1969 ex.s. c 223 s 28B.30.220. Prior: 1925 ex.s. c 182 s 1. Formerly RCW 28.80.205; 28.80.190, part.]

**RCW 28B.30.250 University designated as recipient of all federal aid to agricultural experiment stations.** The agricultural experiment stations in connection with Washington State University shall be under the direction of said board of regents of said university for the purpose of conducting experiments in agriculture according to the terms of section one of an act of congress approved March 2, 1887, and entitled "An Act to establish agricultural experiment stations in connection with the colleges established in the several states, under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto." The said university and experiment stations shall be entitled to receive all the benefits and donations made and given to similar institutions of learning in other states and territories of the United States by the legislation of the congress of the United States now in force, or that may be enacted, and particularly to the benefits and donations given by the provisions of an act of congress entitled "An Act donating public lands to the several states and territories which may provide colleges for the benefit of agricultural and mechanic arts," approved July 2, 1862, and all acts supplementary thereto, including the acts entitled "An Act to establish agricultural experiment stations in connection with colleges established in the several states under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto," which said last entitled act was approved March 2, 1887; also, "An Act to

apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an act of congress approved July 2, 1862," which said last mentioned act was approved August 30, 1890. [1969 ex.s. c 223 s 28B.30.250. Prior: 1909 c 97 p 247 s 10; RRS s 4581; prior: 1897 c 118 s 199; 1891 c 145 s 10. Formerly RCW 28.80.210.]

**RCW 28B.30.255 University designated as recipient of all federal aid to agricultural experiment stations—Assent to congressional grants to university.** The assent of the legislature of the state of Washington is hereby given, in pursuance of the requirements of section nine of said act of congress, approved March 2, 1887, to the granting of money therein made to the establishment of experiment stations in accordance with section one of said last mentioned act, and assent is hereby given to carry out, within the state of Washington, every provision of said act. [1969 ex.s. c 223 s 28B.30.255. Prior: 1909 c 97 p 248 s 11; RRS s 4582; prior: 1897 c 118 s 200; 1891 c 145 s 11. Formerly RCW 28.80.220.]

**RCW 28B.30.270 State treasurer receiving agent of certain federal aid—Acts enumerated.** The state treasurer is designated as agent of the state of Washington to receive all federal appropriations for the land grant colleges in accordance with the following federal acts:

(1) Second Morrill act, approved August 30, 1890 (26 Stat. L. 417).

(2) Nelson amendment to the Morrill act making appropriations for the department of agriculture for the fiscal year ending June 30, 1908, approved March 4, 1907 (34 Stat. L. 1281).

(3) Title II, section 22 of the Bankhead-Jones act, approved June 29, 1935 (49 Stat. L. 436).

(4) Any subsequent federal act appropriating funds to the state of Washington or to Washington State University for a similar or related purpose. [1969 ex.s. c 223 s 28B.30.270. Prior: 1955 c 66 s 1. Formerly RCW 28.80.221.]

**RCW 28B.30.280 State treasurer receiving agent of certain federal aid—Withdrawals.** The board of regents of Washington State University may authorize the treasurer or comptroller of Washington State University to withdraw such federal grants for the use of the university for the purposes of such grant and in accordance with state law. [1969 ex.s. c 223 s 28B.30.280. Prior: 1955 c 66 s 3. Formerly RCW 28.80.223.]

**RCW 28B.30.285 State treasurer receiving agent of certain federal aid—Trust funds not subject to appropriation.** All federal grants received by the state treasurer pursuant to RCW 28B.30.270 shall be deemed trust funds under the control of the state treasurer and not subject to appropriation by the legislature. [1969 ex.s. c 223 s 28B.30.285. Prior: 1955 c 66 s 4. Formerly RCW 28.80.224.]

**RCW 28B.30.300 State treasurer to report annually on university assets held in trust.** It shall be the duty of the state treasurer to make a report to the board of regents of Washington State University on or as soon as practicable after the close of each fiscal year, which shall contain a complete detailed statement as to the status of any university assets held in trust by the treasurer and the annual income therefrom. [1977 c 75 s 23; 1969 ex.s. c 223 s 28B.30.300. Prior: 1899 c 9 s 2; RRS s 7850. Formerly RCW 28.80.230.]

*College funds: RCW 43.79.100 through 43.79.140.*

**RCW 28B.30.310 Department of natural resources to report annually on university trust lands transactions.** It shall be the duty of the department of natural resources to make a report to the board of regents of Washington State University on or as soon as practicable after the close of each fiscal year, which shall contain a complete detailed statement of the current status of trust land sale contracts and income for the university from trust lands managed by the department. [1988 c 128 s 6; 1977 c 75 s 24; 1969 ex.s. c 223 s 28B.30.310. Prior: 1899 c 9 s 1; RRS s 7849. Formerly RCW 28.80.240.]

**RCW 28B.30.325 Lease of lands with outdoor recreation potential ——Restrictions——Unlawful to use posted lands.** (1) Any lease of public lands with outdoor recreation potential authorized by the regents of Washington State University shall be open and available to the public for compatible recreational use unless the regents of Washington State University determine that the leased land should be closed in order to prevent damage to crops or other land cover, to improvements on the land, to the lessee, or to the general public or is necessary to avoid undue interference with carrying forward a university program. Any lessee may file an application with the regents of Washington State University to close the leased land to any public use. The regents shall cause written notice of the impending closure to be posted in a conspicuous place in the university's business office, and in the office of the county auditor in which the land is located thirty days prior to the public hearing. This notice shall state the parcel or parcels involved and shall indicate the time and place of the public hearing. Upon a determination by the regents that posting is not necessary, the lessee shall desist from posting. Upon a determination by the regents that posting is necessary, the lessee shall post his or her leased premises so as to prohibit recreational uses thereon. In the event any such lands are so posted, it shall be unlawful for any person to hunt or fish, or for any person other than the lessee or his or her immediate family to use such posted land for recreational purposes.

(2) The regents of Washington State University may insert the provisions of subsection (1) of this section in all leases hereafter issued. [2011 c 336 s 724; 1969 ex.s. c 46 s 4. Formerly RCW 28.80.246.]

**RCW 28B.30.350 Medical, health and hospital service——Authorized.** The board of regents of Washington State University is hereby granted authority to enter into such contracts, leases, or agreements as may

be necessary to provide adequate medical, health, and hospital service for students of Washington State University and the people of the surrounding community and to provide adequate practice facilities for students enrolled in nursing courses. [1969 ex.s. c 223 s 28B.30.350. Prior: 1947 c 95 s 1; Rem. Supp. 1947 s 4603-20. Formerly RCW 28.80.250.]

**RCW 28B.30.355 Medical, health and hospital service—Leases, contracts and agreements.** The board of regents may lease lands, buildings, or other facilities from or to nonprofit corporations or associations, and may enter into such contracts and agreements with such units, agencies, corporations, or associations as will promote the intents and purposes of RCW 28B.30.350. [1969 ex.s. c 223 s 28B.30.355. Prior: 1947 c 95 s 2; Rem. Supp. 1947 s 4603-21. Formerly RCW 28.80.260.]

**RCW 28B.30.357 Child and adolescent psychiatry residency—Creation, requirements.** Subject to the availability of amounts appropriated for this specific purpose, Washington State University shall offer two twenty-four month residency positions that are approved by the accreditation council for graduate medical education to two residents specializing in child and adolescent psychiatry. The positions must each include a minimum of eighteen months of training in settings where children's mental health services are provided under the supervision of experienced psychiatric consultants and must be located east of the crest of the Cascade mountains. [2019 c 360 s 4; 2017 c 202 s 9.]

**Effective date—2019 c 360 s 4:** "Section 4 of this act takes effect July 1, 2020." [2019 c 360 s 9.]

**Findings—Intent—2019 c 360:** See note following RCW 74.09.4951.

**Findings—Intent—2017 c 202:** See note following RCW 74.09.495.

**RCW 28B.30.360 Sexual assault—Online and clinical training program—Report.** (1) The Washington State University college of nursing shall establish a program to increase the availability of qualified sexual assault nurse examiners in eastern Washington. The program must, at a minimum, include the following elements:

(a) Online training resources to provide nurses in rural and underserved communities access to at least 40 hours of didactic training;

(b) A clinical training site at the Washington State University school of nursing at which nurses may complete the clinical training requirements established by the United States department of justice; and

(c) Scholarships for nurses to complete the online training, the clinical training, or both.

(2) The Washington State University college of nursing shall submit annual reports to the appropriate committees of the legislature in accordance with RCW 43.01.036 on the use and impact of the online and clinical training established in this section. [2022 c 118 s 2.]

**Findings—2022 c 118:** "The legislature finds that:

(1) Most organizations recognize that the didactic training of health care professionals performing the medical forensic examination should consist of at least 40 hours;

(2) Training of sexual assault nurse examiners should include hands-on clinical skills training and competency checks;

(3) Disparities persist between the training that is available to nurses in rural communities, including a lack of hands-on clinical skills training and a lack of 40-hour didactic classes;

(4) Best practice for the clinical education of nurses includes the use of simulation in an interdisciplinary context;

(5) Promotion of equal access to 40-hour didactic classes and supporting the development of clinical training mechanisms will help to ensure consistency and quality of care throughout the state; and

(6) Washington State University has the capacity to offer high quality, simulation-based, inter-professional training for sexual assault nurse examiners and to increase access to education for nurses in rural communities." [2022 c 118 s 1.]

**RCW 28B.30.365 Sexual assault—Nurse examiner leader pilot program—Report.** ***(Expires July 1, 2026.)*** (1) The Washington State University college of nursing shall establish a regional sexual assault nurse examiner leader pilot program. Regional lead sexual assault nurse examiners participating in the program shall:

(a) Establish the number of active sexual assault nurse examiners in their communities;

(b) Report on the educational needs of their communities;

(c) Produce recommendations on how to best increase the number of sexual assault nurse examiners in their communities; and

(d) Develop community-based action plans for sexual assault nurse examiner recruitment.

(2) The Washington State University college of nursing shall:

(a) Develop and train lead sexual assault nurse examiners; and

(b) Assist in the development of support mechanisms and role requirements for regional lead sexual assault nurse examiners.

(3) The Washington State University college of nursing shall submit to the appropriate committees of the legislature in accordance with RCW 43.01.036 annual reports on the impact of the pilot program with a final report due no later than January 1, 2026.

(4) This section expires July 1, 2026. [2022 c 118 s 3.]

**Findings—2022 c 118:** See note following RCW 28B.30.360.

**RCW 28B.30.382 Pollinator extension education and outreach program.** The Washington State University extension program must develop a pollinator extension education and outreach program and develop a statewide, science-based, pollinator education plan to educate beekeepers, agricultural producers, land managers, licensed pesticide applicators, other professionals, and the public. The plan should emphasize pollinator best management practices for both native and managed species. [2021 c 278 s 6.]

**Purpose—Intent—2021 c 278:** See note following RCW 43.23.300.

**RCW 28B.30.515 Findings—University Center of North Puget Sound—Management and leadership.** (1) The legislature finds that access to baccalaureate and graduate degree programs continues to be limited for residents of north Snohomish, Island, and Skagit counties. Studies conducted by the state board for community and technical colleges, the *higher education coordinating board, and the council of presidents confirm that enrollment in higher education compared to demand in this geographic region lags behind enrollment in other parts of the state, particularly for upper-division courses leading to advanced degrees.

(2) The legislature also finds that access to high employer demand programs of study is imperative for the state's global competitiveness and economic prosperity, particularly those degrees in the science, technology, engineering, and mathematics (STEM) fields that align with the workforce skill demands of the regional economy, that support the aerospace industry, and provide skilled undergraduate and graduate-degree engineers required by the largest employers in the aerospace industry cluster.

(3) The legislature finds that meeting the long-range goal of greatly expanded access for the population of the region to the widest array of baccalaureate and graduate programs can best be accomplished by assigning responsibility to a research university with multiple experiences in similar settings.

(4) Management and leadership of the University Center of North Puget Sound is assigned to Washington State University to meet the needs of the Everett metropolitan area and the north Snohomish, Island, and Skagit county region and the state of Washington for baccalaureate and graduate degrees offered by a state university. The chief executive officer of the University Center of North Puget Sound is the director who reports to the president of Washington State University. The director shall manage the activities and logistics of operating the center, make policy and planning recommendations to the council in subsection (5) of this section, and implement decisions of the council.

(5)(a) Washington State University and Everett Community College must collaborate with community leaders, and other four-year institutions of higher education that offer programs at the University Center of North Puget Sound to serve the varied interests of students in the region. To this end, a coordinating and planning council must be established to be responsible for long-range and strategic planning, interinstitutional collaboration, collaboration with the community served, and dispute resolution for the center. The following individuals shall comprise the coordinating and planning council:

(i) The president of Washington State University, or his or her designee;

(ii) The provost of Washington State University, or his or her designee;

(iii) The president of Everett Community College;

(iv) Two representatives of two other institutions of higher education that offer baccalaureate or graduate degree programs at the center;

(v) A student enrolled at the University Center of North Puget Sound appointed by the coordinating and planning council;

(vi) The director of the council, as the nonvoting chair;

(vii) A community leader appointed by the president of Everett Community College; and

(viii) A community leader appointed by the mayor of Everett.

(b) The coordinating and planning council may appoint other groups, as appropriate, to advise on administration and operations, and may alter its own composition by agreement of all the members.

(6)(a) Washington State University shall assume leadership of the center upon completion and approval by the legislature as provided under (d) of this subsection of a strategic plan for meeting the academic needs of the region and successful establishment of an engineering degree program. The strategic plan must build on the strengths of the institutions, reflecting each institution's mission, in order to provide the region with the highest standard of educational programs, research, and service to the community. The strategic plan must include a multibiennium budget that addresses both operating and capital expenses required to effectively implement the plan. The strategic plan shall be developed with the collaboration of the University Center at Everett Community College and all the institutions of higher education that provide baccalaureate degrees at the University Center, and community leaders.

(b) Center partners must implement the strategic plan with careful attention to the academic and professional standards established and maintained by each institution and by the appropriate accrediting bodies, and to the historic role of each institution's governing board in setting policy.

(c) The strategic plan must address expansion of the range and depth of educational opportunities in the region and include strategies that:

(i) Build upon baccalaureate and graduate degree offerings at the center;

(ii) Meet projected student enrollment demands for baccalaureate, graduate, and certificate programs in the region;

(iii) Meet employers' needs for skilled workers by expanding high employer demand programs of study as defined in RCW 28B.50.030, with an initial and ongoing emphasis by Washington State University on undergraduate and graduate science, technology, mathematics, and engineering degree programs, including a variety of engineering disciplines such as civil, mechanical, aeronautical, and aerospace manufacturing;

(iv) Coordinate delivery of lower and upper-division courses to maximize student opportunities and resources; and

(v) Transfer budget support and resources for the center from Everett Community College to Washington State University.

(d) The strategic plan must be completed by December 1, 2012, and submitted to the legislature for review. The strategic plan shall be considered approved if the legislature does not take further action on the strategic plan during the 2013 legislative session. The transfer of the responsibility for the management and operation of the University Center of North Puget Sound to Washington State University must occur by July 1, 2014.

(7)(a) Academic programming and delivery at the center must be developed in accordance with the missions of Washington State University, Everett Community College, and other institutions of higher education that have a presence at the center.

(b) Each institution shall abide by the guidelines for university centers adopted by the student achievement council.

(c) Each institution shall award all degrees and certificates granted in the programs it delivers at the center.

(d) The coordinating council described in subsection (5) of this section shall establish a process for prioritizing new programs and

revising existing programs that facilitates timeliness of new offerings, recognizes the internal processes of the proposing institutions, and addresses each proposal's fit with the needs of the region.

(8)(a) Washington State University shall review center expansion needs and consider capital facilities funding at least annually. Washington State University and Everett Community College must cooperate in preparing funding requests and bond financing for submission to the legislature on behalf of development at the center, in accordance with each institution's process and priorities for advancing legislative requests.

(b) Washington State University shall design, construct, and manage any facility developed at the center. Any facility developed at the center with Everett Community College capital funding must be designed by Everett Community College in consultation with Washington State University. Building construction may be managed by Washington State University via an interagency agreement which details responsibility and associated costs. Building operations and management for all facilities at the center must be governed by the infrastructure and operating cost allocation method described in subsection (9) of this section.

(9) Washington State University has responsibility for infrastructure development and maintenance for the center. All infrastructure operating and maintenance costs are to be shared in what is deemed to be an equitable and fair manner based on space allocation, special cost, and other relevant considerations. Washington State University may make infrastructure development and maintenance decisions in consultation with the council described in subsection (5) of this section.

(10) In the event that conflict cannot be resolved through the coordinating council described in subsection (5) of this section the student achievement council dispute resolution must be employed. [2012 c 229 s 530; 2011 c 321 s 1.]

***Reviser's note:** The higher education coordinating board was abolished by 2011 1st sp.s. c 11 s 301, effective July 1, 2012.

**Effective date——2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Contingent effective date——2011 c 321:** "(1) This act takes effect only after the *higher education coordinating board determines whether a needs assessment and analysis is required and, if so, conducts a needs assessment and viability determination under RCW 28B.76.230 and recommends that the provisions in section 1 of this act occur.

(2) The *higher education coordinating board must make a recommendation under subsection (1) of this section by July 1, 2012.

(3) The *higher education coordinating board shall notify the office of financial management, the legislature, and the code reviser's office of the board's recommendations regarding the provisions in section 1 of this act." [2011 c 321 s 3.] The *higher education coordinating board provided notification of its recommendation that an additional needs assessment and analysis is not required.

***Reviser's note:** The higher education coordinating board was abolished by 2011 1st sp.s. c 11 s 301, effective July 1, 2012.

**RCW 28B.30.520 Statewide off-campus telecommunications system—Authorized—Purpose, education in high-technology fields—Availability of facilities.** The board of regents of Washington State University is hereby authorized to establish a statewide off-campus telecommunications system to provide for graduate and continuing education in high-technology fields to citizens of the state of Washington. The statewide telecommunications system shall be administered by Washington State University with the advice of the high-technology coordinating board. Washington State University shall make the facilities of the statewide telecommunications system available to other institutions of higher education when specific program needs so require. [1983 1st ex.s. c 72 s 14.]

**RCW 28B.30.530 Small business development center—Services—Use of funds.** (1) The board of regents of Washington State University shall establish the Washington State University small business development center.

(2) The center shall provide management and technical assistance including but not limited to training, counseling, and research services to small businesses throughout the state. The center shall work with the department of commerce, the state board for community and technical colleges, the workforce training and education coordinating board, the employment security department, associate development organizations, and workforce development councils to:

(a) Integrate small business development centers with other state and local economic development and workforce development programs;

(b) Target the centers' services to small businesses;

(c) Tailor outreach and services at each center to the needs and demographics of entrepreneurs and small businesses located within the service area;

(d) Establish and expand small business development center satellite offices when financially feasible; and

(e) Coordinate delivery of services to avoid duplication.

(3) The administrator of the center may contract with other public or private entities for the provision of specialized services.

(4) The small business development center may accept and disburse federal grants or federal matching funds or other funds or donations from any source when made, granted, or donated to carry out the center's purposes. When drawing on funds from the business assistance account created in RCW 28B.30.531, the center must first use the funds to make increased management and technical assistance available to existing small businesses and start-up businesses at satellite offices. The funds may also be used to develop and expand assistance programs such as small business planning workshops and small business counseling.

(5) By December 1, 2010, the center shall provide a written progress report and a final report to the appropriate committees of the legislature with respect to the requirements in subsection (2) of this section and the amount and use of funding received through the business assistance account. The reports must also include data on the number, location, staffing, and budget levels of satellite offices;

affiliations with community colleges, associate development organizations or other local organizations; the number, size, and type of small businesses assisted; and the types of services provided. The reports must also include information on the outcomes achieved, such as jobs created or retained, private capital invested, and return on the investment of state and federal dollars.

(6)(a) Subject to the availability of amounts appropriated for this specific purpose, by December 1, 2010, the center, in conjunction with the department of commerce, must prepare and present to the governor and appropriate legislative committees a specific, actionable plan to increase access to capital and technical assistance to small businesses and entrepreneurs beginning with the 2011-2013 biennium. In developing the plan, the center and the department may consult with the Washington state microenterprise association, and with other government, nonprofit, and private organizations as necessary. The plan must identify:

(i) Existing sources of capital and technical assistance for small businesses and entrepreneurs;

(ii) Critical gaps and barriers to availability of capital and delivery of technical assistance to small businesses and entrepreneurs;

(iii) Workable solutions to filling the gaps and removing barriers identified in (a)(ii) of this subsection; and

(iv) The financial resources and statutory changes necessary to put the plan into effect beginning with the 2011-2013 biennium.

(b) With respect to increasing access to capital, the plan must identify specific, feasible sources of capital and practical mechanisms for expanding access to it.

(c) The center and the department must include, within the analysis and recommendations in (a) of this subsection, any specific gaps, barriers, and solutions related to rural and low-income communities and small manufacturers interested in exporting. [2014 c 112 s 101; 2012 c 229 s 808; 2010 c 165 s 3; 2009 c 486 s 1; 1984 c 77 s 1.]

**Effective date——2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Findings——Intent——2010 c 165:** See note following RCW 43.330.060.

**Conflict with federal requirements——2009 c 486:** "If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements, including guidelines set by the United States small business administration, that are a necessary condition to the receipt of federal funds by the state." [2009 c 486 s 4.]

**Intent——2009 c 486:** "In addition to providing integrated, tailored management and technical assistance services to Washington small businesses, the legislature intends that the state shall further

support them by developing procurement policies, procedures, and materials that encourage and facilitate state agency purchase of products and services from Washington small businesses." [2009 c 486 s 5.]

**RCW 28B.30.531 Business assistance account.** The business assistance account is created in the custody of the state treasurer. Expenditures from the account may be used only for the expansion of business assistance services delivered by the small business development center created in RCW 28B.30.530. Only the administrator of the center or the administrator's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. [2009 c 486 s 2.]

**Conflict with federal requirements—Intent—2009 c 486:** See notes following RCW 28B.30.530.

**RCW 28B.30.533 Construction of RCW 28B.30.530—Conflict with federal requirements.** If any part of RCW 28B.30.530 is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, the conflicting part of RCW 28B.30.530 is hereby declared to be inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and such finding or determination shall not affect the operation of the remainder of RCW 28B.30.530 in its application to the agencies concerned. [1984 c 77 s 2.]

**RCW 28B.30.535 International marketing program for agricultural commodities and trade (IMPACT) center created—Primary functions.** There is created an international marketing program for agricultural commodities and trade (IMPACT) center at Washington State University.

In carrying out each of its responsibilities under RCW 28B.30.537, the primary functions of the center shall be: Providing practical solutions to marketing-related problems; and developing and disseminating information which is directly applicable to the marketing of agricultural commodities and goods from this state in foreign countries or to introducing the production of commodities and goods in this state for marketing in foreign countries. [1985 c 39 s 1; 1984 c 57 s 1.]

**Effective date—1985 c 39:** "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect June 30, 1985." [1985 c 39 s 10.]

**RCW 28B.30.537 IMPACT center—Duties.** The IMPACT center shall:

(1) Coordinate the teaching, research, and extension expertise of the college of agriculture and home economics at Washington State University to assist in:

(a) The design and development of information and strategies to expand the long-term international markets for Washington agricultural products; and

(b) The dissemination of such information and strategies to Washington exporters, overseas users, and public and private trade organizations;

(2) Research and identify current impediments to increased exports of Washington agricultural products, and determine methods of surmounting those impediments and opportunities for exporting new agricultural products and commodities to foreign markets;

(3) Prepare curricula to present and distribute information concerning international trade in agricultural commodities and products to students, exporters, international traders, and the public;

(4) Provide high quality research and graduate education and professional nondegree training in international trade in agricultural commodities in cooperation with other existing programs;

(5) Ensure that activities of the center adequately reflect the objectives for the state's agricultural market development programs established by the department of agriculture as the lead state agency for such programs under chapter 43.23 RCW; and

(6) Link itself through cooperative agreements with the center for international trade in forest products at the University of Washington, the state department of agriculture, the department of commerce, Washington's agriculture businesses and associations, and other state agency data collection, processing, and dissemination efforts. [2023 c 470 s 2007; 1998 c 245 s 20; 1995 c 399 s 28. Prior: 1987 c 505 s 14; 1987 c 195 s 3; 1985 c 39 s 2; 1984 c 57 s 2.]

**Explanatory statement——2023 c 470:** See note following RCW 10.99.030.

**Effective date——1985 c 39:** See note following RCW 28B.30.535.

**RCW 28B.30.539 IMPACT center——Director.** The IMPACT center shall be administered by a director appointed by the dean of the college of agriculture and home economics of Washington State University. [1985 c 39 s 3; 1984 c 57 s 3.]

**Effective date——1985 c 39:** See note following RCW 28B.30.535.

**RCW 28B.30.541 IMPACT center——Use of research and services——Fees.** The governor, the legislature, state agencies, and the public may use the IMPACT center's trade policy research and advisory services as may be needed. The IMPACT center shall establish a schedule of fees for actual services rendered. [1985 c 39 s 4; 1984 c 57 s 6.]

**Effective date——1985 c 39:** See note following RCW 28B.30.535.

**RCW 28B.30.543 IMPACT center——Contributions and support.** The IMPACT center shall aggressively solicit financial contributions and support from nonstate sources, including the agricultural industries and producer organizations and individuals, to help fund its research

and education programs, and shall use previously appropriated funds of Washington State University and existing resources as much as is possible to further the center's activities. [1985 c 39 s 5; 1984 c 57 s 7.]

**Effective date—1985 c 39:** See note following RCW 28B.30.535.

**RCW 28B.30.630 Puget Sound water quality field agents program—Definitions.** As used in RCW 28B.30.630 through 28B.30.638 the following definitions apply:

(1) "Sea grant" means the Washington state sea grant program.

(2) "Cooperative extension" means the cooperative extension service of Washington State University. [1990 c 289 s 1.]

**RCW 28B.30.632 Puget Sound water quality field agents program—Local field agents.** (1) The sea grant and cooperative extension shall jointly administer a program to provide field agents to work with local governments, property owners, and the general public to increase the propagation of shellfish, and to address Puget Sound water quality problems within Kitsap, Mason, and Jefferson counties that may limit shellfish propagation potential. The sea grant and cooperative extension shall each make available the services of no less than two agents within these counties for the purposes of this section.

(2) The responsibilities of the field agents shall include but not be limited to the following:

(a) Provide technical assistance to property owners, marine industry owners and operators, and others, regarding methods and practices to address nonpoint and point sources of pollution of Puget Sound;

(b) Provide technical assistance to address water quality problems limiting opportunities for enhancing the recreational harvest of shellfish;

(c) Provide technical assistance in the management and increased production of shellfish to facility operators or to those interested in establishing an operation;

(d) Assist local governments to develop and implement education and public involvement activities related to Puget Sound water quality;

(e) Assist in coordinating local water quality programs with regionwide and statewide programs;

(f) Provide information and assistance to local watershed committees.

(3) The sea grant and cooperative extension shall mutually coordinate their field agent activities to avoid duplicative efforts and to ensure that the full range of responsibilities under RCW 28B.30.632 through *28B.30.636 are carried out. They shall consult with the Puget Sound partnership, created in RCW 90.71.210, and ensure consistency with any of the Puget Sound partnership's water quality management plans.

(4) Recognizing the special expertise of both agencies, the sea grant and cooperative extension shall cooperate to divide their activities as follows:

(a) Sea grant shall have primary responsibility to address water quality issues related to activities within Puget Sound, and to

provide assistance regarding the management and improvement of shellfish production; and

(b) Cooperative extension shall have primary responsibility to address upland and freshwater activities affecting Puget Sound water quality and associated watersheds. [2007 c 341 s 64; 1990 c 289 s 2.]

***Reviser's note:** RCW 28B.30.636 was repealed by 1998 c 245 s 176.

**Effective date—2007 c 341:** See RCW 90.71.907.

**RCW 28B.30.634 Puget Sound water quality field agents program—Matching requirements.** Sea grant and cooperative extension shall require a match from nonstate sources of at least twenty-five percent of the cost of the services provided, and not exceeding fifty percent of the cost. The match may be either monetary compensation or in-kind services, such as the provision for office space or clerical support. Only direct costs of providing the services, excluding costs of administrative overhead, may be included in the estimate of costs. [1990 c 289 s 3.]

**RCW 28B.30.638 Puget Sound water quality field agents program—Captions not law.** Captions as used in RCW 28B.30.630 through 28B.30.638 constitute no part of the law. [1990 c 289 s 7.]

**RCW 28B.30.640 Climate and rural energy development center—Definitions.** The definitions in this section apply throughout RCW 28B.30.642 and 28B.30.644 unless the context clearly requires otherwise.

(1) "Center" means the Washington climate and rural energy development center.

(2) "Clean energy activities" means: (a) Activities related to renewable resources including electricity generation facilities fueled by water, wind, solar energy, geothermal energy, landfill gas, or bioenergy; (b) programs and industries promoting research, development, or commercialization of fuel cells and qualified alternative energy resources as defined in RCW 19.29A.090; (c) energy efficiency measures or technologies; and (d) technologies designed to significantly reduce the use of or emissions from motor vehicle fuels.

(3) "Climate change" means a change of climate attributed directly or indirectly to human activity that alters the composition of the global atmosphere. [2002 c 250 s 2.]

**Findings—2002 c 250:** "The legislature makes the following findings:

(1) A vast and growing body of research and information about changes to our global, national, and regional climates is being produced by a variety of sources.

(2) Much of this research and information holds important value in helping scientists, citizens, businesses, and public policymakers understand how Washington may be affected by these changes.

(3) It is in the public interest to support efforts to promote discussion and understanding of the potential effects of climate change on Washington's water supply, agriculture, natural resources, coastal infrastructure, public health, and economy, and to encourage

the formulation of sound recommendations for avoiding, mitigating, and responding to those effects.

(4) The state should support the establishment of a central clearinghouse to serve as an impartial, unbiased source of credible and reliable information about climate change for the public." [2002 c 250 s 1.]

**Effective date—2002 c 250:** "This act takes effect July 1, 2002." [2002 c 250 s 6.]

**RCW 28B.30.642 Climate and rural energy development center—Authorized.** The legislature authorizes the establishment of the Washington climate and rural energy development center in the Washington State University energy program to serve as a central, nonregulatory clearinghouse of credible and reliable information addressing various aspects of climate change and clean energy activities. [2002 c 250 s 3.]

**Findings—Effective date—2002 c 250:** See notes following RCW 28B.30.640.

**RCW 28B.30.644 Climate and rural energy development center—Funding.** The center shall be funded through grants, and voluntary monetary and in-kind contributions. [2002 c 250 s 4.]

**Findings—Effective date—2002 c 250:** See notes following RCW 28B.30.640.

**RCW 28B.30.646 Alternative jet fuels work group.** ***(Expires January 1, 2029.)*** (1) Washington State University must convene an alternative jet fuels work group to further the development of alternative jet fuel as a productive industry in Washington. The work group must include members from the legislature and sectors involved in alternative jet fuel research, development, production, and utilization. The work group must provide a report including any pertinent recommendations to the governor and appropriate committees of the legislature by December 1, 2024, and December 1st of every even-numbered year until December 1, 2028.

(2) This section expires January 1, 2029. [2023 c 232 s 4.]

**Effective date—2023 c 232 ss 1-7:** See note following RCW 70A.535.010.

**Automatic expiration date exemption—2023 c 232:** See note following RCW 82.04.287.

**Intent—2023 c 232:** See note following RCW 70A.535.010.

**RCW 28B.30.650 Diversity in clinical trials.** If at any time Washington State University receives funding from the national institutes of health to conduct clinical trials of drugs or medical devices, Washington State University shall adopt a policy concerning

the identification and recruitment of persons who are members of underrepresented demographic groups to participate in clinical trials of drugs and medical devices. This policy must include requirements to:

(1) Adopt a policy concerning the identification and recruitment of persons who are members of underrepresented demographic groups to participate in clinical trials. This policy must include requirements that investigators who are conducting clinical trials collaborate with community-based organizations and use methods recognized by the United States food and drug administration to identify and recruit such persons to participate in those clinical trials;

(2) Provide information to trial participants in languages other than English;

(3) Provide translation services or bilingual staff for trial screening;

(4) Provide culturally specific recruitment materials alongside general enrollment materials; and

(5) Provide electronic consent when not prohibited by the granting entity or federal regulations. [2023 c 426 s 9.]

## FINANCING BUILDINGS AND FACILITIES——1961 ACT

**RCW 28B.30.700 Construction, remodeling, improvement, financing through bonds, authorized.** The board of regents of Washington State University is empowered, in accordance with the provisions of RCW 28B.30.700 through 28B.30.780, to provide for the construction, completion, reconstruction, remodeling, rehabilitation and improvement of buildings and facilities authorized by the legislature for the use of the university and to finance the payment thereof by bonds payable out of a special fund from revenues hereafter derived from the payment of building fees, gifts, bequests or grants, and such additional funds as the legislature may provide. [1985 c 390 s 41; 1969 ex.s. c 223 s 28B.30.700. Prior: 1961 ex.s. c 12 s 1. Formerly RCW 28.80.500.]

**RCW 28B.30.710 Definitions.** The following terms, whenever used or referred to in RCW 28B.30.700 through 28B.30.780, shall have the following meaning, excepting in those instances where the context clearly indicates otherwise:

(1) The word "board" means the board of regents of Washington State University.

(2) The words "building fees" mean the building fees charged students registering at the university, but shall not mean special tuition or other fees charged such students or fees, charges, rentals, and other income derived from any or all revenue-producing lands, buildings, and facilities of the university, heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land or the appurtenances thereon.

(3) The words "bond retirement fund" mean the special fund created by RCW 28B.30.700 through 28B.30.780, to be known as the Washington State University bond retirement fund.

(4) The word "bonds" means the bonds payable out of the bond retirement fund.

(5) The word "projects" means the construction, completion, reconstruction, remodeling, rehabilitation, or improvement of any building or other facility of the university authorized by the legislature at any time and to be financed by the issuance and sale of bonds. [1985 c 390 s 42; 1969 ex.s. c 223 s 28B.30.710. Prior: 1961 ex.s. c 12 s 2. Formerly RCW 28.80.510.]

*Revenue bonds for construction of buildings and acquisition of facilities: RCW 28B.10.300 through 28B.10.330.*

**RCW 28B.30.720 Contracts, issuance of evidences of indebtedness, bonds, acceptance of grants.** In addition to the powers conferred under existing law, the board is authorized and shall have the power:

(1) To contract for the construction, completion, reconstruction, remodeling, rehabilitation and improvement of such buildings or other facilities of the university as are or may be authorized by the legislature.

(2) To finance the same by the issuance of bonds secured by the pledge of any or all of the revenues and receipts of the bond retirement fund.

(3) Without limitation of the foregoing, to accept grants from the United States government, or any federal or state agency or instrumentality, or any public or private corporation, association, or person to aid in defraying the costs of any such projects. [1969 ex.s. c 223 s 28B.30.720. Prior: 1963 c 182 s 3; 1961 ex.s. c 12 s 3. Formerly RCW 28.80.520.]

**RCW 28B.30.730 Bonds—Issuance, sale, form, term, interest—Covenants—Use of proceeds.** For the purpose of financing the cost of any projects, the board is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable. Said bonds:

(1) Shall not constitute

(a) An obligation, either general or special, of the state; or

(b) A general obligation of Washington State University or of the board;

(2) Shall be

(a) Either registered or in coupon form; and

(b) Issued in denominations of not less than one hundred dollars; and

(c) Fully negotiable instruments under the laws of this state; and

(d) Signed on behalf of the university by the president of the board, attested by the secretary or the treasurer of the board, have the seal of the university impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such president and secretary;

(3) Shall state

(a) The date of issue; and

(b) The series of the issue and be consecutively numbered within the series; and

(c) That, except as otherwise provided in subsection (8)(e) of this section, the bond is payable both principal and interest solely out of the bond retirement fund;

(4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine;

(5) Shall be payable both principal and interest out of the bond retirement fund;

(6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;

(7) Shall be sold in such manner and at such price as the board may prescribe;

(8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with RCW 28B.30.700 through 28B.30.780, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

(a) A covenant that the building fees shall be established, maintained and collected in such amounts that will provide money sufficient to pay the principal of and interest on all bonds payable out of the bond retirement account, to set aside and maintain the reserves required to secure the payment of such principal and interest, and to maintain any coverage which may be required over such principal and interest;

(b) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

(c) A covenant that sufficient moneys may be transferred from the Washington State University building account to the bond retirement account when ordered by the board of regents in the event there is ever an insufficient amount of money in the bond retirement account to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(d) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued;

(e) A covenant to obligate, to pay the principal of or interest on the bonds, all or a component of the fees and revenues of Washington State University that are not subject to appropriation by the legislature and that do not constitute general state revenues as defined in Article VIII, section 1 of the state Constitution or general state revenues for the purpose of calculating statutory limits on state indebtedness pursuant to *RCW 39.42.060.

The proceeds of the sale of all bonds issued in accordance with this chapter shall be used solely for paying the costs of the projects, including costs of issuance and other financing costs. The Washington State University building account shall be credited with the investment income derived pursuant to RCW 43.84.080 on the investable balances of scientific permanent fund and agricultural permanent fund, less the allocation to the state treasurer's service fund pursuant to RCW 43.08.190. [2009 c 499 s 9; 2002 c 238 s 302; 1991 sp.s. c 13 s 50; 1985 c 390 s 43; 1972 ex.s. c 25 s 2; 1970 ex.s.

c 56 s 28; 1969 ex.s. c 232 s 102; 1969 ex.s. c 223 s 28B.30.730. Prior: 1961 ex.s. c 12 s 4. Formerly RCW 28.80.530.]

***Reviser's note:** RCW 39.42.060 was repealed by 2009 c 500 s 13.

**Severability—2002 c 238:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [2002 c 238 s 307.]

**Effective date—2002 c 238:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 28, 2002]." [2002 c 238 s 308.]

**Effective dates—Severability—1991 sp.s. c 13:** See notes following RCW 18.08.240.

**Purpose—1970 ex.s. c 56:** See note following RCW 39.52.020.

**Validation—Saving—Severability—1969 ex.s. c 232:** See notes following RCW 39.52.020.

**RCW 28B.30.740 Washington State University bond retirement fund—Composition—Pledge of building fees.** For the purpose of paying and securing the payment of the principal of and interest on the bonds as the same shall become due, there is created in the custody of the state treasurer a special trust fund to be known as the Washington State University bond retirement fund. An appropriation is not required for expenditures from the fund. There shall be paid into the fund, the following:

(1) One-half of such building fees as the board may from time to time determine, or such larger portion as may be necessary to prevent default in the payments required to be made out of the bond retirement fund;

(2) Any grants which may be made, or may become available, for the purpose of furthering the construction of any authorized projects, or for the repayment of the costs thereof;

(3) Such additional funds as the legislature may provide.

While any bonds issued in accordance with the provisions of this chapter or any interest thereon remain unpaid, the bond retirement fund shall be available solely for the payment thereof except as provided in RCW 28B.30.750(5). As a part of the contract of sale of such bonds, the board shall undertake to charge and collect building fees and to deposit the portion of such fees in the bond retirement fund in amounts which will be sufficient to pay the principal of, and interest on all such bonds outstanding. [2009 c 499 s 4; 1985 c 390 s 44; 1969 ex.s. c 223 s 28B.30.740. Prior: 1961 ex.s. c 12 s 5. Formerly RCW 28.80.540.]

**RCW 28B.30.741 Washington State University bond retirement fund—Disposition of certain revenues from scientific school lands.** All moneys received from the lease or rental of lands set apart by the enabling act for a scientific school; all interest or income arising

from the proceeds of the sale of such lands or of the timber, fallen timber, stone, gravel or other valuable material thereon, except for investment income derived pursuant to RCW 43.84.080 and, less the allocation to the state investment board expense account pursuant to RCW 43.33A.160; and all moneys received as interest on deferred payments on contracts for the sale of such lands shall be deposited in the "Washington State University bond retirement fund" to be expended for the purposes set forth in RCW 28B.30.740. [1991 sp.s. c 13 s 76; 1969 ex.s. c 223 s 28B.30.741. Prior: 1965 c 77 s 1. Formerly RCW 28.80.541.]

**Effective dates—Severability—1991 sp.s. c 13:** See notes following RCW 18.08.240.

**RCW 28B.30.742 Washington State University bond retirement fund—Disposition of certain revenues from agricultural college lands.** Whenever federal law shall permit all moneys received from the lease or rental of lands set apart by the enabling act for an agricultural college, all interest or income arising from the proceeds of the sale of such lands or of the timber, fallen timber, stone, gravel or other valuable material thereon, except for investment income derived pursuant to RCW 43.84.080 and, less the allocation to the state investment board expense account pursuant to RCW 43.33A.160; and all moneys received as interest on deferred payments on contracts for the sale of such lands shall be deposited in the Washington State University bond retirement fund to be expended for the purposes set forth in RCW 28B.30.740. [1991 sp.s. c 13 s 77; 1969 ex.s. c 223 s 28B.30.742. Prior: 1965 c 77 s 2. Formerly RCW 28.80.542.]

**Effective dates—Severability—1991 sp.s. c 13:** See notes following RCW 18.08.240.

**RCW 28B.30.746 Development of curriculum for pharmacy students on suicide assessment, treatment, and management—Work group.** See RCW 28B.20.746.

**RCW 28B.30.750 Additional powers of board—Issuance of bonds, investments, transfer of funds, etc.** The board is hereby empowered:

(1) To reserve the right to issue bonds later on a parity with any bonds being issued;

(2) To authorize the investing of moneys in the bond retirement fund and any reserve account therein;

(3) To authorize the transfer of money from the Washington State University building account to the bond retirement fund when necessary to prevent a default in the payments required to be made out of such fund;

(4) To create a reserve account or accounts in the bond retirement fund to secure the payment of the principal of and interest on any bonds;

(5) To authorize the transfer to the Washington State University building account of any money on deposit in the bond retirement fund in excess of debt service for a period of three years from the date of such transfer on all outstanding bonds payable out of such fund.

However, during the 2023-2025 and 2025-2027 fiscal biennia, the legislature may transfer to the Washington State University building account moneys that are in excess of the debt service due within the respective fiscal biennium from the date of such transfer on all outstanding bonds payable out of the bond retirement fund. [2025 c 414 s 8028; 2023 c 474 s 8026; 2021 c 332 s 7028; 2019 c 413 s 7026; 2018 c 2 s 7020; 2015 3rd sp.s. c 3 s 7028; 2013 2nd sp.s. c 19 s 7029; 2011 1st sp.s. c 48 s 7021; 2010 1st sp.s. c 36 s 6009; 1969 ex.s. c 223 s 28B.30.750. Prior: 1961 ex.s. c 12 s 6. Formerly RCW 28.80.550.]

**Effective date—2025 c 414:** See note following RCW 79A.25.210.

**Conflict with federal requirements—Effective date—2023 c 474:** See notes following RCW 28A.320.330.

**Effective date—2021 c 332:** See note following RCW 43.19.501.

**Effective date—2019 c 413:** See note following RCW 28B.15.210.

**Effective date—2018 c 2:** See note following RCW 28B.10.027.

**Effective date—2015 3rd sp.s. c 3:** See note following RCW 43.160.080.

**Effective date—2013 2nd sp.s. c 19:** See note following RCW 43.34.080.

**Effective date—2011 1st sp.s. c 48:** See note following RCW 39.35B.050.

**Effective date—2010 1st sp.s. c 36:** See note following RCW 43.155.050.

**RCW 28B.30.760 Refunding bonds.** The board is hereby empowered to issue refunding bonds to provide funds to refund any or all outstanding bonds payable from the bond retirement fund and to pay any redemption premium payable on such outstanding bonds being refunded. Such refunding bonds may be issued in the manner and on terms and conditions and with the covenants permitted by RCW 28B.30.700 through 28B.30.780 for the issuance of bonds. The refunding bonds shall be payable out of the bond retirement fund and shall not constitute an obligation either general or special, of the state or a general obligation of Washington State University or the board. The board may exchange the refunding bonds at par for the bonds which are being refunded or may sell them in such manner, at such price and at such rate or rates of interest as it deems for the best interest of the university. [1970 ex.s. c 56 s 29; 1969 ex.s. c 232 s 103; 1969 ex.s. c 223 s 28B.30.760. Prior: 1961 ex.s. c 12 s 7. Formerly RCW 28.80.560.]

**Purpose—1970 ex.s. c 56:** See note following RCW 39.52.020.

**Validation—Saving—Severability—1969 ex.s. c 232:** See notes following RCW 39.52.020.

**RCW 28B.30.770 Bonds not general obligations—Legislature may provide additional means of payment.** The bonds authorized to be issued pursuant to the provisions of RCW 28B.30.700 through 28B.30.780 shall not be general obligations of the state of Washington, but shall be limited obligation bonds payable only from the special fund created for their payment. The legislature may provide additional means for raising money for the payment of interest and principal of said bonds. RCW 28B.30.700 through 28B.30.780 shall not be deemed to provide an exclusive method for such payment. The power given to the legislature by this section to provide additional means for raising money is permissive, and shall not in any way be construed as a pledge of the general credit of the state of Washington. [1969 ex.s. c 223 s 28B.30.770. Prior: 1961 ex.s. c 12 s 8. Formerly RCW 28.80.570.]

**RCW 28B.30.780 Other laws not repealed or limited.** RCW 28B.30.700 through 28B.30.780 is concurrent with other legislation with reference to providing funds for the construction of buildings at Washington State University, and is not to be construed as repealing or limiting any existing provision of law with reference thereto. [1969 ex.s. c 223 s 28B.30.780. Prior: 1961 ex.s. c 12 s 9. Formerly RCW 28.80.580.]

**RCW 28B.30.800 Acquisition, construction, equipping and betterment of lands, buildings and facilities at universities and The Evergreen State College.** See RCW 28B.10.300 through 28B.10.330.

**RCW 28B.30.810 Dairy/forage and agricultural research facility—Rainier school farm—Revolving fund—Lease of herd, lands, authorized.** (1) Washington State University shall establish and operate a dairy/forage and agricultural research facility at the Rainier school farm.

(2) Local funds generated through operation of this facility shall be managed in a revolving fund, established herewith, by the university. This fund shall consist of all moneys received in connection with the operation of the facility and any moneys appropriated to the fund by law. Disbursements from the revolving fund shall be on authorization of the president of the university or the president's designee. In order to maintain an effective expenditure and revenue control, this fund, to be known as the dairy/forage facility revolving fund, shall be subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the fund.

(3) In the event state funding is not sufficient to operate the dairy cattle herd, the university is authorized to lease the herd, together with the land necessary to maintain the same, for such period and upon such terms as the university board of regents shall deem proper. [1988 c 57 s 1; 1981 c 238 s 4.]

**Effective date—Savings—Liabilities, rights, actions, contracts—1981 c 238:** See notes following RCW 72.01.140.

**RCW 28B.30.900 Transfer of energy education, applied research, and technology transfer programs from state energy office.** (1) All

powers, duties, and functions of the state energy office under RCW 43.21F.045 relating to implementing energy education, applied research, and technology transfer programs shall be transferred to Washington State University.

(2) The specific programs transferred to Washington State University shall include but not be limited to the following: Renewable energy, energy software, industrial energy efficiency, education and information, energy ideas clearinghouse, and telecommunications.

(3)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the state energy office pertaining to the powers, functions, and duties transferred shall be delivered to the custody of Washington State University. All cabinets, furniture, office equipment, software, database, motor vehicles, and other tangible property employed by the state energy office in carrying out the powers, functions, and duties transferred shall be made available to Washington State University.

(b) Any appropriations made to, any other funds provided to, or any grants made to or contracts with the state energy office for carrying out the powers, functions, and duties transferred shall, on July 1, 1996, be transferred and credited to Washington State University.

(c) Whenever any question arises as to the transfer of any funds, books, documents, records, papers, files, software, database, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, an arbitrator mutually agreed upon by the parties in dispute shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(d) All rules and all pending business before the state energy office pertaining to the powers, functions, and duties transferred shall be continued and acted upon by Washington State University. All existing contracts, grants, and obligations, excluding personnel contracts and obligations, shall remain in full force and shall be assigned to and performed by Washington State University.

(e) The transfer of the powers, duties, and functions of the state energy office does not affect the validity of any act performed before July 1, 1996.

(f) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of the office of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation.

(4) Washington State University shall enter into an interagency agreement with the department of commerce regarding the relationship between policy development and public outreach. The department of commerce shall provide Washington State University available existing and future oil overcharge restitution and federal energy block funding for a minimum period of five years to carry out energy programs. Nothing in chapter 186, Laws of 1996 prohibits Washington State University from seeking grant funding for energy-related programs directly from other entities.

(5) Washington State University shall select and appoint existing state energy office employees to positions to perform the duties and functions transferred. Employees appointed by Washington State University are exempt from the provisions of chapter 41.06 RCW unless

otherwise designated by the institution. Any future vacant or new positions will be filled using Washington State University's standard hiring procedures. [2023 c 470 s 2008; 1996 c 186 s 201.]

**Explanatory statement——2023 c 470:** See note following RCW 10.99.030.

**Findings——Intent——Part headings not law——Effective date——1996 c 186:** See notes following RCW 43.330.904.

**RCW 28B.30.901 Establishment of administrative units to coordinate energy education or energy program delivery programs.** In addition to the powers and duties transferred, Washington State University shall have the authority to establish administrative units as may be necessary to coordinate either energy education or energy program delivery programs, or both, and to revise, restructure, redirect, or eliminate programs transferred to Washington State University based on available funding or to better serve the people and businesses of Washington state. [1996 c 186 s 202.]

**Findings——Intent——Part headings not law——Effective date——1996 c 186:** See notes following RCW 43.330.904.

**RCW 28B.30.902 Lind dryland research unit——Income from leased property.** (1) The Washington state treasury has been named a devisee of certain property pursuant to a will executed by Cleora Neare on July 14, 1982. Under *RCW 79.01.612, property that has been devised to the state is to be managed and controlled by the department of natural resources. The legislature hereby finds that it is in the best interest of the state to transfer part of the real property devised to the state under the will to Washington State University for use in conjunction with the Washington State University Lind dryland research unit located in Adams county and sell the remaining property for the benefit of the common schools.

(2) Washington State University is hereby granted ownership, management, and control of the real property legally described as all of Section 6, and the west half of Section 5, Township 17, Range 34 East E.W.M., Adams county, Washington, upon close of probate, or sooner if the property can be transferred without cost, other than costs properly allocated to the state as devisee under probate, to Washington State University.

Upon transfer of this property, the parcel shall become part of the Washington State University Lind dryland research unit. Any and all lease income derived from current leases on the property shall be deposited in a dedicated Washington State University local account for the benefit of the Lind dryland research unit.

(3) The department of natural resources shall sell the real property legally described as lots 28 and 29, block 10, Neilson Brothers plat, City of Lind, Adams county and the proceeds of the sale shall be deposited into the permanent common school fund. [1997 c 45 s 1.]

***Reviser's note:** RCW 79.01.612 was recodified as RCW 79.10.030 pursuant to 2003 c 334 s 555.

**RCW 28B.30.903 Washington State University extension energy program—Plant operations support program.** (1) The Washington State University extension energy program shall provide information, technical assistance, and consultation on physical plant operation, maintenance, and construction issues to state and local governments, tribal governments, and nonprofit organizations through its plant operations support program. The Washington State University extension energy program may not enter into facilities design or construction contracts on behalf of state or local government agencies, tribal governments, or nonprofit organizations. The plant operations support program created in this section must be funded by voluntary subscription charges, service fees, and other funding acquired by or provided to Washington State University for such purposes.

(2) The Washington State University extension energy program must establish and administer a technical assistance and education program focused on the use of alternative fuel vehicles. Education and assistance may be provided to public agencies, including local governments and other state political subdivisions. [2025 c 417 s 811; 2019 c 287 s 2; 2010 c 37 s 1.]

**Effective date—2025 c 417 ss 101-103, 406, 701-709, 808-814, 1102, 1103, and 1305:** See note following RCW 82.38.030.

**Findings—Intent—2025 c 417:** See note following RCW 82.38.030.

**Effective date—2019 c 287 ss 1-7, 12, and 14-23:** "Sections 1 through 7, 12, and 14 through 23 of this act take effect August 1, 2019." [2019 c 287 s 24.]

**Findings—Intent—2019 c 287:** "The legislature finds that increasing the rate of adoption of electric vehicles and vessels and other clean alternative fuel vehicles will help to reduce harmful air pollution from exhaust emissions, including greenhouse gas emissions, in the state. The legislature also finds that an increased reliance on greener transit options will help to further reduce harmful air pollution from exhaust emissions. The legislature further finds that support for clean alternative fuel infrastructure can help to increase adoption of green transportation in the state, as noted in a 2015 joint transportation committee report. It is therefore the legislature's intent to drive green vehicle and vessel adoption and increased green transit use by: (1) Establishing and extending tax incentive programs for alternative fuel vehicles and related infrastructure, including for commercial vehicles; (2) providing funding for a capital grant program to assist transit authorities in reducing the carbon output of their fleets; (3) increasing public and private electric utilities' ability to invest in electric vehicle charging infrastructure; (4) establishing a technical assistance program for public agencies within the Washington State University's energy program; (5) funding a pilot program to test methods for facilitating access to alternative fuel vehicles and alternative fuel vehicle infrastructure by low-income residents of the state; (6) funding a study to examine opportunities to provide financing assistance to lower-income residents of the state who would like to purchase an electric vehicle; and (7) establishing a tax incentive program for certain electric vessels." [2019 c 287 s 1.]

# Chapter 28B.35 RCW
# REGIONAL UNIVERSITIES

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*Branch campuses*

*Central Washington University—Yakima area: RCW 28B.45.060.*

*Washington State University and Eastern Washington University—Spokane area: RCW 28B.30.050.*

*British Columbia—Tuition and fees—Reciprocity with Washington: RCW 28B.15.756.*

*Central College fund—Other revenue for support of Central Washington University: RCW 43.79.304.*

*Commercial activities by institutions of higher education—Development of policies governing: Chapter 28B.63 RCW.*

*Development of methods and protocols for measuring educational costs: RCW 43.41.415.*

*Eastern College fund—Other revenue for support of Eastern Washington University: RCW 43.79.314.*

*Former state colleges of education—Moneys paid into general fund for support of: RCW 43.79.180.*

*Governing body of recognized student association at college or university, open public meetings act applicable to: RCW 42.30.200.*

*Idaho—Tuition and fees—Reciprocity with Washington: RCW 28B.15.750.*

*Normal school grant to former state colleges of education: RCW 43.79.150.*

*Oregon—Tuition and fees—Reciprocity with Washington: RCW 28B.15.730 through 28B.15.734.*

*Western Washington fund—Other revenue for support of Western Washington University: RCW 43.79.324.*

**RCW 28B.35.010 Designation.** The regional universities shall be located and designated as follows: At Bellingham, Western Washington University; at Cheney, Eastern Washington University; at Ellensburg, Central Washington University. [1977 ex.s. c 169 s 44. Prior: 1969 ex.s. c 223 s 28B.40.010; prior: 1967 c 47 s 6; 1961 c 62 s 2; 1957 c 147 s 2; prior: (i) 1909 c 97 p 251, part; 1897 c 118 s 212; 1893 c 107 s 1; RRS s 4604, part. (ii) 1937 c 23 s 1; RRS s 4604-1. (iii) 1937 c 23 s 2; RRS s 4604-2. (iv) 1937 c 23 s 3; RRS s 4604-3. Formerly RCW 28B.40.010, part; 28.81.010.]

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**RCW 28B.35.050 Primary purposes—Eligibility requirements for designation as regional university.** The primary purposes of the regional universities shall be to offer undergraduate and graduate education programs through the master's degree, including programs of a practical and applied nature, directed to the educational and professional needs of the residents of the regions they serve; to act

as receiving institutions for transferring community college students; and to provide extended occupational and complementary studies programs that continue or are otherwise integrated with the educational services of the region's community colleges.

No college shall be eligible for designation as a regional university until it has been in operation for at least twenty years and has been authorized to offer master's degree programs in more than three fields. [1977 ex.s. c 169 s 2.]

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**RCW 28B.35.100 Trustees—Appointment—Terms—Quorum—Vacancies.** (1) The governance of each of the regional universities shall be vested in a board of trustees consisting of eight members, one of whom shall be a student. The governor shall select the student member from a list of candidates, of at least three and not more than five, submitted by the governing body of the associated students. They shall be appointed by the governor with the consent of the senate and, except for the student member, shall hold their offices for a term of six years from the first day of October and until their successors are appointed and qualified. The student member shall hold his or her office for a term of one year from the first day of July and until the first day of July of the following year or until his or her successor is appointed and qualified, whichever is later. The student member shall be a full-time student in good standing at the respective university at the time of appointment.

(2) Five members of the board constitute a quorum for the transaction of business. In case of a vacancy, or when an appointment is made after the date of expiration of the term, the governor shall fill the vacancy for the remainder of the term of the trustee whose office has become vacant or expired.

(3) Except for the term of the student member, no more than the terms of two members will expire simultaneously on the last day of September in any one year.

(4) A student appointed under this section shall excuse himself or herself from participation or voting on matters relating to the hiring, discipline, or tenure of faculty members and personnel. [2006 c 78 s 3; 1998 c 95 s 3; 1985 c 137 s 1; 1979 ex.s. c 103 s 4; 1977 ex.s. c 169 s 45. Prior: 1973 c 62 s 11; 1969 ex.s. c 223 s 28B.40.100; prior: 1967 ex.s. c 5 s 2; 1957 c 147 s 3; prior: (i) 1909 c 97 p 251 s 1, part; 1897 c 118 s 212; 1893 c 107 s 1; RRS s 4604, part. (ii) 1909 c 97 p 251 s 2; 1897 c 118 s 213; 1893 c 107 s 2; RRS s 4605. Formerly RCW 28B.40.100, part; 28.81.020.]

**Present terms not affected—Severability—1979 ex.s. c 103:** See notes following RCW 28B.20.100.

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**RCW 28B.35.105 Trustees—Organization and officers of board—Quorum.** Each board of regional university trustees shall elect one of its members chair, and it shall elect a secretary, who may or may not

be a member of the board. Each board shall have power to adopt bylaws for its government and for the government of the school, which bylaws shall not be inconsistent with law, and to prescribe the duties of its officers, committees, and employees. A majority of the board shall constitute a quorum for the transaction of all business. [2011 c 336 s 726; 1977 ex.s. c 169 s 46. Prior: 1969 ex.s. c 223 s 28B.40.105; prior: 1909 p 252 s 3; RRS s 4606; prior: 1897 c 118 s 214; 1893 c 107 s 3. Formerly RCW 28B.40.105, part; 28.81.030 and 28.81.050(1), (2).]

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**RCW 28B.35.110 Trustees—Open public meetings.** Each board of regional university trustees shall hold at least two regular meetings each year, at such times as may be provided by the board, and shall follow procedures for open public meetings in chapter 42.30 RCW. Each board shall provide time for public comment at each meeting. Special meetings shall be held as may be deemed necessary, whenever called by the chair or by a majority of the board. Public notice of all meetings shall be given in accordance with *chapter 42.32 RCW. [2012 c 228 s 3; 2011 c 336 s 727; 1977 ex.s. c 169 s 47. Prior: 1969 ex.s. c 223 s 28B.40.110; prior: 1917 c 128 s 1, part; 1909 c 97 p 253 s 6, part; RRS s 4609, part; prior: 1897 c 118 s 217, part; 1893 c 107 s 6, part. Formerly RCW 28B.40.110, part; 28.81.040, part.]

***Reviser's note:** The only section in chapter 42.32 RCW, RCW 42.32.030, was recodified as RCW 42.30.035 pursuant to 2017 3rd sp.s. c 25 s 30.

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

*Open public meetings act: Chapter 42.30 RCW.*

**RCW 28B.35.120 Trustees—General powers and duties of board.** In addition to any other powers and duties prescribed by law, each board of trustees of the respective regional universities:

(1) Shall have full control of the regional university and its property of various kinds, except as otherwise provided by law.

(2) Shall employ the president of the regional university, his or her assistants, members of the faculty, and other employees of the institution, who, except as otherwise provided by law, shall hold their positions, until discharged therefrom by the board for good and lawful reason.

(3) With the assistance of the faculty of the regional university, shall prescribe the course of study in the various schools and departments thereof and publish such catalogues thereof as the board deems necessary: PROVIDED, That the Washington professional educator standards board shall determine the requisites for and give program approval of all courses leading to teacher certification by such board.

(4) May establish such divisions, schools, or departments necessary to carry out the purposes of the regional university and not otherwise proscribed by law.

(5) Except as otherwise provided by law, may establish and erect such new facilities as determined by the board to be necessary for the regional university.

(6) May acquire real and other property as provided in RCW 28B.10.020, as now or hereafter amended.

(7) Except as otherwise provided by law, may purchase all supplies and purchase or lease equipment and other personal property needed for the operation or maintenance of the regional university.

(8) May establish, lease, operate, equip, and maintain self-supporting facilities in the manner provided in RCW 28B.10.300 through 28B.10.330, as now or hereafter amended.

(9) Except as otherwise provided by law, shall enter into such contracts as the trustees deem essential to regional university purposes.

(10) May receive such gifts, grants, conveyances, devises, and bequests of real or personal property from whatsoever source, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the regional university programs; sell, lease, or exchange, invest or expend the same or the proceeds, rents, profits, and income thereof except as limited by the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits, and income thereof.

(11) In accordance with RCW 28B.77.080, may offer new degree programs, offer off-campus programs, participate in consortia or centers, contract for off-campus educational programs, and purchase or lease major off-campus facilities.

(12) May promulgate such rules and regulations, and perform all other acts not forbidden by law, as the board of trustees may in its discretion deem necessary or appropriate to the administration of the regional university. [2012 c 229 s 809; 2011 c 336 s 728; 2006 c 263 s 824; 2004 c 275 s 54; 1985 c 370 s 94; 1977 ex.s. c 169 s 48. Prior: 1969 ex.s. c 223 s 28B.40.120; prior: 1909 c 97 p 252 s 4; RRS s 4607; prior: 1905 c 85 s 1; 1897 c 118 s 215; 1893 c 107 s 4. Formerly RCW 28B.40.120, part; 28.81.050.]

**Effective date——2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Findings——Purpose——Part headings not law——2006 c 263:** See notes following RCW 28A.150.230.

**Part headings not law——2004 c 275:** See note following RCW 28B.76.090.

**Severability——Nomenclature——Savings——1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**RCW 28B.35.190 Trustees——Fire protection services.** Subject to the provisions of RCW 35.21.779, each board of trustees of the regional universities may:

(1) Contract for such fire protection services as may be necessary for the protection and safety of the students, staff and property of the regional university;

(2) By agreement pursuant to the provisions of chapter 239, Laws of 1967 (chapter 39.34 RCW), as now or hereafter amended, join together with other agencies or political subdivisions of the state or federal government and otherwise share in the accomplishment of any of the purposes of subsection (1) of this section:

PROVIDED, HOWEVER, That neither the failure of the trustees to exercise any of its powers under this section nor anything herein shall detract from the lawful and existing powers and duties of political subdivisions of the state to provide the necessary fire protection equipment and services to persons and property within their jurisdiction. [1992 c 117 s 1; 1977 ex.s. c 169 s 49. Prior: 1970 ex.s. c 15 s 28. Formerly RCW 28B.40.190, part.]

**Findings—1992 c 117:** See note following RCW 35.21.775.

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**RCW 28B.35.195 Treasurer—Appointment, term, duties, bonds.** See RCW 28B.40.195.

**RCW 28B.35.196 Credits—Statewide transfer policy and agreement—Establishment.** See RCW 28B.77.210 and 28B.77.215.

**RCW 28B.35.200 Bachelor degrees authorized.** The degree of bachelor of arts or the degree of bachelor of science and/or the degree of bachelor of arts in education may be granted to any student who has completed a four-year course of study or the equivalent thereof in Central Washington University, Eastern Washington University, or Western Washington University. [1977 ex.s. c 169 s 50. Prior: 1969 ex.s. c 223 s 28B.40.200; prior: 1967 c 231 s 1; 1967 c 47 s 7; 1947 c 109 s 1; 1933 c 13 s 1; Rem. Supp. 1947 s 4618-1. Formerly RCW 28B.40.200, part; 28.81.052; 28.81.050(16).]

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**RCW 28B.35.202 Educational specialist degrees.** The boards of trustees of Central Washington University, Eastern Washington University, and Western Washington University may offer educational specialist degrees. [2013 c 296 s 1; 2012 c 229 s 810; 2011 c 136 s 1.]

**Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**RCW 28B.35.205 Degrees through master's degrees—Honorary degrees.** (1) In addition to all other powers and duties given to them by law, Central Washington University, Eastern Washington University, and Western Washington University are hereby authorized to grant any

degree through the master's degree to any student who has completed a program of study and/or research in those areas which are determined by the faculty and board of trustees of the college to be appropriate for the granting of such degree.

(2) The board of trustees, upon recommendation of the faculty, may also confer honorary bachelor's, master's, or doctorate level degrees upon persons in recognition of their learning or devotion to education, literature, art, or science. No degree may be conferred in consideration of the payment of money or the donation of any kind of property.

(3) The board of trustees may also confer honorary degrees upon persons who request an honorary degree if they were students at the university in 1942 and did not graduate because they were ordered into an internment camp. The honorary degree may also be requested by a representative of deceased persons who meet these requirements. For the purposes of this subsection, "internment camp" means a relocation center to which persons were ordered evacuated by Presidential Executive Order 9066, signed February 19, 1942. [2012 c 229 s 811; 2010 c 51 s 3; 2009 c 295 s 1; 1991 c 58 s 2; 1985 c 370 s 84; 1979 c 14 s 4. Prior: 1977 ex.s. c 169 s 51. Cf: 1975 1st ex.s. c 232 s 1.]

**Effective date——2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Severability——Nomenclature——Savings——1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**RCW 28B.35.210 Doctorate level degrees restricted.** The board of trustees of the regional universities may offer applied, but not research, doctorate level degrees. [2023 c 130 s 1.]

**RCW 28B.35.230 Certificates, diplomas——Signing——Contents.** Every diploma issued by a regional university shall be signed by the chair of the board of trustees and by the president of the regional university issuing the same, and sealed with the appropriate seal. In addition to the foregoing, teaching certificates shall be countersigned by the state superintendent of public instruction. Every certificate shall specifically state what course of study the holder has completed and for what length of time such certificate is valid in the schools of the state. [2011 c 336 s 729; 1977 ex.s. c 169 s 53. Prior: 1969 ex.s. c 223 s 28B.40.230; prior: 1917 c 128 s 4; 1909 c 97 p 254 s 9; RRS s 4615; prior: 1897 c 118 s 220; 1895 c 146 s 2; 1893 c 107 s 13. Formerly RCW 28B.40.230, part; 28.81.056; 28.81.050(15).]

**Severability——Nomenclature——Savings——1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**RCW 28B.35.300 Model schools and training departments——Purpose.** A model school or schools or training departments may be provided for each regional university, in which students, before graduation, may have actual practice in teaching or courses relative thereto under the supervision and observation of critic teachers. All schools or

departments involved herewith shall organize and direct their work being cognizant of public school needs. [1977 ex.s. c 169 s 54. Prior: 1969 ex.s. c 223 s 28B.40.300; prior: 1917 c 128 s 2; 1909 c 97 p 253 s 8; RRS s 4611; prior: 1897 c 118 s 219; 1893 c 107 s 12. Formerly RCW 28B.40.300, part; 28.81.058; 28.81.050(12).]

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**RCW 28B.35.305 Model schools and training departments—Trustees to estimate number of pupils required.** The board of trustees of any regional university having a model school or training department as authorized by RCW 28B.35.300, shall, on or before the first Monday of September of each year, file with the board of the school district or districts in which such regional university is situated, a certified statement showing an estimate of the number of public school pupils who will be required to make up such model school and specifying the number required for each grade for which training for students is required. [1977 ex.s. c 169 s 55. Prior: 1969 ex.s. c 223 s 28B.40.305; prior: 1907 c 97 s 1; RRS s 4612. Formerly RCW 28B.40.305, part; 28.81.059; 28.81.050(13).]

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**RCW 28B.35.310 Model schools and training departments—Requisitioning of pupils—President may refuse admission.** It shall thereupon be the duty of the board of the school district or districts with which such statement has been filed, to apportion for attendance to the said model school or training department, a sufficient number of pupils from the public schools under the supervision of said board as will furnish to such regional university the number of pupils required in order to maintain such facility: PROVIDED, That the president of said regional university may refuse to accept any such pupil as in his or her judgment would tend to reduce the efficiency of said model school or training department. [2011 c 336 s 730; 1977 ex.s. c 169 s 56. Prior: 1969 ex.s. c 223 s 28B.40.310; prior: 1907 c 97 s 2; RRS s 4613. Formerly RCW 28B.40.310, part; 28.81.060.]

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**RCW 28B.35.315 Model schools and training departments—Report of attendance.** Annually, on or before the date for reporting the school attendance of the school district in which said model school or training department is situated, for the purpose of taxation for the support of the common schools, the board of trustees of each such regional university having supervision over the same shall file with the board of the school district or districts, in which such model school or training department is situated, a report showing the number of common school pupils at each such model school or training department during the school year last passed, and the period of their attendance in the same form that reports of public schools are made.

Any superintendent of the school district so affected shall, in reporting the attendance in said school district, segregate the attendance at said model school or training department, from the attendance in the other schools of said district: PROVIDED, That attendance shall be credited, if credit be given therefor, to the school district in which the pupil resides. [1977 ex.s. c 169 s 57. Prior: 1969 ex.s. c 223 s 28B.40.315; prior: 1917 c 128 s 3; 1907 c 97 s 3; RRS s 4614. Formerly RCW 28B.40.315, part; 28.81.061; 28.81.050(14).]

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**RCW 28B.35.350 Suspension and expulsion.** Any student may be suspended or expelled from any regional university who is found to be guilty of an infraction of the regulations of the institution. [1977 ex.s. c 169 s 58. Prior: 1969 ex.s. c 223 s 28B.40.350; prior: 1961 ex.s. c 13 s 2, part; prior: (i) 1909 c 97 p 255 s 13; RRS s 4620. (ii) 1921 c 136 s 1, part; 1905 c 85 s 3, part; RRS s 4616, part. Formerly RCW 28B.40.350, part; 28.81.070.]

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**RCW 28B.35.370 Disposition of building fees and normal school fund revenues—Bond payments—Capital projects accounts.** Within 35 days from the date of collection thereof all building fees of each regional university and The Evergreen State College shall be paid into the state treasury and these together with such normal school fund revenues as provided in RCW 28B.35.751 as are received by the state treasury shall be credited as follows:

(1) On or before June 30th of each year the board of trustees of each regional university and The Evergreen State College, if issuing bonds payable out of its building fees and above described normal school fund revenues, shall certify to the state treasurer the amounts required in the ensuing 12 months to pay and secure the payment of the principal of and interest on such bonds. The amounts so certified by each regional university and The Evergreen State College shall be a prior lien and charge against all building fees and above described normal school fund revenues of such institution. The state treasurer shall thereupon deposit the amounts so certified in the Eastern Washington University capital projects account, the Central Washington University capital projects account, the Western Washington University capital projects account, or The Evergreen State College capital projects account respectively, which accounts are hereby created in the state treasury. The amounts deposited in the respective capital projects accounts shall be used to pay and secure the payment of the principal of and interest on the building bonds issued by such regional universities and The Evergreen State College as authorized by law. If in any 12-month period it shall appear that the amount certified by any such board of trustees is insufficient to pay and secure the payment of the principal of and interest on the outstanding building and above described normal school fund revenue bonds of its institution, the state treasurer shall notify the board of trustees

and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal of and interest on all such bonds then outstanding shall be fully met at all times.

(2) All normal school fund revenue pursuant to RCW 28B.35.751 shall be deposited in the Eastern Washington University capital projects account, the Central Washington University capital projects account, the Western Washington University capital projects account, or The Evergreen State College capital projects account respectively, which accounts are hereby created in the state treasury. The sums deposited in the respective capital projects accounts shall be appropriated and expended to pay and secure the payment of the principal of and interest on bonds payable out of the building fees and normal school revenue and for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto except for any sums transferred therefrom as authorized by law. During the 2023-2025 and 2025-2027 fiscal biennia, sums in the respective capital accounts may also be used for routine facility maintenance, utility costs, and facility condition assessments.

(3) Funds available in the respective capital projects accounts may also be used for certificates of participation under chapter 39.94 RCW. [2025 c 414 s 8029; 2023 c 474 s 8027; 2021 c 332 s 7029; 2019 c 413 s 7027; 2017 3rd sp.s. c 1 s 954; 2015 3rd sp.s. c 3 s 7029; 2013 2nd sp.s. c 19 s 7030; 2011 1st sp.s. c 48 s 7024. Prior: 2009 c 499 s 5; 2009 c 497 s 6021; 1991 sp.s. c 13 s 49; prior: 1985 c 390 s 47; 1985 c 57 s 15; 1977 ex.s. c 169 s 79; 1969 ex.s. c 223 s 28B.40.370; prior: 1967 c 47 ss 11, 14; 1965 c 76 s 2; 1961 ex.s. c 14 s 5; 1961 ex.s. c 13 s 4. Formerly RCW 28B.40.370; 28.81.085; 28.81.540.]

**Effective date—2025 c 414:** See note following RCW 79A.25.210.

**Conflict with federal requirements—Effective date—2023 c 474:** See notes following RCW 28A.320.330.

**Effective date—2021 c 332:** See note following RCW 43.19.501.

**Effective date—2019 c 413:** See note following RCW 28B.15.210.

**Effective date—2017 3rd sp.s. c 1:** See note following RCW 43.41.455.

**Effective date—2015 3rd sp.s. c 3:** See note following RCW 43.160.080.

**Effective date—2013 2nd sp.s. c 19:** See note following RCW 43.34.080.

**Effective date—2011 1st sp.s. c 48:** See note following RCW 39.35B.050.

**Effective date—2009 c 497:** See note following RCW 28B.15.210.

**Effective dates—Severability—1991 sp.s. c 13:** See notes following RCW 18.08.240.

**Effective date—1985 c 57:** See note following RCW 18.04.105.

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**RCW 28B.35.390 Duties of president.** The president of each regional university shall have general supervision of the university and see that all laws and rules of the board of trustees are observed. [1977 ex.s. c 169 s 61. Prior: 1969 ex.s. c 223 s 28B.40.390; prior: 1909 c 97 p 253 s 7; RRS s 4610; prior: 1897 c 118 s 218; 1893 c 107 s 7. Formerly RCW 28B.40.390, part; 28.81.110.]

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**RCW 28B.35.395 President's housing allowance.** Housing or a housing allowance may only be provided for the president of a public four-year institution of higher education who resides in the location where the institution is designated under RCW 28B.20.010, 28B.30.010, 28B.35.010, and 28B.40.010. [1998 c 344 s 4.]

**Intent—Findings—1998 c 344:** See note following RCW 28B.10.029.

**RCW 28B.35.400 Meetings of presidents.** It shall be the duty of the presidents of the several regional universities to meet at least once annually to consult with each other relative to the management of the regional universities. [1977 ex.s. c 169 s 62.]

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

FINANCING BUILDINGS AND FACILITIES—1961 ACT

**RCW 28B.35.700 Construction, remodeling, improvement, financing, etc.—Authorized.** The boards of trustees of the regional universities and of The Evergreen State College are empowered in accordance with the provisions of RCW 28B.35.700 through 28B.35.790, to provide for the construction, completion, reconstruction, remodeling, rehabilitation and improvement of buildings and facilities authorized by the legislature for the use of the aforementioned universities and The Evergreen State College and to finance the payment thereof by bonds payable out of special funds from revenues hereafter derived from the payment of building fees, gifts, bequests or grants and such additional funds as the legislature may provide. [1985 c 390 s 48; 1977 ex.s. c 169 s 82; 1969 ex.s. c 223 s 28B.40.700. Prior: 1967 c 47 s 12; 1961 ex.s. c 14 s 1. Formerly RCW 28B.40.700; 28.81.500.]

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**RCW 28B.35.710 Definitions.** The following terms, whenever used or referred to in RCW 28B.35.700 through 28B.35.790, shall have the following meaning, excepting in those instances where the context clearly indicates otherwise:

(1) The word "boards" means the boards of trustees of the regional universities and The Evergreen State College.

(2) The words "building fees" mean the building fees charged students registering at each college, but shall not mean the special tuition or other fees charged such students or fees, charges, rentals, and other income derived from any or all revenue-producing lands, buildings, and facilities of the respective colleges, heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land or the appurtenances thereon.

(3) The words "bond retirement funds" shall mean the special funds created by law and known as the Eastern Washington University bond retirement fund, Central Washington University bond retirement fund, Western Washington University bond retirement fund, and The Evergreen State College bond retirement fund, all as referred to in RCW 28B.35.370.

(4) The word "bonds" means the bonds payable out of the bond retirement funds.

(5) The word "projects" means the construction, completion, reconstruction, remodeling, rehabilitation, or improvement of any building or other facility of any of the aforementioned colleges authorized by the legislature at any time and to be financed by the issuance and sale of bonds. [1985 c 390 s 49; 1977 ex.s. c 169 s 83; 1969 ex.s. c 223 s 28B.40.710. Prior: 1967 c 47 s 13; 1961 ex.s. c 14 s 2. Formerly RCW 28B.40.710; 28.81.510.]

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**RCW 28B.35.720 Contracts, issuance of evidences of indebtedness, bonds, acceptance of grants.** In addition to the powers conferred under existing law, each of the boards is authorized and shall have the power:

(1) To contract for the construction, completion, reconstruction, remodeling, rehabilitation and improvement of such buildings or other facilities of the university or college as are authorized by the legislature to be financed by the issuance and sale of bonds.

(2) To finance the same by the issuance of bonds secured by the pledge of any or all of the building fees.

(3) Without limitation of the foregoing, to accept grants from the United States government, or any federal or state agency or instrumentality, or private corporation, association, or person to aid in defraying the costs of any such projects. [1985 c 390 s 50; 1977 ex.s. c 169 s 84; 1969 ex.s. c 223 s 28B.40.720. Prior: 1961 ex.s. c 14 s 3. Formerly RCW 28B.40.720; 28.81.520.]

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**RCW 28B.35.730 Bonds—Issuance, sale, form, term, interest, etc.—Covenants—Deposit of proceeds.** For the purpose of financing the cost of any projects, each of the boards is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale, and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable. Said bonds:

(1) Shall not constitute

(a) An obligation, either general or special, of the state; or

(b) A general obligation of the university or college or of the board;

(2) Shall be

(a) Either registered or in coupon form; and

(b) Issued in denominations of not less than one hundred dollars; and

(c) Fully negotiable instruments under the laws of this state; and

(d) Signed on behalf of the university or college by the chair of the board, attested by the secretary of the board, have the seal of the university or college impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such chair and the secretary;

(3) Shall state

(a) The date of issue; and

(b) The series of the issue and be consecutively numbered within the series; and

(c) That the bond is payable both principal and interest solely out of the bond retirement fund;

(4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine;

(5) Shall be payable both principal and interest out of the bond retirement fund;

(6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;

(7) Shall be sold in such manner and at such price as the board may prescribe;

(8) Shall be issued under and subject to such terms, conditions, and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants, and protective provisions safeguarding such payment, not inconsistent with RCW 28B.35.700 through 28B.35.790, as now or hereafter amended, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

(a) A covenant that the building fees shall be established, maintained, and collected in such amounts that will provide money sufficient to pay the principal of and interest on all bonds payable out of the bond retirement fund, to set aside and maintain the reserves required to secure the payment of such principal and interest, and to maintain any coverage which may be required over such principal and interest;

(b) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

(c) A covenant that sufficient moneys may be transferred from the capital projects account of the university or college issuing the bonds to the bond retirement fund of such university or college when ordered by the board of trustees in the event there is ever an insufficient amount of money in the bond retirement fund to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(d) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued.

The proceeds of the sale of all bonds, exclusive of accrued interest which shall be deposited in the bond retirement fund, shall be deposited in the state treasury to the credit of the capital projects account of the university or college issuing the bonds and shall be used solely for paying the costs of the projects. [2011 c 336 s 731; 1985 c 390 s 51; 1977 ex.s. c 169 s 85; 1970 ex.s. c 56 s 30; 1969 ex.s. c 232 s 104; 1969 ex.s. c 223 s 28B.40.730. Prior: 1961 ex.s. c 14 s 4. Formerly RCW 28B.40.730; 28.81.530.]

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**Purpose—1970 ex.s. c 56:** See note following RCW 39.52.020.

**Validation—Saving—Severability—1969 ex.s. c 232:** See notes following RCW 39.52.020.

*Capital projects accounts of regional universities and The Evergreen State College: RCW 28B.35.370.*

**RCW 28B.35.750 Funds payable into bond retirement funds—Pledge of building fees.** For the purpose of paying and securing the payment of the principal of and interest on the bonds as the same shall become due, there shall be paid into the state treasury and credited to the respective bond retirement fund of each university or college issuing bonds, the following:

(1) Amounts derived from building fees as the board shall certify as necessary to prevent default in the payments required to be paid into such bond retirement fund;

(2) Any grants which may be made, or may become available, for the purpose of furthering the construction of any authorized projects, or for the repayment of the costs thereof;

(3) Such additional funds as the legislature may provide.

Said bond retirement fund shall be kept segregated from all moneys in the state treasury and shall, while any of such bonds or any interest thereon remains unpaid, be available solely for the payment thereof. As a part of the contract of sale of such bonds, the board shall undertake to charge and collect building fees and to deposit the portion of such fees in the bond retirement fund in amounts which will be sufficient to pay and secure the payment of the principal of, and interest on all such bonds outstanding. [1985 c 390 s 52; 1977 ex.s. c 169 s 86; 1969 ex.s. c 223 s 28B.40.750. Prior: 1961 ex.s. c 14 s 6. Formerly RCW 28B.40.750; 28.81.550.]

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**RCW 28B.35.751 Disposition of certain normal school fund revenues.** All moneys received from the lease or rental of lands set apart by the enabling act for state normal schools purposes; all interest or income arising from the proceeds of the sale of such lands or of the timber, fallen timber, stone, gravel, or other valuable material thereon, less the allocation to the state treasurer's service fund pursuant to RCW 43.08.190 and the state investment board expense account pursuant to RCW 43.33A.160; and all moneys received as interest on deferred payments on contracts for the sale of such lands, shall from time to time be paid into the state treasury and credited to the Eastern Washington University, Central Washington University, Western Washington University and The Evergreen State College capital projects accounts as herein provided to be expended for capital projects, and bond retirement purposes as set forth in RCW 28B.35.750, as now or hereafter amended. Eastern Washington University, Central Washington University, Western Washington University, and The Evergreen State College shall be credited with one-fourth of the total amount beginning July 1, 2003. Beginning July 1, 1995, The Evergreen State College shall receive five percent of the total amount not obligated to repayment of bonds; Eastern Washington University, Central Washington University, and Western Washington University shall receive equal amounts of the remaining amount. Beginning July 1, 1997, The Evergreen State College shall receive ten percent of the total amount not obligated to repayment of bonds; Eastern Washington University, Central Washington University, and Western Washington University shall receive equal amounts of the remaining amount. Beginning July 1, 1999, The Evergreen State College shall receive fifteen percent of the total amount not dedicated to repayment of bonds; Eastern Washington University, Central Washington University, and Western Washington University shall each receive equal amounts of the remaining amount. Beginning July 1, 2001, The Evergreen State College shall receive twenty percent of the total amount not obligated to repayment of bonds; Eastern Washington University, Central Washington University, and Western Washington University shall each receive equal amounts of the remaining amount. [1993 c 411 s 2; 1991 sp.s. c 13 s 95; 1977 ex.s. c 169 s 87; 1969 ex.s. c 223 s 28B.40.751. Prior: 1967 c 47 s 15; 1965 c 76 s 1. Formerly RCW 28B.40.751; 28.81.551.]

**Finding—1993 c 411:** "The legislature finds that Central Washington University, Eastern Washington University, Western Washington University, and The Evergreen State College are the state's comprehensive undergraduate institutions and each should share equally in the benefits derived from lands set apart in the enabling act for state normal school purposes." [1993 c 411 s 1.]

**Effective dates—Severability—1991 sp.s. c 13:** See notes following RCW 18.08.240.

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**RCW 28B.35.760 Additional powers of board—Issuance of bonds, investments, transfer of funds, etc.** The board of any such university or college is hereby empowered:

(1) To reserve the right to issue bonds later on a parity with any bonds being issued;

(2) To authorize the investing of moneys in the bond retirement fund and any reserve account therein;

(3) To authorize the transfer of money from the college's or universities' capital projects account to the college's or universities' bond retirement fund when necessary to prevent a default in the payments required to be made out of such fund;

(4) To create a reserve account or accounts in the bond retirement fund to secure the payment of the principal of and interest on any bonds. [1977 ex.s. c 169 s 88; 1969 ex.s. c 223 s 28B.40.760. Prior: 1961 ex.s. c 14 s 7. Formerly RCW 28B.40.760; 28.81.560.]

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**RCW 28B.35.770 Refunding bonds.** Each board of trustees is hereby empowered to issue refunding bonds to provide funds to refund any or all outstanding bonds payable from the bond retirement fund and to pay any redemption premium payable on such outstanding bonds being refunded. Such refunding bonds may be issued in the manner and on terms and conditions and with the covenants permitted by RCW 28B.35.700 through 28B.35.790 as now or hereafter amended for the issuance of bonds. The refunding bonds shall be payable out of the bond retirement fund and shall not constitute an obligation either general or special, of the state or a general obligation of the college or university of Washington issuing the bonds or the board thereof. The board may exchange the refunding bonds at par for the bonds which are being refunded or may sell them in such manner, at such price and at such rate or rates of interest as it deems for the best interest of the college or university. [1977 ex.s. c 169 s 89; 1970 ex.s. c 56 s 31; 1969 ex.s. c 232 s 105; 1969 ex.s. c 223 s 28B.40.770. Prior: 1961 ex.s. c 14 s 8. Formerly RCW 28B.40.770; 28.81.570.]

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**Purpose—1970 ex.s. c 56:** See note following RCW 39.52.020.

**Validation—Saving—Severability—1969 ex.s. c 232:** See notes following RCW 39.52.020.

**RCW 28B.35.780 Bonds not general obligation—Legislature may provide additional means of payment.** The bonds authorized to be issued pursuant to the provisions of RCW 28B.35.700 through 28B.35.790 as now or hereafter amended shall not be general obligations of the state of Washington, but shall be limited obligation bonds payable only from the special funds created for their payment. The legislature may provide additional means for raising money for the payment of interest and principal of said bonds. RCW 28B.35.700 through 28B.35.790 as now or hereafter amended shall not be deemed to provide an exclusive method for such payment. The power given to the legislature by this section to provide for additional means for

raising money is permissive, and shall not in any way be construed as a pledge of the general credit of the state of Washington. [1977 ex.s. c 169 s 90; 1969 ex.s. c 223 s 28B.40.780. Prior: 1961 ex.s. c 14 s 9. Formerly RCW 28B.40.780; 28.81.580.]

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**RCW 28B.35.790 Other laws not repealed or limited.** RCW 28B.35.700 through 28B.35.790 as now or hereafter amended is concurrent with other legislation with reference to providing funds for the construction of buildings at the regional universities or The Evergreen State College and is not to be construed as repealing or limiting any existing provision of law with reference thereto. [1977 ex.s. c 169 s 91; 1969 ex.s. c 223 s 28B.40.790. Prior: 1961 ex.s. c 14 s 10. Formerly RCW 28B.40.790; 28.81.590.]

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

# Chapter 28B.40 RCW
# THE EVERGREEN STATE COLLEGE

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FINANCING BUILDINGS AND FACILITIES—1961 ACT

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- *purchase or lease of land for: RCW 28B.10.300(2).*
- *use of acquired: RCW 28B.10.305.*

*Commercial activities by institutions of higher education—Development of policies governing: Chapter 28B.63 RCW.*

*Courses, studies and instruction*
- *physical education: RCW 28B.10.700.*
- *state board to approve courses leading to teacher certification: RCW 28B.40.120(3).*

*Development of methods and protocols for measuring educational costs: RCW 43.41.415.*

*Eminent domain by: RCW 28B.10.020.*

*Entrance requirements: RCW 28B.10.050.*
- *approval by state board of education of courses leading to teacher certification: RCW 28B.40.120(3).*

*Eye protection, public educational institutions: RCW 70.100.010 through 70.100.040.*

*Faculty members and employees, insurance: RCW 28B.10.660.*

*Faculty members of institutions of higher education, remunerated professional leaves for: RCW 28B.10.650.*

*Flag, display: RCW 28B.10.030.*

*Funds*

*Central College fund, abolished and moneys transferred to general fund: RCW 43.79.300, 43.79.302.*
*Central College fund, appropriations, warrants, to be paid from general fund: RCW 43.79.301, 43.79.303.*
*Eastern College fund, abolished and moneys transferred to general fund: RCW 43.79.310, 43.79.312.*
*Eastern College fund, appropriations, warrants, to be paid from general fund: RCW 43.79.311, 43.79.313.*
*moneys paid into general fund for support of: RCW 43.79.180.*
*normal school current fund, sources: RCW 43.79.180.*
*normal school grant to colleges of education: RCW 43.79.150.*
*normal school permanent fund: RCW 43.79.160.*
*Western College fund, abolished and moneys transferred to general fund: RCW 43.79.320, 43.79.322.*
*Western College fund, appropriations, warrants, to be paid from general fund: RCW 43.79.321, 43.79.323.*

*Governing body of recognized student association at college or university, open public meetings act applicable to: RCW 42.30.200.*

*Idaho—Tuition and fees—Reciprocity with Washington: RCW 28B.15.750.*

*Insurance for officers, employees and students: RCW 28B.10.660.*

*Oregon—Tuition and fees—Reciprocity with Washington: RCW 28B.15.730 through 28B.15.734.*

*Real property, acquisition of authorized: RCW 28B.10.020.*

*Students*
*insurance: RCW 28B.10.660.*
*loan fund under national defense education act: RCW 28B.10.280.*

**RCW 28B.40.010 Designation.** The only state college in Washington shall be in Thurston county, The Evergreen State College. [1977 ex.s. c 169 s 64; 1969 ex.s. c 223 s 28B.40.010. Prior: 1967 c 47 s 6; 1961 c 62 s 2; 1957 c 147 s 2; prior: (i) 1909 c 97 p 251 s 1, part; 1897 c 118 s 212; 1893 c 107 s 1; RRS s 4604, part. (ii) 1937 c 23 s 1; RRS s 4604-1. (iii) 1937 c 23 s 2; RRS s 4604-2. (iv) 1937 c 23 s 3; RRS s 4604-3. Formerly RCW 28.81.010.]

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**RCW 28B.40.100 Trustees—Appointment—Terms—Quorum—Vacancies.** (1) The governance of The Evergreen State College shall be vested in a board of trustees consisting of eight members, one of whom shall be a student. The governor shall select the student member from a list of candidates, of at least three and not more than five, submitted by the student body. They shall be appointed by the governor with the consent of the senate and, except for the student member, shall hold their offices for a term of six years from the first day of October and until their successors are appointed and qualified. The student member

shall hold his or her office for a term of one year from the first day of July and until the first day of July of the following year or until his or her successor is appointed and qualified, whichever is later. The student member shall be a full-time student in good standing at the college at the time of appointment.

(2) Five members of the board constitute a quorum for the transaction of business. In case of a vacancy, or when an appointment is made after the date of expiration of the term, the governor shall fill the vacancy for the remainder of the term of the trustee whose office has become vacant or expired.

(3) Except for the term of the student member, no more than the terms of two members will expire simultaneously on the last day of September in any one year.

(4) A student appointed under this section shall excuse himself or herself from participation or voting on matters relating to the hiring, discipline, or tenure of faculty members and personnel. [2006 c 78 s 4; 1998 c 95 s 4; 1985 c 137 s 2; 1979 ex.s. c 103 s 5; 1977 ex.s. c 169 s 65; 1973 c 62 s 11; 1969 ex.s. c 223 s 28B.40.100. Prior: 1967 ex.s. c 5 s 2; 1957 c 147 s 3; prior: (i) 1909 c 97 p 251 s 1, part; 1897 c 118 s 212; 1893 c 107 s 1; RRS s 4604, part. (ii) 1909 c 97 p 251 s 2; 1897 c 118 s 213; 1893 c 107 s 2; RRS s 4605. Formerly RCW 28.81.020.]

**Present terms not affected—Severability—1979 ex.s. c 103:** See notes following RCW 28B.20.100.

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**Savings—Severability—1973 c 62:** See notes following RCW 28B.10.510.

**RCW 28B.40.105 Trustees—Organization and officers of board—Quorum.** The board of The Evergreen State College trustees shall elect one of its members chair, and it shall elect a secretary, who may or may not be a member of the board. The board shall have power to adopt bylaws for its government and for the government of the school, which bylaws shall not be inconsistent with law, and to prescribe the duties of its officers, committees, and employees. A majority of the board shall constitute a quorum for the transaction of all business. [2011 c 336 s 732; 1977 ex.s. c 169 s 66; 1969 ex.s. c 223 s 28B.40.105. Prior: 1909 p 252 s 3; RRS s 4606; prior: 1897 c 118 s 214; 1893 c 107 s 3. Formerly RCW 28.81.030 and 28.81.050(1), (2).]

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**RCW 28B.40.110 Trustees—Open public meetings.** The board of The Evergreen State College trustees shall hold at least two regular meetings each year, at such times as may be provided by the board, and shall follow procedures for open public meetings in chapter 42.30 RCW. The board shall provide time for public comment at each meeting. Special meetings shall be held as may be deemed necessary, whenever called by the chair or by a majority of the board. Public notice of

all meetings shall be given in accordance with *chapter 42.32 RCW. [2012 c 228 s 4; 2011 c 336 s 733; 1977 ex.s. c 169 s 67; 1969 ex.s. c 223 s 28B.40.110. Prior: 1917 c 128 s 1, part; 1909 c 97 p 253 s 6, part; RRS s 4609, part; prior: 1897 c 118 s 217, part; 1893 c 107 s 6, part. Formerly RCW 28.81.040, part.]

***Reviser's note:** The only section in chapter 42.32 RCW, RCW 42.32.030, was recodified as RCW 42.30.035 pursuant to 2017 3rd sp.s. c 25 s 30.

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

*Open public meetings act: Chapter 42.30 RCW.*

**RCW 28B.40.120 Trustees—General powers and duties of board.** In addition to any other powers and duties prescribed by law, the board of trustees of The Evergreen State College:

(1) Shall have full control of the state college and its property of various kinds, except as otherwise provided by law.

(2) Shall employ the president of the state college, his or her assistants, members of the faculty, and other employees of the institution, who, except as otherwise provided by law, shall hold their positions, until discharged therefrom by the board for good and lawful reason.

(3) With the assistance of the faculty of the state college, shall prescribe the course of study in the various schools and departments thereof and publish such catalogues thereof as the board deems necessary: PROVIDED, That the Washington professional educator standards board shall determine the requisites for and give program approval of all courses leading to teacher certification by such board.

(4) May establish such divisions, schools, or departments necessary to carry out the purposes of the college and not otherwise proscribed by law.

(5) Except as otherwise provided by law, may establish and erect such new facilities as determined by the board to be necessary for the college.

(6) May acquire real and other property as provided in RCW 28B.10.020, as now or hereafter amended.

(7) Except as otherwise provided by law, may purchase all supplies and purchase or lease equipment and other personal property needed for the operation or maintenance of the college.

(8) May establish, lease, operate, equip, and maintain self-supporting facilities in the manner provided in RCW 28B.10.300 through 28B.10.330, as now or hereafter amended.

(9) Except as otherwise provided by law, shall enter into such contracts as the trustees deem essential to college purposes.

(10) May receive such gifts, grants, conveyances, devises, and bequests of real or personal property from whatsoever source, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the college programs; sell, lease, or exchange, invest or expend the same or the proceeds, rents, profits, and income thereof except as limited by the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits, and income thereof.

(11) In accordance with RCW 28B.77.080, may offer new degree programs, offer off-campus programs, participate in consortia or centers, contract for off-campus educational programs, and purchase or lease major off-campus facilities.

(12) May promulgate such rules and regulations, and perform all other acts not forbidden by law, as the board of trustees may in its discretion deem necessary or appropriate to the administration of the college. [2012 c 229 s 813; 2011 c 336 s 734; 2006 c 263 s 825; 2004 c 275 s 56; 1985 c 370 s 95; 1977 ex.s. c 169 s 68; 1969 ex.s. c 223 s 28B.40.120. Prior: 1909 c 97 p 252 s 4; RRS s 4607; prior: 1905 c 85 s 1; 1897 c 118 s 215; 1893 c 107 s 4. Formerly RCW 28.81.050.]

**Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Findings—Purpose—Part headings not law—2006 c 263:** See notes following RCW 28A.150.230.

**Part headings not law—2004 c 275:** See note following RCW 28B.76.090.

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**RCW 28B.40.190 Trustees—Fire protection services.** Subject to the provisions of RCW 35.21.779, the board of trustees of The Evergreen State College may:

(1) Contract for such fire protection services as may be necessary for the protection and safety of the students, staff and property of the college;

(2) By agreement pursuant to the provisions of chapter 239, Laws of 1967 (chapter 39.34 RCW), as now or hereafter amended, join together with other agencies or political subdivisions of the state or federal government and otherwise share in the accomplishment of any of the purposes of subsection (1) of this section:

PROVIDED, HOWEVER, That neither the failure of the trustees to exercise any of its powers under this section nor anything herein shall detract from the lawful and existing powers and duties of political subdivisions of the state to provide the necessary fire protection equipment and services to persons and property within their jurisdiction. [1992 c 117 s 2; 1977 ex.s. c 169 s 69; 1970 ex.s. c 15 s 28.]

**Findings—1992 c 117:** See note following RCW 35.21.775.

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**Severability—1970 ex.s. c 15:** See note following RCW 28A.230.160.

**RCW 28B.40.195 Treasurer—Appointment, term, duties, bonds.** Each board of state college trustees shall appoint a treasurer who

shall be the financial officer of the board and who shall hold office during the pleasure of the board. Each treasurer shall render a true and faithful account of all moneys received and paid out by him or her, and shall give bond for the faithful performance of the duties of his or her office in such amount as the trustees require: PROVIDED, That the respective colleges shall pay the fees for any such bonds. [2011 c 336 s 735; 1977 c 52 s 1.]

*Regional universities—Designation: RCW 28B.35.010.*

**RCW 28B.40.196 Credits—Statewide transfer policy and agreement—Establishment.** See RCW 28B.77.210 and 28B.77.215.

**RCW 28B.40.200 Bachelor degrees authorized.** The degree of bachelor of arts or the degree of bachelor of science and/or the degree of bachelor of arts in education may be granted to any student who has completed a four-year course of study or the equivalent thereof in The Evergreen State College. [1977 ex.s. c 169 s 70; 1969 ex.s. c 223 s 28B.40.200. Prior: 1967 c 231 s 1; 1967 c 47 s 7; 1947 c 109 s 1; 1933 c 13 s 1; Rem. Supp. 1947 s 4618-1. Formerly RCW 28.81.052; 28.81.050(16).]

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**RCW 28B.40.202 Educational specialist degrees.** The board of trustees of The Evergreen State College may offer educational specialist degrees. [2013 c 296 s 2.]

**RCW 28B.40.206 Degrees through master's degrees—Honorary bachelor's or master's degrees.** In addition to all other powers and duties given to them by law, the board of trustees of The Evergreen State College is hereby authorized to grant any degree through the master's degree to any student who has completed a program of study and/or research in those areas which are determined by the faculty and board of trustees of the college to be appropriate for the granting of such degree.

The board of trustees, upon recommendation of the faculty, may also confer honorary bachelor's or master's degrees upon persons other than graduates of the institution, in recognition of their learning or devotion to education, literature, art, or science. No degree may be conferred in consideration of the payment of money or the donation of any kind of property. [2012 c 229 s 814; 1991 c 58 s 3; 1985 c 370 s 85; 1979 ex.s. c 78 s 1.]

**Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Severability—1979 ex.s. c 78:** "If any provision of this act or its application to any person or circumstance is held invalid, the

remainder of the act or the application of the provision to other persons or circumstances is not affected." [1979 ex.s. c 78 s 4.]

**RCW 28B.40.230 Certificates, diplomas—Signing—Contents.** Every diploma issued by The Evergreen State College shall be signed by the chair of the board of trustees and by the president of the state college, and sealed with the appropriate seal. In addition to the foregoing, teaching certificates shall be countersigned by the state superintendent of public instruction. Every certificate shall specifically state what course of study the holder has completed and for what length of time such certificate is valid in the schools of the state. [2011 c 336 s 736; 1977 ex.s. c 169 s 72; 1969 ex.s. c 223 s 28B.40.230. Prior: 1917 c 128 s 4; 1909 c 97 p 254 s 9; RRS s 4615; prior: 1897 c 118 s 220; 1895 c 146 s 2; 1893 c 107 s 13. Formerly RCW 28.81.056; 28.81.050(15).]

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**RCW 28B.40.300 Model schools and training departments—Purpose.** A model school or schools or training departments may be provided for The Evergreen State College, in which students, before graduation, may have actual practice in teaching or courses relative thereto under the supervision and observation of critic teachers. All schools or departments involved herewith shall organize and direct their work being cognizant of public school needs. [1977 ex.s. c 169 s 73; 1969 ex.s. c 223 s 28B.40.300. Prior: 1917 c 128 s 2; 1909 c 97 p 253 s 8; RRS s 4611; prior: 1897 c 118 s 219; 1893 c 107 s 12. Formerly RCW 28.81.058; 28.81.050(12).]

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**RCW 28B.40.305 Model schools and training departments—Trustees to estimate number of pupils required.** The board of trustees of The Evergreen State College, if having a model school or training department as authorized by RCW 28B.40.300, shall, on or before the first Monday of September of each year, file with the board of the school district or districts in which such state college is situated, a certified statement showing an estimate of the number of public school pupils who will be required to make up such model school and specifying the number required for each grade for which training for students is required. [1977 ex.s. c 169 s 74; 1969 ex.s. c 223 s 28B.40.305. Prior: 1907 c 97 s 1; RRS s 4612. Formerly RCW 28.81.059; 28.81.050(13).]

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**RCW 28B.40.310 Model schools and training departments—Requisitioning of pupils—President may refuse admission.** It shall thereupon be the duty of the board of the school district or districts

with which such statement has been filed, to apportion for attendance to the said model school or training department, a sufficient number of pupils from the public schools under the supervision of said board as will furnish to The Evergreen State College the number of pupils required in order to maintain such facility: PROVIDED, That the president of said state college may refuse to accept any such pupil as in his or her judgment would tend to reduce the efficiency of said model school or training department. [2011 c 336 s 737; 1977 ex.s. c 169 s 75; 1969 ex.s. c 223 s 28B.40.310. Prior: 1907 c 97 s 2; RRS s 4613. Formerly RCW 28.81.060.]

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**RCW 28B.40.315 Model schools and training departments—Report of attendance.** Annually, on or before the date for reporting the school attendance of the school district in which said model school or training department is situated, for the purpose of taxation for the support of the common schools, the board of trustees of The Evergreen State College, since having supervision over the same, shall file with the board of the school district or districts, in which such model school or training department is situated, a report showing the number of common school pupils at each such model school or training department during the school year last passed, and the period of their attendance in the same form that reports of public schools are made. Any superintendent of the school district so affected shall, in reporting the attendance in said school district, segregate the attendance at said model school or training department, from the attendance in the other schools of said district: PROVIDED, That attendance shall be credited, if credit be given therefor, to the school district in which the pupil resides. [1977 ex.s. c 169 s 76; 1969 ex.s. c 223 s 28B.40.315. Prior: 1917 c 128 s 3; 1907 c 97 s 3; RRS s 4614. Formerly RCW 28.81.061; 28.81.050(14).]

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**RCW 28B.40.350 Suspension and expulsion.** Any student may be suspended or expelled from The Evergreen State College who is found to be guilty of an infraction of the regulations of the institution. [1977 ex.s. c 169 s 77; 1969 ex.s. c 223 s 28B.40.350. Prior: 1961 ex.s. c 13 s 2, part; prior: (i) 1909 c 97 p 255 s 13; RRS s 4620. (ii) 1921 c 136 s 1, part; 1905 c 85 s 3, part; RRS s 4616, part. Formerly RCW 28.81.070.]

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**RCW 28B.40.370 Disposition of building fees and normal school fund revenues—Bond payments—Capital projects accounts.** See RCW 28B.35.370.

**RCW 28B.40.390 Duties of president.** The president of The Evergreen State College shall have general supervision of the college and see that all laws and rules of the board of trustees are observed. [1977 ex.s. c 169 s 81; 1969 ex.s. c 223 s 28B.40.390. Prior: 1909 c 97 p 253 s 7; RRS s 4610; prior: 1897 c 118 s 218; 1893 c 107 s 7. Formerly RCW 28.81.110.]

**Severability—Nomenclature—Savings—1977 ex.s. c 169:** See notes following RCW 28B.10.016.

**RCW 28B.40.500 Annuities and retirement income plans for faculty members.** See RCW 28B.10.400 through 28B.10.423.

**RCW 28B.40.505 Tax deferred annuities for employees.** See RCW 28B.10.480.

FINANCING BUILDINGS AND FACILITIES—1961 ACT

**RCW 28B.40.700 Construction, remodeling, improvement, financing, etc.—Authorized.** See RCW 28B.35.700.

**RCW 28B.40.710 Definitions.** See RCW 28B.35.710.

**RCW 28B.40.720 Contracts, issuance of evidences of indebtedness, bonds, acceptance of grants.** See RCW 28B.35.720.

**RCW 28B.40.730 Bonds—Issuance, sale, form, term, interest, etc. —Covenants—Deposit of proceeds.** See RCW 28B.35.730.

**RCW 28B.40.740 Disposition of building fees and normal school fund revenues—Bond payments, etc.** See RCW 28B.35.370.

**RCW 28B.40.750 Funds payable into bond retirement funds—Pledge of building fees.** See RCW 28B.35.750.

**RCW 28B.40.751 Disposition of certain normal school fund revenues.** See RCW 28B.35.751.

**RCW 28B.40.760 Additional powers of board—Issuance of bonds, investments, transfer of funds, etc.** See RCW 28B.35.760.

**RCW 28B.40.770 Refunding bonds.** See RCW 28B.35.770.

**RCW 28B.40.780 Bonds not general obligation—Legislature may provide additional means of payment.** See RCW 28B.35.780.

**RCW 28B.40.790 Other laws not repealed or limited.** See RCW 28B.35.790.

**RCW 28B.40.795 Acquisition, construction, equipping and betterment of lands, buildings and facilities at universities and The Evergreen State College.** See RCW 28B.10.300 through 28B.10.330.

**RCW 28B.40.810 The Evergreen State College—Established.** There is hereby established in Thurston county a state college, The Evergreen State College. [1969 ex.s. c 223 s 28B.40.810. Prior: 1967 c 47 s 2. Formerly RCW 28.81.610.]

**Legislative declaration of purpose:** See 1967 c 47 s 1.

*Site selection and initial procedure to prepare college for reception of students: See 1967 c 47 s 4.*

**RCW 28B.40.820 The Evergreen State College—Trustees—Appointment—Terms.** The terms of office and date of commencement thereof of the five member board of trustees of The Evergreen State College appointed by the governor prior to August 1, 1967, shall be the same as prescribed by law for trustees of state colleges under RCW 28B.40.100, as now or hereafter amended, except that initial appointments shall be for terms as follows: One for two years, one for three years, one for four years, one for five years, and one for six years. [1969 ex.s. c 223 s 28B.40.820. Prior: 1967 c 47 s 3. Formerly RCW 28.81.620.]

**RCW 28B.40.830 The Evergreen State College—Trustees, powers and duties—Existing statutes as applicable to college—Federal benefits and donations.** The board of trustees of The Evergreen State College shall have all the powers and duties as are presently or may hereafter be granted to existing state colleges by law. All statutes pertaining to the existing state colleges shall have full force and application to The Evergreen State College.

The Evergreen State College is hereby deemed entitled to receive and share in all the benefits and donations made and given to similar institutions by the enabling act or other federal law to the same extent as other state colleges are entitled to receive and share in such benefits and donations. [1969 ex.s. c 223 s 28B.40.830. Prior: 1967 c 47 s 5. Formerly RCW 28.81.630.]

# Chapter 28B.45 RCW
# UNIVERSITY CAMPUSES
(Formerly: Branch campuses)

**Sections**


28B.45.010 Legislative findings.
28B.45.012 Findings—Intent.
28B.45.014 Mission—Collaboration with community and technical colleges—Alternative models—Monitoring and evaluation—Reports to the legislature.
28B.45.020 University of Washington Tacoma—University of Washington Bothell.
28B.45.0201 Findings.
28B.45.030 Washington State University—Tri-Cities area.
28B.45.040 Washington State University Vancouver.
28B.45.060 Central Washington University—Yakima area.
28B.45.080 Partnership between community and technical colleges and campuses.


**RCW 28B.45.010 Legislative findings.** The legislature finds that the benefits of higher education should be more widely available to the citizens of the state of Washington. The legislature also finds that a citizen's place of residence can restrict that citizen's access to educational opportunity at the upper-division and graduate level.

Because most of the state-supported baccalaureate universities are located in areas removed from major metropolitan areas, the legislature finds that many of the state's citizens, especially those citizens residing in the central Puget Sound area, the Tri-Cities, Spokane, Vancouver, and Yakima, have insufficient and inequitable access to upper-division baccalaureate and graduate education.

This lack of sufficient educational opportunities in urban areas makes it difficult or impossible for place-bound individuals, who are unable to relocate, to complete a baccalaureate or graduate degree. It also exacerbates the difficulty financially needy students have in attending school, since many of those students need to work, and work is not always readily available in some communities where the baccalaureate institutions of higher education are located.

The lack of sufficient educational opportunities in metropolitan areas also affects the economy of the underserved communities. Businesses benefit from access to the research and teaching capabilities of institutions of higher education. The absence of these institutions from some of the state's major urban centers prevents beneficial interaction between businesses in these communities and the state's universities.

The Washington state master plan for higher education, adopted by the *higher education coordinating board, recognizes the need to expand upper-division and graduate educational opportunities in the state's large urban centers. The board has also attempted to provide a means for helping to meet future educational demand through a system of campuses in the state's major urban areas.

The legislature endorses the assignment of responsibility to serve these urban centers that the board has made to various institutions of higher education. The legislature also endorses the

creation of campuses for the University of Washington and Washington State University.

The legislature recognizes that, among their other responsibilities, the state's comprehensive community colleges share with the four-year universities and colleges the responsibility of providing the first two years of a baccalaureate education. It is the intent of the legislature that the four-year institutions and the community colleges work as cooperative partners to ensure the successful and efficient operation of the state's system of higher education. The legislature further intends that the four-year institutions work cooperatively with the community colleges to ensure that the campuses created under this chapter are operated as models of a two plus two educational system. [2017 c 52 s 3; 1989 1st ex.s. c 7 s 1.]

***Reviser's note:** The higher education coordinating board was abolished by 2011 1st sp.s. c 11 s 301, effective July 1, 2012.

**RCW 28B.45.012 Findings——Intent.** (1) In 1989, the legislature created five campuses to be operated by the state's two public research universities. Located in growing urban areas, the campuses were charged with two missions:

(a) Increasing access to higher education by focusing on upper-division and graduate programs, targeting placebound students, and operating as models of a two plus two educational system in cooperation with the community colleges; and

(b) Promoting regional economic development by responding to demand for degrees from local businesses and supporting regional economies through research activities.

(2) Fifteen years later, the legislature finds that the campuses are responding to their original mission:

(a) The campuses accounted for half of statewide upper-division and graduate public enrollment growth since 1990;

(b) The campuses have grown steadily and enroll increasing numbers of transfer students each year;

(c) The campuses enroll proportionately more older and part-time students than their main campuses and attract increasing proportions of students from nearby counties;

(d) Although the extent of their impact has not been measured, these campuses positively affect local economies and offer degree programs that roughly correspond with regional occupational projections; and

(e) The capital investments made by the state to support the campuses represent a significant benefit to regional economic development.

(3) However, the legislature also finds the policy landscape in higher education has changed since the original creation of the campuses. Demand for access to baccalaureate and graduate education is increasing rapidly. Economic development efforts increasingly recognize the importance of focusing on local and regional economic clusters and improving collaboration among communities, businesses, and colleges and universities. Each campus has evolved into a unique institution, and it is appropriate to assess the nature of this evolution to ensure the role and mission of each campus is aligned with the state's higher education goals and the needs of the region where the campus is located.

(4) Therefore, it is the legislature's intent to recognize the unique nature of Washington's higher education campuses created under this chapter, reaffirm the role and mission of each, and set the course for their continued future development.

(5) It is the further intent of the legislature that the campuses be identified by the following names: University of Washington Bothell, University of Washington Tacoma, Washington State University Tri-Cities, and Washington State University Vancouver. [2017 c 52 s 4; 2004 c 57 s 1.]

**RCW 28B.45.014 Mission—Collaboration with community and technical colleges—Alternative models—Monitoring and evaluation—Reports to the legislature.** (1) The primary mission of the higher education campuses created under this chapter remains to expand access to baccalaureate and graduate education in underserved urban areas of the state in collaboration with community and technical colleges. The top priority for each of the campuses is to expand courses and degree programs for transfer and graduate students. New degree programs should be driven by the educational needs and demands of students and the community, as well as the economic development needs of local businesses and employers.

(2) The campuses created under this chapter shall collaborate with the community and technical colleges in their region to develop articulation agreements, dual admissions policies, and other partnerships to ensure that the campuses serve as innovative models of a two plus two educational system. Other possibilities for collaboration include but are not limited to joint development of curricula and degree programs, colocation of instruction, and arrangements to share faculty.

(3) In communities where a private postsecondary institution is located, representatives of the private institution may be invited to participate in the conversation about meeting the baccalaureate and graduate needs in underserved urban areas of the state.

(4) However, the legislature recognizes there are alternative models for achieving this primary mission. Some campuses may have additional missions in response to regional needs and demands. At selected campuses, an innovative combination of instruction and research targeted to support regional economic development may be appropriate to meet the region's needs for both access and economic viability. Other campuses should focus on becoming models of a two plus two educational system through continuous improvement of partnerships and agreements with community and technical colleges. Still other campuses may be best suited to transition to a four-year university.

(5) The legislature recognizes that size, mix of degree programs, and proportion of lower versus upper-division and graduate enrollments are factors that affect costs at the campuses. However over time, the legislature intends that the campuses be funded more similarly to regional universities.

(6) Research universities are authorized to develop doctoral degree programs at their campuses.

(7) The student achievement council shall monitor and evaluate growth of the campuses and periodically report and make recommendations to the higher education committees of the legislature to ensure the campuses continue to follow the priorities established

under this chapter. [2017 c 52 s 5; 2012 c 229 s 531; 2011 c 208 s 1; 2005 c 258 s 2; 2004 c 57 s 2.]

**Effective date——2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Findings——Intent——2005 c 258:** "(1) Since their creation in 1989, the research university branch campuses have significantly expanded access to baccalaureate and graduate education for placebound students in Washington's urban and metropolitan cities. Furthermore, the campuses have contributed to community revitalization and economic development in their regions. The campuses have met their overall mission through the development of new degree programs and through collaboration with community and technical colleges. These findings were confirmed by a comprehensive review of the campuses by the Washington state institute for public policy in 2002 and 2003, and reaffirmed through legislation enacted in 2004 that directed four of the campuses to make recommendations for their future evolution.

(2) The self-studies conducted by the University of Washington Bothell, University of Washington Tacoma, Washington State University Tri-Cities, and Washington State University Vancouver reflect thoughtful and strategic planning and involved the input of numerous students, faculty, community and business leaders, community colleges, advisory committees, and board members. The *higher education coordinating board's careful review provides a statewide context for the legislature to implement the next stage of the campuses.

(3) Concurrently, the *higher education coordinating board has developed a strategic master plan for higher education that sets a goal of increasing the number of students who earn college degrees at all levels: Associate, baccalaureate, and graduate. The strategic master plan also sets a goal to increase the higher education system's responsiveness to the state's economic needs.

(4) The legislature finds that to meet both of the master plan's goals and to provide adequate educational opportunities for Washington's citizens, additional access is needed to baccalaureate degree programs. Expansion of the four campuses is one strategy for achieving the desired outcomes of the master plan. Other strategies must also be implemented through service delivery models that reflect both regional demands and statewide priorities.

(5) Therefore, the legislature intends to increase baccalaureate access and encourage economic development through overall expansion of upper-division capacity, continued development of two plus two programs in some areas of the state, authorization of four-year university programs in other areas of the state, and creation of new types of baccalaureate programs on a pilot basis. These steps will make significant progress toward achieving the master plan goals, but the legislature will also continue to monitor the development of the higher education system and evaluate what additional changes or expansion may be necessary." [2005 c 258 s 1.]

***Reviser's note:** The higher education coordinating board was abolished by 2011 1st sp.s. c 11 s 301, effective July 1, 2012.

**RCW 28B.45.020 University of Washington Tacoma——University of Washington Bothell.** (1) The University of Washington is responsible

for ensuring the expansion of baccalaureate and graduate educational programs in the central Puget Sound area under rules or guidelines adopted by the student achievement council and in accordance with proportionality agreements emphasizing access for transfer students developed with the state board for community and technical colleges. The University of Washington shall meet that responsibility through the operation of at least two campuses. One campus shall be located in the Tacoma area. Another campus shall be collocated with Cascadia Community College in the Bothell-Woodinville area.

(2) At the University of Washington Tacoma, a top priority is expansion of upper-division capacity for transfer students and graduate capacity and programs. Beginning in the fall of 2006, the campus may offer lower division courses linked to specific majors in fields not addressed at local community colleges. The campus shall admit lower division students through coadmission or coenrollment agreements with a community college, or through direct transfer for students who have accumulated approximately one year of transferable college credits. In addition to offering lower division courses linked to specific majors as addressed above, the campus may also directly admit first-year students and sophomores.

(3) At the University of Washington Bothell, a top priority is expansion of upper-division capacity for transfer students and graduate capacity and programs. The campus shall also seek additional opportunities to collaborate with and maximize its colocation with Cascadia Community College. Beginning in the fall of 2006, the campus may offer lower division courses linked to specific majors in fields not addressed at local community colleges. The campus may admit lower division students through coadmission or coenrollment agreements with a community college, or through direct transfer for students who have accumulated approximately one year of transferable college credits. In addition to offering lower division courses linked to specific majors as addressed above, the campus may also directly admit first-year students and sophomores. [2017 c 52 s 6; 2013 c 23 s 54; 2012 c 229 s 532; 2005 c 258 s 3; 1994 c 217 s 3; 1989 1st ex.s. c 7 s 3.]

**Effective date——2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Findings——Intent——2005 c 258:** See note following RCW 28B.45.014.

**Effective date——1994 c 217:** See note following RCW 28B.45.0201.

**RCW 28B.45.0201 Findings.** The legislature finds that population growth in north King and south Snohomish counties has created a need to expand higher education and workforce training programs for the people living and working in those areas. In keeping with the recommendations of the *higher education coordinating board, the legislature intends to help address those education and training needs through the creation of Cascadia Community College, expansion of educational opportunities at Lake Washington Institute of Technology, and support of the University of Washington's campus at Bothell-Woodinville. It is further the intention of the legislature, in keeping with the *higher education coordinating board recommendations, that the Cascadia Community College and the University of Washington

Bothell-Woodinville campus be collocated, and that the new community college and the University of Washington's Bothell-Woodinville campus work in partnership to ensure that properly prepared students from community colleges and other institutions are able to transfer smoothly to the Bothell-Woodinville campus.

The legislature further finds that a governing board for Cascadia Community College needs to be appointed and confirmed as expeditiously as possible. The legislature intends to work cooperatively with the governor to facilitate the appointment and confirmation of trustees for the college. [2017 c 52 s 7; 2011 c 118 s 2; 1994 c 217 s 1.]

***Reviser's note:** The higher education coordinating board was abolished by 2011 1st sp.s. c 11 s 301, effective July 1, 2012.

**Effective date——1994 c 217:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [April 1, 1994]." [1994 c 217 s 5.]

**RCW 28B.45.030 Washington State University——Tri-Cities area.** (1) Washington State University is responsible for providing baccalaureate and graduate level higher education programs to the citizens of the Tri-Cities area, under rules or guidelines adopted by the student achievement council and in accordance with proportionality agreements emphasizing access for transfer students developed with the state board for community and technical colleges. Washington State University shall meet that responsibility through the operation of a campus in the Tri-Cities area. The Tri-Cities campus shall replace and supersede the Tri-Cities university center. All land, facilities, equipment, and personnel of the Tri-Cities university center shall be transferred from the University of Washington to Washington State University.

(2) Beginning in the fall of 2007, the Washington State University Tri-Cities campus may directly admit first-year students and sophomore students. [2017 c 52 s 8; 2013 c 23 s 55; 2012 c 229 s 533; 2006 c 166 s 1; 2005 c 258 s 4; 1989 1st ex.s. c 7 s 4.]

**Effective date——2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Findings——Intent——2005 c 258:** See note following RCW 28B.45.014.

**RCW 28B.45.040 Washington State University Vancouver.** (1) Washington State University is responsible for providing baccalaureate and graduate level higher education programs to the citizens of the southwest Washington area, under rules or guidelines adopted by the student achievement council and in accordance with proportionality agreements emphasizing access for transfer students developed with the state board for community and technical colleges. Washington State University shall meet that responsibility through the operation of a campus in the southwest Washington area.

(2) Washington State University Vancouver shall expand upper-division capacity for transfer students and graduate capacity and programs and continue to collaborate with local community colleges on

coadmission and coenrollment programs. In addition, beginning in the fall of 2006, the campus may admit lower division students directly. By simultaneously admitting first-year students and sophomores, increasing transfer enrollment, coadmitting transfer students, and expanding graduate and professional programs, the campus shall develop into a four-year institution serving the southwest Washington region. [2017 c 52 s 9; 2013 c 23 s 56; 2012 c 229 s 534; 2005 c 258 s 5; 1989 1st ex.s. c 7 s 5.]

**Effective date——2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Findings——Intent——2005 c 258:** See note following RCW 28B.45.014.

**RCW 28B.45.060 Central Washington University——Yakima area.** Central Washington University is responsible for providing upper-division and graduate level higher education programs to the citizens of the Yakima area. [2012 c 229 s 815; 1989 1st ex.s. c 7 s 7.]

**Effective date——2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**RCW 28B.45.080 Partnership between community and technical colleges and campuses.** The state board for community and technical colleges and the student achievement council shall adopt performance measures to ensure a collaborative partnership between the community and technical colleges and the campuses created under this chapter. The partnership shall be one in which the community and technical colleges prepare students for transfer to the upper-division programs of the campuses and the campuses work with community and technical colleges to enable students to transfer and obtain degrees efficiently. [2017 c 52 s 10; 2012 c 229 s 535; 2004 c 57 s 5; 1989 1st ex.s. c 7 s 8. Formerly RCW 28B.80.510.]

**Effective date——2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Legislative findings——1989 1st ex.s. c 7:** See RCW 28B.45.010.

# Chapter 28B.50 RCW
# COMMUNITY AND TECHNICAL COLLEGES

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*Actions against educational boards—Defense—Costs—Payment of obligations from liability account: RCW 28B.10.840, 28B.10.842.*

*AIDS information: Chapter 70.24 RCW.*

*British Columbia—Tuition and fees—Reciprocity with Washington: RCW 28B.15.756.*

*Commercial activities by institutions of higher education—Development of policies governing: Chapter 28B.63 RCW.*

*Community education programs: RCW 28A.620.020.*

*Department of social and health services (including division of vocational rehabilitation): Chapter 43.20A RCW.*

*Development of methods and protocols for measuring educational costs: RCW 43.41.415.*

*Dual credit programs—Annual report: RCW 28A.600.280.*

*Educational boards, insurance to protect and hold personally harmless: RCW 28B.10.840, 28B.10.844.*

*Eye protection, public educational institutions: See RCW 70.100.010 through 70.100.040.*

*Governing body of recognized student association at college or university, open public meetings act applicable to: RCW 42.30.200.*

*Idaho—Tuition and fees—Reciprocity with Washington: RCW 28B.15.750.*

*Oregon—Tuition and fees—Reciprocity with Washington: RCW 28B.15.730 through 28B.15.734.*

**RCW 28B.50.010 Short title.** This chapter shall be known as and may be cited as the community and technical college act of 1991. [1991 c 238 s 20; 1969 ex.s. c 223 s 28B.50.010. Prior: 1967 ex.s. c 8 s 1. Formerly RCW 28.85.010.]

**RCW 28B.50.020 Purpose.** The purpose of this chapter is to provide for the dramatically increasing number of students requiring high standards of education either as a part of the continuing higher education program or for occupational education and training, or for adult basic skills and literacy education, by creating a new, independent system of community and technical colleges which will:

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

(2) Ensure that each college district, in coordination with adjacent college districts, shall offer thoroughly comprehensive educational, training, and service programs to meet the needs of both the communities and students served by combining high standards of excellence in academic transfer courses; realistic and practical courses in occupational education, both graded and ungraded; community services of an educational, cultural, and recreational nature; and adult education, including basic skills and general, family, and workforce literacy programs and services;

(3) Provide for basic skills and literacy education, and occupational education and technical training in order to prepare students for careers in a competitive workforce;

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

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

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

(7) Establish firmly that as provided under RCW 28B.50.810, community colleges are, for purposes of academic training, two year institutions, and are an independent, unique, and vital section of our state's higher education system, separate from both the common school system and other institutions of higher learning. [2010 c 246 s 2; 2010 c 245 s 2; 2009 c 64 s 2; 2005 c 258 s 7; 1991 c 238 s 21; 1969 ex.s. c 261 s 17; 1969 ex.s. c 223 s 28B.50.020. Prior: 1967 ex.s. c 8 s 2.]

**Reviser's note:** This section was amended by 2010 c 245 s 2 and by 2010 c 246 s 2, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

**Findings—Intent—2010 c 246:** "The legislature finds that Washington's community and technical college system consists of thirty-four two-year institutions geographically dispersed across the state to encourage and enable student access and participation. The legislature also finds that, compared with other states, Washington's two-year public participation rate is ranked as high as fifth in the nation. The legislature further finds that Washington's community and technical colleges have been making and are continuing to make great progress towards system efficiencies and coordination of their efforts through such things as common course numbering, the student achievement initiative, associate transfer degrees, eLearning and integrated basic education, skills training, and some common

administrative systems. While maintaining Washington's recognized leadership in community and technical college education, the legislature intends to provide mechanisms to encourage further efficiencies that will provide cost savings to be used to enhance student access and success, strengthen academic programs, and develop and retain high quality faculty through cost-effective partnerships and coordination between institutions, including shared services and increased complementary programming, as well as structural administrative efficiencies." [2010 c 246 s 1.]

**Findings—Expand on demand—System design plan endorsed—2010 c 245:** "The legislature finds that the state institutions of higher education are providing a high quality education to the citizens of the state. The legislature further finds that to meet goals of the strategic master plan for higher education the state needs a higher education system that is capable of delivering many more degrees. The legislature also finds that expansion of the system should be based on the proven demands of the citizens and the marketplace, a concept called "expand on demand." The legislature further finds that the *higher education coordinating board, in collaboration with the state board for community and technical colleges, the two-year and four-year institutions of higher education, and other stakeholders developed a system design plan that contains seven guiding principles for system expansion, focuses near-term enrollment growth at university branch campuses, comprehensive universities, and university centers where existing capacity is available without new state capital investment, establishes a process for evaluating major new capital expansion, and creates a fund for innovation to foster change and innovation in higher education delivery. The legislature finds that the strategies in the plan support the concept of expand on demand and would increase degree production by first reinvesting in higher education to use existing capacity while also providing long-term strategies to guide decisions on when and where to build new campuses, significantly expand existing sites, and change missions of existing institutions.

The legislature endorses the system design plan, approved by the *higher education coordinating board in November 2009, and adopts the recommendations and strategies in the plan." [2010 c 245 s 1.]

***Reviser's note:** The higher education coordinating board was abolished by 2011 1st sp.s. c 11 s 301, effective July 1, 2012.

**Intent—2009 c 64:** "It is the intent of the legislature to allow public technical colleges under the authority of the state board for community and technical colleges to offer associate degrees that prepare students for transfer to bachelor's degrees in professional fields, subject to rules adopted by the state board for community and technical colleges." [2009 c 64 s 1.]

**Findings—Intent—2005 c 258:** See note following RCW 28B.45.014.

**Severability—1969 ex.s. c 261:** "If any provision of this 1969 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1969 ex.s. c 261 s 37. Formerly RCW 28.85.911.]

**RCW 28B.50.030 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adult education" means all education or instruction, including academic, vocational education or training, basic skills and literacy training, and "occupational education" provided by public educational institutions, including common school districts for persons who are eighteen years of age and over or who hold a high school diploma or certificate. However, "adult education" shall not include academic education or instruction for persons under twenty-one years of age who do not hold a high school degree or diploma and who are attending a public high school for the sole purpose of obtaining a high school diploma or certificate, nor shall "adult education" include education or instruction provided by any four-year public institution of higher education.

(2) "Applied baccalaureate degree" means a baccalaureate degree awarded by a college under RCW 28B.50.810 for successful completion of a program of study that is:

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

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

(3) "Board" means the workforce training and education coordinating board.

(4) "Board of trustees" means the local community and technical college board of trustees established for each college district within the state.

(5) "Center of excellence" means a community or technical college designated by the college board as a statewide leader in industry-specific, community and technical college workforce education and training.

(6) "College board" means the state board for community and technical colleges created by this chapter.

(7) "Common school board" means a public school district board of directors.

(8) "Community college" includes those higher education institutions that conduct education programs under RCW 28B.50.020.

(9) "Director" means the administrative director for the state system of community and technical colleges.

(10) "Dislocated forest product worker" means a forest products worker who: (a)(i) Has been terminated or received notice of termination from employment and is unlikely to return to employment in the individual's principal occupation or previous industry because of a diminishing demand for his or her skills in that occupation or industry; or (ii) is self-employed and has been displaced from his or her business because of the diminishing demand for the business' services or goods; and (b) at the time of last separation from employment, resided in or was employed in a rural natural resources impact area.

(11) "Dislocated salmon fishing worker" means a finfish products worker who: (a)(i) Has been terminated or received notice of termination from employment and is unlikely to return to employment in the individual's principal occupation or previous industry because of a diminishing demand for his or her skills in that occupation or industry; or (ii) is self-employed and has been displaced from his or

her business because of the diminishing demand for the business's services or goods; and (b) at the time of last separation from employment, resided in or was employed in a rural natural resources impact area.

(12) "District" means any one of the community and technical college districts created by this chapter.

(13) "Forest products worker" means a worker in the forest products industries affected by the reduction of forest fiber enhancement, transportation, or production. The workers included within this definition shall be determined by the employment security department, but shall include workers employed in the industries assigned the major group standard industrial classification codes "24" and "26" and the industries involved in the harvesting and management of logs, transportation of logs and wood products, processing of wood products, and the manufacturing and distribution of wood processing and logging equipment. The commissioner may adopt rules further interpreting these definitions.

(14) "High employer demand program of study" means an apprenticeship, or an undergraduate or graduate certificate or degree program in which the number of students prepared for employment per year from in-state institutions is substantially less than the number of projected job openings per year in that field, statewide or in a substate region.

(15) "K-12 system" means the public school program including kindergarten through the twelfth grade.

(16) "Occupational education" means education or training that will prepare a student for employment that does not require a baccalaureate degree, and education and training that will prepare a student for transfer to bachelor's degrees in professional fields, subject to rules adopted by the college board.

(17) "Qualified institutions of higher education" means:

(a) Washington public community and technical colleges;

(b) Private career schools that are members of an accrediting association recognized by rule of the student achievement council for the purposes of chapter 28B.92 RCW; and

(c) Washington state apprenticeship and training council-approved apprenticeship programs.

(18) "Rural natural resources impact area" means:

(a) A nonmetropolitan county, as defined by the 1990 decennial census, that meets three of the five criteria set forth in subsection (19) of this section;

(b) A nonmetropolitan county with a population of less than forty thousand in the 1990 decennial census, that meets two of the five criteria as set forth in subsection (19) of this section; or

(c) A nonurbanized area, as defined by the 1990 decennial census, that is located in a metropolitan county that meets three of the five criteria set forth in subsection (19) of this section.

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

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

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

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

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

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

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

(21) "System" means the state system of community and technical colleges, which shall be a system of higher education.

(22) "Technical college" includes those higher education institutions with the mission of conducting occupational education, basic skills, literacy programs, and offering on short notice, when appropriate, programs that meet specific industry needs. For purposes of this chapter, technical colleges shall include the following college districts as created in RCW 28B.50.040: The twenty-fifth college district, the twenty-sixth college district, the twenty-seventh college district, the twenty-eighth college district, and the twenty-ninth college district. [2021 c 2 s 2; 2015 c 55 s 226; 2012 c 229 s 536. Prior: 2009 c 353 s 1; 2009 c 151 s 3; 2009 c 64 s 3; 2007 c 277 s 301; 2005 c 258 s 8; 2003 2nd sp.s. c 4 s 33; 1997 c 367 s 13; 1995 c 226 s 17; 1992 c 21 s 5; prior: 1991 c 315 s 15; 1991 c 238 s 22; 1985 c 461 s 14; 1982 1st ex.s. c 53 s 24; 1973 c 62 s 12; 1969 ex.s. c 261 s 18; 1969 ex.s. c 223 s 28B.50.030; prior: 1967 ex.s. c 8 s 3.]

**Intent—Conflict with federal requirements—Effective date—2021 c 2:** See notes following RCW 50.04.323.

**Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Intent—2009 c 64:** See note following RCW 28B.50.020.

**Findings—Part headings not law—2007 c 277:** See notes following RCW 28B.50.271.

**Findings—Intent—2005 c 258:** See note following RCW 28B.45.014.

**Conflict with federal requirements—Severability—Effective date—2003 2nd sp.s. c 4:** See notes following RCW 50.01.010.

**Severability—Conflict with federal requirements—Effective date—1997 c 367:** See notes following RCW 43.160.020.

**Severability—Conflict with federal requirements—Effective date—1995 c 226:** See notes following RCW 43.160.020.

**Intent—1991 c 315:** "The legislature finds that:

(1) The economic health and well-being of timber-dependent communities is of substantial public concern. The significant reduction in annual timber harvest levels likely will result in reduced economic activity and persistent unemployment and underemployment over time, which would be a serious threat to the safety, health, and welfare of residents of the timber impact areas, decreasing the value of private investments and jeopardizing the sources of public revenue.

(2) Timber impact areas are most often located in areas that are experiencing little or no economic growth, creating an even greater risk to the health, safety, and welfare of these communities. The ability to remedy problems caused by the substantial reduction in harvest activity is beyond the power and control of the regulatory process and influence of the state, and the ordinary operations of private enterprise without additional governmental assistance are insufficient to adequately remedy the resulting problems of poverty and unemployment.

(3) To address these concerns, it is the intent of the legislature to increase training and retraining services accessible to timber impact areas, and provide for coordination of noneconomic development services in timber impact areas as economic development efforts will not succeed unless social, housing, health, and other needs are addressed." [1991 c 315 s 1.]

**Conflict with federal requirements—1991 c 315:** See RCW 50.70.901.

**Severability—1985 c 461:** See note following RCW 41.06.020.

**Severability—1982 1st ex.s. c 53:** See note following RCW 41.06.020.

**Savings—Severability—1973 c 62:** See notes following RCW 28B.10.510.

**Severability—1969 ex.s. c 261:** See note following RCW 28B.50.020.

**RCW 28B.50.040 College districts enumerated.** The state of Washington is hereby divided into thirty college districts as follows:

(1) The first district shall encompass the counties of Clallam and Jefferson;

(2) The second district shall encompass the counties of Grays Harbor and Pacific;

(3) The third district shall encompass the counties of Kitsap and Mason;

(4) The fourth district shall encompass the counties of San Juan, Skagit and Island;

(5) The fifth district shall encompass Snohomish county except for the Northshore common school district and that portion encompassed by the twenty-third district created in subsection (23) of this section: PROVIDED, That the fifth district shall encompass the Everett Community College;

(6) The sixth district shall encompass the present boundaries of the common school districts of Seattle and Vashon Island, King county;

(7) The seventh district shall encompass the present boundary of the common school district of Shoreline in King county;

(8) The eighth district shall encompass the present boundaries of the common school districts of Bellevue, Issaquah, Mercer Island, Skykomish and Snoqualmie, King county;

(9) The ninth district shall encompass the present boundaries of the common school districts of Federal Way, Highline and South Central, King county;

(10) The tenth district shall encompass the present boundaries of the common school districts of Auburn, Black Diamond, Renton, Enumclaw, Kent, Lester and Tahoma, King county, and the King county portion of Puyallup common school district No. 3;

(11) The eleventh district shall encompass all of Pierce county, except for the present boundaries of the common school districts of Tacoma and Peninsula;

(12) The twelfth district shall encompass Lewis county, the Rochester common school district No. 401, the Tenino common school district No. 402 of Thurston county, and the Thurston county portion of the Centralia common school district No. 401;

(13) The thirteenth district shall encompass the counties of Cowlitz, and Wahkiakum;

(14) The fourteenth district shall encompass the counties of Clark, Skamania and that portion of Klickitat county not included in the sixteenth district;

(15) The fifteenth district shall encompass the counties of Chelan, Douglas and Okanogan;

(16) The sixteenth district shall encompass the counties of Kittitas, Yakima, and that portion of Klickitat county included in United States census divisions 1 through 4;

(17) The seventeenth district shall encompass the counties of Ferry, Lincoln (except consolidated school district 105-157-166J and the Lincoln county portion of common school district 167-202), Pend Oreille, Spokane, Stevens and Whitman;

(18) The eighteenth district shall encompass the counties of Adams and Grant, and that portion of Lincoln county comprising consolidated school district 105-157-166J and common school district 167-202;

(19) The nineteenth district shall encompass the counties of Benton and Franklin;

(20) The twentieth district shall encompass the counties of Asotin, Columbia, Garfield and Walla Walla;

(21) The twenty-first district shall encompass Whatcom county;

(22) The twenty-second district shall encompass the present boundaries of the common school districts of Tacoma and Peninsula, Pierce county;

(23) The twenty-third district shall encompass that portion of Snohomish county within such boundaries as the state board for community and technical colleges shall determine: PROVIDED, That the twenty-third district shall encompass the Edmonds Community College;

(24) The twenty-fourth district shall encompass all of Thurston county except the Rochester common school district No. 401, the Tenino common school district No. 402, and the Thurston county portion of the Centralia common school district No. 401;

(25) The twenty-fifth district shall encompass all of Whatcom county;

(26) The twenty-sixth district shall encompass the Northshore, Lake Washington, Bellevue, Mercer Island, Issaquah, Riverview, Snoqualmie Valley and Skykomish school districts;

(27) The twenty-seventh district shall encompass the Renton, Kent, Auburn, Tahoma, and Enumclaw school districts and a portion of the Seattle school district described as follows: Commencing at a point established by the intersection of the Duwamish river and the south boundary of the Seattle Community College District (number six) and thence north along the centerline of the Duwamish river to the west waterway; thence north along the centerline of the west waterway to Elliot Bay; thence along Elliot Bay to a line established by the intersection of the extension of Denny Way to Elliot Bay; thence east along the line established by the centerline of Denny Way to Lake Washington; thence south along the shoreline of Lake Washington to the south line of the Seattle Community College District; and thence west along the south line of the Seattle Community College District to the point of beginning;

(28) The twenty-eighth district shall encompass all of Pierce county;

(29) The twenty-ninth district shall encompass all of Pierce county; and

(30) The thirtieth district shall encompass the present boundaries of the common school districts of Lake Washington and Riverview in King county and Northshore in King and Snohomish counties. [1994 c 217 s 2; 1991 c 238 s 23; 1988 c 77 s 1; 1981 c 72 s 1; 1973 1st ex.s. c 46 s 7; 1969 ex.s. c 223 s 28B.50.040. Prior: 1967 ex.s. c 8 s 4. Formerly RCW 28.85.040.]

**Effective date—1994 c 217:** See note following RCW 28B.45.0201.

**Findings—1994 c 217:** See RCW 28B.45.0201.

**Effective date—1988 c 77:** "Section 2 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately. The remainder of this act shall take effect July 1, 1988." [1988 c 77 s 12.]

**Severability—1988 c 77:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1988 c 77 s 11.]

**District No. 23 Interlocal cooperation agreements by school districts in Snohomish county authorized—1981 c 72:** "Any school district within Snohomish county may enter into interlocal cooperation agreements with any community college located within Snohomish county pursuant to the provisions of chapter 39.34 RCW." [1981 c 72 s 8.]

**Savings—Provisions of existing collective bargaining agreement—1981 c 72:** "Nothing contained in this amendatory act shall be construed to alter any provision of any existing collective bargaining agreement until any such agreement has expired or been modified pursuant to chapter 28B.52 RCW." [1981 c 72 s 9.]

**Savings—Generally—1981 c 72:** "Nothing in this amendatory act shall be construed to affect any existing rights, nor as affecting any actions, activities, or proceedings validated prior to the effective date of this amendatory act, nor as affecting any civil or criminal proceedings, nor any rule, regulation, or order promulgated, nor any administrative action taken prior to the effective date of this amendatory act, and the validity of any act performed with respect to Edmonds Community College, or any officer or employee thereof prior to the effective date of this amendatory act, is hereby validated." [1981 c 72 s 10.]

**Effective date of this amendatory act defined—1981 c 72:** "The phrase "the effective date of this amendatory act" as used in sections 3, 4, 6 and 10 of this amendatory act shall mean July 1, 1981: PROVIDED, That nothing in this amendatory act shall prohibit any transfers mandated in section 4 hereof nor the action contemplated in section 11 hereof prior to such July 1, 1981." [1981 c 72 s 12.]

**Severability—1981 c 72:** "If any provision of this amendatory act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1981 c 72 s 13.]

**Severability—1973 1st ex.s. c 46:** See note following RCW 28B.10.704.

**RCW 28B.50.050 State board for community and technical colleges.** (1) There is hereby created the "state board for community and technical colleges," to consist of 10 members who represent the geographic diversity of the state, and who shall be appointed by the governor, with the consent of the senate. At least two members shall reside east of the Cascade mountains. In making these appointments, the governor shall attempt to provide geographic balance and give consideration to representing labor, business, women, and racial and ethnic minorities, among the membership of the board. At least one member of the board shall be from business and at least one member of the board shall be from labor. One member of the board shall be a student enrolled at a community or technical college.

(2) The members, except for the student member, shall be appointed for terms of four years except that a person appointed to fill a vacancy occurring prior to the expiration of any term shall be appointed only for the remainder of such term. The student member shall serve for a term of one year. The student member must be at least 18 years of age at the time of appointment. Each member shall serve until the appointment and qualification of his or her successor. All members shall be citizens and bona fide residents of the state.

(3) Members of the college board shall be compensated in accordance with RCW 43.03.240 and shall receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060 for

each day actually spent in attending to the duties as a member of the college board.

(4) The members of the college board may be removed by the governor for inefficiency, neglect of duty, or malfeasance in office, in the manner provided by RCW 28B.10.500.

(5) A student appointed under this section shall excuse themself from participating or voting on matters relating to hiring, discipline, personnel, or issues pertaining to pending litigation.

(6) The college board may adopt rules to implement this section. [2025 c 91 s 2; 1991 c 238 s 30; 1988 c 76 s 1; 1984 c 287 s 64; 1982 1st ex.s. c 30 s 9; 1975-'76 2nd ex.s. c 34 s 74; 1973 c 62 s 13; 1969 ex.s. c 261 s 19; 1969 ex.s. c 223 s 28B.50.050. Prior: 1967 ex.s. c 8 s 5.]

**Findings——Intent——2025 c 91:** "The legislature recognizes that the decisions made by the state board for community and technical colleges greatly impact the lives and education experiences of students and that student participation in the decision-making process can provide meaningful insight into the impact of these decisions from the student perspective, which is unique compared to the perspective of traditional board members.

The legislature finds that students have served on higher education-related governing boards in Washington state and other states for decades. Specifically, students serve on the governing boards of systems of community and technical colleges in over 10 other states. Students also serve as voting members on both the Washington student achievement council and the workforce education investment accountability and oversight board. These opportunities have provided students the opportunity to contribute greatly to deliberations where they have been able to share ideas and concerns on decisions that directly impact students.

The legislature further finds that student perspectives offer the opportunity to bring the state board for community and technical colleges closer to the student community that it serves. Being on campus and in class every day, students are exposed directly to many topics of interest to the board, which is important for comprehensive and in-depth discussion. Moreover, student populations at community and technical colleges are the most diverse of any institution of higher education in the state, and thus the student member would be exposed to a more diverse group than any other member of the board representing any one group of the community.

Additionally, the legislature acknowledges that student positions on governing boards are also a valuable tool for developing leadership through experiential learning. Student members learn processes of institutional governance, analyze policy proposals, and participate in board discussions and decision making.

Therefore, it is the intent of the legislature to enhance community college governance by the state board of [for] community and technical colleges through fostering a stronger relationship with students in policy development and decision making at the state level." [2025 c 91 s 1.]

**Legislative findings——Severability——Effective date——1984 c 287:** See notes following RCW 43.03.220.

**Effective date—Severability—1975-'76 2nd ex.s. c 34:** See notes following RCW 2.08.115.

**Savings—Severability—1973 c 62:** See notes following RCW 28B.10.510.

**Severability—1969 ex.s. c 261:** See note following RCW 28B.50.020.

*Appointment of director of state system of community and technical colleges, by: RCW 28B.50.060.*

*Employees of, appointment and employment of: RCW 28B.50.060.*

*Occupational forecast—Agency consultation: RCW 50.38.030.*

*Powers and duties: RCW 28B.50.090.*

**RCW 28B.50.060 Director of the state system of community and technical colleges—Appointment—Term—Qualifications—Salary and travel expenses—Duties.** A director of the state system of community and technical colleges shall be appointed by the college board and shall serve at the pleasure of the college board. The director shall be appointed with due regard to the applicant's fitness and background in education, and knowledge of and recent practical experience in the field of educational administration particularly in institutions beyond the high school level. The college board may also take into consideration an applicant's proven management background even though not particularly in the field of education.

The director shall devote his or her time to the duties of his or her office and shall not have any direct pecuniary interest in or any stock or bonds of any business connected with or selling supplies to the field of education within this state, in keeping with chapter 42.52 RCW.

The director shall receive a salary to be fixed by the college board and shall be reimbursed for travel expenses incurred in the discharge of his or her official duties in accordance with RCW 43.03.050 and 43.03.060.

The director shall be the executive officer of the college board and serve as its secretary and under its supervision shall administer the provisions of this chapter and the rules and orders established thereunder and all other laws of the state. The director shall attend, but not vote at, all meetings of the college board. The director shall be in charge of offices of the college board and responsible to the college board for the preparation of reports and the collection and dissemination of data and other public information relating to the state system of community and technical colleges. At the direction of the college board, the director shall, together with the chair of the college board, execute all contracts entered into by the college board.

The director shall, with the approval of the college board: (1) Employ necessary assistant directors of major staff divisions who shall serve at the director's pleasure on such terms and conditions as the director determines, and (2) subject to the provisions of chapter 41.06 RCW the director shall, with the approval of the college board,

appoint and employ such field and office assistants, clerks and other employees as may be required and authorized for the proper discharge of the functions of the college board and for whose services funds have been appropriated.

The board may, by written order filed in its office, delegate to the director any of the powers and duties vested in or imposed upon it by this chapter. Such delegated powers and duties may be exercised by the director in the name of the college board. [2011 c 336 s 738; 1994 c 154 s 306; 1991 c 238 s 31; 1975-'76 2nd ex.s. c 34 s 75; 1973 1st ex.s. c 46 s 8; 1973 c 62 s 14; 1969 ex.s. c 261 s 20; 1969 ex.s. c 223 s 28B.50.060. Prior: 1967 ex.s. c 8 s 6.]

**Effective date—1994 c 154:** See RCW 42.52.904.

**Effective date—Severability—1975-'76 2nd ex.s. c 34:** See notes following RCW 2.08.115.

**Severability—1973 1st ex.s. c 46:** See note following RCW 28B.10.704.

**Savings—Severability—1973 c 62:** See notes following RCW 28B.10.510.

**Severability—1969 ex.s. c 261:** See note following RCW 28B.50.020.

**RCW 28B.50.070 College board—Organization—Meetings—Quorum—Biennial report—Fiscal year.** The governor shall make the appointments to the college board.

The college board shall organize, adopt a seal, and adopt bylaws for its administration, not inconsistent herewith, as it may deem expedient and may from time to time amend such bylaws. Annually the board shall elect a chairperson and vice chairperson; all to serve until their successors are appointed and qualified. The college board shall at its initial meeting fix a date and place for its regular meeting. Six members shall constitute a quorum, and no meeting shall be held with less than a quorum present, and no action shall be taken by less than a majority of the college board.

Special meetings may be called as provided by its rules and regulations. Regular meetings shall be held at the college board's established offices in Olympia, but whenever the convenience of the public or of the parties may be promoted, or delay or expenses may be prevented, it may hold its meetings, hearings or proceedings at any other place designated by it. Subject to RCW 40.07.040, the college board shall transmit a report in writing to the governor biennially which report shall contain such information as may be requested by the governor. The fiscal year of the college board shall conform to the fiscal year of the state. [2025 c 91 s 3; 1987 c 505 s 15; 1986 c 130 s 1; 1977 c 75 s 26; 1973 c 62 s 15; 1969 ex.s. c 223 s 28B.50.070. Prior: 1967 ex.s. c 8 s 7. Formerly RCW 28.85.070.]

**Findings—Intent—2025 c 91:** See note following RCW 28B.50.050.

**Savings—Severability—1973 c 62:** See notes following RCW 28B.10.510.

*Fiscal year defined: RCW 43.88.020.*

**RCW 28B.50.080 College board—Offices and office equipment, including necessary expenses.** Suitable offices and office equipment shall be provided by the state for the college board in the city of Olympia, and the college board may incur the necessary expense for office furniture, stationery, printing, incidental expenses, and other expenses necessary for the administration of this chapter. [1969 ex.s. c 223 s 28B.50.080. Prior: 1967 ex.s. c 8 s 8. Formerly RCW 28.85.080.]

**RCW 28B.50.085 College board—Treasurer—Appointment, duties, bond—Depository.** The state board for community and technical colleges shall appoint a treasurer who shall be the financial officer of the board, who shall make such vendor payments and salary payments for the entire community and technical college system as authorized by the state board, and who shall hold office during the pleasure of the board. All moneys received by the state board and not required to be deposited elsewhere, shall be deposited in a depository selected by the board, which moneys shall be subject to the budgetary and audit provisions of law applicable to state agencies. The depository selected by the state board shall conform to the collateral requirements required for the deposit of other state funds. Disbursement shall be made by check signed by the treasurer. The treasurer shall render a true and faithful account of all moneys received and paid out by him or her and shall give bond for the faithful performance of the duties of his or her office in such amount as the board requires: PROVIDED, That the board shall pay the fee for any such bonds. [1991 c 238 s 32; 1981 c 246 s 4.]

**Severability—1981 c 246:** See note following RCW 28B.50.090.

**RCW 28B.50.090 College board—Powers and duties.** The college board shall have general supervision and control over the state system of community and technical colleges. In addition to the other powers and duties imposed upon the college board by this chapter, the college board shall be charged with the following powers, duties and responsibilities:

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

(2) Establish guidelines for the disbursement of funds; and receive and disburse such funds for adult education and maintenance and operation and capital support of the college districts in conformance with the state and district budgets, and in conformance with chapter 43.88 RCW;

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

(a) That each college district, in coordination with colleges, within a regional area, shall offer thoroughly comprehensive educational, training, and service programs to meet the needs of both the communities and students served by combining high standards of excellence in academic transfer courses; realistic and practical

courses in occupational education, both graded and ungraded; and community services of an educational, cultural, and recreational nature; and adult education, including basic skills and general, family, and workforce literacy programs and services;

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

(4) Prepare a comprehensive master plan for the development of community and technical college education and training in the state; and assist the office of financial management in the preparation of enrollment projections to support plans for providing adequate college facilities in all areas of the state. The master plan shall include implementation of the vision, goals, priorities, and strategies in the statewide strategic master plan for higher education under *RCW 28B.76.200 based on the community and technical college system's role and mission. The master plan shall also contain measurable performance indicators and benchmarks for gauging progress toward achieving the goals and priorities;

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

(6) Establish criteria and procedures for modifying district boundary lines and consolidating district structures to form multiple campus districts consistent with the purposes set forth in RCW 28B.50.020 as now or hereafter amended and in accordance therewith make such changes as it deems advisable;

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

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

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

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

(d) Standard admission policies;

(e) Eligibility of courses to receive state fund support; and

(f) Common student identifiers such that once a student has enrolled at any community or technical college he or she retains the same student identification upon transfer to any college district;

(8) Encourage colleges to use multiple measures to determine whether a student must enroll in a precollege course including, but not limited to, placement tests, the SAT, high school transcripts, college transcripts, or initial class performance, and require colleges to post all the available options for course placement on their website and in their admissions materials;

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

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

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

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

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

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

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

(16) The college board shall have the power of eminent domain. [2013 c 57 s 1; 2011 c 109 s 1; 2010 c 246 s 3; 2009 c 64 s 4; 2004 c 275 s 57; 2003 c 130 s 6; 1991 c 238 s 33; 1982 c 50 s 1; 1981 c 246 s 2; 1979 c 151 s 20; 1977 ex.s. c 282 s 4; 1973 c 62 s 16; 1969 ex.s. c 261 s 21; 1969 ex.s. c 223 s 28B.50.090. Prior: 1967 ex.s. c 8 s 9.]

***Reviser's note:** RCW 28B.76.200 was repealed by 2011 1st sp.s. c 11 s 244, effective July 1, 2012.

**Findings—Intent—2010 c 246:** See note following RCW 28B.50.020.

**Intent—2009 c 64:** See note following RCW 28B.50.020.

**Part headings not law—2004 c 275:** See note following RCW 28B.76.090.

**Findings—Intent—2003 c 130:** See note following RCW 28B.77.070.

**Severability—1981 c 246:** "If any provision of this amendatory act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1981 c 246 s 6.]

**Severability—1977 ex.s. c 282:** See note following RCW 28B.50.870.

**Savings—Severability—1973 c 62:** See notes following RCW 28B.10.510.

**Severability—1969 ex.s. c 261:** See note following RCW 28B.50.020.

*Construction, reconstruction, equipping facilities—Financing: RCW 28B.50.340.*

*Development of budget: RCW 43.88.090.*

*Eminent domain: Title 8 RCW.*

*State budgeting, accounting, and reporting system: Chapter 43.88 RCW.*

**RCW 28B.50.091 Board to waive fees for students finishing their high school education.** See RCW 28B.15.520.

**RCW 28B.50.092 Program for military personnel—Restrictions as to high school completion program.** The state board for community and technical colleges may authorize any board of trustees to do all things necessary to conduct an education, training, and service program authorized by chapter 28B.50 RCW, as now or hereafter amended, for United States military personnel and their dependents, and department of defense civilians and their dependents, at any geographical location: PROVIDED, That such programs shall be limited to those colleges which conducted programs for United States military personnel prior to January 1, 1977: PROVIDED FURTHER, That any high school completion program conducted pursuant to this section shall comply with standards set forth in rules and regulations promulgated by the superintendent of public instruction and the state board of education: AND PROVIDED FURTHER, That the superintendent of public instruction shall issue the certificate or diploma in recognition of

high school completion education provided pursuant to this section. [1991 c 238 s 34; 1977 ex.s. c 131 s 1; 1973 c 105 s 1.]

**RCW 28B.50.093 Program for military personnel—Limitation.** Prior to the state board granting authorization for any programs authorized under RCW 28B.50.092, the state board shall determine that such authorization will not deter from the primary functions of the community and technical college system within the state of Washington as prescribed by chapter 28B.50 RCW. [1991 c 238 s 35; 1973 c 105 s 2.]

**RCW 28B.50.094 Program for military personnel—Costs of funding.** The costs of funding programs authorized by RCW 28B.50.092 through 28B.50.094 shall ultimately be borne by grants or fees derived from nonstate treasury sources. [1973 c 105 s 3.]

**RCW 28B.50.095 Registration at more than one community and technical college.** In addition to other powers and duties, the college board may issue rules and regulations permitting a student to register at more than one community and technical college, provided that such student shall pay tuition and fees as if the student were registered at a single college, but not to exceed tuition and fees charged a full-time student as established under chapter 28B.15 RCW. [1995 1st sp.s. c 9 s 11; 1991 c 238 s 36; 1983 c 3 s 40; 1973 c 129 s 1.]

**Intent—Purpose—Effective date—1995 1st sp.s. c 9:** See notes following RCW 28B.15.031.

**RCW 28B.50.096 Cooperation with workforce training and education coordinating board.** The college board shall cooperate with the workforce training and education coordinating board in the conduct of the board's responsibilities under RCW 28C.18.060 and shall provide information and data in a format that is accessible to the board. [1991 c 238 s 79.]

**RCW 28B.50.097 Electronic job bank.** (1) The college board shall create an electronic job bank on its website to act as a clearinghouse for people seeking academic teaching positions at the state's community and technical colleges. The job bank must be accessible on the internet. Use of the electronic job bank is not mandatory.

(2) The college board shall include a separate section on its electronic job bank reserved for the exclusive listing of part-time academic employment opportunities at state community and technical colleges.

(3) The separate section of the electronic job bank under subsection (2) of this section must, at a minimum, include an internet link to each of the following components, if available from the community or technical college offering the employment opportunity:

(a) A description of the open position;

(b) A listing of required skills and experience necessary for the position; and

(c) The district where the employment opening exists.

(4) The college board shall develop a strategy to promote its electronic job bank to prospective candidates. [2001 c 110 s 1.]

**RCW 28B.50.098 Appointment of trustees for new college district.** In the event a new college district is created, the governor shall appoint new trustees to the district's board of trustees in accordance with RCW 28B.50.100. [1991 c 238 s 134.]

**RCW 28B.50.100 Boards of trustees—Generally.** There is hereby created a board of trustees for each college district as set forth in this chapter. Each board of trustees shall be composed of five trustees, except as provided in RCW 28B.50.102, who shall be appointed by the governor for terms commencing October 1st of the year in which appointed. In making such appointments, the governor shall give consideration to geographical diversity, and representing labor, business, women, and racial and ethnic minorities, in the membership of the boards of trustees. The boards of trustees for districts containing technical colleges shall include at least one member from business and one member from labor.

The successors of the trustees initially appointed shall be appointed by the governor to serve for a term of five years except that any person appointed to fill a vacancy occurring prior to the expiration of any term shall be appointed only for the remainder of the term. Each member shall serve until a successor is appointed and qualified.

Every trustee shall be a resident and qualified elector of the college district. No trustee may be an employee of the community and technical college system, a member of the board of directors of any school district, or a member of the governing board of any public or private educational institution.

Each board of trustees shall organize itself by electing a chair from its members. The board shall adopt a seal and may adopt such bylaws, rules, and regulations as it deems necessary for its own government. Three members of the board shall constitute a quorum, but a lesser number may adjourn from time to time and may compel the attendance of absent members in such manner as prescribed in its bylaws, rules, or regulations. The district president, or if there be none, the president of the college, shall serve as, or may designate another person to serve as, the secretary of the board, who shall not be deemed to be a member of the board.

Each board of trustees shall follow procedures for open public meetings in chapter 42.30 RCW. Each board shall provide time for public comment at each meeting.

Members of the boards of trustees may be removed for misconduct or malfeasance in office in the manner provided by RCW 28B.10.500. [2013 c 23 s 58. Prior: 2012 c 228 s 5; 2012 c 148 s 2; 2011 c 336 s 739; 1991 c 238 s 37; 1987 c 330 s 1001; 1983 c 224 s 1; 1979 ex.s. c 103 s 1; 1977 ex.s. c 282 s 2; 1973 c 62 s 17; 1969 ex.s. c 261 s 22; 1969 ex.s. c 223 s 28B.50.100; prior: 1967 ex.s. c 8 s 10.]

**Finding—Intent—2012 c 148:** "The legislature finds that decisions made by governing boards of each respective institution greatly impact the lives of students and that student participation in the decision-making process can provide insight into the impacts of actions by trustees that are not always measurable through reports and statistics. Students are on campus every day using services and experiencing aspects of the institution that board members may only see on paper, providing a unique and valuable perspective that should not be overlooked.

Students serving on governing boards of higher education have proven effective in Washington and in over thirty other states. For over ten years students at Washington's four-year institutions of higher education have served as voting members on the board of trustees, regents, and the *higher education coordinating board, providing greater depth in board deliberations and a well-educated conduit for students to voice ideas and concerns.

The student perspective at community colleges also brings the board closer to their community. Student populations at community colleges are the most diverse of any institution of higher education in the state. Being on campus and in class every day, students are exposed to a more diverse group than any member of the board representing any one group of the community.

Student positions on governing boards are also a valuable tool for developing leadership through experiential learning. Student members learn processes of institutional governance, become involved in campus projects, analyze policy proposals, and participate in board discussions and decision making.

It is the intent of the legislature to enhance community college governance by fostering a more dynamic relationship between students and institutions through the encouragement of student participation in policy development and decision making at the district and state level." [2012 c 148 s 1.]

***Reviser's note:** The higher education coordinating board was abolished by 2011 1st sp.s. c 11 s 301, effective July 1, 2012.

**Construction—Application of rules—Severability—1987 c 330:** See notes following RCW 28B.12.050.

**Severability—1979 ex.s. c 103:** See note following RCW 28B.20.100.

**Severability—1977 ex.s. c 282:** See note following RCW 28B.50.870.

**Effective date—1977 ex.s. c 282 ss 2, 3:** "Sections 2 and 3 of this 1977 amendatory act shall not take effect until January 1, 1978." [1977 ex.s. c 282 s 9.]

**Savings—Severability—1973 c 62:** See notes following RCW 28B.10.510.

**Severability—1969 ex.s. c 261:** See note following RCW 28B.50.020.

*Chief executive officer as secretary of board: RCW 28B.50.130.*

**RCW 28B.50.102 Boards of trustees—Student trustee.** (1) Boards of trustees for each college district, by majority vote, may establish a sixth trustee that shall be filled by a student. The governor shall select each student member from a list of candidates, of at least three and not more than five, submitted by the associated student governments or their equivalent of the college district. The student member shall hold his or her office for a term of one year, beginning July 1st and ending June 30th, or until the student member's successor is appointed and qualified, whichever is later. The student member shall be a full-time student in good standing at a college within the college district at the time of appointment and throughout the student's term. If the student member fails to be enrolled at the college full-time or forfeits his or her academic standing, the student member is disqualified and a new student member must be appointed.

(2) A student appointed under this section shall excuse himself or herself from participation or voting on matters relating to the hiring, discipline, or tenure of faculty members and personnel or any other matters pertaining to collective bargaining agreements. [2012 c 148 s 3.]

**Finding—Intent—2012 c 148:** See note following RCW 28B.50.100.

**RCW 28B.50.130 Boards of trustees—Bylaws, rules, and regulations—Chair and vice chair—Terms—Quorum.** Within thirty days of their appointment the various district boards of trustees shall organize, adopt bylaws for its own government, and make such rules and regulations not inconsistent with this chapter as they deem necessary. At such organizational meeting it shall elect from among its members a chair and vice chair, each to serve for one year, and annually thereafter shall elect such officers to serve until their successors are appointed or qualified. The chief executive officer of the college district, or designee, shall serve as secretary of the board. Three trustees shall constitute a quorum, and no action shall be taken by less than a majority of the trustees of the board. The district boards shall transmit such reports to the college board as may be requested by the college board. The fiscal year of the district boards shall conform to the fiscal year of the state. [1991 c 238 s 38; 1977 c 75 s 27; 1973 c 62 s 18; 1969 ex.s. c 223 s 28B.50.130. Prior: 1967 ex.s. c 8 s 13. Formerly RCW 28.85.130.]

**Savings—Severability—1973 c 62:** See notes following RCW 28B.10.510.

*District president or president of college as secretary of board: RCW 28B.50.100.*

*Fiscal year defined: RCW 43.88.020.*

**RCW 28B.50.140 Boards of trustees—Powers and duties.** Each board of trustees:

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

(2) Shall create comprehensive programs of community and technical college education and training and maintain an open-door policy in accordance with the provisions of RCW 28B.50.090(3);

(3) Shall employ for a period to be fixed by the board a college president for each community and technical college and, may appoint a president for the district, and fix their duties and compensation, which may include elements other than salary. Compensation under this subsection shall not affect but may supplement retirement, health care, and other benefits that are otherwise applicable to the presidents as state employees. The board shall also employ for a period to be fixed by the board members of the faculty and such other administrative officers and other employees as may be necessary or appropriate and fix their salaries and duties. Except as provided for academic employees in RCW 28B.52.035 and technical college classified employees under chapter 41.56 RCW, compensation and salary increases under this subsection shall not exceed the amount or percentage established for those purposes in the state appropriations act by the legislature as allocated to the board of trustees by the state board for community and technical colleges. The state board for community and technical colleges shall adopt rules defining the permissible elements of compensation under this subsection;

(4) May establish, in accordance with RCW 28B.77.080, new facilities as community needs and interests demand. However, the authority of boards of trustees to purchase or lease major off-campus facilities shall be subject to the approval of the student achievement council pursuant to RCW 28B.77.080;

(5) May establish or lease, operate, equip and maintain dormitories, food service facilities, bookstores and other self-supporting facilities connected with the operation of the community and technical college;

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

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

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

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

(8) May receive such gifts, grants, conveyances, devises and bequests of real or personal property from private sources, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the community and technical college programs as specified by law and the rules of the

state college board; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof according to the terms and conditions thereof; and adopt rules to govern the receipt and expenditure of the proceeds, rents, profits and income thereof;

(9) May establish and maintain night schools whenever in the discretion of the board of trustees it is deemed advisable, and authorize classrooms and other facilities to be used for summer or night schools, or for public meetings and for any other uses consistent with the use of such classrooms or facilities for community and technical college purposes;

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

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

(12) May grant to every student, upon graduation or completion of a course of study, a suitable diploma, degree, or certificate under the rules of the state board for community and technical colleges that are appropriate to their mission. The purposes of these diplomas, certificates, and degrees are to lead individuals directly to employment in a specific occupation or prepare individuals for a bachelor's degree or beyond. Technical colleges may only offer transfer degrees that prepare students for bachelor's degrees in professional fields, subject to rules adopted by the college board. In adopting rules, the college board, where possible, shall create consistency between community and technical colleges and may address issues related to tuition and fee rates; tuition waivers; enrollment counting, including the use of credits instead of clock hours; degree-granting authority; or any other rules necessary to offer the associate degrees that prepare students for transfer to bachelor's degrees in professional areas. Only colleges under RCW 28B.50.810 or 28B.50.825 may award baccalaureate degrees. The board, upon recommendation of the faculty, may also confer honorary associate of arts degrees, or if it is authorized to award baccalaureate degrees may confer honorary bachelor of applied science degrees, upon persons other than graduates of the community college, in recognition of their learning or devotion to education, literature, art, or science. No degree may be conferred in consideration of the payment of money or the donation of any kind of property;

(13) Shall enforce the rules prescribed by the state board for community and technical colleges for the government of community and technical colleges, students and teachers, and adopt such rules and perform all other acts not inconsistent with law or rules of the state board for community and technical colleges as the board of trustees may in its discretion deem necessary or appropriate to the administration of college districts: PROVIDED, That such rules shall include, but not be limited to, rules relating to housing, scholarships, conduct at the various community and technical college facilities, and discipline: PROVIDED, FURTHER, That the board of trustees may suspend or expel from community and technical colleges students who refuse to obey any of the duly adopted rules;

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

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

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

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

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

(19) May participate in higher education centers and consortia that involve any four-year public or independent college or university in accordance with RCW 28B.77.080;

(20) Shall perform any other duties and responsibilities imposed by law or rule of the state board; and

(21) May confer honorary associate of arts degrees upon persons who request an honorary degree if they were students at the college in 1942 and did not graduate because they were ordered into an internment camp. The honorary degree may also be requested by a representative of deceased persons who meet these requirements. For the purposes of this subsection, "internment camp" means a relocation center to which persons were ordered evacuated by Presidential Executive Order 9066, signed on February 19, 1942. [2018 c 267 s 3; 2016 sp.s. c 33 s 3; 2015 3rd sp.s. c 4 s 946; 2014 c 158 s 1; 2012 c 229 s 537; 2010 c 51 s 4; 2009 c 64 s 5; 2005 c 258 s 9; 2004 c 275 s 58; 1997 c 281 s 1. Prior: 1991 c 238 s 39; 1991 c 58 s 1; 1990 c 135 s 1; prior: 1987 c 407 s 1; 1987 c 314 s 14; 1985 c 370 s 96; 1981 c 246 s 3; 1979 ex.s. c 226 s 11; 1979 c 14 s 6; prior: 1977 ex.s. c 282 s 5; 1977 c 75 s 28; 1973 c 62 s 19; 1970 ex.s. c 15 s 17; prior: 1969 ex.s. c 283 s 30; 1969 ex.s. c 261 s 23; 1969 ex.s. c 223 s 28B.50.140; prior: 1967 ex.s. c 8 s 14.]

**Effective dates—2015 3rd sp.s. c 4:** See note following RCW 28B.15.069.

**Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Intent—2009 c 64:** See note following RCW 28B.50.020.

**Findings—Intent—2005 c 258:** See note following RCW 28B.45.014.

**Part headings not law—2004 c 275:** See note following RCW 28B.76.090.

**Severability—1981 c 246:** See note following RCW 28B.50.090.

**Effective date—1979 ex.s. c 226:** "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately [June 15, 1979]." [1979 ex.s. c 226 s 13.]

**Severability—1977 ex.s. c 282:** See note following RCW 28B.50.870.

**Savings—Severability—1973 c 62:** See notes following RCW 28B.10.510.

**Severability—1970 ex.s. c 15:** See note following RCW 28A.230.160.

**Severability—1969 ex.s. c 283:** See note following RCW 28A.150.050.

**Severability—1969 ex.s. c 261:** See note following RCW 28B.50.020.

**RCW 28B.50.141 Credits—Statewide transfer policy and agreement—Establishment.** See RCW 28B.77.210 and 28B.77.215.

**RCW 28B.50.142 Treasurer of board—Duties—Bond.** Each board of trustees shall appoint a treasurer who shall be the financial officer of the board and who shall hold office during the pleasure of the board. Each treasurer shall render a true and faithful account of all moneys received and paid out by him or her, comply with the provisions of RCW 28B.50.143, and shall give bond for the faithful performance of the duties of his or her office in such amount as the trustees require: PROVIDED, That the respective community and technical colleges shall pay the fees for any such bonds. [1991 c 238 s 40; 1977 ex.s. c 331 s 1.]

**Effective date—Severability—1977 ex.s. c 331:** See notes following RCW 28B.15.031.

**RCW 28B.50.143 Vendor payments, advances or reimbursements for.** In order that each college treasurer appointed in accordance with RCW 28B.50.142 may make vendor payments, the state treasurer will honor warrants drawn by each community and technical college providing for one initial advance on July 1 of each succeeding biennium from the state general fund in an amount equal to seventeen percent of each institution's average monthly allotment for such budgeted biennium expenditures as certified by the office of financial management, and at the conclusion of each such initial month, and for each succeeding month of any biennium, the state treasurer will reimburse each institution for each expenditure incurred and reported monthly by each college treasurer in accordance with *chapter 43.83 RCW: PROVIDED, That the reimbursement to each institution for actual expenditures incurred in the final month of each biennium shall be less the initial advance. [1991 c 238 s 41; 1985 c 180 s 1; 1979 c 151 s 21; 1977 ex.s. c 331 s 2.]

***Reviser's note:** The majority of chapter 43.83 RCW was decodified pursuant to 2015 1st sp.s. c 4 s 12.

**Effective date—Severability—1977 ex.s. c 331:** See notes following RCW 28B.15.031.

**RCW 28B.50.145 Community or technical college faculty senate.** The boards of trustees of the various college districts may create at each community or technical college under their control a faculty senate or similar organization to be selected by periodic vote of the respective faculties thereof. [1991 c 238 s 42; 1969 ex.s. c 283 s 51. Formerly RCW 28.85.145.]

**Severability—1969 ex.s. c 283:** See note following RCW 28A.150.050.

**RCW 28B.50.150 Out-of-district residence not to affect enrollment for state resident.** Any resident of the state may enroll in any program or course maintained or conducted by a college district upon the same terms and conditions regardless of the district of his or her residence. [1991 c 238 s 43; 1969 ex.s. c 223 s 28B.50.150. Prior: 1967 ex.s. c 8 s 15. Formerly RCW 28.85.150.]

**RCW 28B.50.195 Intercollegiate coaches—Minimum standards encouraged.** The state board for community and technical colleges in consultation with the Northwest athletic association of community colleges and other interested parties shall encourage community colleges to ensure that intercollegiate coaches meet the following minimum standards:

(1) Verification of up-to-date certification in first aid and cardiopulmonary resuscitation;

(2) Maintaining knowledge of Northwest athletic association of community colleges codes, rules, and institutional policy; and

(3) Encouragement of coaches to participate in appropriate in-service training and activities. [1993 c 94 s 2.]

**Policy—1993 c 94:** "The legislature supports the establishment of minimum standards for intercollegiate coaches and a process to ensure the safety and appropriate skill development of student athletes." [1993 c 94 s 1.]

**RCW 28B.50.196 Intercollegiate coaches—Training to promote coaching competence and techniques.** The community and technical colleges are encouraged to provide training to promote development of coaching competence and to enhance the coaching techniques of intercollegiate coaches. The community and technical colleges may offer this educational service to coaches in the community and technical colleges, common schools, amateur teams, youth groups, and community sports groups. The community and technical colleges may provide this educational service through curriculum courses, workshops, or in-service training. [1993 c 94 s 3.]

**Policy—1993 c 94:** See note following RCW 28B.50.195.

**RCW 28B.50.205 AIDS information—Community and technical colleges.** The state board for community and technical colleges shall make information available to all newly matriculated students on methods of transmission of the human immunodeficiency virus and prevention of acquired immunodeficiency syndrome. The curricula and materials shall be reviewed for medical accuracy by the office on AIDS in coordination with the appropriate regional AIDS service network. [1991 c 238 s 44; 1988 c 206 s 502.]

**RCW 28B.50.215 Overlapping service areas—Regional planning agreements.** The colleges in each overlapping service area shall jointly submit for approval to the state board for community and technical colleges a regional planning agreement. The agreement shall provide for the ongoing interinstitutional coordination of community and technical college programs and services operated in the overlapping service area. The agreement shall include the means for the adjudication of issues arising from overlapping service areas. The agreement shall include a definitive statement of mission, scope, and purpose for each college including the nature of courses, programs, and services to be offered by each college.

Technical colleges may, under the rules of the state board for community and technical colleges, offer all specific academic support courses that may be at a transfer level that are required of all students to earn a particular certificate or degree. This shall not be interpreted to mean that their mission may be expanded to include transfer preparation, nor does it preclude technical colleges from voluntarily and cooperatively using available community college courses as components of technical college programs.

Any part of the agreement that is not approved by all the colleges in the service area, shall be determined by the state board for community and technical colleges. Approved regional planning agreements shall be enforced by the full authority of the state board for community and technical colleges. Changes to the agreement are subject to state board approval.

For the purpose of creating and adopting a regional planning agreement, the trustees of the colleges in Pierce county shall form a county coordinating committee. The county coordinating committee shall consist of eight members. Each college board of trustees in Pierce county shall select two of its members to serve on the county coordinating committee. The county coordinating committee shall not employ its own staff, but shall instead utilize staff of the colleges in the county. The regional planning agreement adopted by the county coordinating committee shall include, but shall not be limited to: The items listed in this section, the transfer of credits between technical and community colleges, program articulation, and the avoidance of unnecessary duplication in programs, activities, and services. [1997 c 281 s 2; 1991 c 238 s 144.]

**RCW 28B.50.216 Identification and implementation of potential administrative efficiencies, complementary administrative functions, and complementary academic programs within regional area——Plan——Retention of cost savings——Reports.** (1) The state board for community and technical colleges, in collaboration with the boards of trustees for the community and technical colleges, shall identify potential administrative efficiencies, complementary administrative functions, and complementary academic programs based upon consultation with colleges within a regional area. To study and identify potential administrative efficiencies and complementary administrative functions and programs, colleges within the regional area shall work with stakeholders including faculty and staff representatives appointed by their respective unions. Factors to be considered include, but are not limited to:

(a) The economic feasibility and cost savings anticipated from the proposed changes;

(b) The extent to which the changes will contribute to student access to academic programs and services, including greater flexibility for students to transfer credits and obtain degrees and certificates from other colleges within the regional area; and

(c) The extent to which the changes contribute to the vision, goals, priorities, and statewide strategies in the comprehensive master plan and the statewide strategic master plan for higher education.

(2) The state board for community and technical colleges shall develop and adopt a detailed plan for the implementation of any identified changes that would result in cost savings while maintaining or enhancing student access and achievement. If educational programs are identified that would provide cost savings if consolidated, the faculty and staff of those programs shall be convened to assist in the development of the part of the plan that will impact their programs and collective bargaining agreements. The plan must establish a time frame within which any proposed changes must be accomplished and must include any agreements, approved by the state board for community and technical colleges, between colleges within a regional area to provide complementary academic programs or coordinate administrative functions. The implementation plan shall take effect upon approval by the state board for community and technical colleges. The state board shall submit a preliminary report on the plan to the appropriate legislative committees and the governor December 1, 2010, and shall submit a final report December 1, 2011.

(3) Any cost savings realized as a result of the implementation of administrative efficiencies, complementary administrative functions, and complementary academic programming under the plan shall be retained by the respective districts to be used for enhancing student access and success, and the retention and recruitment of high quality faculty, including but not limited to, full-time faculty, faculty development, and academic programs.

(4) The college board, using the criteria and processes established in this section and in consultation with the boards of trustees for the community and technical colleges, shall identify adjacent college districts that can feasibly be consolidated or whose boundaries can feasibly be modified to form a multiple campus district. The primary considerations shall be the extent to which the changes will: (a) Affect student access to academic programs and services, (b) affect the retention and recruitment of high quality faculty, and (c) result in financial efficiencies.

(5) By December 1, 2012, the college board, in consultation with local boards of trustees, shall evaluate any proposed district consolidations or boundary changes identified in subsection (4) of this section as it deems advisable and shall submit any required supporting legislative changes to the governor and appropriate committees of the legislature. [2010 c 246 s 4.]

**Findings—Intent—2010 c 246:** See note following RCW 28B.50.020.

**RCW 28B.50.242 Video telecommunications programming.** The state board for community and technical colleges shall provide statewide coordination of video telecommunications programming for the community and technical college system. [1991 c 238 s 45; 1990 c 208 s 10.]

**RCW 28B.50.248 Effect of child care subsidy eligibility expansion—Use of existing resources.** Nothing in RCW 43.216.135 or *43.216.136 requires a community or technical college to expand any of its existing child care facilities. Any additional child care services provided by a community or technical college as a result of RCW 43.216.135 or *43.216.136 must be provided within existing resources and existing facilities. [2021 c 199 s 502. Prior: 2020 c 355 s 4; 2020 c 279 s 3; 2019 c 406 s 71; 2019 c 97 s 3.]

***Reviser's note:** RCW 43.216.136 was recodified as RCW 43.216.800 pursuant to 2024 c 67 s 10.

**Short title—Findings—Intent—Conflict with federal requirements —2021 c 199:** See notes following RCW 43.216.770.

**Findings—Intent—Effective date—2020 c 355:** See notes following RCW 43.216.135.

**Effective date—2020 c 279:** See note following RCW 43.216.800.

**Findings—Intent—2019 c 406:** See note following RCW 43.79.195.

**Findings—Short title—2019 c 406:** See notes following RCW 28B.92.200.

**Findings—2019 c 406:** See note following RCW 28B.94.020.

**Findings—Intent—2019 c 406:** See note following RCW 28C.30.050.

**Findings—Intent—2019 c 406:** See note following RCW 43.216.135.

**Findings—Intent—2019 c 97:** See note following RCW 43.216.135.

**RCW 28B.50.250 Adult education programs in common school districts, limitations—Certain federal programs, administration.** The state board for community and technical colleges and the state board of education are hereby authorized to permit, on an ad hoc basis, the common school districts to conduct pursuant to RCW 28B.50.530 a program in adult education in behalf of a college district when such program will not conflict with existing programs of the same nature and in the same geographical area conducted by the college districts: PROVIDED, That federal programs for adult education shall be administered by the state board for community and technical colleges, which agency is hereby declared to be the state educational agency primarily responsible for supervision of adult education in the public schools as defined by *RCW 28B.50.020. [1991 c 238 s 46; 1969 ex.s. c 261 s 25; 1969 ex.s. c 223 s 28B.50.250. Prior: 1967 ex.s. c 8 s 25.]

***Reviser's note:** The reference to RCW 28B.50.020 appears to be erroneous. "Adult education" is defined in RCW 28B.50.030.

**Severability—1969 ex.s. c 261:** See note following RCW 28B.50.020.

*Community education programs: RCW 28A.620.020.*

**RCW 28B.50.252 Districts offering vocational educational programs—Local advisory committees—Advice on current job needs.** (1) Each local education agency or college district offering vocational educational programs shall establish local advisory committees to provide that agency or district with advice on current job needs and on the courses necessary to meet these needs.

(2) The local program committees shall:

(a) Participate in the determination of program goals;

(b) Review and evaluate program curricula, equipment, and effectiveness;

(c) Include representatives of business and labor who reflect the local industry, and the community; and

(d) Actively consult with other representatives of business, industry, labor, and agriculture. [1991 c 238 s 77.]

**RCW 28B.50.254 Advisory council on adult education—Workforce training and education coordinating board to monitor.** (1) There is hereby created the Washington advisory council on adult education. The advisory council shall advise the state board for community and technical colleges and the workforce training and education coordinating board concerning adult basic education and literacy programs. The advisory council shall perform all duties of state

advisory councils on adult education as specified in P.L. 100-297, as amended. The advisory council's actions shall be consistent with the state comprehensive plan for workforce training and education prepared by the workforce training and education coordinating board as provided for in RCW 28C.18.060.

(2) The advisory council on adult education shall consist of nine members as required by federal law, appointed by the governor. In making these appointments, to the maximum extent feasible, the governor shall give consideration to providing overlapping membership with the membership of the state job training coordinating council, and the governor shall give consideration to individuals with expertise and experience in adult basic education.

(3) The workforce training and education coordinating board shall monitor the need for the council as described in subsection (1) of this section, and, if that need no longer exists, propose legislation to terminate the council. [1991 c 238 s 19.]

**RCW 28B.50.259 Program for dislocated forest products workers—Waiver from tuition and fees.** (1) The state board for community and technical colleges shall administer a program designed to provide higher education opportunities to dislocated forest products workers and their unemployed spouses who are enrolled in a community or technical college for ten or more credit hours per quarter. In administering the program, the college board shall have the following powers and duties:

(a) With the assistance of an advisory committee, design a procedure for selecting dislocated forest products workers to participate in the program;

(b) Allocate funding to community and technical colleges attended by participants; and

(c) Monitor the program and report on participants' progress and outcomes.

(2) Unemployed spouses of eligible dislocated forest products workers may participate in the program, but tuition and fees may be waived under the program only for the worker or the spouse and not both.

(3) Subject to the limitations of RCW 28B.15.910, the governing boards of the community and technical colleges may waive all or a portion of tuition and fees for program participants, for a maximum of six quarters within a two-year period.

(4) During any biennium, the number of full-time equivalent students to be served in this program shall be determined by the applicable omnibus appropriations act, and shall be in addition to the community college enrollment level funded by the applicable omnibus appropriations act. [1998 c 245 s 21; 1993 sp.s. c 18 s 32; 1992 c 231 s 29; 1991 c 315 s 17.]

**Effective date—1993 sp.s. c 18:** See note following RCW 28B.12.060.

**Effective date—1992 c 231:** See note following RCW 28B.10.016.

**Intent—1991 c 315:** See note following RCW 28B.50.030.

**Conflict with federal requirements—1991 c 315:** See RCW 50.70.901.

**RCW 28B.50.271 Opportunity grant program.** (1) The college board shall develop and implement a workforce education program known as the opportunity grant program to provide financial and other assistance for students enrolled at qualified institutions of higher education in opportunity grant-eligible programs of study as described in RCW 28B.50.273. Students enrolled in the opportunity grant program are eligible for:

(a) Funding for tuition and mandatory fees at the public community and technical college rate, prorated if the credit load is less than full time, paid directly to the educational institution; and

(b) An additional one thousand dollars per academic year for books, tools, and supplies, prorated if the credit load is less than full time.

(2) Funding under subsection (1)(a) and (b) of this section is limited to a maximum forty-five credits or the equivalent in an opportunity grant-eligible program of study, including required related courses. No student may receive opportunity grant funding for more than forty-five credits or for more than three years from initial receipt of grant funds in one or a combination of programs.

(3) Grants awarded under this section are subject to the availability of amounts appropriated for this specific purpose. [2007 c 277 s 101.]

**Findings—2007 c 277:** "The legislature finds that:

(1) The economic trends of globalization and technological change are increasing the demand for higher and differently skilled workers than in the past;

(2) Increasing Washington's economic competitiveness requires increasing the supply of skilled workers in the state;

(3) Improving the labor market competitiveness of all Washington residents requires that all residents have access to postsecondary education; and

(4) Community and technical college workforce training programs and Washington state apprenticeship and training council-approved apprenticeship programs provide effective and efficient pathways for people to enter high wage, high skill careers while also meeting the needs of the economy." [2007 c 277 s 1.]

**Part headings not law—2007 c 277:** "Part headings used in this act are not any part of the law." [2007 c 277 s 302.]

**RCW 28B.50.272 Opportunity grant program—Student eligibility—Funding—Performance measures—Documentation—Annual summary.** (1) To be eligible for participation in the opportunity grant program established in RCW 28B.50.271, a student must:

(a) Be a Washington resident student as defined in RCW 28B.15.012 enrolled in an opportunity grant-eligible program of study;

(b) Have a family income that is at or below two hundred percent of the federal poverty level using the most current guidelines available from the United States department of health and human

services, and be determined to have financial need based on the free application for federal student aid; and

(c) Meet such additional selection criteria as the college board shall establish in order to operate the program within appropriated funding levels.

(2) Upon enrolling, the student must provide evidence of commitment to complete the program. The student must make satisfactory progress and maintain a cumulative 2.0 grade point average for continued eligibility. If a student's cumulative grade point average falls below 2.0, the student may petition the institution of higher education of attendance. The qualified institution of higher education has the authority to establish a probationary period until such time as the student's grade point average reaches required standards.

(3) Subject to funds appropriated for this specific purpose, public qualified institutions of higher education shall receive an enhancement of one thousand five hundred dollars for each full-time equivalent student enrolled in the opportunity grant program whose income is below two hundred percent of the federal poverty level. The funds shall be used for individualized support services which may include, but are not limited to, college and career advising, tutoring, emergency child care, and emergency transportation. The qualified institution of higher education is expected to help students access all financial resources and support services available to them through alternative sources.

(4) The college board shall be accountable for student retention and completion of opportunity grant-eligible programs of study. It shall set annual performance measures and targets and monitor the performance at all qualified institutions of higher education. The college board must reduce funding at institutions of higher education that do not meet targets for two consecutive years, based on criteria developed by the college board.

(5) The college board and office of student financial assistance shall work together to ensure that students participating in the opportunity grant program are informed of all other state and federal financial aid to which they may be entitled while receiving an opportunity grant.

(6) The college board and office of student financial assistance shall document the amount of opportunity grant assistance and the types and amounts of other sources of financial aid received by participating students. Annually, they shall produce a summary of the data.

(7) The college board shall:

(a) Begin developing the program no later than August 1, 2007, with student enrollment to begin no later than January 14, 2008; and

(b) Submit a progress report to the legislature by December 1, 2008.

(8) The college board may, in implementing the opportunity grant program, accept, use, and expend or dispose of contributions of money, services, and property. All such moneys received by the college board for the program must be deposited in an account at a depository approved by the state treasurer. Only the college board or a duly authorized representative thereof may authorize expenditures from this account. In order to maintain an effective expenditure and revenue control, the account is subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditure of moneys in the account. [2011 1st sp.s. c 11 s 157; 2007 c 277 s 102.]

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Findings—Part headings not law—2007 c 277:** See notes following RCW 28B.50.271.

**RCW 28B.50.273 Identification of grant-eligible programs of study and other job training programs—Marketing.** For the purposes of identifying opportunity grant-eligible programs of study and other job training programs, the college board, in partnership with business, labor, and the workforce training and education coordinating board, shall:

(1) Identify high employer demand programs of study offered by qualified postsecondary institutions that lead to a credential, certificate, or degree;

(2) Identify job-specific training programs offered by qualified postsecondary institutions that lead to a credential, certificate, or degree in green industry occupations as established in chapter 14, Laws of 2008;

(3) Gain recognition of the credentials, certificates, and degrees by Washington's employers and labor organizations. The college board shall designate these recognized credentials, certificates, and degrees as "opportunity grant-eligible programs of study"; and

(4) Market the credentials, certificates, and degrees to potential students, businesses, and apprenticeship programs as a way for individuals to advance in their careers and to better meet the needs of industry. [2009 c 353 s 2; 2008 c 14 s 10; 2007 c 277 s 201.]

**Findings—Intent—Scope of chapter 14, Laws of 2008—2008 c 14:** See RCW 70A.45.005 and 70A.45.900.

**Findings—Part headings not law—2007 c 277:** See notes following RCW 28B.50.271.

**RCW 28B.50.274 Opportunity partnership program.** (1) Community and technical colleges shall partner with local workforce development councils to develop the opportunity partnership program. The opportunity partnership program may be newly developed or part of an existing program, and shall provide mentoring to students participating in the opportunity grant program. The program must develop criteria and identify opportunity grant students who would benefit by having a mentor. Each participating student shall be matched with a business or labor mentor employed in the field in which the student is interested. The mentor shall help the student explore careers and employment options through any combination of tours, informational interviews, job shadowing, and internships.

(2) Subject to funds appropriated for this specific purpose, the workforce training and education coordinating board shall create the opportunity partnership program. The board, in partnership with business, labor, and the college board, shall determine the criteria for the distribution of funds.

(3) The board may, in implementing this section, accept, use, and dispose of contributions of money, services, and property. All moneys received by the board for the purposes of this section must be deposited in a depository approved by the state treasurer. Only the board or a duly authorized representative thereof may authorize expenditures from this account. In order to maintain an effective expenditure and revenue control, the account is subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditure of moneys in the account. [2007 c 277 s 202.]

**Findings—Part headings not law—2007 c 277:** See notes following RCW 28B.50.271.

**RCW 28B.50.278 Opportunity employment and education center—Opportunity policy work group—Report by college board.** (1) An opportunity employment and education center is established within the Seattle community college district.

(2) The center shall:

(a) House various educational and social service providers and integrate access to employment, counseling, and public benefit programs and services as well as education, training, financial aid, and counseling services offered through community colleges;

(b) Identify and form partnerships with community-based organizations that enhance the services and supports provided to individuals using the center;

(c) Provide services including, but not limited to, employment security and workforce development council worksource services; job listing, referral, and placement; job coaching; employment counseling, testing, and career planning; unemployment insurance claim filing assistance; cash grant programs run by the department of social and health services; the basic food program; housing assistance; child support assistance; child care subsidies; WorkFirst and temporary assistance for needy families; general assistance and supplemental security income facilitation; vocational rehabilitation services and referrals; medicaid and medical services; alcoholism and drug addiction treatment and support act referrals; case management and mental health referrals; community college financial aid; support services; college counseling services related to career pathways and basic skills resources for English language learners; high school completion; and adult basic education; and

(d) In partnership with the state board for community and technical colleges, jointly develop evaluation criteria and performance indicators that demonstrate the degree to which the center is successfully integrating services and improving service delivery.

(3) The chancellor of the Seattle community college district and technical colleges, or the chancellor's designee, shall convene an opportunity policy work group charged with governing the opportunity employment and education center. The work group membership shall include, but not be limited to, representatives of the King county workforce development council, north Seattle community college, the employment security department, and the department of social and health services. A chair shall be chosen from among the work group's membership on an annual basis, with the position of chair rotating among participating agencies. The work group shall:

(a) Determine protocols for service delivery, develop operating policies and procedures, develop cross-agency training for agency employees located at the center, and develop a plan for a common information technology framework that could allow for interagency access to files and information, including any common application and screening systems that facilitate access to state, federal, and local social service and educational programs, within current resources and to the extent federal privacy laws allow;

(b) Develop a release of information form that may be voluntarily completed by opportunity center clients to facilitate the information sharing outlined in (a) of this subsection. The form is created to aid agencies housed at the opportunity center in determining client eligibility for various social and educational services. The form shall address the types of information to be shared, the agencies with which personal information can be shared, the length of time agencies may keep shared information on file, and any other issue areas identified by the opportunity policy work group to comply with all applicable federal and state laws;

(c) Review national best practices for program operation and provide training to program providers both before opening the center and on an ongoing basis; and

(d) Jointly develop integrated solutions to provide more cost-efficient and customer friendly service delivery.

(4) Participating agencies shall identify and apply for any federal waivers necessary to facilitate the intended goals and operation of the center.

(5) The state board for community and technical colleges shall report to legislative committees with subject areas of commerce and labor, human services, and higher education on the following:

(a) By December 1, 2010, the board, in partnership with participating agencies, shall provide recommendations on a proposed site for an additional opportunity employment and education center; and

(b) By December 1, 2011, and annually thereafter, the board shall provide an evaluation of existing centers based on performance criteria identified by the board and the opportunity policy work group. The report shall also include data on any federal and state legislative barriers to integration.

(6) All future opportunity centers shall be governed by the provisions in this section and are subject to the same reporting requirements. [2013 c 23 s 57; 2010 c 40 s 1.]

**RCW 28B.50.281 Curriculum development and funding—Use of federal stimulus funding—Reports—Recognized programs of study under RCW 28B.50.273—Prioritization of workforce training programs.** (1) The state board shall work with the *leadership team, the Washington state apprenticeship and training council, and the office of the superintendent of public instruction to jointly develop, by June 30, 2010, curricula and training programs, to include on-the-job training, classroom training, and safety and health training, for the development of the skills and qualifications identified by the department of commerce under **section 7 of this act.

(2) The board shall target a portion of any federal stimulus funding received to ensure commensurate capacity for high employer-demand programs of study developed under this section. To that end,

the state board must coordinate with the department, the *leadership team, the workforce board, or another appropriate state agency in the application for and receipt of any funding that may be made available through the federal youthbuild program, workforce innovation and opportunity act, job corps, or other relevant federal programs.

(3) The board shall provide an interim report to the appropriate committees of the legislature by December 1, 2011, and a final report by December 1, 2013, detailing the effectiveness of, and any recommendations for improving, the worker training curricula and programs established in this section.

(4) Existing curricula and training programs or programs provided by community and technical colleges in the state developed under this section must be recognized as programs of study under RCW 28B.50.273.

(5) Subject to available funding, the board may grant enrollment priority to persons who qualify for a waiver under RCW 28B.15.522 and who enroll in curricula and training programs provided by community or technical colleges in the state that have been developed in accordance with this section.

(6) The college board may prioritize workforce training programs that lead to a credential, certificate, or degree in green economy jobs. For purposes of this section, green economy jobs include those in the primary industries of a green economy including clean energy, high-efficiency building, green transportation, and environmental protection. Prioritization efforts may include but are not limited to: (a) Prioritization of the use of high employer-demand funding for workforce training programs in green economy jobs, if the programs meet minimum criteria for identification as a high-demand program of study as defined by the state board for community and technical colleges, however any additional community and technical college high-demand funding authorized for the 2009-2011 fiscal biennium and thereafter may be subject to prioritization; (b) increased outreach efforts to public utilities, education, labor, government, and private industry to develop tailored, green job training programs; and (c) increased outreach efforts to target populations. Outreach efforts shall be conducted in partnership with local workforce development councils.

(7) The definitions in RCW 43.330.010 apply to this section and RCW 28B.50.282. [2023 c 470 s 2009; 2017 c 39 s 1; 2009 c 536 s 9.]

**Reviser's note:** *(1) The leadership team was created in 2009 c 536 s 3, which was vetoed.

**(2) Section 7 of this act was vetoed.

**Explanatory statement——2023 c 470:** See note following RCW 10.99.030.

**Short title——2009 c 536:** See note following RCW 43.330.370.

**RCW 28B.50.282 Evergreen jobs training account——Grants.** The evergreen jobs training account is created in the state treasury. Funds deposited to the account may include gifts, grants, or endowments from public or private sources, in trust or otherwise. Moneys from the account must be used to supplement the state opportunity grant program established under RCW 28B.50.271. All receipts from appropriations directed to the account must be deposited into the account. Expenditures from the account may be used only for

the activities identified in this section. The state board, in consultation with the department and the *leadership team, may authorize expenditures from the account but must distribute grants from the account on a competitive basis. Grant funds from the evergreen jobs training account should be used when other public or private funds are insufficient or unavailable.

(1) These grant funds may be used for, but are not limited to uses for:

(a) Curriculum development;

(b) Transitional jobs strategies for dislocated workers in declining industries who may be retrained for high-wage occupations in green industries;

(c) Workforce education to target populations;

(d) Adult basic and remedial education as necessary linked to occupation skills training; and

(e) Coordinated outreach efforts by institutions of higher education and workforce development councils.

(2) These grant funds may not be used for student assistance and support services available through the state opportunity grant program under RCW 28B.50.271.

(3) Applicants eligible to receive these grants may be any organization or a partnership of organizations that has demonstrated expertise in:

(a) Implementing effective education and training programs that meet industry demand; and

(b) Recruiting and supporting, to successful completion of those training programs carried out under these grants, the target populations of workers.

(4) In awarding grants from the evergreen jobs training account, the state board shall give priority to applicants that demonstrate the ability to:

(a) Use labor market and industry analysis developed by the employment security department and green industry skill panels in the design and delivery of the relevant education and training program, and otherwise use strategies developed by green industry skill panels;

(b) Leverage and align existing public programs and resources and private resources toward the goal of recruiting, supporting, educating, and training target populations of workers;

(c) Work collaboratively with other relevant stakeholders in the regional economy;

(d) Link adult basic and remedial education, where necessary, with occupation skills training;

(e) Involve employers and, where applicable, labor unions in the determination of relevant skills and competencies and, where relevant, the validation of career pathways; and

(f) Ensure that supportive services, where necessary, are integrated with education and training and are delivered by organizations with direct access to and experience with the targeted population of workers. [2009 c 536 s 10.]

***Reviser's note:** The leadership team was created in 2009 c 536 s 3, which was vetoed.

**Short title——2009 c 536:** See note following RCW 43.330.370.

**RCW 28B.50.295 Emergency assistance grant program.** (1)(a) Subject to availability of amounts appropriated for this specific purpose, the emergency assistance grant program is established to provide students of community and technical colleges monetary aid to assist students experiencing unforeseen emergencies or situations that affect the student's ability to attend classes.

(b) The college board shall administer the competitive grant program in accordance with this section.

(2) The college board shall establish eligibility criteria for community and technical colleges to apply for grants under the grant program. At a minimum, to be eligible for a grant, a community or technical college must:

(a) Demonstrate the need for grant funds. Demonstrating need may include producing demographic data on student income levels, the number of students experiencing food insecurity or homelessness, the number of students who meet the definition of "needy student" under *RCW 28B.92.030, the number of students accessing the college's food pantry, if one is available, and other information specific to the student population;

(b) Ensure that students' access to emergency aid funds will be as low barrier as possible and will not require the student to have to fill out the free application for federal student aid to receive emergency funds. However, the college must require the student to request assistance in writing;

(c) Allow flexibility in which students may apply for emergency aid funds. Students who may not meet the definition of "needy student" but who may be experiencing emergency situations must be able to apply for emergency aid funds; and

(d) Indicate how the college will prioritize the disbursement of emergency aid funds.

(3) In selecting grant recipients, the college board must consider a community or technical college's demonstration of need and the resources and programs already in existence at the college.

(4) A community or technical college shall use grant funds to provide students emergency aid in the form of monetary grants to assist the student in, for example, purchasing food, paying utilities or rent, paying for transportation, child care, or other goods or services that the student needs in order to continue to attend classes. Emergency aid under the grant program is considered a grant and a student is not required to reimburse the community or technical college.

(5) The college board must begin accepting applications for the grant program by December 1, 2019.

(6) The college board shall submit a report to the appropriate committees of the legislature beginning December 1, 2020, and each December 1st thereafter. At a minimum, the report must:

(a) Identify the community and technical colleges receiving grants and the amounts of the grants; and

(b) Summarize how the community and technical colleges distributed funds to students, and provide the number of students, the amounts, and the emergency conditions for which funds were granted. [2019 c 407 s 1.]

***Reviser's note:** RCW 28B.92.030 was amended by 2019 c 406 s 21, deleting the definition of "needy student."

**Findings——Intent——2019 c 407:** "(1) The legislature finds that students who receive supplemental nutrition assistance program benefits in the form of an electronic benefit transfer card cannot use these benefits to purchase food items from on-campus food retail establishments at institutions of higher education. On-campus food retail establishments or point-of-sale locations such as cafeterias, bookstores, and cafes do not qualify as retail food stores under the federal food and nutrition act of 2008 because these on-campus food retail establishments either do not sell enough categories of staple foods or do not gross over fifty percent of their total sales from staple foods.

(2) The legislature recognizes that students perform better in classes when they are well-nourished, yet finds that students who receive supplemental nutrition assistance program benefits have to travel off campus to use their benefits at a participating vendor, incurring extra travel costs, reducing study time, and causing unnecessary stress.

(3) The legislature finds that this limitation on the use of supplemental nutrition assistance program benefits is a barrier that prevents public and private institutions of higher education from providing equal access to food retail establishments on campuses to all students, faculty, and staff regardless of economic status. The legislature recognizes that eliminating this barrier is vital to assuring equal access to every aspect of Washington's public and private institutions of higher education.

(4) The legislature intends to have the department of social and health services request a waiver from the United States department of agriculture to allow students to use their electronic benefit transfer card at on-campus food retail establishments at Washington's public and private institutions of higher education." [2019 c 407 s 2.]

**Conflict with federal requirements——2019 c 407:** "If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state." [2019 c 407 s 6.]

**RCW 28B.50.305 Seattle Vocational Institute——Findings.** The legislature finds that a vocational institute in the central area of the city of Seattle provides civic, social, and economic benefits to the people of the state of Washington. Economic development is enhanced by increasing the number of skilled individuals who enter the labor market and social welfare costs are reduced by the training of individuals lacking marketable skills. The students at the institute are historically economically disadvantaged, and include racial and ethnic minorities, recent immigrants, single-parent heads of households, and persons who are dislocated workers or without specific occupational skills. The institute presents a unique opportunity for business, labor, and community-based organizations, and educators to work together to provide effective vocational-technical training to

the economically disadvantaged of urban Seattle, and to serve as a national model of such cooperation. Moreover, a trained workforce is a major factor in attracting new employers, and with greater minority participation in the workforce, the institute is uniquely located to deliver training and education to the individuals employers must increasingly turn to for their future workers. [1991 c 238 s 93.]

**RCW 28B.50.306 Seattle Vocational Institute—Mission—Advisory committee to advise.** The mission of the institute shall be to provide occupational, basic skills, and literacy education opportunities to economically disadvantaged populations in urban areas of the college district it serves. The mission shall be achieved primarily through open-entry, open-exit, short-term, competency-based basic skill, and job training programs targeted primarily to adults. The board of trustees of the sixth college district shall appoint a nine-member advisory committee consisting of equal representation from business, labor, and community representatives to provide advice and counsel to the administration of the institute and the district administration. [1991 c 238 s 100.]

**RCW 28B.50.307 Seattle Vocational Institute—Funding.** Funding for the institute shall be included in a separate allocation to the sixth college district, and funds allocated for the institute shall be used only for purposes of the institute. [1991 c 238 s 101.]

**RCW 28B.50.320 Fees and other income—Deposit—Disbursement.** All operating fees, services and activities fees, and all other income which the trustees are authorized to impose shall be deposited as the trustees may direct unless otherwise provided by law. Such sums of money shall be subject to the budgetary and audit provisions of law applicable to state agencies. The depository selected by the trustees shall conform to the collateral requirements required for deposit of other state funds.

Disbursement shall be made by check signed by the president of the college or the president's designee appointed in writing, and such other person as may be designated by the board of trustees of the college district. Each person authorized to sign as provided above, shall execute a surety bond as provided in RCW 43.17.100. Said bond or bonds shall be filed in the office of the secretary of state. [1991 c 238 s 47; 1971 ex.s. c 279 s 17; 1970 ex.s. c 59 s 4; 1969 ex.s. c 238 s 5; 1969 ex.s. c 223 s 28B.50.320. Prior: 1967 ex.s. c 8 s 32.]

**Severability—1971 ex.s. c 279:** See note following RCW 28B.15.005.

**Severability—1970 ex.s. c 59:** See note following RCW 28B.15.520.

**RCW 28B.50.328 Waivers of tuition and fees—Scholarships—Employment of instructional staff and faculty—Seattle Vocational Institute.** The district may provide for waivers of tuition and fees and provide scholarships for students at the institute. The district may negotiate with applicable public or private service providers to

conduct the instructional activities of the institute. The district may employ instructional staff or faculty. The district may also contract with private individuals for instructional services. Until at least July 1, 1993, all faculty and staff serve at the pleasure of the district. In order to allow the district flexibility in its personnel policies with the institute, the district and the institute, with reference to employees of the institute employed during an initial two-year period until July 1, 1993, are exempt from chapters *28B.16, 28B.52 (relating to collective bargaining), 41.04, 41.05, 41.06, and 41.40 RCW; from RCW 43.01.040 through 43.01.044; and from RCW 28B.50.551 and 28B.50.850 through 28B.50.875 (relating to faculty tenure). [1991 c 238 s 103.]

***Reviser's note:** Chapter 28B.16 RCW was repealed by 1993 c 281, with the exception of RCW 28B.16.015 and 28B.16.240, which was recodified as RCW 41.06.382. The powers, duties, and functions of the state higher education personnel board were transferred to the Washington personnel resources board. RCW 28B.16.015 and 41.06.382 were subsequently repealed by 2002 c 354 s 403, effective July 1, 2005.

**RCW 28B.50.330 Construction, reconstruction, equipping, and demolition of community and technical college facilities and acquisition of property—Revenue bond financing—Public bid.** (1) The boards of trustees of college districts are empowered in accordance with the provisions of this chapter to provide for the construction, reconstruction, erection, equipping, demolition, and major alterations of buildings and other capital assets, and the acquisition of sites, rights-of-way, easements, improvements, or appurtenances for the use of the aforementioned colleges as authorized by the college board in accordance with RCW 28B.50.140; to be financed by bonds payable out of special funds from revenues hereafter derived from income received from such facilities, gifts, bequests, or grants, and such additional funds as the legislature may provide, and payable out of a bond retirement fund to be established by the respective district boards in accordance with rules of the state board. With respect to building, improvements, or repairs, or other work, where the estimated cost exceeds $110,000, or $90,000 if the work involves one trade or craft area, complete plans and specifications for the work shall be prepared, the work shall be put out for a public bid, and the contract shall be awarded to the responsible bidder who submits the lowest responsive bid. Any project regardless of dollar amount may be put to public bid.

(2) This section does not apply when a contract is awarded by the small works roster procedure authorized in RCW 39.04.151 through 39.04.154.

(3) Where the estimated cost to any college of any building, improvements, or repairs, or other work, is less than $110,000, or $90,000 if the work involves one trade or craft area, the publication requirements of RCW 39.04.020 do not apply. [2023 c 395 s 19; 2023 c 97 s 2; 2009 c 229 s 1; 2007 c 495 s 2; 1993 c 379 s 108; 1991 c 238 s 48; 1979 ex.s. c 12 s 2; 1969 ex.s. c 223 s 28B.50.330. Prior: 1967 ex.s. c 8 s 33. Formerly RCW 28.85.330.]

**Reviser's note:** This section was amended by 2023 c 97 s 2 and by 2023 c 395 s 19, each without reference to the other. Both amendments

are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

**Effective date—2023 c 395 ss 1-30, 32-34, 36, and 37:** See note following RCW 39.04.010.

**Findings—Intent—2023 c 395:** See note following RCW 39.04.010.

**Intent—Severability—Effective date—1993 c 379:** See notes following RCW 28B.10.029.

**Severability—1979 ex.s. c 12:** See note following RCW 28B.10.350.

**RCW 28B.50.340 Construction, reconstruction, equipping, and demolition of community and technical college facilities and acquisition of property—Financing by bonds secured by pledge of building fees, grants.** In addition to the powers conferred under RCW 28B.50.090, the college board is authorized and shall have the power:

(1) To permit the district boards of trustees to contract for the construction, reconstruction, erection, equipping, maintenance, demolition and major alterations of buildings and other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances of the college as approved by the state board.

(2) To finance the same by the issuance of bonds secured by the pledge of up to one hundred percent of the building fees.

(3) Without limitation of the foregoing, to accept grants from the United States government, or any federal or state agency or instrumentality, or private corporation, association, or person to aid in defraying the costs of any such projects.

(4) To retain bond counsel and professional bond consultants to aid it in issuing bonds pursuant to RCW 28B.50.340 through 28B.50.400. [1991 c 238 s 49; 1985 c 390 s 54; 1971 ex.s. c 279 s 18; 1970 ex.s. c 15 s 18. Prior: 1969 ex.s. c 261 s 26; 1969 ex.s. c 238 s 6; 1969 ex.s. c 223 s 28B.50.340; prior: 1967 ex.s. c 8 s 34.]

**Severability—1971 ex.s. c 279:** See note following RCW 28B.15.005.

**Severability—1970 ex.s. c 15:** See note following RCW 28A.230.160.

**RCW 28B.50.350 Construction, reconstruction, equipping, and demolition of community and technical college facilities and acquisition of property—Bonds—Requirements.** For the purpose of financing the cost of any projects, the college board is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale, and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable. Said bonds:

(1) Shall not constitute:

(a) An obligation, either general or special, of the state; or

(b) A general obligation of the college or of the college board;

(2) Shall be:

(a) Either registered or in coupon form; and

(b) Issued in denominations of not less than one hundred dollars; and

(c) Fully negotiable instruments under the laws of this state; and

(d) Signed on behalf of the college board with the manual or facsimile signature of the chair of the board, attested by the secretary of the board, have the seal of the college board impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such chair and the secretary;

(3) Shall state:

(a) The date of issue; and

(b) The series of the issue and be consecutively numbered within the series; and

(c) That the bond is payable both principal and interest solely out of the bond retirement fund created for retirement thereof;

(4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine;

(5) Shall be payable both principal and interest out of the bond retirement fund;

(6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;

(7) Shall be sold in such manner and at such price as the board may prescribe;

(8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants, and protective provisions safeguarding such payment, not inconsistent with RCW 28B.50.330 through 28B.50.400, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

(a) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

(b) A covenant that sufficient moneys may be transferred from the capital projects account of the college board issuing the bonds to the bond retirement fund of the college board when ordered by the board in the event there is ever an insufficient amount of money in the bond retirement fund to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(c) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued.

The proceeds of the sale of all bonds, exclusive of accrued interest which shall be deposited in the bond retirement fund, shall be deposited in the state treasury to the credit of the capital projects account of the college board and shall be used solely for paying the costs of the projects, the costs of bond counsel and professional bond consultants incurred in issuing the bonds, and for the purposes set forth in subsection (8)(b) of this section;

(9) Shall constitute a prior lien and charge against the building fees of the community and technical colleges. [2011 c 336 s 740; 1991 c 238 s 50; 1985 c 390 s 55; 1971 ex.s. c 279 s 19; 1971 c 8 s 2; 1970 ex.s. c 59 s 2; 1970 ex.s. c 56 s 32; 1970 ex.s. c 15 s 19; 1969 ex.s.

c 261 s 27; 1969 ex.s. c 232 s 106; 1969 ex.s. c 223 s 28B.50.350. Prior: 1967 ex.s. c 8 s 35.]

**Severability—1971 ex.s. c 279:** See note following RCW 28B.15.005.

**Severability—1970 ex.s. c 59:** See note following RCW 28B.15.520.

**Purpose—1970 ex.s. c 56:** See note following RCW 39.52.020.

**Severability—1970 ex.s. c 15:** See note following RCW 28A.230.160.

**Validation—Saving—Severability—1969 ex.s. c 232:** See notes following RCW 39.52.020.

**RCW 28B.50.360 Construction, reconstruction, equipping, and demolition of community and technical college facilities and acquisition of property—Community and technical college capital projects account—Disposition of building fees.** Within 35 days from the date of start of each quarter all collected building fees of each such community and technical college shall be paid into the state treasury, and shall be credited as follows:

(1) On or before June 30th of each year the college board, if issuing bonds payable out of building fees, shall certify to the state treasurer the amounts required in the ensuing 12-month period to pay and secure the payment of the principal of and interest on such bonds. The state treasurer shall thereupon deposit the amounts so certified in the community and technical college capital projects account. Such amounts of the funds deposited in the community and technical college capital projects account as are necessary to pay and secure the payment of the principal of and interest on the building bonds issued by the college board as authorized by this chapter shall be devoted to that purpose. If in any 12-month period it shall appear that the amount certified by the college board is insufficient to pay and secure the payment of the principal of and interest on the outstanding building bonds, the state treasurer shall notify the college board and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal and interest on all such bonds then outstanding shall be fully met at all times.

(2) The community and technical college capital projects account is hereby created in the state treasury. The sums deposited in the capital projects account shall be appropriated and expended to pay and secure the payment of the principal of and interest on bonds payable out of the building fees and for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets owned by the state board for community and technical colleges in the name of the state of Washington, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto, engineering and architectural services provided by the department of enterprise services, and for the payment of principal of and interest on any bonds issued for such purposes. During the 2023-2025 and 2025-2027 fiscal biennia, sums in the capital projects account may also be used for routine facility maintenance and utility costs.

(3) Funds available in the community and technical college capital projects account may also be used for certificates of participation under chapter 39.94 RCW. [2025 c 414 s 8030; 2023 c 474 s 8028; 2021 c 332 s 7030; 2019 c 413 s 7028; 2017 3rd sp.s. c 1 s 955; 2015 3rd sp.s. c 3 s 7030; 2013 2nd sp.s. c 19 s 7031; 2011 1st sp.s. c 48 s 7025; 2009 c 499 s 6; 2005 c 488 s 922; 2004 c 277 s 910; 2002 c 238 s 303; 2000 c 65 s 1; 1997 c 42 s 1; 1991 sp.s. c 13 ss 47, 48; 1991 c 238 s 51. Prior: 1985 c 390 s 56; 1985 c 57 s 16; 1974 ex.s. c 112 s 4; 1971 ex.s. c 279 s 20; 1970 ex.s. c 15 s 20; prior: 1969 ex.s. c 261 s 28; 1969 ex.s. c 238 s 7; 1969 ex.s. c 223 s 28B.50.360; prior: 1967 ex.s. c 8 s 36.]

**Effective date—2025 c 414:** See note following RCW 79A.25.210.

**Conflict with federal requirements—Effective date—2023 c 474:** See notes following RCW 28A.320.330.

**Effective date—2021 c 332:** See note following RCW 43.19.501.

**Effective date—2019 c 413:** See note following RCW 28B.15.210.

**Effective date—2017 3rd sp.s. c 1:** See note following RCW 43.41.455.

**Effective date—2015 3rd sp.s. c 3:** See note following RCW 43.160.080.

**Effective date—2013 2nd sp.s. c 19:** See note following RCW 43.34.080.

**Effective date—2011 1st sp.s. c 48:** See note following RCW 39.35B.050.

**Part headings not law—2005 c 488:** "Part headings in this act are not any part of the law." [2005 c 488 s 956.]

**Severability—2005 c 488:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [2005 c 488 s 958.]

**Effective dates—2005 c 488:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 16, 2005], except for sections 920 and 921 of this act, which take effect June 30, 2005." [2005 c 488 s 959.]

**Severability—Effective dates—2004 c 277:** See notes following RCW 89.08.550.

**Severability—Effective date—2002 c 238:** See notes following RCW 28B.30.730.

**Effective date—2000 c 65:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 22, 2000]." [2000 c 65 s 3.]

**Effective dates—Severability—1991 sp.s. c 13:** See notes following RCW 18.08.240.

**Effective date—1985 c 57:** See note following RCW 18.04.105.

**Severability—1971 ex.s. c 279:** See note following RCW 28B.15.005.

**Severability—1970 ex.s. c 15:** See note following RCW 28A.230.160.

**RCW 28B.50.370 Construction, reconstruction, equipping, and demolition of community and technical college facilities and acquisition of property—Bonds—Sources for payment of principal and interest on—Funds credited to bond retirement fund—Pledge to collect building fees.** For the purpose of paying and securing the payment of the principal of and interest on the bonds as the same shall become due, there shall be paid into the state treasury and credited to the bond retirement fund of the college board, the following:

(1) Amounts derived from building fees as are necessary to pay the principal of and interest on the bonds and to secure the same;

(2) Any grants which may be made, or may become available for the purpose of furthering the construction of any authorized projects, or for the repayment of the costs thereof;

(3) Such additional funds as the legislature may provide.

Said bond retirement fund shall be kept segregated from all moneys in the state treasury and shall, while any of such bonds or any interest thereon remains unpaid, be available solely for the payment thereof. As a part of the contract of sale of such bonds, the college board shall charge and collect building fees as established by this chapter and deposit such fees in the bond retirement fund in amounts which will be sufficient to pay and secure the payment of the principal of, and interest on all such bonds outstanding. [1991 c 238 s 52; 1985 c 390 s 57; 1971 ex.s. c 279 s 21; 1969 ex.s. c 238 s 8; 1969 ex.s. c 223 s 28B.50.370. Prior: 1967 ex.s. c 8 s 37.]

**Severability—1971 ex.s. c 279:** See note following RCW 28B.15.005.

**RCW 28B.50.380 Construction, reconstruction, equipping, and demolition of community college facilities and acquisition of property—Bonds—Additional powers incident to bond authorization.** In accordance with the provisions of RCW 28B.50.340 the college board is hereby empowered:

(1) To reserve the right to issue bonds later on a parity with any bonds being issued;

(2) To authorize the investing of moneys in the bond retirement fund and any reserve account therein;

(3) To authorize the transfer of money from the college board's capital projects account to the bond retirement fund when necessary to prevent a default in the payments required to be made; and

(4) To create a reserve account or accounts in the bond retirement fund to secure the payment of the principal of and interest on any bonds. [1969 ex.s. c 223 s 28B.50.380. Prior: 1967 ex.s. c 8 s 38. Formerly RCW 28.85.380.]

**RCW 28B.50.390 Construction, reconstruction, equipping, and demolition of community college facilities and acquisition of property ––Refunding bonds––Authorized––Form, term, issuance, etc.––Exchange or sale.** The college board is hereby empowered to issue refunding bonds to provide funds to refund any or all outstanding bonds payable from the bond retirement fund and to pay any redemption premium payable on such outstanding bonds being refunded. Such refunding bonds may be issued in the manner and on terms and conditions and with the covenants permitted by RCW 28B.50.330 through 28B.50.400 for the issuance of bonds. The refunding bonds shall be payable out of the bond retirement fund and shall not constitute an obligation either general or special, of the state or a general obligation of the college board. The board may exchange the refunding bonds at par for the bonds which are being refunded or may sell them in such manner, at such price and at such rate or rates of interest as it deems for the best interest of the college. [1970 ex.s. c 56 s 33; 1969 ex.s. c 232 s 107; 1969 ex.s. c 223 s 28B.50.390. Prior: 1967 ex.s. c 8 s 39.]

**Purpose––1970 ex.s. c 56:** See note following RCW 39.52.020.

**Validation––Saving––Severability––1969 ex.s. c 232:** See notes following RCW 39.52.020.

**RCW 28B.50.400 Construction, reconstruction, equipping, and demolition of community college facilities and acquisition of property ––Bonds as limited obligation bonds––Additional means to pay principal and interest on.** The bonds authorized to be issued pursuant to the provisions of RCW 28B.50.330 through 28B.50.400 shall not be general obligations of the state of Washington, but shall be limited obligation bonds payable only from the special funds created for their payment. The legislature may specify additional means for providing funds for the payment of principal and interest of said bonds. RCW 28B.50.330 through 28B.50.400 shall not be deemed to provide an exclusive method for such payment. The power given to the legislature by this section to provide for additional means for raising money is permissive, and shall not in any way be construed as a pledge of the general credit of the state of Washington. [1969 ex.s. c 223 s 28B.50.400. Prior: 1967 ex.s. c 8 s 40. Formerly RCW 28.85.400.]

**RCW 28B.50.409 Bonds––Committee advice and consent prerequisite to issuance.** All bonds issued after February 16, 1974 by the college board or any board of trustees for any college district under provisions of chapter 28B.50 RCW, as now or hereafter amended, shall be issued by such boards only upon the prior advice and consent of the state finance committee. [1991 c 238 s 56; 1974 ex.s. c 112 s 7.]

**RCW 28B.50.440 Construction of chapter when part thereof in conflict with federal requirements which are condition precedent to allocation of federal funds.** If any part of this chapter shall be found to be in conflict with federal requirements which are a condition precedent to the allocation of federal funds to the state, such conflicting part of this chapter is hereby declared to be inoperative solely to the extent of such conflict, and such findings or determination shall not affect the operation of the remainder of this chapter. [1969 ex.s. c 223 s 28B.50.440. Prior: 1967 ex.s. c 8 s 44. Formerly RCW 28.85.440.]

*Federal funds, receipt of authorized: RCW 28B.50.520.*

**RCW 28B.50.455 Compliance with section 504 of the federal rehabilitation act of 1973, Title VI of the civil rights act of 1964, and Title IX of the educational amendments of 1972.** Each community and technical college shall comply with relevant federal requirements for implementing section 504 of the rehabilitation act of 1973, and as thereafter amended, Title VI of the civil rights act of 1964, and as thereafter amended, and Title IX of education amendments of 1972, and as thereafter amended. [2015 c 55 s 227; 1991 c 238 s 158.]

**RCW 28B.50.463 Use of false academic credentials——Penalties.** A person who issues or uses a false academic credential is subject to RCW 28B.85.220 and 9A.60.070. [2006 c 234 s 6.]

**RCW 28B.50.465 Cost-of-living increases——Academic employees.** (1) Academic employees of community and technical college districts shall be provided an annual salary cost-of-living increase in accordance with this section.

(a) Every fiscal year each college district shall receive a cost-of-living allocation sufficient to increase academic employee salaries, including mandatory salary-related benefits, by the rate of the yearly increase in the cost-of-living index.

(b) A college district shall distribute its cost-of-living allocation for salaries and salary-related benefits in accordance with the district's salary schedules, collective bargaining agreements, and other compensation policies. No later than the end of the fiscal year, each college district shall certify to the college board that it has spent funds provided for cost-of-living increases on salaries and salary-related benefits.

(c) The college board shall include any funded cost-of-living increase in the salary base used to determine cost-of-living increases for academic employees in subsequent years.

(d) The state shall fully fund the cost-of-living increase set forth in this section.

(2) For the purposes of this section:

(a) "Academic employee" has the same meaning as defined in RCW 28B.52.020.

(b) "Cost-of-living index" means, beginning with the 2025-2027 fiscal biennium, the implicit price deflator for the previous calendar year as of the beginning of the school year, using the official current base, compiled by the bureau of economic analysis, United

States department of commerce. [2025 c 344 s 1; 2013 2nd sp.s. c 5 s 2; 2011 1st sp.s. c 18 s 2; 2009 c 573 s 2; 2003 1st sp.s. c 20 s 3; 2001 c 4 s 3 (Initiative Measure No. 732, approved November 7, 2000).]

**Effective date—2025 c 344:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2025." [2025 c 344 s 3.]

**Effective date—2013 2nd sp.s. c 5:** See note following RCW 28A.400.205.

**Effective date—2011 1st sp.s. c 18:** See note following RCW 28A.400.205.

**Effective date—2009 c 573:** See note following RCW 28A.400.205.

**Severability—2001 c 4 (Initiative Measure No. 732):** See note following RCW 28A.400.205.

**RCW 28B.50.468 Cost-of-living increases—Classified employees.** (1) Classified employees of technical colleges shall be provided an annual salary cost-of-living increase in accordance with this section. This section applies to only those classified employees under the jurisdiction of chapter 41.56 RCW.

(a) Every fiscal year each technical college board of trustees shall receive a cost-of-living allocation sufficient to increase classified employee salaries, including mandatory salary-related benefits, by the rate of the yearly increase in the cost-of-living index.

(b) A technical college board of trustees shall distribute its cost-of-living allocation for salaries and salary-related benefits in accordance with the technical college's salary schedules, collective bargaining agreements, and other compensation policies. No later than the end of the fiscal year, each technical college shall certify to the college board that it has spent funds provided for cost-of-living increases on salaries and salary-related benefits.

(c) The college board shall include any funded cost-of-living increase in the salary base used to determine cost-of-living increases for technical college classified employees in subsequent years.

(d) The state shall fully fund the cost-of-living increase set forth in this section.

(2) For the purposes of this section:

(a) "Cost-of-living index" means, beginning with the 2025-2027 fiscal biennium, the implicit price deflator for the previous calendar year as of the beginning of the school year, using the official current base, compiled by the bureau of economic analysis, United States department of commerce.

(b) "Technical college" has the same meaning as defined in RCW 28B.50.030. [2025 c 344 s 2; 2013 2nd sp.s. c 5 s 3; 2011 1st sp.s. c 18 s 3; 2009 c 573 s 3; 2003 1st sp.s. c 20 s 4; 2001 c 4 s 4 (Initiative Measure No. 732, approved November 7, 2000).]

**Effective date—2025 c 344:** See note following RCW 28B.50.465.

**Effective date—2013 2nd sp.s. c 5:** See note following RCW 28A.400.205.

**Effective date—2011 1st sp.s. c 18:** See note following RCW 28A.400.205.

**Effective date—2009 c 573:** See note following RCW 28A.400.205.

**Severability—2001 c 4 (Initiative Measure No. 732):** See note following RCW 28A.400.205.

**RCW 28B.50.484 Health care service contracts—Transferred employees of vocational-technical institutes.** The state employees' benefit board shall adopt rules to preclude any preexisting conditions or limitations in existing health care service contracts for school district employees at vocational-technical institutes transferred to the state board for community and technical colleges. The board shall also provide for the disposition of any dividends or refundable reserves in the school district's health care service contracts applicable to vocational-technical institute employees. [1991 c 238 s 137.]

**RCW 28B.50.489 Part-time academic employees—State-mandated benefits—Definitions.** For the purposes of determining eligibility of state-mandated insurance, retirement benefits under RCW 28B.10.400, and sick leave for part-time academic employees in community and technical colleges, the following definitions shall be used:

(1) "Full-time academic workload" means the number of in-class teaching hours that a full-time instructor must teach to fulfill his or her employment obligations in a given discipline in a given college. If full-time academic workload is defined in a contract adopted through the collective bargaining process, that definition shall prevail. If the full-time workload bargained in a contract includes more than in-class teaching hours, only that portion that is in-class teaching hours may be considered academic workload.

(2) "In-class teaching hours" means contact classroom and lab hours in which full or part-time academic employees are performing contractually assigned teaching duties. The in-class teaching hours shall not include any duties performed in support of, or in addition to, those contractually assigned in-class teaching hours.

(3) "Academic employee" in a community or technical college means any teacher, counselor, librarian, or department head who is employed by a college district, whether full or part-time, with the exception of the chief administrative officer of, and any administrator in, each college district.

(4) "Part-time academic workload" means any percentage of a full-time academic workload for which the part-time academic employee is not paid on the full-time academic salary schedule. [2000 c 128 s 2; 1996 c 120 s 1.]

**Construction—2000 c 128:** See note following RCW 28B.52.220.

**RCW 28B.50.4891 Part-time academic employees—State-mandated benefits—Reporting eligible employees.** For the purposes of determining eligibility for receipt of state-mandated benefits for part-time academic employees at community and technical colleges, each institution shall report to the appropriate agencies the names of eligible part-time academic employees who qualify for benefits based on calculating the hours worked by part-time academic employees as a percentage of the part-time academic workload to the full-time academic workload in a given discipline in a given institution. [1996 c 120 s 2.]

**RCW 28B.50.4892 Part-time academic employees—Best practices compensation and employment—Task force—Report.** (1) The legislature finds that community colleges and technical colleges have an obligation to carry out their roles and missions in an equitable fashion. The legislature also finds that governing boards for community colleges and technical colleges have a responsibility to provide leadership and guidance to their colleges in the equitable treatment of part-time faculty teaching in the community and technical colleges.

(2) The state board for community and technical colleges shall convene a task force to conduct a review and update of the best practices audit of compensation packages and conditions of employment for part-time faculty in the community and technical college system conducted in 1996 and reported on in 1998. The task force shall include but need not be limited to part-time faculty, full-time faculty, members of the state board, community college administrators, and members of community college and technical college governing boards. In performing the review and update of the audit, the task force shall focus on the employment of part-time faculty, and shall include the following issues in its deliberations: Salary issues, provision of health and retirement benefits, the implications of increased reliance on part-time rather than full-time faculty, the implications of workload definitions, and tangible and intangible ways to recognize the professional stature of part-time faculty.

(3) The task force shall report its findings to the state board, local governing boards, and other interested parties by December 1, 2005. The report shall include recommendations on a review of the status of the set of best practices principles for the colleges to follow in their employment of part-time faculty developed in 1996. The state board for community and technical colleges shall adopt and periodically update a set of best practices principles for colleges in the community and technical college system to follow in their employment of part-time faculty. The board shall use the best practices principles in the development of each biennial operating budget request. The board shall encourage and, to the extent possible, require each local governing board to adopt, revise, and implement the principles. [2005 c 119 s 2; 1996 c 120 s 3.]

**Findings—2005 c 119:** "The legislature finds that:

(1) The part-time faculty in the community and technical colleges provide a valuable contribution to quality instruction;

(2) The part-time faculty are essential to the success of the open access opportunities provided by the two-year colleges to the citizens of Washington;

(3) The two-year colleges employ a core of skilled, well-trained faculty whose contributions are critical to the quality and breadth of program offerings;

(4) The community and technical colleges have an essential role in educating and retraining high-skilled workers who are vital to the economic health of the communities of Washington;

(5) It is vital to attract and retain highly skilled faculty capable of preparing students to transfer to four-year colleges and universities and for the workforce;

(6) Low and stagnating salaries as well as the lack of career advancement options for part-time faculty are detrimental to the morale of all faculty;

(7) Part-time faculty contribute to the learning environment offered to the students through advising and attention that all good educators bring to their profession; and

(8) Although progress has been made since the initial work of the best practices task force in 1996, additional progress needs to be made to improve and implement best practices for part-time community and technical college faculty." [2005 c 119 s 1.]

**RCW 28B.50.4893 Part-time academic employees—Sick leave.** (1) Part-time academic employees of community and technical colleges shall receive sick leave to be used for the same illnesses, injuries, bereavement, and emergencies as full-time academic employees at the college in proportion to the individual's teaching commitment at the college.

(2) The provisions of RCW 41.04.665 shall apply to leave sharing for part-time academic employees who accrue sick leave under subsection (1) of this section.

(3) The provisions of RCW 28B.50.553 shall apply to remuneration for unused sick leave for part-time academic employees who accrue sick leave under subsection (1) of this section. [2000 c 128 s 1.]

**Construction—2000 c 128:** See note following RCW 28B.52.220.

**RCW 28B.50.4894 Part-time academic employees—Continuous health care eligibility—Employer contributions.** Health care benefits for part-time academic employees are governed by *RCW 41.05.053. [2006 c 308 s 3.]

***Reviser's note:** RCW 41.05.053 was repealed by 2009 c 537 s 8, effective January 1, 2010.

**RCW 28B.50.510 State purchasing and material control, community college purchases.** See RCW 39.26.080 and 39.26.090.

**RCW 28B.50.515 Community and technical college innovation account—Expenditures—Strategic technology plan—Enterprise resource planning.** (1) The community and technical college innovation account is created in the custody of the state treasurer. All receipts from operating fees in RCW 28B.15.031(2) must be deposited into the account. Expenditures from the account may be used only as provided in subsection (2) of this section. Only the director of the college board

or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) Funds in the community and technical college innovation account may be used solely to:

(a) Pay and secure the payment of the principal of and interest on financing contracts, such as certificates of participation issued for the innovation account under chapter 39.94 RCW and authorized by the legislature; and

(b) Implement the college board's strategic technology plan to improve student achievement, student services, and increase systemwide administrative efficiencies. The college board must approve projects under the strategic technology plan to improve student achievement, student services, and increase systemwide administrative efficiencies before the director authorizes expenditures to be made. For large enterprise resource planning projects, the college board shall develop a technical and operational business plan and submit it to the legislature for approval before the project can be implemented.

(3) Consistent with the implementation of the strategic technology plan, the college board and the community and technical colleges shall engage in substantial business process reengineering and adopt systemwide approaches to admissions, financial aid, student identification numbers, student transcripts, and other systemwide processes.

(4) If the community and technical college system pursues an enterprise resource planning solution, they shall consider adoption of existing solutions already deployed at institutions of higher education in the state; short and long-term total costs of ownership; opportunities for partnerships, collaboration, coordination and consolidation with other entities in higher education; technical flexibility; and other requirements that support costs efficiencies. If the college board adopts a plan for an enterprise solution that is not coordinated with other institutions of higher education, authorization of expenditure of funds by the legislature must be approved by the office of financial management. [2011 c 274 s 3.]

**Finding—Intent—2011 c 274:** "(1) The legislature finds that the community and technical college system mission to ensure affordable access to higher education geographically distributed throughout the state is aligned with innovative approaches to learning and substantial efficiencies that have been implemented since the legislature established the system in 1967. Systemic approaches include a common accounting system, a common administrative computing system, a single system budget request for operating and capital expenses, and common course numbering. Innovative approaches include the system's e-learning platform, the adoption of open educational resources, and the adoption of lecture-capture tools that allow students to replay lectures, review classroom materials, and distribute outstanding instruction via the web anytime, anywhere.

(2) It is the intent of the legislature to further enhance the community and technical college system by making the maximum use of technologies to:

(a) Help dismantle the barriers of geographic isolation, cost, competing demands of work and family life, and past educational failure;

(b) Create a system for learning that is welcoming to all, easy to enter and use, and tailored to the needs of each learner; and

(c) Foster personal relationships and support all students and their families to learn and thrive." [2011 c 274 s 1.]

**RCW 28B.50.520 Federal funds, receipt of authorized.** The college board or any board of trustees is authorized to receive federal funds made available for the assistance of community and technical colleges, and providing physical facilities, maintenance or operation of schools, or for any educational purposes, according to the provisions of the acts of congress making such funds available. [1991 c 238 s 57; 1969 ex.s. c 223 s 28B.50.520. Prior: 1967 ex.s. c 8 s 52. Formerly RCW 28.85.520.]

*Construction of chapter when part thereof in conflict with federal requirements which are condition precedent to allocation of federal funds: RCW 28B.50.440.*

**RCW 28B.50.522 Office for adult literacy.** The college board personnel administering state and federally funded programs for adult basic skills and literacy education shall be known as the state office for adult literacy. [1991 c 238 s 92.]

**RCW 28B.50.528 Contracts with adjacent college district for administrative services.** If a technical college is created after September 1, 1991, that college may contract with an adjacent college district for administrative services until such time that an existing or new college district may assume jurisdiction over the college. [1991 c 238 s 139.]

**RCW 28B.50.530 Agreements for use of services or facilities between district boards of trustees and school boards.** The district boards of trustees and the common school boards are hereby authorized to enter into agreements for the use by either of the other's services, facilities or equipment and for the presentation of courses of either for students of the other where such agreements are deemed to be in the best interests of the education of the students involved. [1969 ex.s. c 223 s 28B.50.530. Prior: 1967 ex.s. c 8 s 53. Formerly RCW 28.85.530.]

*Community education programs: RCW 28A.620.020.*

**RCW 28B.50.531 Dual high school and college credit for secondary career and technical courses—Agreements.** (1) It is the legislature's intent to recognize and support the work of community and technical colleges, high schools, and skill centers in creating articulation and dual credit agreements for career and technical education students, in part by codifying current practice.

(2) Community and technical colleges shall create agreements with high schools and skill centers to offer dual high school and college credit for secondary career and technical courses. Agreements shall be

subject to approval by the chief instructional officer of the college and the principal and the career and technical education director of the high school or the executive director of the skill center.

(3) Community and technical colleges may create dual credit agreements with high schools and skill centers that are located outside the college district boundary or service area.

(4) If a community or technical college has created an agreement with a high school or skill center to offer college credit for a secondary career and technical course, all community and technical colleges shall accept the course for an equal amount of college credit. [2008 c 170 s 108.]

**Findings—Intent—2008 c 170:** See RCW 28A.700.005.

**RCW 28B.50.532 Completion of industry certificate or credential—Agreements with skill centers.** (1) A community or technical college may enter into an agreement with a skill center within the college district to allow students who have completed a high school diploma to remain enrolled in the skill center in courses necessary to complete an industry certificate or credential in the student's career and technical program as provided by RCW 28A.245.080.

(2) Before entering an agreement, a community or technical college may require the skill center to provide evidence that:

(a) The skill center has adequate facilities and capacity to offer the necessary courses and the community or technical college does not have adequate facilities or capacity; or

(b) The community or technical college does not offer the particular industry certificate program or courses proposed by the skill center.

(3) Under the terms of the agreement, the community or technical college shall report the enrolled student as a state-supported student and may charge the student tuition and fees. The college shall transmit to the skill center an agreed-upon amount per enrolled full-time equivalent student to pay for the student's courses at the skill center. [2008 c 170 s 305.]

**Findings—Intent—2008 c 170:** See RCW 28A.700.005.

**RCW 28B.50.533 Contracts with common school districts for occupational and academic programs for high school students—Enrollment opportunities—Interlocal agreements.** Community and technical colleges may contract with local common school districts to provide occupational and academic programs for high school students. Common school districts whose students currently attend vocational-technical institutes shall not suffer loss of opportunity to continue to enroll their students at technical colleges.

For the purposes of this section, "opportunity to enroll" includes, but is not limited to, the opportunity of common school districts to enroll the same number of high school students enrolled at each vocational-technical institute during the period July 1, 1989, through June 30, 1990, and the opportunity for common school districts to increase enrollments of high school students at each technical college in proportion to annual increases in enrollment within the school districts participating on September 1, 1991. Technical

colleges shall offer programs which are accessible to high school students to at least the extent that existed during the period July 1, 1989, through June 30, 1990, and to the extent necessary to accommodate proportional annual growth in enrollments of high school students within school districts participating on September 1, 1991. Accommodating such annual increases in enrollment or program offerings shall be the first priority within technical colleges subject to any enrollment or budgetary restrictions. Technical colleges shall not charge tuition or student services and activities fees to high school students enrolled in the college.

Technical colleges may enter into interlocal agreements with local school districts to provide instruction in courses required for high school graduation, basic skills, and literacy training for students enrolled in technical college programs. [1991 c 238 s 82.]

**RCW 28B.50.535 Community or technical college——Issuance of high school diploma or certificate.** A community or technical college may issue a high school diploma or certificate as provided under this section.

(1) An individual who satisfactorily meets the requirements for high school completion shall be awarded a diploma from the college, subject to rules adopted by the superintendent of public instruction and the state board of education.

(2) An individual sixteen years or older or enrolled through the option established under RCW 28A.600.310 through 28A.600.400, who satisfactorily completes an associate degree through a community or technical college, including an associate of arts degree, associate of science degree, associate of technology degree, or associate in applied science degree, shall be awarded a diploma from the college upon written request from the student. Individuals under twenty-one years of age under this subsection are eligible for funding provided under chapter 28A.150 RCW. [2019 c 269 s 1; 2017 c 93 s 1; 2009 c 524 s 2; 2007 c 355 s 2; 1991 c 238 s 58; 1969 ex.s. c 261 s 30.]

**Intent——2009 c 524:** "The legislature has previously affirmed the value of career and technical education, particularly in programs that lead to nationally recognized certification. These programs provide students with the knowledge and skills to become responsible citizens and contribute to their own economic well-being and that of their families and communities, which is the goal of education in the public schools. The legislature has also previously affirmed the value of dual enrollment in college and high school programs that can lead to both an associate degree and a high school diploma. Therefore, the legislature intends to maximize students' options and choices for completing high school by awarding diplomas to students who complete these valuable postsecondary programs." [2009 c 524 s 1.]

**Finding——Intent——2007 c 355:** "The legislature finds that the goal of Washington's education reform is for all students to meet rigorous academic standards so that they are prepared for success in college, work, and life. Educators know that not all students learn at the same rate or in the same way. Some students will take longer to meet the state's standards for high school graduation. Older students who cannot graduate with their peers need an appropriate learning environment and flexible programming that enables them simultaneously

to earn a diploma, work, and pursue other training options. Providing learning options in locations in addition to high schools will encourage older students to complete their diplomas. Therefore the legislature intends to create a pilot high school completion program at two community and technical colleges for older students who have not yet received a diploma but are eligible for state basic education support." [2007 c 355 s 1.]

**Severability—1969 ex.s. c 261:** See note following RCW 28B.50.020.

**RCW 28B.50.536 Test to earn a high school equivalency certificate—Rules—Issuance of high school equivalency certificate.** (1) Subject to rules adopted by the state board of education under RCW 28A.305.190, the state board for community and technical colleges shall adopt rules governing the eligibility of persons sixteen years of age and older to take a test to earn a high school equivalency certificate, rules governing the administration of the test, and rules governing the issuance of a high school equivalency certificate to persons who successfully complete the test.

(2) A high school equivalency certificate is a certificate issued jointly by the college board and the office of the superintendent of public instruction that indicates that the holder has attained standard scores at or above the minimum proficiency level prescribed by the college board on a high school equivalency test. The college board must identify and accept a high school equivalency test that is at least as rigorous as the general educational development test. The high school equivalency test identified by the college board must cover reading, writing, mathematics, science, and social studies subject areas.

(3) High school equivalency certificates issued under this section shall be issued in such form and substance as agreed upon by the state board for community and technical colleges and superintendent of public instruction. [2013 c 39 s 9; 1993 c 218 s 3.]

**RCW 28B.50.551 Leave provisions.** The board of trustees of each college district shall adopt for each community and technical college under its jurisdiction written policies on granting leaves to employees of the district and those colleges, including but not limited to leaves for attendance at official or private institutions and conferences; professional leaves for personnel consistent with the provisions of RCW 28B.10.650; leaves for illness, injury, bereavement, and emergencies, consistent with RCW 28B.50.4893, and except as otherwise in this section provided, all with such compensation as the board of trustees may prescribe, except that the board shall grant to all such persons leave with full compensation for illness, injury, bereavement and emergencies as follows:

(1) For persons under contract to be employed, or otherwise employed, for at least three quarters, not more than twelve days per year, commencing with the first day on which work is to be performed; provisions of any contract in force on June 12, 1980, which conflict with requirements of this subsection shall continue in effect until

contract expiration; after expiration, any new contract executed between the parties shall be consistent with this subsection;

(2)(a) Such leave entitlement may be accumulated after the first three-quarter period of employment for full-time employees, and may be taken at any time;

(b) For part-time academic employees, such leave entitlement shall be accumulated after the first quarter of employment by a college district or the first quarter after June 8, 2000, whichever is later, and may be taken at any time;

(3) Leave for illness, injury, bereavement and emergencies heretofore accumulated pursuant to law, rule, regulation or policy by persons presently employed by college districts and community and technical colleges shall be added to such leave accumulated under this section;

(4) Except as otherwise provided in this section or other law, accumulated leave under this section not taken at the time such person retires or ceases to be employed by college districts or community and technical colleges shall not be compensable;

(5) Accumulated leave for illness, injury, bereavement and emergencies shall be transferred from one college district to another or between a college district and the following: Any state agency, any educational service district, any school district, or any other institution of higher education as defined in RCW 28B.10.016;

(6) Leave accumulated by a person in a college district or community and technical college prior to leaving that district or college may, under the policy of the board of trustees, be granted to such person when he or she returns to the employment of that district or college; and

(7) Employees of the Seattle Vocational Institute are exempt from this section until July 1, 1993. [2006 c 243 s 1; 2000 c 128 s 3; 1995 c 119 s 1; 1991 c 238 s 59; 1980 c 182 s 3; 1977 ex.s. c 173 s 2; 1975 1st ex.s. c 275 s 148; 1973 c 62 s 22; 1969 ex.s. c 283 s 7. Formerly RCW 28.85.551.]

**Application—2006 c 243:** "This act applies only to leave accumulated on or after June 7, 2006." [2006 c 243 s 2.]

**Construction—2000 c 128:** See note following RCW 28B.52.220.

**Severability—1980 c 182:** See note following RCW 41.04.340.

**Effective date—Severability—1977 ex.s. c 173:** See notes following RCW 28B.10.650.

**Savings—Severability—1973 c 62:** See notes following RCW 28B.10.510.

**Severability—1969 ex.s. c 283:** See note following RCW 28A.150.050.

**RCW 28B.50.553 Attendance incentive program.** (1) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

(a) "Employer" means the board of trustees for each college district or the state board for community and technical colleges.

(b) "Eligible employee" means an employee of a college district or the state board for community and technical colleges who belongs to one of the following classifications:

(i) Academic employees as defined in RCW 28B.52.020;

(ii) Classified employees of technical colleges whose employment is governed under chapter 41.56 RCW;

(iii) Professional, paraprofessional, and administrative employees exempt from chapter 41.06 RCW; and

(iv) Employees of the state board for community and technical colleges who are exempt from chapter 41.06 RCW.

(2) An attendance incentive program is established for all eligible employees of a college district or the state board for community and technical colleges entitled to accumulate sick leave and for whom accurate sick leave records have been maintained. An eligible employee may not receive compensation under this section for a portion of sick leave accumulated at a rate in excess of one day per month.

(3) In January of the year following a year in which a minimum of sixty days of sick leave is accrued, and each following January, an eligible employee may exercise an option to receive remuneration for unused sick leave accumulated in the previous year at a rate equal to one day's monetary compensation of the employee for each four full days of accrued sick leave in excess of sixty days. Sick leave for which compensation has been received shall be deducted from accrued sick leave at the rate of four days for every one day's monetary compensation.

(4) At the time of separation from employment with a college district or the state board for community and technical colleges due to retirement or death, an eligible employee or the employee's estate may receive remuneration at a rate equal to one day's current monetary compensation of the employee for each four full days' accrued sick leave.

(5) In lieu of remuneration for unused sick leave at retirement as provided in subsection (4) of this section, an employer may, with equivalent funds, provide eligible employees with a benefit plan that provides reimbursement for medical expenses. For employees whose conditions of employment are governed by chapter 28B.52 or 41.56 RCW, such benefit plans shall be instituted only by agreement applicable to the members of a bargaining unit. A benefit plan adopted must require, as a condition of participation under the plan, that the employee sign an agreement with the employer. The agreement must include a provision to hold the employer harmless should the United States government find that the employer or the employee is in debt to the United States as a result of the employee not paying income taxes due on the equivalent funds placed into the plan, or as a result of the employer not withholding or deducting a tax, assessment, or other payment on the funds as required under federal law. The agreement must also include a provision that requires an eligible employee to forfeit remuneration under subsection (4) of this section if the employee belongs to a unit that has been designated to participate in the benefit plan permitted under this subsection and the employee refuses to execute the required agreement.

(6) Remuneration or benefits received under this section are not included for the purposes of computing a retirement allowance under a public retirement system in this state.

(7) The state board for community and technical colleges shall adopt uniform rules to carry out the purposes of this section. The rules shall define categories of eligible employees. The categories of

eligible employees are subject to approval by the office of financial management. The rules shall also require that each employer maintain complete and accurate sick leave records for all eligible employees.

(8) Should the legislature revoke a remuneration or benefit granted under this section, an affected employee is not then entitled to receive the benefits as a matter of contractual right. [1997 c 232 s 1.]

**Conflict with federal requirements—1997 c 232:** "If any part of section 1(5) of this act is found to be in conflict with federal tax laws or rulings or regulations of the federal internal revenue service, the conflicting part of section 1(5) of this act is inoperative solely to the extent of the conflict and such finding shall not affect the remainder of this act." [1997 c 232 s 3.]

**RCW 28B.50.600 School district bonds—Redemption of by school district to continue though facility under control of college district board.** Whenever a common school board has contracted to redeem general obligation bonds used for the construction or acquisition of facilities which are now to be under the administration, control and occupancy of the college district board, the common school board shall continue to redeem the bonds in accordance with the provisions of the bonds. [1991 c 238 s 60; 1969 ex.s. c 223 s 28B.50.600. Prior: 1967 ex.s. c 8 s 60. Formerly RCW 28.85.600.]

**RCW 28B.50.601 School district bonds—Redemption—Facilities under administration of college district board.** If a school board has contracted to redeem general obligation bonds used for the construction or acquisition of facilities which are now to be under the administration, control, and occupancy of the college district board, the school board shall continue to redeem the bonds in accordance with the provisions of the bonds. [1991 c 238 s 138.]

**RCW 28B.50.740 School district bonds—Those issued for community and technical college facilities not considered indebtedness under statutory limitations on.** Notwithstanding any other statutory provision relating to indebtedness of school districts, bonds heretofore issued by any common school district for the purpose of providing funds for community and technical college facilities shall not be considered as indebtedness in determining the maximum allowable indebtedness under any statutory limitation of indebtedness when the sum of all indebtedness therein does not exceed the maximum constitutional allowable indebtedness applied to the value of the taxable property contained in such school district: PROVIDED, That nothing contained herein shall be construed to affect the distribution of state funds under any applicable distribution formula. [1991 c 238 s 61; 1969 ex.s. c 223 s 28B.50.740. Prior: 1967 ex.s. c 8 s 74. Formerly RCW 28.85.740.]

*Forty mill limit: State Constitution Art. 7 s 2.*

*Limitation of indebtedness prescribed: RCW 39.36.020.*

*Limitations upon municipal indebtedness: State Constitution Art. 8 s 6.*

**RCW 28B.50.785 Publication of transferable college-level courses—Course lists for one-year academic completion certificates and transferable degrees.** (1)(a) Community and technical colleges must identify and publish in their admissions materials the college-level courses that are recognized by all four-year institutions of higher education as transferable to the four-year institutions of higher education. Publication of the list of courses must be easily identified and accessible on the college's website.

(b) If a four-year institution of higher education does not require courses of majors for transfer, the community and technical colleges must identify and publish the transfer policy of the institution in their admissions materials and make the transfer policy of the institution easily identifiable on the college's website.

(2) Community and technical colleges must create a list of courses that satisfy the basic requirements, distribution requirements, and approved electives for:

(a) A one-year academic completion certificate as provided for under RCW 28B.10.696; and

(b) A transferable associate of arts or sciences degree as provided for under RCW 28B.10.696.

(3) To the extent possible, each community and technical college must develop links between the lists in subsections (1) and (2) of this section and its list of courses, and develop methods to encourage students to check the lists in subsections (1) and (2) of this section when the students are registering for courses. [2011 1st sp.s. c 10 s 12.]

**Findings—Intent—Short title—2011 1st sp.s. c 10:** See notes following RCW 28B.15.031.

**RCW 28B.50.789 Online course descriptions—Required materials' cost information—Reports.** (1) To the maximum extent practicable, but no later than the first full quarter after a community or technical college has implemented the ctcLink system, a community or technical college shall provide the following information to students during registration by displaying it in the online course description or by providing a link that connects to the bookstore's website or other website where students can search and view:

(a) The cost of any required textbook or other course materials;

(b) Whether a course uses open educational resources; and

(c) Whether a course uses low-cost required instructional materials. For the purposes of this subsection, "low-cost" means the required instructional materials equal fifty dollars or less.

(2) If a course's required textbooks and course materials are not determined prior to registration due to an unassigned faculty member, the textbooks' and course materials' cost must be provided as soon as feasible after a faculty member is assigned.

(3) Each community and technical college shall report to the college board which courses provided textbooks' and course materials' costs to students during registration, and what percent of total classes this equaled. The college board shall report the information

to the legislature in accordance with RCW 43.01.036 by January 1st of each biennium, beginning with January 1, 2019. [2020 c 104 s 1; 2017 c 98 s 2.]

**Intent——2017 c 98:** "The legislature recognizes the high cost of textbooks and the burden this can create for students. The legislature also recognizes the work of the state board for community and technical colleges in creating the open course library, in which free textbooks and other course materials are available for eighty-one of the highest enrolled courses in the community and technical college system. The student public interest research groups completed a cost analysis of the open course library and found that students who take open course library courses save ninety-six dollars on average per course over a traditional textbook. Therefore, it is the legislature's intent to incentivize faculty to use resources available on the open course library by informing students of a textbook's cost when they register for a class." [2017 c 98 s 1.]

**RCW 28B.50.795 Bachelor of science in nursing program——University Center of North Puget Sound.** (1) Although Everett Community College offers an associate degree nursing program that graduates approximately seventy to ninety students per year, the University Center does not offer a bachelor of science in nursing. Some graduates of the Everett Community College program are able to articulate to the bachelor of science in nursing program offered by the University of Washington-Bothell at its Bothell campus or in Mt. Vernon but current capacity is not sufficient for all of the graduates who are both interested and qualified.

(2) Despite recent growth in nursing education capacity, shortages still persist for registered nurses. According to a June 2007 study by the Washington, Wyoming, Alaska, Montana, and Idaho center for health workforce studies, the average age of Washington's registered nurses was forty-eight years. More than a third were fifty-five years of age or older. Consequently, the high rate of registered nurses retiring from nursing practice over the next two decades will significantly reduce the supply. This reduction comes at the same time as the state's population grows and ages. The registered nurse education capacity in Washington has a large impact on the supply of registered nurses in the state. If the rate of graduation in registered nursing does not increase, projections show that supply in Washington will begin to decline by 2015. In contrast, if graduation rates increased by four hundred per year, the supply of registered nurses would meet estimated demand by the year 2021.

(3) Subject to specific funding to support up to fifty full-time equivalent students in a bachelor of nursing program, the University Center of North Puget Sound, in partnership with the University of Washington-Bothell, shall offer a bachelor of science in nursing program with capacity for up to fifty full-time students. [2011 c 321 s 2; 2010 1st sp.s. c 25 s 1.]

**Contingent effective date——2011 c 321:** See note following RCW 28B.30.515.

**Effective date——2010 1st sp.s. c 25:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or

support of the state government and its existing public institutions, and takes effect July 1, 2010." [2010 1st sp.s. c 25 s 2.]

**RCW 28B.50.800 Practical nursing credential——Online curriculum and pathway.** Subject to the availability of amounts appropriated for this specific purpose, the community and technical colleges shall design and implement an online curriculum and pathway to earn a licensed practical nursing credential. The college board shall select two colleges, one on either side of the crest of the Cascade mountains, to design and implement the online curriculum. The curriculum may include use of a mobile skills lab or other innovative approaches to ensure access to training opportunities for rural students. [2023 c 126 s 3.]

**Findings——2023 c 126:** "The legislature finds that nurses are essential to the operation of the state's health care system. Further, the legislature finds that the gap between demand for nurses and an available workforce continues to widen. Nursing professions continue to rank among the highest demand occupations in the state with the number of unfilled openings ranking near the top of all professional categories each month. The legislature finds that the need for nurses is particularly acute in rural hospital and clinical settings as well as long-term care facilities. Further, the legislature finds that there is a need to expand nursing credential opportunities through the expansion of existing postsecondary programs, the provision of adequate compensation for nurse educators, the creation of new and innovative approaches to health care credentials, the creation and expansion of proven pathways to health care careers within the K-12 system, and the streamlining of administrative requirements in the approval of new, high quality nursing education opportunities." [2023 c 126 s 1.]

**RCW 28B.50.805 Programs that support science, technology, engineering, and mathematics programs or career and technical education programs——Selection of colleges——Development of courses leading to a high-demand applied baccalaureate degree.** Subject to the availability of amounts appropriated for this specific purpose and in addition to other applied baccalaureate degree programs and pursuant to the criteria in RCW 28B.50.810, the college board shall select community or technical colleges to develop and offer two programs that support the continuation of high quality science, technology, engineering, and mathematics programs or career and technical education programs offered to students in kindergarten through twelfth grade who are prepared and aspire to continue in these high-demand areas in college and the workforce. Subject to available funding, a college selected under this section may develop the curriculum for and design and deliver courses leading to a high-demand applied baccalaureate degree. [2013 c 55 s 2.]

**RCW 28B.50.810 Applied baccalaureate degree programs.** (1) The college board may select community or technical colleges to develop and offer programs of study leading to applied baccalaureate degrees. Colleges may submit applications to the college board. The college

board shall review the applications and select the colleges using objective criteria, including, but not limited to:

(a) The college demonstrates the capacity to make a long-term commitment of resources to build and sustain a high quality program;

(b) The college has or can readily engage faculty appropriately qualified to develop and deliver a high quality curriculum at the baccalaureate level;

(c) The college can demonstrate demand for the proposed program from a sufficient number of students within its service area to make the program cost-effective and feasible to operate;

(d) The college can demonstrate that employers demand the level of technical training proposed within the program, making it cost-effective for students to seek the degree; and

(e) The proposed program fills a gap in options available for students because it is not offered by a public four-year institution of higher education in the college's geographic area.

(2) A college selected under this section may develop the curriculum for and design and deliver courses leading to an applied baccalaureate degree. However, degree programs developed under this section are subject to approval by the college board under RCW 28B.50.090. [2012 c 229 s 816; 2010 c 245 s 3; 2008 c 166 s 2; 2005 c 258 s 6.]

**Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Findings—Expand on demand—System design plan endorsed—2010 c 245:** See note following RCW 28B.50.020.

**Findings—Intent—2008 c 166:** "The legislature finds that the six colleges that developed proposals for the applied baccalaureate degree pilot programs exhibited exemplary work preparing proposals. The proposals were consistent with the legislature's vision for expanding bachelor's degree access and with the principals and criteria developed by the college board. The legislature recognizes that the authorization for the pilots was limited in number and therefore not all the proposals were able to be approved. The legislature values the work that has been done and intends to provide authority for additional pilots so as not to lose the good work that has been done." [2008 c 166 s 1.]

**Findings—Intent—2005 c 258:** See note following RCW 28B.45.014.

**RCW 28B.50.815 Associate degree education for incarcerated adults.** The college board may authorize any board of trustees within the system to promote and conduct associate degree education and training of incarcerated adults through new or expanded partnerships between the community and technical colleges and the department of corrections. [2017 c 120 s 2.]

**Findings—Intent—2021 c 200; 2019 c 397; 2017 c 120:** "(1) The legislature finds that incarceration is both a rural and urban issue in the state. According to one recent report, the highest rates of prison admissions are in rural counties. In addition, since 1980, the

number of women in prison has increased more than eight hundred percent. Additionally, people of color are overrepresented in the prison system. The legislature finds that studies clearly and consistently demonstrate that postsecondary education in prisons improves safety in facilities, and incarcerated adults who obtain postsecondary education and training are more likely to be employed following release, which leads to a significant reduction in recidivism rates, improvements in public safety, and a major return on investment. The legislature finds that reducing recidivism decreases the financial burden to taxpayers and the emotional burden of victims.

(2) The legislature finds that research indicates that postsecondary education and training is an effective evidence-based practice for reducing recidivism. An analysis commissioned by the United States department of justice determined that adults who received an education while incarcerated were forty-three percent less likely to recidivate.

(3) Ninety-five percent of incarcerated adults ultimately return to their communities to obtain employment and contribute to society. The legislature finds that according to the bureau of labor statistics, unemployment rates for people with only a high school education are twice that of those with an associate degree. Research has shown that adults who participated in education programs while incarcerated were thirteen percent more likely to be employed.

(4) The legislature further finds that correctional education is cost-effective. A 2014 study by the Washington state institute for public policy estimated that, based on a review of national research literature and cost-benefit analysis, there is a return on investment of twenty dollars for every dollar invested in correctional education.

(5) It is the intent of the legislature to enhance public safety, including the safety of prison workers as findings show that violence rates are reduced in institutions where there are educational programs, to reduce crime, and to increase employment rates in a cost-effective manner by exploring benefits and costs associated with providing postsecondary education degree opportunities and training to incarcerated adults through expanded partnerships between postsecondary institutions, nonprofit entities and community-based postsecondary education programs, and the department of corrections.

(6) It is the intent of the legislature to support exploring the use of secure internet connections expressly for the purposes of furthering postsecondary education degree opportunities and training of incarcerated adults, including providing assistance to incarcerated adults with completing financial aid materials. The legislature intends for the department to be able to provide complete assurance that all internet connections used by incarcerated individuals are secure.

(7) It is the intent of the legislature to support expanded access and opportunities to postsecondary degree and certificate education programs for persons of color by setting goals and partnering with nonprofit entities and community-based postsecondary education programs with historical evidence of providing education programs for people of color.

(8) It is also the intent of the legislature, by requiring the study under RCW 72.09.469, to examine the effects of providing postsecondary education while incarcerated on enrollment in the postsecondary education system postrelease." [2021 c 200 s 1; 2019 c 397 s 1; 2017 c 120 s 1.]

**RCW 28B.50.820 Baccalaureate degree programs—Agreements with state universities, regional universities, or the state college.** (1) One strategy to accomplish expansion of baccalaureate capacity in underserved regions of the state is to allocate state funds for student enrollment to a community and technical college and authorize the college to enter into agreements with a state university, regional university, or state college as defined in RCW 28B.10.016, to offer baccalaureate degree programs.

(2) Subject to legislative appropriation for the purpose described in this section, the college board shall select and allocate funds to three community or technical colleges for the purpose of entering into an agreement with one or more state universities, regional universities, or the state college to offer baccalaureate degree programs on the college campus.

(3) The college board shall select the community or technical college based on analysis of gaps in service delivery, capacity, and student and employer demand for programs. Before taking effect, the agreement under this section must be approved by the student achievement council.

(4) Students enrolled in programs under this section are considered students of the state university, regional university, or state college for all purposes including tuition and reporting of state-funded enrollments. [2017 c 52 s 11; 2012 c 229 s 538; 2005 c 258 s 12.]

**Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Findings—Intent—2005 c 258:** See note following RCW 28B.45.014.

**RCW 28B.50.825 Bachelor of science degree in computer science.** (1) Subject to approval by the college board, community colleges and technical colleges are authorized to offer bachelor of science degrees in computer science.

(2) Community colleges and technical colleges may develop the curriculum for and design and deliver courses leading to a bachelor of science degree in computer science.

(3) Degree programs developed under this section are subject to approval by the college board under RCW 28B.50.090 before a college may enroll students in upper-division courses.

(4)(a) Colleges may submit an application to the college board. The college board shall review the applications and select the colleges using objective criteria including, but not limited to:

(i) The college demonstrates the capacity to make a long-term commitment of resources to build and sustain a high quality program;

(ii) The college has or can readily engage faculty appropriately qualified to develop and deliver a high quality curriculum at the baccalaureate level;

(iii) The college can demonstrate demand for the proposed program from a sufficient number of students within its service area to make the program cost-effective and feasible to operate;

(iv) The college can demonstrate that employers demand the level of technical training proposed within the program, making it cost-effective for students to seek the degree; and

(v) The proposed program fills a gap in options available for students because it is not offered by a public four-year institution of higher education in the college's geographic area or if there is a shortage of programs demanded by industry and workforce.

(b) Applications may not be submitted earlier than December 1, 2021.

(5) A community college offering a bachelor of science degree in computer science on July 25, 2021, is exempt from the requirements of subsection (4) of this section. [2021 c 147 s 2; 2016 sp.s. c 33 s 1.]

**Findings—2021 c 147:** "The legislature finds it essential that Washington students, especially low-income students and students of color, have the necessary credentials to secure the high-demand jobs of the future. Washington is fortunate to be home to a large, and growing, technology sector. The technology sector in Washington currently has more than 24,000 job openings, most of which require a four-year bachelor of science degree in computer science. The legislature also finds that the state imported four times as many computer science graduates than it produced in state. The legislature also finds that the state can do a better job of training Washington residents to secure these living wage jobs of the future. Additionally, of the 1,883 computer science degrees awarded in Washington during the 2018-19 school year, only 3.8 percent were awarded to African American students, 5.6 percent to Hispanic students, and less than 1 percent to Native Americans. The legislature further finds that Washington's competitiveness in the global economy requires the state to ensure companies are able to hire a qualified workforce of Washington residents. To achieve the goals set forth in the workforce education investment act, specifically 70 percent postsecondary credential attainment, the legislature finds that we need to expand access to the high-demand field of computer science, especially to students of color." [2021 c 147 s 1.]

**RCW 28B.50.835 Exceptional faculty awards—Intent.** The legislature recognizes that quality in the state's community and technical colleges would be strengthened by additional partnerships between citizens and the institutions. The legislature intends to foster these partnerships by creating a matching grant program to assist public community and technical colleges in creating endowments for funding exceptional faculty awards. [1991 c 238 s 62; 1990 c 29 s 1.]

**Severability—1990 c 29:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1990 c 29 s 8.]

**RCW 28B.50.8351 Exceptional faculty awards—"Foundation" defined.** For purposes of RCW 28B.50.835 through 28B.50.843 "foundation" means a private nonprofit corporation that: (1) Is registered under Title 24 RCW and qualified as a tax-exempt entity under section 501(c)(3) of the federal internal revenue code; (2) exists solely for the benefit of one or more community or technical

colleges in this state; and (3) is registered with the attorney general's office under the charitable trust act, chapter 11.110 RCW. [1993 c 87 s 3.]

**RCW 28B.50.837 Exceptional faculty awards—Established—Community and technical college faculty awards trust fund.** (1) The Washington community and technical college exceptional faculty awards program is established. The program shall be administered by the college board. The college faculty awards trust fund hereby created shall be administered by the state treasurer.

(2) Funds appropriated by the legislature for the community and technical college exceptional faculty awards program shall be deposited in the college faculty awards trust fund. At the request of the college board, the treasurer shall release the state matching funds to the local endowment fund of the college or its foundation. No appropriation is necessary for the expenditure of moneys from the fund. Expenditures from the fund may be used solely for the exceptional faculty awards program. During the 2011-2013 fiscal biennium, the legislature may transfer from the college faculty awards trust fund to the state general fund such amounts as reflect the excess fund balance in the account. [2011 2nd sp.s. c 9 s 901; 2010 1st sp.s. c 37 s 914; 2009 c 564 s 1803; 2003 c 129 s 2; 2002 c 371 s 902; 1993 c 87 s 1; 1991 sp.s. c 13 ss 108, 109; 1991 c 238 s 63; 1990 c 29 s 2.]

**Effective dates—2011 2nd sp.s. c 9:** "Except for sections 903 and 905 of this act which take effect July 1, 2012, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [December 20, 2011]." [2011 2nd sp.s. c 9 s 917.]

**Effective date—2010 1st sp.s. c 37:** See note following RCW 13.06.050.

**Effective date—2009 c 564:** See note following RCW 2.68.020.

**Severability—Effective date—2002 c 371:** See notes following RCW 9.46.100.

**Effective dates—Severability—1991 sp.s. c 13:** See notes following RCW 18.08.240.

**Severability—1990 c 29:** See note following RCW 28B.50.835.

**RCW 28B.50.839 Exceptional faculty awards—Guidelines—Matching funds—Donations—Disbursements.** (1) In consultation with eligible community and technical colleges, the college board shall set priorities and guidelines for the program.

(2) All community and technical colleges and their foundations shall be eligible for matching trust funds. When they can match the state funds with equal cash donations from private sources, institutions and foundations may apply to the college board for grants from the fund in ten thousand dollar increments up to a maximum set by

the college board. These donations shall be made specifically to the exceptional faculty awards program and deposited by the institution or foundation in a local endowment fund or a foundation's fund. Otherwise unrestricted gifts may be deposited in the endowment fund by the institution or foundation.

(3) Once sufficient private donations are received by the institution or foundation, the institution shall inform the college board and request state matching funds. The college board shall evaluate the request for state matching funds based on program priorities and guidelines. The college board may ask the state treasurer to release the state matching funds to a local endowment fund established by the institution or a foundation's fund established by a foundation for each faculty award created.

(4) A college, by action of its board of trustees, may transfer those exceptional faculty award funds accumulated in its local endowment fund between July 1, 1991, and July 25, 1993, to its foundation's local endowment fund established as provided in subsection (2) of this section. [2003 c 129 s 1; 1994 c 234 s 3; 1993 c 87 s 2; 1991 c 238 s 64; 1990 c 29 s 3.]

**Severability—1990 c 29:** See note following RCW 28B.50.835.

**RCW 28B.50.841 Exceptional faculty awards—Name of award—Duties of institution—Use of endowment proceeds.** (1) The faculty awards are the property of the institution and may be named in honor of a donor, benefactor, or honoree of the institution, at the option of the institution. The institution shall designate the use of the award to individuals, groups, or for the improvement of faculty as a whole. The designation shall be made or renewed annually.

(2) The institution is responsible for soliciting private donations, investing and maintaining its endowment funds, administering the faculty awards, and reporting on the program to the governor, the college board, and the legislature, upon request. The institution may augment its endowment fund with additional unrestricted private donations. The principal of the invested endowment fund shall not be invaded.

(3) The proceeds from the endowment fund shall be used to pay expenses for faculty awards, which may include faculty development activities, in-service training, temporary substitute or replacement costs directly associated with faculty development programs, conferences, travel, publication and dissemination of exemplary projects; to supplement the salary of the holder or holders of a faculty award; or to pay expenses associated with the holder's program area. Funds from this program shall not be used to supplant existing faculty development funds. [2000 c 127 s 1; 1991 c 238 s 65; 1990 c 29 s 4.]

**Severability—1990 c 29:** See note following RCW 28B.50.835.

**RCW 28B.50.843 Exceptional faculty awards—Determination of award—Collective bargaining.** The process for determining local awards shall be subject to collective bargaining. Decisions regarding the amounts of individual awards and who receives them shall not be

subject to collective bargaining and shall be subject to approval of the applicable board of trustees. [1991 c 238 s 66; 1990 c 29 s 5.]

**Severability—1990 c 29:** See note following RCW 28B.50.835.

**RCW 28B.50.844 Exceptional faculty awards—Eligibility of foundation for matching funds—Endowment fund management.** A foundation is not eligible to receive matching funds under RCW 28B.50.835 through 28B.50.843 unless the foundation and the board of trustees of the college for whose benefit the foundation exists have entered into a contract, approved by the attorney general, that: (1) Specifies the services to be provided by the foundation; (2) provides for protection of the community and technical college exceptional awards endowment funds under the foundation's control; and (3) provides for the college's assumption of ownership, management, and control of such funds if the foundation ceases to exist or function properly, or fails to provide the specified services in accordance with the contract.

The principal of the community and technical college exceptional awards endowment fund managed by the foundation shall not be invaded. Funds recovered by a college under this section shall be deposited into the college's local endowment fund. For purposes of this section, community and technical college exceptional awards endowment funds include the private donations, state matching funds, and any accrued interest on such donations and matching funds. [1993 c 87 s 4.]

**RCW 28B.50.850 Faculty tenure—Purpose.** It shall be the purpose of RCW 28B.50.850 through 28B.50.869 to establish a system of faculty tenure which protects the concepts of faculty employment rights and faculty involvement in the protection of those rights in the state system of community and technical colleges. RCW 28B.50.850 through 28B.50.869 shall define a reasonable and orderly process for appointment of faculty members to tenure status and the dismissal of the tenured faculty member. [2015 c 55 s 228; 1991 c 238 s 67; 1969 ex.s. c 283 s 32. Formerly RCW 28.85.850.]

**Severability—1969 ex.s. c 283:** See note following RCW 28A.150.050.

**RCW 28B.50.851 Faculty tenure—Definitions.** As used in RCW 28B.50.850 through 28B.50.869:

(1) "Administrative appointment" shall mean employment in a specific administrative position as determined by the appointing authority;

(2) "Appointing authority" shall mean the board of trustees of a college district;

(3)(a) "Faculty appointment," except as otherwise provided in (b) of this subsection, shall mean full time employment as a teacher, counselor, librarian or other position for which the training, experience and responsibilities are comparable as determined by the appointing authority, except administrative appointments; "faculty appointment" shall also mean department heads, division heads and administrators to the extent that such department heads, division

heads or administrators have had or do have status as a teacher, counselor, or librarian; faculty appointment shall also mean employment on a reduced work load basis when a faculty member has retained tenure under RCW 28B.50.859;

(b) "Faculty appointment" shall not mean special faculty appointment as a teacher, counselor, librarian, or other position as enumerated in (a) of this subsection, when such employment results from special funds provided to a community or technical college district from federal moneys or other special funds which other funds are designated as "special funds" by the college board: PROVIDED, That such "special funds" so designated by the college board for purposes of this section shall apply only to teachers, counselors and librarians hired from grants and service agreements and teachers, counselors and librarians hired in nonformula positions. A special faculty appointment resulting from such special financing may be terminated upon a reduction or elimination of funding or a reduction or elimination of program: PROVIDED FURTHER, That "faculty appointees" holding faculty appointments pursuant to subsections (7) or (3)(a) of this section who have been subsequently transferred to positions financed from "special funds" pursuant to (b) of this subsection and who thereafter lose their positions upon reduction or elimination of such "special funding" shall be entitled to be returned to previous status as faculty appointees pursuant to subsection (7) or (3)(a) of this section depending upon their status prior to the "special funding" transfer. Notwithstanding the fact that tenure shall not be granted to anyone holding a special faculty appointment, the termination of any such faculty appointment prior to the expiration of the term of such faculty member's individual contract for any cause which is not related to elimination or reduction of financing or the elimination or reduction of program shall be considered a termination for cause subject to the provisions of this chapter;

(4) "Probationary faculty appointment" shall mean a faculty appointment for a designated period of time which may be terminated without cause upon expiration of the probationer's terms of employment;

(5) "Probationer" shall mean an individual holding a probationary faculty appointment;

(6) "Review committee" shall mean a committee composed of the probationer's faculty peers, a student representative, and the administrative staff of the community or technical college: PROVIDED, That the majority of the committee shall consist of the probationer's faculty peers;

(7) "Tenure" shall mean a faculty appointment for an indefinite period of time which may be revoked only for adequate cause and by due process. [2015 c 55 s 229; 1993 c 188 s 1; 1991 c 294 s 2; 1991 c 238 s 68; 1988 c 32 s 2; 1975 1st ex.s. c 112 s 1; 1974 ex.s. c 33 s 1; 1970 ex.s. c 5 s 3; 1969 ex.s. c 283 s 33. Formerly RCW 28.85.851.]

**Reviser's note:** The definitions in this section have been alphabetized pursuant to RCW 1.08.015(2)(k).

**Construction—1993 c 188:** "Nothing contained in this act shall be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement." [1993 c 188 s 5.]

**Effective date—1993 c 188:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993." [1993 c 188 s 6.]

**Severability—1993 c 188:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1993 c 188 s 7.]

**Intent—1991 c 294:** "Improving the quality of instruction at our state institutions of higher education is a priority of the legislature. Recently, many efforts have been made by the legislature, the colleges, and the *higher education coordinating board to assess and improve the quality of instruction received by students at our state institutions. It is the intent of the legislature that, in conjunction with these various efforts, the process for the award of faculty tenure at community colleges should allow for a thorough review of the performance of faculty appointees prior to the granting of tenure." [1991 c 294 s 1.]

***Reviser's note:** The higher education coordinating board was abolished by 2011 1st sp.s. c 11 s 301, effective July 1, 2012.

**Construction—1991 c 294:** "Nothing contained in this act shall be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement." [1991 c 294 s 6.]

**Effective date—Application—1991 c 294:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991, and shall apply to all faculty appointments made by community colleges after June 30, 1991, but shall not apply to employees of community colleges who hold faculty appointments prior to July 1, 1991." [1991 c 294 s 7.]

**Severability—1991 c 294:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1991 c 294 s 8.]

**Severability—1969 ex.s. c 283:** See note following RCW 28A.150.050.

**RCW 28B.50.852 Faculty tenure—Rules and regulations—Award of faculty tenure—Maximum probationary period.** The appointing authority shall promulgate rules and regulations implementing RCW 28B.50.850 through 28B.50.869 and shall provide for the award of faculty tenure following a probationary period not to exceed nine consecutive college quarters, excluding summer quarter and approved leaves of absence: PROVIDED, That tenure may be awarded at any time as may be determined by the appointing authority after it has given reasonable consideration to the recommendations of the review committee. Upon formal recommendation of the review committee and with the written

consent of the probationary faculty member, the appointing authority may extend its probationary period for one, two, or three quarters, excluding summer quarter, beyond the maximum probationary period established herein. No such extension shall be made, however, unless the review committee's recommendation is based on its belief that the probationary faculty member needs additional time to complete satisfactorily a professional improvement plan already in progress and in the committee's further belief that the probationary faculty member will complete the plan satisfactorily. At the conclusion of any such extension, the appointing authority may award tenure unless the probationary faculty member has, in the judgment of the committee, failed to complete the professional improvement plan satisfactorily. [1991 c 294 s 3; 1969 ex.s. c 283 s 34. Formerly RCW 28.85.852.]

**Intent—Construction—Effective date, application—Severability—1991 c 294:** See notes following RCW 28B.50.851.

**Severability—1969 ex.s. c 283:** See note following RCW 28A.150.050.

**RCW 28B.50.855 Faculty tenure—Written agreement embodying terms of employment furnished faculty.** The appointing authority shall provide each faculty member, immediately upon employment, with a written agreement which delineates the terms of employment including all conditions and responsibilities attached thereto. [1969 ex.s. c 283 s 35. Formerly RCW 28.85.855.]

**Severability—1969 ex.s. c 283:** See note following RCW 28A.150.050.

**RCW 28B.50.856 Faculty tenure—Evaluation of probationer by review committee—Progress report, acknowledgment of receipt—Recommendation as to tenure.** The probationary faculty appointment period shall be one of continuing evaluation of a probationer by a review committee. The evaluation process shall place primary importance upon the probationer's effectiveness in his or her appointment. The review committee shall periodically advise each probationer, in writing, of his or her progress during the probationary period and receive the probationer's written acknowledgment thereof. The review committee shall at appropriate times make recommendations to the appointing authority as to whether tenure should or should not be granted to individual probationers: PROVIDED, That the final decision to award or withhold tenure shall rest with the appointing authority, after it has given reasonable consideration to the recommendations of the review committee. [2011 c 336 s 741; 1969 ex.s. c 283 s 36. Formerly RCW 28.85.856.]

**Severability—1969 ex.s. c 283:** See note following RCW 28A.150.050.

**RCW 28B.50.857 Faculty tenure—Decision not to renew probationary appointment, notice by appointing authority, when.** Upon the decision not to renew a probationary faculty appointment, the

appointing authority shall notify the probationer of such decision as soon as possible during the regular college year: PROVIDED, That such notice may not be given later than one complete quarter, except summer quarter, before the expiration of the probationary faculty appointment. [1991 c 294 s 4; 1969 ex.s. c 283 s 37. Formerly RCW 28.85.857.]

**Intent—Construction—Effective date, application—Severability—1991 c 294:** See notes following RCW 28B.50.851.

**Severability—1969 ex.s. c 283:** See note following RCW 28A.150.050.

**RCW 28B.50.859 Faculty tenure—Tenure retained upon reduced work load assignment.** An appointing authority may allow a tenured faculty member to retain tenure upon assignment to a reduced work load. The appointing authority and the faculty member shall execute a written agreement setting forth the terms and conditions of the assignment, including the conditions, if any, under which the faculty member may return to full time employment. [1988 c 32 s 1.]

**RCW 28B.50.860 Faculty tenure—Tenure retained upon administrative appointment.** A tenured faculty member, upon appointment to an administrative appointment shall be allowed to retain his or her tenure. [2011 c 336 s 742; 1977 ex.s. c 282 s 7; 1969 ex.s. c 283 s 38. Formerly RCW 28.85.860.]

**Severability—1977 ex.s. c 282:** See note following RCW 28B.50.870.

**Severability—1969 ex.s. c 283:** See note following RCW 28A.150.050.

**RCW 28B.50.861 Faculty tenure—Dismissal only for sufficient cause.** The tenured faculty member shall not be dismissed except for sufficient cause, nor shall a faculty member who holds a probationary faculty appointment be dismissed prior to the written terms of the appointment except for sufficient cause. [1969 ex.s. c 283 s 39. Formerly RCW 28.85.861.]

**Severability—1969 ex.s. c 283:** See note following RCW 28A.150.050.

**RCW 28B.50.862 Faculty tenure—Certain grounds constituting sufficient cause.** Sufficient cause shall also include aiding and abetting or participating in: (1) Any unlawful act of violence; (2) any unlawful act resulting in destruction of community or technical college property; or (3) any unlawful interference with the orderly conduct of the educational process. [2015 c 55 s 230; 1969 ex.s. c 283 s 40. Formerly RCW 28.85.862.]

**Severability—1969 ex.s. c 283:** See note following RCW 28A.150.050.

**RCW 28B.50.863 Faculty tenure—Review prior to dismissal—Scope—Recommendations of review committee.** Prior to the dismissal of a tenured faculty member, or a faculty member holding an unexpired probationary faculty appointment, the case shall first be reviewed by a review committee. The review shall include testimony from all interested parties including, but not limited to, other faculty members and students. The faculty member whose case is being reviewed shall be afforded the right of cross-examination and the opportunity to defend himself or herself. The review committee shall prepare recommendations on the action they propose be taken and submit such recommendations to the appointing authority prior to their final action. [2011 c 336 s 743; 1969 ex.s. c 283 s 41. Formerly RCW 28.85.863.]

**Severability—1969 ex.s. c 283:** See note following RCW 28A.150.050.

**RCW 28B.50.864 Faculty tenure—Appeal from decision for dismissal—Procedure.** Any faculty member dismissed pursuant to RCW 28B.50.850 through 28B.50.869 shall have a right to appeal the final decision of the appointing authority in accordance with RCW 34.05.510 through 34.05.598. [1989 c 175 s 80; 1973 c 62 s 24; 1969 ex.s. c 283 s 42. Formerly RCW 28.85.864.]

**Effective date—1989 c 175:** See note following RCW 34.05.010.

**Savings—Severability—1973 c 62:** See notes following RCW 28B.10.510.

**Severability—1969 ex.s. c 283:** See note following RCW 28A.150.050.

**RCW 28B.50.867 Faculty tenure—Tenure rights upon transfer of employment to another community or technical college.** Upon transfer of employment from one community or technical college to another community or technical college within a district, a tenured faculty member shall have the right to retain tenure and the rights accruing thereto which he or she had in his or her previous employment: PROVIDED, That upon permanent transfer of employment to another college district a tenured faculty member shall not have the right to retain his tenure or any of the rights accruing thereto. [1991 c 238 s 69; 1969 ex.s. c 283 s 43. Formerly RCW 28.85.867.]

**Severability—1969 ex.s. c 283:** See note following RCW 28A.150.050.

**RCW 28B.50.868 Faculty tenure—Faculty members currently employed granted tenure.** All employees of a community college district, except presidents, who were employed in the community

college district at the effective date of chapter 283, Laws of 1969 ex. sess. and who hold or have held a faculty appointment with the community college district or its predecessor school district shall be granted tenure by their appointing authority notwithstanding any other provision of RCW 28B.50.850 through 28B.50.869. [1970 ex.s. c 5 s 4; 1969 ex.s. c 283 s 44. Formerly RCW 28.85.868.]

**Reviser's note:** The various provisions of chapter 283, Laws of 1969 ex. sess. became effective on several different dates. The effective date of the provisions thereof relating to tenure appears to have been midnight August 10, 1969, see preface, Laws of 1969 ex. sess., and see also 1969 ex.s. c 283 ss 54 and 55 (uncodified).

**Severability—1969 ex.s. c 283:** See note following RCW 28A.150.050.

**RCW 28B.50.869 Faculty tenure—Review committees, composition—Selection of faculty representatives, student representative.** The review committees required by RCW 28B.50.850 through 28B.50.869 shall be composed of members of the administrative staff, a student representative, and the faculty. The representatives of the faculty shall represent a majority of the members on each review committee. The members representing the faculty on each review committee shall be selected by a majority of the faculty and faculty department heads acting in a body. The student representative, who shall be a full time student, shall be chosen by the student association of the particular community or technical college in such manner as the members thereof shall determine. [1993 c 188 s 2; 1991 c 238 s 70; 1974 ex.s. c 33 s 2; 1969 ex.s. c 283 s 45. Formerly RCW 28.85.869.]

**Construction—Effective date—Severability—1993 c 188:** See notes following RCW 28B.50.851.

**Severability—1969 ex.s. c 283:** See note following RCW 28A.150.050.

**RCW 28B.50.870 Faculty tenure—For certain educational programs operated in state correctional institutions.** The district board of trustees of any college district currently operating an educational program with funds provided by another state agency, including federal funds, which program has been in existence for five or more years under the administration of one or more college districts, shall provide for the award or denial of tenure to anyone who holds a special faculty appointment in such curricular program and for as long as the program continues to be funded in such manner, utilizing the prescribed probationary processes and procedures set forth in this chapter with the exception that no student representative shall be required to serve on the review committee defined in RCW 28B.50.851: PROVIDED, That such review processes and procedures shall not be applicable to faculty members whose contracts are renewed after *the effective date of this 1977 amendatory act and who have completed at least three consecutive years of satisfactory full time service in such program, who shall be granted tenure by the college district: PROVIDED FURTHER, That faculty members who have completed one year or more of satisfactory full time service in such program shall be

credited with such service for the purposes of this section: PROVIDED, FURTHER, That provisions relating to tenure for faculty under the provisions of this section shall be distinct from provisions relating to tenure for other faculty of the college district and faculty appointed to such special curricular program shall be treated as a separate unit as respects selection, retention, reduction in force or dismissal hereunder: AND PROVIDED FURTHER, That the provisions of this section shall only be applicable to faculty holding a special faculty appointment in an educational program operated in a state correctional institution pursuant to a written contract with a college district. [1991 c 238 s 71; 1977 ex.s. c 282 s 1.]

***Reviser's note:** Phrase "the effective date of this 1977 amendatory act": Except for RCW 28B.50.100 and 28B.50.101 which were effective January 1, 1978, (see note following RCW 28B.50.100) the effective date of 1977 ex.s. c 282 (the enactment of RCW 28B.50.870, 28B.50.090, 28B.50.140, 28B.50.300, and 28B.50.860 and the repeal of RCW 28B.50.570, 28B.50.590, 28B.50.750, and 28B.56.060) was September 21, 1977.

**Severability—1977 ex.s. c 282:** "If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1977 ex.s. c 282 s 10.]

**RCW 28B.50.872 Periodic posttenure evaluation.** By June 30, 1994, each community and technical college shall establish, through the local collective bargaining process, periodic posttenure evaluation of all full-time faculty consistent with the standards of the Northwest association of schools and colleges. [1993 c 188 s 3.]

**Construction—Effective date—Severability—1993 c 188:** See notes following RCW 28B.50.851.

**RCW 28B.50.873 Reduction in force of tenured or probationary faculty members due to financial emergency—Conditions—Procedure—Rights.** The college board may declare a financial emergency under the following conditions: (1) Reduction of allotments by the governor pursuant to *RCW 43.88.110(2), or (2) reduction by the legislature from one biennium to the next or within a biennium of appropriated funds based on constant dollars using the implicit price deflator. When a district board of trustees determines that a reduction in force of tenured or probationary faculty members may be necessary due to financial emergency as declared by the state board, written notice of the reduction in force and separation from employment shall be given the faculty members so affected by the president or district president as the case may be. Said notice shall clearly indicate that separation is not due to the job performance of the employee and hence is without prejudice to such employee and need only state in addition the basis for the reduction in force as one or more of the reasons enumerated in subsections (1) and (2) of this section.

Said tenured or probationary faculty members will have a right to request a formal hearing when being dismissed pursuant to subsections (1) and (2) of this section. The only issue to be determined shall be

whether under the applicable policies, rules or collective bargaining agreement the particular faculty member or members advised of severance are the proper ones to be terminated. Said hearing shall be initiated by filing a written request therefor with the president or district president, as the case may be, within ten days after issuance of such notice. At such formal hearing the tenure review committee provided for in RCW 28B.50.863 may observe the formal hearing procedure and after the conclusion of such hearing offer its recommended decision for consideration by the hearing officer. Failure to timely request such a hearing shall cause separation from service of such faculty members so notified on the effective date as stated in the notice, regardless of the duration of any individual employment contract.

The hearing required by this section shall be an adjudicative proceeding pursuant to chapter 34.05 RCW, the Administrative Procedure Act, conducted by a hearing officer appointed by the board of trustees and shall be concluded by the hearing officer within sixty days after written notice of the reduction in force has been issued. Ten days written notice of the formal hearing will be given to faculty members who have requested such a hearing by the president or district president as the case may be. The hearing officer within ten days after conclusion of such formal hearing shall prepare findings, conclusions of law and a recommended decision which shall be forwarded to the board of trustees for its final action thereon. Any such determination by the hearing officer under this section shall not be subject to further tenure review committee action as otherwise provided in this chapter.

Notwithstanding any other provision of this section, at the time of a faculty member or members request for formal hearing said faculty member or members may ask for participation in the choosing of the hearing officer in the manner provided in RCW 28A.405.310(4), said employee therein being a faculty member for the purposes hereof and said board of directors therein being the board of trustees for the purposes hereof: PROVIDED, That where there is more than one faculty member affected by the board of trustees' reduction in force such faculty members requesting hearing must act collectively in making such request: PROVIDED FURTHER, That costs incurred for the services and expenses of such hearing officer shall be shared equally by the community or technical college and the faculty member or faculty members requesting hearing.

When more than one faculty member is notified of termination because of a reduction in force as provided in this section, hearings for all such faculty members requesting formal hearing shall be consolidated and only one such hearing for the affected faculty members shall be held, and such consolidated hearing shall be concluded within the time frame set forth herein.

Separation from service without prejudice after formal hearing under the provisions of this section shall become effective upon final action by the board of trustees.

It is the intent of the legislature by enactment of this section and in accordance with RCW 28B.52.035, to modify any collective bargaining agreements in effect, or any conflicting board policies or rules, so that any reductions in force which take place after December 21, 1981, whether in progress or to be initiated, will comply solely with the provisions of this section: PROVIDED, That any applicable policies, rules, or provisions contained in a collective bargaining

agreement related to lay-off units, seniority and reemployment rights shall not be affected by the provisions of this paragraph.

Nothing in this section shall be construed to affect the right of the board of trustees or its designated appointing authority not to renew a probationary faculty appointment pursuant to RCW 28B.50.857. [1991 c 238 s 72; 1990 c 33 s 559; 1989 c 175 s 81; 1981 2nd ex.s. c 13 s 1.]

***Reviser's note:** RCW 43.88.110 was amended by 1991 c 358 s 2 changing subsection (2) to subsection (3).

**Purpose—Statutory references—Severability—1990 c 33:** See RCW 28A.900.100 through 28A.900.102.

**Effective date—1989 c 175:** See note following RCW 34.05.010.

**Severability—1981 2nd ex.s. c 13:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1981 2nd ex.s. c 13 s 3.]

**RCW 28B.50.874 Transfer of administration of vocational-technical institutes to system of community and technical colleges—Personnel rights.** When the state system of community and technical colleges assumes administrative control of the vocational-technical institutes, personnel employed by the vocational-technical institutes shall:

(1) Suffer no reduction in compensation, benefits, seniority, or employment status. After September 1, 1991, classified employees shall continue to be covered by chapter 41.56 RCW and faculty members and administrators shall be covered by chapter 28B.50 RCW;

(2) To the extent applicable to faculty members, any faculty currently employed on a "continuing contract" basis under RCW 28A.405.210 be awarded tenure pursuant to RCW 28B.50.851 through 28B.50.873, except for any faculty members who are provisional employees under RCW 28A.405.220;

(3) Be eligible to participate in the health care and other insurance plans provided by the health care authority and the public employees' benefits board pursuant to chapter 41.05 RCW;

(4) Be eligible to participate in old age annuities or retirement income plans under the rules of the state board for community and technical colleges pursuant to RCW 28B.10.400 or the teachers' retirement system plan 1 for personnel employed before July 1, 1977, or plan 2 for personnel employed after July 1, 1977, under chapter 41.32 RCW; however, no affected vocational-technical institute employee shall be required to choose from among any available retirement plan options prior to six months after September 1, 1991;

(5) Have transferred to their new administrative college district all accrued sick and vacation leave and thereafter shall earn and use all such leave under the rule established pursuant to RCW 28B.50.551;

(6) Be eligible to participate in the deferred compensation plan and programs pursuant to RCW 41.05.123, 41.05.300 through 41.05.360, and 41.05.295 under the applicable rules.

An exclusive bargaining representative certified to represent a bargaining unit covering employees of a vocational technical institute on September 1, 1991, shall remain the exclusive representative of

such employees thereafter until and unless such representative is replaced or decertified in accordance with state law.

Any collective bargaining agreement in effect on June 30, 1991, shall remain in effect as it applies to employees of vocational technical institutes until its expiration or renewal date or until renegotiated or renewed in accordance with chapter 28B.52 or 41.56 RCW. After the expiration date of a collective bargaining agreement, all of the terms and conditions specified in the collective bargaining agreement, as it applies to employees of vocational-technical institutes, shall remain in effect until the effective date of a subsequent agreement, not to exceed one year from the termination date stated in the agreement. The board of trustees and the employees may mutually agree to continue the terms and conditions of the agreement beyond the one year extension. However, nothing in this section shall be construed to deny any employee right granted under chapter 28B.52 or 41.56 RCW. Labor relations processes and agreements covering faculty members of vocational technical institutes after September 1, 1991, shall be governed by chapter 28B.52 RCW. Labor relations processes and agreements covering classified employees of vocational technical institutes after September 1, 1991, shall continue to be governed by chapter 41.56 RCW. [2008 c 229 s 11; 1998 c 116 s 14; 1991 c 238 s 83.]

**Effective date——2008 c 229:** See note following RCW 41.05.295.

**RCW 28B.50.8742 Technical colleges——Employee option to reenroll in public employees' benefits trust.** Employees of technical colleges who were members of the [a] public employees' benefits trust and as a result of chapter 238, Laws of 1991, were required to enroll in public employees' benefits board-sponsored plans, must decide whether to reenroll in the trust by January 1, 1996, or the expiration of the current collective bargaining agreements, whichever is later. Employees of a bargaining unit or administrative or managerial employees otherwise not included in a bargaining unit shall be required to transfer by group. Administrative or managerial employees shall transfer in accordance with rules established by the health care authority. If employee groups elect to transfer, they are eligible to reenroll in the public employees' benefits board-sponsored plans. This one-time reenrollment option in the public employees' benefits board-sponsored plans is available to be exercised in January 2001, or only every five years thereafter, until exercised. [1995 1st sp.s. c 6 s 10.]

**Effective date——1995 1st sp.s. c 6:** See note following RCW 28A.400.410.

**RCW 28B.50.8744 Technical colleges——Payment to public employees' and retirees' insurance account.** (1) In a manner prescribed by the state health care authority, technical colleges who have employees enrolled in a benefits trust shall remit to the health care authority for deposit in the public employees' and retirees' insurance account established in RCW 41.05.120 the amount specified for remittance in the omnibus appropriations act.

(2) The remittance requirements of this section do not apply to employees of a technical college who receive insurance benefits through contracts with the health care authority. [1995 1st sp.s. c 6 s 19.]

**Effective date—1995 1st sp.s. c 6:** See note following RCW 28A.400.410.

**RCW 28B.50.875 Laboratory services for the analyzing of samples, public agencies may contract with college for.** Local law enforcement agencies or such other public agencies that shall be in need of such service may contract with any community or technical college for laboratory services for the analyzing of samples that chemists associated with such colleges may be able to perform under such terms and conditions as the individual college may determine.

Employees of the Seattle Vocational Institute are exempt from this section until July 1, 1993. [1991 c 238 s 73; 1969 ex.s. c 261 s 35. Formerly RCW 28.85.875.]

**Severability—1969 ex.s. c 261:** See note following RCW 28B.50.020.

**RCW 28B.50.877 Technical colleges—Purchase of support services from school districts.** During the period from May 17, 1991, until September 1, 1991:

(1) The executive director of the state board for community and technical colleges, or the executive director's designee, may enter into contracts, or agreements for goods, services, and personnel, on behalf of the technical college, which are effective after September 1, 1991. The executive director, or the executive director's designee, may conduct business, including budget approval, relevant to the operation of the technical college in the period subsequent to September 1, 1991.

(2) Vocational-technical institute directors may conduct business relevant to the operation of the vocational-technical institutes. School boards and superintendents may not restrict or remove powers previously delegated to the vocational-technical institute directors during the 1990-91 school year.

(3) Technical colleges' boards of trustees appointed before September 1, 1991, shall serve in an advisory capacity to the vocational-technical institute director.

As of September 1, 1991, technical colleges may, by interlocal agreement, continue to purchase from the school districts, support services within mutually agreed upon categories at a cost not to exceed the indirect rate charged during the 1990-91 school year. No employee of a technical college may be discriminated against based on actions or opinions expressed on issues surrounding chapter 238, Laws of 1991. Any dispute related to issues contained in this section shall be resolved under *RCW 28B.50.302. [1991 c 238 s 143.]

***Reviser's note:** RCW 28B.50.302 was decodified pursuant to 2015 c 55 s 119.

**RCW 28B.50.880 Apprentices—Recommendations of the state board for community and technical colleges.** The state board for community and technical colleges shall provide recommendations to the apprenticeship council and apprenticeship programs, established under chapter 49.04 RCW, on matters of related and supplemental instruction for apprentices, coordination of instruction with job experiences, and the qualification of teachers for such instruction. [2001 c 204 s 8; 1991 c 238 s 111.]

**RCW 28B.50.890 Apprentices—Associate degree pathway.** (1) At the request of an apprenticeship committee pursuant to RCW 49.04.150, the community or technical college or colleges providing apprentice-related and supplemental instruction for an apprenticeship program shall develop an associate degree pathway for the apprentices in that program, if the necessary resources are available.

(2) In developing a degree program, the community or technical college or colleges shall ensure, to the extent possible, that related and supplemental instruction is credited toward the associate degree and that related and supplemental instruction and other degree requirements are not redundant.

(3) If multiple community or technical colleges provide related and supplemental instruction for a single apprenticeship committee, the colleges shall work together to the maximum extent possible to create consistent requirements for the pathway. [2003 c 128 s 3.]

**Findings—2003 c 128:** See note following RCW 49.04.150.

**RCW 28B.50.891 Apprenticeship programs or certificate programs—Transferable course credits.** Beginning with the 2015-16 academic year, any community or technical college that offers an apprenticeship program or certificate program for paraeducators must provide candidates the opportunity to earn transferable course credits within the program. The programs must also incorporate the standards of practice developed by the Washington professional educator standards board under RCW 28A.410.260 and include multicultural education and principles of language acquisition. Subject to the availability of amounts appropriated for this specific purpose, by September 1, 2018, the paraeducator apprenticeship and certificate programs must also incorporate the state paraeducator standards of practice adopted by the paraeducator board under RCW 28A.413.050. [2021 c 197 s 13; 2017 c 237 s 20; 2014 c 136 s 4.]

**Finding—Intent—2021 c 197:** See note following RCW 28A.415.443.

**RCW 28B.50.895 Apprentice education waivers.** With regard to waivers for courses offered for the purpose of satisfying related or supplemental educational requirements for apprentices registered with the Washington state apprenticeship council or the federal bureau of apprenticeship and training, colleges may at the request of an apprenticeship organization, deduct the tuition owed from training contracts with that apprentice organization. [2005 c 159 s 1.]

**RCW 28B.50.902 Centers of excellence.** (1) The college board, in consultation with business, industry, labor, the workforce training and education coordinating board, the department of commerce, the employment security department, and community and technical colleges, shall designate centers of excellence and allocate funds to existing and new centers of excellence based on a competitive basis.

(2) Eligible applicants for the program established under this section include community and technical colleges. Priority shall be given to applicants that have an established education and training program serving the targeted industry and that have in their home district or region an industry cluster with the same targeted industry at its core.

(3) It is the role of centers of excellence to employ strategies to:

(a) Create educational efficiencies;

(b) Build a diverse, competitive workforce for strategic industries;

(c) Maintain an institutional reputation for innovation and responsiveness;

(d) Develop innovative curriculum and means of delivering education and training;

(e) Act as brokers of information and resources related to community and technical college education and training and assistance available for firms in a targeted industry; and

(f) Serve as partners with workforce development councils, associate development organizations, and other workforce and economic development organizations.

(4) Examples of strategies under subsection (3) of this section include but are not limited to: Sharing curriculum and other instructional resources, to ensure cost savings to the system; delivering collaborative certificate and degree programs; and holding statewide summits, seminars, conferences, and workshops on industry trends and best practices in community and technical college education and training. [2014 c 174 s 2; 2011 1st sp.s. c 14 s 6; 2009 c 151 s 4.]

**Intent——2014 c 174:** "The legislature intends to dissolve the operations of innovate Washington and transfer the innovate Washington facilities to Washington State University." [2014 c 174 s 1.]

**RCW 28B.50.903 Coordination and alignment of aerospace training programs——Aerospace and advanced materials manufacturing pipeline advisory committee.** (1) The state board for community and technical colleges, in collaboration with aerospace or advanced materials long-term training providers, short-term training providers whose mission is focused on customized and innovative short-term training, and apprenticeship program providers, shall facilitate coordination and alignment of aerospace training programs to the maximum extent possible. This coordination and alignment shall include but not be limited to the following activities:

(a) Providing up-to-date information about the aerospace and advanced materials manufacturing training programs in the state;

(b) Providing information about grants and partnership opportunities;

(c) Providing coordination for professional development for faculty and other education and training providers;

(d) Evaluating programs identified by the aerospace and advanced materials manufacturing pipeline advisory committee annually for completion and job placement results; and

(e) Making budget recommendations to the governor and the legislature specific to the aerospace and advanced materials manufacturing training programs.

(2) The state board for community and technical colleges shall establish an aerospace and advanced materials manufacturing pipeline advisory committee consisting of not less than eleven nor more than fifteen members. A majority of members shall represent industry with the chair selected by the committee from among the industry members. Members of the advisory committee shall also include at least two persons representing labor who represent aerospace or advanced materials production workers and also include education and training providers including, but not limited to, the director of a long-term training program, the director of a short-term training program whose mission is to focus on customized and innovative short-term training, and the director of an apprenticeship program. The advisory committee's duties include but are not limited to:

(a) Providing direction for a skills gap analysis that is: (i) Produced with the workforce training and education coordinating board using data developed through the education data center; and (ii) consistent with the joint assessment by the higher education coordinating board or its successor, the state board for community and technical colleges, and the workforce training and education coordinating board of the number and type of higher education and training credentials required to match employer demand for a skilled and educated workforce;

(b) Establishing goals for students served, program completion rates, and employment rates;

(c) Coordinating and disseminating industry advice for aerospace and advanced materials manufacturing training programs; and

(d) Recommending training programs for review by the workforce training and education coordinating board in coordination with the state board for community and technical colleges.

(3) All requirements in this section are subject to the availability of amounts appropriated for the specific purposes described. [2012 c 50 s 2.]

**Finding—Intent—2012 c 50:** "The legislature finds that a skilled workforce is essential for employers and job seekers to compete and grow Washington's aerospace industry as part of the global economy. The legislature intends to improve coordination of the state's training system for skilled aerospace workers in order to provide better alignment with industry needs in the present and over the long term for both two-year training programs, short-term training, and relevant apprenticeship programs to keep pace with a rapidly changing industry. The legislature further intends to increase aerospace skill development and education and training programs and help increase jobs for Washington's citizens." [2012 c 50 s 1.]

**RCW 28B.50.912 Transfer of powers from superintendent of public instruction and state board of education to state board for community**

**and technical colleges.** All powers, duties, and functions of the superintendent of public instruction and the state board of education pertaining to projects of adult education, including the state-funded *even start and including the adult education programs operated pursuant to 20 U.S.C. Sec. 1201 as amended by P.L. 100-297, are transferred to the state board for community and technical colleges. All references to the director or superintendent of public instruction or the state board of education in the Revised Code of Washington shall be construed to mean the director or the state board for community and technical colleges when referring to the functions transferred in this section. [1991 c 238 s 85.]

***Reviser's note:** Chapter 28B.06 RCW, project even start, expired August 1, 2015, pursuant to 2015 c 55 s 101.

**RCW 28B.50.913 Transfer of powers from Washington institute for applied technology to Seattle Vocational Institute.** The public nonprofit corporation for the Washington institute for applied technology is hereby abolished and its powers, duties, and functions are hereby transferred to the sixth college district. The Washington institute for applied technology shall be renamed the Seattle Vocational Institute. The Seattle Vocational Institute shall become a fourth unit of the sixth college district. All references to the director or public nonprofit corporation for the Washington institute for applied technology in the Revised Code of Washington shall be construed to mean the director of the Seattle Vocational Institute. [1991 c 238 s 94.]

**RCW 28B.50.916 Students experiencing homelessness and foster youth program.** (1) Subject to the availability of amounts appropriated for this specific purpose, each community and technical college may implement a program to provide assistance to students experiencing homelessness and to students who were in the foster care system when they graduated high school. The program must provide certain accommodations to these students that may include, but are not limited to, the following:

(a) Access to laundry facilities;

(b) Access to storage;

(c) Access to locker room and shower facilities;

(d) Reduced-price meals or meal plans, and access to food banks;

(e) Access to technology;

(f) Access to short-term housing or housing assistance, especially during seasonal breaks; and

(g) Case management services.

(2) The community and technical colleges may also establish plans to develop surplus property for affordable housing to accommodate the needs of students experiencing homelessness and students who were in the foster care system when they graduated high school.

(3) The community and technical colleges shall leverage existing community resources by making available to students in the program information that is available for individuals experiencing homelessness, including through not-for-profit organizations, the local housing authority, and the department of commerce's office of homeless youth.

(4) The community and technical colleges participating in the program shall annually provide a joint report to the appropriate committees of the legislature in accordance with RCW 43.01.036 beginning December 1, 2023, that includes at least the following information:

(a) The number of students experiencing homelessness or food insecurity, and the number of students who were in the foster care system when they graduated high school who attended a community or technical college during the program. The college board shall coordinate with all of the community and technical colleges to collect voluntary data on how many students experiencing homelessness or food insecurity are attending the community and technical colleges;

(b) The number of students assisted by the program;

(c) Strategies for accommodating students experiencing homelessness or food insecurity, and former foster care students; and

(d) Legislative recommendations for how students experiencing homelessness or food insecurity, and former foster care students could be better served.

(5) For purposes of this section, "program" means the students experiencing homelessness and foster youth program. [2023 c 339 s 1; 2021 c 62 s 1; 2019 c 330 s 1.]

**RCW 28B.50.920 Diversity, equity, and inclusion——Strategic plans——Student-based organizations——Outreach programs——Model faculty diversity programs.** (1) Beginning July 30, 2022, all community and technical colleges must submit, on a biennial basis, strategic plans to the state board for community and technical colleges for achieving diversity, equity, and inclusion of all races on their campuses.

(2) Colleges must create their strategic plans using an inclusive process of stakeholders including, but not limited to, classified staff, faculty, administrative exempt staff, students, and community organizations. Colleges are encouraged to use campus climate surveys to develop and update strategic plans for diversity, equity, and inclusion of all races.

(3) In addition to planning, each community and technical college shall include in its diversity program opportunities for students from historically marginalized communities to form student-based organizations, and to use community-based organizations, that permit students to work together to mentor and assist one another in navigating the educational system and to access trained mentors using evidence-based mentoring strategies.

(4) Each community and technical college shall establish a culturally appropriate outreach program. The outreach program may include communities of color, students with disabilities, neurodiverse communities, and low-income communities and be designed to assist potential students to understand the opportunities available in the community and technical college system. The outreach program may assist students with navigating the student aid system. Outreach programs may include partnerships with appropriate community-based organizations and use research and supports from the student achievement council.

(5) The state board for community and technical colleges shall develop a model faculty diversity program designed to provide for the retention and recruitment of faculty from all racial, ethnic, and

cultural backgrounds. The faculty diversity program must be based on proven practices in diversity hiring processes.

(6) Each community and technical college shall conspicuously post on its website and include in the strategic plans, programs, and reports definitions for key terms including: Diversity, equity, inclusion, culturally competent, culturally appropriate, historically marginalized communities, communities of color, low-income communities, and community organizations. [2021 c 272 s 3.]

**Intent——2021 c 272:** "The legislature recognizes that student completion rates for workforce training certification and degree programs at community and technical colleges are far lower than desirable to ensure that students may utilize the opportunities of postsecondary education to lift themselves and their families out of poverty and to meet our state's student achievement council road map goals, including for 70 percent of Washington residents to have a postsecondary certification or degree to meet workforce needs. The legislature recognizes that first-generation college-attending students, students with disabilities, and underrepresented minority students face far greater obstacles to apply, remain in school, and complete programs. This disparate impact greatly affects our state's commitment to equity.

The legislature recognizes that offering tuition financial support to first-generation and underrepresented minority students is necessary for students to enroll and attend college but must also be accompanied by proven supports for them to complete their degrees or workforce training programs.

The legislature recognizes that there are mentorship and advising programs based on strong evidence that have been proven to be successful in greatly increasing retention and degree or workforce training completion rates for first-generation students, underrepresented minority students, students with disabilities, and for all students at community and technical colleges. It is the legislature's intent that successful programs such as guided pathways be implemented at all community and technical colleges with the goal of doubling completion rates (as measured by completion in six years) for students in the next eight years. To accomplish this goal, the legislature intends to achieve full implementation of research-based programs to improve student outcomes, such as guided pathways. The legislature affirms that all students receiving Washington college grants, college bound scholarships, or federal Pell grants should receive the supports, including mentoring, that have been proven to increase completion rates.

The legislature further finds that research establishes that students from underrepresented minorities are far more likely to complete degrees or workforce training certification programs if the faculty and staff of the college reflect the diversity of the student body. Therefore, the legislature intends for the state's community and technical colleges to develop and implement plans to increase faculty and staff diversity." [2021 c 272 s 1.]

**Findings——2021 c 272:** "The legislature finds that there is a need to expand investments in community and technical colleges for the purpose of guaranteeing both equitable access and educational success for all residents of the state, particularly for students from communities of color and low-income communities. The legislature finds

further that equality of opportunity for all students requires investments to support services that are critical to: The success of students of color and low-income students; provide systemwide equity initiatives intended to make community and technical college campuses welcoming, benevolent places; overcome the digital divide for all students; and provide qualified and available counseling throughout the community and technical college system. The legislature also finds that a more full-time, stable, fairly compensated, and diverse community and technical college faculty is necessary to enhance student success and to improve the mentoring available for a diverse student body. The legislature also finds that resources for student aid and workforce investment need to be adequate to meet the needs of all students in the state, particularly those from families of color and low-income families." [2021 c 272 s 2.]

**Short title——2021 c 272:** "This act may be known and cited as the our colleges our future act of 2021." [2021 c 272 s 11.]

**RCW 28B.50.925 Guided pathways——Implementation——Reports.** (1) Subject to availability of amounts appropriated for this specific purpose, each community and technical college shall fully implement guided pathways. At a minimum, guided pathways implementation must include:

(a) Comprehensive mapping of student educational pathways with student end goals in mind. These must include transparent and clear career paths that are tightly aligned to the skills sought by employers. Pathways must align course sequences to show clear paths for students, alignment with K-12 and university curriculum, and skill sets needed to enter the workforce;

(b) Dedicated advising and career counseling that helps students make informed program choices and develop completion plans. Advising services may include processes that help students explore possible career and educational choices while also emphasizing early planning. Advising must be culturally competent and with an emphasis on helping historically underserved, low-income, and students of color navigate their education;

(c) Data analysis of student learning as well as program and service outcomes. Data must be used to inform program development, the creation and further refinement of student pathways, and to provide opportunities for early intervention to help students succeed; and

(d) A student success support infrastructure using programs that the state board for community and technical colleges finds have been effective in closing equity gaps among historically underserved student populations and improve student completion rates. The student success support program must be based on research or documented evidence of success. In tandem with guided pathways implementation, student success support programs may include evidence-based elements such as:

(i) Equity competent academic advising services;

(ii) Equity competent career development programming;

(iii) Clear information regarding financial aid and financial literacy; and

(iv) Inclusive curriculum and teaching practices.

(2) Each community and technical college shall post on its website and include in the guided pathways program documentation and

reports definitions for key terms including: Diversity, equity, inclusion, culturally competent, culturally appropriate, historically marginalized communities, communities of color, low-income communities, and community organizations.

(3)(a) The Washington state institute for public policy, in consultation with the workforce education investment accountability and oversight board under RCW 28B.77.310, shall complete an evaluation of the guided pathways model. To the extent possible, the institute shall complete a preliminary report that evaluates the effect of the guided pathways model on early student outcomes including, but not limited to, student retention and persistence, college level English and math within the first year, and graduation and transfer rates. The preliminary report must review the implementation of the guided pathways model in Washington and any available evidence of the effectiveness of the guided pathways model. The preliminary report must be submitted by December 15, 2023.

(b) The Washington state institute for public policy shall complete a final report that evaluates the effect of the guided pathways on longer-term student outcomes including, but not limited to, degree completion, time to degree, transfer to four-year institutions, employment, and earnings, to the extent possible. The final report must be submitted by December 15, 2029.

(c) Both the preliminary and final reports must consider differences in outcomes by racial and ethnic subgroups and socioeconomic status. [2023 c 282 s 2; 2021 c 272 s 4.]

**Intent——Findings——Short title——2021 c 272:** See notes following RCW 28B.50.920.

**RCW 28B.50.930 Mental health counselor pilot program.** ***(Expires January 1, 2026.)*** (1) Subject to the availability of amounts appropriated for this specific purpose, the college board shall administer a pilot program to increase student access to mental health counseling and services.

(2) The college board, in collaboration with the selection committee, shall select community or technical colleges to participate in the pilot program. At least half of the participating colleges must be located outside of the Puget Sound area. For purposes of this section, "Puget Sound area" means Snohomish, King, Pierce, and Thurston counties. Each participating college must receive a grant to implement one or more strategies to increase student access to mental health counseling and services, including substance use disorder counseling and services.

(3)(a) A selection committee consisting of the following shall assist with the application selection process:

(i) One community or technical college president;

(ii) One community or technical college vice president for student services or student instruction;

(iii) Two faculty counselors employed at a community or technical college; and

(iv) One community or technical college student.

(b) The selection committee may consult with representatives of an entity within a college or university that has expertise in suicide prevention and the department of health in developing selection criteria.

(4) Community and technical colleges wishing to participate in the pilot program shall apply to the college board. Applicants must identify opportunities for expanding on-campus mental health counseling and services. Applicants must also show a commitment to further develop partnerships by engaging external community providers, including those who provide crisis services and substance use disorder treatment and counseling. Applications that demonstrate plans to include one or more of the following strategies recommended by the community and technical college counselors task force must be prioritized:

(a) Improve equity, diversity, and inclusion of all races in counseling services, such as by diversifying the counselor workforce by adopting equity-centered recruiting, training, and retention practices or by providing equity training and awareness for all counselors;

(b) Meet mental health needs of students through an all-campus effort;

(c) Engage students to help increase mental health and counseling awareness and promote help-seeking behavior through student groups and other methods;

(d) Increase the visibility of counseling services on campus;

(e) Increase or expand external partnerships with community service providers;

(f) Adopt the use of telebehavioral health, especially in underresourced communities;

(g) Develop an assessment of counseling services to inform improvements and ensure counseling services are meeting student needs; or

(h) Implement counseling approaches grounded in theory that have evidence of being effective.

(5) Colleges selected to participate in the pilot program that use grant funding to hire additional mental health counselors must hire counselors who have specific graduate-level training for meeting the mental and behavioral health needs of students.

(6) Colleges selected to participate in the pilot program shall submit a joint report to the appropriate committees of the legislature and in accordance with RCW 43.01.036 by November 1, 2023. The report must include:

(a) Information on which colleges were selected for the pilot program, how much grant funding was received per college, and what strategies each implemented to increase student access to mental health counseling and services;

(b) Demographic data of students accessing mental health counseling and services, including those students who are considered underrepresented or traditionally have limited access to mental health counseling and services;

(c) Whether the mental health counseling and services provided are meeting the demand of students in terms of type and availability, and whether the various types of mental health counseling and services are being provided by community providers versus on-campus services;

(d) Information and data on the effectiveness, including cost-effectiveness, of each strategy used to increase student access to mental health counseling and services, including substance use disorder counseling and services, such as the number of additional students served, reduced wait times for counseling appointments, or other data that reflects expanded access; and

(e) Lessons learned and recommendations for improving student access to mental health counseling and services at community and technical colleges and to community providers, including whether there were any strategies implemented that proved more effective than others in increasing access.

(7) Colleges selected for the pilot program shall conspicuously post on their websites and include in the report to the legislature the definitions for key terms including: Diversity, equity, inclusion, culturally competent, culturally appropriate, historically marginalized communities, communities of color, low-income communities, and community organizations.

(8) The pilot program expires July 1, 2025.

(9) This section expires January 1, 2026. [2021 c 272 s 6.]

**Intent—Findings—Short title—2021 c 272:** See notes following RCW 28B.50.920.

**RCW 28B.50.935 Faculty counselors—Minimum standards.** (1) It is the intent of the legislature to provide clear minimum standards to ensure qualified faculty counselors while also providing flexibility to allow for differences in criteria required by hiring institutions. Within existing resources, and beginning September 1, 2021, the college board shall adopt rules regarding the minimum hiring standards for a faculty counselor. At a minimum, these must include:

(a) A graduate or professional degree in a related field;

(b) Completion of appropriate graduate coursework; and

(c) Standards established by the state board for community and technical colleges.

(2) The requirements and standards imposed through this section do not apply to an individual employed by a college district as a counselor before September 1, 2021. Counselors who began employment at one college district prior to September 1, 2021, and moved employment to a different college district after that date may carry the exemptions from the requirements and standards imposed through this section to their new place of employment. [2021 c 272 s 7.]

**Intent—Findings—Short title—2021 c 272:** See notes following RCW 28B.50.920.

**RCW 28B.50.940 Student aid outreach and completion initiative pilot program—Outreach specialists.** Subject to availability of amounts appropriated for this specific purpose, the college board shall administer a free application for federal student aid and Washington application for state financial aid outreach and completion initiative pilot program.

(1) The college board shall select community or technical colleges to participate in the pilot program. The colleges selected to participate must each be located within educational service districts that are in the bottom two for free application for federal student aid completion rates when combining their respective school districts' free application for federal student aid completion rates over the past three completed academic years prior to June 9, 2022. Colleges selected to participate shall employ outreach specialists to work directly with the high schools located in the corresponding

educational service district. It is the legislature's intent that the outreach specialists be employed at a ratio of one to 600 high school seniors within the corresponding educational service district. The outreach specialists shall make significant contact with high school students and their families for the purpose of increasing free application for federal student aid and Washington application for state financial aid completion rates. The outreach specialists shall use the free application for federal student aid and Washington application for state financial aid data maintained by the student achievement council to conduct targeted outreach and free application for federal student aid and Washington application for state financial aid completion assistance to high school seniors. The outreach specialists shall also provide information on how to access private scholarships. The outreach specialists shall conduct other outreach as appropriate, including virtual or in-person presentations with students and families, announcements on school intercoms and social media channels, outreach to recent high school graduates as peer messengers, and events at school college or career fairs.

(2) The college board shall report annually to the appropriate committees of the legislature in accordance with RCW 43.01.036 beginning December 1, 2023, on the free application for federal student aid and Washington application for state financial aid outreach and completion initiative pilot program. The report must include details on how the colleges selected used the funding and how the initiatives worked to increase free application for federal student aid and Washington application for state financial aid completion rates. The report must also include before and after free application for federal student aid and Washington application for state financial aid completion data and specific details about the number of high school students assisted in completing the free application for federal student aid and Washington application for state financial aid. [2022 c 214 s 3.]

**Intent——2022 c 214:** See note following RCW 28B.77.300.

**RCW 28B.50.945 Career and technical education dual credit pilot program.** ***(Expires July 1, 2030.)*** (1) Subject to the availability of amounts appropriated for this specific purpose, the college board shall administer, and award grant funding to, a regional pilot program, for the purpose of increasing career and technical education dual credit participation and credential attainment in professional technical programs.

(2) The pilot program must be a continuation of the pilot program established in section 601(47)(a), chapter 376, Laws of 2024. This pilot program may receive grant funding for up to two years.

(3) Community and technical colleges, public high schools, and skill centers participating in a pilot program may use grant funding to cover expenses for the following activities:

(a) Developing, and updating annually, a comprehensive catalog of dual credit courses and programs offered to students enrolled in public high schools;

(b) Aligning career and technical education dual credit programs with postsecondary credential pathways and apprenticeships leading to in-demand career fields;

(c) Providing technical assistance to public high schools and institutions of higher education to improve the accuracy and speed of awarding dual credits and updating transcripts;

(d) Providing professional development for staff of public high schools and institutions of higher education to develop, align, and articulate dual credit courses; and

(e) Supporting public high school staff in the following activities:

(i) Outreach to prospective students and students who have completed career and technical education dual credit courses and are eligible for postsecondary credit about how to receive and where to apply the credit;

(ii) Providing technical assistance in course curriculum alignment for career and technical education dual credit courses;

(iii) Partnering with institutions of higher education to develop articulation agreements for career and technical education dual credit courses; and

(iv) Awarding equipment and supplies grants for career and technical education dual credit courses that meet emerging needs in high-demand, high-paying industries.

(4) For the purposes of this section, the following definitions apply:

(a) "Public high school" means a public school as defined in RCW 28A.150.010 with any of grades nine through 12; and

(b) "Skill centers" refers to the regional career and technical education partnerships established under chapter 28A.245 RCW.

(5) This section expires July 1, 2030. [2025 c 104 s 2.]

**Findings——Intent——2025 c 104:** "(1) The legislature finds that students who participate in dual credit programs have higher rates of college enrollment, persistence, and completion. Dual credit programs are an important economic development for Washington because they equip students with the skills needed for high-skill, high-wage employment and continued education in high-demand sectors.

(2) Career and technical education (CTE) dual credit is the most commonly accessed form of dual credit in Washington and has significant potential to improve equitable access to postsecondary pathways for students from all backgrounds. However, it lags behind other course-based dual credit programs in ensuring that students receive a transcripted credit while in high school, and that the credit they earn will transfer to the postsecondary institution of their choice.

(3) Therefore, the legislature intends to extend and expand a pilot program for the purpose of increasing CTE dual credit participation and credential attainment in professional technical programs and receive recommendations on future amendments to state dual credit policies." [2025 c 104 s 1.]

**RCW 28B.50.947 Career and technical education dual credit pilot program——Reports.** ***(Expires July 1, 2030.)*** (1) In compliance with RCW 43.01.036, the college board, in consultation with the office of the superintendent of public instruction, shall jointly report to the appropriate committees of the legislature on the implementation of chapter 104, Laws of 2025 and with recommendations for additional improvements to state dual credit policies. The preliminary report is

due by December 10, 2026, and the final report is due by August 10, 2027.

(2) One or both reports must include the following information:

(a) Findings regarding the pilot program created for the purpose of increasing career and technical education dual credit participation and credential attainment in professional technical programs under RCW 28B.50.945; and

(b) Recommendations to the legislature and relevant state agencies for:

(i) Improving career and technical education course articulation and for the development of statewide articulation agreements;

(ii) Improving data collection and reporting methods;

(iii) Credit transcription and transfer processes;

(iv) Ensuring college and career counseling for high school students includes robust and accurate information about dual credit pathways, including career and technical education dual credit, and their alignment to postsecondary credential and apprenticeship opportunities;

(v) Further alignment of career and technical education dual credit with career-connected learning, apprenticeship, and credential pathways; and

(vi) Identification of additional priority career and technical education dual credit courses for statewide articulation, considering, but not limited to, the targeted industry sectors under RCW 43.330.090.

(3) The final report must establish recommendations to improve state career and technical education dual credit policies, create statewide articulation agreements, and improve the uniform transcription of earned credits. These recommendations must include input from a statewide organization representing career and technical education and other relevant interested parties and report on potential statutory changes and administrative rule improvements that support equitable student access to, and the effectiveness of, career and technical education dual credit programs.

(4) This section expires July 1, 2030. [2025 c 104 s 3.]

**Findings——Intent——2025 c 104:** See note following RCW 28B.50.945.

**RCW 28B.50.980 Construction——Chapter applicable to state registered domestic partnerships——2009 c 521.** For the purposes of this chapter, the terms spouse, marriage, marital, husband, wife, widow, widower, next of kin, and family shall be interpreted as applying equally to state registered domestic partnerships or individuals in state registered domestic partnerships as well as to marital relationships and married persons, and references to dissolution of marriage shall apply equally to state registered domestic partnerships that have been terminated, dissolved, or invalidated, to the extent that such interpretation does not conflict with federal law. Where necessary to implement chapter 521, Laws of 2009, gender-specific terms such as husband and wife used in any statute, rule, or other law shall be construed to be gender neutral, and applicable to individuals in state registered domestic partnerships. [2009 c 521 s 75.]

# Chapter 28B.52 RCW
# COLLECTIVE BARGAINING—ACADEMIC PERSONNEL IN COMMUNITY COLLEGES

**Sections**


28B.52.010 Declaration of purpose.
28B.52.020 Definitions.
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28B.52.200 Scope of chapter—Limitations—When attempts to resolve dispute required.
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28B.52.220 Scope of chapter—Community and technical colleges part-time academic employees.
28B.52.230 Information to be provided to exclusive bargaining representative by employer.
28B.52.300 Construction of chapter.


**RCW 28B.52.010 Declaration of purpose.** It is the purpose of this chapter to strengthen methods of administering employer-employee relations through the establishment of orderly methods of communication between academic employees and the college districts by which they are employed.

It is the purpose of this chapter to promote cooperative efforts by prescribing certain rights and obligations of the employees and employers and by establishing orderly procedures governing the relationship between the employees and their employers which procedures are designed to meet the special requirements and needs of

public employment in higher education. It is the intent of this chapter to promote activity that includes the elements of open communication and access to information in a timely manner, with reasonable discussion and interpretation of that information. It is the further intent that such activity shall be characterized by mutual respect, integrity, reasonableness, and a desire on the part of the parties to address and resolve the points of concern. [1991 c 238 s 145; 1987 c 314 s 1; 1971 ex.s. c 196 s 1.]

**RCW 28B.52.020 Definitions.** As used in this chapter:

(1) "Employee organization" means any organization which includes as members the academic employees of a college district and which has as one of its purposes the representation of the employees in their employment relations with the college district.

(2) "Academic employee" means any teacher, counselor, librarian, or department head, who is employed by any college district, whether full or part time, with the exception of the chief administrative officer of, and any administrator in, each college district.

(3) "Administrator" means any person employed either full or part time by the college district and who performs administrative functions as at least fifty percent or more of his or her assignments, and has responsibilities to hire, dismiss, or discipline other employees. Administrators shall not be members of the bargaining unit unless a majority of such administrators and a majority of the bargaining unit elect by secret ballot for such inclusion pursuant to rules as adopted in accordance with RCW 28B.52.080.

(4) "Commission" means the public employment relations commission.

(5) "Unfair labor practice" means any unfair labor practice listed in RCW 28B.52.073.

(6) "Exclusive bargaining representative" means any employee organization which has:

(a) Been certified or recognized under this chapter as the representative of the employees in an appropriate collective bargaining unit; or

(b) Before July 26, 1987, been certified or recognized under a predecessor statute as the representative of the employees in a bargaining unit which continues to be appropriate under this chapter.

(7) "Collective bargaining" and "bargaining" mean the performance of the mutual obligation of the representatives of the employer and the exclusive bargaining representative to meet at reasonable times to bargain in good faith in an effort to reach agreement with respect to wages, hours, and other terms and conditions of employment, such as procedures related to nonretention, dismissal, denial of tenure, and reduction in force. Prior law, practice, or interpretation shall be neither restrictive, expansive, nor determinative with respect to the scope of bargaining. A written contract incorporating any agreements reached shall be executed if requested by either party. The obligation to bargain does not compel either party to agree to a proposal or to make a concession.

In the event of a dispute between an employer and an exclusive bargaining representative over the matters that are terms and conditions of employment, the commission shall decide which items are mandatory subjects for bargaining. [2019 c 230 s 2; 1991 c 238 s 146; 1987 c 314 s 2; 1975 1st ex.s. c 296 s 12; 1973 1st ex.s. c 205 s 1; 1971 ex.s. c 196 s 2.]

**Severability—1973 1st ex.s. c 205:** "If any provision of this 1973 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1973 1st ex.s. c 205 s 7.]

*Public employment relations commission: Chapter 41.58 RCW.*

**RCW 28B.52.025 Right to organize or refrain from organizing.** Employees have the right to self-organization, to form, join, or assist employee organizations, to bargain collectively through representatives of their own choosing, and also have the right to refrain from any or all of these activities. [2019 c 230 s 4; 1987 c 314 s 5.]

**RCW 28B.52.027 Application of RCW 41.56.067—Bargaining representative access to new employees.** *RCW 41.56.067 applies to this chapter. [2018 c 250 s 2.]

***Reviser's note:** This RCW reference has been corrected to reflect the reorganization of chapter 41.56 RCW by 2025 c 290 s 2.

**RCW 28B.52.030 Representatives of employee organization—Right to collective bargaining.** Representatives of an employee organization, which organization shall by secret ballot have won a majority in an election to represent the academic employees within its college district, shall have the right to bargain. [2019 c 230 s 3; 1991 c 238 s 147; 1987 c 314 s 3; 1973 1st ex.s. c 205 s 2; 1971 ex.s. c 196 s 3.]

**Severability—1973 1st ex.s. c 205:** See note following RCW 28B.52.020.

**RCW 28B.52.035 Negotiations reduced to written agreements—Provisions relating to salary increases—Restrictions.** (1) At the conclusion of any negotiation processes as provided for in RCW 28B.52.030, any matter upon which the parties have reached agreement shall be reduced to writing and acted upon in a regular or special meeting of the boards of trustees, and become part of the official proceedings of said board meeting. Except as provided in this section, provisions of written contracts relating to salary increases shall not exceed the amount or percentage established by the legislature in the appropriations act and allocated to the board of trustees by the state board for community and technical colleges.

(2) The written agreement acted upon by a board of trustees must be submitted to the director of the office of financial management by October 1 prior to the fiscal year in which the provisions of the agreement go into effect. The length of term of any such agreement shall be for not more than three fiscal years. If any provision of a salary increase is changed by subsequent modification of the appropriations act by the legislature, both parties shall immediately enter into collective bargaining for the sole purpose of arriving at a mutually agreed upon replacement for the modified provision. A board

of trustees may provide additional compensation to academic employees that exceeds that provided by the legislature. [2018 c 267 s 2; 1991 c 238 s 148; 1987 c 314 s 4; 1973 1st ex.s. c 205 s 4.]

**Severability—1973 1st ex.s. c 205:** See note following RCW 28B.52.020.

**RCW 28B.52.040 Negotiated agreements—Procedures for binding arbitration.** A board of trustees or an employee organization that enters into a negotiated agreement under RCW 28B.52.030 may include in the agreement procedures for binding arbitration of the disputes arising about the interpretation or application of the agreement including but not limited to nonretention, dismissal, denial of tenure, and reduction in force. [1987 c 314 s 6.]

**RCW 28B.52.043 Collective bargaining—Employee authorization of membership dues—Revocation.** (1)(a) An employee's written, electronic, or recorded voice authorization to have the employer deduct membership dues from the employee's salary must be made by the employee to the exclusive bargaining representative. If the employer receives a request for authorization of deductions, the employer shall as soon as practicable forward the request to the exclusive bargaining representative.

(b) Upon receiving notice of the employee's authorization from the exclusive bargaining representative, the employer shall deduct from the employee's salary membership dues and remit the amounts to the exclusive bargaining representative.

(c) The employee's authorization remains in effect until expressly revoked by the employee in accordance with the terms and conditions of the authorization.

(2)(a) An employee's request to revoke authorization for payroll deductions must be in writing and submitted by the employee to the exclusive bargaining representative in accordance with the terms and conditions of the authorization.

(b) After the employer receives confirmation from the exclusive bargaining representative that the employee has revoked authorization for deductions, the employer shall end the deduction no later than the second payroll after receipt of the confirmation.

(3) The employer shall rely on information provided by the exclusive bargaining representative regarding the authorization and revocation of deductions. [2019 c 230 s 5.]

**RCW 28B.52.045 Collective bargaining—Exclusive bargaining representative—Dues and other payments.** (1) Upon authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

(2) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that includes requirements for deductions of other payments, the employer

must make such deductions upon authorization of the employee. [2019 c 230 s 6; 2018 c 247 s 1; 1987 c 314 s 8.]

**RCW 28B.52.050 Academic employee may appear in own behalf.** Nothing in this chapter shall prohibit any academic employee from appearing in his or her own behalf on matters relating to his or her employment relations with the college district. [1991 c 238 s 149; 1971 ex.s. c 196 s 4.]

**RCW 28B.52.060 Commission—Mediation activities—Other dispute resolution procedures authorized.** The commission shall conduct mediation activities upon the request of either party as a means of assisting in the settlement of unresolved matters considered under this chapter.

In the event that any matter being jointly considered by the employee organization and the board of trustees of the college district is not settled by the means provided in this chapter, either party, twenty-four hours after serving written notice of its intended action to the other party, may, request the assistance and advice of the commission. Nothing in this section prohibits an employer and an employee organization from agreeing to substitute, at their own expense, some other impasse procedure or other means of resolving matters considered under this chapter. [1991 c 238 s 150; 1987 c 314 s 9; 1975 1st ex.s. c 296 s 13; 1973 1st ex.s. c 205 s 3; 1971 ex.s. c 196 s 5.]

**Severability—1973 1st ex.s. c 205:** See note following RCW 28B.52.020.

**RCW 28B.52.065 Commission's adjudication of unfair labor practices—Rules—Binding arbitration authorized.** The commission may adjudicate any unfair labor practices alleged by a board of trustees or an employee organization and shall adopt reasonable rules to administer this section, except that a complaint must not be processed for any unfair labor practice occurring more than six months before the filing of the complaint with the commission or in superior court. However, the parties may agree to seek relief from unfair labor practices through binding arbitration. [2018 c 252 s 7; 1987 c 314 s 10.]

**RCW 28B.52.070 Discrimination prohibited.** Boards of trustees of college districts or any administrative officer thereof shall not discriminate against academic employees or applicants for such positions because of their membership or nonmembership in employee organizations or their exercise of other rights under this chapter. [1991 c 238 s 151; 1971 ex.s. c 196 s 6.]

**RCW 28B.52.073 Unfair labor practices.** (1) It shall be an unfair labor practice for an employer:

(a) To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed by this chapter;

(b) To dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it: PROVIDED, That subject to rules adopted by the commission, an employer shall not be prohibited from permitting employees to confer with it or its representatives or agents during working hours without loss of time or pay;

(c) To encourage or discourage membership in any employee organization by discrimination in regard to hire, tenure of employment, or any term or condition of employment;

(d) To discharge or discriminate otherwise against an employee because that employee has filed charges or given testimony under this chapter;

(e) To refuse to bargain collectively with the representatives of its employees.

(2) It shall be an unfair labor practice for an employee organization:

(a) To restrain or coerce an employee in the exercise of the rights guaranteed by this chapter: PROVIDED, That this subsection shall not impair the right of an employee organization to prescribe its own rules with respect to the acquisition or retention of membership in the employee organization or to an employer in the selection of its representatives for the purpose of bargaining or the adjustment of grievances;

(b) To cause or attempt to cause an employer to discriminate against an employee in violation of subsection (1)(c) of this section;

(c) To discriminate against an employee because that employee has filed charges or given testimony under this chapter;

(d) To refuse to bargain collectively with an employer.

(3) The expressing of any views, arguments, or opinion, or the dissemination thereof to the public, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of an unfair labor practice under this chapter, if such expression contains no threat of reprisal or force or promise of benefit. [1987 c 314 s 11.]

**RCW 28B.52.078 Strikes and lockouts prohibited—Violations—Remedies.** The right of college faculty to engage in any strike is prohibited. The right of a board of trustees to engage in any lockout is prohibited. Should either a strike or lockout occur, the representative of the faculty or board of trustees may invoke the jurisdiction of the superior court in the county in which the labor dispute exists and such court shall have jurisdiction to issue an appropriate order against either or both parties. In fashioning an order, the court shall take into consideration not only the elements necessary for injunctive relief but also the purpose and goals of this chapter and any mitigating factors such as the commission of an unfair labor practice by either party. [1991 c 238 s 152; 1987 c 314 s 13.]

**RCW 28B.52.080 Commission to adopt rules and regulations—Boards may request commission services.** The commission shall adopt reasonable rules and regulations for the administration of employer-employee relations under this chapter. The boards may request the services of the commission to assist in the conduction of

certification elections as provided for in RCW 28B.52.030. [1975 1st ex.s. c 296 s 14; 1973 1st ex.s. c 205 s 5; 1971 ex.s. c 196 s 7.]

**Severability—1973 1st ex.s. c 205:** See note following RCW 28B.52.020.

**RCW 28B.52.090 Prior agreements.** Nothing in this chapter shall be construed to annul or modify, or to preclude the renewal or continuation of, any lawful agreement heretofore entered into between any college district and any representative of its employees. [1991 c 238 s 153; 1971 ex.s. c 196 s 8.]

**RCW 28B.52.100 State higher education administrative procedure act not to affect.** Contracts or agreements, or any provision thereof entered into between boards of trustees and employees organizations pursuant to this chapter shall not be affected by or be subject to chapter 34.05 RCW. [1971 ex.s. c 196 s 9.]

**RCW 28B.52.110 Certain communications—Privilege from examination and disclosure.** The privilege established by RCW 5.60.060(11) shall apply to all employee organizations covered by this chapter and in all proceedings authorized by this chapter. [2023 c 202 s 3.]

**Findings—2023 c 202:** See note following RCW 5.60.060.

**RCW 28B.52.200 Scope of chapter—Limitations—When attempts to resolve dispute required.** Nothing in chapter 28B.52 RCW as now or hereafter amended shall compel either party to agree to a proposal or to make a concession, nor shall any provision in chapter 28B.52 RCW as now or hereafter amended be construed as limiting or precluding the exercise by each college board of trustees of any powers or duties authorized or provided to it by law unless such exercise is contrary to the terms and conditions of any lawful negotiated agreement, except that other than to extend the terms of a previous contract, a board of trustees shall not take unilateral action on any unresolved issue under negotiation, unless the parties have first participated in good faith mediation or some other procedure as authorized by RCW 28B.52.060 to seek resolution of the issue. [1991 c 238 s 154; 1987 c 314 s 12; 1973 1st ex.s. c 205 s 6.]

**Severability—1973 1st ex.s. c 205:** See note following RCW 28B.52.020.

**RCW 28B.52.210 Scope of chapter—Community and technical colleges faculty awards trust program.** With respect to the community and technical colleges faculty awards trust program, the permissible scope of collective bargaining under this chapter shall be governed by RCW 28B.50.843. [1991 c 238 s 155; 1990 c 29 s 6.]

**Severability—1990 c 29:** See note following RCW 28B.50.835.

**RCW 28B.52.220 Scope of chapter—Community and technical colleges part-time academic employees.** With respect to the community and technical colleges part-time academic employees, the permissible scope of collective bargaining under this chapter shall be governed by RCW 28B.50.4893 and 28B.50.489. [2000 c 128 s 4.]

**Construction—2000 c 128:** "Nothing contained in this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement." [2000 c 128 s 5.]

**RCW 28B.52.230 Information to be provided to exclusive bargaining representative by employer.** *RCW 41.56.065 applies to this chapter. [2023 c 204 s 3.]

***Reviser's note:** This RCW reference has been corrected to reflect the reorganization of chapter 41.56 RCW by 2025 c 290 s 2.

**RCW 28B.52.300 Construction of chapter.** Except as otherwise expressly provided in this chapter, this chapter shall not be construed to deny or otherwise abridge any rights, privileges, or benefits granted by law to employees. This chapter shall not be construed to interfere with the responsibilities and rights of the board of trustees as specified by federal and state law. [1987 c 314 s 7.]

# Chapter 28B.63 RCW
# COMMERCIAL ACTIVITIES BY INSTITUTIONS OF HIGHER EDUCATION

**Sections**


28B.63.010 Intent.
28B.63.020 Definitions.
28B.63.030 Development of policies and mechanisms for defining and reviewing commercial activities.
28B.63.040 Criteria for developing policies.
28B.63.050 Programs and activities exempt from chapter.


**RCW 28B.63.010 Intent.** The primary mission of institutions of higher education is the creation and dissemination of knowledge. Institutions of higher education must be mindful that in providing goods and services for fees, they may be competing with local private businesses.

It is the intent of the legislature to require institutions of higher education to define the legitimate purposes under which commercial activities may be approved, and to establish a mechanism for review of such activities. [1987 c 97 s 1.]

**RCW 28B.63.020 Definitions.** For the purposes of this chapter:

(1) "Institutions of higher education" or "institutions" mean those institutions as defined in RCW 28B.10.016(4).

(2) "Commercial activity" means an activity which provides a product or service for a fee which could be obtained from a commercial source.

(3) "Fees" means any fees or charges imposed for goods, services, or facilities. [1987 c 97 s 2.]

**RCW 28B.63.030 Development of policies and mechanisms for defining and reviewing commercial activities.** Institutions of higher education in consultation with local business organizations and representatives of the small business community are required to develop:

(1) Comprehensive policies that define the legitimate purposes under which the institutions shall provide goods, services, or facilities that are practically available from private businesses;

(2) A mechanism for reviewing current and proposed commercial activities to ensure that activities are consistent with institutional policies; and

(3) A mechanism for receiving, reviewing, and responding to enquiries from private businesses about commercial activities carried on by institutions of higher education. [1987 c 97 s 3.]

**RCW 28B.63.040 Criteria for developing policies.** (1) The following criteria shall be considered in developing policies in regard to providing goods, services, or facilities to persons other than students, faculty, staff, patients, and invited guests:

(a) The goods, services, or facilities represent a resource which is substantially and directly related to the institution's instructional, research, or public service mission, which is not

practically available in the private marketplace and for which there is a demand from the external community.

(b) Fees charged for the goods, services, or facilities shall take into account the full direct and indirect costs, overhead, and the price of such items in the private marketplace.

(2) The following criteria shall be considered in developing policies in regard to providing goods, services, or facilities to students, faculty, staff, patients, and invited guests:

(a) The goods, services, or facilities are substantially and directly related to the institution's instructional, research, or public service mission.

(b) Provision of the goods, services, or facilities on campus represents a special convenience to and supports the campus community, or facilitates extracurricular, public service, or on-campus residential life.

(c) Fees charged for the goods, services, or facilities shall take into account the full direct and indirect costs, including overhead.

(d) The adequacy of security procedures to ensure that the goods, services, or facilities are provided only to persons who are students, faculty, staff, patients, or invited guests. [1987 c 97 s 4.]

**RCW 28B.63.050 Programs and activities exempt from chapter.** This chapter shall not apply to the initiation of or changes in academic or vocational programs of instruction in the institutions' regular, extension, evening, or continuing education programs, or the fees therefor, fees for services provided in the practicum aspects of instruction, or research programs, and in extracurricular or residential life programs, including residence halls, food services, athletic and recreational programs, and performing arts programs. [1987 c 97 s 5.]

# Chapter 28B.67 RCW
# CUSTOMIZED EMPLOYMENT TRAINING

**Sections**


28B.67.005 Findings—Intent.
28B.67.010 Definitions.
28B.67.020 Customized employment training program created—Applications—Criteria—Rules.
28B.67.030 Employment training finance account.
28B.67.900 Construction.
28B.67.903 Effective date—2017 c 21.


**RCW 28B.67.005 Findings—Intent.** The legislature finds that the provision of customized training is critical to attracting and retaining businesses, and that the growth of many businesses is limited by an unmet need for customized training. The legislature also finds that workforce training not only helps business, it also improves the quality of life for workers and communities. Because of the statewide public benefit to be gained from instituting a customized training program, the legislature intends to create a new program to fund workforce training in a manner that reduces the up-front costs of training to new and expanding firms. [2006 c 112 s 1.]

**RCW 28B.67.010 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the state board for community and technical colleges.

(2) "Costs of training" and "training costs" means the direct costs experienced under a contract with a qualified training institution for formal technical or skill training, including basic skills. "Costs of training" includes amounts in the contract for costs of instruction, materials, equipment, rental of class space, marketing, and overhead. "Costs of training" does not include employee tuition reimbursements unless the tuition reimbursement is specifically included in a contract.

(3) "Participant" means a private employer that, under this chapter, undertakes a training program with a qualified training institution.

(4) "Qualified training institution" means a public community or technical college or a private vocational school licensed by either the workforce training and education coordinating board or the *higher education coordinating board.

(5) "Training allowance" and "allowance" means a voucher, credit, or payment from the board to a participant to cover training costs.

(6) "Training program" means a program funded under this chapter at a qualified training institution. [2006 c 112 s 2.]

***Reviser's note:** The higher education coordinating board was abolished by 2011 1st sp.s. c 11 s 301, effective July 1, 2012.

**RCW 28B.67.020 Customized employment training program created—Applications—Criteria—Rules.** (1) The Washington customized

employment training program is hereby created to provide training assistance to employers locating or expanding in the state.

(2)(a) Application to receive funding under this program must be made to the board in a form and manner as specified by the board. Successful applicants must receive a training allowance from the board to cover the costs of training at a qualified training institution. Employers may not receive an allowance for training costs which exceed the maximum annual training cost per employee, as established by the board, and are not eligible to receive an allowance or allowances of over five hundred thousand dollars per calendar year.

(b) Allowances must be granted for applicants who meet the following criteria:

(i) The employer must have entered into an agreement with a qualified training institution to engage in customized training and the employer must agree to: (A) Upon completion of the training, make a payment to the employment training finance account created in RCW 28B.67.030 in an amount equal to one-quarter of the amount of the training allowance; and (B) over the subsequent eighteen months, make monthly or quarterly payments, as specified in the agreement, to the employment training finance account created in RCW 28B.67.030 in an amount equal to three-quarters of the amount of the training allowance. During calendar years 2009 and 2010, participants may delay payments due under this section for up to eighteen months. The payments into the employment training finance account provided for in this section do not constitute payment to the institution.

(ii) When hiring, the employer must make good faith efforts, as determined by the board, to hire from trainees in the participant's training program. The agreement with the qualified training institution provided for in (b)(i) of this subsection must specify terms for reimbursement or additional payment to the employment training finance account by the employer if the participant does not, when hiring, make good faith efforts to hire from trainees in the participant's training program.

(iii) The training allowance may not be used to train workers who have been hired as a result of a strike or lockout.

(c) Preference is given to employers with fewer than fifty employees.

(d) Preference is given to training that leads to transferable skills that are interchangeable among different jobs, employers, or workplaces.

(3) Qualified training institutions may enter into agreements with four-year institutions of higher education, as defined in RCW 28B.10.016, in accordance with the interlocal cooperation act, chapter 39.34 RCW.

(4) The board and qualified training institutions may solicit and receive gifts, grants, funds, fees, and endowments, in trust or otherwise, from tribal, local, federal, or other governmental entities, as well as private sources, for the purpose of providing training allowances under chapter 112, Laws of 2006. All revenue thus solicited and received must be deposited into the employment training finance account created in RCW 28B.67.030.

(5) Qualified training institutions must make good faith efforts to develop training programs using trainers preferred by participants.

(6) For employers who (a) have requested training under the job skills program created under chapter 28C.04 RCW but are not able to participate in the job skills program because the funds have all been committed, and (b) desire to become participants in the Washington

customized employment training program, the board shall ensure a seamless process toward participation.

(7) The board may adopt rules to implement this section. [2017 c 21 s 1; 2012 c 46 s 1; 2011 c 151 s 4. Prior: 2009 c 296 s 1; 2006 c 112 s 3.]

**RCW 28B.67.030 Employment training finance account.** (1) All payments received from a participant in the Washington customized employment training program created in RCW 28B.67.020 must be deposited into the employment training finance account, which is hereby created in the custody of the state treasurer. Only the state board for community and technical colleges may authorize expenditures from the account and no appropriation is required for expenditures. The money in the account must be used solely for training allowances under the Washington customized employment training program created in RCW 28B.67.020 and for providing up to seventy-five thousand dollars per year for training, marketing, and facilitation services to increase the use of the program. The deposit of payments under this section from a participant ceases when the board specifies that the participant has met the monetary obligations of the program. During the 2013-2015 fiscal biennium, the legislature may transfer from the employment training finance account to the state general fund such amounts as reflect the excess fund balance in the account.

(2) All revenue solicited and received under the provisions of RCW 28B.67.020(4) must be deposited into the employment training finance account to provide training allowances.

(3) The definitions in RCW 28B.67.010 apply to this section. [2017 c 21 s 2; 2013 2nd sp.s. c 4 s 961; 2012 c 46 s 2; 2010 1st sp.s. c 26 s 4. Prior: 2009 c 564 s 1804; 2009 c 296 s 2; 2006 c 112 s 8.]

**Effective dates—2013 2nd sp.s. c 4:** See note following RCW 2.68.020.

**Effective date—2009 c 564:** See note following RCW 2.68.020.

**RCW 28B.67.900 Construction.** This chapter, being necessary for the welfare of the state and its inhabitants, shall be liberally construed to effect its purposes. Insofar as the provisions of this chapter are inconsistent with the provisions of any general or special law, or parts thereof, the provisions of this chapter shall be controlling. [2006 c 112 s 4.]

**RCW 28B.67.903 Effective date—2017 c 21.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 30, 2017. [2017 c 21 s 4.]

# Chapter 28B.70 RCW
# WESTERN REGIONAL HIGHER EDUCATION COMPACT

**Sections**

28B.70.010 Ratification of compact.
28B.70.020 Terms and provisions of compact.
28B.70.030 Formal ratification.
28B.70.040 Appointment, removal of commissioners.
28B.70.050 Exemption from nonresident tuition fees differential.

*Office to coordinate state participation within student exchange compact programs: RCW 28B.76.640 through 28B.76.650.*

**RCW 28B.70.010 Ratification of compact.** The western regional higher education compact, recommended by the western governors' conference on November 10, 1950, for adoption by the states or territories of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, Alaska and Hawaii, is hereby ratified and approved and the adherence of this state to the provisions of this compact, upon its ratification and approval by any four or more of such states or territories in addition to this state, is hereby declared. [1969 ex.s. c 223 s 28B.70.010. Prior: 1955 c 214 s 1. Formerly RCW 28.82.010.]

**RCW 28B.70.020 Terms and provisions of compact.** The terms and provisions of the compact referred to in RCW 28B.70.010 are as follows:

WESTERN REGIONAL
HIGHER EDUCATION COMPACT

Article I

WHEREAS, The future of this Nation and of the Western States is dependent upon the quality of the education of its youth; and

WHEREAS, Many of the Western States individually do not have sufficient numbers of potential students to warrant the establishment and maintenance within their borders of adequate facilities in all the essential fields of technical, professional and graduate training, nor do all of the states have the financial ability to furnish within their borders institutions capable of providing acceptable standards of training in all of the fields mentioned above; and

WHEREAS, It is believed that the Western States, or group of such states within the Region, cooperatively can provide acceptable and efficient educational facilities to meet the needs of the Region and of the students thereof;

NOW, THEREFORE, The States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming, and the Territories of Alaska and Hawaii, do hereby covenant and agree as follows:

Article II

Each of the compacting states and territories pledge to each of the other compacting states and territories faithful cooperation in carrying out all the purposes of this compact.

## Article III

The compacting states and territories hereby create the Western Interstate Commission for Higher Education, hereinafter called the Commission. Said Commission shall be a body corporate of each compacting state and territory and an agency thereof. The Commission shall have all the powers and duties set forth herein, including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states and territories.

## Article IV

The Commission shall consist of three resident members from each compacting state or territory. At all times one commissioner from each compacting state or territory shall be an educator engaged in the field of higher education in the state or territory from which he is appointed.

The commissioners from each state and territory shall be appointed by the governor thereof as provided by law in such state or territory. Any commissioner may be removed or suspended from office as provided by the law of the state or territory from which he shall have been appointed.

The term of each commissioner shall be four years: PROVIDED, HOWEVER, That the first three commissioners shall be appointed as follows: one for two years, one for three years, and one for four years. Each commissioner shall hold office until his successor shall be appointed and qualified. If any office becomes vacant for any reason, the governor shall appoint a commissioner to fill the office for the remainder of the unexpired term.

## Article V

Any business transacted at any meeting of the Commission must be by affirmative vote of a majority of the whole number of compacting states and territories.

One or more commissioners from a majority of the compacting states and territories shall constitute a quorum for the transaction of business.

Each compacting state and territory represented at any meeting of the Commission is entitled to one vote.

## Article VI

The Commission shall elect from its number a chairman and a vice chairman, and may appoint, and at its pleasure dismiss or remove, such officers, agents and employees as may be required to carry out the purpose of this compact; and shall fix and determine their duties, qualifications and compensation, having due regard for the importance of the responsibilities involved.

The commissioners shall serve without compensation, but shall be reimbursed for their actual and necessary expenses from the funds of the Commission.

## Article VII

The Commission shall adopt a seal and bylaws and shall adopt and promulgate rules and regulations for its management and control.

The Commission may elect such committees as it deems necessary for the carrying out of its functions.

The Commission shall establish and maintain an office within one of the compacting states for the transaction of its business and may meet at any time, but in any event must meet at least once a year. The chairman may call such additional meetings and upon the request of a majority of the commissioners of three or more compacting states or territories shall call additional meetings.

The Commission shall submit a budget to the governor of each compacting state and territory at such time and for such period as may be required.

The Commission shall, after negotiations with interested institutions, determine the cost of providing the facilities for graduate and professional education for use in its contractual agreements throughout the Region.

On or before the fifteenth day of January of each year, the Commission shall submit to the governors and legislatures of the compacting states and territories a report of its activities for the preceding calendar year.

The Commission shall keep accurate books of account, showing in full its receipts and disbursements, and said books of account shall be open at any reasonable time for inspection by the governor of any compacting state or territory or his designated representative. The Commission shall not be subject to the audit and accounting procedure of any of the compacting states or territories. The Commission shall provide for an independent annual audit.

## Article VIII

It shall be the duty of the Commission to enter into such contractual agreements with any institutions in the Region offering graduate or professional education and with any of the compacting states or territories as may be required in the judgment of the Commission to provide adequate services and facilities of graduate and professional education for the citizens of the respective compacting states or territories. The Commission shall first endeavor to provide adequate services and facilities in the fields of dentistry, medicine, public health and veterinary medicine, and may undertake similar activities in other professional and graduate fields.

For this purpose the Commission may enter into contractual agreements

(a) with the governing authority of any educational institution in the Region, or with any compacting state or territory to provide such graduate or professional educational services upon terms and conditions to be agreed upon between contracting parties and

(b) with the governing authority of any educational institution in the Region or with any compacting state or territory to assist in the placement of graduate or professional students in educational institutions in the Region providing the desired services and facilities, upon such terms and conditions as the Commission may prescribe.

It shall be the duty of the Commission to undertake studies of needs for professional and graduate educational facilities in the Region, the resources of meeting such needs, and the long-range effects of the compact on higher education; and from time to time prepare comprehensive reports on such research for presentation to the Western Governors' Conference and to the legislatures of the compacting states and territories. In conducting such studies, the Commission may confer with any national or regional planning body which may be established. The Commission shall draft and recommend to

the governors of the various compacting states and territories, uniform legislation dealing with problems of higher education in the Region.

For the purposes of this compact the word "Region" shall be construed to mean the geographical limits of the several compacting states and territories.

Article IX

The operating costs of the Commission shall be apportioned equally among the compacting states and territories.

Article X

This compact shall become operative and binding immediately as to those states and territories adopting it whenever five or more of the states or territories of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, Alaska and Hawaii have duly adopted it prior to July 1, 1955. This compact shall become effective as to any additional states or territories thereafter at the time of such adoption.

Article XI

This compact may be terminated at any time by consent of a majority of the compacting states or territories. Consent shall be manifested by passage and signature in the usual manner of legislation expressing such consent by the legislature and governor of such terminating state. Any state or territory may at any time withdraw from this compact by means of appropriate legislation to that end. Such withdrawal shall not become effective until two years after written notice thereof by the governor of the withdrawing state or territory accompanied by a certified copy of the requisite legislative action is received by the Commission. Such withdrawal shall not relieve the withdrawing state or territory from its obligations hereunder accruing prior to the effective date of withdrawal. The withdrawing state or territory may rescind its action of withdrawal at any time within the two-year period. Thereafter the withdrawing state or territory may be reinstated by application to and the approval by a majority vote of the Commission.

Article XII

If any compacting state or territory shall at any time default in the performance of any of its obligations assumed or imposed in accordance with the provisions of this compact, all rights, privileges and benefits conferred by this compact or agreements hereunder, shall be suspended from the effective date of such default as fixed by the commission.

Unless such default shall be remedied within a period of two years following the effective date of such default, this compact may be terminated with respect to such defaulting state or territory by affirmative vote of three-fourths of the other member states or territories.

Any such defaulting state may be reinstated by (a) performing all acts and obligations upon which it has heretofore defaulted, and (b) application to and the approval by a majority vote of the Commission. [1969 ex.s. c 223 s 28B.70.020. Prior: 1955 c 214 s 2. Formerly RCW 28.82.020.]

**RCW 28B.70.030 Formal ratification.** Upon ratification and approval of the western regional higher education compact by any four or more of the specified states or territories in addition to this state, the governor of this state is authorized and directed to execute said compact on behalf of this state and to perform any other acts which may be deemed requisite to its formal ratification and promulgation. [1969 ex.s. c 223 s 28B.70.030. Prior: 1955 c 214 s 3. Formerly RCW 28.82.030.]

**RCW 28B.70.040 Appointment, removal of commissioners.** (1) The governor shall appoint the members, for this state, of the Western Interstate Commission for Higher Education, which is created under the provisions of Article III of the western regional higher education compact.

(2) The qualifications and terms of office of the members of the commission for this state shall conform with the provisions of Article IV of said compact.

(3) The commissioners shall serve without compensation and they shall be reimbursed for their actual and necessary expenses by the Western Interstate Commission for Higher Education.

(4) The governor may remove a member of the commission in conformity with the provisions of RCW 43.06.070, 43.06.080 and 43.06.090. [1981 c 338 s 14; 1969 ex.s. c 223 s 28B.70.040. Prior: 1955 c 214 s 4. Formerly RCW 28.82.040.]

**RCW 28B.70.050 Exemption from nonresident tuition fees differential.** When said compact becomes operative the governing board of each institution of higher education in this state, to the extent necessary to conform with the terms of the contractual agreement, subject to the limitations of RCW 28B.15.910, may exempt from payment all or a portion of the nonresident tuition fees differential, any student admitted to such institution under the terms of a contractual agreement entered into with the commission in accord with the provisions of Article VIII(a) of the compact. [1993 sp.s. c 18 s 33; 1992 c 231 s 30; 1969 ex.s. c 223 s 28B.70.050. Prior: 1955 c 214 s 5. Formerly RCW 28.82.050.]

**Effective date——1993 sp.s. c 18:** See note following RCW 28B.12.060.

**Effective date——1992 c 231:** See note following RCW 28B.10.016.

# Chapter 28B.76 RCW
# OFFICE OF STUDENT FINANCIAL ASSISTANCE
(Formerly: Higher education coordinating board)

**Sections**


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28B.76.020 Definitions.
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28B.76.120 Adoption of rules.

PART II - POLICY AND PLANNING

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*Health sciences and services authorities application process: RCW 35.104.040.*

## PART I - GENERAL PROVISIONS

**RCW 28B.76.020 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Council" means the council for higher education.

(2) "Four-year institutions" means the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, and The Evergreen State College.

(3) "Major expansion" means expansion of the higher education system that requires significant new capital investment, including building new institutions, campuses, branches, or centers or

conversion of existing campuses, branches, or centers that would result in a mission change.

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

(5) "Office" means the office of student financial assistance. [2011 1st sp.s. c 11 s 101; 2010 c 245 s 4; 1985 c 370 s 2. Formerly RCW 28B.80.310.]

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** "Sections 101 through 103, 106 through 202, 204 through 244, and 301 of this act take effect July 1, 2012." [2011 1st sp.s. c 11 s 403.]

**Intent—2011 1st sp.s. c 11:** "The legislature recognizes that the state's higher education system plays a critical role in assuring Washington's continued leadership role in driving economic prosperity, innovation, and opportunity. By educating citizens for living wage jobs, producing world-class research, and helping to create vibrant communities, the state's institutions of higher education form a foundational component in assuring prosperity for our citizens.

The legislature also recognizes the significant contributions made by the *higher education coordinating board in coordinating higher education policy and planning, and administering the state's financial aid programs. The board has also recently finished several significant planning efforts that will provide guidance to the legislature and to the institutions in forming priorities and deploying resources.

However, the legislature also recognizes the importance of prioritizing scarce resources for the core, frontline services that institutions provide—namely instruction, research, and robust financial aid. During times of economic downturn, policymakers must focus on those areas of public service that have the most direct and immediate impact on students. Keeping class sections open, attracting the best professors and instructors, providing comprehensive support services, and offering meaningful financial help to offset the costs of attending school must be the main concerns of policymakers.

It is for these reasons that the legislature intends to create a new office dedicated entirely to the administration of student financial aid programs. By focusing financial and governance resources on direct aid to students, the state can provide the highest level of service in this area. The legislature further intends to eliminate many of the policy and planning functions of the *higher education coordinating board and rededicate those resources to the higher education institutions that provide the core, frontline services associated with instruction and research. Given the unprecedented budget crises the state is facing, the state must take the opportunity to build on the recommendations of the board and use the dollars where they can make the most direct impact." [2011 1st sp.s. c 11 s 1.]

***Reviser's note:** The higher education coordinating board was abolished by 2011 1st sp.s. c 11 s 301, effective July 1, 2012.

**Findings—Expand on demand—System design plan endorsed—2010 c 245:** See note following RCW 28B.50.020.

**RCW 28B.76.090 Office created—Purpose.** (1) The office of student financial assistance is created within and under the direction of the student achievement council.

(2) The purpose of the office is to administer state and federal financial aid and other education services programs, including the advanced college tuition payment program in chapter 28B.95 RCW, in a cost-effective manner. [2012 c 229 s 401; 2011 1st sp.s. c 11 s 102; 2007 c 458 s 102; 2004 c 275 s 4; 1987 c 330 s 301; 1985 c 370 s 14. Formerly RCW 28B.80.430.]

**Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Construction—Application of rules—Severability—1987 c 330:** See notes following RCW 28B.12.050.

**RCW 28B.76.120 Adoption of rules.** The office shall have authority to adopt rules as necessary to implement this chapter. [2011 1st sp.s. c 11 s 103; 1985 c 370 s 8. Formerly RCW 28B.80.370.]

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

PART II - POLICY AND PLANNING

**RCW 28B.76.335 Teacher preparation degree and certificate programs—Needs assessment.** As part of the state needs assessment process conducted by the *board in accordance with **RCW 28B.76.230, the *board shall, in collaboration with the professional educator standards board, assess the need for additional degree and certificate programs in Washington that specialize in teacher preparation to meet regional or subject area shortages. If the *board determines that there is a need for additional programs, then the *board shall encourage the appropriate institutions of higher education or institutional sectors to create such a program. [2010 c 235 s 507; 2007 c 396 s 17.]

**Reviser's note:** *(1) The higher education coordinating board was abolished by 2011 1st sp.s. c 11 s 301, effective July 1, 2012.

**(2) RCW 28B.76.230 was recodified as RCW 28B.77.080 pursuant to 2012 c 229 s 904.

**Finding—2010 c 235:** See note following RCW 28A.405.245.

**Captions not law—2007 c 396:** See note following RCW 28A.305.215.

**Finding—Intent—2007 c 396:** See note following RCW 28A.188.020.

**RCW 28B.76.340 Service regions for educator preparation programs.** (1) The *board must establish boundaries for service regions for institutions of higher education as defined in RCW 28B.10.016 implementing professional educator standards board-approved educator preparation programs. Regions shall be established to encourage and support, not exclude, the reach of public institutions of higher education across the state.

(2) Based on the data in the assessment in RCW **28B.76.230 and 28B.76.335, the *board shall determine whether reasonable teacher preparation program access for prospective teachers is available in each region. If access is determined to be inadequate in a region, the institution of higher education responsible for the region shall submit a plan for meeting the access need to the *board.

(3) Partnerships with other teacher preparation program providers and the use of appropriate technology shall be considered. The *board shall review the plan and, as appropriate, assist the institution in developing support and resources for implementing the plan. [2010 c 235 s 508.]

**Reviser's note:** *(1) The higher education coordinating board was abolished by 2011 1st sp.s. c 11 s 301, effective July 1, 2012.

**(2) RCW 28B.76.230 was recodified as RCW 28B.77.080 pursuant to 2012 c 229 s 904.

**Finding—2010 c 235:** See note following RCW 28A.405.245.

PART III - EDUCATION SERVICES ADMINISTRATION

**RCW 28B.76.500 Student financial aid programs—Administration by office—College information web-based portal.** (1) The office shall administer any state program or state-administered federal program of student financial aid now or hereafter established.

(2) Each of the student financial aid programs administered by the office shall be labeled an "opportunity pathway." Loans provided by the federal government and aid granted to students outside of the financial aid package provided through institutions of higher education are not subject to the labeling provisions in this subsection. All communication materials, including, but not limited to, printed materials, presentations, and web content, shall include the "opportunity pathway" label.

(3) If the office develops a one-stop college information web-based portal that includes financial, academic, and career planning information, the portal shall display all available student financial aid programs, except federal student loans and aid granted to students outside of the financial aid package provided through institutions of higher education, under the "opportunity pathway" label. The portal shall also display information regarding federal tax credits related to higher education available for students or their families.

(4) The labeling requirements in this section do not change the source, eligibility requirements, or student obligations associated with each program. The office shall customize its communications to differentiate between programs, eligibility requirements, and student

obligations, so long as the reporting provisions of this chapter are also fulfilled. [2011 1st sp.s. c 11 s 106; 2009 c 215 s 7; 1985 c 370 s 23; 1975 1st ex.s. c 132 s 15. Prior: 1969 ex.s. c 263 s 7. Formerly RCW 28B.80.240, 28.90.160, 28B.81.070.]

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Findings—Intent—Effective date—2009 c 215:** See notes following RCW 28B.92.030.

**Effective date—Severability—1975 1st ex.s. c 132:** See notes following RCW 28B.77.060.

**RCW 28B.76.502 Financial aid counseling curriculum for institutions with Washington college grant recipients—Financial education workshops.** (1) The office must provide a financial aid counseling curriculum to institutions of higher education with Washington college grant recipients. The curriculum must be available via a website. The curriculum must include, but not be limited to:

(a) An explanation of the Washington college grant program rules, including maintaining satisfactory progress, repayment rules, and usage limits;

(b) Information on campus and private scholarships and work-study opportunities, including the application processes;

(c) An overview of student loan options with an emphasis on the repayment obligations a student borrower assumes regardless of program completion, including the likely consequences of default and sample monthly repayment amounts based on a range of student levels of indebtedness;

(d) An overview of personal finance, including basic money management skills such as living within a budget and handling credit and debt;

(e) Average salaries for a wide range of jobs;

(f) Financial education that meets the needs of, and includes perspectives from, a diverse group of students who are or were recipients of financial aid, including student loans, who may be trained by the financial education public-private partnership; and

(g) Contact information for local financial aid resources and the federal student aid ombuds' office.

(2) By the 2013-14 academic year, the institution of higher education must take reasonable steps to ensure that each Washington college grant recipient receives information outlined in subsection (1)(a) through (g) of this section by directly referencing or linking to the website on the conditions of award statement provided to each recipient.

(3) By July 1, 2013, the office must disseminate the curriculum to all institutions of higher education participating in the Washington college grant program. The institutions of higher education may require students who are not participating in the Washington college grant program to participate in all or portions of the financial aid counseling.

(4) Subject to the availability of amounts appropriated for this specific purpose, by the 2017-18 academic year, each institution of higher education must take reasonable steps to ensure that the institution presents, and each incoming student participates in, a financial education workshop. The scope of the workshop must include, but is not limited to, the information outlined in subsection (1)(b) through (g) of this section, and include recommendations by the financial education public-private partnership. The institutions are encouraged to present these workshops during student orientation or as early as possible in the academic year. [2019 c 406 s 37; 2017 c 177 s 1; 2013 c 23 s 59; 2012 c 31 s 1.]

**Findings—Intent—2019 c 406:** See note following RCW 43.79.195.

**Findings—Short title—2019 c 406:** See notes following RCW 28B.92.200.

**Findings—2019 c 406:** See note following RCW 28B.94.020.

**Findings—Intent—2019 c 406:** See note following RCW 28C.30.050.

**Findings—Intent—2019 c 406:** See note following RCW 43.216.135.

**RCW 28B.76.505 Scholarship endowment programs—Administration of funds.** (1) The investment of funds from all scholarship endowment programs administered by the office shall be managed by the state investment board.

(2) The state investment board has the full power to invest, reinvest, manage, contract, sell, or exchange investment money in scholarship endowment funds. All investment and operating costs associated with the investment of a scholarship endowment fund shall be paid pursuant to RCW 43.33A.160 and 43.84.160. With the exception of these expenses, the earnings from the investments of the fund belong to the fund.

(3) Funds from all scholarship endowment programs administered by the office shall be in the custody of the state treasurer.

(4) All investments made by the state investment board shall be made with the exercise of that degree of judgment and care pursuant to RCW 43.33A.140 and the investment policies established by the state investment board.

(5) As deemed appropriate by the state investment board, money in a scholarship endowment fund may be commingled for investment with other funds subject to investment by the state investment board.

(6) The authority to establish all policies relating to scholarship endowment funds, other than the investment policies in subsections (2) through (5) of this section, resides with the office.

(7) The office may request and accept moneys from the state investment board. With the exception of expenses of the state investment board in subsection (2) of this section, disbursements from the fund shall be made only on the authorization of the office and money in the fund may be spent only for the purposes of the endowment programs as specified in the authorizing chapter of each program.

(8) The state investment board shall routinely consult and communicate with the office on the investment policy, earnings of the

scholarship endowment funds, and related needs of the programs. [2012 c 229 s 604; 2011 1st sp.s. c 11 s 107; 2007 c 73 s 1.]

**Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**RCW 28B.76.509 Highway worker memorial scholarship account.** The highway worker memorial scholarship account is created in the custody of the state treasurer. Moneys received from legislative appropriations and transfers, private donations, public or private gifts and grants, conveyances, and other sources may be deposited into the account. Expenditures from the account may be made only for the purposes of providing scholarships to children and surviving spouses of highway workers who lost his or her life or became totally disabled while employed by a general contractor or subcontractor on a state transportation project. Children and surviving spouses must apply to the office of student financial assistance, and if found to be eligible, may receive a scholarship in an amount of the annual cost of tuition at the enrolled individual's institution of higher education or the cost of undergraduate tuition and state-mandated fees at the most expensive Washington state public university, whichever is less. Eligible individuals may receive up to four annual scholarships. Scholarships will be provided on a first-come, first-served basis subject to the availability of moneys in the account. Disbursements from the account may be authorized only by the office of student financial assistance or the Washington student achievement council. An appropriation is not required for expenditures, but the account is subject to allotment procedures under chapter 43.88 RCW. [2017 3rd sp.s. c 1 s 956.]

**Effective date—2017 3rd sp.s. c 1:** See note following RCW 43.41.455.

**RCW 28B.76.520 Federal funds, private gifts or grants—Office to administer.** The office is authorized to receive and expend federal funds and any private gifts or grants, such federal funds or private funds to be expended in accordance with the conditions contingent in such grant thereof. [2011 1st sp.s. c 11 s 109; 1985 c 370 s 22; 1975 1st ex.s. c 132 s 14. Prior: 1969 ex.s. c 263 s 5. Formerly RCW 28B.80.230, 28.90.140, 28B.81.050.]

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Effective date—Severability—1975 1st ex.s. c 132:** See notes following RCW 28B.77.060.

**RCW 28B.76.525 State financial aid account.** (1) The state financial aid account is created in the custody of the state treasurer. The primary purpose of the account is to ensure that all appropriations designated for financial aid through statewide student financial aid programs are made available to eligible students. The account shall be a nontreasury account.

(2) The office shall deposit in the account all money received for the Washington college grant program established under chapter 28B.92 RCW, the state work-study program established under chapter 28B.12 RCW, the Washington scholars program established under RCW 28A.600.110, the Washington award for vocational excellence program established under RCW 28C.04.525, and the educational opportunity grant program established under *chapter 28B.101 RCW. The account shall consist of funds appropriated by the legislature for the programs listed in this subsection and private contributions to the programs. Moneys deposited in the account do not lapse at the close of the fiscal period for which they were appropriated. Both during and after the fiscal period in which moneys were deposited in the account, the office may expend moneys in the account only for the purposes for which they were appropriated, and the expenditures are subject to any other conditions or limitations placed on the appropriations.

(3) Expenditures from the account shall be used for scholarships to students eligible for the programs according to program rules and policies. For the 2019-2021 fiscal biennium, expenditures may also be used for scholarship awards in the passport to career program established under chapter 28B.117 RCW. It is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

(4) Disbursements from the account are exempt from appropriations and the allotment provisions of chapter 43.88 RCW.

(5) Only the director of the office or the director's designee may authorize expenditures from the account.

(6) During the 2025-2027 fiscal biennium, the legislature may direct the state treasurer to transfer money in the state financial aid account to the state general fund. [2025 c 424 s 926; 2020 c 357 s 910; 2019 c 406 s 38; 2011 1st sp.s. c 11 s 110; 2005 c 139 s 1.]

***Reviser's note:** Chapter 28B.101 RCW was repealed in its entirety by 2009 c 215 s 15, effective August 1, 2011.

**Effective date——2025 c 424:** See note following RCW 9.46.100.

**Effective date——2020 c 357:** See note following RCW 43.79.545.

**Findings——Intent——2019 c 406:** See note following RCW 43.79.195.

**Findings——Short title——2019 c 406:** See notes following RCW 28B.92.200.

**Findings——2019 c 406:** See note following RCW 28B.94.020.

**Findings——Intent——2019 c 406:** See note following RCW 28C.30.050.

**Findings——Intent——2019 c 406:** See note following RCW 43.216.135.

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**RCW 28B.76.526 Washington opportunity pathways account.** The Washington opportunity pathways account is created in the state treasury. Expenditures from the account may be used only for programs in chapter 28A.710 RCW (charter schools), chapter 28B.12 RCW (state work-study), chapter 28B.50 RCW (opportunity grant), RCW 28B.76.660 (Washington scholars award), RCW 28B.76.670 (Washington award for vocational excellence), chapter 28B.92 RCW (Washington college grant program), chapter 28B.105 RCW (GET ready for math and science scholarship), chapter 28B.117 RCW (passport to careers), chapter 28B.118 RCW (college bound scholarship), and chapter 43.216 RCW (early childhood education and assistance program). During the 2019-2021, 2021-2023, and 2023-2025 fiscal biennia, the account may also be appropriated for public schools funded under chapters 28A.150 and 28A.715 RCW. [2025 c 58 s 3003. Prior: 2023 c 475 s 1901; 2023 c 475 s 922; 2020 c 357 s 911; 2019 c 406 s 39; 2018 c 232 s 10; 2016 c 241 s 201; 2010 1st sp.s. c 27 s 2.]

**Explanatory note—2025 c 58:** See note following RCW 1.16.050.

**Effective date—2023 c 475:** See note following RCW 16.76.030.

**Effective date—2020 c 357:** See note following RCW 43.79.545.

**Findings—Intent—2019 c 406:** See note following RCW 43.79.195.

**Findings—Short title—2019 c 406:** See notes following RCW 28B.92.200.

**Findings—2019 c 406:** See note following RCW 28B.94.020.

**Findings—Intent—2019 c 406:** See note following RCW 28C.30.050.

**Findings—Intent—2019 c 406:** See note following RCW 43.216.135.

**Short title—2018 c 232:** See note following RCW 28B.117.010.

**Effective date—2016 c 241:** See RCW 28A.710.901.

**Findings—Intent—2010 1st sp.s. c 27:** "The legislature finds that institutions of higher education are key to the future employment opportunities of Washington citizens and to the economic well-being of the state. The legislature finds that the recruitment of entrepreneurial researchers at institutions of higher education and the formation of research innovation teams will further enhance faculty recruitment and economic development. The legislature further finds that current financial aid and early childhood education programs are underfunded and subject to the unpredictability of the state budget. It is the intent of the legislature to direct lottery account moneys toward the Washington opportunity pathways account and that those funds stabilize and increase existing resources for the

recruitment of entrepreneurial researchers, innovation partnership zones and research teams, early childhood education, opportunity grants, educational opportunity grants, get ready for math and science scholarships, passport to college promise scholarships, college bound scholarships, the state work-study program, the state need grant, Washington scholars awards, the Washington award for vocational excellence, and Washington promise scholarships. It is also the intent of the legislature to continue funding the education construction fund by redirecting a portion of general state revenues to that fund." [2010 1st sp.s. c 27 s 1.]

**RCW 28B.76.540 Administrative responsibilities.** In addition to administrative responsibilities assigned in this chapter, the office shall administer the programs set forth in the following statutes: RCW 28A.600.100 through 28A.600.150 (Washington scholars); chapter 28B.85 RCW (degree-granting institutions); chapter 28B.92 RCW (Washington college grant); chapter 28B.12 RCW (work-study); RCW 28B.15.543 (grants for undergraduate coursework); RCW 28B.15.760 through 28B.15.766 (math and science loans); RCW 28B.15.100 (reciprocity agreement); RCW 28B.15.730 through 28B.15.734 (Oregon reciprocity); RCW 28B.15.750 and *28B.15.752 (Idaho reciprocity); RCW 28B.15.756 (British Columbia reciprocity); **chapter 28B.101 RCW (educational opportunity grant); chapter 28B.102 RCW (educator conditional scholarship and repayment programs); chapter 28B.108 RCW (American Indian endowed scholarship); chapter 28B.109 RCW (Washington international exchange scholarship); chapter 28B.115 RCW (health professional conditional scholarship); and chapter 28B.133 RCW (gaining independence for students with dependents). [2020 c 18 s 26; 2019 c 406 s 40; 2011 1st sp.s. c 11 s 111; 2004 c 275 s 18; 1998 c 245 s 24; 1995 1st sp.s. c 9 s 12; 1990 c 33 s 561; 1986 c 136 s 20; 1985 c 370 s 7. Formerly RCW 28B.80.360.]

**Reviser's note:** *(1) RCW 28B.15.752 was repealed by 2012 c 229 s 902.

**(2) Chapter 28B.101 RCW was repealed in its entirety by 2009 c 215 s 15, effective August 1, 2011.

**Explanatory statement——2020 c 18:** See note following RCW 43.79A.040.

**Findings——Intent——2019 c 406:** See note following RCW 43.79.195.

**Findings——Short title——2019 c 406:** See notes following RCW 28B.92.200.

**Findings——2019 c 406:** See note following RCW 28B.94.020.

**Findings——Intent——2019 c 406:** See note following RCW 28C.30.050.

**Findings——Intent——2019 c 406:** See note following RCW 43.216.135.

**Effective date——2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent——2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Part headings not law—2004 c 275:** See note following RCW 28B.76.090.

**Intent—Purpose—Effective date—1995 1st sp.s. c 9:** See notes following RCW 28B.15.031.

**Purpose—Statutory references—Severability—1990 c 33:** See RCW 28A.900.100 through 28A.900.102.

**Effective date—1986 c 136:** See RCW 28B.85.902.

**RCW 28B.76.550 Distinguished professorship trust fund program—"Private donation" defined.** For the purposes of RCW 28B.76.555 through 28B.76.590, "private donation" includes assessments by commodity commissions authorized to conduct research activities including but not limited to research studies authorized under RCW 15.66.030 and 15.65.040. [2004 c 275 s 19; 1989 c 187 s 1. Formerly RCW 28B.10.859.]

**Part headings not law—2004 c 275:** See note following RCW 28B.76.090.

**RCW 28B.76.555 Distinguished professorship trust fund program—Intent.** The legislature recognizes that quality in the state's public four-year institutions of higher education would be strengthened by additional partnerships between citizens and the institutions. The legislature intends to foster these partnerships by creating a matching grant program to assist public four-year institutions of higher education in creating endowments for funding distinguished professorships. [1987 c 8 s 1. Formerly RCW 28B.10.866.]

**Allocation of appropriated moneys—1988 c 125; 1987 c 8:** "(1) For the biennium ending June 30, 1989, all appropriations to the Washington distinguished professorship trust fund shall be allocated as provided in this section. The state treasurer shall reserve the following amounts in the trust fund for distribution to four-year higher education institutions at such time as qualifying gifts as defined in section 1, chapter 8, Laws of 1987 for distinguished professorships have been deposited:

(a) Two million two hundred fifty thousand dollars of the appropriation for the University of Washington;

(b) One million five hundred thousand dollars of the appropriation for Washington State University;

(c) One million dollars of the appropriation divided among Eastern Washington University, Central Washington University, Western Washington University, and The Evergreen State College.

(2) Distribution of funds allocated in subsection (1)(c) of this section shall be made in the following manner: Eastern Washington University, Central Washington University, Western Washington University, and The Evergreen State College are guaranteed one professorship.

(3) As of January 1, 1989, if any funds reserved in subsection (1)(a) or (b) of this section have not been designated as matching funds for qualifying gifts, any four-year institution of higher

education, which has already fully utilized the professorships allocated to it by this section, and, in the case of the regional universities and The Evergreen State College, has exhausted the allocation in subsection (1)(c) of this section, may be eligible for such funds under rules promulgated by the *higher education coordinating board." [1988 c 125 s 4; 1987 c 8 s 12.]

***Reviser's note:** The higher education coordinating board was abolished by 2011 1st sp.s. c 11 s 301, effective July 1, 2012.

**RCW 28B.76.560 Distinguished professorship trust fund program—Establishment—Administration.** The Washington distinguished professorship trust fund program is established.

The program shall be administered by the office.

The trust fund shall be administered by the state treasurer. [2011 1st sp.s. c 11 s 112; 1987 c 8 s 2. Formerly RCW 28B.10.867.]

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**RCW 28B.76.565 Distinguished professorship trust fund program—Trust fund established.** Funds appropriated by the legislature for the distinguished professorship program shall be deposited in the distinguished professorship trust fund. At the request of the office under RCW 28B.76.575, the treasurer shall release the state matching funds to the designated institution's local endowment fund. No appropriation is required for expenditures from the fund. During the 2011-2013 fiscal biennium, the legislature may transfer from the distinguished professorship trust fund to the state general fund such amounts as reflect the excess fund balance in the account. [2011 2nd sp.s. c 9 s 903; (2011 2nd sp.s. c 9 s 902 expired July 1, 2012); 2011 1st sp.s. c 11 s 113; 2010 1st sp.s. c 37 s 915; 2009 c 564 s 1805; 2004 c 275 s 20; 1991 sp.s. c 13 s 99; 1987 c 8 s 3. Formerly RCW 28B.10.868.]

**Effective date—2011 2nd sp.s. c 9 s 903:** "Section 903 of this act takes effect July 1, 2012." [2011 2nd sp.s. c 9 s 913.]

**Expiration date—2011 2nd sp.s. c 9 s 902:** "Section 902 of this act expires July 1, 2012." [2011 2nd sp.s. c 9 s 912.]

**Effective dates—2011 2nd sp.s. c 9:** See note following RCW 28B.50.837.

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Effective date—2010 1st sp.s. c 37:** See note following RCW 13.06.050.

**Effective date—2009 c 564:** See note following RCW 2.68.020.

**Part headings not law—2004 c 275:** See note following RCW 28B.76.090.

**Effective dates—Severability—1991 sp.s. c 13:** See notes following RCW 18.08.240.

**RCW 28B.76.570 Distinguished professorship trust fund program—Guidelines—Allocation system.** In consultation with the eligible institutions of higher education, the office shall set guidelines for the program. These guidelines may include an allocation system based on factors which include but are not limited to: The amount of money available in the trust fund; characteristics of the institutions including the size of the faculty and student body; and the number of professorships previously received.

Any allocation system shall be superseded by conditions in any act of the legislature appropriating funds for this program. [2011 1st sp.s. c 11 s 114; 1987 c 8 s 4. Formerly RCW 28B.10.869.]

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**RCW 28B.76.575 Distinguished professorship trust fund program—Matching funds—Donations or appropriations—Disbursement of funds.** All state four-year institutions of higher education shall be eligible for matching trust funds. An institution may apply to the office for two hundred fifty thousand dollars from the fund when the institution can match the state funds with an equal amount of pledged or contributed private donations or with funds received through legislative appropriation specifically for the G. Robert Ross distinguished faculty award and designated as being qualified to be matched from trust fund moneys. These donations shall be made specifically to the professorship program, and shall be donated after July 1, 1985.

Upon an application by an institution, the office may designate two hundred fifty thousand dollars from the trust fund for that institution's pledged professorship. If the pledged two hundred fifty thousand dollars is not received within three years, the office shall make the designated funds available for another pledged professorship.

Once the private donation is received by the institution, the office shall ask the state treasurer to release the state matching funds to a local endowment fund established by the institution for the professorship. [2011 1st sp.s. c 11 s 115; 1988 c 125 s 3; 1987 c 8 s 5. Formerly RCW 28B.10.870.]

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**RCW 28B.76.580 Distinguished professorship trust fund program—Name of professorship—Duties of institution—Use of endowment proceeds.** The professorship is the property of the institution and may be named in honor of a donor, benefactor, or honoree of the institution, at the option of the institution. Once state matching funds are released to a local endowment fund, an institution may combine two professorships to support one professorship holder.

The institution is responsible for soliciting private donations, investing and maintaining all endowment funds, administering the professorship, and reporting on the program to the governor and the legislature upon request. The institution may augment the endowment fund with additional private donations. The principal of the invested endowment fund shall not be invaded.

The proceeds from the endowment fund may be used to supplement the salary of the holder of the professorship, to pay salaries for his or her assistants, and to pay expenses associated with the holder's scholarly work. [1989 c 187 s 2; 1987 c 8 s 6. Formerly RCW 28B.10.871.]

**RCW 28B.76.585 Distinguished professorship trust fund program—Moneys not subject to collective bargaining.** Any private or public money, including all investment income, deposited in the Washington distinguished professorship trust fund or any local endowment for professorship programs shall not be subject to collective bargaining. [1987 c 8 s 7. Formerly RCW 28B.10.872.]

**RCW 28B.76.590 Distinguished professorship trust fund program—Continuation of program established under prior law.** A distinguished professorship program established under chapter 343, Laws of 1985 shall continue to operate under RCW 28B.76.555 through 28B.76.585 and the requirements of RCW 28B.76.555 through 28B.76.585 shall apply. [2004 c 275 s 21; 1987 c 8 s 8. Formerly RCW 28B.10.873.]

**Part headings not law—2004 c 275:** See note following RCW 28B.76.090.

**RCW 28B.76.600 Graduate fellowship trust fund program—Intent.** The legislature recognizes that quality in the state's public four-year institutions of higher education would be strengthened by additional partnerships between citizens and the institutions. The legislature intends to foster these partnerships by creating a matching grant program to assist public four-year institutions of higher education in creating endowments for funding fellowships for distinguished graduate students. [1987 c 147 s 1. Formerly RCW 28B.10.880.]

**RCW 28B.76.605 Graduate fellowship trust fund program—Establishment—Administration.** The Washington graduate fellowship trust fund program is established. The program shall be administered by the office. The trust fund shall be administered by the state treasurer. During the 2011-2013 fiscal biennium, the legislature may transfer from the Washington graduate fellowship trust fund to the

state general fund such amounts as reflect the excess fund balance in the account. [2011 2nd sp.s. c 9 s 905; (2011 2nd sp.s. c 9 s 904 expired July 1, 2012); 2011 1st sp.s. c 11 s 116; 1987 c 147 s 2. Formerly RCW 28B.10.881.]

**Effective date—2011 2nd sp.s. c 9 s 905:** "Section 905 of this act takes effect July 1, 2012." [2011 2nd sp.s. c 9 s 915.]

**Expiration date—2011 2nd sp.s. c 9 s 904:** "Section 904 of this act expires July 1, 2012." [2011 2nd sp.s. c 9 s 914.]

**Effective dates—2011 2nd sp.s. c 9:** See note following RCW 28B.50.837.

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**RCW 28B.76.610 Graduate fellowship trust fund—Matching funds.** Funds appropriated by the legislature for the graduate fellowship program shall be deposited in the graduate fellowship trust fund. At the request of the office under RCW 28B.76.620, the treasurer shall release the state matching funds to the designated institution's local endowment fund. No appropriation is required for expenditures from the fund. During the 2009-2011 fiscal biennium, the legislature may transfer from the graduate fellowship trust fund to the state general fund such amounts as reflect the excess fund balance in the account. [2011 1st sp.s. c 11 s 117; 2010 1st sp.s. c 37 s 916; 2009 c 564 s 1806; 2004 c 275 s 22; 1991 sp.s. c 13 s 88; 1987 c 147 s 3. Formerly RCW 28B.10.882.]

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Effective date—2010 1st sp.s. c 37:** See note following RCW 13.06.050.

**Effective date—2009 c 564:** See note following RCW 2.68.020.

**Part headings not law—2004 c 275:** See note following RCW 28B.76.090.

**Effective dates—Severability—1991 sp.s. c 13:** See notes following RCW 18.08.240.

**RCW 28B.76.615 Graduate fellowship trust fund program—Guidelines—Allocation system.** In consultation with eligible institutions of higher education, the office shall set guidelines for the program. These guidelines may include an allocation system based on factors which include but are not limited to: The amount of money

available in the trust fund; characteristics of the institutions including the size of the faculty and student body; and the number of fellowships previously received.

Any allocation system shall be superseded by conditions in any legislative act appropriating funds for the program. [2011 1st sp.s. c 11 s 118; 1987 c 147 s 4. Formerly RCW 28B.10.883.]

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**RCW 28B.76.620 Graduate fellowship trust fund program—Matching funds—Donations—Disbursement of funds.** (1) All state four-year institutions of higher education shall be eligible for matching trust funds. Institutions may apply to the office for twenty-five thousand dollars from the fund when they can match the state funds with equal pledged or contributed private donations. These donations shall be made specifically to the graduate fellowship program, and shall be donated after July 1, 1987.

(2) Upon an application by an institution, the office may designate twenty-five thousand dollars from the trust fund for that institution's pledged graduate fellowship fund. If the pledged twenty-five thousand dollars is not received within two years, the office shall make the designated funds available for another pledged graduate fellowship fund.

(3) Once the private donation is received by the institution, the office shall ask the state treasurer to release the state matching funds to a local endowment fund established by the institution for the graduate fellowships. [2011 1st sp.s. c 11 s 119; 1987 c 147 s 5. Formerly RCW 28B.10.884.]

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**RCW 28B.76.625 Graduate fellowship trust fund program—Name of fellowship—Duties of institution—Use of endowment proceeds.** (1) The fellowship is the property of the institution and may be named in honor of a donor, benefactor, or honoree of the institution, at the option of the institution.

(2) The institution is responsible for soliciting private donations, investing and maintaining all endowment funds, administering the fellowship, and reporting on the program to the governor and the legislature upon request. The institution may augment the endowment fund with additional private donations. The principal of the invested endowment fund shall not be invaded.

(3) The proceeds from the endowment fund may be used to provide fellowship stipends to be used by the recipient for such things as tuition and fees, subsistence, research expenses, and other educationally related costs. [1987 c 147 s 6. Formerly RCW 28B.10.885.]

**RCW 28B.76.630 Graduate fellowship trust fund program—Moneys not subject to collective bargaining.** Any private or public money, including all investment income, deposited in the Washington graduate fellowship trust fund or any local endowment for fellowship programs shall not be subject to collective bargaining. [1987 c 147 s 7. Formerly RCW 28B.10.886.]

**RCW 28B.76.640 Office to coordinate state participation within student exchange compact programs—Designate certifying officer.** The office is hereby specifically directed to develop such state plans as are necessary to coordinate the state of Washington's participation within the student exchange compact programs under the auspices of the Western Interstate Commission for Higher Education, as provided by chapter 28B.70 RCW. In addition to establishing such plans the office shall designate the state certifying officer for student programs. [2011 1st sp.s. c 11 s 120; 1985 c 370 s 17; 1974 ex.s. c 4 s 3. Formerly RCW 28B.80.150.]

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Severability—1974 ex.s. c 4:** "If any provision of this 1973 [1974] act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1974 ex.s. c 4 s 6.]

**RCW 28B.76.645 Office to coordinate state participation within student exchange compact programs—Criteria—Washington interstate commission on higher education professional student exchange program trust fund.** In the development of any such plans as called for within RCW 28B.76.640, the office shall use at least the following criteria:

(1) Students who are eligible to attend compact-authorized programs in other states shall meet the Washington residency requirements of chapter 28B.15 RCW prior to being awarded tuition assistance.

(2) For recipients named after January 1, 1995, the tuition assistance shall be in the form of loans that may be completely forgiven in exchange for the student's service within the state of Washington after graduation. The requirements for such service and provisions for loan forgiveness shall be determined in rules adopted by the office.

(3) If appropriations are insufficient to fund all students qualifying under subsection (1) of this section, then the plans shall include criteria for student selection that would be in the best interest in meeting the state's educational needs, as well as recognizing the financial needs of students.

(4) Receipts from the payment of principal or interest or any other subsidies to which the office as administrator is entitled, that are paid by or on behalf of participants under this section, shall be deposited with the office and placed in an account created in this section and shall be used to cover the costs of granting the

scholarships, maintaining necessary records, and making collections. The office shall maintain accurate records of these costs, and all receipts beyond those necessary to pay such costs shall be used to grant conditional loans to eligible students.

(5) The Washington interstate commission on higher education professional student exchange program trust fund is created in the custody of the state treasurer. All receipts from loan repayment shall be deposited into the fund. Only the office, or its designee, may authorize expenditures from the fund. No appropriation is required for expenditures from this fund. [2011 1st sp.s. c 11 s 121; 2004 c 275 s 23; 1995 c 217 s 1; 1985 c 370 s 18; 1974 ex.s. c 4 s 4. Formerly RCW 28B.80.160.]

**Effective date——2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent——2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Part headings not law——2004 c 275:** See note following RCW 28B.76.090.

**Effective date——1995 c 217:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [May 3, 1995]." [1995 c 217 s 3.]

**Severability——1974 ex.s. c 4:** See note following RCW 28B.76.640.

**RCW 28B.76.650 Office to coordinate state participation within student exchange compact programs——Advice to governor, legislature.** The office shall periodically advise the governor and the legislature of the policy implications of the state of Washington's participation in the Western Interstate Commission for Higher Education student exchange programs as they affect long-range planning for post-secondary education, together with recommendations on the most efficient way to provide high cost or special educational programs to Washington residents. [2011 1st sp.s. c 11 s 122; 1985 c 370 s 19; 1974 ex.s. c 4 s 5. Formerly RCW 28B.80.170.]

**Effective date——2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent——2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Severability——1974 ex.s. c 4:** See note following RCW 28B.76.640.

**RCW 28B.76.660 Washington scholars award and Washington scholars-alternate award.** (1) Recipients of the Washington scholars award or the Washington scholars-alternate award under RCW 28A.600.100 through 28A.600.150 who choose to attend an independent college or university in this state, as defined in subsection (4) of this section, and recipients of the award named after June 30, 1994, who choose to attend a public college or university in the state may receive grants under this section if moneys are available. The office

shall distribute grants to eligible students under this section from moneys appropriated for this purpose. The individual grants shall not exceed, on a yearly basis, the yearly, full-time, resident, undergraduate tuition and service and activities fees in effect at the state-funded research universities. Grants to recipients attending an independent institution shall be contingent upon the institution matching on at least a dollar-for-dollar basis, either with actual money or by a waiver of fees, the amount of the grant received by the student from the state. The office shall establish procedures, by rule, to disburse the awards as direct grants to the students.

(2) The office shall establish rules that provide for the annual awarding of grants, if moneys are available, to three Washington scholars per legislative district except for fiscal year 2007 when no more than two scholars per district shall be selected; and, if not used by an original recipient, to the Washington scholars-alternate from the same legislative district.

Beginning with scholars selected in the year 2000, if the recipients of grants fail to demonstrate in a timely manner that they will enroll in a Washington institution of higher education in the fall term of the academic year following the award of the grant or are deemed by the office to have withdrawn from college during the first academic year following the award, then the grant shall be considered relinquished. The office may then award any remaining grant amounts to the Washington scholars-alternate from the same legislative district if the grants are awarded within one calendar year of the recipient being named a Washington scholars-alternate. Washington scholars-alternates named as recipients of the grant must also demonstrate in a timely manner that they will enroll in a Washington institution of higher education during the next available term, as determined by the office. The office may accept appeals and grant waivers to the enrollment requirements of this section based on exceptional mitigating circumstances of individual grant recipients.

To maintain eligibility for the grants, recipients must maintain a minimum grade point average at the college or university equivalent to 3.30. Students shall be eligible to receive a maximum of twelve quarters or eight semesters of grants for undergraduate study and may transfer among in-state public and independent colleges and universities during that period and continue to receive the grant as provided under RCW 28B.76.665. If the student's cumulative grade point average falls below 3.30 during the first three quarters or two semesters, that student may petition the office which shall have the authority to establish a probationary period until such time as the student's grade point average meets required standards.

(3) No grant shall be awarded to any student who is pursuing a degree in theology.

(4) As used in this section, "independent college or university" means a private, nonprofit educational institution, the main campus of which is permanently situated in the state, open to residents of the state, providing programs of education beyond the high school level leading at least to the baccalaureate degree, and accredited by the northwest association of schools and colleges as of June 9, 1988, and other institutions as may be developed that are approved by the office of financial management as meeting equivalent standards as those institutions accredited under this section.

(5) As used in this section, "public college or university" means an institution of higher education as defined in RCW 28B.10.016. [2011 1st sp.s. c 11 s 123; 2005 c 518 s 917; 2004 c 275 s 24; 1999 c

159 s 3; 1995 1st sp.s. c 5 s 3; 1990 c 33 s 560; 1988 c 210 s 1. Formerly RCW 28B.80.245.]

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Effective date—2005 c 518:** See note following RCW 28A.600.110.

**Part headings not law—2004 c 275:** See note following RCW 28B.76.090.

**Findings—Intent—1999 c 159:** See note following RCW 28A.600.150.

**Severability—Effective date—1995 1st sp.s. c 5:** See notes following RCW 28A.600.130.

**Purpose—Statutory references—Severability—1990 c 33:** See RCW 28A.900.100 through 28A.900.102.

**Application—1988 c 210 s 1:** "RCW 28B.80.245 shall apply to persons holding the Washington scholars award as of June 9, 1988, as well as persons holding the award after June 9, 1988." [1988 c 210 s 3.]

**RCW 28B.76.665 Washington scholars award waivers or grants—Transfers between colleges and universities.** Students receiving grants under RCW 28B.76.660 or waivers under *RCW 28B.15.543 are entitled to transfer among in-state public and independent colleges or universities and to continue to receive award benefits, as provided in this section, in the form of a grant or waiver of tuition and services and activities fees while enrolled at such institutions during the period of eligibility. The total grants or waivers for any one student shall not exceed twelve quarters or eight semesters of undergraduate study.

(1) Scholars named to the award on or before June 30, 1994, may transfer between in-state public institutions, or from an eligible independent college or university to an in-state public institution of higher education, and are entitled to receive the waiver of tuition and services and activities fees.

(2) Scholars named to the award on or before June 30, 1994, may transfer from an in-state public institution to an eligible independent college or university, or between eligible independent colleges or universities, and continue to receive a grant contingent upon available funding.

(3) Scholars named to the award after June 30, 1994, may transfer among in-state public or private colleges and universities and continue to receive the grant contingent upon available funding.

(4) In addition, scholars who transfer to an eligible independent institution may receive the grant contingent upon the agreement of the school to match on at least a dollar-for-dollar basis, either with actual money or by a waiver of fees, the amount of the grant received by the student from the state. [2004 c 275 s 25; 1995 1st sp.s. c 5 s 4; 1988 c 210 s 2. Formerly RCW 28B.80.246.]

***Reviser's note:** RCW 28B.15.543 was amended by 2015 c 55 s 219, changing tuition waivers to grants for undergraduate coursework.

**Part headings not law—2004 c 275:** See note following RCW 28B.76.090.

**Severability—Effective date—1995 1st sp.s. c 5:** See notes following RCW 28A.600.130.

**RCW 28B.76.670 Washington award for vocational excellence—Grants—Definitions.** (1) Recipients of the Washington award for vocational excellence under RCW 28C.04.520 through 28C.04.550, who receive the award after June 30, 1994, may receive a grant, if funds are available. The grant shall be used to attend a postsecondary institution located in the state of Washington. Recipients may attend an institution of higher education as defined in RCW 28B.10.016, or an independent college or university, or a licensed private vocational school. The office shall distribute grants to eligible students under this section from moneys appropriated for this purpose. The individual grants shall not exceed, on a yearly basis, the yearly, full-time, resident, undergraduate tuition and service and activities fees in effect at the state-funded research universities. In consultation with the workforce training and education coordinating board, the office shall establish procedures, by rule, to disburse the awards as direct grants to the students.

(2) To qualify for the grant, recipients shall enter the postsecondary institution within three years of high school graduation and maintain a minimum grade point average at the institution equivalent to 3.00, or, at a technical college, an above average rating. Students shall be eligible to receive a maximum of two years of grants for undergraduate study and may transfer among in-state eligible postsecondary institutions during that period and continue to receive the grant.

(3) No grant may be awarded to any student who is pursuing a degree in theology.

(4) As used in this section, "independent college or university" means a private, nonprofit educational institution, the main campus of which is permanently situated in the state, open to residents of the state, providing programs of education beyond the high school level leading at least to the baccalaureate degree, and accredited by the Northwest association of schools and colleges as of June 9, 1988, and other institutions as may be developed that are approved by the *higher education coordinating board as meeting equivalent standards as those institutions accredited under this section.

(5) As used in this section, "licensed private vocational school" means a private postsecondary institution, located in the state, licensed by the workforce training and education coordinating board under chapter 28C.10 RCW, and offering postsecondary education in order to prepare persons for a vocation or profession, as defined in RCW 28C.10.020(7). [2011 1st sp.s. c 11 s 124; 1995 1st sp.s. c 7 s 8. Formerly RCW 28B.80.272.]

***Reviser's note:** The higher education coordinating board ("board") was abolished by 2011 1st sp.s. c 11 s 301, effective July 1, 2012.

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Severability—1995 1st sp.s. c 7:** See note following RCW 28C.04.520.

**RCW 28B.76.680 Border county higher education opportunity project—Findings—Intent.** (1) The legislature finds that certain tuition policies in Oregon state are more responsive to the needs of students living in economic regions that cross the state border than the Washington state policies. Under Oregon policy, students who are Washington residents may enroll at Portland State University for eight credits or less and pay the same tuition as Oregon residents. Further, the state of Oregon passed legislation in 1997 to begin providing to its community colleges the same level of state funding for students residing in bordering states as students residing in Oregon.

(2) The legislature intends to build on the recent Oregon initiatives regarding tuition policy for students in bordering states and to facilitate regional planning for higher education delivery by creating a project on resident tuition rates in Washington counties that border Oregon state. [2003 c 159 s 1; 2002 c 130 s 1; 1999 c 320 s 1. Formerly RCW 28B.80.805.]

**RCW 28B.76.685 Border county higher education opportunity project—Created.** (1)(a) The border county higher education opportunity project is created. The purpose of the project is to allow Washington institutions of higher education that are located in counties on the Oregon border to implement tuition policies that correspond to Oregon policies. Under the border county project, Columbia Basin Community College, Clark College, Lower Columbia Community College, Grays Harbor Community College, and Walla Walla Community College may enroll students who reside in the bordering Oregon counties of Columbia, Gilliam, Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, and Washington at resident tuition rates.

(b) The Tri-Cities and Vancouver branches of Washington State University may enroll students who reside in the bordering Oregon counties of Columbia, Multnomah, Clatsop, Clackamas, Morrow, Umatilla, Union, Wallowa, and Washington for eight credits or less at resident tuition rates.

(2) Columbia Basin Community College, Clark College, Lower Columbia Community College, Grays Harbor Community College, and Walla Walla Community College may enroll students at resident tuition rates who:

(a) Are currently domiciled in Washington;

(b) Relocated to Washington from one of the thirteen counties identified in subsection (1)(a) of this section within the previous twelve months; and

(c) Were domiciled in one of the thirteen counties identified in subsection (1)(a) of this section for at least ninety days immediately before relocating to Washington.

(3) The Tri-Cities and Vancouver branches of Washington State University may enroll students for eight credits or less at resident tuition rates who:

(a) Are currently domiciled in Washington;

(b) Relocated to Washington from one of the nine counties identified in subsection (1)(b) of this section within the previous twelve months; and

(c) Were domiciled in one of the nine counties identified in subsection (1)(b) of this section for at least ninety days immediately before relocating to Washington.

(4) Washington institutions of higher education participating in the project shall give priority program enrollment to Washington residents. [2009 c 158 s 1; 2003 c 159 s 2; 2002 c 130 s 2; 2000 c 160 s 3; 1999 c 320 s 2. Formerly RCW 28B.80.806.]

*Resident tuition rates—Border county higher education opportunity project: RCW 28B.15.0139.*

**RCW 28B.76.690 Border county higher education opportunity project—Administration.** The office shall administer Washington's participation in the border county higher education opportunity project. [2011 1st sp.s. c 11 s 125; 2003 c 159 s 3; 2002 c 130 s 4; 1999 c 320 s 3. Formerly RCW 28B.80.807.]

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**RCW 28B.76.699 Student teaching grant program—Report—Rules.** (1) Subject to the availability of amounts appropriated for this specific purpose, the office shall administer a student teaching grant program to provide additional funds to student teachers at Title I public common schools in Washington.

(2) To qualify for the grant, recipients must be enrolled in a Washington professional educator standards board-approved teacher preparation program, be completing or about to start student teaching at a Title I public common school, and demonstrate financial need, as defined by the office and consistent with the income criteria required to receive the Washington college grant created in chapter 28B.92 RCW or applicable rules.

(3)(a) Beginning December 1, 2020, and in compliance with RCW 43.01.036, the office must submit a biennial report to the appropriate committees of the legislature. The report must provide the following information:

(i) Aggregate data on the number of persons who applied for and received the grants awarded under this section, including teacher preparation program type, student teaching school district, and award amount;

(ii) To the maximum extent practicable, aggregate data on where grant recipients are teaching two years and five years after obtaining a teacher certificate, and whether grant recipients remain teaching in Title I public common schools; and

(iii) Recommendations for modifying the grant program.

(b) The education data center must collaborate with the office to provide the data needed for the report required under this section.

(4) The office shall establish rules for administering the grants under this section. [2019 c 406 s 41; 2019 c 295 s 206; 2016 c 233 s 17.]

**Reviser's note:** This section was amended by 2019 c 295 s 206 and by 2019 c 406 s 41, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

**Findings—Intent—2019 c 406:** See note following RCW 43.79.195.

**Findings—Short title—2019 c 406:** See notes following RCW 28B.92.200.

**Findings—2019 c 406:** See note following RCW 28B.94.020.

**Findings—Intent—2019 c 406:** See note following RCW 28C.30.050.

**Findings—Intent—2019 c 406:** See note following RCW 43.216.135.

**Effective date—Findings—Intent—2019 c 295:** See notes following RCW 28A.310.235.

**Findings—Intent—2019 c 295:** See notes following RCW 28B.10.033.

**Intent—2019 c 295:** See note following RCW 28B.102.030.

**Findings—Intent—2019 c 295:** See note following RCW 28A.415.265.

**Findings—Intent—2019 c 295:** See note following RCW 28A.180.120.

**RCW 28B.76.725 Teacher endorsement and certification help program (TEACH program)—Rules—Report.** (1) The teacher endorsement and certification help program, known as the TEACH program, is created.

(2) The student achievement council, after consultation with the Washington professional educator standards board, shall have the power and duty to develop and adopt rules as necessary under chapter 34.05 RCW to administer the program described in this section. The rules, which must be adopted by November 1, 2019, must include:

(a) A TEACH grant application process;

(b) A financial need verification process;

(c) The order of priority in which the applications will be approved; and

(d) A process for disbursing TEACH grant awards to selected applicants.

(3) A student seeking a TEACH grant to cover the costs of basic skills and content tests required for initial teacher certification and endorsement must submit an application to the student achievement council, following the rules developed under this section.

(4) To qualify for financial assistance, an applicant must meet the following criteria:

(a) Be enrolled in, have applied to, or have completed a Washington professional educator standards board-approved teacher preparation program;

(b) Demonstrate financial need, as defined by the office of student financial assistance and consistent with the income criteria required to receive the state need grant established in chapter 28B.92 RCW or applicable rules;

(c) Apply for a TEACH grant under this section; and

(d) Register for an endorsement competency test in one or more endorsement shortage areas, where "shortage area" has the definition in RCW 28B.102.020.

(5) Beginning November 1, 2019, the student achievement council, in collaboration with the Washington professional educator standards board, shall award a TEACH grant to a student who meets the qualifications listed in this section and in rules developed under this section. The TEACH grant award must cover the costs of basic skills and content tests required for initial teacher certification. The council shall prioritize TEACH grant awards first to applicants registered for competency tests in endorsement shortage areas and second to applicants with greatest financial need. The council shall scale the number of TEACH grant awards to the amount of funds appropriated for this purpose.

(6) The student achievement council and the Washington professional educator standards board shall include information about the TEACH program in materials distributed to schools and students.

(7) Beginning December 1, 2020, and by December 1st each even-numbered year thereafter, in compliance with RCW 43.01.036, the student achievement council, in collaboration with the Washington professional educator standards board, shall submit a report to the appropriate committees of the legislature that details the effectiveness and costs of the program. The report must:

(a) Compare the numbers and demographic information of students taking and passing tests in the endorsement shortage areas before and after implementation of the program;

(b) Determine the amount of TEACH grants awarded each year and per student;

(c) Compare the numbers and demographic information of students obtaining teaching certificates with endorsement competencies in the endorsement shortage areas before and after implementation of the program; and

(d) Recommend whether the program should be modified, continued, and expanded. [2019 c 295 s 208; 2016 c 233 s 16. Formerly RCW 28A.630.205.]

**Effective date—Findings—Intent—2019 c 295:** See notes following RCW 28A.310.235.

**Findings—Intent—2019 c 295:** See notes following RCW 28B.10.033.

**Intent—2019 c 295:** See note following RCW 28B.102.030.

**Findings—Intent—2019 c 295:** See note following RCW 28A.415.265.

**Findings—Intent—2019 c 295:** See note following RCW 28A.180.120.

**RCW 28B.76.730 Washington dual enrollment scholarship pilot program.** (1) The legislature recognizes that dual credit programs reduce both the cost and time of attendance to obtain a postsecondary degree. The legislature intends to reduce barriers and increase access to postsecondary educational opportunities for low-income students by removing the financial barriers for dual enrollment programs for students.

(2) The office, in consultation with the institutions of higher education and the office of the superintendent of public instruction, shall create the Washington dual enrollment scholarship pilot program. The office shall administer the Washington dual enrollment scholarship pilot program and may adopt rules as necessary.

(3) Eligible students are those who meet the following requirements:

(a) Qualify for the free or reduced-price lunch program;

(b) Are enrolled in one or more dual credit programs, as defined in RCW 28B.15.821, such as running start; and

(c) Have at least a 2.0 grade point average.

(4) Subject to availability of amounts appropriated for this specific purpose, beginning with the 2019-20 academic year, the office may award scholarships to eligible students. The scholarship award must be as follows for eligible students enrolled in running start:

(a) Mandatory fees, as defined in RCW 28A.600.310, prorated based on credit load;

(b) Course fees or laboratory fees as determined appropriate by college or university policies to pay for specified course related costs;

(c) A textbook voucher to be used at the institution of higher education's bookstore where the student is enrolled. For every credit per quarter the student is enrolled, the student shall receive a textbook voucher for ten dollars, up to a maximum of fifteen credits per quarter, or the equivalent, per year; and

(d) Apprenticeship materials as determined appropriate by the college or university to pay for specific course-related material costs, which may include occupation-specific tools, work clothes, rain gear, or boots.

(5) The Washington dual enrollment scholarship pilot program must apply after the fee waivers for low-income students under RCW 28A.600.310 are provided for. [2025 c 58 s 2013; 2023 c 314 s 3; 2021 c 71 s 6; 2020 c 259 s 1; 2019 c 176 s 1.]

**Reviser's note——Sunset Act application:** The Washington dual enrollment scholarship pilot program is subject to review, termination, and possible extension under chapter 43.131 RCW, the Sunset Act. See RCW 43.131.427. RCW 28B.76.730 is scheduled for future repeal under RCW 43.131.428.

**Explanatory note——2025 c 58:** See note following RCW 1.16.050.

# Chapter 28B.77 RCW
## STUDENT ACHIEVEMENT COUNCIL
(Formerly: Council for higher education)

**Sections**


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28B.77.900 Transfer of powers, duties, and functions——2012 c 229.

**RCW 28B.77.001 Findings——Intent——2012 c 229.** The legislature recognizes that increasing educational attainment is critical to the social and economic well-being of Washington. It is the intent of the legislature to create the student achievement council to provide the focus and propose the goals for increasing educational attainment including improving student transitions from secondary to postsecondary education and training and between and among postsecondary institutions.

The legislature finds that increasing educational attainment is essential for maintaining the health of a democratic society and the competitiveness of the state in the global economy. By increasing educational attainment, students will develop into citizens who are more capable of critical thinking, more aware of their world and its diversity, more creative in their problem-solving, and more successful in addressing social and economic challenges of the future in an informed and thoughtful way.

The legislature finds that educational attainment is a powerful predictor of well-being. Students who have completed higher levels of education or training are more likely to achieve success in work or life and less likely to require taxpayer support. Education is perhaps the most important engine of economic growth and individual and financial health. Success in growing a stronger economy and democracy and lifting incomes and well-being depends upon increasing educational attainment.

The legislature recognizes that reaching the overall objective of increased educational attainment means that Washington's education systems must enable many more students to gain meaningful high school diplomas, postsecondary certificates, associate degrees, bachelor's degrees, and graduate degrees.

The legislature recognizes that the requirement for academic attainment is increasing. According to various academic studies, Washington's economy is becoming even more highly dependent on workers with postsecondary education. Other studies indicate that rates of successful participation in higher education by Washington residents, especially among lower-income and disadvantaged persons, are among the lowest in the nation.

Due to the large and growing gap between education requirements and achievement, it is the intent of the legislature to focus on increased educational attainment as a key priority and to closely track progress towards meeting this statewide objective. [2012 c 229 s 1.]

**RCW 28B.77.003 Missions.** (1) Guided by the state's overarching objective of substantially increasing educational attainment for the purposes outlined in RCW 28B.77.001, the council has a dual mission:

(a) To propose to the governor and the legislature goals for increasing educational attainment in Washington, recommend the resources necessary to achieve the goals, and monitor progress toward meeting the goals;

(b) To propose to the governor, the legislature, and the state's educational institutions, improvements and innovations needed to continually adapt the state's educational institutions to evolving educational attainment needs; and

(c) To advocate for higher education through various means, with the goal of educating the general public on the economic, social, and civic benefits of postsecondary education, and the consequent need for increased financial support and civic commitment in the state.

(2) In the pursuit of the missions the council links the work of educational programs, schools, and institutions from secondary through postsecondary education and training and through careers. The council must connect the work of the superintendent of public instruction, the state board of education, the professional educator standards board, the state board for community and technical colleges, the workforce training and education coordinating board, and the four-year institutions of higher education, as well as the independent schools and colleges.

(3) Drawing on the staff expertise of the council and other state, national, and international analysis and research assets, the council must also take a leading role in facilitating educational attainment analysis and research leading to increased educational attainment and education system development. [2012 c 229 s 103.]

**RCW 28B.77.005 Student achievement council—Advisory committees.** (1) The student achievement council is created.

(2) The council is composed of 10 voting members as provided in this subsection.

(a) Six citizen members shall be appointed by the governor with the consent of the senate. One of the citizen members shall be an undergraduate student and one shall be a graduate student. The citizen members shall be selected based on their knowledge of or experience in higher education. In making appointments to the council, the governor shall give consideration to citizens representing labor, business, women, and racial and ethnic minorities, as well as geographic representation, to ensure that the council's membership reflects the state's diverse population. The citizen members shall serve for four-year terms except for each of the student members, who shall serve for two years; however, the terms of the initial members and the undergraduate and graduate student members shall be staggered.

(b) A representative of an independent nonprofit higher education institution as defined in RCW 28B.07.020, selected by an association of independent nonprofit baccalaureate degree-granting institutions. The representative appointed under this subsection (2)(b) shall excuse himself or herself from voting on matters relating primarily to public institutions of higher education.

(c) Chosen for their recognized ability and innovative leadership experience in broad education policy and system design, a representative of each of the following shall be selected by the

respective organizations, who shall serve at the pleasure of the appointing organizations:

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

(ii) A representative of the state's community and technical college system, selected by the state board for community and technical colleges; and

(iii) A representative of the state's K-12 education system, selected by the superintendent of public instruction in consultation with the department of children, youth, and families and the state board of education. The representative appointed under this subsection (2)(c)(iii) shall excuse himself or herself from voting on matters relating primarily to institutions of higher education.

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

(4) The council may create advisory committees on an ad hoc basis for the purpose of obtaining input from students, faculty, and higher education experts and practitioners, citizens, business and industry, and labor, and for the purpose of informing their research, policy, and programmatic functions. Ad hoc advisory committees addressing secondary to postsecondary transitions and university and college admissions requirements must include K-12 sector representatives including teachers, school directors, principals, administrators, and others as the council may direct, in addition to higher education representatives. The council shall maintain a contact list of K-12 and higher education stakeholder organizations to provide notices to stakeholders regarding the purposes of ad hoc advisory committees, timelines for planned work, means for participation, and a statement of desired outcomes.

(5) Any vacancies on the council shall be filled in the same manner as the original appointments. Appointments to fill vacancies shall be only for such terms as remain unexpired. Any vacancies among council members appointed by the governor shall be filled by the governor subject to confirmation by the senate and shall have full authority to act before the time the senate acts on their confirmation. [2021 c 134 s 1; 2018 c 58 s 27; 2012 c 229 s 101; 2011 1st sp.s. c 11 s 301.]

**Effective date——2018 c 58:** See note following RCW 28A.655.080.

**Effective date——2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** "Sections 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904 of this act take effect July 1, 2012." [2012 c 229 s 908.]

**Effective date——2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent——2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**RCW 28B.77.007 Student loan advocate——Duties——Referral of complaints.** (1) The council shall designate a student loan advocate within the office to provide timely assistance to any student education loan borrower with any student education loan. The student loan advocate may hire additional staff as necessary to implement this section.

(2) The student loan advocate receives and reviews complaints from student education loan borrowers. Complaints regarding student education loan servicers licensed or subject to licensing under chapter 31.04 RCW must be referred to the department of financial institutions. The department of financial institutions investigates complaints received by the student loan advocate, and from the public who may also submit complaints directly to the department of financial institutions.

(3) The student loan advocate, in collaboration with the attorney general's office, receives, reviews, and refers to the attorney general's consumer protection division all other complaints from student education loan borrowers regarding student education loan servicers whose activities are not subject to licensure by chapter 31.04 RCW.

(4) The student loan advocate, the department of financial institutions, and the office of the attorney general shall confer annually regarding the student education loan servicer complaints, the proper referral processes for those complaints, and the reporting requirements of the advocate under chapter 31.04 RCW and this section.

(5) The student loan advocate has the following duties:

(a) Compile and analyze data on student education loan borrower complaints received and referred to the department of financial institutions and the office of the attorney general;

(b) Assist student education loan borrowers in understanding rights and responsibilities under the terms of student education loans, including reviewing the complete student education loan history for any student education loan borrower who has provided written consent for the review;

(c) Provide information to the public, agencies, legislators, and others regarding the problems and concerns of student education loan borrowers and make recommendations for resolving those problems and concerns;

(d) Analyze and monitor the development and implementation of federal, state, and local laws, rules, regulations, and policies relating to student education loan borrowers and recommend any changes the student loan advocate deems necessary;

(e) Assess the number of residents with federal student education loans who have applied for, received, or are awaiting a decision on forgiveness or discharge of a student education loan on a comparable annual basis, subject to the availability of applicable data;

(f) Disseminate information concerning the availability of the student loan advocate to assist student education loan borrowers and potential student education loan borrowers, as well as institutions of higher education, student education loan servicers, and any other participant in student education loan lending, with any student education loan concerns;

(g) Take any action reasonably calculated or intended to assist student education loan borrowers, including providing assistance applying for forgiveness or discharge of a student education loan and communicating with a student education loan servicer to resolve a

complaint received by the advocate from a student education loan borrower; and

(h) Take any other actions necessary to fulfill the duties of the student loan advocate as provided in chapter 31.04 RCW and this section.

(6) By October 1, 2020, the student loan advocate shall establish and maintain a student education loan borrower education course that includes educational presentations and materials regarding issues surrounding student education loans. The course must include, but not be limited to, key loan terms, documentation requirements, monthly payment obligations, income-driven repayment options, loan forgiveness, refund, and discharge, state-based tuition recovery, disclosures, federal consumer information and warnings, federal regulations intended to protect federal student loan borrowers, options for submitting complaints to the student loan advocate and state and federal agencies, and specific benefits and options for military service members and veterans.

(7) By December 31, 2020, the council shall submit a report to the appropriate committees of the legislature having jurisdiction over matters relating to financial institutions and higher education. The council shall report on: (a) The implementation of this section; (b) the overall effectiveness of the student loan advocate; (c) the types of complaints received regarding student education loan borrowing, student education loan repayments and servicing, and how these complaints are resolved; and (d) other data on outstanding student education loan issues faced by borrowers.

(8) Implementation of this section by the council is subject to the availability of amounts appropriated and the balance of the student loan advocate account. [2018 c 62 s 1.]

**Application—Short title—2018 c 62:** See RCW 31.04.905 and 31.04.906.

**RCW 28B.77.008 Student loan advocate account.** The student loan advocate account is created in the custody of the state treasurer. Expenditures from the account may be used only for the purpose of covering the costs of administering the student loan advocate program created in RCW 28B.77.007. Only the executive director of the council or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditure. [2018 c 62 s 5.]

**Application—Short title—2018 c 62:** See RCW 31.04.905 and 31.04.906.

**RCW 28B.77.009 Student loan advocate—Public service loan forgiveness program awareness materials.** (1) The student loan advocate, established in RCW 28B.77.007, shall develop, and update annually as necessary, materials designed to increase awareness of the public service loan forgiveness program. Materials include, at a minimum:

(a) A standardized letter for public service employers to send to their employees briefly summarizing the public service loan

forgiveness program, information about what eligible employees are required to do in order to benefit from the program, and how an eligible employee may contact their student loan servicer for additional resources;

(b) A detailed fact sheet describing the public service loan forgiveness program, including the official website address maintained by the United States department of education for the program and contact information for the student loan advocate; and

(c) A document containing frequently asked questions about the public service loan forgiveness program.

(2) The student loan advocate shall coordinate with the office of financial management, the secretary of state, local governmental entities, and other relevant agencies and public service employer entities to ensure that public service employers receive materials developed in subsection (1) of this section.

(3) For purposes of this section, the definitions in this subsection apply:

(a) "Public service employer" includes the following:

(i) Any governmental entity including state, county, city, or other local government entity including political subdivisions, such as office, department, independent agency, school district, public college or university system, public library system, authority, or other body including the legislature and the judiciary;

(ii) Any employer that has received designation as a tax-exempt organization pursuant to Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended;

(iii) Any other entities identified as a public service job in Title 20 U.S.C. Sec. 1087e(m).

(b) "Public service loan forgiveness program" means the federal loan forgiveness program established pursuant to Title 20 U.S.C. Sec. 1087e(m) and 34 C.F.R. Sec. 685.219. [2022 c 248 s 2.]

**Intent——2022 c 248:** "(1) The legislature recognizes that our country faces a student loan debt crisis. Nationally, Americans owe $1.73 trillion in student loans. In Washington state, about 767,300 student loan borrowers owe nearly $27.4 billion of outstanding debt, more than $35,700 per borrower on average.

(2) Student loan debt is a multigenerational issue that affects borrowers of all ages and jeopardizes millions of families' long-term financial security. While student loan balances have risen for all age groups, older borrowers have seen the largest increase. Student loan defaults rise with the borrower's age, and parents and grandparents take on debt to help their children and grandchildren pay for their education. Borrowers are increasingly defaulting on their debts, resulting in income garnishment and deductions from federal tax refunds or social security payments.

(3) The legislature further recognizes that the federal government offers and provides loan forgiveness for individuals who have worked in a public service job full time and have made qualifying payments towards their student loans. Unfortunately, the eligibility criteria to qualify for this program has been complex, leading to low approval rates for individuals who would otherwise qualify. By providing more public awareness of this program, the legislature intends to help alleviate the student loan debt burden of those who have committed their lives to public service.

(4) It is the intent of the legislature to do the following:

(a) Develop materials to increase awareness of the federal public service loan forgiveness program;

(b) Create a program for state agencies to certify employment for the purpose of the public service loan forgiveness program;

(c) Have public service employers collaborate on a statewide initiative to improve access and remove barriers to the public service loan forgiveness program for all public service employees in the state; and

(d) Acknowledge the work done outside the classroom by part-time academic employees, allowing for those hours to be counted towards the definition of full time for the public service loan forgiveness program as set forth in 34 C.F.R. Sec. 685.219." [2022 c 248 s 1.]

**Effective date—2022 c 248:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 30, 2022]." [2022 c 248 s 6.]

**RCW 28B.77.010 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Committee" means the joint higher education committee.

(2) "Council" means the student achievement council.

(3) "Education data center" means the education data center established in the office of financial management as provided under RCW 43.41.400.

(4) "Four-year institutions of higher education" means the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, and The Evergreen State College.

(5) "Major expansion" means expansion of the higher education system that requires significant new capital investment, including building new institutions, campuses, branches, or centers or conversion of existing campuses, branches, or centers that would result in a mission change.

(6) "Mission change" means a change in the level of degree awarded or institutional type not currently authorized in statute.

(7) "Office" means the office of student financial assistance created in RCW 28B.76.090. [2012 c 229 s 102.]

**RCW 28B.77.020 Educational attainment goals and priorities—Short-term strategic action plan—Ten-year road map—System reviews—Role of education data center—Responsibility for work of the office—Additional duties.** (1) Aligned with the state's biennial budget and policy cycles, the council shall propose educational attainment goals and priorities to meet the state's evolving needs. The council shall identify strategies for meeting the goals and priorities by means of a short-term strategic action plan and a ten-year plan that serves as a road map.

(a) The goals must address the needs of Washington residents to reach higher levels of educational attainment and Washington's workforce needs for certificates and degrees in particular fields of study.

(b) The council shall identify the resources it deems appropriate to meet statewide goals and also recognize current state economic conditions and state resources.

(c) In proposing goals, the council shall collaborate with the superintendent of public instruction, the professional educator standards board, the state board of education, the state board for community and technical colleges, the four-year institutions of higher education, independent colleges and degree-granting institutions, certificate-granting institutions, and the workforce training and education coordinating board.

(2) The council shall update the strategic action plan every two years with the first strategic action plan to be submitted to the governor and the legislature by December 1, 2012. The ten-year road map must be updated every two years with the first road map to be submitted to the governor and the legislature by December 1, 2013. The council must provide regular updates to the joint higher education committee created in RCW 44.04.360 as needed.

(3) In order to develop the ten-year road map, the council shall conduct strategic planning in collaboration with agencies and stakeholders and include input from the legislature. The council must also consult with the STEM education innovation alliance established under RCW 28A.188.030 in order to align strategies under the road map with the STEM framework for education and accountability developed by the alliance. The road map must encompass all sectors of higher education, including secondary to postsecondary transitions. The road map must outline strategies that address:

(a) Strategic planning, which includes setting benchmarks and goals for long-term degree production generally and in particular fields of study;

(b) Expanding access, affordability, quality, efficiency, and accountability among the various institutions of higher education;

(c) Higher education finance planning and strategic investments including budget recommendations necessary to meet statewide goals;

(d) System design and coordination;

(e) Improving student transitions;

(f) Higher education data and analysis, in collaboration with the education data center, which includes outcomes for recruitment, retention, and success of students;

(g) College and career access preparedness, in collaboration with the office of the superintendent of public instruction and the state board of education;

(h) Expanding participation and success for racial and ethnic minorities in higher education;

(i) Development and expansion of innovations in higher education including innovations to increase attainment of postsecondary certificates, and associate, baccalaureate, graduate, and professional degrees; and innovations to improve precollege education in terms of cost-effectiveness and transitions to college-level education;

(j) Strengthening the education pipeline and degree production in science, technology, engineering, and mathematics fields, and aligning strategies under the road map with the STEM framework for action and accountability developed under RCW 28A.188.030; and

(k) Relevant policy research.

(4) As needed, the council must conduct system reviews consistent with RCW 28B.77.080.

(5) The council shall facilitate the development and expansion of innovative practices within, between, and among the sectors to

increase educational attainment and assess the effectiveness of the innovations.

(6) The council shall use the data and analysis produced by, and in consultation with, the education data center created in RCW 43.41.400 in developing policy recommendations and proposing goals. In conducting research and analysis the council at a minimum must:

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

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

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

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

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

(f) Use data from the education data center wherever appropriate to conduct duties in (a) through (e) of this subsection.

(7) The council shall collaborate with the appropriate state agencies and stakeholders, including the state board of education, the office of the superintendent of public instruction, the state board for community and technical colleges, the workforce training and education coordinating board, and the four-year institutions of higher education to improve student transitions and success including but not limited to:

(a) Setting minimum college admission standards for four-year institutions of higher education, including:

(i) A requirement that coursework in American sign language or an American Indian language satisfies any requirement for instruction in a language other than English that the council or the institutions may establish as a general undergraduate admissions requirement; and

(ii) Encouragement of the use of multiple measures to determine whether a student must enroll in a precollege course, such as placement tests, the SAT, high school transcripts, college transcripts, or initial class performance;

(b) Proposing comprehensive policies and programs to encourage students to prepare for, understand how to access, and pursue postsecondary college and career programs, including specific policies and programs for students with disabilities;

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

(d) Identifying transitions issues and solutions for students, from high school to postsecondary education including community and technical colleges, four-year institutions of higher education, apprenticeships, training, or workplace education; between two-year and four-year institutions of higher education; and from postsecondary education to career. In addressing these issues the council must

recognize that these transitions may occur multiple times as students continue their education.

(8) The council directs the work of the office, which includes administration of student financial aid programs under RCW 28B.76.090, including the Washington college grant and other scholarships, the Washington advanced college tuition payment program, and work-study programs.

(9) The council may administer state and federal grants and programs including but not limited to those programs that provide incentives for improvements related to increased access and success in postsecondary education.

(10) The council shall protect higher education consumers including:

(a) Approving degree-granting postsecondary institutions consistent with existing statutory criteria;

(b) Establishing minimum criteria to assess whether students who attend proprietary institutions of higher education shall be eligible for the Washington college grant and other forms of state financial aid.

(i) The criteria shall include retention rates, completion rates, loan default rates, and annual tuition increases, among other criteria for students who receive the Washington college grant in chapter 28B.92 RCW and any other state financial aid.

(ii) The council may remove proprietary institutions of higher education from eligibility for the Washington college grant or other form of state financial aid if it finds that the institution or college does not meet minimum criteria.

(iii) The council shall report by December 1, 2014, to the joint higher education committee in RCW 44.04.360 on the outcomes of students receiving Washington college grants, impacts on meeting the state's higher education goals for educational attainment, and options for prioritization of the Washington college grant and possible consequences of implementing each option. When examining options for prioritizing the Washington college grant the council shall consider awarding grants based on need rather than date of application and making awards based on other criteria selected by the council.

(11) The council shall adopt residency requirements by rule.

(12) The council shall arbitrate disputes between and among four-year institutions of higher education and the state board for community and technical colleges at the request of one or more of the institutions involved, or at the request of the governor, or from a resolution adopted by the legislature. The decision of the council shall be binding on the participants in the dispute.

(13) The council may solicit, accept, receive, and administer federal funds or private funds, in trust, or otherwise, and contract with foundations or with for-profit or nonprofit organizations to support the purposes and functions of the council.

(14) The council shall represent the broad public interest above the interests of the individual institutions of higher education. [2019 c 406 s 42; 2015 c 83 s 2; 2013 2nd sp.s. c 25 s 6; 2012 c 229 s 104.]

**Findings—Intent—2019 c 406:** See note following RCW 43.79.195.

**Findings—Short title—2019 c 406:** See notes following RCW 28B.92.200.

**Findings—2019 c 406:** See note following RCW 28B.94.020.

**Findings—Intent—2019 c 406:** See note following RCW 28C.30.050.

**Findings—Intent—2019 c 406:** See note following RCW 43.216.135.

**RCW 28B.77.030 Bylaws—Meetings.** (1) The council shall adopt bylaws and shall meet at least four times each year and at such other times as determined by the chair who shall give reasonable prior notice to the members.

(2) Councilmembers are expected to consistently attend meetings. The chair of the council may remove any member who misses more than two meetings in any calendar year without cause. Any member so removed must be replaced as provided under RCW 28B.77.005. [2012 c 229 s 105.]

**RCW 28B.77.035 Compensation—Reimbursement.** Councilmembers shall be compensated in accordance with RCW 43.03.240 and reimbursed for travel expenses incurred in carrying out the duties of the council in accordance with RCW 43.03.050 and 43.03.060. [2012 c 229 s 106.]

**RCW 28B.77.040 Executive director.** (1) The council shall employ an executive director. The executive director shall be appointed by the governor from a list of three names submitted by the council. However, the governor may request, and the council shall provide, an additional list or lists from which the governor shall select the executive director. The governor may dismiss the executive director only with the approval of a majority vote of the council. The council, by a majority vote, may dismiss the executive director.

(2) The executive director may employ necessary deputy and assistant directors and other exempt staff under chapter 41.06 RCW, who shall serve at the executive director's pleasure on such terms and conditions as he or she determines. Subject to the provisions of chapter 41.06 RCW, the executive director may appoint and employ such other employees as may be required for the proper discharge of the functions of the council. [2012 c 229 s 107.]

**RCW 28B.77.050 Rule-making authority.** The council has the authority to adopt rules as necessary to implement this chapter. [2012 c 229 s 108.]

**RCW 28B.77.060 Council as state commission for federal law purposes.** The council is designated as the state commission as provided for in Section 1202 of the education amendments of 1972 (Public Law 92-318), as now or hereafter amended; and shall perform such functions as is necessary to comply with federal directives pertaining to the provisions of such law. [2012 c 229 s 109; 2004 c 275 s 5; 1985 c 370 s 20; 1975 1st ex.s. c 132 s 9. Formerly RCW 28B.76.110, 28B.80.200.]

**Part headings not law—2004 c 275:** See note following RCW 28B.76.090.

**Effective date—1975 1st ex.s. c 132:** "This 1975 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1975." [1975 1st ex.s. c 132 s 19.]

**Severability—1975 1st ex.s. c 132:** "If any provision of this 1975 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1975 1st ex.s. c 132 s 18.]

**RCW 28B.77.065 Council to administer certain federal programs.** The council may administer any federal act pertaining to higher education which is not administered by another state agency. [2012 c 229 s 117; 2011 1st sp.s. c 11 s 108; 1985 c 370 s 21; 1975 1st ex.s. c 132 s 12. Prior: 1969 ex.s. c 263 s 3. Formerly RCW 28B.76.510, 28B.80.210, 28.90.120, 28B.81.030.]

**Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Effective date—Severability—1975 1st ex.s. c 132:** See notes following RCW 28B.77.060.

**RCW 28B.77.070 Budget priorities and levels of funding—Submission of budget outlines and priorities to the office of financial management—Prioritized list.** (1) The council shall identify budget priorities and levels of funding for higher education, including the two and four-year institutions of higher education and state financial aid programs. It is the intent of the legislature for the council to make budget recommendations for allocations for major policy changes in accordance with priorities set forth in the ten-year plan, but the legislature does not intend for the council to review and make recommendations on individual institutional budgets. It is the intent of the legislature that recommendations from the council prioritize funding needs for the overall system of higher education in accordance with priorities set forth in the ten-year plan. It is also the intent of the legislature that the council's recommendations take into consideration the total per-student funding at similar public institutions of higher education in the global challenge states.

(2) By December of each odd-numbered year, the council shall outline the council's fiscal priorities under the ten-year plan that it must distribute to the institutions, the state board for community

and technical colleges, the office of financial management, and the joint higher education committee.

(a) Capital budget outlines for the two-year institutions shall be submitted to the office of financial management by August 15th of each even-numbered year, and shall include the prioritized ranking of the capital projects being requested, a description of each capital project, and the amount and fund source being requested.

(b) Capital budget outlines for the four-year institutions must be submitted to the office of financial management by August 15th of each even-numbered year, and must include: The institutions' priority ranking of the project; the capital budget category within which the project will be submitted to the office of financial management in accordance with RCW 43.88D.010; a description of each capital project; and the amount and fund source being requested.

(c) The office of financial management shall reference these reporting requirements in its budget instructions.

(3) The council shall submit recommendations on the operating budget priorities to support the ten-year plan to the office of financial management by October 1st each year, and to the legislature by January 1st each year.

(4)(a) The office of financial management shall develop one prioritized list of capital projects for the legislature to consider that includes all of the projects requested by the four-year institutions of higher education that were scored by the office of financial management pursuant to chapter 43.88D RCW, including projects that were previously scored but not funded. The prioritized list of capital projects shall be based on the following priorities in the following order:

(i) Office of financial management scores pursuant to chapter 43.88D RCW;

(ii) Preserving assets;

(iii) Degree production; and

(iv) Maximizing efficient use of instructional space.

(b) The office of financial management shall include all of the capital projects requested by the four-year institutions of higher education, except for the minor works projects, in the prioritized list of capital projects provided to the legislature.

(c) The form of the prioritized list for capital projects requested by the four-year institutions of higher education shall be provided as one list, ranked in priority order with the highest priority project ranked number "1" through the lowest priority project numbered last. The ranking for the prioritized list of capital projects may not:

(i) Include subpriorities;

(ii) Be organized by category;

(iii) Assume any state bond or building account biennial funding level to prioritize the list; or

(iv) Assume any specific share of projects by institution in the priority list.

(5) Institutions and the state board for community and technical colleges shall submit any supplemental capital budget requests and revisions to the office of financial management by November 1st and to the legislature by January 1st.

(6) For the 2019-2021 fiscal biennium and the 2021-2023 fiscal biennium, pursuant to subsection (4) of this section, the office of financial management may, but is not obligated to, develop one prioritized list of capital projects for the legislature to consider

that includes all of the projects requested by the four-year institutions of higher education that were scored by the office of financial management pursuant to chapter 43.88D RCW, including projects that were previously scored but not funded. [2021 c 332 s 7044; 2019 c 413 s 7029; 2018 c 298 s 7014; 2012 c 229 s 110; 2011 1st sp.s. c 11 s 104; 2010 c 245 s 10; 2008 c 205 s 4; 2007 c 458 s 202; 2004 c 275 s 7; 2003 c 130 s 3; 1997 c 369 s 10; 1996 c 174 s 1; 1993 c 363 s 6; 1985 c 370 s 4. Formerly RCW 28B.76.210, 28B.80.330.]

**Effective date—2021 c 332:** See note following RCW 43.19.501.

**Effective date—2019 c 413:** See note following RCW 28B.15.210.

**Effective date—2018 c 298:** See note following RCW 79.17.210.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Findings—Expand on demand—System design plan endorsed—2010 c 245:** See note following RCW 28B.50.020.

**Part headings not law—2007 c 458:** See note following RCW 28B.76.090.

**Part headings not law—2004 c 275:** See note following RCW 28B.76.090.

**Findings—Intent—2003 c 130:** "(1) The legislature finds that:

(a) At the time the *higher education coordinating board was created in 1985, the legislature wanted a board with a comprehensive mission that included planning, budget and program review authority, and program administration;

(b) Since its creation, the board has achieved numerous accomplishments, including proposals leading to creation of the branch campus system, and has made access and affordability of higher education a consistent priority;

(c) However, higher education in Washington state is currently at a crossroads. Demographic, economic, and technological changes present new and daunting challenges for the state and its institutions of higher education. As the state looks forward to the future, the legislature, the governor, and institutions need a common strategic vision to guide planning and decision making.

(2) Therefore, it is the legislature's intent to reaffirm and strengthen the strategic planning role of the *higher education coordinating board. It is also the legislature's intent to examine options for reassigning or altering other roles and responsibilities to enable the board to place priority and focus on planning and coordination." [2003 c 130 s 1.]

***Reviser's note:** The higher education coordinating board was abolished by 2011 1st sp.s. c 11 s 301, effective July 1, 2012.

**Findings—1993 c 363:** "The legislature finds a need to redefine the relationship between the state and its postsecondary education institutions through a compact based on trust, evidence, and a new alignment of responsibilities. As the proportion of the state budget dedicated to postsecondary education programs has continued to

decrease and the opportunity for this state's citizens to participate in such programs also has declined, the state institutions of higher education have increasingly less flexibility to respond to emerging challenges through innovative management and programming. The legislature finds that this state has not provided its institutions of higher education with the ability to effectively achieve statewide goals and objectives to increase access to, improve the quality of, and enhance the accountability for its postsecondary education system.

Therefore, the legislature declares that the policy of the state of Washington is to create an environment in which the state institutions of higher education have the authority and flexibility to enhance attainment of statewide goals and objectives for the state's postsecondary education system through decisions and actions at the local level. The policy shall have the following attributes:

(1) The accomplishment of equitable and adequate enrollment by significantly raising enrollment lids, adequately funding those increases, and providing sufficient financial aid for the neediest students;

(2) The development and use of a new definition of quality measured by effective operations and clear results; the efficient use of funds to achieve well-educated students;

(3) The attainment of a new resource management relationship that removes the state from micromanagement, allows institutions greater management autonomy to focus resources on essential functions, and encourages innovation; and

(4) The development of a system of coordinated planning and sufficient feedback to assure policymakers and citizens that students are succeeding and resources are being prudently deployed." [1993 c 363 s 1.]

**Effective date—1993 c 363:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993." [1993 c 363 s 7.]

*Project of statewide significance—Defined: RCW 43.157.010.*

**RCW 28B.77.080 Needs assessment process and analysis—Recommendations—Activities requiring council approval.** (1) The council shall develop a comprehensive and ongoing assessment process to analyze the need for additional degrees and programs, additional off-campus centers and locations for degree programs, and consolidation or elimination of programs by the four-year institutions of higher education. Council recommendations regarding proposed major expansion shall be limited to determinations of whether the major expansion is within the scope indicated in the most recent ten-year plan for higher education or most recent system design plan. Recommendations regarding existing capital prioritization processes are not within the scope of the evaluation of major expansion. Major expansion and proposed mission changes may be proposed by the council, any public institution of higher education, or by a state or local government.

(2) As part of the needs assessment process, the council shall examine:

(a) Projections of student, employer, and community demand for education and degrees, including liberal arts degrees, on a regional and statewide basis;

(b) Current and projected degree programs and enrollment at public and private institutions of higher education, by location and mode of service delivery;

(c) Data from the workforce training and education coordinating board and the state board for community and technical colleges on the supply and demand for workforce education and certificates and associate degrees; and

(d) Recommendations from the technology transformation task force created in chapter 407, Laws of 2009, and institutions of higher education relative to the strategic and operational use of technology in higher education. These and other reports, reviews, and audits shall allow for: The development of enterprise-wide digital information technology across educational sectors, systems, and delivery methods; the integration and streamlining of administrative tools including but not limited to student information management, financial management, payroll, human resources, data collection, reporting, and analysis; and a determination of the costs of multiple technology platforms, systems, and models.

(3) Every two years the council shall produce, jointly with the state board for community and technical colleges and the workforce training and education coordinating board, an assessment of the number and type of higher education and training credentials required to match employer demand for a skilled and educated workforce. The assessment shall include the number of forecasted net job openings at each level of higher education and training and the number of credentials needed to match the forecast of net job openings.

(4) The council shall determine whether certain major lines of study or types of degrees, including applied degrees or research-oriented degrees, shall be assigned uniquely to some institutions or institutional sectors in order to create centers of excellence that focus resources and expertise.

(5) The following activities are subject to approval by the council:

(a) Creation of higher education centers and consortia; and

(b) New degree programs and creation of off-campus programs by an independent college or university in collaboration with a community or technical college.

(6) Institutions seeking council approval under this section must demonstrate that the proposal is justified by the needs assessment developed under this section. Institutions must also demonstrate how the proposals align with or implement the ten-year plan for higher education.

(7) The council shall develop clear guidelines and objective decision-making criteria regarding approval of proposals under this section, which must include review and consultation with the institution and other interested agencies and individuals.

(8) The council shall periodically recommend consolidation or elimination of programs at the four-year institutions of higher education, based on the needs assessment analysis.

(9) In the case of a proposed major expansion or mission change, the needs assessment process under subsection (2) of this section constitutes a threshold inquiry. If the council determines that the need for the proposed major expansion or mission change has not been justified, the inquiry is concluded. If the council determines that

the need for the proposed major expansion or mission change has been sufficiently established, the council, in consultation with any directly involved institutions and other interested agencies and individuals, shall proceed to examine the viability of the proposal using criteria including, but not limited to:

(a) The specific scope of the project including the capital investment requirements, the number of full-time equivalent students anticipated, and the number of academic programs planned;

(b) The existence of an efficient and sustainable financial plan;

(c) The extent to which existing resources can be leveraged;

(d) The current and five-year projected student population, faculty, and staff to support the proposed programs, institution, or innovation;

(e) The plans to accommodate expected growth over a twenty-year time frame;

(f) The extent to which new or existing partnerships and collaborations are a part of the proposal; and

(g) The feasibility of any proposed innovations to accelerate degree production.

(10) After the council completes its evaluation of the proposed major expansion or mission change using the needs assessment under subsection (2) of this section and viability determination under subsection (9) of this section, the council shall make a recommendation to either proceed, modify, or not proceed with the proposed major expansion or mission change. The council's recommendation shall be presented to the governor and the legislature. [2012 c 229 s 111; 2010 c 245 s 5; 2005 c 258 s 11; 2004 c 275 s 9. Formerly RCW 28B.76.230.]

**Findings—Expand on demand—System design plan endorsed—2010 c 245:** See note following RCW 28B.50.020.

**Findings—Intent—2005 c 258:** See note following RCW 28B.45.014.

**Part headings not law—2004 c 275:** See note following RCW 28B.76.090.

**RCW 28B.77.090 Accountability monitoring and reporting system—Data requirements—Uniform dashboard format for display of data—Use of performance data.** (1) An accountability monitoring and reporting system is established as part of a continuing effort to make meaningful and substantial progress towards the achievement of long-term performance goals in higher education.

(2) To provide consistent, easily understood data among the public four-year institutions of higher education within Washington and in other states, the following data must be reported to the education data center annually by December 1st, and at a minimum include data recommended by a national organization representing state chief executives. The education data center in consultation with the council may change the data requirements to be consistent with best practices across the country. This data must, to the maximum extent possible, be disaggregated by race and ethnicity, gender, state and county of origin, age, and socioeconomic status, and include the following for the four-year institutions of higher education:

(a) Bachelor's degrees awarded;

(b) Graduate and professional degrees awarded;

(c) Graduation rates: The number and percentage of students who graduate within four years for bachelor's degrees and within the extended time, which is six years for bachelor's degrees;

(d) Transfer rates: The annual number and percentage of students who transfer from a two-year to a four-year institution of higher education;

(e) Time and credits to degree: The average length of time in years and average number of credits that graduating students took to earn a bachelor's degree;

(f) Enrollment in remedial education: The number and percentage of entering first-time undergraduate students who place into and enroll in remedial mathematics, English, or both;

(g) Success beyond remedial education: The number and percentage of entering first-time undergraduate students who complete entry college-level math and English courses within the first two consecutive academic years;

(h) Credit accumulation: The number and percentage of first-time undergraduate students completing two quarters or one semester worth of credit during their first academic year;

(i) Retention rates: The number and percentage of entering undergraduate students who enroll consecutively from fall-to-spring and fall-to-fall at an institution of higher education;

(j) Course completion: The percentage of credit hours completed out of those attempted during an academic year;

(k) Program participation and degree completion rates in bachelor and advanced degree programs in the sciences, which includes agriculture and natural resources, biology and biomedical sciences, computer and information sciences, engineering and engineering technologies, health professions and clinical sciences, mathematics and statistics, and physical sciences and science technologies, including participation and degree completion rates for students from traditionally underrepresented populations;

(l) Annual enrollment: Annual unduplicated number of students enrolled over a twelve-month period at institutions of higher education including by student level;

(m) Annual first-time enrollment: Total first-time students enrolled in a four-year institution of higher education;

(n) Completion ratio: Annual ratio of undergraduate and graduate degrees and certificates, of at least one year in expected length, awarded per one hundred full-time equivalent undergraduate students at the state level;

(o) Market penetration: Annual ratio of undergraduate and graduate degrees and certificates, of at least one year in program length, awarded relative to the state's population age eighteen to twenty-four years old with a high school diploma;

(p) Student debt load: Median three-year distribution of debt load, excluding private loans or debts incurred before coming to the institution;

(q) Data related to enrollment, completion rates, participation rates, and debt load shall be disaggregated for students in the following income brackets to the maximum extent possible:

(i) Up to 70 percent of the median family income;

(ii) Between 71 percent and 125 percent of the median family income; and

(iii) Above 125 percent of the median family income;

(r) Yearly percentage increases in the average cost of undergraduate instruction;

(s) Ratio of fall head count students to fall head count faculty appointments;

(t) Annualized ratio of full-time equivalent students to annualized full-time equivalent nonfaculty positions;

(u) Net position for the academy as defined by the national center for education statistics, integrated postsecondary education data system data glossary (2022);

(v) Annual primary reserve ratio as measured by expendable net assets to total expenses;

(w) Cash on hand as calculated by the ratio of total cash on hand for the academy divided by operating expenses for the academy minus noncash expenses divided by 365;

(x) Viability ratio as measured by unrestricted and expendable net assets, not including capital projects expendable net assets, divided by total debt;

(y) Ratio of total expendable net assets for the academy as defined by the national center for education statistics, integrated postsecondary education data system data glossary (2022) per full-time equivalent student;

(z) Total market value of college or university endowment holdings; and

(aa) Total annual market value of college or university endowment earnings, the amount of the annual earnings that remain in the endowment after fees are removed, and the percentage of the annual remaining endowment earnings after fees are removed to total annual market value of college or university endowment earnings.

(3) Four-year institutions of higher education must count all students when collecting data, not only first-time, full-time first-year students.

(4) In conjunction with the office of financial management, all four-year institutions of higher education must display the data described in subsection (2) of this section in a uniform dashboard format on the office of financial management's website no later than January 15th. To the maximum extent possible, the information must be viewable by race and ethnicity, gender, state and county of origin, age, and socioeconomic status. The information may be tailored to meet the needs of various target audiences such as students, researchers, and the general public.

(5) The council shall use performance data from the education data center for the purposes of strategic planning, to report on progress toward achieving statewide goals, and to develop priorities proposed in the 10-year plan for higher education. [2023 c 98 s 1; 2013 c 23 s 60; 2012 c 229 s 115; 2011 1st sp.s. c 10 s 8; 2004 c 275 s 11. Formerly RCW 28B.76.270.]

**Findings——Intent——Short title——2011 1st sp.s. c 10:** See notes following RCW 28B.15.031.

**Part headings not law——2004 c 275:** See note following RCW 28B.76.090.

**RCW 28B.77.100 Data collection and research——Data-sharing agreements——Education data center as authorized representative for**

**research purposes.** (1)(a) In consultation with the education data center, institutions of higher education, and state education agencies, the council shall identify the data needed to carry out its responsibilities for policy analysis and public information. The primary goals of the council's data collection and research are to describe how students and other beneficiaries of higher education are being served; to compare and contrast the state of Washington's higher education system with the rest of the nation; and to assist state policymakers and institutions in making policy decisions.

(b) For the council, assistance to state policymakers and institutions of higher education in making policy decisions includes but is not limited to annual reporting of a national comparison of tuition and fees.

(2) One of the goals of the education data center's data collection and research for higher education is to support higher education accountability. For the education data center, assistance to state policymakers and institutions of higher education in making policy decisions includes but is not limited to regular completion of:

(a) Educational cost study reports as provided in RCW 43.41.415 and information on state support received by students as provided in RCW 43.41.410; and

(b) Per-student funding at similar public institutions of higher education in the global challenge states.

(3) State-approved educator preparation programs must collect and provide data as required for approval by the professional educator standards board to the education data center.

(4) The education data center and the state-approved educator preparation programs as described in RCW 28A.410.210 shall enter data-sharing agreements to facilitate the transfer of data required by the professional educator standards board. The education data center must hold, analyze, and make available for research and monitoring by the professional educator standards board, state-approved educator preparation programs, and other researchers with appropriate data-sharing agreements, the data on the preparation of educators.

(5) The education data center shall be considered an authorized representative of the council and the office under applicable federal and state statutes for purposes of accessing and compiling student record data for research purposes. [2017 c 172 s 2; 2015 c 244 s 2; 2012 c 229 s 302; 2010 1st sp.s. c 7 s 58; 2004 c 275 s 12. Formerly RCW 28B.76.280.]

**Finding—Intent—2017 c 172:** "The legislature finds that the entities that are approved by the professional educator standards board collect and hold valuable information about candidates for educator certification. The education data center collects data for research purposes for the student achievement council and K-12 educational agencies. The training of effective teachers and understanding of the best practices of educator preparation programs is valuable information for policymakers. The preparation programs currently approved are required to collect and hold this information, but due to federal privacy concerns, the submission of reports contains only aggregate data, and thus makes it impossible to follow the careers of state educators into the field. The education data center has legislative authority to collect this information and meets federal privacy requirements. Therefore, the legislature intends to require transfer to the entity charged with K-12 and higher education

research, such data required and held by state-approved educator preparation programs, while fully respecting the privacy of students." [2017 c 172 s 1.]

**Findings—2015 c 244:** See note following RCW 28B.118.010.

**Effective date—2010 1st sp.s. c 26; 2010 1st sp.s. c 7:** See note following RCW 43.03.027.

**RCW 28B.77.110 Complaint portal.** Within existing resources, the student achievement council, the workforce training and education coordinating board, and the department of licensing shall collaborate to create a single portal for student complaints regarding issues related to consumer protection, disclosures, school or program closures, or other violations committed by institutions regulated by those three agencies. The persons staffing the portal shall refer complaints to the appropriate agency and work as a liaison between the student and relevant agency to assist in resolving the concerns or complaint. Each agency shall ensure that all students enrolled in, applying to enroll in, or obtaining loans at, institutions regulated by the agency are informed of the portal and how to file complaints. The persons staffing the portal will report to the legislature annually by November 1, 2018, the number of complaints and their resolution status. [2018 c 203 s 13.]

**Finding—Intent—2018 c 203:** See note following RCW 28B.85.095.

**RCW 28B.77.120 Suicide prevention in higher education grant program.** (1) Subject to availability of amounts appropriated for this specific purpose, the suicide prevention in higher education grant program is established. The purpose of the grant program is to provide funding to postsecondary institutions for the institutions to create partnerships with health care entities to provide mental health, behavioral health, and suicide prevention to students in their institutions.

(2)(a) The council shall administer the grant program in accordance with this section and in collaboration with the work group convened by the entity within the University of Washington school of social work specified under RCW 28B.20.510. The council shall establish minimum criteria that grant recipients must meet to be awarded a grant. The grant program must be implemented by November 1, 2019.

(b) The council must award the first six grants created under this section to public institutions of higher education. When selecting the recipients of the first six grants under this subsection, the council must consult with the state board for community and technical colleges. The council must identify which public institutions of higher education have the greatest need, have a clear and strong demonstration of willingness from leadership to utilize the statewide resources created under RCW 28B.20.510, and can develop partnerships to enhance capacity. From those identified public institutions of higher education, proposals that enhance treatment services to student veterans must be given priority. Once the first

six grants are awarded, the council may award grants to other postsecondary institutions that meet the council's criteria.

(3) For the purposes of this section, "postsecondary institutions" means institutions of higher education as defined in RCW 28B.10.016, degree-granting institutions as defined in RCW 28B.85.010, private vocational schools as defined under RCW 28C.10.020, and school as defined in RCW 18.16.020. [2018 c 293 s 3.]

**Intent—Findings—2018 c 293:** See note following RCW 28B.20.510.

**RCW 28B.77.200 Master list of high school courses qualifying for postsecondary credit and qualifying examination scores—Publication on website.** The council shall annually publish on its website the agreed-upon list of high school courses qualifying for postsecondary credit under RCW 28B.10.053 and qualifying examination scores and demonstrated competencies meeting the postsecondary requirements for a certificate or technical degree, a two-year academic transfer degree, or the lower division requirements for a baccalaureate degree. [2012 c 229 s 112; 2011 c 77 s 4. Formerly RCW 28B.76.235.]

**Findings—Intent—Short title—2011 c 77:** See notes following RCW 28A.230.130.

**RCW 28B.77.210 Statewide transfer and articulation policies.** The council shall adopt statewide transfer and articulation policies that ensure efficient transfer of credits and courses across public two and four-year institutions of higher education. The intent of the policies is to create a statewide system of articulation and alignment between two and four-year institutions of higher education. Policies may address but are not limited to creation of a statewide system of course equivalency, creation of transfer associate degrees, statewide articulation agreements, applicability of technical courses toward baccalaureate degrees, and other issues. The institutions of higher education and the state board for community and technical colleges shall cooperate with the council in developing the statewide policies and shall provide support and staff resources as necessary to assist in maintaining the policies. [2012 c 229 s 113; 2004 c 275 s 10; 1998 c 245 s 23; 1985 c 370 s 27; 1983 c 304 s 1. Formerly RCW 28B.76.240, 28B.80.280.]

**Part headings not law—2004 c 275:** See note following RCW 28B.76.090.

**RCW 28B.77.215 Statewide transfer of credit policy and agreement—Requirements.** The statewide transfer of credit policy and agreement must be designed to facilitate the transfer of students and the evaluation of transcripts, to better serve persons seeking information about courses and programs, to aid in academic planning, and to improve the review and evaluation of academic programs in the state institutions of higher education. The statewide transfer of credit policy and agreement must not require or encourage the standardization of course content or prescribe course content or the credit value assigned by any institution to the course. Policies adopted by public

four-year institutions of higher education concerning the transfer of lower division credit must treat students transferring from public community colleges the same as students transferring from public four-year institutions of higher education. [2012 c 229 s 114. Prior: 2004 c 55 s 5; 1983 c 304 s 2. Formerly RCW 28B.76.2401, 28B.80.290.]

**RCW 28B.77.220 Transfer associate degrees—Work groups—Implementation—Progress reports.** (1) The council must convene work groups to develop transfer associate degrees that will satisfy lower division requirements at public four-year institutions of higher education for specific academic majors. Work groups must include representatives from the state board for community and technical colleges and the council of presidents, as well as faculty from two and four-year institutions. Work groups may include representatives from independent four-year institutions.

(2) Each transfer associate degree developed under this section must enable a student to complete the lower-division courses or competencies for general education requirements and preparation for the major that a direct-entry student would typically complete in the first-year student and sophomore years for that academic major.

(3) Completion of a transfer associate degree does not guarantee a student admission into an institution of higher education or admission into a major, minor, or professional program at an institution of higher education that has competitive admission standards for the program based on grade point average or other performance criteria.

(4) During the 2004-05 academic year, the work groups must develop transfer degrees for elementary education, engineering, and nursing. As necessary based on demand or identified need, the council must convene additional groups to identify and develop additional transfer degrees. The council must give priority to majors in high demand by transfer students and majors that the general direct transfer agreement associate degree does not adequately prepare students to enter automatically upon transfer.

(5) The council, in collaboration with the intercollege relations commission, must collect and maintain lists of courses offered by each community and technical college and public four-year institution of higher education that fall within each transfer associate degree.

(6) The council must monitor implementation of transfer associate degrees by public four-year institutions to ensure compliance with subsection (2) of this section.

(7) Beginning January 10, 2005, the council must submit a progress report on the development of transfer associate degrees to the higher education committees of the house of representatives and the senate. The first progress report must include measurable benchmark indicators to monitor the effectiveness of the initiatives in improving transfer and baseline data for those indicators before the implementation of the initiatives. Subsequent reports must be submitted by January 10th of each odd-numbered year and must monitor progress on the indicators, describe development of additional transfer associate degrees, and provide other data on improvements in transfer efficiency. [2013 c 23 s 61; 2012 c 229 s 541; 2004 c 55 s 2. Formerly RCW 28B.76.250.]

**Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Findings—Intent—2004 c 55:** "(1) The legislature finds that community and technical colleges play a vital role for students obtaining baccalaureate degrees. In 2002, more than forty percent of students graduating with a baccalaureate degree had transferred from a community or technical college.

(2) The legislature also finds that demand continues to grow for baccalaureate degrees. Increased demand comes from larger numbers of students seeking access to higher education and greater expectations from employers for the knowledge and skills needed to expand the state's economy. Community and technical colleges are an essential partner in meeting this demand.

(3) However, the legislature also finds that current policies and procedures do not provide for efficient transfer of courses, credits, or prerequisites for academic majors. Furthermore, the state's public higher education system must expand its capacity to enroll transfer students in baccalaureate education. The *higher education coordinating board must take a leadership role in working with the community and technical colleges and four-year institutions to ensure efficient and seamless transfer across the state.

(4) Therefore, it is the legislature's intent to build clearer pathways to baccalaureate degrees, improve statewide coordination of transfer and articulation, and ensure long-term capacity in the state's higher education system for transfer students." [2004 c 55 s 1.]

***Reviser's note:** The higher education coordinating board was abolished by 2011 1st sp.s. c 11 s 301, effective July 1, 2012.

**RCW 28B.77.230 Academic credit for prior learning—Goals—Work group—Reports.** (1) The council, the state board for community and technical colleges, the council of presidents, the four-year institutions of higher education, the private independent higher education institutions, and the private career schools shall collaborate to carry out the following goals:

(a) Increase the number of students who receive academic credit for prior learning and the number of students who receive credit for prior learning that counts towards their major or towards earning their degree, certificate, or credential, while ensuring that credit is awarded only for high quality, course-level competencies;

(b) Increase the number and type of academic credits accepted for prior learning in institutions of higher education, while ensuring that credit is awarded only for high quality, course-level competencies;

(c) Develop transparent policies and practices in awarding academic credit for prior learning;

(d) Improve prior learning assessment practices across the institutions of higher education;

(e) Create tools to develop faculty and staff knowledge and expertise in awarding credit for prior learning and to share exemplary policies and practices among institutions of higher education;

(f) Develop articulation agreements when patterns of credit for prior learning are identified for particular programs and pathways; and

(g) Develop outcome measures to track progress on the goals outlined in this section.

(2) The council shall convene the academic credit for prior learning work group.

(a) The work group must include the following members:

(i) One representative from the council;

(ii) One representative from the state board for community and technical colleges;

(iii) One representative from the council of presidents;

(iv) Two representatives each from faculty from two and four-year institutions of higher education;

(v) Two representatives from private career schools;

(vi) Two representatives from business; and

(vii) Two representatives from labor.

(b) The purpose of the work group is to coordinate and implement the goals in subsection (1) of this section.

(3) The council shall report progress on the goals and outcome measures annually by December 31st.

(4) For the purposes of this section, "prior learning" means the knowledge and skills gained through work and life experience; through military training and experience; and through formal and informal education and training from in-state and out-of-state institutions including foreign institutions. [2012 c 229 s 116; 2011 1st sp.s. c 10 s 28. Formerly RCW 28B.76.325.]

**Findings—Intent—Short title—2011 1st sp.s. c 10:** See notes following RCW 28B.15.031.

**RCW 28B.77.240 Western Governors University - Washington—Recognition and endorsement—Rules.** (1) The council may:

(a) Recognize and endorse online, competency-based education as an important component of Washington's higher education system;

(b) Work to eliminate unnecessary barriers to the delivery of online competency-based education by Western Governors University - Washington; and

(c) Work with Western Governors University - Washington, as appropriate, to integrate its academic programs and services into Washington higher education policy and strategy.

(2) The council shall work with Western Governors University - Washington to create data-sharing processes to assess the institution's performance and determine the extent to which it helps the state achieve the goals of the current ten-year plan for higher education.

(3) The council shall adopt rules and policies to implement this section and that require council consultation and approval before:

(a) Modifications of contractual terms or relationships between the state and the institution of higher education; or

(b) Changes or modifications in the nonprofit status of the institution of higher education. [2012 c 229 s 118; 2011 c 146 s 2. Formerly RCW 28B.76.695.]

**Findings—Intent—2011 c 146:** "The legislature finds that the key to Washington's economic prosperity over the past twenty years has been a thriving employment sector for workers who have high levels of education. The legislature finds that by 2018, sixty-seven percent of all jobs in Washington will require some postsecondary education - the fifth highest in the nation - and that between 2011 and 2018, the number of Washington jobs requiring postsecondary education will increase by two hundred fifty-nine thousand. The legislature finds that while Washington enterprises that rely on highly educated workers have been able to fill positions from within the state and by attracting workers from other states or nations, businesses located in states that fail to produce sufficient numbers of degreed workers will be at a competitive disadvantage, since these employers will incur the added expense of recruiting heavily in other states and countries to find their skilled workforce. Citizens of Washington will not have access to the jobs Washington firms are producing unless the state dramatically increases postsecondary educational opportunities for them. The legislature further finds that increasing the numbers of Washington graduates to meet the needs of the state's citizens and businesses demands innovative institutions and educational delivery systems.

The legislature intends to partner with Western Governors University, a regionally and nationally accredited nonprofit and independent university, to establish Western Governors University - Washington. Western Governors University would offer online, competency-based degrees and provide enhanced access to postsecondary education for all Washington students, including dislocated workers and placebound students. The legislature further intends that the institution be recognized as a Washington baccalaureate degree-granting institution that is self-supporting and does not receive state funding. It is the intent of the legislature that the higher education coordinating board, the state board for community and technical colleges, and the other institutions of higher education in Washington include the institution in policies and agreements regarding the efficient transfer of credits and courses between institutions." [2011 c 146 s 1.]

**RCW 28B.77.250 Program of supplemental educational transition planning—Contract with nongovernmental entity—Reports.** (1) To the extent funds are appropriated for this purpose, the council, with input from the office of the superintendent of public instruction; the department of children, youth, and families; the department of commerce office of homeless youth prevention and protection programs; and the department of social and health services, shall contract with at least one nongovernmental entity to develop, implement, and administer a program of supplemental educational transition planning for youth in foster care and unaccompanied youth experiencing homelessness in Washington state.

(2) The nongovernmental entity or entities chosen by the council shall have demonstrated success in working with foster care and unaccompanied homeless youth and assisting foster care and unaccompanied homeless youth in successfully making the transition from high school to a postsecondary plan, including postsecondary enrollment, career, or service.

(3) The selected nongovernmental entity or entities shall provide supplemental educational transition planning to foster care and unaccompanied homeless youth in Washington state. Youth eligible for referral are not currently served by programs under RCW 28A.300.592, dependent pursuant to chapter 13.34 RCW, age thirteen through twenty-one, and remain eligible for continuing service following fulfillment of the permanent plan and through initiation of a postsecondary plan. After high school completion, services are concluded within a time period specified in the contract to pursue engagement of continuing postsecondary support services provided by local education agencies, postsecondary education, community-based programs, or the passport to careers program. The nongovernmental entity or entities must facilitate the educational progress, graduation, and postsecondary plan initiation of eligible youth. The contract must be outcome driven with a stated goal of improving the graduation rates and postsecondary plan initiation of eligible youth by two percent per year over five school year periods starting with the 2016-17 school year and ending with the 2021-22 school year. With each new contract, a baseline must be established at the end of the first year of service provision.

(4) The supplemental transition planning shall include:

(a) Consultation with schools and the department of social and health services' caseworkers to develop educational plans for and with participating youth;

(b) Age-specific developmental and logistical tasks to be accomplished for high school and postsecondary success;

(c) Facilitating youth participation with appropriate school and local resources that may assist in educational access and success;

(d) Coordinating youth, caregivers, schools, and social workers to support youth progress in the educational system; and

(e) Establishing postsecondary plan initiation in coordination with the passport to careers program.

(5) The selected nongovernmental entity or entities may be colocated in the offices of the department of social and health services to provide timely consultation. These entities must have access to all paper and electronic education records and case information pertinent to the educational planning and services of youth referred and are subject to RCW 13.50.010 and 13.50.100.

(6) The contracted nongovernmental entity or entities must report outcomes to the council and the department of social and health services semiannually.

(7) For purposes of this section, "homeless" and "unaccompanied" have the same meanings as in RCW 28B.117.020. [2018 c 232 s 6; 2016 c 71 s 5; 2011 1st sp.s. c 11 s 224; 2007 c 314 s 7. Formerly RCW 28B.117.060.]

**Recommendation——2018 c 232 ss 6 and 8:** "The legislature strongly recommends that the entities selected in sections 6 and 8 of this act coordinate on technological models to keep the students they serve engaged." [2018 c 232 s 9.]

**Short title——2018 c 232:** See note following RCW 28B.117.010.

**Intent——2016 c 71:** See note following RCW 28A.300.590.

**Effective date——2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Expiration date—2011 1st sp.s. c 11 ss 220-225:** See note following RCW 28B.117.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**RCW 28B.77.270 Postsecondary institution contracts with third parties to disburse financial aid.** (1) The council's rules or other requirements for institutions to participate in state financial aid programs shall assure that contracts between postsecondary institutions participating in state financial aid programs, as defined in RCW 28B.10.287, and financial institutions or third-party servicers for the disbursement of student financial aid:

(a) Ensure that all state aid to students is available for the student's educational purposes with one hundred percent of the student's state financial aid available to the student without incurring any fees;

(b) Are in the "best financial interest of the students";

(c) Provide that the student's ability to access his or her disbursement is geographically convenient and practical for the student;

(d) Provide that the student is given a choice regarding the method by which the student receives his or her financial aid disbursement, for example, whether disbursed by direct deposit, check, or debit card, in accordance with federal regulations;

(e) Provide that the postsecondary institution has an effective process for reviewing complaints filed by students regarding student state financial aid disbursements, with appropriate notice to students; and

(f) Require that the postsecondary institution does not have a revenue-sharing agreement with the third-party servicer or financial institution.

(2) The council must compile a list of all postsecondary institutions that use third-party servicers or financial institutions for student financial aid disbursements and make the list available on the council's website. [2018 c 13 s 3.]

**Finding—Intent—2018 c 13:** See note following RCW 28B.10.287.

**RCW 28B.77.280 Statewide financial aid calculator tool.** (1) The council shall adopt a centralized online statewide calculator tool for the purposes of estimating federal Pell grant and Washington college grant awards for all public four-year institutions of higher education in Washington state.

(2) The tool must provide an estimate of state and federal aid based on student and family financial circumstances.

(3) The calculator tool must be published on a website managed by the council.

(4) The financial aid calculator must be for estimation purposes only and is not a guarantee of state aid. Neither this section nor the estimates provided by the financial aid calculator constitute an entitlement on the part of the state, and no institution, agency, or their agents or employees may be held liable for any estimates created through its usage.

(5) The financial aid calculator must be designed for anonymous use and may not be used to collect or share any data. [2020 c 307 s 2.]

**Intent——Conflict with federal requirements——2020 c 307:** See notes following RCW 28B.77.290.

**RCW 28B.77.285 Gift equity packaging policy.** (1) The council shall ensure that a postsecondary institution participating in the state student financial aid program has a gift equity packaging policy allowing for a student who receives a private scholarship to receive up to 100 percent of the student's unmet need, as determined by the United States department of education's federal need analysis methodology, before any of the student's federal, state, or institutional financial aid is reduced under the institution's gift equity packaging policy.

(2) This section does not apply to public community and technical colleges. [2022 c 138 s 2.]

**Intent——2022 c 138:** "The legislature recognizes the importance of philanthropic entities that donate millions of dollars in private scholarships to students and that such entities are a key component in helping students attain their educational goals. The legislature seeks to encourage philanthropic giving of private scholarships and declares that such entities are more likely to donate money when they know their scholarships will genuinely help recipients meet their financial needs. Therefore, the legislature intends to incentivize the giving of scholarships by private entities by addressing scholarship displacement." [2022 c 138 s 1.]

**RCW 28B.77.290 Financial aid package award letters——Consistent terminology.** (1) In collaboration with financial aid experts from public four-year and two-year institutions of higher education, as well as independent colleges in Washington state, the Washington student achievement council shall develop clear, consistent definitions for institutions of higher education to adopt regarding financial aid package award letters.

(2) By July 1, 2021, all public four-year and two-year institutions of higher education, as well as all independent colleges in Washington state, must adopt uniform terminology and a standardized template for financial aid award packages so that students may easily compare them. [2020 c 307 s 3.]

**Intent——2020 c 307:** "The legislature recognizes the increasing importance of postsecondary education as a tool for economic resilience and mobility, as well as the financial barriers many students in our state face in pursuing postsecondary education. In light of the 2019 expansion of the Washington college grant, it is also important to share information about new financial aid opportunities available to prospective postsecondary students. The legislature also acknowledges Washington's low completion rate of the free application for federal student aid in comparison with other states, as well as other states' successes in increasing these rates by expanding supports for students and their families. Research has

shown that increased completion of student aid applications in other states has led to increases in high school graduation and college matriculation, especially for students in underrepresented groups. Given these facts, the legislature intends to undertake several actions to improve financial aid awareness and to increase coordination in this area among schools, districts, agencies, and institutions of higher education." [2020 c 307 s 1.]

**Conflict with federal requirements——2020 c 307:** "If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state." [2020 c 307 s 8.]

**RCW 28B.77.300 Washington college grant program——Statewide marketing campaign.** Subject to availability of amounts appropriated for this specific purpose, the student achievement council shall conduct a statewide marketing campaign to increase awareness of the Washington college grant program established in chapter 28B.92 RCW. The student achievement council shall issue a request for proposal for hiring a marketing firm that will produce high quality advertisements to promote the state's largest financial aid program. Advertisements should be marketed towards potential postsecondary students and their parents with the goal of increasing awareness of the Washington college grant program to further the state's educational attainment goals. The advertisements may include television commercials, billboards, advertisements on public transit, paid internet search advertisements, and social media marketing. [2022 c 214 s 2.]

**Intent——2022 c 214:** "The legislature recognizes that, in 2020, Washington ranked 49th nationally for completion of the free application for federal student aid among high school seniors. The free application for federal student aid is the form that prospective and current postsecondary education students use to receive federal and state financial aid, such as the federal Pell grant, the Washington college grant, the college bound scholarship, the opportunity scholarship, federal student loans, and many other financial resources for college. For students who cannot file a free application for federal student aid, the state has an alternative financial aid application called the Washington application for state financial aid. The free application for federal student aid is a strong indicator for college enrollment. Ninety-two percent of high school seniors who completed the free application for federal student aid enrolled in a postsecondary institution by the November following graduation versus 51 percent of students who did not complete a free application for federal student aid. In addition, the legislature recognizes that the pandemic has exacerbated equity gaps in college access as colleges and universities are experiencing decreases in enrollments among low-income students, despite having one of the largest and most generous need-based financial aid programs in the

country. The legislature recognizes that the Washington college grant program established in chapter 28B.92 RCW, which education trust called "the most equity-focused free college program in the country" is a critical tool to address these equity gaps and help students enter college and apprenticeships. Therefore, it is the legislature's intent to establish an outreach initiative for the Washington college grant and an outreach and completion initiative for the free application for federal student aid and Washington application for state financial aid to help students succeed." [2022 c 214 s 1.]

**RCW 28B.77.310 Workforce education investment accountability and oversight board.** (1) The workforce education investment accountability and oversight board is established. The board consists of 18 members, as provided in this subsection:

(a) Four members of the legislature consisting of the chairs and ranking minority members of the respective higher education and workforce development committees of the senate and house of representatives, ex officio; and

(b) The following members appointed by the governor with the consent of the senate:

(i) Five members representing the businesses described in RCW 82.04.299 or subject to the tax rate under RCW 82.04.290(2)(a)(i);

(ii) Two members representing labor organizations, one of which must have expertise in registered apprenticeships and training a high-demand workforce and one of which must represent faculty at the four-year institutions of higher education;

(iii) Two members representing the institutions of higher education, as defined in RCW 28B.10.016, one of which must be from the four-year sector and one of which must be from the community and technical college sector;

(iv) Two members representing students, one of which must be a community and technical college student;

(v) One member representing the independent, not-for-profit higher education institutions;

(vi) One member representing the workforce training and education coordinating board created under RCW 28C.18.020; and

(vii) One member representing the student achievement council, established under this chapter.

(2) Except for ex officio and student members, board members shall hold their offices for a term of three years until their successors are appointed. Student board members shall hold one-year terms.

(3) The board shall have two cochairs. One cochair shall be one of the chairs of the respective higher education and workforce development committees of the legislature and the other cochair shall be one of the board members representing the businesses described in RCW 82.04.299 or subject to the tax rate under RCW 82.04.290(2)(a)(i). The cochairs shall hold the position for a one-year term. The board members shall elect the cochairs annually.

(4) Nine voting members of the board constitute a quorum for the transaction of business. The board shall meet four times a year.

(5) Staff support for the board shall be provided by the student achievement council established in this chapter.

(6) The purposes of the board are to:

(a) Provide guidance and recommendations to the legislature on what workforce education priorities should be funded with the workforce education investment account; and

(b) Ensure accountability that the workforce education investments funded with the workforce education investment account are producing the intended results and are effectively increasing student success and career readiness, such as by increasing retention, completion, and job placement rates.

(7) The board shall consult data from the education data center established under RCW 43.41.400 and the workforce training and education coordinating board established under this chapter when reviewing and determining whether workforce education investments funded from the workforce education investment account are effectively increasing student success and career readiness. The workforce training and education coordinating board shall maintain the workforce education investment accountability and oversight board data dashboard on a public-facing portal and work with the board to update and modify the data dashboard as new performance metrics are identified.

(8) The board shall report its recommendations to the appropriate committees of the legislature by August 1st of each year.

(9) For the purposes of this section, "board" means the workforce education investment accountability and oversight board established in this section. [2023 c 282 s 1; 2020 c 2 s 1; 2019 c 406 s 3. Formerly RCW 28C.18.200.]

**Tax preference performance statement exemption—Automatic expiration date exemption—Effective dates—2020 c 2:** See notes following RCW 82.04.290.

**Findings—Intent—2019 c 406:** See note following RCW 43.79.195.

**Findings—Short title—2019 c 406:** See notes following RCW 28B.92.200.

**Findings—2019 c 406:** See note following RCW 28B.94.020.

**Findings—Intent—2019 c 406:** See note following RCW 28C.30.050.

**Findings—Intent—2019 c 406:** See note following RCW 43.216.135.

**RCW 28B.77.320 Postsecondary wrestling grant program.** (1) Subject to availability of amounts appropriated for this specific purpose, the postsecondary wrestling grant program is created. The purpose of the postsecondary wrestling grant program is to provide funding to institutions of higher education to establish or maintain intercollegiate wrestling programs.

(2) The council shall administer the postsecondary wrestling grant program and award grants, based on a competitive grant process. The council shall establish minimum criteria for institutions of higher education to be awarded a grant.

(3) Grant funds may be allocated on a one-time or once every four-year basis dependent on the needs of the program and may be used for purposes including, but not limited to, support of one-time start-up costs, equipment, and student scholarships.

(4) For purposes of this section, "institutions of higher education" has the same meaning as in RCW 28B.10.016. [2023 c 190 s 1.]

**Short title—2023 c 190:** "This act may be known and cited as the Charles Cate II act." [2023 c 190 s 2.]

**RCW 28B.77.850 Students experiencing homelessness and foster youth program.** (1) Subject to the availability of amounts appropriated for this specific purpose, each public four-year institution of higher education and a public tribal college located in Washington and accredited by the northwest commission on colleges and universities or another accrediting association recognized by the United States department of education may implement a program to provide assistance to students experiencing homelessness and to students who were in the foster care system when they graduated high school. The program must provide certain accommodations to these students that may include, but are not limited to, the following:

(a) Access to laundry facilities;

(b) Access to storage;

(c) Access to locker room and shower facilities;

(d) Reduced-price meals or meal plans, and access to food banks;

(e) Access to technology;

(f) Access to short-term housing or housing assistance, especially during seasonal breaks; and

(g) Case management services.

(2) The four-year institutions of higher education and the tribal college may also establish plans to develop surplus property for affordable housing to accommodate the needs of students experiencing homelessness and students who were in the foster care system when they graduated high school.

(3) The four-year institutions of higher education and the tribal college participating in the program shall leverage existing community resources by making available to students in the program information that is available for individuals experiencing homelessness, including through not-for-profit organizations, the local housing authority, and the department of commerce's office of homeless youth.

(4) The four-year institutions of higher education and the tribal college participating in the program shall annually provide a joint report to the appropriate committees of the legislature in accordance with RCW 43.01.036 beginning December 1, 2023, that includes at least the following information:

(a) The number of students experiencing homelessness or food insecurity, and the number of students who were in the foster care system when they graduated high school who attended a four-year institution of higher education or a tribal college during the program. The council shall coordinate with all of the four-year institutions of higher education and the tribal college to collect voluntary data on how many students experiencing homelessness or food insecurity are attending the four-year institutions of higher education and the tribal college;

(b) The number of students assisted by the program;

(c) Strategies for accommodating students experiencing homelessness or food insecurity, and former foster care students; and

(d) Legislative recommendations for how students experiencing homelessness or food insecurity, and former foster care students could be better served.

(5) For purposes of this section, "program" means the students experiencing homelessness and foster youth program. [2025 c 92 s 1; 2023 c 339 s 2; 2021 c 62 s 2; 2019 c 330 s 2.]

**RCW 28B.77.900 Transfer of powers, duties, and functions—2012 c 229.** (1) All powers, duties, and functions of the higher education coordinating board are transferred to the student achievement council. All references to the executive director or the higher education coordinating board in the Revised Code of Washington shall be construed to mean the executive director or the student achievement council when referring to the functions transferred in this section.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the higher education coordinating board pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the student achievement council. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the higher education coordinating board in carrying out the powers, functions, and duties transferred shall be made available to the student achievement council. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the student achievement council.

(b) Any appropriations made to the higher education coordinating board for carrying out the powers, functions, and duties transferred shall, on June 7, 2012, be transferred and credited to the student achievement council.

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

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

(4) All rules and all pending business before the higher education coordinating board pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the student achievement council. All existing contracts and obligations shall remain in full force and shall be performed by the student achievement council.

(5) The transfer of the powers, duties, and functions of the higher education coordinating board shall not affect the validity of any act performed before June 7, 2012.

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

(7) All classified employees of the higher education coordinating board assigned to the student achievement council under this section whose positions are within an existing bargaining unit description at the student achievement council shall become a part of the existing bargaining unit at the student achievement council and shall be considered an appropriate inclusion or modification of the existing bargaining unit under the provisions of chapter 41.80 RCW. [2012 c 229 s 121.]

# Chapter 28B.85 RCW
# DEGREE-GRANTING INSTITUTIONS

**Sections**


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**RCW 28B.85.010 Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Council" means the student achievement council.

(2) "Degree" means any designation, appellation, letters, or words including but not limited to "associate," "bachelor," "master," "doctor," or "fellow" which signify or purport to signify satisfactory completion of the requirements of an academic program of study beyond the secondary school level.

(3) "Degree-granting institution" means an entity that offers educational credentials, instruction, or services prerequisite to or indicative of an academic or professional degree beyond the secondary level. [2012 c 229 s 542; 1986 c 136 s 1.]

**Effective date——2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**RCW 28B.85.020 Council's duties——Rule-making authority.** ***(Effective until December 1, 2026.)*** (1) The council:

(a) Shall adopt by rule, in accordance with chapter 34.05 RCW, minimum standards for degree-granting institutions concerning granting of degrees, quality of education, unfair business practices, financial stability, and other necessary measures to protect citizens of this state against substandard, fraudulent, or deceptive practices. The rules shall require that an institution operating in Washington:

(i) Be accredited;

(ii) Have applied for accreditation and such application is pending before the accrediting agency;

(iii) Have been granted a waiver by the council waiving the requirement of accreditation; or

(iv) Have been granted an exemption by the council from the requirements of this subsection (1)(a), provided that any such exemption shall not suspend, supersede, or reduce student consumer protections or the authority of the council to investigate and enforce provisions of this chapter;

(b) May investigate any entity the council reasonably believes to be subject to the jurisdiction of this chapter. In connection with the investigation, the council may administer oaths and affirmations, issue subpoenas and compel attendance, take evidence, and require the production of any books, papers, correspondence, memorandums, or other records which the council deems relevant or material to the investigation. The council, including its staff and any other authorized persons, may conduct site inspections, the cost of which shall be borne by the institution, and examine records of all institutions subject to this chapter;

(c) Is responsible for maintaining and developing interstate reciprocity agreements with other state or multistate entities if the agreements are consistent with the purposes in this chapter as determined by the council, and provided that, beginning July 1, 2028, the agreements:

(i) Do not suspend, supersede, or reduce student consumer protections or the authority of the council to investigate and enforce provisions of this chapter;

(ii) Maintain the authority and capabilities of the council to investigate complaints of students who are residents of, or domiciled in, Washington in regard to compliance provisions of this chapter for distance, online, or other degree programs;

(iii) Do not reduce surety or bond requirements for institutions adopted by the council pursuant to this chapter; and

(iv) Ensure disclosure of any investigation, suspension, or provisional status relating to either financial instability, eligibility for participation in federal or state financial aid

programs, or accreditation requirements to the council and students of the institutions, or prospective students, residing in Washington;

(d) May enter into agreements with degree-granting institutions of higher education based in this state, that are otherwise exempt under the provisions of (a) of this subsection, for the purpose of ensuring consistent consumer protection in interstate distance delivery of higher education;

(e) Shall develop an interagency agreement with the workforce training and education coordinating board to regulate degree-granting private vocational schools with respect to degree and nondegree programs; and

(f) Shall develop and disseminate information to the public about entities that sell or award degrees without requiring appropriate academic achievement at the postsecondary level, including but not limited to, a description of the substandard and potentially fraudulent practices of these entities, and advice about how the public can recognize and avoid the entities. To the extent feasible, the information shall include links to additional resources that may assist the public in identifying specific institutions offering substandard or fraudulent degree programs.

(2) Financial disclosures provided to the council by degree-granting private vocational schools are not subject to public disclosure under chapter 42.56 RCW to the extent that such records are exempt from disclosure by the federal government and are not relied on as part of federal or state determinations relating to (a) eligibility of students enrolled in the institution to receive federal or state financial aid; (b) the level of surety or bond required to be maintained by the institution; or (c) resolving any investigation relating to the ability of the institution to offer educational programs authorized by the council or workforce training and education coordinating board.

(3)(a) If the governing council of state authorization reciprocity agreements has not amended its bylaws and policies to provide student consumer protections equivalent to those established in chapter 82, Laws of 2025 by July 1, 2028, the student achievement council shall undertake a review of continuing participation in state authorization reciprocity agreements and may initiate alternative arrangements with individual states or groups of states. The student achievement council shall determine whether the governing council's bylaws and policies provide equivalent protections.

(b) By December 31, 2026, the student achievement council shall report, in compliance with RCW 43.01.036, to the appropriate committees of the legislature on whether the governing council of state authorization reciprocity agreements has amended its bylaws and policies, or is likely to amend its bylaws and policies, by July 1, 2028.

(c) If the student achievement council determines that the bylaws and policies of state authorization reciprocity agreements do not provide for such equivalent student consumer protections, then the student achievement council shall establish a process for administering interstate reciprocity agreements for distance education outside of state authorization reciprocity agreements and for facilitating a smooth transition of the administration by July 1, 2028.

(4) For purposes of this section, "prospective student" includes any resident who has submitted an application, all or in part, for admission or acceptance to a program of an institution, and anyone who

the institution is soliciting to enroll. [2025 c 82 s 2; 2013 c 218 s 3; 2012 c 229 s 543; 2006 c 234 s 3; 2005 c 274 s 246; 2004 c 96 s 1; 1996 c 305 s 1; 1994 c 38 s 1; 1986 c 136 s 2.]

**Findings——2025 c 82:** See note following RCW 28B.85.250.

**Effective date——2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Severability——1996 c 305:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1996 c 305 s 5.]

**RCW 28B.85.020 Council's duties——Rule-making authority.** ***(Effective December 1, 2026.)*** (1) The council:

(a) Shall adopt by rule, in accordance with chapter 34.05 RCW, minimum standards for degree-granting institutions concerning granting of degrees, quality of education, unfair business practices, financial stability, and other necessary measures to protect citizens of this state against substandard, fraudulent, or deceptive practices. The rules shall require that an institution operating in Washington:

(i) Be accredited;

(ii) Have applied for accreditation and such application is pending before the accrediting agency;

(iii) Have been granted a waiver by the council waiving the requirement of accreditation; or

(iv) Have been granted an exemption by the council from the requirements of this subsection (1)(a), provided that any such exemption shall not suspend, supersede, or reduce student consumer protections or the authority of the council to investigate and enforce provisions of this chapter;

(b) Shall recognize accrediting agencies that maintain rigorous standards for institutional eligibility, including requirements related to institutional effectiveness, student learning, assessment, governance, academic independence, administrative and fiscal responsibility, and transparency;

(c) May investigate any entity the council reasonably believes to be subject to the jurisdiction of this chapter. In connection with the investigation, the council may administer oaths and affirmations, issue subpoenas and compel attendance, take evidence, and require the production of any books, papers, correspondence, memorandums, or other records which the council deems relevant or material to the investigation. The council, including its staff and any other authorized persons, may conduct site inspections, the cost of which shall be borne by the institution, and examine records of all institutions subject to this chapter;

(d) Is responsible for maintaining and developing interstate reciprocity agreements with other state or multistate entities if the agreements are consistent with the purposes in this chapter as determined by the council, and provided that, beginning July 1, 2028, the agreements:

(i) Do not suspend, supersede, or reduce student consumer protections or the authority of the council to investigate and enforce provisions of this chapter;

(ii) Maintain the authority and capabilities of the council to investigate complaints of students who are residents of, or domiciled in, Washington in regard to compliance provisions of this chapter for distance, online, or other degree programs;

(iii) Do not reduce surety or bond requirements for institutions adopted by the council pursuant to this chapter; and

(iv) Ensure disclosure of any investigation, suspension, or provisional status relating to either financial instability, eligibility for participation in federal or state financial aid programs, or accreditation requirements to the council and students of the institutions, or prospective students, residing in Washington;

(e) May enter into agreements with degree-granting institutions of higher education based in this state, that are otherwise exempt under the provisions of (a) of this subsection, for the purpose of ensuring consistent consumer protection in interstate distance delivery of higher education;

(f) Shall develop an interagency agreement with the workforce training and education coordinating board to regulate degree-granting private vocational schools with respect to degree and nondegree programs; and

(g) Shall develop and disseminate information to the public about entities that sell or award degrees without requiring appropriate academic achievement at the postsecondary level, including but not limited to, a description of the substandard and potentially fraudulent practices of these entities, and advice about how the public can recognize and avoid the entities. To the extent feasible, the information shall include links to additional resources that may assist the public in identifying specific institutions offering substandard or fraudulent degree programs.

(2) Financial disclosures provided to the council by degree-granting private vocational schools are not subject to public disclosure under chapter 42.56 RCW to the extent that such records are exempt from disclosure by the federal government and are not relied on as part of federal or state determinations relating to (a) eligibility of students enrolled in the institution to receive federal or state financial aid; (b) the level of surety or bond required to be maintained by the institution; or (c) resolving any investigation relating to the ability of the institution to offer educational programs authorized by the council or workforce training and education coordinating board.

(3)(a) If the governing council of state authorization reciprocity agreements has not amended its bylaws and policies to provide student consumer protections equivalent to those established in chapter 82, Laws of 2025 by July 1, 2028, the student achievement council shall undertake a review of continuing participation in state authorization reciprocity agreements and may initiate alternative arrangements with individual states or groups of states. The student achievement council shall determine whether the governing council's bylaws and policies provide equivalent protections.

(b) By December 31, 2026, the student achievement council shall report, in compliance with RCW 43.01.036, to the appropriate committees of the legislature on whether the governing council of state authorization reciprocity agreements has amended its bylaws and

policies, or is likely to amend its bylaws and policies, by July 1, 2028.

(c) If the student achievement council determines that the bylaws and policies of state authorization reciprocity agreements do not provide for such equivalent student consumer protections, then the student achievement council shall establish a process for administering interstate reciprocity agreements for distance education outside of state authorization reciprocity agreements and for facilitating a smooth transition of the administration by July 1, 2028.

(4) For purposes of this section, "prospective student" includes any resident who has submitted an application, all or in part, for admission or acceptance to a program of an institution, and anyone who the institution is soliciting to enroll. [2025 c 157 s 1; 2025 c 82 s 2; 2013 c 218 s 3; 2012 c 229 s 543; 2006 c 234 s 3; 2005 c 274 s 246; 2004 c 96 s 1; 1996 c 305 s 1; 1994 c 38 s 1; 1986 c 136 s 2.]

**Reviser's note:** This section was amended by 2025 c 82 s 2 and by 2025 c 157 s 1, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

**Effective date——2025 c 157 s 1:** "Section 1 of this act takes effect December 1, 2026." [2025 c 157 s 3.]

**Findings——2025 c 82:** See note following RCW 28B.85.250.

**Effective date——2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Severability——1996 c 305:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1996 c 305 s 5.]

**RCW 28B.85.030 Current authorization required to offer or grant degree——Penalty for violation.** (1) A degree-granting institution shall not operate and shall not grant or offer to grant any degree unless the institution has obtained current authorization from the council.

(2) Any person, group, or entity or any owner, officer, agent, or employee of such entity who willfully violates this section is guilty of a gross misdemeanor and shall be punished by a fine not to exceed one thousand dollars or by imprisonment in the county jail for a term not to exceed one year, or by both such fine and imprisonment. Each day on which a violation occurs constitutes a separate violation. The criminal sanctions may be imposed by a court of competent jurisdiction in an action brought by the attorney general of this state. [2012 c 229 s 544; 2003 c 53 s 175; 1986 c 136 s 3.]

**Effective date——2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

**RCW 28B.85.040 Completion of program of study prerequisite to degree—Application of chapter.** (1) An institution or person shall not advertise, offer, sell, or award a degree or any other type of educational credential unless the student has enrolled in and successfully completed a prescribed program of study, as outlined in the institution's publications. This prohibition shall not apply to honorary credentials clearly designated as such on the front side of the diploma or certificate and awarded by institutions offering other educational credentials in compliance with state law.

(2) No exemption or waiver granted under this chapter is permanent. The council shall periodically review exempted degree-granting institutions and degree-granting institutions granted a waiver, and continue exemptions or waivers only if an institution meets the statutory or council requirements for exemption or waiver in effect on the date of the review.

(3) Except as provided in subsection (1) of this section, this chapter shall not apply to:

(a) Any public college, university, community college, technical college, or institute operating as part of the public higher educational system of this state;

(b) Institutions that have been accredited by an accrediting association recognized by the council for the purposes of this chapter: PROVIDED, That those institutions meet minimum exemption standards adopted by the council; and PROVIDED FURTHER, That an institution, branch, extension, or facility operating within the state of Washington which is affiliated with a nonprofit institution operating in another state:

(i) Has continuously offered degree programs in the state for 10 years or more;

(ii) Has been continuously authorized to offer degree programs in its home state for 20 years or more;

(iii) Has been continuously accredited as a degree-granting institution for 10 years or more by an accrediting association recognized by the council and maintains such accreditation status;

(iv) Maintains eligibility to participate in Title IV financial aid programs;

(v) Is recognized for its extensive academic research and innovation, doctoral programs, and advanced facilities and resources; and

(vi) Maintains ongoing compliance with the requirements for authorization specified in this chapter. If an institution fails to maintain compliance with such requirements, the council may:

(A) Deny an application for exemption; or

(B) Suspend or withdraw an existing exemption;

(c) Institutions of a religious character, but only as to those education programs devoted exclusively to religious or theological objectives if the programs are represented in an accurate manner in institutional catalogs and other official publications;

(d) Honorary credentials clearly designated as such on the front side of the diploma or certificate awarded by institutions offering other educational credentials in compliance with state law; or

(e) Institutions not otherwise exempt which offer only workshops or seminars and institutions offering only credit-bearing workshops or seminars lasting no longer than three calendar days. [2025 c 157 s 2; 2012 c 229 s 545; 2006 c 234 s 4; 2004 c 96 s 2; 1996 c 97 s 1; 1994 c 38 s 2; 1986 c 136 s 4.]

**Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**RCW 28B.85.050 Council may require information.** All degree-granting institutions subject to this chapter shall file information with the council as the council may require. [2012 c 229 s 546; 1986 c 136 s 5.]

**Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**RCW 28B.85.060 Fees.** The council shall impose fees on any degree-granting institution authorized to operate under this chapter. Fees shall be set and revised by the council by rule at the level necessary to approximately recover the staffing costs incurred in administering this chapter. Fees shall be deposited in the general fund. [2012 c 229 s 547; 1986 c 136 s 6.]

**Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**RCW 28B.85.070 Surety bonds—Security in lieu of bond—Cancellation of bond—Notice—Claims.** (1) The council may require any degree-granting institution to have on file with the council an approved surety bond or other security in lieu of a bond in an amount determined by the council.

(2) In lieu of a surety bond, an institution may deposit with the council a cash deposit or other negotiable security acceptable to the council. The security deposited with the council in lieu of the surety bond shall be returned to the institution one year after the institution's authorization has expired or been revoked if legal action has not been instituted against the institution or the security deposit at the expiration of the year. The obligations and remedies relating to surety bonds authorized by this section, including but not limited to the settlement of claims procedure in subsection (5) of this section, shall apply to deposits filed with the council, as applicable.

(3) Each bond shall:

(a) Be executed by the institution as principal and by a corporate surety licensed to do business in the state;

(b) Be payable to the state for the benefit and protection of any student or enrollee of an institution, or, in the case of a minor, his or her parents or guardian;

(c) Be conditioned on compliance with all provisions of this chapter and the council's rules adopted under this chapter;

(d) Require the surety to give written notice to the council at least thirty-five days before cancellation of the bond; and

(e) Remain in effect for one year following the effective date of its cancellation or termination as to any obligation occurring on or before the effective date of cancellation or termination.

(4) Upon receiving notice of a bond cancellation, the council shall notify the institution that the authorization will be suspended on the effective date of the bond cancellation unless the institution files with the council another approved surety bond or other security. The council may suspend or revoke the authorization at an earlier date if it has reason to believe that such action will prevent students from losing their tuition or fees.

(5) If a complaint is filed under RCW 28B.85.090(1) against an institution, the council may file a claim against the surety and settle claims against the surety by following the procedure in this subsection.

(a) The council shall attempt to notify all potential claimants. If the absence of records or other circumstances makes it impossible or unreasonable for the council to ascertain the names and addresses of all the claimants, the council after exerting due diligence and making reasonable inquiry to secure that information from all reasonable and available sources, may make a demand on a bond on the basis of information in the council's possession. The council is not liable or responsible for claims or the handling of claims that may subsequently appear or be discovered.

(b) Thirty days after notification, if a claimant fails, refuses, or neglects to file with the council a verified claim, the council shall be relieved of further duty or action under this chapter on behalf of the claimant.

(c) After reviewing the claims, the council may make demands upon the bond on behalf of those claimants whose claims have been filed. The council may settle or compromise the claims with the surety and may execute and deliver a release and discharge of the bond.

(d) If the surety refuses to pay the demand, the council may bring an action on the bond in behalf of the claimants. If an action is commenced on the bond, the council may require a new bond to be filed.

(e) Within ten days after a recovery on a bond or other posted security has occurred, the institution shall file a new bond or otherwise restore its security on file to the required amount.

(6) The liability of the surety shall not exceed the amount of the bond.

(7) The requirements for surety bonds established by the council may not be reduced based on whether an institution is headquartered, incorporated, or domiciled outside of Washington state. The council shall ensure that any authorization agreement with other states provides for at least the amount and security for surety applicable to an institution that is headquartered, incorporated, domiciled, or has a physical presence in Washington state. [2025 c 82 s 3; 2012 c 229 s 548; 1986 c 136 s 7.]

**Findings——2025 c 82:** See note following RCW 28B.85.250.

**Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**RCW 28B.85.080 Suspension or modification of requirements authorized.** The council may suspend or modify any of the requirements under this chapter in a particular case if the council finds that:

(1) The suspension or modification is consistent with the purposes of this chapter; and

(2) The education to be offered addresses a substantial, demonstrated need among residents of the state or that literal application of this chapter would cause a manifestly unreasonable hardship. [2012 c 229 s 549; 1986 c 136 s 8.]

**Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**RCW 28B.85.090 Complaints concerning unfair business practices—Online learning—Council must investigate—Penalties.** (1) Complaints may be filed with the council under this chapter by a person claiming loss of tuition or fees; other loss or injury due to misrepresentation of educational programs, accreditation, support for or statistics relating to job placement, or measurements of student debts and earnings; and other unfair business practices. The complaint shall set forth the alleged violation and shall contain information required by the council. A complaint may also be filed with the council by an authorized staff member of the council or by the attorney general.

(2) The council shall investigate any complaint under this section and may attempt to bring about a settlement. The council may hold a hearing pursuant to the administrative procedure act, chapter 34.05 RCW, in order to determine whether a violation has occurred. If the council prevails, the degree-granting institution shall pay the costs of the administrative hearing.

(3) If, after the hearing, the council finds that the institution or its agent engaged in or is engaging in any unfair business practice, the council shall issue and cause to be served upon the violator an order requiring the violator to cease and desist from the act or practice and may impose the penalties under RCW 28B.85.095 and 28B.85.100. If the council finds that the complainant has suffered loss as a result of the act or practice, the council may order full or partial restitution for the loss. The complainant is not bound by the council's determination of restitution and may pursue any other legal remedy.

(4) The council shall determine the manner by which any nonpublic, for-profit online institution of higher education offering online distance learning and serving students in Washington shall prominently disclose students' rights, including how students may contact the council to file a complaint, on appropriate websites and in promotional materials distributed and made available to students in Washington. The council may not delegate or otherwise agree to defer investigation or resolution of complaints filed by students who are residents of Washington state and enrolled in institutions of higher education authorized by Washington state to another state where the

institution of higher education is headquartered or incorporated. [2025 c 82 s 4; 2018 c 203 s 3; 2012 c 229 s 550; 1989 c 175 s 82; 1986 c 136 s 9.]

**Findings—2025 c 82:** See note following RCW 28B.85.250.

**Finding—Intent—2018 c 203:** See note following RCW 28B.85.095.

**Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Effective date—1989 c 175:** See note following RCW 34.05.010.

**RCW 28B.85.095 Council's authority to enforce compliance—Violations.** (1)(a) The council may deny, revoke, or suspend the authorization of any degree-granting institution authorized to operate under this chapter that is found to be in violation of this chapter.

(b) The council may not delegate to any other state its authority to oversee and enforce compliance with this chapter or its authority to respond to complaints by students in this state, regardless of whether the institution is authorized by, or has its home in, another state.

(2) It is a violation of this chapter for a degree-granting institution authorized to operate under this chapter or an agent employed by such a degree-granting institution to:

(a) Provide prospective students with any testimonial, endorsement, or other information that a reasonable person would find was likely to mislead or deceive prospective students or the public regarding current practices of the school, current conditions for employment opportunities, postgraduation employment by industry, or probable earnings in the occupation for which the education was designed, the likelihood of obtaining financial aid or low-interest loans for tuition, or the ability of graduates to repay loans;

(b) Use any official United States military logo in advertising or promotional materials; or

(c) Violate the provision of RCW 28B.85.175(1)(b) regarding the sale of, or inducing of students to obtain, specific consumer student loan products. [2025 c 82 s 5; 2018 c 203 s 4.]

**Findings—2025 c 82:** See note following RCW 28B.85.250.

**Finding—Intent—2018 c 203:** "(1) In 2016, the student achievement council contracted with the William D. Ruckelshaus center to conduct a two-part study analyzing the system of for-profit degree-granting institutions and private vocational schools in Washington. The Ruckelshaus center issued its first report in December 2016, followed by facilitated discussions amongst agencies and stakeholders that resulted in a second report issued in 2017. This act incorporates some of the findings and recommendations from the first phase of the report, including the benefits of ensuring that recruitment advertising and materials are consistent with state and federal verified data. In addition, this act incorporates findings regarding the need for a single student complaint portal and for agencies to have timely access to trust funds for tuition recovery and other

methods of responding when schools close. This act also authorizes the second part of the study, as recommended by the center, that will include discussions of agency jurisdiction and consistency and how to improve the agencies' abilities to respond to school closures.

(2) The legislature finds that there are many private for-profit and nonprofit career colleges and degree-granting institutions providing Washington state residents with important postsecondary and career opportunities that contribute to the economic security of Washington residents and aid in meeting the needs of our state's growing economy. The legislature also recognizes that there have been high profile closures of, or federal and other state determinations regarding, some for-profit or formerly for-profit institutions that have damaged the reputation of the sector and impacted the expectations and financial stability of some students. It is the legislature's intent to provide a framework to ensure a level playing field exists for the many institutions that provide disclosures to prospective students based on verifiable metrics, which allow prospective students to be able to make the best decisions on school and career choices and on financial aid and loans to finance their educational goals. The legislature also intends to ensure that students are provided the information they need to make the best decisions for their educational future and careers in event of closure or potential closure of an institution. In addition, the legislature intends to protect the state's interest in the integrity of its grant and aid programs, from private decisions to close schools or programs under circumstances that may prevent students from obtaining the degree or certificate and career services that the students expected upon enrollment." [2018 c 203 s 1.]

**RCW 28B.85.100 Violations—Civil penalties.** Any person, group, or entity or any owner, officer, agent, or employee of such entity who willfully violates any provision of this chapter or the rules adopted under this chapter shall be subject to a civil penalty of not more than one hundred dollars for each violation. Each day on which a violation occurs constitutes a separate violation. The fine may be imposed by the council or by any court of competent jurisdiction. [2012 c 229 s 551; 1986 c 136 s 10.]

**Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**RCW 28B.85.120 Actions resulting in jurisdiction of courts.** A degree-granting institution, whether located in this state or outside of this state, that conducts business of any kind, makes any offers, advertises, solicits, or enters into any contracts in this state or with a resident of this state is subject to the jurisdiction of the courts of this state for any cause of action arising from the acts. [1986 c 136 s 12.]

**RCW 28B.85.130 Educational records—Permanent file—Protection.** If any degree-granting institution discontinues its operation, the chief administrative officer of the institution shall file with the

council the original or legible true copies of all educational records required by the council. If the council determines that any educational records are in danger of being made unavailable to the council, the council may seek a court order to protect and if necessary take possession of the records. The council shall cause to be maintained a permanent file of educational records coming into its possession. [2012 c 229 s 552; 1986 c 136 s 13.]

**Effective date——2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**RCW 28B.85.140 Contracts voidable——When.** If a student or prospective student is a resident of this state at the time any contract relating to payment for education or any note, instrument, or other evidence of indebtedness relating thereto is entered into, RCW 28B.85.150 shall govern the rights of the parties to the contract or evidence of indebtedness. If a contract or evidence of indebtedness contains any of the following agreements, the contract is voidable at the option of the student or prospective student:

(1) That the law of another state shall apply;

(2) That the maker or any person liable on the contract or evidence of indebtedness consents to the jurisdiction of another state;

(3) That another person is authorized to confess judgment on the contract or evidence of indebtedness; or

(4) That fixes venue. [1986 c 136 s 14.]

**RCW 28B.85.150 Enforceability of debts——Authority to offer degree required.** A note, instrument, or other evidence of indebtedness or contract relating to payment for education for a degree is not enforceable in the courts of this state by a degree-granting institution or holder of the instrument unless the institution was authorized to offer the degree under this chapter at the time the note, instrument, or other evidence of indebtedness or contract was entered into. [1986 c 136 s 15.]

**RCW 28B.85.160 Actions to enforce chapter——Who may bring——Relief.** The attorney general or the prosecuting attorney of any county in which a degree-granting institution or agent of the institution is found may bring an action in any court of competent jurisdiction for the enforcement of this chapter. The court may issue an injunction or grant any other appropriate form of relief. [1986 c 136 s 16.]

**RCW 28B.85.170 Injunctive relief——Council may seek.** The council may seek injunctive relief, after giving notice to the affected party, in a court of competent jurisdiction for a violation of this chapter or the rules adopted under this chapter. The council need not allege or prove that the council has no adequate remedy at law. The right of injunction provided in this section is in addition to any other legal remedy which the council has and is in addition to any right of criminal prosecution provided by law. The existence of council action

with respect to alleged violations of this chapter and rules adopted under this chapter does not operate as a bar to an action for injunctive relief under this section. [2012 c 229 s 553; 1986 c 136 s 17.]

**Effective date——2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**RCW 28B.85.175 Degree-granting institution requirements——Consumer protection act violations.** (1) A degree-granting institution authorized to operate under this chapter must:

(a) Present data about its completion rates, employment rates, loan or indebtedness metrics, or its graduates' median hourly and annual earnings, the posted data consistent with the data posted on the workforce training and education coordinating board's career bridge website or the data posted by the United States department of education, if the board or the department of education has posted such data;

(b) Not engage in any practice regarding the sale of, or inducing of students to obtain, specific consumer student loan products to fund education that financially benefits any person or entity that has an ownership interest in the institution, unless the institution can demonstrate to the council that the student has exhausted all federal aid options and has been denied noninstitutional private commercial loan products. The prohibition in this subsection (1)(b) applies to any degree-granting institution authorized to operate under this chapter, and any agent of the institution, that has at least one hundred fifty students or more enrolled in the state in any given year or that has been operating in the state for less than two consecutive years. A financial benefit for purposes of this subsection (1)(b) does not include merely having an interest in students with loans enrolling in the institution or assisting students with financial aid matters. For purposes of this subsection (1)(b), "agent" means any employee, officer, or contractor working on behalf of the institution; and

(c) Disclose to the council regarding any pending investigations by an oversight entity, including the nature of that investigation, within thirty days of the degree-granting institution's first knowledge of the investigation. For the purposes of this subsection, "investigation" means any inquiry into possible violations of any applicable laws or accreditation standards. For the purposes of this subsection, "oversight entity" means all of the following:

(i) Any federal or state entity that provides financial aid to students of the institution or approves the institution for participation in a financial aid program;

(ii) Any state or federal attorney general's office or department of justice;

(iii) Any regulator that approves the operation of the private vocational school;

(iv) The federal consumer financial protection bureau or the federal securities and exchange commission; and

(v) Any accrediting agency.

(2) A violation of any provision of this section is also a violation of RCW 19.86.020 of the consumer protection act. The penalties authorized pursuant to subsection (1) of this section do not

preclude remedies available under the provisions of the consumer protection act. [2018 c 203 s 5.]

**Finding—Intent—2018 c 203:** See note following RCW 28B.85.095.

**RCW 28B.85.180 Violation of chapter unfair or deceptive practice under RCW 19.86.020.** A violation of this chapter or the rules adopted under this chapter affects the public interest and is an unfair or deceptive act or practice in violation of RCW 19.86.020 of the consumer protection act. The remedies and sanctions provided by this section shall not preclude application of other remedies and sanctions. [1986 c 136 s 18.]

**RCW 28B.85.190 Remedies and penalties in chapter nonexclusive and cumulative.** The remedies and penalties provided for in this chapter are nonexclusive and cumulative and do not affect any other actions or proceedings. [1986 c 136 s 19.]

**RCW 28B.85.220 False academic credentials—Unlawful acts—Violation of consumer protection act—Venue.** (1) It is unlawful for a person to:

(a) Grant or award a false academic credential or offer to grant or award a false academic credential in violation of this section;

(b) Represent that a credit earned or granted by the person, in violation of this section, can be applied toward a credential offered by another person; or

(c) Solicit another person to seek a credential or to earn a credit that is offered in violation of this section.

(2) The definitions in RCW 9A.60.070 apply to this section.

(3) A violation of this section constitutes an unfair or deceptive act or practice in the conduct of trade or commerce under chapter 19.86 RCW.

(4) In addition to any other venue authorized by law, venue for the prosecution of an offense under this section is in the county in which an element of the offense occurs. [2006 c 234 s 1.]

**RCW 28B.85.230 Student achievement council tuition recovery trust fund.** (1)(a) For the purpose of providing relief to students impacted by the voluntary or involuntary closure of schools regulated under this chapter, the council shall establish, maintain, and administer a student achievement council tuition recovery trust fund created in RCW 28B.85.240. All funds collected for the student achievement council tuition recovery trust fund are payable to the state for the benefit and protection of any student or enrollee of a private school licensed under this chapter, for purposes including but not limited to the settlement of claims related to school closures.

(b) No liability accrues to the state from claims made against the student achievement council tuition recovery trust fund.

(2)(a) The council may impose a fee structure, set forth in rule, on schools licensed under this chapter to fund the student achievement council tuition recovery trust fund.

(b) The council must determine an amount that would be sufficient in the student achievement council tuition recovery trust fund to provide relief to students in the event of a school closure. The council shall adopt schedules of times and amounts for effecting payments of fees. To reach the amount determined, the council may phase in the collection of fees, but must achieve the amount determined to be sufficient no later than five years from June 7, 2018.

(3) Money from the student achievement council tuition recovery trust fund may be used for:

(a) Providing refunds to students affected by school closures;

(b) Securing and administering student records; and

(c) Any other response the council determines is necessary to mitigate impacts of a potential or actual school closure.

(4) In order for a school to be and remain licensed under this chapter, each school owner shall, in addition to other requirements under this chapter, make cash deposits on behalf of the school into a student achievement council tuition recovery trust fund.

(5) The student achievement council tuition recovery trust fund's liability with respect to each participating school commences on the date of the initial deposit into the student achievement council tuition recovery trust fund made on its behalf and ceases one year from the date the school is no longer licensed under this chapter.

(6) The council shall adopt by rule a matrix for calculating the deposits into the student achievement council tuition recovery trust fund on behalf of each school.

(7) No vested right or interest in deposited funds is created or implied for the depositor at any time during the operation of the student achievement council tuition recovery trust fund or at any such future time that the student achievement council tuition recovery trust fund may be dissolved. All funds deposited are payable to the state for the purposes described under this section. The council shall maintain the student achievement council tuition recovery trust fund, serve appropriate notices to affected owners when scheduled deposits are due, collect deposits, and make disbursements to settle claims against the student achievement council tuition recovery trust fund.

(8) The council shall adopt rules to address notifying potential claimants, settling claims, disbursing funds, and any other processes necessary to implement the purpose of this section. [2018 c 203 s 11.]

**Finding—Intent—2018 c 203:** See note following RCW 28B.85.095.

**RCW 28B.85.240 Student achievement council tuition recovery trust fund—State treasurer.** The student achievement council tuition recovery trust fund is created in the custody of the state treasurer. All receipts from fees imposed on schools licensed under this chapter and RCW 28B.85.230 must be deposited into the fund. Expenditures from the fund may be used only for the purposes in RCW 28B.85.230. Only the council may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. [2018 c 203 s 12.]

**Finding—Intent—2018 c 203:** See note following RCW 28B.85.095.

**RCW 28B.85.250 Waivers of state requirements—Interstate reciprocity agreements for online education.** The council may utilize its authority to waive state requirements for institutions participating in interstate reciprocity agreements for online or distance education if:

(1) Such waivers are consistent with federal regulations and requirements for state authorization pursuant to 34 C.F.R. Sec. 600.2 and 600.9, including preserving Washington's authorization to administer federal financial aid programs; and

(2) The council finds that the institutions' authorizations are consistent with the council's policies for protection of Washington resident student consumers. [2025 c 82 s 6.]

**Findings—2025 c 82:** "The legislature finds that the Washington state attorney general and the attorneys general of 24 other states and the District of Columbia have found that online or distance education entities pose unique risks to student consumers. These risks may harm both students and the taxpayers in students' home states. The Washington state attorney general, along with the attorneys general of 24 other states and the District of Columbia, have urged the national council for the state authorization reciprocity agreement to reform the standards of state authorization reciprocity agreements. The national council for state authorization reciprocity agreements is not directly accountable to participating states and has had significant potential for conflict of interest.

According to the joint letter from the offices of the attorneys general, the national council for state authorization reciprocity agreements' current policies "do not adequately guard against the unique risks that arise from distance learning. For instance, NC-SARA's policy prohibiting member states from enforcing education-specific consumer protection laws against out-of-state NC-SARA participating schools undermines our Offices' and other state agencies' ability to protect students in our states. It also creates a two-tiered system of protection, in which students attending NC-SARA-participating schools receive the benefit of fewer consumer protection laws than students attending schools based in our state or attending schools that do not participate in NC-SARA. This incentivizes NC-SARA participating schools to locate in states with weaker education-specific consumer protection laws, such as financial protections in the event of unanticipated closure, to avoid having to comply with more student-protective laws. Our conversations with some of the representatives of state entities that enforce NC-SARA rules showed that they share this concern."

The legislature finds that Washington has led the western interstate commission for higher education to adopt proposed reforms to state authorization reciprocity agreements and intends to encourage the student achievement council and the western interstate commission for higher education to continue this effort through this act. It is the objective of the legislature to ensure that the state authorization reciprocity agreement is reformed to recognize that student consumer protections adopted through legislation or rule in Washington protect all students residing in Washington through the adoption of this act while providing institutions domiciled in Washington the benefits of reciprocal approval or authorization to offer programs in other states after meeting Washington's rigorous review and approval or authorization standards.

The legislature does not intend for this act to imply that the existing legislatively adopted student consumer protections do not provide protection to students in Washington while Washington engages in efforts to reform the state authorization reciprocity agreement." [2025 c 82 s 1.]

**RCW 28B.85.902 Effective date——1986 c 136.** This act shall take effect July 1, 1986. [1986 c 136 s 24.]

**RCW 28B.85.905 Validity of registration under prior laws.** A degree-granting institution registered under chapter 188, Laws of 1979, as amended, as of June 30, 1986, is not required to apply for authorization under chapter 28B.85 RCW until the expiration date of such registration. [1986 c 136 s 22.]

**RCW 28B.85.906 Application of chapter to foreign degree-granting institution branch campuses.** This chapter shall not apply to any approved branch campus of a foreign degree-granting institution in compliance with chapter 28B.90 RCW. [1993 c 181 s 7.]

# Chapter 28B.90 RCW
# FOREIGN DEGREE-GRANTING BRANCH CAMPUSES

**Sections**

28B.90.005 Findings.
28B.90.010 Definitions.
28B.90.020 Approval of foreign degree-granting institution as branch campus.
28B.90.030 Branch campuses exempt under chapter 28B.85 RCW.

**RCW 28B.90.005 Findings.** The legislature finds that it has previously declared in *RCW 28B.107.005 that it is important to the economic future of the state to promote international awareness and understanding, and in RCW 1.20.100, that the state's economy and economic well-being depends heavily on foreign trade and international exchange.

The legislature finds that it is appropriate that such policies should be implemented by encouraging universities and colleges domiciled in foreign countries to establish branch campuses in Washington and that it is also important to those foreign colleges and universities that their status as authorized foreign degree-granting institutions be recognized by this state to facilitate the establishment and operation of such branch campuses.

In the furtherance of such policy, the legislature adopts the foreign degree-granting institution approved branch campus act. [1995 c 335 s 404; 1993 c 181 s 1.]

***Reviser's note:** RCW 28B.107.005 expired June 30, 1996, pursuant to 1990 c 243 s 8.

**Part headings, table of contents not law——1995 c 335:** See note following RCW 28A.150.360.

**RCW 28B.90.010 Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Approved branch campus" means a foreign degree-granting institution's branch campus that has been approved by the student achievement council to operate in the state.

(2) "Branch campus" means an educational facility located in the state that:

(a) Is either owned and operated directly by a foreign degree-granting institution or indirectly through a Washington profit or nonprofit corporation in which the foreign degree-granting institution is the sole or controlling shareholder or member; and

(b) Provides courses solely and exclusively to students enrolled in a degree-granting program offered by the foreign degree-granting institution who:

(i) Have received academic credit for courses of study completed at the foreign degree-granting institution in its country of domicile;

(ii) Will receive academic credit towards their degree from the foreign degree-granting institution for the courses of study completed at the educational facility in the state; and

(iii) Will return to the foreign degree-granting institution in its country of domicile for completion of their degree-granting program or receipt of their degree.

(3) "Council" means the student achievement council.

(4) "Degree" means any designation, appellation, certificate, letters or words including, but not limited to, "associate," "bachelor," "masters," "doctorate," or "fellow" that signifies, or purports to signify, satisfactory and successful completion of requirements of a postsecondary academic program of study.

(5) "Foreign degree-granting institution" means a public or private college or university, either profit or nonprofit:

(a) That is domiciled in a foreign country;

(b) That offers in its country of domicile credentials, instruction, or services prerequisite to the obtaining of an academic or professional degree granted by such college or university; and

(c) That is authorized under the laws or regulations of its country of domicile to operate a degree-granting institution in that country. [2012 c 229 s 554; 1993 c 181 s 2.]

**Reviser's note:** The definitions in this section have been alphabetized pursuant to RCW 1.08.015(2)(k).

**Effective date——2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**RCW 28B.90.020 Approval of foreign degree-granting institution as branch campus.** A foreign degree-granting institution that submits evidence satisfactory to the council of its authorized status in its country of domicile and its intent to establish an educational facility in the state is entitled to operate a branch campus as defined in RCW 28B.90.010. Upon receipt of the satisfactory evidence, the council may certify that the branch campus of the foreign degree-granting institution is approved to operate in the state under this chapter, for as long as the foreign degree-granting institution retains its authorized status in its country of domicile. [2012 c 229 s 555; 1999 c 85 s 1; 1993 c 181 s 3.]

**Effective date——2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**RCW 28B.90.030 Branch campuses exempt under chapter 28B.85 RCW.** A branch campus of a foreign degree-granting institution previously found by the council to be exempt from chapter 28B.85 RCW may continue to operate in the state. However, within one year of July 25, 1993, the institution shall provide evidence of authorization as required under RCW 28B.90.020. Upon receipt of the satisfactory evidence, the council shall certify that the branch campus of the foreign degree-granting institution is approved to operate in the state under this chapter. [2012 c 229 s 556; 1993 c 181 s 4.]

**Effective date——2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

# Chapter 28B.92 RCW
# STATE STUDENT FINANCIAL AID PROGRAMS

**Sections**


28B.92.005 Financial aid application due dates and information—Notification.
28B.92.030 Definitions.
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*Financial aid counseling curriculum for institutions with state need grant recipients—Financial education workshops: RCW 28B.76.502.*


**RCW 28B.92.005 Financial aid application due dates and information—Notification.** Community and technical colleges shall provide financial aid application due dates and information on whether or not financial aid will be awarded on a rolling basis to their admitted students at the time of acceptance. State universities, regional universities, and The Evergreen State College shall provide financial aid application due dates and distribution policies on their websites, including whether financial aid is awarded on a rolling basis, for prospective and admitted students. [2015 c 212 s 1; 2014 c 53 s 2.]

**Intent—2014 c 53:** "The legislature recognizes that in recent years not all students eligible for the state need grant program have received an award due to limited funds and unfamiliarity with disbursement policies. Therefore, it is the intent of the legislature to ensure that institutions of higher education clearly disseminate

their financial aid policies to admitted and prospective students." [2014 c 53 s 1.]

**RCW 28B.92.030 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Council" means the student achievement council.

(2) "Financial aid" means either loans, grants, or both, to students who demonstrate financial need enrolled or accepted for enrollment as a student at institutions of higher education.

(3) "Financial need" means a demonstrated financial inability to bear the total cost of education as directed in rule by the office.

(4) "Institution" or "institutions of higher education" means:

(a) Any public university, college, community college, or technical college operated by the state of Washington or any political subdivision thereof; or

(b) Any other university, college, school, or institute in the state of Washington offering instruction beyond the high school level that is a member institution of an accrediting association recognized by rule of the council for the purposes of this section and that agrees to and complies with program rules adopted pursuant to RCW 28B.92.150. However, any institution, branch, extension or facility operating within the state of Washington that is affiliated with an institution operating in another state must be:

(i) A separately accredited member institution of any such accrediting association;

(ii) A branch of a member institution of an accrediting association recognized by rule of the council for purposes of this section, that is eligible for federal student financial aid assistance and has operated as a nonprofit college or university delivering on-site classroom instruction for a minimum of 20 consecutive years within the state of Washington, and has an annual enrollment of at least 700 full-time equivalent students;

(iii) A nonprofit institution recognized by the state of Washington as provided in RCW 28B.77.240; or

(iv) An approved apprenticeship program under chapter 49.04 RCW.

(5) "Maximum Washington college grant":

(a) For students attending two or four-year institutions of higher education as defined in RCW 28B.10.016, is tuition and estimated fees for 15 quarter credit hours or the equivalent, as determined by the office, including operating fees, building fees, and services and activities fees.

(b) For students attending private four-year not-for-profit institutions of higher education in Washington:

(i) In the 2019-20 academic year, is $9,739 and may increase each year afterwards by no more than the tuition growth factor through the end of the 2025-26 academic year; and

(ii) Beginning in the 2026-27 academic year, is 50 percent of the average of awards for the same academic year granted to students at the public research institutions in Washington.

(c) For students attending two-year private not-for-profit institutions of higher education in Washington, in the 2019-20 academic year, is $3,694 and may increase each year afterwards by no more than the tuition growth factor.

(d) For students attending four-year private for-profit institutions of higher education in Washington, in the 2019-20

academic year, is eight thousand five hundred seventeen dollars and may increase each year afterwards by no more than the tuition growth factor, until the end of the 2025-26 academic year.

(e) For students attending two-year private for-profit institutions of higher education in Washington, in the 2019-20 academic year, is two thousand eight hundred twenty-three dollars and may increase each year afterwards by no more than the tuition growth factor, until the end of the 2025-26 academic year.

(f) For students attending Western Governors University-Washington, as established in RCW 28B.77.240:

(i) In the 2019-20 academic year, is $5,619 and may increase each year afterwards by no more than the tuition growth factor through the 2025-26 academic year; and

(ii) Beginning in the 2026-27 academic year, is $4,150 and may increase each year afterwards by no more than the tuition growth factor.

(e) [(g)] For students attending approved apprenticeship programs:

(i) In the 2022-23 academic year, is the same amount as the maximum Washington college grant for students attending two-year institutions of higher education as defined in (a) of this subsection to be used for tuition and fees, program supplies and equipment, and other costs that facilitate educational endeavors through the 2025-26 academic year; and

(ii) Beginning in the 2026-27 academic year, is 50 percent of the maximum Washington college grant award for students attending two-year institutions of higher education as defined in (a) of this subsection to be used for tuition and fees, program supplies and equipment, and other costs that facilitate educational endeavors.

(6) "Office" means the office of student financial assistance.

(7) "Tuition growth factor" means an increase of no more than the average annual percentage growth rate of the median hourly wage for Washington for the previous 14 years as the wage is determined by the federal bureau of labor statistics. [2025 c 395 s 2; 2022 c 166 s 1; 2019 c 406 s 21; 2013 c 248 s 2; 2012 c 229 s 557; 2011 1st sp.s. c 11 s 159. Prior: 2009 c 238 s 7; 2009 c 215 s 5; 2004 c 275 s 35; 2002 c 187 s 1; 1989 c 254 s 2; 1985 c 370 s 56; 1979 ex.s. c 235 s 1; 1975 1st ex.s. c 132 s 16; 1969 ex.s. c 222 s 8. Formerly RCW 28B.10.802, 28.76.440.]

**Finding—Intent—2025 c 395:** "The legislature finds that postsecondary education is critical for the economic mobility of Washingtonians. The Washington college grant established an entitlement program to provide financial aid for low-income students. It is the intent of the legislature to continue assessing state financial aid offered to students attending institutions of higher education across all sectors in Washington in order to serve students pursuing postsecondary education. Further, it is the intent to continue assessing the college bound program available to students attending institutions of higher education across all sectors in Washington." [2025 c 395 s 1.]

**Effective date—2025 c 395:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2025." [2025 c 395 s 5.]

**Findings—Intent—2019 c 406:** See note following RCW 43.79.195.

**Findings—Short title—2019 c 406:** See notes following RCW 28B.92.200.

**Findings—2019 c 406:** See note following RCW 28B.94.020.

**Findings—Intent—2019 c 406:** See note following RCW 28C.30.050.

**Findings—Intent—2019 c 406:** See note following RCW 43.216.135.

**Findings—Intent—2013 c 248:** "The legislature finds that Western Governors University-Washington, recognized by the state of Washington under RCW 28B.77.240, serves a student population that is nontraditional and geographically diverse. Enrollment in Western Governors University-Washington has grown steadily since 2011 reaching over four thousand three hundred students. These students represent an average age of thirty-seven, sixty-nine percent of whom are classified as underserved, including low-income, ethnic minority, rural, and first-generation students.

The legislature also finds that tuition at Western Governors University-Washington has remained static since 2008 at five thousand seven hundred eighty dollars per year.

Further, the legislature finds that the population served by Western Governors University-Washington deserves to have access to affordable postsecondary education, including baccalaureate degree-granting institutions. Therefore, the legislature intends to provide access to the state need grant program for eligible students attending Western Governors University-Washington.

The legislature also intends that Western Governors University-Washington comply with all reporting requirements established by the student achievement council for state need grant participation, including financial information about students, enrollment, graduation and placement rates, and the institution's standing with its accrediting agency, the Northwest Commission on Colleges and Universities, and the United States department of education." [2013 c 248 s 1.]

**Effective date—2013 c 248:** "This act takes effect August 1, 2013." [2013 c 248 s 6.]

**Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Findings—Intent—2009 c 238:** See note following RCW 28C.18.160.

**Findings—Intent—2009 c 215:** "The legislature finds that a myriad of financial aid programs exist for students at the federal, state, local, community, and institutional levels. These programs enable thousands of students across Washington to access all sectors of

higher education, from apprenticeship programs to public and private four and two-year institutions of higher education. The legislature further finds that Washington state is a national leader in the distribution of financial aid to increase college access and affordability, ranking fourth in the nation in 2007 in terms of state student grant aid funding per capita.

It is the intent of the legislature to promote and expand access to state financial aid programs by determining which programs provide the greatest value to the largest number of students, and by fully supporting those programs. Furthermore, it is the intent of the legislature to designate all existing financial aid an opportunity pathway, with the effect of providing students with a clear understanding of available resources to pay for postsecondary education, thereby increasing access to postsecondary education and meeting the needs of local business and industry.

It is the intent of the legislature that the *higher education coordinating board, the state board for community and technical colleges, the office of the superintendent of public instruction, the workforce training and education coordinating board, and institutions of higher education coordinate the development of outreach tools, such as a web-based portal for information on all opportunity pathway aid programs. The information should be communicated in a format and manner that provides an ease of understanding for students and their families and include other pertinent information on institutions of higher education, costs, and academic programs. It is also the intent of the legislature for institutions of higher education to incorporate this information in promotional materials to prospective and current students and their families." [2009 c 215 s 1.]

***Reviser's note:** The higher education coordinating board ("board") was abolished by 2011 1st sp.s. c 11 s 301, effective July 1, 2012.

**Effective date——2009 c 215:** "This act takes effect August 1, 2009." [2009 c 215 s 17.]

**Part headings not law——2004 c 275:** See note following RCW 28B.76.090.

**Intent——1989 c 254:** "It is the intent of the legislature that nothing in this act shall prevent or discourage an individual from making an effort to repay any state financial aid awarded during his or her collegiate career." [1989 c 254 s 1.]

**Effective date——Severability——1975 1st ex.s. c 132:** See notes following RCW 28B.77.060.

*Loan programs for mathematics and science teachers: RCW 28B.15.760 through 28B.15.766.*

**RCW 28B.92.040 Guidelines in performance of office duties.** The office shall be cognizant of the following guidelines in the performance of its duties:

(1) The office shall be research oriented, not only at its inception but continually through its existence.

(2) The office shall coordinate all existing programs of financial aid except those specifically dedicated to a particular institution by the donor.

(3) The office shall take the initiative and responsibility for coordinating all federal student financial aid programs to ensure that the state recognizes the maximum potential effect of these programs, and shall design state programs that complement existing federal, state, and institutional programs.

(4) Counseling is a paramount function of the Washington college grant program and other state student financial aid programs, and in most cases could only be properly implemented at the institutional levels; therefore, state student financial aid programs shall be concerned with the attainment of those goals which, in the judgment of the office, are the reasons for the existence of a student financial aid program, and not solely with administration of the program on an individual basis.

(5) The "package" approach of combining loans, grants and employment for student financial aid shall be the conceptual element of the state's involvement.

(6) The office shall ensure that allocations of state appropriations for financial aid are made to individuals and institutions in a timely manner and shall closely monitor expenditures to avoid under or overexpenditure of appropriated funds. [2019 c 406 s 27; 2011 1st sp.s. c 11 s 160; 2004 c 275 s 36; 1999 c 345 s 3; 1995 c 269 s 801; 1969 ex.s. c 222 s 10. Formerly RCW 28B.10.804, 28.76.450.]

**Findings—Intent—2019 c 406:** See note following RCW 43.79.195.

**Findings—Short title—2019 c 406:** See notes following RCW 28B.92.200.

**Findings—2019 c 406:** See note following RCW 28B.94.020.

**Findings—Intent—2019 c 406:** See note following RCW 28C.30.050.

**Findings—Intent—2019 c 406:** See note following RCW 43.216.135.

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Part headings not law—2004 c 275:** See note following RCW 28B.76.090.

**Effective date—Part headings not law—Severability—1995 c 269:** See notes following RCW 18.16.050.

**RCW 28B.92.060 State need grant awards.** In awarding need grants, the office shall proceed substantially as follows: PROVIDED, That nothing contained herein shall be construed to prevent the office, in the exercise of its sound discretion, from following another procedure when the best interest of the program so dictates:

(1) The office shall annually select the financial aid award recipients from among Washington residents applying for student financial aid who have been ranked according to:

(a) College bound scholarship eligibility. Eligible students as defined in RCW 28B.118.010 who meet the requirements in *RCW 28B.118.010(4)(b)(i) for the college bound scholarship may not be denied state need grant funding due to institutional policies or delayed awarding of college bound scholarship students. College bound scholarship eligible students whose family income exceeds sixty-five percent of the state median family income, but who are eligible for the state need grant, shall be prioritized and awarded the maximum state need grant for which the student is eligible;

(b) Financial need as determined by the amount of the family contribution; and

(c) Other considerations, such as whether the student is a former foster youth, or is a placebound student who has completed an associate of arts or associate of science degree or its equivalent.

(2) The financial need of the highest ranked students shall be met by grants depending upon the evaluation of financial need until the total allocation has been disbursed. Funds from grants which are declined, forfeited or otherwise unused shall be reawarded until disbursed, except that eligible former foster youth shall be assured receipt of a grant. The office, in consultation with four-year institutions of higher education, the council, and the state board for community and technical colleges, shall develop award criteria and methods of disbursement based on level of need, and not solely rely on a first-come, first-served basis.

(3) A student shall be eligible to receive a state need grant for up to five years, or the credit or clock hour equivalent of five years, or up to one hundred twenty-five percent of the published length of time of the student's program. A student may not start a new associate degree program as a state need grant recipient until at least five years have elapsed since earning an associate degree as a need grant recipient, except that a student may earn two associate degrees concurrently. Qualifications for renewal will include maintaining satisfactory academic progress toward completion of an eligible program as determined by the office. Should the recipient terminate his or her enrollment for any reason during the academic year, the unused portion of the grant shall be returned to the state educational grant fund by the institution according to the institution's own policy for issuing refunds, except as provided in RCW 28B.92.070.

(4) In computing financial need, the office shall determine a maximum student expense budget allowance, not to exceed an amount equal to the total maximum student expense budget at the public institutions plus the current average state appropriation per student for operating expense in the public institutions. Any child support payments received by students who are parents attending less than half-time shall not be used in computing financial need.

(5)(a) A student who is enrolled in three to six credit-bearing quarter credits, or the equivalent semester credits, may receive a grant for up to one academic year before beginning a program that leads to a degree or certificate.

(b) An eligible student enrolled on a less-than-full-time basis shall receive a prorated portion of his or her state need grant for any academic period in which he or she is enrolled on a less-than-full-time basis, as long as funds are available.

(c) An institution of higher education may award a state need grant to an eligible student enrolled in three to six credit-bearing quarter credits, or the semester equivalent, on a provisional basis if:

(i) The student has not previously received a state need grant from that institution;

(ii) The student completes the required free application for federal student aid;

(iii) The institution has reviewed the student's financial condition, and the financial condition of the student's family if the student is a dependent student, and has determined that the student is likely eligible for a state need grant; and

(iv) The student has signed a document attesting to the fact that the financial information provided on the free application for federal student aid and any additional financial information provided directly to the institution is accurate and complete, and that the student agrees to repay the institution for the grant amount if the student submitted false or incomplete information.

(6) As used in this section, "former foster youth" means a person who is at least eighteen years of age, but not more than twenty-four years of age, who was a dependent of the department of social and health services at the time he or she attained the age of eighteen. [2019 c 298 s 4; 2012 c 229 s 558. Prior: 2011 1st sp.s. c 11 s 162; 2011 1st sp.s. c 10 s 9; 2009 c 215 s 4; 2007 c 404 s 2; 2005 c 93 s 3; 2004 c 275 s 37; 1999 c 345 s 5; 1991 c 164 s 4; 1989 c 254 s 4; 1969 ex.s. c 222 s 12. Formerly RCW 28B.10.808, 28.76.470.]

**Reviser's note:** *(1) RCW 28B.118.010 was amended by 2021 c 283 s 2, significantly changing subsection (4)(b)(i). RCW 28B.118.010 was subsequently amended by 2025 c 395 s 4 and 2025 c 288 s 1, deleting subsection (4)(b).

(2) RCW 28B.92.060 was amended by 2019 c 298 s 4 without cognizance of its repeal by 2019 c 406 s 79. For rule of construction concerning sections amended and repealed in the same legislative session, see RCW 1.12.025.

**Effective date——2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Effective date——2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent——2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Findings——Intent——Short title——2011 1st sp.s. c 10:** See notes following RCW 28B.15.031.

**Findings——Intent——Effective date——2009 c 215:** See notes following RCW 28B.92.030.

**Findings——Intent——2005 c 93:** See note following RCW 74.13.570.

**Part headings not law——2004 c 275:** See note following RCW 28B.76.090.

**Intent—1989 c 254:** See note following RCW 28B.92.030.

**RCW 28B.92.060 State need grant awards.** [2012 c 229 s 558. Prior: 2011 1st sp.s. c 11 s 162; 2011 1st sp.s. c 10 s 9; 2009 c 215 s 4; 2007 c 404 s 2; 2005 c 93 s 3; 2004 c 275 s 37; 1999 c 345 s 5; 1991 c 164 s 4; 1989 c 254 s 4; 1969 ex.s. c 222 s 12. Formerly RCW 28B.10.808, 28.76.470.]

**Reviser's note:** RCW 28B.92.060 was amended by 2019 c 298 s 4 without cognizance of its repeal by 2019 c 406 s 79. For rule of construction concerning sections amended and repealed in the same legislative session, see RCW 1.12.025.

**RCW 28B.92.065 Washington college grant program appropriations reduction.** Beginning with the 2015-2017 omnibus appropriations act and each biennium thereafter, reductions in tuition levels resulting from section 3, chapter 36, Laws of 2015 3rd sp. sess. will allow the legislature to reduce Washington college grant program appropriations by an equal amount from the 2013-2015 fiscal biennium amounts. The legislature does not intend to reduce award levels for private colleges and universities below the 2014-15 academic year levels. [2019 c 406 s 28; 2015 3rd sp.s. c 36 s 4.]

**Findings—Intent—2019 c 406:** See note following RCW 43.79.195.

**Findings—Short title—2019 c 406:** See notes following RCW 28B.92.200.

**Findings—2019 c 406:** See note following RCW 28B.94.020.

**Findings—Intent—2019 c 406:** See note following RCW 28C.30.050.

**Findings—Intent—2019 c 406:** See note following RCW 43.216.135.

**Short title—2015 3rd sp.s. c 36:** See note following RCW 28B.15.031.

**RCW 28B.92.070 Persian Gulf veterans—Limited application of RCW 28B.92.060.** Under rules adopted by the council, the provisions of *RCW 28B.92.060(3) shall not apply to eligible students, as defined in RCW 28B.10.017, and eligible students shall not be required to repay the unused portions of grants received under the state student financial aid program. [2012 c 229 s 559; 2004 c 275 s 38; 1991 c 164 s 3. Formerly RCW 28B.10.8081.]

***Reviser's note:** RCW 28B.92.060 was repealed by 2019 c 406 s 79 without cognizance of its amendment by 2019 c 298 s 4. For rule of construction concerning sections amended and repealed in the same legislative session, see RCW 1.12.025.

**Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Part headings not law—2004 c 275:** See note following RCW 28B.76.090.

**RCW 28B.92.085 Part-time students—Review of financial aid policies and procedures.** Institutions of higher education are encouraged to review their policies and procedures regarding financial aid for students taking a less-than-half-time course load, and to implement policies and procedures providing students taking a less-than-half-time course load with the same access to institutional aid, including tuition waivers, as provided to students enrolled half time or more. [2007 c 404 s 3.]

**RCW 28B.92.086 Dual credit programs—Review of financial aid policies and programs.** Institutions of higher education are encouraged to review their policies and procedures regarding financial aid for students enrolled in dual credit programs as defined in RCW 28B.15.821. Institutions of higher education are further encouraged to implement policies and procedures providing students enrolled in dual credit programs with the same access to institutional aid, including all educational expenses, as provided to resident undergraduate students. [2009 c 215 s 10.]

**Findings—Intent—Effective date—2009 c 215:** See notes following RCW 28B.92.030.

**RCW 28B.92.090 Aid granted without regard to applicant's race, creed, color, religion, sex, or ancestry.** All student financial aid shall be granted by the commission without regard to the applicant's race, creed, color, religion, sex, or ancestry. [1969 ex.s. c 222 s 14. Formerly RCW 28B.10.812, 28.76.480.]

**RCW 28B.92.100 Theology student denied aid.** No aid shall be awarded to any student who is pursuing a degree in theology. [1969 ex.s. c 222 s 15. Formerly RCW 28B.10.814, 28.76.490.]

**RCW 28B.92.110 Application of award.** A state financial aid recipient under this chapter shall apply the award toward the cost of tuition, room, board, books, and fees at the institution of higher education attended. An opportunity internship graduate who enters an apprenticeship program may use the award for the costs of related and supplemental instruction provided through an institution of higher education, tools, and other costs associated with the apprenticeship program. [2009 c 238 s 10; 2004 c 275 s 40; 1969 ex.s. c 222 s 16. Formerly RCW 28B.10.816, 28.76.500.]

**Findings—Intent—2009 c 238:** See note following RCW 28C.18.160.

**Part headings not law—2004 c 275:** See note following RCW 28B.76.090.

**RCW 28B.92.120 Office to determine how funds disbursed.** Funds appropriated for student financial assistance to be granted pursuant to this chapter shall be disbursed as determined by the office. [2011 1st sp.s. c 11 s 164; 2004 c 275 s 41; 1969 ex.s. c 222 s 17. Formerly RCW 28B.10.818, 28.76.510.]

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Part headings not law—2004 c 275:** See note following RCW 28B.76.090.

**RCW 28B.92.130 Grants, gifts, bequests, and devises of property.** The office shall be authorized to accept grants, gifts, bequests, and devises of real and personal property from any source for the purpose of granting financial aid in addition to that funded by the state. [2011 1st sp.s. c 11 s 165; 2004 c 275 s 42; 1969 ex.s. c 222 s 18. Formerly RCW 28B.10.820, 28.76.520.]

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Part headings not law—2004 c 275:** See note following RCW 28B.76.090.

**RCW 28B.92.140 State educational trust fund—Deposits—Expenditures.** The state educational trust fund is hereby established in the state treasury. The primary purpose of the trust is to pledge statewide available college student assistance to needy or disadvantaged students, especially middle and high school youth, considered at-risk of dropping out of secondary education who participate in approved early awareness and outreach programs and who enter any accredited Washington institution of postsecondary education within two years of high school graduation.

The office shall deposit refunds and recoveries of student financial aid funds expended in prior fiscal periods in such account. The office may also deposit moneys that have been contributed from other state, federal, or private sources.

Expenditures from the fund shall be for financial aid to needy or disadvantaged students. The office may annually expend such sums from the fund as may be necessary to fulfill the purposes of this section, including not more than three percent for the costs to administer aid programs supported by the fund. All earnings of investments of balances in the state educational trust fund shall be credited to the trust fund. Expenditures from the fund shall not be subject to appropriation but are subject to allotment procedures under chapter 43.88 RCW. [2011 1st sp.s. c 11 s 166; 1997 c 269 s 1; 1996 c 107 s 1; 1991 sp.s. c 13 s 12; 1985 c 57 s 10; 1981 c 55 s 1. Formerly RCW 28B.10.821.]

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Effective dates—Severability—1991 sp.s. c 13:** See notes following RCW 18.08.240.

**Effective date—1985 c 57:** See note following RCW 18.04.105.

**RCW 28B.92.150 Rules.** The office shall adopt rules as may be necessary or appropriate for effecting the provisions of this chapter, in accordance with the provisions of chapter 34.05 RCW, the administrative procedure act. [2011 1st sp.s. c 11 s 167; 2004 c 275 s 43; 1999 c 345 s 7; 1973 c 62 s 4; 1969 ex.s. c 222 s 19. Formerly RCW 28B.10.822, 28.76.530.]

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Part headings not law—2004 c 275:** See note following RCW 28B.76.090.

**Savings—Severability—1973 c 62:** See notes following RCW 28B.10.510.

**RCW 28B.92.200 Washington college grant program.** (1) The Washington college grant program is created to provide a statewide free college program for eligible participants and greater access to postsecondary education for Washington residents. The Washington college grant program is intended to increase the number of high school graduates and adults that can attain a postsecondary credential and provide them with the qualifications needed to compete for job opportunities in Washington.

(2) The office shall implement and administer the Washington college grant program and is authorized to establish rules necessary for implementation of the program.

(3) The legislature shall appropriate funding for the Washington college grant program. Allocations must be made on the basis of estimated eligible participants enrolled in eligible institutions of higher education or apprenticeship programs. All eligible students are entitled to a Washington college grant beginning in academic year 2020-21.

(4) The office shall award Washington college grants to all eligible students beginning in academic year 2020-21.

(5) To be eligible for the Washington college grant, students must meet the following requirements:

(a)(i) Demonstrate financial need under RCW 28B.92.205;

(ii) Receive one or more of the following types of public assistance:

(A) Aged, blind, or disabled assistance benefits under chapter 74.62 RCW;

(B) Essential needs and housing support program benefits under RCW 43.185C.220; or

(C) Pregnant women assistance program financial grants under RCW 74.62.030; or

(iii) Be a Washington high school student in the 10th, 11th, or 12th grade whose parent or legal guardian is receiving one or more of the types of public assistance listed in (a)(ii) of this subsection and have received a certificate confirming eligibility from the office in accordance with RCW 28B.92.225; or

(iv) Beginning in the 2025-26 academic year, be a Washington high school student in the 10th, 11th, or 12th grade who is a member of an assistance unit receiving benefits under the Washington basic food program in chapter 74.04 RCW or the Washington food assistance program established under RCW 74.08A.120;

(b)(i) Be enrolled or accepted for enrollment for at least three quarter credits or the equivalent semester credits at an institution of higher education in Washington as defined in RCW 28B.92.030; or

(ii) Be enrolled in a registered apprenticeship program approved under chapter 49.04 RCW;

(c) Be a resident student as defined in RCW 28B.15.012(2) (a) through (e);

(d) File an annual application for financial aid as approved by the office; and

(e) Must not have earned a baccalaureate degree or higher from a postsecondary institution.

(6) Washington college grant eligibility may not extend beyond six years or 150 percent of the published length of the program in which the student is enrolled or the credit or clock-hour equivalent.

(7) Institutional aid administrators shall determine whether a student eligible for the Washington college grant in a given academic year may remain eligible for the ensuing year if the student's family income increases by no more than three percent.

(8) Qualifications for receipt and renewal include maintaining satisfactory academic progress toward completion of an eligible program as determined by the office and established in rule.

(9) Should a recipient terminate his or her enrollment for any reason during the academic year, the unused portion of the grant shall be returned to the state educational grant fund by the institution of higher education according to the institution of higher education's policy for issuing refunds, except as provided in RCW 28B.92.070.

(10) An eligible student enrolled on a part-time basis shall receive a prorated portion of the Washington college grant for any academic period in which he or she is enrolled on a part-time basis.

(11) The Washington college grant is intended to be used to meet the costs of postsecondary education for students with financial need. The student shall be awarded all need-based financial aid for which the student qualifies as determined by the institution.

(12) Students and participating institutions of higher education shall comply with all the rules adopted by the council for the administration of this chapter. [2024 c 323 s 1; 2024 c 116 s 1; 2022 c 214 s 5; 2019 c 406 s 19.]

**Reviser's note:** This section was amended by 2024 c 116 s 1 and by 2024 c 323 s 1, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

**Intent—2022 c 214:** See note following RCW 28B.77.300.

**Findings—2019 c 406:** "(1) The legislature finds that individuals with a postsecondary credential have a greater chance of earning a wage that can support themselves and their families than if they do not obtain a postsecondary credential. At the same time, Washington employers are in need of many more individuals who possess postsecondary qualifications. Access to postsecondary opportunities are vital to ensure that more Washington high school graduates and working adults can enter and complete a postsecondary program and compete for the job opportunities available in the state.

(2) The legislature further finds that a statewide free college program, for students who demonstrate financial need as defined in section 20 of this act, is necessary to significantly reduce the financial costs of obtaining a postsecondary credential. The Washington college grant program is intended to increase access to postsecondary opportunities for Washington residents." [2019 c 406 s 18.]

**Short title—2019 c 406:** "This act may be known and cited as the workforce education investment act." [2019 c 406 s 80.]

**Findings—Intent—2019 c 406:** See note following RCW 43.79.195.

**Findings—2019 c 406:** See note following RCW 28B.94.020.

**Findings—Intent—2019 c 406:** See note following RCW 28C.30.050.

**Findings—Intent—2019 c 406:** See note following RCW 43.216.135.

**RCW 28B.92.205 Washington college grant program—Financial need.** In addition to other eligibility requirements outlined in this chapter, students who demonstrate financial need are eligible to receive the Washington college grant. Beginning with the 2025-26 academic year, students with family incomes between zero and 60 percent of the state median family income, adjusted for family size, shall receive the maximum Washington college grant as defined in RCW 28B.92.030. Grants for students with incomes between 61 and 100 percent of the state median family income, adjusted for family size, shall be prorated at the following percentages of the maximum Washington college grant amount:

(1) 60 percent for students with family incomes between 61 and 65 percent of the state median family income;

(2) 50 percent for students with family incomes between 66 and 70 percent of the state median family income;

(3) 24.5 percent for students with family incomes between 71 and 75 percent of the state median family income; and

(4) 10 percent for students with family incomes between 76 and 100 percent of the state median family income. [2025 c 395 s 3; 2023 c 475 s 923; 2022 c 297 s 949; 2019 c 406 s 20.]

**Finding—Intent—Effective date—2025 c 395:** See notes following RCW 28B.92.030.

**Effective date—2023 c 475:** See note following RCW 16.76.030.

**Effective date—2022 c 297:** See note following RCW 43.79.565.

**Findings—Intent—2019 c 406:** See note following RCW 43.79.195.

**Findings—Short title—2019 c 406:** See notes following RCW 28B.92.200.

**Findings—2019 c 406:** See note following RCW 28B.94.020.

**Findings—Intent—2019 c 406:** See note following RCW 28C.30.050.

**Findings—Intent—2019 c 406:** See note following RCW 43.216.135.

**RCW 28B.92.210 Washington college grant program—Caseload forecast.** The caseload forecast council shall estimate the anticipated caseload of the Washington college grant program and submit the caseload forecast as specified in RCW 43.88C.020. [2019 c 406 s 23.]

**Findings—Intent—2019 c 406:** See note following RCW 43.79.195.

**Findings—Short title—2019 c 406:** See notes following RCW 28B.92.200.

**Findings—2019 c 406:** See note following RCW 28B.94.020.

**Findings—Intent—2019 c 406:** See note following RCW 28C.30.050.

**Findings—Intent—2019 c 406:** See note following RCW 43.216.135.

**RCW 28B.92.220 Postsecondary institution student-level data—Education data center.** (1) In order to be eligible for state student financial aid programs, postsecondary institutions shall submit student-level data to the education data center established in RCW 43.41.400 in accordance with RCW 28B.77.090 for the purposes of legislatively authorized research and evaluation of state postsecondary student aid programs.

(2) The education data center shall determine the appropriate student-level data each postsecondary institution shall report in order to meet the state goals for research and evaluation under subsection (1) of this section.

(3) The education data center shall enter data-sharing agreements to facilitate the transfer of required data.

(4) Religious postsecondary institutions that maintain a religious exemption under RCW 28B.85.040 may request an exemption from the council from submitting student-level data to the education data center.

(5) Postsecondary institutions, except for those exempt under subsection (4) of this section, that do not submit student-level data to the education data center may be found ineligible for the state's federally required eligible training provider list and may lose eligibility to participate in the Washington college grant program, established in this chapter. The council's office of student financial

assistance shall determine penalties for postsecondary institutions in accordance with chapter 34.05 RCW.

(6) Nothing in this section allows the sharing of confidential information that is prohibited by state or federal law.

(7) For the purposes of this section, "postsecondary institution" means an institution of higher education as defined in RCW 28B.10.016, a degree-granting institution as defined in RCW 28B.85.010, a private vocational school as defined in RCW 28C.10.020, and a school as defined in RCW 18.16.020. [2019 c 406 s 22.]

**Findings—Intent—2019 c 406:** See note following RCW 43.79.195.

**Findings—Short title—2019 c 406:** See notes following RCW 28B.92.200.

**Findings—2019 c 406:** See note following RCW 28B.94.020.

**Findings—Intent—2019 c 406:** See note following RCW 28C.30.050.

**Findings—Intent—2019 c 406:** See note following RCW 43.216.135.

**RCW 28B.92.225 Individual-level data—Public assistance certificates—Annual report—Washington college grant program.** (1) The office shall enter into a data-sharing agreement with the department of social and health services to facilitate the sharing of individual-level data. To the extent allowable under state and federal law, the department of social and health services shall send the office a list of all individuals receiving benefits under the public assistance programs listed under RCW 28B.92.200(5) on at least an annual basis. The office shall use the list to confirm students' eligibility for the Washington college grant program, without requiring the student to fill out a separate financial aid form. The office may also use the information to conduct outreach promoting the Washington college grant.

(2) For high school students identified in RCW 28B.92.200(5)(a)(iii) or (iv), the office shall issue a certificate to the student that validates the student's financial need eligibility for the Washington college grant program. The certificate is good for one year after high school graduation and may be used upon enrollment in an eligible institution of higher education, provided the student meets the other Washington college grant eligibility requirements. The office shall track and maintain records of students who were issued certificates under this section in order to confirm a student's financial need eligibility with an institution of higher education. A student does not need to produce the certificate to receive the Washington college grant.

(3) The office shall notify students whose eligibility for the Washington college grant is established under RCW 28B.92.200(5)(a)(iv) about the importance of submitting a free application for federal student aid or a Washington application for state financial aid after their first quarter or semester, and each year thereafter.

(4) By December 1, 2026, and each year thereafter, the office shall submit a report to the appropriate committees of the legislature pursuant to RCW 43.01.036 detailing Washington college grant participation by students whose eligibility for the grant is

established under RCW 28B.92.200(5)(a)(iv). [2024 c 116 s 2; 2022 c 214 s 6.]

**Intent——2022 c 214:** See note following RCW 28B.77.300.

**RCW 28B.92.230 Individual-level outreach——Additional aid——Washington college grant program.** The office shall collaborate with the department of social and health services to:

(1) Facilitate individual-level outreach to individuals receiving benefits under the public assistance programs listed under RCW 28B.92.200(5), temporary assistance for needy families under chapter 74.08 RCW, the state family assistance program provided for in rule, and the basic food program to inform these individuals of their eligibility for the Washington college grant program; and

(2) Notify individuals whose financial need for purposes of Washington college grant eligibility has been demonstrated under RCW 28B.92.200(5)(a)(iv) that they may establish eligibility for additional state and federal aid by submitting a free application for federal student aid or a Washington application for state financial aid. [2024 c 116 s 3; 2022 c 214 s 7.]

**Intent——2022 c 214:** See note following RCW 28B.77.300.

# Chapter 28B.93 RCW
# WASHINGTON STUDENT LOAN PROGRAM

**Sections**


28B.93.005 Findings——Intent.
28B.93.010 Definitions.
28B.93.020 Program design recommendations——Consultation on sustainability.
28B.93.030 Program administration.
28B.93.040 Loan origination——Third-party loan servicing.
28B.93.050 Data collection.
28B.93.060 Washington student loan account.


**RCW 28B.93.005 Findings——Intent.** (1) The legislature finds that college students continue to borrow in order to fund their higher education, despite an increase in access to state financial aid. In Washington state, estimates for the number of borrowers carrying student loan debt are around 800,000 with an average balance around $33,500, resulting in a total outstanding balance of $29.4 billion. Student loan debt outpaces other sources of consumer debt, such as credit card and vehicle debt. While research shows that earning a postsecondary credential positively impacts a person's earning potential, high student loan debt erodes much of this benefit.

(2) The legislature recognizes that people with student loan debt are less likely to get married and start a family, establish small businesses, and buy homes. High student loan debt negatively impacts a person's credit score and their debt-to-income ratio, which impacts their ability to qualify for a mortgage. However, student loan debt does not impact all borrowers the same.

(3) Student loan borrowers who struggle the most are typically lower income, first generation, and students of color. Data from the national center for education statistics of a 12-year longitudinal study based on students who began their education in the 2003-04 academic year found the following for students who defaulted: Almost 90 percent had received a Pell grant at one point; 70 percent were first generation college students; 40 percent were in the bottom quarter of income distribution; and 30 percent were African American.

(4) The legislature recognizes though that student loans are beneficial for students who have no other way to pay for college or have expenses beyond tuition and fees. Student loans can open up postsecondary education opportunities for many and help boost the state's economy by increasing the number of qualified graduates to fulfill workforce shortages. However, the legislature finds that high interest rates that accumulate while the student is in college negatively impact the student's ability to prosper financially and contribute to the state's economy after graduation. The legislature also recognizes that there is very little financial aid available to assist students pursuing graduate studies, despite the state's high demand for qualified professionals in fields with workforce shortages such as behavioral health, nursing, software development, teaching, and more. Therefore, the legislature intends to support students pursuing higher education by establishing a state student loan program that is more affordable than direct federal student loans and private loans. The legislature intends to offer student loans to state residents with financial need who are pursuing high-demand graduate

studies at a subsidized interest rate not to exceed 2.5 percent. The legislature intends for the Washington state student loan program to align with the Washington college grant program, recognizing that student loans are secondary forms of financial aid that often cover expenses beyond tuition. [2023 c 389 s 1; 2022 c 206 s 1.]

**RCW 28B.93.010 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Borrower" means an eligible student who has received a student loan under the Washington student loan program.

(2) "Eligible expenses" means reasonable expenses associated with the costs of acquiring a postsecondary education such as tuition, fees, books, equipment, room and board, and other expenses as determined by the office.

(3) "Eligible graduate program" means an advanced academic degree in a specialized field of study that has a workforce shortage or is considered high demand including, but not limited to, professions in health care, behavioral and mental health, early education, K-12, higher education, law enforcement, public safety, and others, as determined by the office.

(4) "Eligible student" means a student who:

(a) Meets the definition of "resident student" under RCW 28B.15.012(2) (a) through (e);

(b) Has a median family income of 100 percent or less of the state median family income;

(c) Is enrolled in an institution of higher education in an eligible graduate program on at least a half-time basis; and

(d) Has completed an annual application for financial aid as approved by the office.

(5) "Gift aid" means federal, state, institutional, or private financial aid provided for educational purposes with no obligation of repayment. "Gift aid" does not include student loans or work-study programs.

(6) "Institutions of higher education" includes institutions of higher education authorized to participate in state financial aid programs in accordance with chapter 28B.92 RCW.

(7) "Office" means the office of student financial assistance established under chapter 28B.76 RCW.

(8) "Program" means the Washington student loan program.

(9) "Student loan" means a loan that is approved by the office and awarded to an eligible student to pay for eligible expenses. [2023 c 389 s 2; 2022 c 206 s 2.]

**RCW 28B.93.020 Program design recommendations——Consultation on sustainability.** (1) The Washington student achievement council, in consultation with the office of the state treasurer and the state investment board, shall design a student loan program to assist students who need additional financial support to obtain postsecondary education.

(2) At a minimum, the program design must make recommendations about the following features of a state student loan program and implementation plan:

(a) A low interest rate that is below current federal subsidized student loan interest rates not to exceed 2.5 percent;

(b) The terms of the loans, including:

(i) Loan limits not to exceed $20,000 annually per borrower;

(ii) Grace periods, including grace periods for active duty members of the national guard who may lose eligibility when being called up for active duty; and

(iii) Minimum postsecondary enrollment standards;

(c) The terms and administration of a repayment program, including:

(i) Repayment options such as standard loan repayment contracts and the length of the repayment contracts, which shall not exceed 25 years;

(ii) Income-based repayment plans; and

(iii) Terms of loan forgiveness;

(d) The types and characteristics of borrowers permitted to participate in the program including family income, degree and credential types, and other borrower characteristics. The program must prioritize low-income borrowers; and

(e) The design and administration of an appeals process.

(3) In the design of the program, the Washington student achievement council may recommend contracting with one or more state-based financial institutions regulated by either chapter 31.12 or 30A.04 RCW to provide loan origination and may contract with a third-party entity to provide loan servicing for the program. The Washington student achievement council must use an open and competitive bid process in the selection of one or more financial institutions for loan origination and servicing for the program. A third-party entity providing loan servicing shall comply with all of the requirements for student education loan servicers under chapter 31.04 RCW.

(4) The Washington student achievement council may retain a consultant to design a loan program, including one or more financial advisors, to provide consultation on the sustainability of the loan program.

(5) The Washington student achievement council shall provide a report on the design, sustainability, and implementation plan for the program to the governor and the higher education committees of the legislature by December 1, 2023, in accordance with RCW 43.01.036. [2023 c 389 s 3; 2022 c 206 s 3.]

**RCW 28B.93.030 Program administration.** (1) The Washington student loan program is created to assist students who need additional financial support to obtain postsecondary education. Beginning in the 2025-26 academic year, the office may award student loans under the program to eligible students from the funds available in RCW 28B.93.060.

(2) The program shall be administered by the office. To the extent practicable, the program design must include the recommendations for program design as provided in the report required under RCW 28B.93.020, including that the Washington student loan account have a minimum life cycle of seven years and that loans issued under the program do not exceed 2.5 percent.

(3) The office is responsible for providing administrative support to execute the duties and responsibilities provided in this chapter. The duties and responsibilities include:

(a) Ensure institutions of higher education have a policy for awarding student loans under the program that prioritizes funding for eligible students who have greater unmet financial need, are lowest income, are first generation college students, are demographically underrepresented, do not qualify for federally funded student financial aid, or who have received loans under the program in prior years;

(b) Issue low-interest student loans not to exceed 2.5 percent, of which interest accrues during all periods except when enrolled in an eligible graduate degree program;

(c) Define the terms of repayment, which shall not exceed 25 years in length unless provided for under (f) of this subsection;

(d) Collect and manage repayments from borrowers;

(e) Establish an appeals process;

(f) Exercise discretion to revise repayment obligations in certain cases, such as economic hardship or disability;

(g) Publicize the program; and

(h) Adopt necessary rules.

(4) The office is responsible for establishing and administering an appeals process that resolves appeals from borrowers within ninety days of receipt. [2023 c 389 s 4; 2022 c 206 s 4.]

**RCW 28B.93.040 Loan origination——Third-party loan servicing.** The office may contract with one or more state-based financial institutions regulated by either chapter 31.12 RCW or chapter 30A.04 RCW to provide loan origination and may contract with a third-party entity to provide loan servicing for the program. A third-party entity providing loan servicing shall comply with all of the requirements for student education loan servicers under chapter 31.04 RCW. [2023 c 389 s 5; 2022 c 206 s 5.]

**RCW 28B.93.050 Data collection.** (1) The office shall collect data on the program in collaboration with the institutions of higher education. The data must include, but is not limited to:

(a) The number of eligible students who were awarded a student loan;

(b) The number of borrowers;

(c) The average borrowed annual and total balances;

(d) Borrower demographics;

(e) The institutions of higher education and educational fields of borrowers;

(f) Postgraduation employment data;

(g) Time to degree completion; and

(h) Repayment statistics, including:

(i) The number of borrowers in active repayment, deferment, delinquency, forbearance, and default;

(ii) The average time it took for borrowers to enter delinquency and default;

(iii) Demographic and educational data of borrowers enrolled in the income-based repayment plan option;

(iv) Demographic and educational data of borrowers in different repayment statuses, including delinquency and default; and

(v) Information about what happened to borrowers who defaulted.

(2) Beginning December 1, 2027, and in compliance with RCW 43.01.036, the office must submit an annual report on the data collected under subsection (1) of this section and any other relevant information regarding the program to the higher education committees of the legislature. [2023 c 389 s 6; 2022 c 206 s 6.]

**RCW 28B.93.060 Washington student loan account.** (1) The Washington student loan account is created in the state treasury. All receipts from the Washington student loan program must be deposited in the account. Expenditures from the account may be used only for administration and the issuance of new student loans. Moneys in the account may be spent only after appropriation. During the 2023-2025 and 2025-2027 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the Washington student loan account to the state general fund.

(2)(a) The legislature may appropriate no more than a total of $40,000,000 for the program during four consecutive fiscal years, beginning with the first fiscal year from which loans are issued from the account. In the fifth fiscal year following the fiscal year in which the first student loan was issued, the legislature may appropriate up to $10,000,000 for the program.

(b) The legislature may appropriate moneys from the account for the administrative and implementation costs of the program in the fiscal years prior to the first fiscal year in which loans are issued from the account. [2025 c 424 s 927. Prior: 2023 c 475 s 924; 2023 c 389 s 7; 2022 c 206 s 7.]

**Effective date——2025 c 424:** See note following RCW 9.46.100.

**Effective date——2023 c 475:** See note following RCW 16.76.030.

# Chapter 28B.94 RCW
# WASHINGTON STUDENT LOAN REFINANCING PROGRAM

**Sections**

28B.94.010 Definitions.
28B.94.020 Program administration——Report.

**RCW 28B.94.010 Definitions.** ***(Expires July 1, 2029.)*** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Council" means the Washington student achievement council.

(2) "Financial institution" has the same meaning as in RCW 7.88.010.

(3) "Interest rate buy down incentive" means the use of state funds to enable qualified borrowers to receive below market rate interest rates for the purposes of this chapter.

(4) "Loan loss reserve coverage" means partial risk coverage to financial institutions to cover losses on qualified loans according to the terms set forth in the contract between the agency and the financial institution for the purposes of this chapter.

(5) "Program" means the Washington student loan refinancing program.

(6) "Qualified borrower" means an individual meeting all of the following requirements:

(a) Resident of the state of Washington;

(b) Is enrolled in, or has completed, a certificate, associate's, bachelor's, graduate, or professional degree program; and

(c) Other criteria as deemed appropriate by the council.

(7) "Qualified loan" means a loan or a portion of a loan made by a financial institution to a qualified borrower to refinance an existing student loan under the program. Only a federal direct PLUS loan or a private student loan determined by the financial institution to be an educational loan that is nondischargeable in bankruptcy as set forth in 11 U.S.C. Sec. 523 as it existed on January 14, 2019, shall be a qualified loan eligible for refinancing. A qualified loan made under the program shall:

(a) Carry a contractual interest rate at least one-quarter of one percentage point lower than the loan being refinanced, and may be made with the interest rates, fees, and other terms and conditions agreed upon by the financial institution and the qualified borrower; and

(b) Specify that a qualified borrower's obligation under a qualified loan must be discharged if the qualified borrower dies, based on the following:

(i) An original or certified copy of the qualified borrower's death certificate;

(ii) An accurate and complete photocopy of the original or certified copy of the qualified borrower's death certificate;

(iii) An accurate and complete original or certified copy of the qualified borrower's death certificate that is scanned and submitted electronically or sent by facsimile transmission; or

(iv) Verification of the qualified borrower's death through an authoritative federal or state electronic database approved for use by the council.

(8) This section expires July 1, 2029. [2019 c 406 s 50.]

**Findings—Intent—2019 c 406:** See note following RCW 43.79.195.

**Findings—Short title—2019 c 406:** See notes following RCW 28B.92.200.

**Findings—2019 c 406:** See note following RCW 28B.94.020.

**Findings—Intent—2019 c 406:** See note following RCW 28C.30.050.

**Findings—Intent—2019 c 406:** See note following RCW 43.216.135.

**RCW 28B.94.020 Program administration—Report.** ***(Expires July 1, 2029.)*** (1) Subject to the availability of amounts appropriated for this specific purpose, the Washington student loan refinancing program is created.

(2) The program shall be administered by the council. To execute the program the council shall contract with up to five financial institutions. The financial institutions, in consultation with the council, may leverage the interest rate buy down incentive or the loan loss reserve coverage, or some combination thereof, to refinance existing student loans. In administering the program, the council may:

(a) Impose reasonable limits on the terms of qualified loans;

(b) Impose reasonable limits on the terms of qualified borrowers;

(c) Impose reasonable limits on the use of state funds for the marketing on qualified loan products by financial institutions;

(d) Establish minimum reporting requirements for financial institutions participating in the program;

(e) Establish minimum required disclosures by financial institutions for qualified loans. At a minimum, the disclosures must notify qualified borrowers of the:

(i) Loss of borrower protections including income contingent repayment and public service loan forgiveness options if the qualified borrower is refinancing a federal direct PLUS student loan under this chapter; and

(ii) Estimated total cost of the qualified loan, including accrued interest under this chapter;

(f) Appoint and use advisory committees and the department of financial institutions as needed to provide program guidance and direction;

(g) Formulate and adopt all other policies and rules necessary for the efficient administration of the program;

(h) Make, execute, and deliver contracts, conveyances, and other instruments necessary to the exercise and discharge of its powers and duties under this chapter; and

(i) Perform all acts necessary and proper to carry out the duties and responsibilities of the program under this chapter.

(3) On a biennial basis beginning July 1, 2020, the council must report to the appropriate committees of the legislature the:

(a) Number of financial institutions currently under contract through the program;

(b) Number of qualified student loans successfully refinanced under the program;

(c) Qualified borrower requirements established by the council and the financial institutions;

(d) Demographic information for borrowers that includes gender, race or ethnicity, income level, and geography; and

(e) Estimated total savings by qualified borrowers with qualified loans as defined by the difference between what the student would have paid under the existing loan and what the student would pay when given the option to refinance.

(4) This section expires July 1, 2029. [2019 c 406 s 51.]

**Findings—2019 c 406:** "The legislature finds that a postsecondary credential is essential to Washingtonians' ability to attain jobs with good salaries and advancement opportunities, and that meeting the increasing demand for credentialed workers to fill jobs in Washington is essential to the future health of the state's economy. The legislature finds that the amount of debt that individual Washingtonians incur in pursuit of postsecondary credentials represents a growing burden on individuals and on the state's economy at large that negatively impacts individuals' ability to obtain a postsecondary credential, as well as their ability to save for retirement, purchase a home, and start a family. The legislature finds that giving Washingtonians new tools to address this burden is necessary to help make higher education more accessible and affordable." [2019 c 406 s 49.]

**Findings—Intent—2019 c 406:** See note following RCW 43.79.195.

**Findings—Short title—2019 c 406:** See notes following RCW 28B.92.200.

**Findings—Intent—2019 c 406:** See note following RCW 28C.30.050.

**Findings—Intent—2019 c 406:** See note following RCW 43.216.135.

# Chapter 28B.95 RCW
# WASHINGTON ADVANCED COLLEGE TUITION PAYMENT PROGRAM AND WASHINGTON COLLEGE SAVINGS PROGRAM

(Formerly: Advanced college tuition payment program)

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**RCW 28B.95.010 Washington advanced college tuition payment program—Washington college savings program—Established.** (1) The

Washington advanced college tuition payment program is established to help make higher education affordable and accessible to all citizens of the state of Washington by offering a savings incentive that will protect purchasers and beneficiaries against rising tuition costs.

(2) Subject to the availability of amounts appropriated for this specific purpose, the Washington college savings program is established to provide an additional financial option for individuals, organizations, and families to save for college.

(3) These programs are designed to encourage savings and enhance the ability of Washington citizens to obtain financial access to institutions of higher education. In addition, the programs encourage elementary and secondary school students to do well in school as a means of preparing for and aspiring to higher education attendance. These programs are intended to promote a well-educated and financially secure population to the ultimate benefit of all citizens of the state of Washington. [2016 c 69 s 1; 1997 c 289 s 1.]

**RCW 28B.95.020 Definitions.** The definitions in this section apply throughout this chapter, unless the context clearly requires otherwise.

(1) "Academic year" means the regular nine-month, three-quarter, or two-semester period annually occurring between August 1st and July 31st.

(2) "Account" means the Washington advanced college tuition payment program account established for the deposit of all money received by the office from eligible purchasers and interest earnings on investments of funds in the account, as well as for all expenditures on behalf of eligible beneficiaries for the redemption of tuition units and for the development of any authorized college savings program pursuant to RCW 28B.95.150.

(3) "Advisor sold" means a channel through which a broker dealer, investment advisor, or other financial intermediary recommends the Washington college savings program established pursuant to RCW 28B.95.010 to eligible investors and assists with the opening and servicing of individual college savings program accounts.

(4) "College savings program account" means the Washington college savings program account established pursuant to RCW 28B.95.085.

(5) "Committee on advanced tuition payment and college savings" or "committee" means a committee of the following members: The state treasurer, the director of the office of financial management, the director of the office, or their designees, and two members to be appointed by the governor, one representing program participants and one private business representative with marketing, public relations, or financial expertise.

(6) "Contractual obligation" means a legally binding contract of the state with the purchaser and the beneficiary establishing that purchases of tuition units in the advanced college tuition payment program will be worth the same number of tuition units at the time of redemption as they were worth at the time of the purchase, except as provided in *RCW 28B.95.030 (7) and (8).

(7) "Dual credit fees" means any fees charged to a student for participation in college in the high school under RCW 28A.600.287 or running start under RCW 28A.600.310.

(8) "Eligible beneficiary" means the person designated as the individual whose education expenses are to be paid from the advanced

college tuition payment program or the college savings program. Qualified organizations, as allowed under section 529 of the federal internal revenue code, purchasing tuition unit contracts as future scholarships need not designate a beneficiary at the time of purchase.

(9) "Eligible contributor" means an individual or organization that contributes money for the purchase of tuition units, and for an individual college savings program account established pursuant to this chapter for an eligible beneficiary.

(10) "Eligible purchaser" means an individual or organization that has entered into a tuition unit contract with the governing body for the purchase of tuition units in the advanced college tuition payment program for an eligible beneficiary, or that has entered into a participant college savings program account contract for an eligible beneficiary. The state of Washington may be an eligible purchaser for purposes of purchasing tuition units to be held for granting Washington college bound scholarships.

(11) "Full-time tuition charges" means resident tuition charges at a state institution of higher education for enrollments between ten credits and eighteen credit hours per academic term.

(12) "Governing body" means the committee empowered by the legislature to administer the Washington advanced college tuition payment program and the Washington college savings program.

(13) "Individual college savings program account" means the formal record of transactions relating to a Washington college savings program beneficiary.

(14) "Institution of higher education" means an institution that offers education beyond the secondary level and is recognized by the internal revenue service under chapter 529 of the internal revenue code.

(15) "Investment board" means the state investment board as defined in chapter 43.33A RCW.

(16) "Investment manager" means the state investment board, another state, or any other entity as selected by the governing body, including another college savings plan established pursuant to section 529 of the internal revenue code.

(17) "Office" means the office of student financial assistance as defined in chapter 28B.76 RCW.

(18) "Owner" means the eligible purchaser or the purchaser's successor in interest who shall have the exclusive authority to make decisions with respect to the tuition unit contract or the individual college savings program contract. The owner has exclusive authority and responsibility to establish and change the asset investment options for a beneficiaries' individual college savings program account.

(19) "Participant college savings program account contract" means a contract to participate in the Washington college savings program between an eligible purchaser and the office.

(20) "State institution of higher education" means institutions of higher education as defined in RCW 28B.10.016.

(21) "Tuition and fees" means undergraduate tuition and services and activities fees as defined in RCW 28B.15.020 and 28B.15.041 rounded to the nearest whole dollar. For purposes of this chapter, services and activities fees do not include fees charged for the payment of bonds heretofore or hereafter issued for, or other indebtedness incurred to pay, all or part of the cost of acquiring, constructing, or installing any lands, buildings, or facilities.

(22) "Tuition unit contract" means a contract between an eligible purchaser and the governing body, or a successor agency appointed for administration of this chapter, for the purchase of tuition units in the advanced college tuition payment program for a specified beneficiary that may be redeemed at a later date for an equal number of tuition units, except as provided in *RCW 28B.95.030 (7) and (8).

(23) "Unit cash value price" means the total value of assets under management in the advanced college tuition payment program on a date to be determined by the committee, divided by the total number of outstanding units purchased by eligible purchasers before July 1, 2015, and any outstanding units accrued by eligible purchasers as a result of the July 2017 unit rebase. For purposes of this calculation, the total market value of assets shall exclude the total accumulated market value of proceeds from units purchased after June 30, 2015.

(24) "Unit purchase price" means the minimum cost to purchase one tuition unit in the advanced college tuition payment program for an eligible beneficiary. Generally, the minimum purchase price is one percent of the undergraduate tuition and fees for the current year, rounded to the nearest whole dollar, adjusted for the costs of administration and adjusted to ensure the actuarial soundness of the account. The analysis for price setting shall also include, but not be limited to consideration of past and projected patterns of tuition increases, program liability, past and projected investment returns, and the need for a prudent stabilization reserve. [2021 c 71 s 7; 2018 c 188 s 1; 2016 c 69 s 2; 2015 3rd sp.s. c 36 s 6; 2015 c 202 s 5. Prior: 2012 c 229 s 606; 2011 1st sp.s. c 11 s 168; 2007 c 405 s 8; 2005 c 272 s 1; 2004 c 275 s 59; 2001 c 184 s 1; 2000 c 14 s 1; 1997 c 289 s 2.]

***Reviser's note:** RCW 28B.95.030 was amended by 2021 c 248 s 1, changing subsections (7) and (8) to subsections (9) and (10), respectively.

**Effective date——2018 c 188:** See note following RCW 28B.95.030.

**Short title——2015 3rd sp.s. c 36:** See note following RCW 28B.15.031.

**Findings——Intent——2015 c 202:** See note following RCW 28A.320.196.

**Effective date——2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Effective date——2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent——2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Part headings not law——2004 c 275:** See note following RCW 28B.76.090.

**RCW 28B.95.025 Offices and personnel.** The office shall maintain appropriate offices and employ and fix compensation of such personnel as may be necessary to perform the advanced college tuition payment

program and the Washington college savings program duties. The office shall consult with the governing body on the selection, compensation, and other issues relating to the employment of the program director. The positions are exempt from classified service under chapter 41.06 RCW. The employees shall be employees of the office. [2016 c 69 s 3; 2011 1st sp.s. c 11 s 169; 2000 c 14 s 2; 1998 c 69 s 2.]

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Effective date—1998 c 69:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 20, 1998]." [1998 c 69 s 6.]

**RCW 28B.95.030 Washington advanced college tuition payment program.** (1) The Washington advanced college tuition payment program shall be administered by the committee on advanced tuition payment which shall be chaired by the director of the office. The committee shall be supported by staff of the office.

(2)(a) The Washington advanced college tuition payment program shall consist of the sale of tuition units, which may be redeemed by the beneficiary at a future date for an equal number of tuition units regardless of any increase in the price of tuition, that may have occurred in the interval, except as provided in subsections (9) and (10) of this section.

(b) Each purchase shall be worth a specific number of or fraction of tuition units at each state institution of higher education as determined by the governing body, except as provided in subsections (9) and (10) of this section.

(c) The number of tuition units necessary to pay for a full year's, full-time undergraduate tuition and fee charges at a state institution of higher education shall be set by the governing body at the time a purchaser enters into a tuition unit contract, except as provided in subsections (9) and (10) of this section.

(d) The governing body may limit the number of tuition units purchased by any one purchaser or on behalf of any one beneficiary, however, no limit may be imposed that is less than that necessary to achieve four years of full-time, undergraduate tuition charges at a state institution of higher education. The governing body also may, at its discretion, limit the number of participants, if needed, to ensure the actuarial soundness and integrity of the program.

(e) While the Washington advanced college tuition payment program is designed to help all citizens of the state of Washington, the governing body may determine residency requirements for eligible purchasers and eligible beneficiaries to ensure the actuarial soundness and integrity of the program.

(3)(a) No tuition unit may be redeemed until two years after the purchase of the unit.

(b) Units may be redeemed for enrollment at any institution of higher education that is recognized by the internal revenue service under chapter 529 of the internal revenue code. Units may also be redeemed to pay for dual credit fees.

(c) Units redeemed at a nonstate institution of higher education or for graduate enrollment shall be redeemed at the rate for state public institutions in effect at the time of redemption.

(4) The governing body shall determine the conditions under which the tuition benefit may be transferred to another family member. In permitting such transfers, the governing body may not allow the tuition benefit to be bought, sold, bartered, or otherwise exchanged for goods and services by either the beneficiary or the purchaser.

(5) The governing body shall administer the Washington advanced college tuition payment program in a manner reasonably designed to be actuarially sound, such that the assets of the trust will be sufficient to defray the obligations of the trust including the costs of administration. The governing body may, at its discretion, discount the minimum purchase price for certain kinds of purchases such as those from families with young children, as long as the actuarial soundness of the account is not jeopardized.

(6) The governing body shall annually determine current value of a tuition unit.

(7) The governing body shall adopt a unit price of no more than 10 percent, including administrative fees, above the current unit payout value if:

(a) The best estimate funded status of the program provided by the state actuary is in excess of at least 120 percent as of July 1st of each year; and

(b) Tuition and fee increases for the academic year immediately following the July 1st best estimate funded status will be no more than the average annual percentage growth rate in the median hourly wage for Washington for the previous 14 years as the wage is determined by the federal bureau of labor statistics.

(8) For units purchased at the 2020-21 unit price, the governing body shall grant additional units to each account holder equivalent to the difference between the 2020-21 unit price and the 2020-21 unit payout value, after adjusting the unit payout value 10 percent above the current price, including administrative fees, as determined by the governing body.

(9) For the 2015-16 and 2016-17 academic years only, the governing body shall set the payout value for units redeemed during that academic year only at one hundred seventeen dollars and eighty-two cents per unit. For academic years after the 2016-17 academic year, the governing body shall make program adjustments it deems necessary and appropriate to ensure that the total payout value of each account on October 9, 2015, is not decreased or diluted as a result of the initial application of any changes in tuition under section 3, chapter 36, Laws of 2015 3rd sp. sess. In the event the committee or governing body provides additional units under chapter 36, Laws of 2015 3rd sp. sess., the committee and governing body shall also increase the maximum number of units that can be redeemed in any year to mitigate the reduction in available account value during any year as a result of chapter 36, Laws of 2015 3rd sp. sess. The governing body must notify holders of tuition units after the adjustment in this subsection is made and must include a statement concerning the adjustment.

(10) The governing body shall allow account owners who purchased units before July 1, 2015, to redeem such units at the unit cash value price provided that all the redeemed funds are deposited immediately into an eligible Washington college savings program account established by the governing body. Within ninety days of April 15,

2018, the committee, in consultation with the state actuary and state investment board, shall:

(a) Establish a period that is not less than ninety days during which eligible purchasers may redeem units at the unit cash value price for the purposes of this subsection and provide at least thirty days' notice prior to the ninety-day window to all eligible account holders about the redemption option; and

(b) Establish the unit cash value price. The committee, in consultation with the state actuary and the state investment board, may revalue the unit cash value price established in this subsection (10)(b) up to three times during the ninety-day period in which eligible purchasers may redeem units for the unit cash value price.

(11)(a) After the governing body completes the requirements of subsection (10) of this section, the governing body shall adjust, by March 1, 2019, all remaining unredeemed units purchased before July 1, 2015, as follows:

(i) First, the governing body shall take the difference between the average unit purchase price in each individual's account and the 2016-17 unit payout value and increase the number of units in each individual's account by a number of units of equivalent total value at the 2017-18 unit purchase price, if the average unit purchase price is more than the 2016-17 unit payout value; and

(ii) Second, after (a)(i) of this subsection is completed, the governing body, with assistance from the state actuary, shall grant an additional number of units to each account holder with unredeemed and purchased units before July 1, 2015, in order to lower the best-estimate funded status of the program to one hundred twenty-five percent, subject to a limit of an increase of fifteen percent of unredeemed and purchased units per account holder. The state actuary shall select the measurement date, assumptions, and methods necessary to perform an actuarial measurement consistent with the purpose of this subsection.

(b) For the purpose of this subsection (11), and for account holders with uncompleted custom monthly contracts, the governing body shall only include purchased and unredeemed units before July 1, 2015.

(12) The governing body shall collect an amortization fee as a component of each future unit sold whenever the governing body determines amortization fees are necessary to increase the best-estimate funded status of the program.

(13) The governing body shall promote, advertise, and publicize the Washington advanced college tuition payment program. Materials and online publications advertising the Washington advanced college tuition payment program shall include a disclaimer that the Washington advanced college tuition payment program's guarantee is that one hundred tuition units will equal one year of full-time, resident, undergraduate tuition at the most expensive state institution of higher education, and that if resident, undergraduate tuition is reduced, a tuition unit may lose monetary value.

(14) In addition to any other powers conferred by this chapter, the governing body may:

(a) Impose reasonable limits on the number of tuition units or units that may be used in any one year;

(b) Determine and set any time limits, if necessary, for the use of benefits under this chapter;

(c) Impose and collect administrative fees and charges in connection with any transaction under this chapter;

(d) Appoint and use advisory committees and the state actuary as needed to provide program direction and guidance;

(e) Formulate and adopt all other policies and rules necessary for the efficient administration of the program;

(f) Consider the addition of an advanced payment program for room and board contracts and also consider a college savings program;

(g) Purchase insurance from insurers licensed to do business in the state, to provide for coverage against any loss in connection with the account's property, assets, or activities or to further insure the value of the tuition units;

(h) Make, execute, and deliver contracts, conveyances, and other instruments necessary to the exercise and discharge of its powers and duties under this chapter;

(i) Contract for the provision for all or part of the services necessary for the management and operation of the program with other state or nonstate entities authorized to do business in the state;

(j) Contract for other services or for goods needed by the governing body in the conduct of its business under this chapter;

(k) Contract with financial consultants, actuaries, auditors, and other consultants as necessary to carry out its responsibilities under this chapter;

(l) Solicit and accept cash donations and grants from any person, governmental agency, private business, or organization; and

(m) Perform all acts necessary and proper to carry out the duties and responsibilities of this program under this chapter. [2021 c 248 s 1; 2018 c 188 s 2; 2016 c 69 s 4; 2015 3rd sp.s. c 36 s 7; 2015 c 202 s 6. Prior: 2011 1st sp.s. c 12 s 2; 2011 1st sp.s. c 11 s 170; 2005 c 272 s 2; 2000 c 14 s 3; 1997 c 289 s 3.]

**Effective date—2018 c 188:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect April 15, 2018." [2018 c 188 s 4.]

**Short title—2015 3rd sp.s. c 36:** See note following RCW 28B.15.031.

**Findings—Intent—2015 c 202:** See note following RCW 28A.320.196.

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**RCW 28B.95.032 Washington college savings program.** (1) The Washington college savings program shall be administered by the committee, which shall be chaired by the director of the office. The committee shall be supported by staff of the office.

(2) The Washington college savings program shall consist of the college savings program account and the individual college savings program accounts, and shall allow an eligible purchaser to establish an individual college savings program account for an eligible beneficiary whereby the money in the account may be invested and used for enrollment at any institution of higher education that is recognized by the internal revenue service under chapter 529 of the

internal revenue code. Money in the account may also be used to pay for dual credit fees.

(3) The Washington college savings program is open to eligible purchasers and eligible beneficiaries who are residents or nonresidents of Washington state.

(4) The Washington college savings program shall not require eligible purchasers to make an initial minimum contribution in any amount that exceeds twenty-five dollars when establishing a new account.

(5) The committee may contract with other state or nonstate entities that are authorized to do business in the state for the investment of moneys in the college savings program, including other college savings plans established pursuant to section 529 of the internal revenue code. The investment of eligible contributors' deposits may be in credit unions, savings and loan associations, banks, mutual savings banks, purchase life insurance, shares of an investment company, individual securities, fixed annuity contracts, variable annuity contracts, any insurance company, other 529 plans, or any investment company licensed to contract business in this state.

(6) The governing body shall determine the conditions under which control or the beneficiary of an individual college savings program account may be transferred to another family member. In permitting such transfers, the governing body may not allow the individual college savings program account to be bought, sold, bartered, or otherwise exchanged for goods and services by either the beneficiary or the purchaser.

(7) The governing body shall promote, advertise, and publicize the Washington college savings program.

(8) The governing body shall develop materials to educate potential account owners and beneficiaries on (a) the differences between the advanced college tuition payment program and the Washington college savings program, and (b) how the two programs can complement each other to save towards the full cost of attending college.

(9) In addition to any other powers conferred by this chapter, the governing body may:

(a) Impose limits on the amount of contributions that may be made on behalf of any eligible beneficiary;

(b) Determine and set age limits and any time limits for the use of benefits under this chapter;

(c) Establish incentives to encourage participation in the Washington college savings program to include but not be limited to entering into agreements with any public or private employer under which an employee may agree to have a designated amount deducted in each payroll period from the wages due the employee for the purpose of making contributions to a participant college savings program account;

(d) Impose and collect administrative fees and charges in connection with any transaction under this chapter;

(e) Appoint and use advisory committees and the state actuary as needed to provide program direction and guidance;

(f) Formulate and adopt all other policies and rules necessary for the efficient administration of the program;

(g) Purchase insurance from insurers licensed to do business in the state, to provide for coverage against any loss in connection with the account's property, assets, or activities;

(h) Make, execute, and deliver contracts, conveyances, and other instruments necessary to the exercise and discharge of its powers and duties under this chapter;

(i) Contract for the provision for all or part of the services necessary for the management and operation of the Washington college savings program with other state or nonstate entities authorized to do business in the state for the investment of moneys;

(j) Contract for other services or for goods needed by the governing body in the conduct of its business under this chapter;

(k) Contract with financial consultants, actuaries, auditors, and other consultants as necessary to carry out its responsibilities under this chapter;

(l) Review advisor sold 529 college savings plan programs used by other states to supplement direct-sold channels, provide additional program access and options, increase overall college savings by residents, and if deemed appropriate, establish an advisor sold option for the Washington college savings program;

(m) Solicit and accept gifts, bequests, cash donations, and grants from any person, governmental agency, private business, or organization; and

(n) Perform all acts necessary and proper to carry out the duties and responsibilities of the Washington college savings program under this chapter.

(10) It is the intent of the legislature to establish policy goals for the Washington college savings program. The policy goals established under this section are deemed consistent with creating a nationally competitive 529 savings plan. The Washington college savings program should support achievement of these policy goals:

(a) Process: To have an investment manager design a thoughtful, well-diversified glide path for age-based portfolios and offer a robust suite of investment options;

(b) People: To have a well-resourced, talented, and long-tenured investment manager;

(c) Parent: To demonstrate that the committee is a good caretaker of college savers' capital and can manage the plan professionally;

(d) Performance: To demonstrate that the program's options have earned their keep with solid risk-adjusted returns over relevant time periods; and

(e) Price: To demonstrate that the investment options are a good value.

(11) The powers, duties, and functions of the Washington college savings program must be performed in a manner consistent with the policy goals in subsection (10) of this section.

(12) The policy goals in this section are intended to be the basis for establishing detailed and measurable objectives and related performance measures.

(13) It is the intent of the legislature that the committee establish objectives and performance measures for the investment manager to progress toward the attainment of the policy goals in subsection (10) of this section. The committee shall submit objectives and performance measures to the legislature for its review and shall provide an updated report on the objectives and measures before the regular session of the legislature during even-numbered years thereafter. [2016 c 69 s 5.]

**RCW 28B.95.035 Committee members—Liability.** No member of the committee is liable for the negligence, default, or failure of any other person or members of the committee to perform the duties of office and no member may be considered or held to be an insurer of the funds or assets of any of the advanced college tuition payment program or any of the Washington college savings program. [2016 c 69 s 7; 1998 c 69 s 3.]

**Effective date—1998 c 69:** See note following RCW 28B.95.025.

**RCW 28B.95.040 Purchase of tuition units or establishment of savings plans by organizations—Rules—Scholarship fund.** The governing body may, at its discretion, allow an organization to purchase tuition units or establish savings plans for future use as scholarships. Such organizations electing to purchase tuition units or establish Washington college savings program accounts for this purpose must enter into a contract with the governing body which, at a minimum, ensures that the scholarship shall be freely given by the purchaser to a scholarship recipient. For such purchases, the purchaser need not name a beneficiary until four months before the date when the tuition units are first expected to be used.

The governing body shall formulate and adopt such rules as are necessary to determine which organizations may qualify to purchase tuition units or establish Washington college savings program accounts for scholarships under this section. The governing body also may consider additional rules for the use of tuition units or Washington college savings program accounts if purchased as scholarships.

The governing body may establish a scholarship fund with moneys from the Washington advanced college tuition payment program account. A scholarship fund established under this authority shall be administered by the office and shall be provided to students who demonstrate financial need. Financial need is not a criterion that any other organization need consider when using tuition units as scholarships. The office also may establish its own corporate-sponsored scholarship fund under this chapter. [2016 c 69 s 8; 2011 1st sp.s. c 11 s 171; 1997 c 289 s 4.]

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**RCW 28B.95.045 Rollover or investment change of 529 accounts to state-sponsored plans or eligible 529 plans—Report.** (1) The committee shall create an expedited process by which owners can complete a direct rollover or investment change of a 529 account from a:

(a) State-sponsored prepaid tuition plan to a state-sponsored college savings plan;

(b) State-sponsored college savings plan to a state-sponsored prepaid tuition plan; or

(c) State-sponsored prepaid tuition plan or a state-sponsored college savings plan to an out-of-state eligible 529 plan.

(2) The committee shall report annually to the governor and the appropriate committees of the legislature on (a) the number of accounts that have been rolled into the Washington college savings program from out of state and (b) the number of accounts rolled out of the Washington college savings program to 529 plans into other states. [2018 c 188 s 3; 2016 c 69 s 6.]

**Effective date——2018 c 188:** See note following RCW 28B.95.030.

**RCW 28B.95.050 Contractual obligation——Legally binding——Use of state appropriations.** The Washington advanced college tuition payment program is an essential state governmental function. Contracts with eligible participants shall be contractual obligations legally binding on the state as set forth in this chapter. If, and only if, the moneys in the account are projected to be insufficient to cover the state's contracted expenses for a given biennium, then the legislature shall appropriate to the account the amount necessary to cover such expenses.

The tuition and fees charged by an eligible institution of higher education to an eligible beneficiary for a current enrollment shall be paid by the account to the extent the beneficiary has remaining unused tuition units for the appropriate school. [2000 c 14 s 4; 1997 c 289 s 5.]

**RCW 28B.95.060 Washington advanced college tuition payment program account.** (1) The Washington advanced college tuition payment program account is created in the custody of the state treasurer. The account shall be a discrete nontreasury account retaining its interest earnings in accordance with RCW 43.79A.040.

(2)(a) Except as provided in (b) of this subsection, the governing body shall deposit in the account all money received for the program. The account shall be self-sustaining and consist of payments received from purchasers of tuition units and funds received from other sources, public or private. With the exception of investment and operating costs associated with the investment of money by the investment board paid under RCW 43.33A.160 and 43.84.160, the account shall be credited with all investment income earned by the account. Disbursements from the account are exempt from appropriations and the allotment provisions of chapter 43.88 RCW. Money used for program administration is subject to the allotment of all expenditures. However, an appropriation is not required for such expenditures. Program administration shall include, but not be limited to: The salaries and expenses of the program personnel including lease payments, travel, and goods and services necessary for program operation; contracts for program promotion and advertisement, audits, and account management; and other general costs of conducting the business of the program.

(b) All money received by the program from the office for the GET ready for math and science scholarship program shall be deposited in the GET ready for math and science scholarship account created in RCW 28B.105.110.

(3) The assets of the account may be spent without appropriation for the purpose of making payments to institutions of higher education on behalf of the qualified beneficiaries, making refunds, transfers,

or direct payments upon the termination of the Washington advanced college tuition payment program. Disbursements from the account shall be made only on the authorization of the governing body.

(4) With regard to the assets of the account, the state acts in a fiduciary, not ownership, capacity. Therefore the assets of the program are not considered state money, common cash, or revenue to the state. [2011 1st sp.s. c 11 s 172; 2007 c 214 s 13; 2000 c 14 s 5; 1998 c 69 s 4; 1997 c 289 s 6.]

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Effective date—1998 c 69:** See note following RCW 28B.95.025.

**RCW 28B.95.070 Washington advanced college tuition payment program account—Powers and duties of the investment board.** (1) The investment board has the full power to invest, reinvest, manage, contract, sell, or exchange investment money in the account. All investment and operating costs associated with the investment of money shall be paid pursuant to RCW 43.33A.160 and 43.84.160. With the exception of these expenses, the earnings from the investment of the money shall be retained by the account.

(2) All investments made by the investment board shall be made with the exercise of that degree of judgment and care pursuant to RCW 43.33A.140 and the investment policy established by the state investment board.

(3) As deemed appropriate by the investment board, money in the account may be commingled for investment with other funds subject to investment by the board.

(4) The authority to establish all policies relating to the account, other than the investment policies as set forth in subsections (1) through (3) of this section, resides with the governing body. With the exception of expenses of the investment board set forth in subsection (1) of this section, disbursements from the account shall be made only on the authorization of the governing body, and money in the account may be spent only for the purposes of the program as specified in this chapter.

(5) The investment board shall routinely consult and communicate with the governing body on the investment policy, earnings of the trust, and related needs of the program. [2000 c 14 s 6; 1997 c 289 s 7.]

**RCW 28B.95.080 Washington advanced college tuition payment program account—Actuarial soundness—Adjustment of tuition credit purchases.** The governing body shall annually evaluate, and cause to be evaluated by the state actuary, the soundness of the advanced college tuition payment program account and determine the additional assets needed, if any, to defray the obligations of the account. The governing body may, at its discretion, consult with a nationally recognized actuary for periodic assessments of the account.

If funds are determined by the governing body, based on actuarial analysis to be insufficient to ensure the actuarial soundness of the

account, the governing body shall adjust the price of subsequent tuition credit purchases to ensure its soundness.

If there are insufficient numbers of new purchases to ensure the actuarial soundness of the account, the governing body shall request such funds from the legislature as are required to ensure the integrity of the program. Funds may be appropriated directly to the account or appropriated under the condition that they be repaid at a later date. The repayment shall be made at such time that the account is again determined to be actuarially sound. [2016 c 69 s 10; 2011 1st sp.s. c 12 s 3; 1997 c 289 s 8.]

**RCW 28B.95.085 Washington college savings program account—Initial cash deficit.** (1) The Washington college savings program account is created in the custody of the state treasurer. The account shall be a discrete nontreasury account retaining its interest earnings in accordance with RCW 43.79A.040.

(2) The governing body shall deposit in the account all moneys received for the program. The account shall be self-sustaining and consist of payments received for the purposes of college savings for the beneficiary. With the exception of investment and operating costs associated with the investment of money by a nonstate entity or paid under RCW 43.08.190, 43.33A.160, and 43.84.160, the account shall be credited with all investment income earned by the account. Disbursements from the account are exempt from appropriations and the allotment provisions of chapter 43.88 RCW. Money used for program administration is subject to the allotment of all expenditures. However, an appropriation is not required for such expenditures. Program administration includes, but is not limited to: The salaries and expenses of the Washington college savings program personnel including lease payments, travel, and goods and services necessary for program operation; contracts for Washington college savings program promotion and advertisement, audits, and account management; and other general costs of conducting the business of the Washington college savings program.

(3) The account is authorized to maintain a cash deficit in the account for a period no more than five fiscal years to defray its initial program administration costs. By December 31, 2017, the governing body shall establish a program administration spending plan and a fee schedule to discharge any projected cash deficit to the account. The legislature may make appropriations into the account for the purpose of reducing program administration costs.

(4) The assets of the account may be spent without appropriation for the purpose of making payments to institutions of higher education on behalf of the qualified beneficiaries, making refunds, transfers, or direct payments upon the termination of the Washington college savings program. Disbursements from the account shall be made only on the authorization of the governing body.

(5) With regard to the assets of the account, the state acts in a fiduciary, not ownership, capacity. Therefore the assets of the program are not considered state money, common cash, or revenue to the state. [2016 c 69 s 9.]

**RCW 28B.95.087 Washington college savings program—Investment manager's authority—Owner's investment options—Reports—Legislative**

**review of fees and expenses—Governing body's authority.** (1) The investment manager has the full power to invest, reinvest, manage, contract, sell, or exchange investment money in the Washington college savings program without limitation as to the amount pursuant to RCW 43.84.150 and 43.33A.140. All investment and operating costs associated with the investment of money must be paid to the investment manager as allowed by RCW 43.33A.160 and 43.84.160. With the exception of these expenses and the administrative costs authorized in RCW 28B.95.032 and 28B.95.085, one hundred percent of all earnings from investments accrue directly to the owner of the individual college savings program account.

(2) The governing body may allow owners to self-direct the investment of moneys in individual college savings program accounts through the selection of investment options. The governing body may provide plans that it deems are in the interests of the owners and beneficiaries.

(a) The investment manager, after consultation with the governing body, shall provide a set of options for owners to choose from for investment of individual college savings program account contributions, including an age-based investment option.

(b) The investment manager has the full authority to invest moneys pursuant to the investment directions of the owner of a self-directed individual college savings program account.

(3) Annually on each December 1st, the committee shall report to the governor and the appropriate committees of the legislature regarding the total fees charged to each investment option offered in the Washington college savings program. It is the intent of the legislature that fees charged to the owner not exceed one-half of one percent for any investment option on an annual basis. Beginning January 1, 2018, fees charged to the owner may not exceed one-half of one percent for any investment option on an annual basis.

(4) In the next succeeding legislative session following receipt of a report required under subsection (3) of this section, the appropriate committees of the legislature shall review the report and consider whether any legislative action is necessary with respect to the investment option with fees that exceed one-half of one percent, including but not limited to consideration of whether any legislative action is necessary with respect to reducing the fees and expenses associated with the underlying investment option. With the exception of fees associated with the administration of the program authorized in RCW 28B.95.032 and 28B.95.085, all moneys in the college savings program account, all property and rights purchased with the account, and all income attributable to the account, shall be held in trust for the exclusive benefit of the owners and their eligible beneficiaries.

(5) All investments made by the investment manager shall be made with the exercise of that degree of judgment and care expressed in chapter 43.33A RCW.

(6) As deemed appropriate by the investment manager, money in the Washington college savings program account may be commingled for investment with other funds subject to investment by the investment manager.

(7) The authority to establish all policies relating to the Washington college savings program and the Washington college savings program account, other than investment policies resides with the governing body. With the exception of expenses of the investment manager as provided in subsection (1) of this section, disbursements

from the Washington college savings program account shall be made only on the authorization of the governing body or its designee, and moneys in the account may be spent only for the purposes of the Washington college savings program as specified in this chapter.

(8) The investment manager shall routinely consult and communicate with the governing body on the investment policy, earnings of the trust, and related needs of the Washington college savings program. [2016 c 69 s 13.]

**RCW 28B.95.090 Advanced college tuition payment program—Discontinuation—Use of units—Refunds.** (1) In the event that the legislature determines that the advanced college tuition payment program is not financially feasible, or for any other reason, the legislature may declare the discontinuance of the program. At the time of such declaration, the governing body will cease to accept any further tuition unit contracts or purchases.

(2) The remaining tuition units for all beneficiaries who have either enrolled in higher education or who are within four years of graduation from a secondary school shall be honored until such tuition units have been exhausted, or for ten fiscal years from the date that the program has been discontinued, whichever comes first. All other contract holders shall receive a refund equal to the value of the current tuition units in effect at the time that the program was declared discontinued.

(3) At the end of the ten-year period, any tuition units remaining unused by currently active beneficiaries enrolled in higher education shall be refunded at the value of the current tuition unit in effect at the end of that ten-year period.

(4) At the end of the ten-year period, all other funds remaining in the account not needed to make refunds or to pay for administrative costs shall be deposited to the state general fund.

(5) The governing body may make refunds under other exceptional circumstances as it deems fit, however, no tuition units may be honored after the end of the tenth fiscal year following the declaration of discontinuance of the program. [2016 c 69 s 12; 2005 c 272 s 3; 1997 c 289 s 9.]

**RCW 28B.95.092 Advanced college tuition payment program—Reopening—Reinvigorating the program.** The governing body shall begin and continue to accept applications for new tuition unit contracts and authorize the sale of new tuition units by July 1, 2018. Upon reopening the advanced college tuition payment program, in any year in which the total annual sale of tuition units is below five hundred thousand, the governing body shall determine how to reinvigorate the advanced college tuition payment program to incentivize Washingtonians to enter into tuition unit contracts and purchase tuition units. [2017 3rd sp.s. c 1 s 957; 2016 c 69 s 11.]

**Effective date—2017 3rd sp.s. c 1:** See note following RCW 43.41.455.

**RCW 28B.95.100 Programs—Planning—Consultation with public and private entities—Cooperation.** (1) The governing body, in planning

and devising the advanced college tuition payment program and the Washington college savings program, shall consult with the investment board, the state treasurer, the office of financial management, and the institutions of higher education.

(2) The governing body may seek the assistance of the state agencies named in subsection (1) of this section, private financial institutions, and any other qualified party with experience in the areas of accounting, actuary, risk management, or investment management to assist with preparing an accounting of the programs and ensuring the fiscal soundness of the advanced college tuition payment program account and the Washington college savings program account.

(3) State agencies and public institutions of higher education shall fully cooperate with the governing body in matters relating to the programs in order to ensure the solvency of the advanced college tuition payment [program] account and the Washington college savings program account and ability of the governing body to meet outstanding commitments. [2016 c 69 s 14; 2000 c 14 s 7; 1997 c 289 s 10.]

**RCW 28B.95.110 Washington advanced college tuition payment program—Refunds.** (1) The intent of the Washington advanced college tuition payment program is to redeem tuition units for attendance at an institution of higher education. Refunds shall be issued under specific conditions that may include the following:

(a) Certification that the beneficiary, who is eighteen years of age or older, will not attend an institution of higher education, will result in a refund not to exceed the current value, as determined by the governing body, in effect at the time of such certification minus a penalty at the rate established by the governing body. The refund shall be made no sooner than ninety days after such certification, less any administrative processing fees assessed by the governing body;

(b) If there is certification of the death or disability of the beneficiary, the refund shall be equal to one hundred percent of any remaining unused tuition units at the current value, as determined by the governing body, at the time that such certification is submitted to the governing body, less any administrative processing fees assessed by the governing body;

(c) If there is certification by the student of graduation or program completion, the refund shall be as great as one hundred percent of any remaining unused tuition units at the current value, as determined by the governing body, at the time that such certification is submitted to the governing body, less any administrative processing fees assessed by the governing body. The governing body may, at its discretion, impose a penalty if needed to comply with federal tax rules;

(d) If there is certification of other tuition and fee scholarships, which will cover the cost of tuition for the eligible beneficiary. The refund shall be equal to one hundred percent of the current value of tuition units, as determined by the governing body, in effect at the time of the refund request, less any administrative processing fees assessed by the governing body. The refund under this subsection may not exceed the value of the scholarship;

(e) Incorrect or misleading information provided by the purchaser or beneficiaries may result in a refund of the purchaser's investment, less any administrative processing fees assessed by the governing

body. The value of the refund will not exceed the actual dollar value of the purchaser's contributions; and

(f) The governing body may determine other circumstances qualifying for refunds of remaining unused tuition units and may determine the value of that refund.

(2) With the exception of subsection (1)(b), (e), and (f) of this section no refunds may be made before the units have been held for two years. [2005 c 272 s 4; 2001 c 184 s 3; 2000 c 14 s 8; 1997 c 289 s 12.]

**Effective date——2001 c 184 s 3:** "Section 3 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2001." [2001 c 184 s 5.]

**RCW 28B.95.115 Washington college savings program——Refunds.** The intent of the Washington college savings program is to make distributions from individual college savings program accounts for beneficiaries' attendance at public or private institutions of higher education. Federal penalties and taxes associated with 529 savings plan refunds may apply to any refund issued by the Washington college savings plan. Refunds shall be issued under specific conditions that may include the following:

(1) Certification that the beneficiary, who is eighteen years of age or older, will not attend a public or private institution of higher education, will result in a refund not to exceed the current value at the time of such certification. The refund shall be made no sooner than ninety days after such certification, less any administrative processing fees assessed by the governing body;

(2) If there is certification of the death or disability of the beneficiary, the refund shall be equal to one hundred percent of the current value at the time that such certification is submitted to the governing body, less any administrative processing fees assessed by the governing body;

(3) If there is certification by the student of graduation or program completion, the refund shall be as great as one hundred percent of the current value at the time that such certification is submitted to the governing body, less any administrative processing fees assessed by the governing body. The governing body may, at its discretion, impose a penalty if needed to comply with federal tax rules;

(4) If there is certification of other tuition and fee scholarships that will cover the cost of tuition for the eligible beneficiary, the refund may not exceed the value of the scholarship or scholarships, less any administrative processing fees assessed by the governing body;

(5) Incorrect or misleading information provided by the purchaser or beneficiaries may result in a refund of the purchaser's and contributors' contributions, less any administrative processing fees assessed by the governing body. The value of the refund must not exceed the actual dollar value of the purchaser's or contributors' contributions; and

(6) The governing body may determine other circumstances qualifying for refunds of remaining unused participant Washington

college savings program account balances and may determine the value of that refund. [2016 c 69 s 15.]

**RCW 28B.95.120 Tuition units exempt from bankruptcy and enforcement of judgments.** In regard to bankruptcy filings and enforcement of judgments under Title 6 RCW, tuition units purchased more than two years prior to the date of filing or judgment will be considered excluded personal assets. [2005 c 272 s 5.]

**RCW 28B.95.125 Washington college savings program account deposits—Effect of bankruptcy filings and enforcement of judgments.** With regard to bankruptcy filings and enforcement of judgments under Title 6 RCW, participant Washington college savings program account deposits made more than two years before the date of filing or judgment are considered excluded personal assets. [2016 c 69 s 16.]

**RCW 28B.95.150 College savings program—Authorization and parameters.** (1) The committee may establish a college savings program. If such a program is established, the college savings program shall be established, in such form as may be determined by the committee, to be a qualified state tuition program as defined by the internal revenue service under section 529 of the internal revenue code, and shall be administered in a manner consistent with the Washington advanced college tuition payment program. The committee, in planning and devising the program, shall consult with the state investment board, the state treasurer, the state actuary, the legislative fiscal and higher education committees, and the institutions of higher education. The governing body may, at its discretion, consult with a qualified actuarial consulting firm with appropriate expertise to evaluate such plans for periodic assessments of the program.

(2) Up to two hundred thousand dollars of administrative fees collected from guaranteed education tuition program participants may be applied as a loan to fund the development and start-up of a college savings program. This loan must be repaid with interest before the conclusion of the biennium following the biennium in which the committee draws funds for this purpose from the advanced college tuition payment program account.

(3) The committee, after consultation with the state investment board or other contracted investment manager, shall determine the investment policies for the college savings program. Program contributions may be invested by the state investment board, in which case it and not the committee shall determine the investment policies for the college savings program, or the committee may contract with an investment company licensed to conduct business in this state to do the investing. The committee shall keep or cause to be kept full and adequate accounts and records of the assets of each individual participant in the college savings program.

(4)(a) The governing body may elect to have the state investment board serve as investment manager for the funds in the college savings program. Members of the state investment board and its officers and employees are not considered an insurer of the funds or assets and are not liable for any action or inaction.

(b) Members of the state investment board and its officers and employees are not liable to the state, to the fund, or to any other person as a result of their activities as members, whether ministerial or discretionary, except for willful dishonesty or intentional violations of law. The state investment board in its discretion may purchase liability insurance for members.

(c) If selected by the governing body to be the investment manager, the state investment board retains all authority to establish all investment policies relating to the investment of college savings program moneys.

(d) The state investment board shall routinely consult and communicate with the committee on the investment policy, earnings of the accounts, and related needs of the college savings program.

(5) The owner has exclusive authority and responsibility to establish and change the asset allocation for an individual participant college savings program account.

(6) Neither the state nor any eligible educational institution may be considered or held to be an insurer of the funds or assets of the individual participant accounts in the college savings program created under this section nor may any such entity be held liable for any shortage of funds in the event that balances in the individual participant accounts are insufficient to meet the educational expenses of the institution chosen by the student for which the individual participant account was intended.

(7) The committee shall adopt rules to implement this section. Such rules shall include but not be limited to administration, investment management, recordkeeping, promotion, and marketing; compliance with internal revenue service standards and applicable securities regulations; application procedures and fees; start-up costs; phasing in the savings program and withdrawals therefrom; deterrents to early withdrawals and provisions for hardship withdrawals; and reenrollment in the savings program after withdrawal.

(8) The committee may, at its discretion, determine to cease operation of the college savings program if it determines the continuation is not in the best interest of the state. The committee shall adopt rules to implement this section addressing the orderly distribution of assets. [2016 c 69 s 17; 2012 c 198 s 16; 2011 1st sp.s. c 12 s 4; 2001 c 184 s 2.]

**Effective date——2012 c 198:** See note following RCW 70A.15.5110.

**RCW 28B.95.160 GET ready for math and science scholarship program——Tuition units——Ownership and redemption.** Ownership of tuition units purchased by the office for the GET ready for math and science scholarship program under RCW 28B.105.070 shall be in the name of the state of Washington and may be redeemed by the state of Washington on behalf of recipients of GET ready for math and science scholarship program scholarships for tuition and fees except that during the 2013-2015 fiscal biennium any unused tuition units may be used for the college bound scholarship program established in chapter 28B.118 RCW. [2013 2nd sp.s. c 4 s 962; 2011 1st sp.s. c 11 s 173; 2007 c 214 s 12.]

**Effective dates——2013 2nd sp.s. c 4:** See note following RCW 2.68.020.

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**RCW 28B.95.900 Construction of chapter—Limitations.** This chapter shall not be construed as a promise that any beneficiary shall be granted admission to any institution of higher education, will earn any specific or minimum number of academic credits, or will graduate from any such institution. In addition, this chapter shall not be construed as a promise of either course or program availability.

Participation in the advanced college tuition payment program or the Washington college savings program does not guarantee an eligible beneficiary the right to resident tuition and fees. To qualify for resident and respective tuition subsidies, the eligible beneficiary must meet the applicable provisions of RCW 28B.15.011 through 28B.15.015.

This chapter shall not be construed to imply that the redemption of tuition units in the advanced college tuition payment program shall be equal to any value greater than the undergraduate tuition and services and activities fees at a state institution of higher education as computed under this chapter. Eligible beneficiaries will be responsible for payment of any other fee that does not qualify as a services and activities fee including, but not limited to, any expenses for tuition surcharges, tuition overload fees, laboratory fees, equipment fees, book fees, rental fees, room and board charges, or fines. [2016 c 69 s 18; 1997 c 289 s 11.]

# Chapter 28B.96 RCW
# UNDOCUMENTED STUDENT SUPPORT LOAN PROGRAM

**Sections**

28B.96.005 Intent.
28B.96.010 Definitions.
28B.96.020 Undocumented student support loan program.
28B.96.030 Undocumented student support loan match account.
28B.96.900 Effective date—2020 c 326.

**RCW 28B.96.005 Intent.** (1) The legislature recognizes that students seeking to attend an institution of higher education or to receive training at a technical college have a variety of ways to fund their education. Students who meet Washington state residency requirements have access to state-funded financial aid programs such as the Washington college grant, college bound, and running start. While state residents have access to these state-sponsored financial aid options, not all state residents are eligible to receive federal financial aid such as the Pell grant or subsidized and unsubsidized student loans. Students who rely solely on state financial aid or scholarships might have difficulty in affording the remaining cost of attendance that student loans could fund.

(2) Therefore, the legislature intends to increase access to those students who are ineligible for federal financial aid by creating a state-funded and state-administered student loan program. The legislature intends for the undocumented student support loan program to provide students loans that are competitive with federal student loans and offer multiple options for repayment including adjusted monthly payments based on income. [2020 c 326 s 1.]

**RCW 28B.96.010 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Eligible student" means a student who:

(a) Is a resident student;

(b) Demonstrates financial need as defined in RCW 28B.92.030;

(c) Has indicated they will attend an institution of higher education or is making satisfactory progress in a program, as defined in rule by the office, at an institution of higher education;

(d) Fills out the Washington application for state financial aid; and

(e) Does not qualify for federally funded student financial aid because of their citizenship status.

(2) "Institution of higher education" has the same meaning as in RCW 28B.92.030.

(3) "Office" means the office of student financial assistance created in RCW 28B.76.090.

(4) "Participant" means an eligible student who has received an undocumented student support loan.

(5) "Resident student" means:

(a) A financially independent student who has had a domicile in the state of Washington for the period of one year immediately prior to the time of commencement of the first day of the semester or quarter for which the student has registered at any institution and

has in fact established a bona fide domicile in this state primarily for purposes other than educational;

(b) A dependent student, if one or both of the student's parents or legal guardians have maintained a bona fide domicile in the state of Washington for at least one year immediately prior to commencement of the semester or quarter for which the student has registered at any institution;

(c) Any student:

(i) Who has spent at least seventy-five percent of both his or her junior and senior years in high schools in this state;

(ii) Whose parents or legal guardians have been domiciled in the state for a period of at least one year within the five-year period before the student graduates from high school; and

(iii) Who enrolls in a public institution of higher education within six months of leaving high school, for as long as the student remains continuously enrolled for three quarters or two semesters in any calendar year; or

(d) Any person who meets the requirements under RCW 28B.15.012(2)(e). [2021 c 272 s 8; 2020 c 326 s 2.]

**Intent—Findings—Short title—2021 c 272:** See notes following RCW 28B.50.920.

**RCW 28B.96.020 Undocumented student support loan program.** (1) The undocumented student support loan program is established.

(2) The program shall be designed by the office, in consultation with financial aid professionals at institutions of higher education, state and nonprofit programs that work with eligible students, and relevant student associations and stakeholders in the development of the program.

(3) The program shall be administered by the office. In administering the program, the office has the following powers and duties:

(a) Screen and select, in coordination with representatives of institutions of higher education, eligible students to receive an undocumented student support loan;

(b) Consider an eligible student's financial inability to meet the total cost of the participant's educational program in the selection process;

(c) Issue low-interest student loans that are competitive with federal student loan programs;

(d) Establish annual and lifetime loan limits equal to the cost of attendance minus any other financial aid received as provided in subsection (6) of this section;

(e) Define the terms of repayment, including applicable interest rates, fees, and deferments;

(f) Collect and manage repayments from students who do not meet their obligations under this chapter;

(g) Consider income-based repayment options;

(h) Solicit and accept grants and donations from public and private sources for the program; and

(i) Adopt rules necessary to implement the program.

(4) The undocumented student support loan does not accrue interest while a participant is enrolled in an institution of higher education.

(5) The office may impose a loan origination fee up to, but not to exceed, the current rate imposed by the federal government on subsidized student loans.

(6) The maximum annual loan amount granted per student for the undocumented student support loan program is:

(a)(i) The cost of tuition and required fees at the public institution of higher education the student is attending; or

(ii) If the student is attending a private institution of higher education, the tuition and required fees at an equivalent public institution; and

(b) Less the value of any state-funded grant, scholarship, or waiver assistance the student receives, plus five hundred dollars for books and materials.

(7) Student loans issued under the program shall follow the requirements under 11 U.S.C. Sec. 523 regarding dischargeability in bankruptcy.

(8) Data collected by the program is private and confidential and must only be used for statistical analysis, research, and evaluation purposes. Data sharing by the office may be extended to include the office of financial management and other state governmental entities with oversight responsibility for the program, as long as personally identifiable student information is removed.

(9) The office shall provide information to the appropriate fiscal and relevant policy committees of the legislature by December 1, 2023, and every two years thereafter that includes the following:

(a) Dollar amount and number of private donations received;

(b) Number of applications received;

(c) Number of student loans provided to eligible students per year;

(d) Average student loan amount provided per participant;

(e) Level of degree program participants are pursuing;

(f) Number of student loans in active repayment, deferment, and default status; and

(g) Any other information the office deems relevant. [2020 c 326 s 3.]

**RCW 28B.96.030 Undocumented student support loan match account.** (1) The undocumented student support loan match account is created in the custody of the state treasurer as a nonappropriated account to be used solely and exclusively for the program created in RCW 28B.96.020. The purpose of the account is to provide state matching funds for the undocumented student support loan program.

(2) Revenues to the account consist of appropriations by the legislature into the account.

(3)(a) The legislature must appropriate a state match, up to a maximum of two million dollars per fiscal biennium, beginning January 1, 2022, and each January 1st following the end of the fiscal year based on donations and pledges received by the office for the program as of the date each official state caseload forecast is submitted by the caseload forecast council to the legislative fiscal committees, as provided under RCW 43.88C.020. Nothing in this subsection expands or modifies the responsibilities of the caseload forecast council.

(b) In any year that the fund balance of the account is ten million dollars or more on the last day of the fiscal year, no state match shall be required the following year.

(4) Expenditures, in the form of matching funds, from the account may be made only upon receipt of proof from the office of private contributions to the program. Expenditures, in the form of matching funds, may not exceed the total amount of private contributions.

(5) Only the executive director of the office or the executive director's designee may authorize expenditures from the account. Such authorization must be made as soon as practicable following receipt of proof as required under subsection (4) of this section. [2020 c 326 s 4.]

**RCW 28B.96.900 Effective date——2020 c 326.** This act takes effect July 1, 2021. [2020 c 326 s 5.]

# Chapter 28B.99 RCW
# MEDICAL STUDENT LOAN PROGRAM

**Sections**

28B.99.010 Definitions.
28B.99.020 Office powers and duties.
28B.99.030 Medical student loan account.
28B.99.040 Office annual report.

**RCW 28B.99.010 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Eligible student" means a resident student who is enrolled in an accredited doctor of medicine or doctor of osteopathic medicine program in the state, is making satisfactory progress, and has declared an intention to work as a physician in a rural underserved area in Washington following residency.

(2) "Medical student loan" means a loan that is approved by the office and awarded to a participant under the program.

(3) "Office" means the office of student financial assistance.

(4) "Participant" means an eligible student who has received a medical student loan under the program.

(5) "Program" means the medical student loan program.

(6) "Rural underserved area" means a rural county as defined in RCW 82.14.370 that is also designated by the health resources and services administration as a medically underserved area or having a medically underserved population. [2018 c 209 s 1.]

**RCW 28B.99.020 Office powers and duties.** The medical student loan program is established to increase the physician workforce in rural underserved areas in Washington state. The program must be funded exclusively with private funding for the purpose of providing medical student loans. State funding may be used for the administration of the program. The office shall administer the program and has the following powers and duties:

(1) To design and implement a low interest medical student loan program with the following elements:

(a) A low interest rate, comparable to or more favorable than the federal direct loan program, with interest charges that begin to accrue once the participant finishes his or her medical residency program;

(b) An annual loan limit not to exceed forty thousand dollars and no more than the participant's estimated cost of attendance as determined by his or her medical program;

(c) Loan repayments that do not commence until:

(i) Six months after the participant completes his or her medical residency program; or

(ii) Six months after a participant leaves his or her doctor of medicine program, doctor of osteopathic medicine program, or medical residency program before completing; and

(d) An interest rate of at least twelve percent plus capitalized interest that was deferred during the participant's doctor of medicine or doctor of osteopathic medicine program, and residency program, if the participant does not work as a physician in a rural underserved

area in Washington for three years following completion of his or her medical residency program;

(2) To establish an application, selection, and notification process for awarding medical student loans to eligible students;

(3) To define the terms of repayment, including applicable interest rates, fees, and deferments;

(4) To collect and manage repayments on the medical student loans;

(5) To solicit and accept grants and donations from nonstate public and private sources for the program;

(6) To exercise discretion to revise repayment obligations in certain cases, such as economic hardship or disability;

(7) To publicize the program; and

(8) To adopt necessary rules. [2018 c 209 s 2.]

**RCW 28B.99.030 Medical student loan account.** (1) The medical student loan account is created in the custody of the state treasurer. Only the executive director of the office or the executive director's designee may authorize expenditures from the account. No appropriation is required for expenditures from the account for medical student loans. An appropriation is required for expenditures from the account for costs associated with program administration by the office.

(2) The office shall deposit into the account all moneys received for the program. Revenues to the account consist of moneys received for the program by the office, including grants and donations, and receipts from participant repayments, including principal and interest.

(3) Expenditures from the account may be used solely for medical student loans to participants in the program established by this chapter and costs associated with program administration by the office.

(4) During the 2025-2027 fiscal biennium, the legislature may direct the state treasurer to transfer money in the medical student loan account to the state general fund. [2025 c 424 s 928; 2018 c 209 s 3.]

**Effective date——2025 c 424:** See note following RCW 9.46.100.

**RCW 28B.99.040 Office annual report.** (1) The office shall submit an annual report regarding the program to the governor and the appropriate committees of the legislature in accordance with the reporting requirements in RCW 43.01.036.

(2) The annual report shall describe the design and implementation of the program, and must include the following:

(a) The number of applicants for medical student loans;

(b) The number of participants in the program;

(c) The number of participants in the program who complete their medical program;

(d) The number of participants in the program who are placed in employment;

(e) The nature of that employment, including the type of job; whether the job is full-time, part-time, or temporary; and the income range;

(f) Whether the participant is working in a rural underserved area, and what percent of the participant's patients are served by medicaid, the children's health insurance program, apple health, or other programs with similar eligibility requirements;

(g) Demographic profiles of both applicants and participants;

(h) The amount of the private funding collected for the program; and

(i) An estimate of when the program will be self-sustaining.

(3) The annual report must be submitted by December 1st of each year after July 1, 2020. [2018 c 209 s 4.]

# Chapter 28B.102 RCW
## EDUCATOR CONDITIONAL SCHOLARSHIP AND REPAYMENT PROGRAMS
(Formerly: Future teachers conditional scholarship and loan repayment program)

**Sections**


28B.102.020 Definitions.
28B.102.030 Educator conditional scholarship and loan repayment programs—Powers and duties of student achievement council.
28B.102.045 Conditional scholarship program—Satisfactory progress required.
28B.102.055 Loan repayment agreements.
28B.102.080 Educator conditional scholarship account.
28B.102.090 Teacher shortage conditional scholarship program.
28B.102.100 Maximization of awards.
28B.102.110 Alternative route conditional scholarship program.
28B.102.120 Pipeline for paraeducators conditional scholarship program.
28B.102.130 Educator retooling conditional scholarship program.
28B.102.140 Career and technical education conditional scholarship program.
28B.102.150 Conditional scholarships—Forgiveness and repayment.
28B.102.160 Educator conditional scholarship and loan repayment programs—Report.
28B.102.170 Application—Conditional scholarship and loan repayment agreements.


**RCW 28B.102.020 Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Approved education program" means an education program in a common school as defined in RCW 28A.150.020.

(2) "Certificate" or "certificated" does not include a limited or conditioned certificate.

(3) "Certificated employee" has the definition in RCW 28A.150.203. "Certificated employee" does not include a paraeducator.

(4) "Conditional scholarship" means a loan that is forgiven in whole or in part in exchange for service as a certificated employee in an approved education program.

(5) "Eligible veteran or national guard member" means a Washington domiciliary who was an active or reserve member of the United States military or naval forces, or a national guard member called to active duty, who served in active federal service, under either Title 10 or Title 32 of the United States Code, in a war or conflict fought on foreign soil or in international waters or in another location in support of those serving on foreign soil or in international waters, and if discharged from service, has a qualifying discharge as defined in RCW 73.04.005.

(6) "Forgiven" or "to forgive" or "forgiveness" means that all or part of a loan is canceled in exchange for service as a certificated employee in an approved education program.

(7) "Institution of higher education" or "institution" means a college or university in the state of Washington that is accredited by

an accrediting association recognized as such by rule of the student achievement council.

(8) "Loan repayment" means a federal student loan that is repaid in whole or in part if the borrower serves as a certificated employee in an approved education program.

(9) "Office" means the office of student financial assistance.

(10) "Participant" means a person who has received a conditional scholarship or loan repayment under this chapter.

(11) "Public school" has the same meaning as in RCW 28A.150.010.

(12) "Shortage area" means an endorsement or geographic area as defined by the Washington professional educator standards board, in consultation with the office of the superintendent of public instruction, with a shortage of certificated employees. "Shortage area" must be defined biennially using quantitative and qualitative measures. [2024 c 146 s 13; 2019 c 295 s 211; 2012 c 229 s 562. Prior: 2011 1st sp.s. c 11 s 176; 2004 c 58 s 2; 1996 c 53 s 1; 1993 sp.s. c 18 s 36; 1987 c 437 s 2.]

**Intent—2024 c 146:** See note following RCW 73.04.005.

**Effective date—Findings—Intent—2019 c 295:** See notes following RCW 28A.310.235.

**Findings—Intent—2019 c 295:** See notes following RCW 28B.10.033.

**Intent—2019 c 295:** See note following RCW 28B.102.030.

**Findings—Intent—2019 c 295:** See note following RCW 28A.415.265.

**Findings—Intent—2019 c 295:** See note following RCW 28A.180.120.

**Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Effective date—1996 c 53:** "This act shall take effect July 1, 1996." [1996 c 53 s 3.]

**Effective date—1993 sp.s. c 18:** See note following RCW 28B.12.060.

**RCW 28B.102.030 Educator conditional scholarship and loan repayment programs—Powers and duties of student achievement council.** In administering educator conditional scholarship and loan repayment programs under this chapter, the student achievement council shall have the following powers and duties:

(1) Select persons to receive conditional scholarships or loan repayments;

(2) Adopt necessary rules and guidelines;

(3) Publicize the programs in collaboration with the office of the superintendent of public instruction and the Washington professional educator standards board;

(4) Collect and manage repayments from participants who do not meet their service obligations under this chapter; and

(5) Solicit and accept grants and donations from public and private sources for the programs. [2019 c 295 s 212; 2012 c 229 s 563; 2011 1st sp.s. c 11 s 177; 2004 c 58 s 3; 1987 c 437 s 3.]

**Intent—2019 c 295:** "(1) By amending the financial assistance programs under this chapter, the legislature intends to: (a) Provide assistance to a broad range of educators including, though not exclusively to, certificated teachers; (b) attract and retain potential educators, especially to meet areas of educator shortage; (c) streamline the administration of the programs; and (d) make the use of state appropriations more flexible.

(2) The legislature intends for the student achievement council to balance the number, the amount, and the type of awards distributed. When selecting participants and defining the awards, the student achievement council shall consult with stakeholders to: (a) Consider the purpose of each financial assistance program; (b) recognize the total cost of attendance to complete an educator preparation program; and (c) consider the needs of the education system, including the need for educators in shortage areas." [2019 c 295 s 210.]

**Effective date—Findings—Intent—2019 c 295:** See notes following RCW 28A.310.235.

**Findings—Intent—2019 c 295:** See notes following RCW 28B.10.033.

**Findings—Intent—2019 c 295:** See note following RCW 28A.415.265.

**Findings—Intent—2019 c 295:** See note following RCW 28A.180.120.

**Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**RCW 28B.102.045 Conditional scholarship program—Satisfactory progress required.** To receive additional disbursements under a conditional scholarship program authorized by this chapter, a participant must be considered by his or her Washington professional educator standards board-approved educator preparation program to be in a satisfactory progress condition. [2019 c 295 s 214; 2004 c 58 s 5; 1988 c 125 s 7.]

**Effective date—Findings—Intent—2019 c 295:** See notes following RCW 28A.310.235.

**Findings—Intent—2019 c 295:** See notes following RCW 28B.10.033.

**Intent—2019 c 295:** See note following RCW 28B.102.030.

**Findings—Intent—2019 c 295:** See note following RCW 28A.415.265.

**Findings—Intent—2019 c 295:** See note following RCW 28A.180.120.

**RCW 28B.102.055 Loan repayment agreements.** (1) Upon documentation of federal student loan indebtedness, the office may enter into agreements with certificated teachers to repay all or part of a federal student loan in exchange for teaching service in a shortage area in an approved education program. Teachers eligible for loan repayment under this section must hold an endorsement in the content area in which they are assigned to teach during the period of repayment.

(2) The agreement shall specify the period of time it is in effect and detail the obligations of the office and the participant, including the amount to be paid to the participant. The ratio of loan repayment to years of teaching service for the loan repayment program must be the same as established for the conditional scholarship programs under RCW 28B.102.150. The agreement must also specify the shortage area of teaching service for which loan repayment will be provided.

(3) At the end of each school year, a participant under this section shall provide evidence to the office that the requisite teaching service has been provided. Upon receipt of the evidence, the office shall pay the participant the agreed-upon amount for one year of full-time teaching service or a prorated amount for less than full-time teaching service. To qualify for additional loan repayments, the participant must be engaged in continuous teaching service as defined by the office. The office may approve leaves of absence from continuous service and other deferments as may be necessary.

(4) The office may, at its discretion, arrange to make the loan repayment directly to the holder of the participant's federal student loan.

(5) The office may not reimburse a participant for loan repayments made before the participant entered into an agreement with the office under this section.

(6) The office's obligations to a participant under this section shall cease when:

(a) The terms of the agreement have been fulfilled;

(b) The participant is assigned to teach in a content area in which he or she is not endorsed;

(c) The participant fails to maintain continuous teaching service as determined by the office; or

(d) All of the participant's federal student loans have been repaid. [2019 c 295 s 222; 2011 1st sp.s. c 11 s 180; 2004 c 58 s 8.]

**Effective date—Findings—Intent—2019 c 295:** See notes following RCW 28A.310.235.

**Findings—Intent—2019 c 295:** See notes following RCW 28B.10.033.

**Intent—2019 c 295:** See note following RCW 28B.102.030.

**Findings—Intent—2019 c 295:** See note following RCW 28A.415.265.

**Findings—Intent—2019 c 295:** See note following RCW 28A.180.120.

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**RCW 28B.102.080 Educator conditional scholarship account.** (1) The educator conditional scholarship account is created in the custody of the state treasurer. An appropriation is not required for expenditures of funds from the account. The account is not subject to allotment procedures under chapter 43.88 RCW except for moneys used for program administration.

(2) The office shall deposit in the account all moneys received for the educator conditional scholarship and loan repayment programs under this chapter. The account shall be self-sustaining and consist of funds appropriated by the legislature for the educator conditional scholarship and loan repayment programs under this chapter, private contributions to the programs, and receipts from participant repayments from the programs. Beginning July 1, 2004, the office shall also deposit into the account: (a) All funds from the institution of higher education loan account that are traceable to any conditional scholarship program for teachers or prospective teachers established by the legislature before June 10, 2004; and (b) all amounts repaid by participants under any such program.

(3) Expenditures from the account may be used only for the purposes of this chapter.

(4) Disbursements from the account may be made only on the authorization of the office. [2019 c 295 s 224; 2011 1st sp.s. c 11 s 182; 2010 1st sp.s. c 37 s 917; 2007 c 396 s 9; 2004 c 58 s 9.]

**Effective date—Findings—Intent—2019 c 295:** See notes following RCW 28A.310.235.

**Findings—Intent—2019 c 295:** See notes following RCW 28B.10.033.

**Intent—2019 c 295:** See note following RCW 28B.102.030.

**Findings—Intent—2019 c 295:** See note following RCW 28A.415.265.

**Findings—Intent—2019 c 295:** See note following RCW 28A.180.120.

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Effective date—2010 1st sp.s. c 37:** See note following RCW 13.06.050.

**Captions not law—2007 c 396:** See note following RCW 28A.305.215.

**Finding—Intent—2007 c 396:** See note following RCW 28A.188.020.

**RCW 28B.102.090 Teacher shortage conditional scholarship program.** (1) The teacher shortage conditional scholarship program is created. The purpose of the program is to provide financial aid to encourage persons to become teachers and to retain these teachers in shortage areas.

(2) To qualify for the program an applicant must:

(a) Be accepted into, and maintain enrollment in, a Washington professional educator standards board-approved teacher preparation program leading to an initial teacher certificate; and

(b) Intend to pursue an initial teacher certificate with an endorsement in a shortage area.

(3) Participants are eligible to receive a teacher shortage conditional scholarship for up to four academic years. [2019 c 295 s 216; 2016 c 233 s 15.]

**Effective date—Findings—Intent—2019 c 295:** See notes following RCW 28A.310.235.

**Findings—Intent—2019 c 295:** See notes following RCW 28B.10.033.

**Intent—2019 c 295:** See note following RCW 28B.102.030.

**Findings—Intent—2019 c 295:** See note following RCW 28A.415.265.

**Findings—Intent—2019 c 295:** See note following RCW 28A.180.120.

**RCW 28B.102.100 Maximization of awards.** (1)(a) The office is directed to maximize the impact of conditional scholarships and loan repayments awarded under this chapter in light of shortage areas and in response to the trending financial needs of the applicant pool.

(b) In maximizing the impact of the awards, the office may adjust the number and amounts of the conditional scholarships and loan repayments made each year. However, the maximum award authorized under this chapter is eight thousand dollars per person, per academic year. Beginning in the 2020-21 academic year, the office may adjust the maximum award by the average rate of resident undergraduate tuition and fee increases at the state universities as defined in RCW 28B.10.016.

(2) The allowable uses of a conditional scholarship under this chapter include the cost of attendance as determined by the office, such as tuition, room, board, and books.

(3) The award of a conditional scholarship under this chapter may not result in reduction of a participant's federal or other state financial aid.

(4) The office must make conditional scholarship and loan repayment awards from moneys in the educator conditional scholarship account created in RCW 28B.102.080. [2019 c 295 s 215.]

**Effective date—Findings—Intent—2019 c 295:** See notes following RCW 28A.310.235.

**Findings—Intent—2019 c 295:** See notes following RCW 28B.10.033.

**Intent—2019 c 295:** See note following RCW 28B.102.030.

**Findings—Intent—2019 c 295:** See note following RCW 28A.415.265.

**Findings—Intent—2019 c 295:** See note following RCW 28A.180.120.

**RCW 28B.102.110 Alternative route conditional scholarship program.** (1) The alternative route conditional scholarship program is created. The purpose of the program is to provide financial assistance to encourage persons to become teachers through alternative route teacher certification programs and to retain these teachers in shortage areas.

(2) To qualify for the program an applicant must:

(a) Be accepted into, and maintain enrollment in, an alternative route teacher certification program under chapter 28A.660 RCW; and

(b) Intend to pursue an initial teacher certificate with an endorsement in a shortage area.

(3) Participants are eligible to receive an alternative route conditional scholarship for up to two academic years. [2019 c 295 s 217.]

**Effective date—Findings—Intent—2019 c 295:** See notes following RCW 28A.310.235.

**Findings—Intent—2019 c 295:** See notes following RCW 28B.10.033.

**Intent—2019 c 295:** See note following RCW 28B.102.030.

**Findings—Intent—2019 c 295:** See note following RCW 28A.415.265.

**Findings—Intent—2019 c 295:** See note following RCW 28A.180.120.

**RCW 28B.102.120 Pipeline for paraeducators conditional scholarship program.** (1) The pipeline for paraeducators conditional scholarship program is created. The purpose of the program is to support paraeducators who wish to become teachers by providing financial aid for the completion of an associate of arts degree.

(2) To qualify for the program an applicant must:

(a) Not have earned a college degree;

(b) Provide documentation:

(i) From his or her school district or building of one year of successful student interaction and leadership as a classified instructional employee; or

(ii) Of his or her completion of two years of a recruiting Washington teachers program, established under RCW 28A.415.370;

(c) Intend to pursue an initial teacher certificate with an endorsement in a shortage area via a Washington professional educator standards board-approved teacher preparation program; and

(d) Be accepted into, and maintain enrollment for no more than the equivalent of four full-time academic years at, a community and technical college under RCW 28B.50.020.

(3) Participants are eligible to receive a pipeline for paraeducators conditional scholarship for up to four academic years.

(4) The office must prioritize applicants in the following order:

(a) Applicants recruited and supported by their school districts to become teachers;

(b) Applicants who completed two years of a recruiting Washington teachers program, established under RCW 28A.415.370; and

(c) Applicants intending to complete an associate of arts degree in two academic years or less. [2019 c 295 s 218; 2017 c 237 s 19; 2007 c 396 s 6. Formerly RCW 28A.660.042.]

**Effective date—Findings—Intent—2019 c 295:** See notes following RCW 28A.310.235.

**Findings—Intent—2019 c 295:** See notes following RCW 28B.10.033.

**Intent—2019 c 295:** See note following RCW 28B.102.030.

**Findings—Intent—2019 c 295:** See note following RCW 28A.415.265.

**Findings—Intent—2019 c 295:** See note following RCW 28A.180.120.

**Captions not law—2007 c 396:** See note following RCW 28A.305.215.

**Finding—Intent—2007 c 396:** See note following RCW 28A.188.020.

**RCW 28B.102.130 Educator retooling conditional scholarship program.** (1) The educator retooling conditional scholarship program is created. The purpose of the program is to increase the number of public school teachers with endorsements in shortage areas.

(2) To qualify for the program an applicant must:

(a) Hold a current Washington teacher certificate or an expired Washington teacher certificate issued after 2005;

(b) Pursue an additional endorsement in a shortage area; and

(c) Use one of the Washington professional educator standards board's pathways to complete the additional endorsement requirements in the equivalent of one full-time academic year.

(3) Participants are eligible to receive an educator retooling conditional scholarship for up to two academic years. [2019 c 295 s 219; 2015 3rd sp.s. c 9 s 1; 2015 1st sp.s. c 3 s 3; 2007 c 396 s 7. Formerly RCW 28A.660.045.]

**Effective date—Findings—Intent—2019 c 295:** See notes following RCW 28A.310.235.

**Findings—Intent—2019 c 295:** See notes following RCW 28B.10.033.

**Intent—2019 c 295:** See note following RCW 28B.102.030.

**Findings—Intent—2019 c 295:** See note following RCW 28A.415.265.

**Findings—Intent—2019 c 295:** See note following RCW 28A.180.120.

**Captions not law—2007 c 396:** See note following RCW 28A.305.215.

**Finding—Intent—2007 c 396:** See note following RCW 28A.188.020.

**RCW 28B.102.140 Career and technical education conditional scholarship program.** (1) The career and technical education conditional scholarship program is created. The purpose of the program is to provide financial aid for nonteachers and teachers to obtain necessary certificates and endorsements through any approved route to become career and technical education teachers.

(2) To qualify for the program, an applicant must be:

(a) Accepted into, and maintain enrollment in, a Washington professional educator standards board-approved teacher preparation program; and

(b) Pursuing the necessary certificates and endorsements to teach career and technical education courses.

(3) The office must give priority to applicants who:

(a) Possess a professional license and occupational industry experience applicable to the career and technical education endorsement being pursued; or

(b) Are accepted into an alternative route teacher certification program under RCW 28A.660.020.

(4) Participants are eligible to receive a career and technical education conditional scholarship for up to two academic years. [2019 c 295 s 220.]

**Effective date—Findings—Intent—2019 c 295:** See notes following RCW 28A.310.235.

**Findings—Intent—2019 c 295:** See notes following RCW 28B.10.033.

**Intent—2019 c 295:** See note following RCW 28B.102.030.

**Findings—Intent—2019 c 295:** See note following RCW 28A.415.265.

**Findings—Intent—2019 c 295:** See note following RCW 28A.180.120.

**RCW 28B.102.150 Conditional scholarships—Forgiveness and repayment.** (1)(a) A conditional scholarship awarded under this chapter is forgiven when the participant fulfills the terms of his or her service obligation. The office shall develop the service obligation terms for each conditional scholarship program under this chapter, including that participants must either:

(i) Serve as a certificated employee in an approved education program for two full-time school years for each year of conditional scholarship received; or

(ii) Serve as a certificated employee in a shortage area in an approved education program for one full-time school year for each year of conditional scholarship received.

(b) For participants who meet the terms of their service obligation, the office shall forgive the conditional scholarships according to the service obligation terms and shall maintain all necessary records of such forgiveness.

(2)(a) Participants who do not fulfill their service obligation as required under subsection (1) of this section incur an obligation to repay the conditional scholarship award, with interest and other fees. The office shall develop repayment terms for each conditional scholarship program under this chapter, including interest rate, other fees, minimum payment, and maximum repayment period.

(b) The office shall collect repayments from participants who do not fulfill their service obligation as required under subsection (1) of this section. Collection and servicing of repayments under this section must be pursued using the full extent of the law, including wage garnishment if necessary. The office shall exercise due diligence in maintaining all necessary records to ensure that maximum repayments are collected.

(3) The office shall establish a process for forgiveness, deferment, or forbearance for participants who fail to complete their service obligation due to circumstances beyond the participants' control, for example certain medical conditions, military deployment, declassification of a participant's shortage area, or hardship for a participant to relocate to an approved education program with a shortage area, provided the participant was serving as a certificated employee in a shortage area in an approved education program. [2019 c 295 s 221.]

**Effective date—Findings—Intent—2019 c 295:** See notes following RCW 28A.310.235.

**Findings—Intent—2019 c 295:** See notes following RCW 28B.10.033.

**Intent—2019 c 295:** See note following RCW 28B.102.030.

**Findings—Intent—2019 c 295:** See note following RCW 28A.415.265.

**Findings—Intent—2019 c 295:** See note following RCW 28A.180.120.

**RCW 28B.102.160 Educator conditional scholarship and loan repayment programs—Report.** Beginning November 1, 2020, and by November 1st each even-numbered year thereafter, the office shall submit a report, in accordance with RCW 43.01.036, to the appropriate committees of the legislature recommending whether the educator conditional scholarship and loan repayment programs under this chapter should be continued, modified, or terminated. The report must include information about the number of applicants for, and participants in, each program. To the extent possible, this information should be disaggregated by age, gender, race and ethnicity, family income, and unmet financial need. The report must include information about participant deferments and repayments. The report must also include information on moneys received by and disbursed from the educator conditional scholarship account under RCW 28B.102.080 each fiscal year. [2019 c 295 s 223.]

**Effective date—Findings—Intent—2019 c 295:** See notes following RCW 28A.310.235.

**Findings—Intent—2019 c 295:** See notes following RCW 28B.10.033.

**Intent—2019 c 295:** See note following RCW 28B.102.030.

**Findings—Intent—2019 c 295:** See note following RCW 28A.415.265.

**Findings—Intent—2019 c 295:** See note following RCW 28A.180.120.

**RCW 28B.102.170 Application—Conditional scholarship and loan repayment agreements.** Nothing in RCW 28B.102.020, 28B.102.030, 28B.102.045, 28B.102.055, 28B.102.080 through 28B.102.160, 43.79A.040, or sections 210 and 226, chapter 295, Laws of 2019 modifies or otherwise affects conditional scholarship or loan repayment agreements under this chapter or chapter 28A.660 RCW existing before May 8, 2019. [2019 c 295 s 229.]

**Effective date—Findings—Intent—2019 c 295:** See notes following RCW 28A.310.235.

**Findings—Intent—2019 c 295:** See notes following RCW 28B.10.033.

**Intent—2019 c 295:** See note following RCW 28B.102.030.

**Findings—Intent—2019 c 295:** See note following RCW 28A.415.265.

**Findings—Intent—2019 c 295:** See note following RCW 28A.180.120.

# Chapter 28B.103 RCW
# WASHINGTON NATIONAL GUARD POSTSECONDARY EDUCATION GRANT PROGRAM
(Formerly: National Guard Conditional Scholarship Program)

**Sections**

28B.103.010 Definitions.
28B.103.020 Program established—Powers and duties of office.
28B.103.030 Repayment obligation.
28B.103.040 Simultaneous use permitted.

**RCW 28B.103.010 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Dependent" means a person enrolled as a dependent in the defense enrollment eligibility reporting system.

(2) "Eligible student" means a member of the Washington national guard or the spouse or dependent of, and designated by, a member who agrees to fulfill his or her service obligation and meets any additional selection criteria adopted by the office and all of the following participation requirements:

(a) Is enrolled in courses or a program that lead to a postsecondary degree or certificate at an institution of higher education located in the state and accredited by the Northwest Association of Schools and Colleges, or an institution that is located in the state that provides approved training under the Montgomery GI Bill;

(b) Is an active drilling member, or the spouse or dependent of, and designated by, an active drilling member. The member must be in good standing in the Washington national guard as specified in rules adopted by the office for implementation of the grant;

(c) Has completed and submitted an application for student aid approved by the office; and

(d) Is a resident student as defined in RCW 28B.15.012.

(3) "Forgiven" or "to forgive" or "forgiveness" means either to render service in the Washington national guard in lieu of monetary repayment, or to be relieved of the service obligation under rules adopted by the office.

(4) "Grant" means the Washington national guard postsecondary education grant as established in RCW 28B.103.020.

(5) "Maximum benefit" means the maximum grant a Washington national guard member and the guard member's spouse and dependents are eligible to receive.

(6) "Member" means a member of the Washington national guard who has received, or whose spouse or dependent has received, a grant under this chapter.

(7) "Office" means the office of student financial assistance created in RCW 28B.76.090.

(8) "Participant" means an eligible student who has received a grant under this chapter.

(9) "Service obligation" means an obligation by the member to serve in the Washington national guard for a time period of at least one year of service in the Washington national guard for each year the participant receives a grant. [2024 c 178 s 1; 2022 c 68 s 1; 2020 c 297 s 1; 2006 c 71 s 1; 2000 c 159 s 1; 1994 c 234 s 5.]

**RCW 28B.103.020 Program established—Powers and duties of office.** Subject to amounts appropriated for this specific purpose, the Washington national guard postsecondary education grant program is established. The program shall be administered by the office. In administering the program, the powers and duties of the office shall include, but need not be limited to:

(1) With the assistance of the Washington military department, the selection of eligible students to receive the grant as follows:

(a) An eligible student may receive a grant under this section to help pay for postsecondary education program costs as approved by the office. Grants may not:

(i) Exceed the maximum Washington college grant as defined in RCW 28B.92.030, plus $500 for books and supplies;

(ii) Exceed the participant's cost of attendance, when combined with all other public and private grants, scholarships, and waiver assistance the participant receives; and

(iii) Result in reduction of a participant's federal or other state financial aid.

(b) The Washington military department shall ensure that data needed to identify eligible students are promptly transmitted to the office.

(c) The annual amount of each grant may vary, but may not exceed the annual cost of undergraduate tuition fees and services and activities fees at the University of Washington, plus an allowance for books and supplies.

(d) The maximum benefit a single guard member, or a combination of the guard member and the guard member's designated spouse or dependents, may receive may not extend beyond six full-time years, or the credit or clock-hour equivalent;

(2) The award of grants funded by federal and state funds, private donations, or repayments from any participant who does not complete the participant's service obligation;

(3) The adoption of necessary rules and policies, including establishing a priority for eligible students attending an institution of higher education located in this state that is accredited by the Northwest Association of Schools and Colleges;

(4) The adoption of participant selection criteria. The criteria may include but need not be limited to requirements for: Satisfactory academic progress, enrollment in courses or programs that lead to a baccalaureate degree or an associate degree or a certificate, and satisfactory participation as a member of the Washington national guard;

(5) With the assistance of the Washington military department, the notification of members of their additional service obligation or required repayment of the grant; and

(6) The collection of repayments from members who do not meet the service obligations. [2024 c 178 s 2; 2022 c 68 s 2; 2020 c 297 s 2; 2006 c 71 s 2; 1994 c 234 s 6.]

**RCW 28B.103.030 Repayment obligation.** (1) Members incur an obligation to repay the grant, with interest, unless they serve in the Washington national guard for one year for each year they or their spouse or dependent received the grant, under rules adopted by the office.

(2) The office shall adopt rules addressing the terms for repayment, including applicable interest rates, fees, deferments, and appeals, by a member who does not render service as a member of the Washington national guard necessary to satisfy his or her service obligation.

(3) The office is responsible for collection of repayments made under this section. The office shall exercise due diligence in such collection, maintaining all necessary records to ensure that maximum repayments are made. Collection and servicing of repayments under this section shall be pursued using the full extent of law, including wage garnishment if necessary. The office is responsible to forgive all or parts of such repayments under the criteria established in this section, and shall maintain all necessary records of forgiven payments.

(4) Receipts from the payment of principal or interest paid by or on behalf of participants shall be deposited with the office and shall be used to cover the costs of administration of the grant, maintaining necessary records, and making collections under subsection (3) of this section. The office shall maintain accurate records of these costs, and all receipts beyond those necessary to pay such costs shall be used to make grant awards to eligible students. [2024 c 178 s 3; 2020 c 297 s 3; 2012 c 229 s 607; 1994 c 234 s 7.]

**Effective date——2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**RCW 28B.103.040 Simultaneous use permitted.** A guard member and the guard member's designated spouse and dependents may simultaneously use the grant, subject to any rules adopted by the office, and the limitation on the maximum benefit. [2024 c 178 s 4.]

# Chapter 28B.105 RCW
# GET READY FOR MATH AND SCIENCE SCHOLARSHIP PROGRAM

**Sections**


28B.105.010 GET ready for math and science scholarship program—Purpose—Awards.
28B.105.020 Definitions.
28B.105.030 Eligibility.
28B.105.040 Changes in eligibility—Consequences.
28B.105.050 Repayment obligation—Conditions.
28B.105.060 Office of the superintendent of public instruction—Duties.
28B.105.070 Office of student financial assistance—Duties.
28B.105.080 School districts—Duties.
28B.105.090 Program administrator—Duties.
28B.105.100 Office of student financial assistance and program administrator—Joint duties.
28B.105.110 GET ready for math and science scholarship account.


**RCW 28B.105.010 GET ready for math and science scholarship program—Purpose—Awards.** (1) The GET ready for math and science scholarship program is established. The purpose of the program is to provide scholarships to students who achieve level four on the mathematics or science portions of the high school statewide student assessment or achieve a score in the math section of the SAT or the math section of the ACT that is above the ninety-fifth percentile, major in a mathematics, science, or related field in college, and commit to working in mathematics, science, or a related field for at least three years in Washington following completion of their bachelor's degree. The program shall be administered by the nonprofit organization selected as the private partner in the public-private partnership.

(2) The total annual amount of each GET ready for math and science scholarship may vary, but shall not exceed the annual cost of resident undergraduate tuition fees and mandatory fees at the University of Washington. An eligible recipient may receive a GET ready for math and science scholarship for up to one hundred eighty quarter credits, or the semester equivalent, or for up to five years, whichever comes first.

(3) Scholarships shall be awarded only to the extent that state funds and private matching funds are available for that purpose in the GET ready for math and science scholarship account established in RCW 28B.105.110. [2013 2nd sp.s. c 22 s 10; 2007 c 214 s 1.]

**Findings—Intent—2013 2nd sp.s. c 22:** See note following RCW 28A.655.068.

**RCW 28B.105.020 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "GET units" means tuition units under the advanced college tuition payment program in chapter 28B.95 RCW.

(2) "Institution of higher education" has the same meaning as in RCW 28B.92.030(4) (a) and (b) (i) and (ii).

(3) "Office" means the office of student financial assistance.

(4) "Program administrator" means the private nonprofit corporation that is registered under Title 24 RCW and qualified as a tax-exempt entity under section 501(c)(3) of the federal internal revenue code, that will serve as the private partner in the public-private partnership under this chapter.

(5) "Qualified program" or "qualified major" means a mathematics, science, or related degree program or major line of study offered by an institution of higher education that is included on the list of programs or majors selected by the office and the program administrator under RCW 28B.105.100. [2013 c 248 s 3; 2011 1st sp.s. c 11 s 183; 2007 c 214 s 2.]

**Findings—Intent—Effective date—2013 c 248:** See notes following RCW 28B.92.030.

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**RCW 28B.105.030 Eligibility.** (1) An eligible student is a student who:

(a) Is eligible for resident tuition and fee rates as defined in RCW 28B.15.012;

(b) Achieved level four on the mathematics or science portion of the high school statewide student assessment or achieved a score in the math section of the SAT or the math section of the ACT that is above the ninety-fifth percentile;

(c) Has a family income at or below one hundred twenty-five percent of the state median family income at the time the student applies for a GET ready for math and science scholarship and for up to the two previous years;

(d) Has declared an intention to complete a qualified program or qualified major or has entered a qualified program or declared a qualified major at an institution of higher education;

(e) Has declared an intention to work in a mathematics, science, or related field in Washington for at least three years immediately following completion of a bachelor's degree or higher degree.

(2) An eligible recipient is an eligible student who:

(a) Has been awarded a scholarship in accordance with the selection criteria and process established by the student achievement council and the program administrator;

(b) Enrolls at an institution of higher education within one year of graduating from high school;

(c) Maintains satisfactory academic progress, as defined by the institution of higher education where the student is enrolled;

(d) Takes at least one college-level mathematics or science course each term since enrolling in an institution of higher education; and

(e) Enters a qualified program or qualified major no later than the end of the first term in which the student has junior level standing. [2013 2nd sp.s. c 22 s 11; 2007 c 214 s 3.]

**Findings—Intent—2013 2nd sp.s. c 22:** See note following RCW 28A.655.068.

**RCW 28B.105.040 Changes in eligibility—Consequences.** (1) If the student enrolls in a qualified program or declares a qualified major and the program or major is subsequently removed from the list of qualified programs and qualified majors by the office and the program administrator, the student's eligibility to receive a GET ready for math and science scholarship shall not be affected.

(2) If a student who received a GET ready for math and science scholarship ceases to be enrolled in an institution of higher education, withdraws or is no longer enrolled in a qualified program, declares a major that is not a qualified major, or otherwise is no longer eligible to receive a GET ready for math and science scholarship, the student shall notify the program administrator as soon as practicable and is not eligible for further GET ready for math and science scholarship awards. Such a student shall also repay the amount of the GET ready for math and science scholarship awarded to the student as required by RCW 28B.105.050. [2011 1st sp.s. c 11 s 184; 2007 c 214 s 4.]

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**RCW 28B.105.050 Repayment obligation—Conditions.** (1) A recipient of a GET ready for math and science scholarship incurs an obligation to repay the scholarship, with interest and an equalization fee, if he or she does not:

(a) Graduate with a bachelor's degree from a qualified program or in a qualified major within five years of first enrolling at an institution of higher education; and

(b) Work in Washington in a mathematics, science, or related occupation full time for at least three years following completion of a bachelor's degree, unless he or she is enrolled in a graduate degree program as provided in subsection (4) of this section.

(2) A former scholarship recipient who has earned a bachelor's degree shall annually verify to the office that he or she is working full time in a mathematics, science, or related field for three years.

(3) If a former scholarship recipient begins but then stops working full time in a mathematics, science, or related field within three years following completion of a bachelor's degree, he or she shall pay back a prorated portion of the amount of the GET ready for math and science scholarship award received by the recipient, plus interest and a prorated equalization fee.

(4) A recipient may postpone for up to three years his or her in-state work obligation if he or she enrolls full time in a graduate degree program in mathematics, science, or a related field. [2011 1st sp.s. c 11 s 185; 2007 c 214 s 5.]

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**RCW 28B.105.060 Office of the superintendent of public instruction—Duties.** The office of the superintendent of public instruction shall:

(1) Notify elementary, middle, junior high, high school, and school district staff and administrators, and the department of children, youth, and families about the GET ready for math and science scholarship program using methods in place for communicating with schools and school districts; and

(2) Provide data showing the race, ethnicity, income, and other available demographic information of students who achieve level four on the math and science high school statewide student assessment; compare those data with comparable information on the student population as a whole; and submit a report with the analysis to the committees responsible for education and higher education in the legislature on December 1st of even-numbered years. [2018 c 58 s 62; 2013 2nd sp.s. c 22 s 12; 2007 c 214 s 6.]

**Effective date—2018 c 58:** See note following RCW 28A.655.080.

**Findings—Intent—2013 2nd sp.s. c 22:** See note following RCW 28A.655.068.

**RCW 28B.105.070 Office of student financial assistance—Duties.** The office shall:

(1) Purchase GET units to be owned and held in trust by the office, for the purpose of scholarship awards as provided for in this section;

(2) Distribute scholarship funds, in the form of GET units or through direct payments from the GET ready for math and science scholarship account, to institutions of higher education on behalf of eligible recipients identified by the program administrator;

(3) Provide the program administrator with annual reports regarding enrollment, contact, and graduation information of GET ready for math and science scholarship recipients, if the recipients have given permission for the office to do so;

(4) Collect repayments from former scholarship recipients who do not meet the eligibility criteria or work obligations;

(5) Establish rules for scholarship repayment, approved leaves of absence, deferments, and exceptions to recognize extenuating circumstances that may impact students; and

(6) Provide information to school districts in Washington, at least once per year, about the GET ready for math and science scholarship program. [2011 1st sp.s. c 11 s 186; 2007 c 214 s 7.]

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**RCW 28B.105.080 School districts—Duties.** School districts shall:

(1) Notify parents, teachers, counselors, and principals about the GET ready for math and science scholarship program through existing channels. Notification methods may include, but are not limited to, regular school district and building communications, online scholarship bulletins and announcements, notices posted on school walls and bulletin boards, information available in each counselor's office, and school or district scholarship information sessions;

(2) Provide each student who achieves level four on the mathematics or science high school Washington assessment of student learning with information regarding the scholarship program and how to contact the program administrator. [2007 c 214 s 8.]

**RCW 28B.105.090 Program administrator——Duties.** The program administrator shall:

(1) Solicit and accept grants and donations from private sources to match state funds appropriated for the GET ready for math and science scholarship program;

(2) Develop and implement an application, selection, and notification process for awarding GET ready for math and science scholarships;

(3) Notify institutions of higher education of scholarship recipients who will attend their institutions and inform them of the terms of the students' eligibility; and

(4) Report to private donors on the program outcomes and facilitate contact between scholarship recipients and donors, if the recipients have given the program administrator permission to do so, in order for donors to offer employment opportunities, internships, and career information to recipients. [2007 c 214 s 9.]

**RCW 28B.105.100 Office of student financial assistance and program administrator——Joint duties.** The office and the program administrator shall jointly:

(1) Determine criteria for qualifying undergraduate programs, majors, and courses leading to a bachelor's degree in mathematics, science, or a related field, offered by institutions of higher education. The office shall publish the criteria for qualified courses, and lists of qualified programs and qualified majors, on its website on a biennial basis; and

(2) Establish criteria for selecting among eligible applicants those who, without scholarship assistance, would be least likely to pursue a qualified undergraduate program at an institution of higher education in Washington state. [2011 1st sp.s. c 11 s 187; 2007 c 214 s 10.]

**Effective date——2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent——2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**RCW 28B.105.110 GET ready for math and science scholarship account.** (1) The GET ready for math and science scholarship account is created in the custody of the state treasurer.

(2) The office shall deposit into the account all money received for the GET ready for math and science scholarship program from appropriations and private sources. The account shall be self-sustaining.

(3) Expenditures from the account shall be used for scholarships to eligible students and for purchases of GET units. Purchased GET units shall be owned and held in trust by the office. Expenditures from the account shall be an equal match of state appropriations and private funds raised by the program administrator. During the 2009-2011 fiscal biennium, expenditures from the account not to exceed five percent may be used by the program administrator to carry out the provisions of RCW 28B.105.090.

(4) With the exception of the operating costs associated with the management of the account by the treasurer's office as authorized in chapter 43.79A RCW, the account shall be credited with all investment income earned by the account.

(5) Disbursements from the account are exempt from appropriations and the allotment provisions of chapter 43.88 RCW.

(6) Disbursements from the account shall be made only on the authorization of the office.

(7) During the 2013-2015 fiscal biennium, appropriated state funds available in the GET ready for math and science scholarship account and GET units owned by the office and not used for the GET ready for math and science scholarship program may be used for the college bound scholarship program created in chapter 28B.118 RCW. [2013 2nd sp.s. c 4 s 963; 2011 1st sp.s. c 11 s 188; 2010 1st sp.s. c 37 s 918. Prior: 2009 c 564 s 1807; 2009 c 564 s 920; 2008 c 329 s 908; 2007 c 214 s 11.]

**Effective dates—2013 2nd sp.s. c 4:** See note following RCW 2.68.020.

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Effective date—2010 1st sp.s. c 37:** See note following RCW 13.06.050.

**Effective date—2009 c 564:** See note following RCW 2.68.020.

**Severability—2008 c 329:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [2008 c 329 s 928.]

**Effective date—2008 c 329:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 1, 2008]." [2008 c 329 s 929.]

# Chapter 28B.108 RCW
# AMERICAN INDIAN ENDOWED SCHOLARSHIP PROGRAM

**Sections**


28B.108.005 Findings.
28B.108.010 Definitions.
28B.108.020 Program created——Duties of the office of student financial assistance——Screening committee.
28B.108.030 Advisory committee.
28B.108.040 Award of scholarships——Amount——Duration.
28B.108.060 Scholarship endowment fund.


**RCW 28B.108.005 Findings.** The legislature recognizes the benefit to our state and nation of providing equal educational opportunities for all races and nationalities. The legislature finds that American Indian students are underrepresented in Washington's colleges and universities. The legislature also finds that past discriminatory practices have resulted in this underrepresentation. Creating an endowed scholarship program to help American Indian students obtain a higher education will help to rectify past discrimination by providing a means and an incentive for American Indian students to pursue a higher education. The state will benefit from contributions made by American Indians who participate in a program of higher education. [1990 c 287 s 1.]

**RCW 28B.108.010 Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Eligible student" or "student" means an American Indian who is a student who demonstrates financial need, as defined in RCW 28B.92.030, who is a resident student, as defined by RCW 28B.15.012(2), who is a full-time student at an institution of higher education, and who promises to use his or her education to benefit other American Indians.

(2) "Institution of higher education" or "institution" means a college or university in the state of Washington which is accredited by an accrediting association recognized as such by rule of the council for higher education.

(3) "Office" means the office of student financial assistance. [2019 c 406 s 34. Prior: 2011 1st sp.s. c 11 s 191; 2004 c 275 s 69; 1991 c 228 s 10; 1990 c 287 s 2.]

**Findings——Intent——2019 c 406:** See note following RCW 43.79.195.

**Findings——Short title——2019 c 406:** See notes following RCW 28B.92.200.

**Findings——2019 c 406:** See note following RCW 28B.94.020.

**Findings——Intent——2019 c 406:** See note following RCW 28C.30.050.

**Findings——Intent——2019 c 406:** See note following RCW 43.216.135.

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Part headings not law—2004 c 275:** See note following RCW 28B.76.090.

**RCW 28B.108.020 Program created—Duties of the office of student financial assistance—Screening committee.** (1) The American Indian endowed scholarship program is created. The program shall be administered by the office. In administering the program, the office's powers and duties shall include but not be limited to:

(a) Selecting students to receive scholarships, with the assistance of a screening committee composed of persons involved in helping American Indian students to obtain a higher education. The membership of the committee may include, but is not limited to representatives of: Indian tribes, urban Indians, the governor's office of Indian affairs, the Washington state Indian education association, and institutions of higher education;

(b) Publicizing the program;

(c) Accepting and depositing donations into the endowment fund created in RCW 28B.108.060;

(d) Requesting from the state investment board and accepting from the state treasurer moneys earned from the endowment fund created in RCW 28B.108.060;

(e) Soliciting and accepting grants and donations from public and private sources for the program; and

(f) Naming scholarships in honor of those American Indians from Washington who have acted as role models.

(2) The student achievement council shall adopt necessary rules and guidelines for the American Indian endowed scholarship program. [2012 c 229 s 608; 2011 1st sp.s. c 11 s 192; 2009 c 259 s 1; 1990 c 287 s 3.]

**Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**RCW 28B.108.030 Advisory committee.** The office shall establish an advisory committee to assist in program design and to develop criteria for the screening and selection of scholarship recipients. The committee shall be composed of representatives of the same groups as the screening committee described in RCW 28B.108.020. The criteria shall assess the student's social and cultural ties to an American Indian community within the state. The criteria shall include a priority for upper-division or graduate students. The criteria may include a priority for students who are majoring in program areas in

which expertise is needed by the state's American Indians. [2011 1st sp.s. c 11 s 193; 1991 c 228 s 11; 1990 c 287 s 4.]

**Effective date——2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent——2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**RCW 28B.108.040 Award of scholarships——Amount——Duration.** The office may award scholarships to eligible students from moneys earned from the endowment fund created in RCW 28B.108.060, or from funds appropriated to the council for this purpose, or from any private donations, or from any other funds given to the council for this program. For an undergraduate student, the amount of the scholarship shall not exceed the student's demonstrated financial need. For a graduate student, the amount of the scholarship shall not exceed the student's demonstrated need; or the stipend of a teaching assistant, including tuition, at the University of Washington; whichever is higher. In calculating a student's need, the office shall consider the student's costs for tuition, fees, books, supplies, transportation, room, board, personal expenses, and child care. The student's scholarship awarded under this chapter shall not exceed the amount received by a student attending a state research university. A student is eligible to receive a scholarship for a maximum of five years. However, the length of the scholarship shall be determined at the discretion of the office. [2012 c 229 s 564; 1990 c 287 s 5.]

**Effective date——2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**RCW 28B.108.060 Scholarship endowment fund.** The American Indian scholarship endowment fund is created in the custody of the state treasurer. Funds appropriated by the legislature for the endowment fund must be deposited into the fund.

(1) Moneys received from the office, private donations, state moneys, and funds received from any other source may be deposited into the endowment fund. Private moneys received as a gift subject to conditions may be deposited into the fund. The investment of private moneys in the fund shall be managed by the state investment board.

(2) At the request of the office, the state investment board shall release earnings from the private moneys invested by it to the state treasurer.

(3) When a condition attached to a gift of private moneys in the fund has failed, the office shall then release the moneys to the donors according to the terms of the conditional gift.

(4) The principal of the endowment fund shall not be invaded. The release of moneys under subsection (3) of this section shall not constitute an invasion of corpus.

(5) The earnings on the fund shall be used solely for the purposes set forth in RCW 28B.108.040, except when the terms of a conditional gift of private moneys in the fund require that a portion of earnings on such moneys be reinvested in the fund. An appropriation is not required for expenditures from the endowment fund. [2012 c 187

s 3; (2012 c 187 s 2 expired July 1, 2012); 2011 1st sp.s. c 11 s 194; 2009 c 259 s 2; 2007 c 73 s 2; 1993 c 372 s 1; 1991 sp.s. c 13 s 110; 1990 c 287 s 7.]

**Effective date—2012 c 187 ss 3 and 5:** "Sections 3 and 5 of this act take effect July 1, 2012." [2012 c 187 s 19.]

**Expiration date—2012 c 187 ss 2 and 4:** "Sections 2 and 4 of this act expire July 1, 2012." [2012 c 187 s 18.]

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Effective dates—Severability—1991 sp.s. c 13:** See notes following RCW 18.08.240.

# Chapter 28B.109 RCW
# WASHINGTON INTERNATIONAL EXCHANGE SCHOLARSHIP PROGRAM

**Sections**


28B.109.010 Definitions.
28B.109.020 Washington international exchange scholarship program—Administration by office of student financial assistance.
28B.109.030 Reciprocal agreements to attend foreign institutions.
28B.109.040 Washington international exchange student scholarships.
28B.109.070 Washington international exchange scholarship endowment fund—State matching funds.
28B.109.080 Scholarship recipients—Service obligation.


**RCW 28B.109.010 Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Eligible participant" means an international student whose country of residence has a trade relationship with the state of Washington.

(2) "Institution of higher education" or "institution" means a college or university in the state of Washington that is accredited by an accrediting association recognized as such by rule of the student achievement council.

(3) "Office" means the office of student financial assistance.

(4) "Service obligation" means volunteering for a minimum number of hours as established by the student achievement council based on the amount of scholarship award, to speak to or teach groups of Washington citizens, including but not limited to elementary, middle, and high schools, service clubs, and universities.

(5) "Washington international exchange scholarship program" means a scholarship award for a period not to exceed one academic year to attend a Washington institution of higher education made to an international student whose country has an established trade relationship with Washington. [2012 c 229 s 565; 2011 1st sp.s. c 11 s 195; 1996 c 253 s 401.]

**Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Findings—Purpose—1996 c 253:** "(1) The legislature finds that:

(a) Educational, cultural, and business exchange programs are important in developing mutually beneficial relationships between Washington state and other countries;

(b) Enhanced international trade, cultural, and educational opportunities are developed when cities, counties, ports, and others establish sister relationships with their counterparts in other countries;

(c) It is important to the economic future of the state to promote international awareness and understanding; and

(d) The state's economy and economic well-being depend heavily on foreign trade and international exchanges.

(2) The legislature declares that the purpose of chapter 253, Laws of 1996 is to:

(a) Enhance Washington state's ability to develop relationships and contacts throughout the world enabling us to expand international education and trade opportunities for all citizens of the state;

(b) Develop and maintain an international database of contacts in international trade markets;

(c) Encourage outstanding international students who reside in countries with existing trade relationships to attend Washington state's institutions of higher education; and

(d) Encourage Washington students to attend institutions of higher education located in countries with existing trading relationships with Washington state." [1996 c 253 s 1.]

**Severability——1996 c 253:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1996 c 253 s 504.]

**Part headings not law——1996 c 253:** "Part headings as used in this act constitute no part of the law." [1996 c 253 s 505.]

**RCW 28B.109.020 Washington international exchange scholarship program——Administration by office of student financial assistance.** The Washington international exchange scholarship program is created. The program shall be administered by the office. In administering the program, the office may:

(1) Convene an advisory committee that may include but need not be limited to representatives of the office of the superintendent of public instruction, the department of commerce, the secretary of state, private business, and institutions of higher education;

(2) Select students to receive the scholarship with the assistance of a screening committee composed of leaders in business, international trade, and education;

(3) Adopt necessary rules and guidelines including rules for disbursing scholarship funds to participants;

(4) Publicize the program;

(5) Solicit and accept grants and donations from public and private sources for the program;

(6) Establish and notify participants of service obligations; and

(7) Establish a formula for selecting the countries from which participants may be selected in consultation with the department of commerce. [2012 c 198 s 22; 2011 1st sp.s. c 11 s 196; 1996 c 253 s 402.]

**Effective date——2012 c 198:** See note following RCW 70A.15.5110.

**Effective date——2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent——2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Findings—Purpose—Severability—Part headings not law—1996 c 253:** See notes following RCW 28B.109.010.

**RCW 28B.109.030 Reciprocal agreements to attend foreign institutions.** The office may negotiate and enter into a reciprocal agreement with foreign countries that have international students attending institutions in Washington. The goal of the reciprocal agreements shall be to allow Washington students enrolled in an institution of higher education to attend an international institution under similar terms and conditions. [2011 1st sp.s. c 11 s 197; 1996 c 253 s 403.]

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Findings—Purpose—Severability—Part headings not law—1996 c 253:** See notes following RCW 28B.109.010.

**RCW 28B.109.040 Washington international exchange student scholarships.** If funds are available, the office shall select students yearly to receive a Washington international exchange student scholarship from funds appropriated to the office for this purpose, or from any private donations, or from any other funds given to the office for this program. [2012 c 198 s 23; 2011 1st sp.s. c 11 s 198; 1996 c 253 s 404.]

**Effective date—2012 c 198:** See note following RCW 70A.15.5110.

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Findings—Purpose—Severability—Part headings not law—1996 c 253:** See notes following RCW 28B.109.010.

**RCW 28B.109.070 Washington international exchange scholarship endowment fund—State matching funds.** The office may request that the treasurer deposit state matching funds into the Washington international exchange scholarship endowment fund when the office can match the state funds with an equal amount of private cash donations, including conditional gifts. [2011 1st sp.s. c 11 s 201; 1996 c 253 s 407.]

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Findings—Purpose—Severability—Part headings not law—1996 c 253:** See notes following RCW 28B.109.010.

**RCW 28B.109.080 Scholarship recipients—Service obligation.** Each Washington international exchange scholarship recipient shall agree to complete the service obligation as defined by the office. [2011 1st sp.s. c 11 s 202; 1996 c 253 s 408.]

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Findings—Purpose—Severability—Part headings not law—1996 c 253:** See notes following RCW 28B.109.010.

# Chapter 28B.110 RCW
# GENDER EQUALITY IN HIGHER EDUCATION

**Sections**

28B.110.010 Discrimination prohibited.
28B.110.020 Definitions.
28B.110.030 Rules and guidelines.
28B.110.040 Compliance—Community colleges.
28B.110.050 Violation of chapter.
28B.110.060 Existing law and procedures.
28B.110.070 Distribution to students.

**RCW 28B.110.010 Discrimination prohibited.** Article XXXI, section 1, Amendment 61 of the Washington state Constitution requires equal treatment of all citizens, regardless of gender. Recognizing the benefit to our state and nation of equal educational opportunities for all students, discrimination on the basis of gender against any student in the institutions of higher education of Washington state is prohibited. [1989 c 341 s 1.]

**RCW 28B.110.020 Definitions.** For purposes of this chapter, "institutions of higher education" or "institutions" include the state universities, regional universities, The Evergreen State College, and the community colleges. [1989 c 341 s 2.]

**RCW 28B.110.030 Rules and guidelines.** In consultation with institutions of higher education, the student achievement council shall develop rules and guidelines to eliminate possible gender discrimination to students, including sexual harassment, at institutions of higher education as defined in RCW 28B.10.016. The rules and guidelines shall include but not be limited to access to academic programs, student employment, counseling and guidance services, financial aid, recreational activities including club sports, and intercollegiate athletics.

(1) With respect to higher education student employment, all institutions shall be required to:

(a) Make no differentiation in pay scales on the basis of gender;

(b) Assign duties without regard to gender except where there is a bona fide occupational qualification as approved by the Washington human rights commission;

(c) Provide the same opportunities for advancement to males and females; and

(d) Make no difference in the conditions of employment on the basis of gender in areas including, but not limited to, hiring practices, leaves of absence, and hours of employment.

(2) With respect to admission standards, admissions to academic programs shall be made without regard to gender.

(3) Counseling and guidance services for students shall be made available to all students without regard to gender. All academic and counseling personnel shall be required to stress access to all career and vocational opportunities to students without regard to gender.

(4) All academic programs shall be available to students without regard to gender.

(5) With respect to recreational activities, recreational activities shall be offered to meet the interests of students. Institutions which provide the following shall do so with no disparities based on gender: Equipment and supplies; medical care; services and insurance; transportation and per diem allowances; opportunities to receive coaching and instruction; laundry services; assignment of game officials; opportunities for competition, publicity, and awards; and scheduling of games and practice times, including use of courts, gyms, and pools. Each institution which provides showers, toilets, lockers, or training room facilities for recreational purposes shall provide comparable facilities for both males and females.

(6) With respect to financial aid, financial aid shall be equitably awarded by type of aid, with no disparities based on gender.

(7) With respect to intercollegiate athletics, institutions that provide the following shall do so with no disparities based on gender:

(a) Benefits and services including, but not limited to, equipment and supplies; medical services; services and insurance; transportation and per diem allowances; opportunities to receive coaching and instruction; scholarships and other forms of financial aid; conditioning programs; laundry services; assignment of game officials; opportunities for competition, publicity, and awards; and scheduling of games and practice times, including use of courts, gyms, and pools. Each institution which provides showers, toilets, lockers, or training room facilities for athletic purposes shall provide comparable facilities for both males and females.

(b) Opportunities to participate in intercollegiate athletics. Institutions shall provide equitable opportunities to male and female students.

(c) Male and female coaches and administrators. Institutions shall attempt to provide some coaches and administrators of each gender to act as role models for male and female athletes.

(8) Each institution shall develop and distribute policies and procedures for handling complaints of sexual harassment and sexual violence. Institutional sexual violence policies should include, but are not limited to, information about the institution's Title IX compliance officer or other individuals at the institution responsible for handling sexual violence violations and potential criminal conduct. Institutions shall annually distribute these policies and procedures in writing or electronically to all students and employees. [2015 c 92 s 6; 2012 c 229 s 566; 1989 c 341 s 3.]

**Effective date——2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**RCW 28B.110.040 Compliance——Community colleges.** The executive director of the student achievement council, in consultation with the council of presidents and the state board for community and technical colleges, shall monitor the compliance by institutions of higher education with this chapter.

(1) The council shall establish a timetable and guidelines for compliance with this chapter.

(2) By November 30, 1990, each institution shall submit to the council for approval a plan to comply with the requirements of RCW

28B.110.030. The plan shall contain measures to ensure institutional compliance with the provisions of this chapter by September 30, 1994. If participation in activities, such as intercollegiate athletics and matriculation in academic programs is not proportionate to the percentages of male and female enrollment, the plan should outline efforts to identify barriers to equal participation and to encourage gender equity in all aspects of college and university life.

(3) The council may delegate to the state board for community and technical colleges any or all responsibility for community college compliance with the provisions of this chapter. [2012 c 229 s 567; 2011 1st sp.s. c 11 s 203; 1997 c 5 s 5; 1989 c 341 s 4.]

**Effective date——2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Intent——2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Effective date——1997 c 5:** See note following RCW 28B.15.455.

**RCW 28B.110.050 Violation of chapter.** A violation of this chapter shall constitute an unfair practice under chapter 49.60 RCW, the law against discrimination. All rights and remedies under chapter 49.60 RCW, including the right to file a complaint with the human rights commission and to bring a civil action, shall apply. [1989 c 341 s 5.]

**RCW 28B.110.060 Existing law and procedures.** This chapter shall supplement, and shall not supersede, existing law and procedures relating to unlawful discrimination based on gender. [1989 c 341 s 6.]

**RCW 28B.110.070 Distribution to students.** Institutions of higher education shall distribute copies of the provisions of this chapter to all students. [1989 c 341 s 7.]

# Chapter 28B.112 RCW
# CAMPUS SEXUAL VIOLENCE

**Sections**


28B.112.005 Findings.
28B.112.010 Disciplinary processes.
28B.112.020 Availability of institutions' policies, procedures, and resources.
28B.112.030 Campus-affiliated advocates—Confidentiality of records.
28B.112.040 Sexual misconduct—Definitions.
28B.112.060 Sexual misconduct—Settlement agreements.
28B.112.070 Sexual misconduct—Investigations, records.
28B.112.080 Sexual misconduct—Offers of employment—Requirements.
28B.112.090 Sexual misconduct—Nondisclosure agreements.


**RCW 28B.112.005 Findings.** The legislature finds that the issue of campus sexual violence is a serious issue for many students as well as poses a challenge to all of our institutions of higher education. Several high profile cases in recent years garnered national attention, with more than ninety colleges and universities nationwide currently under investigation by the United States department of education's office for civil rights for violation of Title IX relating to how they have handled sexual violence cases.

In 2014, the White House convened a task force designed to protect students from sexual assault. The task force has recommended that schools conduct campus climate assessments and provided a sample memorandum of understanding for institutions to enter into with local law enforcement.

At the same time, the federal government and several states have moved forward to address campus sexual violence policies regarding prevention, investigation, and disciplinary action. These actions include the statewide adoption of policies at the public four-year universities in New York and all schools receiving state financial aid in California. It also includes new requirements included in the federal violence against women act amendments to the Clery act, 20 U.S.C. Sec. 1092(f).

The legislature further finds the state's public two and four-year institutions of higher education are taking steps to improve their institutional policies around campus sexual violence, including being represented at a statewide conference held in October 2014.

In order to complement federal policy and ensure the safety of all our students, the legislature finds it necessary to establish minimum standards for all institutions pertaining to campus sexual violence policies and procedures and encourages institutions of higher education to share with all students and current employees, especially survivors of sexual violence, the protections, resources, and services available to them if they are a victim of sexual assault, domestic violence, dating violence, or stalking. Institutions should endeavor to prevent retaliation and prevent the student from having to undergo unnecessary or duplicative retellings of the incident. [2015 c 92 s 1.]

**RCW 28B.112.010 Disciplinary processes.** All institutions of higher education shall refrain from establishing a different

disciplinary process on the same campus for a matter of sexual violence, based on the status or characteristics of the student involved in that disciplinary proceeding, including characteristics such as a student's membership on an athletic team, membership in a fraternity or sorority, academic year, or any other characteristics or status of a student. [2015 c 92 s 2.]

**RCW 28B.112.020 Availability of institutions' policies, procedures, and resources.** (1) Institutions of higher education shall make information available on an annual basis to all current and prospective students and employees regarding the institution's policy and procedures, the responsible employee to receive complaints, and compliance with campus sexual violence confidentiality and reporting requirements set forth in 34 C.F.R. Sec. 668.46(b)(11)(iii).

(2) Institutions of higher education shall make the resources in subsection (1) of this section and other information and support available on a confidential basis to all campus sexual assault survivors, regardless of whether the survivor chooses to proceed with a formal report of sexual assault. [2015 c 92 s 3.]

**RCW 28B.112.030 Campus-affiliated advocates—Confidentiality of records.** (1) Survivor communications with, and records maintained by, campus-affiliated advocates, shall be confidential.

(2) Records maintained by a campus-affiliated advocate are not subject to public inspection and copying and are not subject to inspection or copying by an institution of higher education unless:

(a) The survivor consents to inspection or copying;

(b) There is a clear, imminent risk of serious physical injury or death of the survivor or another person;

(c) Inspection or copying is required by federal law; or

(d) A court of competent jurisdiction mandates that the record be available for inspection or copying.

(3) The definitions in this subsection apply throughout this section and RCW 42.56.240(16) unless the context clearly requires otherwise.

(a) "Campus-affiliated advocate" means a "sexual assault advocate" or "domestic violence advocate" as defined in RCW 5.60.060 or a victim advocate, employed by or volunteering for an institution of higher education.

(b) "Survivor" means any student, faculty, staff, or administrator at an institution of higher education that believes they were a victim of a sexual assault, dating or domestic violence, or stalking. [2017 c 72 s 2.]

**Finding—Intent—2017 c 72:** "The legislature finds that the state, along with the federal government and the state's public colleges and universities, plays an important role in protecting college students on and off campus from violence, including sexual assault. This role includes protecting students from repeat offenders and ensuring that survivors can trust that their college or university has education record protocols that prioritize their safety on and off campus.

The legislature commends the final report produced by the task force established by Substitute Senate Bill No. 5719 in 2015. The task force brought together experts across a range of fields to highlight

ways in which both institutions of higher education and the state can enact stronger policies around the issue of campus sexual assault. As representatives of our state's public colleges and universities said two years ago, this subject needs to be a high priority for the state and existing state law has gaps that need to be fixed. Therefore, the legislature intends to enact changes based on several recommendations contained within the report to the legislature." [2017 c 72 s 1.]

**RCW 28B.112.040 Sexual misconduct—Definitions.** The definitions in this section apply throughout this section and RCW *28B.112.050 through 28B.112.080 unless the context clearly requires otherwise.

(1) "Applicant" means a person applying for employment as faculty, instructor, staff, advisor, counselor, coach, athletic department staff, and any position in which the applicant will likely have direct ongoing contact with students in a supervisory role or position of authority. "Applicant" does not include enrolled students who are applying for temporary student employment with the postsecondary educational institutions, unless the student is a graduate student applying for a position in which the graduate student will have a supervisory role or position of authority over other students. "Applicant" does not include a person applying for employment as medical staff or for employment with an affiliated organization, entity, or extension of a postsecondary educational institution, unless the applicant will have a supervisory role or position of authority over students.

(2) "Association" means a scholarly or professional organization or learned society that sponsors activities or events for the benefit of individuals affiliated with postsecondary educational institutions, with a code of conduct forbidding sexual misconduct at such activities or events, and established investigative procedures for allegations that the code of conduct has been violated.

(3) "Employee" means a person who is receiving or has received wages as an employee from the postsecondary educational institutions and includes current and former workers, whether the person is classified as an employee, independent contractor, or consultant, and is in, or had, a position with direct ongoing contact with students in a supervisory role or position of authority. "Employee" does not include a person who was employed by the institution in temporary student employment while the person was an enrolled student unless the student, at the time of employment, is or was a graduate student in a position in which the graduate student has or had a supervisory role or authority over other students. "Employee" does not include a person employed as medical staff or with an affiliated organization, entity, or extension of a postsecondary educational institution, unless the employee has or had a supervisory role or position of authority over students. A person who would be considered an "employee" under this subsection, remains an "employee" even if the person enrolls in classes under an institution's employee tuition waiver program or similar program that allows faculty, staff, or other employees to take classes.

(4) "Employer" includes postsecondary educational institutions in this or any other state.

(5) "Investigation" means a procedure initiated in response to a formal complaint, as defined in 34 C.F.R. Sec. 106.30, provided that

the procedure fully complies with the provisions of 34 C.F.R. Sec. 106.45.

(6) "Postsecondary educational institution" means an institution of higher education as defined in RCW 28B.10.016, a degree-granting institution as defined in RCW 28B.85.010, a private vocational school as defined in RCW 28C.10.020, or school as defined in RCW 18.16.020, that participates in the state student financial aid program.

(7) "Sexual misconduct" includes, but is not limited to, unwelcome sexual contact, unwelcome sexual advances, requests for sexual favors, other unwelcome verbal, nonverbal, electronic, or physical conduct of a sexual nature, sexual harassment, and any misconduct of a sexual nature that is in violation of the postsecondary educational institution's policies or has been determined to constitute sex discrimination pursuant to state or federal law.

(8) "Student" means a person enrolled at a postsecondary educational institution and for whom educational records are maintained.

(9) "Substantiated findings" means a written determination regarding responsibility as described in 34 C.F.R. Sec. 106.45(b)(7) prepared at the conclusion of an investigation, as amended by any appeals process. [2023 c 79 s 2; 2020 c 335 s 2.]

***Reviser's note:** RCW 28B.112.050 expired June 1, 2024.

**Intent——2023 c 79:** See note following RCW 28B.112.080.

**Findings——Intent——2020 c 335:** "The legislature recognizes that Washington's postsecondary educational institutions are some of the best schools in the nation, offering high quality education and life experiences for thousands of students. Washington institutions strive to create learning environments where all students can reach their full potential. The legislature also recognizes that in instances in which an employee of an institution engages in sexual misconduct against a student, institutions do not consistently disclose that information. The legislature declares that disclosure of such information is a matter of public safety for all Washington students as well as for students on campuses across the nation. The legislature finds that sexual misconduct, which may include harassment or assault, has serious public health and safety effects on students in Washington. These effects may deprive students of their opportunities to obtain an education which would otherwise improve their lives and health, and that of their own children. Other effects include an employee in a position of power and authority over students causing irreversible harm to the physical and mental health of students from sexual misconduct. The legislature finds that students of any postsecondary educational institution in Washington should be protected from their institution hiring an employee who has been found to have committed sexual misconduct at another postsecondary educational institution. The legislature, therefore, also finds that postsecondary educational institutions in Washington need to know if a prospective employee has been found to have committed sexual misconduct while employed at another institution. Therefore, the legislature intends to require postsecondary educational institutions to inquire about and conduct reference checks on any applicant the institution intends to extend an offer of employment to, regarding whether the applicant has ever been found to have committed, or is

being investigated for, sexual misconduct. The legislature finds that nondisclosure agreements which prevent an institution from disclosing that an employee has committed sexual misconduct create a high potential for students in jeopardy of being victimized. Therefore, the legislature finds such nondisclosure agreements between an employee and institution, pursuant to which the institution agrees not to disclose findings of sexual misconduct supported by a preponderance of evidence or not to complete an investigation, are against public policy and should not be entered into by any Washington postsecondary educational institution and should not be enforced by Washington courts. Therefore, the legislature intends to provide clarity and direction to postsecondary educational institutions for disclosing substantiated findings of sexual misconduct committed by its employees against students." [2020 c 335 s 1.]

**RCW 28B.112.060 Sexual misconduct—Settlement agreements.** (1) Except as provided in subsection (2) of this section, any provision of a settlement agreement executed subsequent to June 11, 2020, between a postsecondary educational institution and an employee is against public policy and void and unenforceable if the provision prohibits the employee, the institution, a survivor, or any other person from disclosing that the employee has either:

(a) Been the subject of substantiated findings of sexual misconduct; or

(b) Is the subject of an investigation into sexual misconduct that is not yet complete.

(2) A settlement agreement may contain provisions requiring nondisclosure of personal identifying information of persons filing complaints or making allegations and of any witnesses asked to participate in an investigation of the allegations.

(3) Personal identifying information in a settlement agreement that reveals the identity of persons filing complaints or making allegations and of any witnesses asked to participate in an investigation of the allegations is exempt from public disclosure pursuant to RCW 42.56.375. [2020 c 335 s 4.]

**Findings—Intent—2020 c 335:** See note following RCW 28B.112.040.

**RCW 28B.112.070 Sexual misconduct—Investigations, records.** (1) Unless the victim of the alleged sexual misconduct requests otherwise, when a postsecondary educational institution investigates a complaint or allegation of sexual misconduct committed by an employee against a student of the institution, the institution shall complete the investigation whether or not the employee voluntarily or involuntarily leaves employment with the institution. When the institution completes its investigation, the institution shall make written findings of whether the complaint or allegation is substantiated.

(2)(a) A postsecondary educational institution shall include in the employee's personnel file or employment records any substantiated findings of sexual misconduct committed by the employee while the employee was employed with the postsecondary educational institution.

(b) When disclosing records included in an employee's personnel file or employment records under this section, the institution shall keep personal identifying information of the complainant and any

witnesses confidential, unless disclosure of identifying information is agreed to by the complainant or witnesses or required under law.

(c) Personal identifying information in an employee's file or employment records that reveals the identity of the complainant and any witnesses is exempt from public disclosure pursuant to RCW 42.56.375.

(3) For purposes of this section, postsecondary educational institutions shall use a preponderance of the evidence standard when determining whether findings are substantiated.

(4) For purposes of this section and RCW 28B.112.080, "substantiated" means the employee has committed sexual misconduct. [2020 c 335 s 5.]

**Findings—Intent—2020 c 335:** See note following RCW 28B.112.040.

**RCW 28B.112.080 Sexual misconduct—Offers of employment—Requirements.** (1) Beginning October 1, 2020, prior to an official offer of employment to an applicant, a postsecondary educational institution shall request the applicant to sign a statement:

(a) Declaring whether the applicant is the subject of any substantiated findings of sexual misconduct in any current or former employment or by any association with which the applicant has, or has had, a professional relationship, is currently being investigated for, or has left a position during an investigation into, a violation of any sexual misconduct policy at the applicant's current and past employers, and, if so, an explanation of the situation;

(b) Authorizing the applicant's current and past employers or relevant associations to disclose to the hiring institution any sexual misconduct committed by the applicant and making available to the hiring institution copies of all documents in the previous employer's personnel, investigative, or other files relating to sexual misconduct, including sexual harassment, by the applicant; and

(c) Releasing the applicant's current and past employers or relevant associations, and employees acting on behalf of that employer or association, from any liability for providing information described in (b) of this subsection.

(2) Beginning July 1, 2021, prior to an official offer of employment to an applicant, a postsecondary educational institution shall:

(a) Request in writing, electronic or otherwise, that the applicant's current and past postsecondary educational institution employers, or relevant associations when a finding has been declared by the applicant, provide the information, if any, described in subsection (1)(b) of this section. The request must include a copy of the declaration and statement signed by the applicant under subsection (1) of this section; and

(b) Ask the applicant if the applicant is the subject of any substantiated findings of sexual misconduct, or is currently being investigated for, or has left a position during an investigation into, a violation of any sexual misconduct policy at the applicant's current and past employers, and, if so, an explanation of the situation.

(3)(a) Pursuant to (c) of this subsection, after receiving a request under subsection (2)(a) of this section, a postsecondary educational institution shall provide the information requested and make available to the requesting institution copies of documents in

the applicant's personnel record relating to substantiated findings of sexual misconduct.

(b) Pursuant to (c) of this subsection, if a postsecondary educational institution has information about substantiated findings of a current or former employee's sexual misconduct in the employee's personnel file or employment records, unless otherwise prohibited by law, the institution shall disclose that information to any employer conducting reference or background checks on the current or former employee for the purposes of potential employment, even if the employer conducting the reference or background check does not specifically ask for such information.

(c) If, by June 11, 2020, a postsecondary educational institution does not have existing procedures for disclosing information requested under this subsection, the institution must establish procedures to begin implementing the disclosure requirements of this subsection no later than July 1, 2021.

(4)(a) The postsecondary educational institution or an employee acting on behalf of the institution, who discloses information under this section is presumed to be acting in good faith and is immune from civil and criminal liability for the disclosure.

(b) A postsecondary educational institution is not liable for any cause of action arising from nondisclosure of information by an employee without access to official personnel records who is asked to respond to a reference check.

(c) The duty to disclose information under this section is the responsibility of the postsecondary educational institution to respond to a formal request for personnel records relating to a current or prior employee when requested by another employer.

(5)(a) When disclosing information under this section, the postsecondary educational institution shall keep personal identifying information of the complainant and any witnesses confidential, unless the complainant or witnesses agree to disclosure of their identifying information.

(b) Personal identifying information that reveals the identity of the complainant and any witnesses is exempt from public disclosure pursuant to RCW 42.56.375.

(6) Beginning October 1, 2020, a postsecondary educational institution may not hire an applicant who does not sign the statement described in subsection (1) of this section.

(7) Information received under this section may be used by a postsecondary educational institution only for the purpose of evaluating an applicant's qualifications for employment in the position for which the person has applied.

(8) This section does not restrict expungement from a personnel file or employment records of information about alleged sexual misconduct that has not been substantiated.

(9) Public institutions of higher education shall share best practices with all faculty and staff who are likely to receive reference check requests about how to inform and advise requesters to contact the institution's appropriate official office for personnel records.

(10) The student achievement council shall convene a work group and report to the legislature by November 30, 2024, regarding the ability of institutions of higher education to consider if applicants or current employees have committed sexual misconduct at meetings or conferences of academic and professional associations; and, how institutions of higher education and Washington agencies may encourage

adoption of policies and procedures regarding sexual misconduct committed at such association events. [2023 c 79 s 3; 2020 c 335 s 6.]

**Intent——2023 c 79:** "In 2020 the legislature established RCW 28B.112.080 requiring colleges and universities statewide, both public and private, to ask job applicants to declare whether they had been the subject of substantiated findings of sexual misconduct by a current or previous employer, whether they are the subject of current investigations of sexual misconduct by their employer, or whether they resigned employment during an ongoing investigation. It requires postsecondary educational institutions to request documentation of substantiated findings or investigations prior to extending an offer of employment.

In academic settings, sexual misconduct can take place outside the context of employment. For example, an employee of one university might harass a student or employee of a different university in a professional setting such as a conference or meeting. A growing number of scholarly associations sponsoring conferences or other events have adopted codes of conduct and investigative procedures to address the problem of sexual misconduct in these contexts. The legislature intends to expand the declaration required of applicants for employment to include substantiated findings by scholarly associations. Further, the legislature intends to expand the requirement to request documentation to include substantiated findings generated by scholarly associations." [2023 c 79 s 1.]

**Findings——Intent——2020 c 335:** See note following RCW 28B.112.040.

**RCW 28B.112.090 Sexual misconduct——Nondisclosure agreements.** Postsecondary educational institutions may not propose, request, or pressure a student reporting sexual misconduct in a complaint filed with the institution under Title IX or otherwise, with law enforcement, or in a civil court action to enter into a nondisclosure agreement relating to the alleged sexual misconduct by another student or employee of the institution. [2025 c 124 s 1.]

# Chapter 28B.115 RCW
# WASHINGTON HEALTH CORPS

(Formerly: Health professional conditional scholarship program)

**Sections**


28B.115.010 Legislative findings—Intent.
28B.115.020 Definitions.
28B.115.030 Washington health corps—Programs established—Duties of office.
28B.115.040 Technical assistance for rural communities and counties—Marketing plan.
28B.115.050 Planning committee—Criteria for selecting participants.
28B.115.070 Eligible credentialed health care professions—Health professional shortage areas—Specific profession selection criteria.
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28B.115.165 Health professional loan repayment and scholarship program fund—Priority for applications that reflect demographically underrepresented populations.
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28B.115.902 Application to scope of chapter—Captions not law—1991 c 332.


*Maternity care provider loan repayment: RCW 74.09.820.*

**RCW 28B.115.010 Legislative findings—Intent.** The legislature finds that changes in demographics, the delivery of health care services, and an escalation in the cost of educating health professionals has resulted in shortages of health professionals. A poor distribution of health care professionals has resulted in a surplus of some professionals in some areas of the state and a shortage of others in other parts of the state, such as in the more rural areas and in behavioral health services. The high cost of health professional education requires that health care practitioners command higher incomes to repay the financial obligations incurred to obtain the required training. Health professional shortage areas are often areas that have troubled economies and lower per capita incomes. These

areas often require more services because the health care needs are greater due to poverty or because the areas are difficult to service due to geographic circumstances. The salary potentials for shortage areas are often not as favorable when compared to nonshortage areas and practitioners are unable to serve. The legislature further finds that encouraging health professionals to serve in shortage areas is essential to assure continued access to health care for persons living in these parts of the state.

The legislature also finds that one in five adults in the United States experiences mental illness in any given year, but only forty-one percent of adults with a mental health condition received mental health services in 2016, according to the national institute of mental health. The *children's mental health work group found that in 2013, only forty percent of children on medicaid with mental health treatment needs were receiving services. Individuals seeking behavioral health services may have trouble receiving the help they need from health care professionals because behavioral health services are limited due to workforce shortages of behavioral health providers. The legislature further finds that encouraging more health care professionals to practice behavioral health in areas with limited services would benefit the state by creating greater access to behavioral health services and by having more health care professionals experienced in providing behavioral health services.

Therefore, the legislature intends to establish the Washington health corps to encourage more health care professionals to work in underserved areas by providing loan repayment and conditional scholarships in return for completing a service commitment. [2019 c 302 s 1; 1989 1st ex.s. c 9 s 716. Formerly RCW 18.150.010.]

***Reviser's note:** The "children's mental health work group" was renamed the "children and youth behavioral health work group" by 2020 c 130 s 1.

**RCW 28B.115.020 Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Approved nursing program" means a nursing educational program that leads to a degree or licensure in nursing that is approved by the state board of nursing under RCW 18.79.070 and is located at an institution of higher education that is authorized to participate in state financial aid programs under chapter 28B.92 RCW.

(2) "Council" means the Washington state forensic investigations council created in chapter 43.103 RCW.

(3) "Credentialed health care profession" means a health care profession regulated by a disciplining authority in the state of Washington under RCW 18.130.040 or by the pharmacy quality assurance commission under chapter 18.64 RCW and designated by the department in RCW 28B.115.070 as a profession having shortages of credentialed health care professionals in the state.

(4) "Credentialed health care professional" means a person regulated by a disciplining authority in the state of Washington to practice a health care profession under RCW 18.130.040 or by the pharmacy quality assurance commission under chapter 18.64 RCW.

(5) "Department" means the state department of health.

(6) "Eligible education and training programs" means education and training programs approved by the department that lead to

eligibility for a credential as a credentialed health care professional.

(7) "Eligible expenses" means reasonable expenses associated with the costs of acquiring an education such as tuition, books, equipment, fees, room and board, and other expenses determined by the office.

(8) "Eligible student" means a student who has been accepted into an eligible education or training program and has a declared intention to serve in a health professional shortage area upon completion of the education or training program.

(9) "Forgiven" or "to forgive" or "forgiveness" means to render health care services in a health professional shortage area, an underserved behavioral health area, or as a nurse educator in the state of Washington in lieu of monetary repayment.

(10) "Health professional shortage areas" means those areas where credentialed health care professionals are in short supply as a result of geographic maldistribution or as the result of a short supply of credentialed health care professionals in specialty health care areas and where vacancies exist in serious numbers that jeopardize patient care and pose a threat to the public health and safety. The department shall determine health professional shortage areas as provided for in RCW 28B.115.070. In making health professional shortage area designations in the state the department may be guided by applicable federal standards for "health manpower shortage areas," and "medically underserved areas," and "medically underserved populations."

(11) "Identified shortage areas" means those areas where qualified forensic pathologists are in short supply because of geographic maldistribution or where vacancies exist that may compromise death investigations. The council, with assistance from the department, shall determine shortage areas.

(12) "Loan repayment" means a loan that is paid in full or in part if the participant:

(a) Renders health care services in a health professional shortage area or an underserved behavioral health area as defined by the department;

(b) Teaches as a nurse educator for an approved nursing program; or

(c) Renders services as a qualified board-certified forensic pathologist as determined by the department.

(13) "Nonshortage rural area" means a nonurban area of the state of Washington that has not been designated as a rural physician shortage area. The department shall identify the nonshortage rural areas of the state.

(14) "Nurse educator" means an individual with an advanced nursing degree beyond a bachelor's degree that teaches nursing curriculum and is a faculty member for an approved nursing program.

(15) "Office" means the office of student financial assistance.

(16) "Participant" means:

(a) A credentialed health care professional who has received a loan repayment award and has commenced practice as a credentialed health care provider in a designated health professional shortage area or an underserved behavioral health area;

(b) A nurse educator teaching in an approved nursing program;

(c) An eligible student who has received a scholarship under this program; or

(d) A board-certified forensic pathologist who has commenced working in or is committed to working in identified shortage areas in

the state of Washington for the pathologist's required service obligation.

(17) "Required service obligation" means an obligation by the participant to:

(a) Provide health care services in a health professional shortage area or an underserved behavioral health area for a period to be established as provided for in this chapter;

(b) Teach as a nurse educator for a period to be established as provided for in this chapter; or

(c) Provide services as a board-certified forensic pathologist in identified shortage areas as determined by the council.

(18) "Rural physician shortage area" means rural geographic areas where primary care physicians are in short supply as a result of geographic maldistributions and where their limited numbers jeopardize patient care and pose a threat to public health and safety. The department shall designate rural physician shortage areas.

(19) "Satisfied" means paid-in-full.

(20) "Scholarship" means a loan that is forgiven in whole or in part if the recipient renders health care services in a health professional shortage area or an underserved behavioral health area.

(21) "Sponsoring community" means a rural hospital or hospitals as authorized in chapter 70.41 RCW, a rural health care facility or facilities as authorized in chapter 70.175 RCW, or a city or county government or governments.

(22) "Underserved behavioral health area" means a geographic area, population, or facility that has a shortage of health care professionals providing behavioral health services, as determined by the department. [2025 c 58 s 5046; 2023 c 442 s 2; 2022 c 276 s 1; 2019 c 302 s 2; 2013 c 19 s 46. Prior: 2011 1st sp.s. c 11 s 204; 2011 c 26 s 1; 1991 c 332 s 15; 1989 1st ex.s. c 9 s 717. Formerly RCW 18.150.020.]

**Explanatory note——2025 c 58:** See note following RCW 1.16.050.

**Intent——2023 c 442:** "Forensic pathologists are medically trained doctors who perform autopsies. For the last decade, there has been a persistent shortage in forensic pathologists both locally and nationally and this problem has only grown worse. It is the intent of the legislature to incentivize people to enter the profession by alleviating the student loan burden for medically trained forensic pathologists." [2023 c 442 s 1.]

**Effective date——2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent——2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**RCW 28B.115.030 Washington health corps——Programs established——Duties of office.** The Washington health corps is the state's initiative to encourage health care professionals to work in underserved communities. In exchange for service, the health care professional receives assistance with higher education, in the form of loan repayment or a conditional scholarship. The Washington health corps consists of the health professional loan repayment and scholarship program, the behavioral health loan repayment and

scholarship program, the nurse educator loan repayment program, and the forensic pathology loan repayment program.

(1) The health professional loan repayment and scholarship program is established for credentialed health professionals and residents serving in health professional shortage areas.

(2) The behavioral health loan repayment and scholarship program is established for credentialed health professionals serving in underserved behavioral health areas.

(3) The nurse educator loan repayment program is established for nurse educators teaching for approved nursing programs.

(4) The forensic pathology loan repayment program is established for board-certified forensic pathologists providing services for counties in identified shortage areas.

(5) The office is the administrator of the programs under the Washington health corps. In administering the programs, the office shall:

(a)(i) Select credentialed health care professionals and residents to participate in the loan repayment portion and in the scholarship portion of the health professional loan repayment and scholarship program;

(ii) Select credentialed health care participants to participate in the loan repayment portion and in the scholarship portion of the behavioral health loan repayment and scholarship program;

(iii) Select nurse educators to participate in the nurse educator loan repayment program; and

(iv) Select board-certified forensic pathologists to participate in the forensic pathology loan repayment program;

(b) Adopt rules and develop guidelines to administer the programs;

(c) Collect and manage repayments from participants who do not meet their service obligations under this chapter;

(d) Publicize the program, particularly to maximize participation among individuals in shortage and underserved areas and among populations expected to experience the greatest growth in the workforce;

(e) Solicit and accept grants and donations from public and private sources for the programs;

(f) Use a competitive procurement to contract with a fund-raiser to solicit and accept grants and donations from private sources for the programs. The fund-raiser shall be paid on a contingency fee basis on a sliding scale but must not exceed 15 percent of the total amount raised for the programs each year. The fund-raiser shall not be a registered state lobbyist; and

(g) Develop criteria for a contract for service in lieu of the service obligation where appropriate, that may be a combination of service and payment. [2024 c 369 s 1; 2023 c 442 s 3; 2022 c 276 s 2; 2019 c 302 s 3; 2013 c 298 s 1; 2011 1st sp.s. c 11 s 205; 1991 c 332 s 16; 1989 1st ex.s. c 9 s 718. Formerly RCW 18.150.030.]

**Intent——2023 c 442:** See note following RCW 28B.115.020.

**Effective date——2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent——2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**RCW 28B.115.040 Technical assistance for rural communities and counties—Marketing plan.** (1) The department may provide technical assistance to rural communities desiring to become sponsoring communities for the purposes of identification of prospective students for the health professional loan repayment and scholarship program, assisting prospective students to apply to an eligible education and training program, making formal agreements with prospective students to provide credentialed health care services in the community, forming agreements between rural communities in a service area to share credentialed health care professionals, and fulfilling any matching requirements.

(2) The department, in consultation with the council and other pertinent stakeholders, may provide technical assistance to counties desiring to become sponsoring communities for the purposes of identification of prospective students for the forensic pathology loan repayment program, assisting prospective students to apply to an eligible education and training program, making formal agreements with prospective students to provide services as a board-certified forensic pathologist, forming agreements between rural and underserved counties in a service area to share credentialed forensic pathology professionals, and fulfilling any matching requirements.

(3) From the amounts appropriated to the department, the department shall enter into a contract for a two-year marketing plan with the Washington association of coroners and medical examiners for the sole purpose of marketing Washington state to potential board-certified forensic pathologists. The marketing plan must include, but is not limited to, a focus on rural and underserved counties. Payment for administrative expenses may not exceed two percent of the appropriated funds. [2023 c 442 s 4; 2019 c 302 s 4; 1991 c 332 s 17.]

**Intent—2023 c 442:** See note following RCW 28B.115.020.

**RCW 28B.115.050 Planning committee—Criteria for selecting participants.** The office shall establish a planning committee to assist it in developing criteria for the selection of participants for the Washington health corps program. The office shall include on the planning committee representatives of the department, the department of social and health services, appropriate representatives from health care facilities, provider groups, consumers, the state board for community and technical colleges, the superintendent of public instruction, institutions of higher education, representatives from the behavioral health and public health fields, the council, and other appropriate public and private agencies and organizations. The criteria may require that some of the participants meet the definition of financial need under RCW 28B.92.030. [2023 c 442 s 5; 2022 c 276 s 3; 2019 c 302 s 5; 2011 1st sp.s. c 11 s 206; 2004 c 275 s 70; 1991 c 332 s 18; 1989 1st ex.s. c 9 s 719. Formerly RCW 18.150.040.]

**Intent—2023 c 442:** See note following RCW 28B.115.020.

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Part headings not law—2004 c 275:** See note following RCW 28B.76.090.

**RCW 28B.115.070 Eligible credentialed health care professions—Health professional shortage areas—Specific profession selection criteria.** (1) After June 1, 1992, the department, in consultation with the office and the department of social and health services, shall:

(a) Determine eligible credentialed health care professions for the purposes of the health professional loan repayment and scholarship program and the behavioral health loan repayment and scholarship program authorized by this chapter. Eligibility shall be based upon an assessment that determines that there is a shortage or insufficient availability of a credentialed profession so as to jeopardize patient care and pose a threat to the public health and safety. The department shall consider the relative degree of shortages among professions when determining eligibility. The department may add or remove professions from eligibility based upon the determination that a profession is no longer in shortage. Should a profession no longer be eligible, participants or eligible students who have received scholarships shall be eligible to continue to receive scholarships or loan repayments until they are no longer eligible or until their service obligation has been completed;

(b) Determine health professional shortage areas for each of the eligible credentialed health care professions; and

(c) Determine underserved behavioral health areas for each of the eligible credentialed health care professions.

(2) The office, in consultation with the department, shall determine selection criteria for nurse educators and approved nursing programs.

(3) The office, in consultation with the department and the council, shall determine selection criteria for board-certified forensic pathologists.

(4) For the 2023-2025 fiscal biennium, consideration for eligibility for loan repayment shall also be given to chiropractors and psychiatric mental health nurse practitioners. [2024 c 369 s 2. Prior: 2023 c 475 s 925; 2023 c 442 s 6; 2022 c 276 s 4; 2021 c 334 s 962; prior: 2019 c 415 s 954; 2019 c 406 s 72; 2019 c 302 s 6; 2017 3rd sp.s. c 1 s 958; 2015 3rd sp.s. c 4 s 947; 2011 1st sp.s. c 11 s 207; 2003 c 278 s 3; 1991 c 332 s 20.]

**Effective date—2023 c 475:** See note following RCW 16.76.030.

**Intent—2023 c 442:** See note following RCW 28B.115.020.

**Conflict with federal requirements—Effective date—2021 c 334:** See notes following RCW 43.79.555.

**Effective date—2019 c 415:** See note following RCW 28B.20.476.

**Findings—Intent—2019 c 406:** See note following RCW 43.79.195.

**Findings—Short title—2019 c 406:** See notes following RCW 28B.92.200.

**Findings—2019 c 406:** See note following RCW 28B.94.020.

**Findings—Intent—2019 c 406:** See note following RCW 28C.30.050.

**Findings—Intent—2019 c 406:** See note following RCW 43.216.135.

**Effective date—2017 3rd sp.s. c 1:** See note following RCW 43.41.455.

**Effective dates—2015 3rd sp.s. c 4:** See note following RCW 28B.15.069.

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Findings—2003 c 278:** See note following RCW 28C.18.120.

**RCW 28B.115.080 Annual award amount—Scholarship preferences—Required service obligations—Criteria for forensic pathologists.** (1) After June 1, 1992, the office, in consultation with the department and the department of social and health services, shall:

(a) Establish the annual award amount for each credentialed health care profession which shall be based upon an assessment of reasonable annual eligible expenses involved in training and education for each credentialed health care profession for both the health professional loan repayment and scholarship program and the behavioral health loan repayment and scholarship program. The annual award amount may be established at a level less than annual eligible expenses. The annual award amount shall be established by the office for each eligible health profession. The awards shall not be paid for more than a maximum of five years per individual;

(b) Determine any scholarship awards for prospective physicians in such a manner to require the recipients declare an interest in serving in rural areas of the state of Washington. Preference for scholarships shall be given to students who reside in a rural physician shortage area or a nonshortage rural area of the state prior to admission to the eligible education and training program in medicine. Highest preference shall be given to students seeking admission who are recommended by sponsoring communities and who declare the intent of serving as a physician in a rural area. The office may require the sponsoring community located in a nonshortage rural area to financially contribute to the eligible expenses of a medical student if the student will serve in the nonshortage rural area;

(c) Establish the required service obligation for each credentialed health care profession, which shall be no less than three years or no more than five years, for the health professional loan repayment and scholarship program and the behavioral health loan repayment and scholarship program. The required service obligation may be based upon the amount of the scholarship or loan repayment award such that higher awards involve longer service obligations on behalf of the participant;

(d) Establish the annual award amount and the required service obligation for nurse educators participating in the nurse educator loan repayment program. The annual award amount shall be based upon an assessment of reasonable annual eligible expenses involved in training and education. The awards shall not be paid for more than a maximum of five years per individual. The required service obligation shall be no less than three years or no more than five years. The required service obligation may be based upon the amount of the loan repayment award such that higher awards involve longer service obligations on behalf of the participant;

(e) Determine eligible education and training programs for purposes of the scholarship portion of the health professional loan repayment and scholarship program and the scholarship portion of the behavioral health loan repayment and scholarship program; and

(f) Honor loan repayment and scholarship contract terms negotiated between the office and participants prior to May 21, 1991, concerning loan repayment and scholarship award amounts and service obligations authorized under this chapter or chapter 70.180 RCW.

(2) The department and the council, with the office, shall establish the annual loan repayment amount for each eligible board-certified forensic pathologist, based upon an assessment of reasonable eligible expenses involved in training and education up to $25,000 annually. The awards may not be paid for more than a total of four years per participant. The required service obligation must be four years. The annual award amount shall be established by the office. [2024 c 369 s 3; 2023 c 442 s 7; 2022 c 276 s 5; 2019 c 302 s 7; 2011 1st sp.s. c 11 s 208; 1993 c 492 s 271; 1991 c 332 s 21.]

**Intent—2023 c 442:** See note following RCW 28B.115.020.

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Finding—1993 c 492:** "The legislature finds that the successful implementation of health care reform will depend on a sufficient supply of primary health care providers throughout the state. Many rural and medically underserved urban areas lack primary health care providers and because of this, basic health care services are limited or unavailable to populations living in these areas. The legislature has in recent years initiated new programs to address these provider shortages but funding has been insufficient and additional specific provider shortages remain." [1993 c 492 s 269.]

**Findings—Intent—1993 c 492:** See notes following RCW 43.20.050.

**Short title—Savings—Reservation of legislative power—Effective dates—1993 c 492:** See RCW 43.72.910 through 43.72.915.

**RCW 28B.115.090 Loan repayment and scholarship awards.** (1) The office may grant loan repayment and scholarship awards to eligible participants from the funds appropriated to the Washington health corps program. Participants are ineligible to receive loan repayment under the Washington health corps program if they have received a

scholarship from programs authorized under this chapter or chapter 70.180 RCW or are ineligible to receive a scholarship if they have received loan repayment authorized under this chapter.

(2) Funds appropriated for the health professional loan repayment and scholarship program, including reasonable administrative costs, may be used by the office for the purposes of loan repayments or scholarships. The office shall annually establish the total amount of funding to be awarded for loan repayments and scholarships and such allocations shall be established based upon the best utilization of funding for that year.

(3) One portion of the funding appropriated for the health professional loan repayment and scholarship program shall be used by the office as a recruitment incentive for communities participating in the community-based recruitment and retention program as authorized by chapter 70.185 RCW; one portion of the funding shall be used by the office as a recruitment incentive for recruitment activities in state-operated institutions, county public health departments and districts, county human service agencies, federal and state contracted community health clinics, and other health care facilities, such as rural hospitals that have been identified by the department, as providing substantial amounts of charity care or publicly subsidized health care; one portion of the funding shall be used by the office for all other awards. The office shall determine the amount of total funding to be distributed between the three portions.

(4) Funds appropriated for the behavioral health loan repayment and scholarship program, including reasonable administrative costs, may be used by the office for the purposes of loan repayments or scholarships. The office shall annually establish the total amount of funding to be awarded for loan repayments and scholarships and such allocations shall be established based upon the best utilization of funding for that year. [2024 c 369 s 4; 2022 c 276 s 6; 2019 c 302 s 8; 2011 1st sp.s. c 11 s 209; 2003 c 278 s 4; 1991 c 332 s 22; 1989 1st ex.s. c 9 s 720. Formerly RCW 18.150.050.]

**Effective date——2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent——2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Findings——2003 c 278:** See note following RCW 28C.18.120.

**RCW 28B.115.100 Discrimination by participants prohibited——Violation.** In providing health care services the participant shall not discriminate against a person on the basis of the person's ability to pay for such services or because payment for the health care services provided to such persons will be made under the insurance program established under part A or B of Title XVIII of the federal social security act or under a state plan for medical assistance including Title XIX of the federal social security act or under the state medical assistance program authorized by chapter 74.09 RCW and agrees to accept assignment under section 18.42(b)(3)(B)(ii) of the federal social security act for all services for which payment may be made under part B of Title XVIII of the federal social security act and enters into an appropriate agreement with the department of social and health services for medical assistance under Title XIX of the

federal social security act to provide services to individuals entitled to medical assistance under the plan and enters into appropriate agreements with the department of social and health services for medical care services under chapter 74.09 RCW. Participants found by the office or the department in violation of this section shall be declared ineligible for receiving assistance under the programs authorized by this chapter. [2019 c 302 s 9; 1991 c 332 s 23.]

**RCW 28B.115.110 Participant obligation—Repayment obligation—Appeals from determinations.** Participants in the Washington health corps who are awarded loan repayments shall receive payment for the purpose of repaying educational loans secured while attending a program of health professional training which led to a credential as a credentialed health professional in the state of Washington.

(1) Participants shall agree to meet the required service obligation.

(2) Repayment shall be limited to eligible educational and living expenses as determined by the office and shall include principal and interest.

(3) Loans from both government and private sources may be repaid by the program. Participants shall agree to allow the office access to loan records and to acquire information from lenders necessary to verify eligibility and to determine payments. Loans may not be renegotiated with lenders to accelerate repayment.

(4) Repayment of loans established pursuant to the Washington health corps shall begin no later than 90 days after the individual has become a participant. Payments shall be made quarterly, or more frequently if deemed appropriate by the office, to the participant until the loan is repaid or the participant becomes ineligible due to discontinued service in a health professional shortage area, an underserved behavioral health area, as a nurse educator at an approved nursing program after the required service obligation when eligibility discontinues, or as a board-certified forensic pathologist in an identified shortage area, whichever comes first.

(5) Should the participant discontinue service in a health professional shortage area, an underserved behavioral health area, as a nurse educator at an approved nursing program, or as a board-certified forensic pathologist in an identified shortage area, payments against the loans of the participants shall cease to be effective on the date that the participant discontinues service.

(6) Except for circumstances beyond their control, participants who serve less than the required service obligation shall be obligated to repay to the program an amount equal to the unsatisfied portion of the service obligation, or the total amount paid by the program on their behalf, whichever is less. This amount is due and payable immediately. Participants who are unable to pay the full amount due shall enter into a payment arrangement with the office, including an arrangement for payment of interest. The maximum period for repayment is 10 years. The office shall determine the applicability of this subsection. The interest rate shall be determined by the office and be established by rule.

(7) The office is responsible for the collection of payments made on behalf of participants from the participants who discontinue service before completion of the required service obligation. The

office shall exercise due diligence in such collection, maintaining all necessary records to ensure that the maximum amount of payment made on behalf of the participant is recovered. Collection under this section shall be pursued using the full extent of the law, including wage garnishment if necessary.

(8) The office shall not be held responsible for any outstanding payments on principal and interest to any lenders once a participant's eligibility expires.

(9) The office shall temporarily or, in special circumstances, permanently defer the requirements of this section for eligible students as defined in RCW 28B.10.017.

(10) The office shall establish an appeal process by rule. [2023 c 442 s 8; 2022 c 276 s 7; 2019 c 302 s 10; 2011 1st sp.s. c 11 s 210; 2011 c 26 s 2. Prior: 1991 c 332 s 24; 1991 c 164 s 8; 1989 1st ex.s. c 9 s 721. Formerly RCW 18.150.060.]

**Intent—2023 c 442:** See note following RCW 28B.115.020.

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**RCW 28B.115.120 Participant obligation—Scholarships—Wraparound services—Appeals.** (1) Participants in the Washington health corps who are awarded scholarships incur an obligation to repay the scholarship, with penalty and interest, unless they serve the required service obligation in a health professional shortage area or an underserved behavioral health area in the state of Washington.

(2) The interest rate, determined by the office and established by rule, may not exceed two percent. Participants who fail to complete the service obligation shall incur an equalization fee based on the remaining unforgiven balance. The equalization fee shall be added to the remaining balance and repaid by the participant.

(3) The period for repayment shall coincide with the required service obligation, with payments of principal and interest commencing no later than six months from the date the participant completes or discontinues the course of study or completes or discontinues the required postgraduate training. Provisions for deferral of payment shall be determined by the office.

(4) The entire principal and interest of each payment shall be forgiven for each payment period in which the participant serves in a health professional shortage area until the entire repayment obligation is satisfied or the borrower ceases to so serve. Should the participant cease to serve in a health professional shortage area or an underserved behavioral health area of this state before the participant's repayment obligation is completed, payment of the unsatisfied portion of the principal and interest is due and payable immediately.

(5) Participants who are unable to pay the full amount due shall enter into a payment arrangement with the office for repayment including interest not to exceed two percent. The office shall set the maximum period for repayment by rule.

(6) The office is responsible for collection of repayments made under this section and shall exercise due diligence in such

collection, maintaining all necessary records to ensure that maximum repayments are made. Collection and servicing of repayments under this section shall be pursued using the full extent of the law, including wage garnishment if necessary, and shall be performed by entities approved for such servicing by the Washington student loan guaranty association or its successor agency. The office is responsible to forgive all or parts of such repayments under the criteria established in this section and shall maintain all necessary records of forgiven payments.

(7) Receipts from the payment of principal or interest or any other subsidies to which the office as administrator is entitled, which are paid by or on behalf of participants under this section, shall be deposited with the office and shall be used to cover the costs of granting the scholarships, maintaining necessary records, and making collections under subsection (6) of this section. The office shall maintain accurate records of these costs, and all receipts beyond those necessary to pay such costs shall be used to grant scholarships to eligible students.

(8) Sponsoring communities who financially contribute to the eligible financial expenses of eligible medical students may enter into agreements with the student to require repayment should the student not serve the required service obligation in the community as a primary care physician. The office may develop criteria for the content of such agreements with respect to reasonable provisions and obligations between communities and eligible students.

(9) To the extent reasonably practicable, the office shall reduce, or help to reduce, barriers that threaten a participant's ability to complete their service obligations under this chapter by offering wraparound services including, for example, navigation support for public benefits, financial coaching, and access to food, housing, and child care resources and referrals.

(10) The office shall make exceptions to the conditions for participation and repayment obligations should substantial circumstances beyond the control of individual participants warrant such exceptions. The office shall establish an appeal process by rule. Substantial circumstances include, but are not limited to:

(a) The participant is a service member of the armed forces, including the national guard and armed forces reserves, or is a spouse or dependent of a service member, who receives permanent change of station or deployment orders to move out-of-state or to a location that would create a hardship to complete the participant's service obligations under this chapter. The participant shall provide the office with a copy of the official military orders or a signed letter from the service member's commanding officer confirming change of station orders;

(b) The participant is experiencing unforeseen emergencies or hardships that substantially affect the participant's ability to complete the participant's service obligations under this chapter. [2024 c 369 s 5; 2023 c 159 s 1; 2019 c 302 s 11; 2011 1st sp.s. c 11 s 211; 2011 c 26 s 3; 1993 c 423 s 2; 1991 c 332 s 25.]

**Effective date——2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent——2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**RCW 28B.115.130 Health professional loan repayment and scholarship program fund.** (1) Any funds appropriated by the legislature for the health professional loan repayment and scholarship program, the nurse educator loan repayment program, the forensic pathology loan repayment program, or any other public or private funds intended for loan repayments or scholarships under these programs shall be placed in the account created by this section.

(2) The health professional loan repayment and scholarship program fund is created in custody of the state treasurer. All receipts from the program shall be deposited into the fund. Only the office, or its designee, may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures. [2023 c 442 s 9; 2022 c 276 s 8; 2011 1st sp.s. c 11 s 212; 1991 c 332 s 28.]

**Intent—2023 c 442:** See note following RCW 28B.115.020.

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**RCW 28B.115.135 Behavioral health loan repayment and scholarship program account.** (1) Any funds appropriated by the legislature for the behavioral health loan repayment and scholarship program, or any other public or private funds intended for loan repayments or scholarships under this program, must be placed in the account created by this section.

(2) The behavioral health loan repayment and scholarship program account is created in the custody of the state treasurer. All receipts from the program must be deposited into the account. Expenditures from the account may be used only for the behavioral health loan repayment and scholarship program. Only the office, or its designee, may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. [2024 c 369 s 6; 2019 c 302 s 12.]

**RCW 28B.115.140 Transfer of program administration.** After consulting with the office, the governor may transfer the administration of this program to another agency with an appropriate mission. [2011 1st sp.s. c 11 s 213; 1989 1st ex.s. c 9 s 722. Formerly RCW 18.150.070.]

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**RCW 28B.115.150 Osteopathic or allopathic medical student clinical rotations.** Any osteopathic or allopathic medical school receiving state funds or authorized by the *higher education coordinating board may not prohibit a hospital or physician from entering into an agreement to provide student clinical rotations to

qualified osteopathic or allopathic medical students. [2011 c 150 s 2.]

***Reviser's note:** The higher education coordinating board was abolished by 2011 1st sp.s. c 11 s 301, effective July 1, 2012. The office of student financial assistance replaced the higher education coordinating board for higher education financial aid responsibilities pursuant to 2011 1st sp.s. c 11 s 102, effective July 1, 2012.

**Findings—2011 c 150:** "The legislature finds that a severe shortage of primary health care providers exists in Washington, particularly in rural and underserved areas of the state. The legislature further finds that an over reliance on specialty health care at the expense of primary care results in a health care system that is less efficient. The legislature further finds that institutions of higher education must produce more primary care providers. The legislature further finds that the efficient use of clinical sites for rotations will expand the supply of primary care providers. The legislature further finds that expanding residency programs in community health centers will increase residents' exposure to primary care practice." [2011 c 150 s 1.]

**RCW 28B.115.155 Osteopathic or allopathic medical student clinical rotations—Foreign medical schools.** A foreign osteopathic or allopathic medical school may not prohibit a hospital or physician from entering into an agreement to provide student clinical rotations to qualified osteopathic or allopathic medical students. [2011 c 150 s 3.]

**Findings—2011 c 150:** See note following RCW 28B.115.150.

**RCW 28B.115.165 Health professional loan repayment and scholarship program fund—Priority for applications that reflect demographically underrepresented populations.** The office and the department of health shall prioritize a portion of any nonfederal balances in the health professional loan repayment and scholarship program fund for conditional loan repayment contracts for applications that reflect demographically underrepresented populations. Loan repayment contracts may include services provided in the community or at a designated site. [2021 c 170 s 2.]

**Findings—Intent—2021 c 170:** See note following RCW 71.24.887.

**RCW 28B.115.900 Effective date—1989 1st ex.s. c 9.** See RCW 43.70.910.

**RCW 28B.115.902 Application to scope of chapter—Captions not law—1991 c 332.** See notes following RCW 18.130.010.

# Chapter 28B.116 RCW
# FOSTER CARE ENDOWED SCHOLARSHIP PROGRAM

**Sections**


28B.116.005 Findings.
28B.116.010 Definitions.
28B.116.020 Program created—Duties of the office of student financial assistance.
28B.116.030 Award of scholarships.
28B.116.050 Foster care endowed scholarship trust fund.
28B.116.060 Foster care scholarship endowment fund.
28B.116.070 State matching funds—Transfer of funds from trust fund to endowment fund.


**RCW 28B.116.005 Findings.** The legislature finds that children who grow up in the foster care system face many financial challenges. The legislature also finds that these financial challenges can discourage or prevent these children from pursuing a higher education. The legislature further finds that access to a higher education will give children who are in foster care hope for the future. Moreover, the legislature finds that financial assistance will help these children become successful, productive, contributing citizens and avoid cycles of abuse, poverty, violence, and delinquency. [2005 c 215 s 1.]

**RCW 28B.116.010 Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Cost of attendance" means the cost associated with the attendance of the institution of higher education as determined by the office of student financial assistance, including but not limited to tuition, room, board, and books.

(2) "Eligible student" means a student who:

(a) Is between the ages of sixteen and twenty-three;

(b) Has been in foster care in the state of Washington for a minimum of six months since his or her fourteenth birthday;

(c) Is a student who demonstrates financial need, as defined in RCW 28B.92.030;

(d) Is a resident student, as defined in RCW 28B.15.012(2);

(e) Has entered or will enter an institution of higher education in Washington state within three years of high school graduation or having successfully completed his or her high school equivalency certificate as provided in RCW 28B.50.536;

(f) Is not pursuing a degree in theology; and

(g) Makes satisfactory progress towards the completion of a degree or certificate program.

(3) "Institution of higher education" means a college or university in the state of Washington that is accredited by an accrediting association recognized as such by rule of the student achievement council.

(4) "Office" means the office of student financial assistance. [2019 c 406 s 35; 2013 c 39 s 10; 2012 c 229 s 568. Prior: 2011 1st sp.s. c 11 s 214; 2005 c 215 s 2.]

**Findings—Intent—2019 c 406:** See note following RCW 43.79.195.

**Findings—Short title—2019 c 406:** See notes following RCW 28B.92.200.

**Findings—2019 c 406:** See note following RCW 28B.94.020.

**Findings—Intent—2019 c 406:** See note following RCW 28C.30.050.

**Findings—Intent—2019 c 406:** See note following RCW 43.216.135.

**Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**RCW 28B.116.020 Program created—Duties of the office of student financial assistance.** (1) The foster care endowed scholarship program is created. The purpose of the program is to help students who were in foster care attend an institution of higher education in the state of Washington. The foster care endowed scholarship program shall be administered by the office.

(2) In administering the program, the office's powers and duties shall include but not be limited to:

(a) Adopting necessary rules and guidelines; and

(b) Administering the foster care endowed scholarship trust fund and the foster care scholarship endowment fund.

(3) In administering the program, the office's powers and duties may include but not be limited to:

(a) Working with the department of social and health services and the superintendent of public instruction to provide information about the foster care endowed scholarship program to children in foster care in the state of Washington and to students over the age of sixteen who could be eligible for this program;

(b) Publicizing the program; and

(c) Contracting with a private agency to perform outreach to the potentially eligible students. [2011 1st sp.s. c 11 s 215; 2009 c 560 s 20; 2005 c 215 s 3.]

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Intent—Effective date—Disposition of property and funds—Assignment/delegation of contractual rights or duties—2009 c 560:** See notes following RCW 18.06.080.

**RCW 28B.116.030 Award of scholarships.** (1) The office may award scholarships to eligible students from the foster care scholarship

endowment fund in RCW 28B.116.060, from funds appropriated to the student achievement council for this purpose, from any private donations, or from any other funds given to the office for the program.

(2) The office may award scholarships to eligible students from moneys earned from the foster care scholarship endowment fund created in RCW 28B.116.060, or from funds appropriated to the council for this purpose, or from any private donations, or from any other funds given to the office for this program. For an undergraduate student, the amount of the scholarship shall not exceed the student's demonstrated financial need. For a graduate student, the amount of the scholarship shall not exceed the student's demonstrated need; or the stipend of a teaching assistant, including tuition, at the University of Washington; whichever is higher. In calculating a student's need, the office shall consider the student's costs for tuition, fees, books, supplies, transportation, room, board, personal expenses, and child care. The student's scholarship awarded under this chapter shall not exceed the amount received by a student attending a state research university. A student is eligible to receive a scholarship for a maximum of five years. However, the length of the scholarship shall be determined at the discretion of the office.

(3) Grants under this chapter shall not affect eligibility for the state student financial aid program. [2012 c 229 s 569; 2011 1st sp.s. c 11 s 216; 2005 c 215 s 4.]

**Effective date——2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Effective date——2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent——2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**RCW 28B.116.050 Foster care endowed scholarship trust fund.** (1) The foster care endowed scholarship trust fund is created in the custody of the state treasurer.

(2) Funds appropriated by the legislature for the foster care endowed scholarship trust fund shall be deposited in the foster care endowed scholarship trust fund. When conditions in RCW 28B.116.070 are met, the office shall deposit state matching moneys from the trust fund into the foster care scholarship endowment fund.

(3) No appropriation is required for expenditures from the trust fund.

(4) During the 2011-2013 fiscal biennium, the legislature may transfer from the foster care endowed scholarship trust fund to the state general fund such amounts as reflect the excess fund balance of the account. [2011 1st sp.s. c 50 s 929; 2011 1st sp.s. c 11 s 217; 2005 c 215 s 6.]

**Reviser's note:** This section was amended by 2011 1st sp.s. c 11 s 217 and by 2011 1st sp.s. c 50 s 929, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

**Effective dates—2011 1st sp.s. c 50:** See note following RCW 15.76.115.

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**RCW 28B.116.060 Foster care scholarship endowment fund.** The foster care scholarship endowment fund is created in the custody of the state treasurer.

(1) Moneys received from the office, private donations, state matching moneys, and funds received from any other source may be deposited into the foster care scholarship endowment fund. Private moneys received as a gift subject to conditions may be deposited into the endowment fund if the conditions do not violate state or federal law. The investment of private moneys in the fund shall be managed by the state investment board.

(2) At the request of the office, the state investment board shall release earnings from the private moneys invested by it to the state treasurer.

(3) The office may disburse grants to eligible students from the foster care scholarship endowment fund. No appropriation is required for expenditures from the endowment fund.

(4) When notified by court order that a condition attached to a gift of private moneys from the foster care scholarship endowment fund has failed, the office shall release those moneys to the donors according to the terms of the conditional gift.

(5) The principal of the foster care scholarship endowment fund shall not be invaded. For the purposes of this section, only the first twenty-five thousand dollars deposited into the foster care scholarship endowment fund shall be considered the principal. The release of moneys under subsection (4) of this section shall not constitute an invasion of the corpus.

(6) The foster care scholarship endowment fund shall be used solely for the purposes in this chapter, except when the conditional gift of private moneys in the endowment fund require a portion of the earnings on such moneys be reinvested in the endowment fund. [2012 c 187 s 5; (2012 c 187 s 4 expired July 1, 2012); 2011 1st sp.s. c 11 s 218; 2007 c 73 s 3; 2005 c 215 s 7.]

**Effective date—2012 c 187 ss 3 and 5:** See note following RCW 28B.108.060.

**Expiration date—2012 c 187 ss 2 and 4:** See note following RCW 28B.108.060.

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**RCW 28B.116.070 State matching funds—Transfer of funds from trust fund to endowment fund.** (1) The office may deposit twenty-five

thousand dollars of state matching funds into the foster care scholarship endowment fund when the office can match state funds with an equal amount of private cash donations.

(2) After the initial match of twenty-five thousand dollars, state matching funds from the foster care endowed scholarship trust fund shall be released to the foster care scholarship endowment fund semiannually so long as there are funds available in the foster care endowed scholarship trust fund. [2011 1st sp.s. c 11 s 219; 2005 c 215 s 8.]

**Effective date——2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent——2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

# Chapter 28B.117 RCW
# PASSPORT TO CAREERS PROGRAM

**Sections**


28B.117.005 Findings—Intent.
28B.117.010 Program created—Purpose.
28B.117.020 Definitions.
28B.117.030 Program design and implementation—Passport to college promise and passport to apprenticeship opportunities—Student eligibility.
28B.117.040 Identification of eligible students and applicants—Duties of institutions of higher education, the department of social and health services, and the department of children, youth, and families.
28B.117.050 Internet website and outreach program.
28B.117.055 Training for disadvantaged populations.
28B.117.900 Construction—2007 c 314.


**RCW 28B.117.005 Findings—Intent.** (1)(a) The legislature finds that with the creation of the passport to college promise program this state took a significant step toward providing higher education opportunities to youth and alumni of foster care. The passport to college promise program not only provides financial aid to former foster youth but, just as important, it recognizes the critical role of wraparound services and provides early outreach to foster care youth regarding postsecondary higher educational opportunities. Since 2007, the passport to college promise program has increased the number of former foster youth enrolling in higher education and working toward college degrees.

(b) Recognizing the success of creating pathways for foster youth to access higher education, the legislature now seeks to create an additional postsecondary pathway through access to registered apprenticeships or recognized preapprenticeships. Former foster and unaccompanied homeless youth face critical hurdles to accessing registered apprenticeships and recognized preapprenticeships. The first is a lack of information regarding preparation for and enrolling in registered apprenticeships or recognized preapprenticeships. The second is finding the financial resources to begin and continue in an apprenticeship or preapprenticeship. As a result of the unique hurdles and challenges that face youth in and alumni of foster care and unaccompanied homeless and former homeless youth, a disproportionate number of them are part of society's large group of marginalized youth.

(c) The legislature reiterates its earlier recognition of the critical role education plays in improving outcomes for youth in and alumni of foster care and unaccompanied homeless and former homeless youth, as well as the key role played by wraparound services in providing continuity and seamless transitions to postsecondary credential programs. With the creation of a parallel pathway with a passport for registered apprenticeships or recognized preapprenticeships, including for the provision of wraparound services, the legislature strives to make Washington the leader in the nation with respect to foster and unaccompanied homeless youth

graduating from high school and enrolling in and achieving a postsecondary credential.

(d) The legislature further finds that students experiencing homelessness face similar challenges and educational outcomes as their peers in foster care. In 2016, fifty-three and two-fifths percent of Washington youth experiencing homelessness graduated from high school on time, compared to seventy-nine percent of their peers. Students experiencing homelessness are more likely to be students of color, chronically absent, and have lower test scores in reading and math. Homeless students may also be former foster youth and foster youth may be formerly homeless students. Similar to youth in foster care, students experiencing homelessness need opportunities for financial aid, wraparound services, and early outreach regarding postsecondary higher educational opportunities and apprenticeships.

(2) It is the intent of the legislature to create the passport to careers program with two programmatic pathways: The passport to college promise program and the passport to apprenticeship opportunities. The passport to careers program expands upon the passport to college promise program created in 2007 to include a program of financial assistance for eligible youth and young adults to participate in apprenticeship or preapprenticeship programs called the passport to apprenticeship opportunities program. The passport to careers program will have three primary components:

(a) Outreach to foster and unaccompanied homeless youth and young adults regarding the higher education and registered apprenticeship opportunities available to them, how to apply, and how to apply for and obtain financial aid;

(b) Provide financial support to former foster and unaccompanied homeless youth to assist with the costs of their public undergraduate college education or provide financial assistance to meet apprenticeship or preapprenticeship program minimum qualifications and occupational-specific costs and the supportive services to help them apply and complete a registered apprenticeship or recognized preapprenticeship; and

(c) Measurably increase the number of foster and homeless youth accessing and completing higher education or registered apprenticeship programs and successfully entering and retaining employment. [2018 c 232 s 1; 2013 c 39 s 11; 2007 c 314 s 1.]

**Short title——2018 c 232:** See note following RCW 28B.117.010.

**RCW 28B.117.010 Program created——Purpose.** The passport to careers program is created. The purpose of the program is:

(1) To encourage current and former foster care youth and unaccompanied youth experiencing homelessness to prepare for, enroll in, and successfully complete higher education or a registered apprenticeship or preapprenticeship program;

(2) To improve the high school graduation outcomes of foster youth and unaccompanied youth experiencing homelessness through coordinated P-20 and child welfare outreach, intervention, and planning; and

(3) To improve postsecondary outcomes by providing current and former foster care youth and unaccompanied youth who have experienced homelessness with the educational planning, information, institutional support, and direct financial resources necessary for them to succeed

in either higher education or a registered apprenticeship or preapprenticeship program. [2018 c 232 s 2; 2012 c 163 s 2; 2007 c 314 s 3.]

**Short title—2018 c 232:** "This act shall be known and cited as the passport to careers act." [2018 c 232 s 11.]

**Findings—2012 c 163:** "In 2007, with the passport to college promise program, this state took a significant step toward providing higher education opportunities to youth in and alumni of foster care. The passport to college promise program not only provides financial aid to former foster youth but, just as important, it also recognizes the critical role of wraparound services and provides early outreach to foster care youth regarding postsecondary educational opportunities. The December 2011 report by the *higher education coordinating board on the first three years of the six-year program indicates that the passport to college promise program has increased the number of former foster youth enrolling in higher education and working toward college degrees and certificates.

This state recognizes that educational success in the early grades is key to increasing postsecondary opportunities for youth in and alumni of foster care. Recent efforts in this state to pave the way for educational success have included legislation: Providing for wraparound educational advocacy services; mandating the timely transmission of educational records; and recognizing the importance of maintaining a foster child in the school program he or she was in before entering the foster care system and minimizing the number of times a child has to change schools.

The federal fostering connections to success and increasing adoptions act of 2008, P.L. 110-351, similarly recognizes that schools are often the most important source of focus and stability for children in foster care and made several changes to improve educational outcomes for these children. As part of this nationwide effort, the United States departments of education and health and human services are encouraging state and local education agencies and child welfare agencies to collaborate on policies and procedures to provide educational stability and improve outcomes for foster children.

The legislature reiterates its earlier recognition of the critical role education plays in improving outcomes for youth in and alumni of foster care, as well as the key role played by wraparound services in providing continuity, seamless educational transitions, and higher levels of educational attainment. With these changes to the passport to college promise program, the college bound scholarship program, the provision of more seamless wraparound services, and revisions to various reporting requirements, the legislature strives to make Washington the leader in the nation with respect to foster youth and alumni graduating from high school, enrolling in postsecondary education, and completing postsecondary education." [2012 c 163 s 1.]

***Reviser's note:** The higher education coordinating board was abolished by 2011 1st sp.s. c 11 s 301, effective July 1, 2012.

**Effective date—2012 c 163:** "This act takes effect July 1, 2012." [2012 c 163 s 15.]

**RCW 28B.117.020 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Apprentice" means a person enrolled in a state-approved, federally registered, or reciprocally recognized apprenticeship program.

(2) "Apprenticeship" means an apprenticeship training program approved or recognized by the state apprenticeship council or similar federal entity.

(3) "Cost of attendance" means the cost associated with attending a particular institution of higher education as determined by the office, including but not limited to tuition, fees, room, board, books, personal expenses, and transportation, plus the cost of reasonable additional expenses incurred by an eligible student and approved by a financial aid administrator at the student's school of attendance.

(4) "Federal foster care system" means the foster care program under the federal unaccompanied refugee minors program, Title 8 U.S.C. Sec. 1522 of the immigration and nationality act of 1965, as amended.

(5) "Financial need" means the difference between a student's cost of attendance and the student's total family contribution as determined by the method prescribed by the United States department of education.

(6) "Homeless" or "homelessness" means without a fixed, regular, and adequate nighttime residence as set forth in the federal McKinney-Vento homeless assistance act, 42 U.S.C. Sec. 11301 et seq.

(7) "Independent college or university" means a private, nonprofit institution of higher education, open to residents of the state, providing programs of education beyond the high school level leading to at least the baccalaureate degree, and accredited by the Northwest association of schools and colleges, and other institutions as may be developed that are approved by the student achievement council as meeting equivalent standards as those institutions accredited under this section.

(8) "Institution of higher education" means any institution eligible to and participating in the Washington college grant program.

(9) "Occupational-specific costs" means the costs associated with entering an apprenticeship or preapprenticeship, including but not limited to fees, tuition for classes, work clothes, rain gear, boots, occupation-specific tools.

(10) "Office" means the office of student financial assistance.

(11) "Preapprenticeship" means an apprenticeship preparation program recognized by the state apprenticeship council and as defined in RCW 28C.18.162.

(12) "Program" means the passport to careers program created in this chapter.

(13) "State foster care system" means out-of-home care pursuant to a dependency and includes the placement of dependents from other states who are placed in Washington pursuant to orders issued under the interstate compact on the placement of children, chapter 26.34 RCW.

(14) "Tribal court" has the same meaning as defined in RCW 13.38.040.

(15) "Tribal foster care system" means an out-of-home placement under a dependency order from a tribal court.

(16) "Unaccompanied" means a youth or young adult experiencing homelessness while not in the physical custody of a parent or

guardian. [2022 c 78 s 7; 2019 c 406 s 43; 2018 c 232 s 3; 2012 c 163 s 3; 2011 1st sp.s. c 11 s 220; 2007 c 314 s 2.]

**Findings—Intent—2019 c 406:** See note following RCW 43.79.195.

**Findings—Short title—2019 c 406:** See notes following RCW 28B.92.200.

**Findings—2019 c 406:** See note following RCW 28B.94.020.

**Findings—Intent—2019 c 406:** See note following RCW 28C.30.050.

**Findings—Intent—2019 c 406:** See note following RCW 43.216.135.

**Short title—2018 c 232:** See note following RCW 28B.117.010.

**Findings—Effective date—2012 c 163:** See notes following RCW 28B.117.010.

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Expiration date—2011 1st sp.s. c 11 ss 220-225:** "Sections 220 through 225 of this act expire June 30, 2013." [2011 1st sp.s. c 11 s 402.]

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**RCW 28B.117.030 Program design and implementation—Passport to college promise and passport to apprenticeship opportunities—Student eligibility.** (1) The office shall design and, to the extent funds are appropriated for this purpose, implement, passport to careers with two programmatic pathways: The passport to college promise program and the passport to apprenticeship opportunities program. Both programs offer supplemental scholarship and student assistance for students who were under the care of the state foster care system, tribal foster care system, or federal foster care system, and verified unaccompanied youth or young adults who have experienced homelessness.

(2) The office shall convene and consult with an advisory committee to assist with program design and implementation. The committee shall include but not be limited to former foster care and unaccompanied homeless youth and their advocates; representatives from the state board for community and technical colleges, public and private agencies that assist current and former foster care recipients and unaccompanied youth or young adults experiencing homelessness in their transition to adulthood; student support specialists from public and private colleges and universities; the state workforce training and education coordinating board; the employment security department; and the state apprenticeship council.

(3) To the extent that sufficient funds have been appropriated for this purpose, a student is eligible for assistance under this section if he or she:

(a)(i) Was in the care of the state foster care system, tribal foster care system, or federal foster care system in Washington state at any time before age twenty-one subsequent to the following:

(A) Age fifteen as of July 1, 2018;

(B) Age fourteen as of July 1, 2019; and

(C) Age thirteen as of July 1, 2020; or

(ii) Beginning July 1, 2019, was verified on or after July 1st of the prior academic year as an unaccompanied youth experiencing homelessness, before age twenty-one;

(b) Is a resident student, as defined in RCW 28B.15.012(2), or if unable to establish residency because of homelessness or placement in out-of-state foster care under the interstate compact for the placement of children, has residency determined through verification by the office;

(c) Is enrolled with or will enroll on at least a half-time basis with an institution of higher education or a registered apprenticeship or recognized preapprenticeship in Washington state by the age of twenty-one;

(d) Is making satisfactory academic progress toward the completion of a degree, certificate program, or registered apprenticeship or recognized preapprenticeship, if receiving supplemental scholarship assistance;

(e) Has not earned a bachelor's or professional degree; and

(f) Is not pursuing a degree in theology.

(4) The office shall define a process for verifying unaccompanied homeless status for determining eligibility under subsection (3)(a)(ii) of this section. The office may use a letter from the following persons or entities to provide verification: A high school or school district McKinney-Vento liaison; the director or designated staff member of an emergency shelter, transitional housing program, or homeless youth drop-in center; or other similar professional case manager or school employee. Students who have no formal connection with such a professional may also submit to the office an essay that describes their experience with homelessness and the barriers it created to their academic progress. The office may consider this essay in lieu of a letter of homelessness determination and may interview the student if further information is needed to verify eligibility.

(5) A passport to college promise program is created.

(a) A passport to college promise scholarship under this section:

(i) Shall not exceed resident undergraduate tuition and fees at the highest-priced public institution of higher education in the state; and

(ii) Shall not exceed the student's financial need, when combined with all other public and private grant, scholarship, and waiver assistance the student receives.

(b) Passport to college promise scholarship eligibility may not extend beyond six years or 150 percent of the published length of the program in which the student is enrolled or the credit or clock-hour equivalent.

(c) The office, in consultation with and with assistance from the state board for community and technical colleges, shall perform an annual analysis to verify that those institutions of higher education at which students have received a scholarship under this section have awarded the student all available need-based and merit-based grant and scholarship aid for which the student qualifies.

(d) In designing and implementing the passport to college promise student support program under this section, the office, in consultation with and with assistance from the state board for community and technical colleges, shall ensure that a participating college or university:

(i) Has a viable plan for identifying students eligible for assistance under this section, for tracking and enhancing their academic progress, for addressing their unique needs for assistance during school vacations and academic interims, and for linking them to appropriate sources of assistance in their transition to adulthood;

(ii) Receives financial and other incentives for achieving measurable progress in the recruitment, retention, and graduation of eligible students.

(e) To the extent funds are appropriated for this specific purpose, the office shall contract with at least one nongovernmental entity to provide services to support effective program implementation, resulting in increased postsecondary completion rates for passport scholars.

(6) The passport to apprenticeship opportunities program is created. The office shall:

(a) Identify students and applicants who are eligible for services under RCW 28B.117.030 [this section] through coordination of certain agencies as detailed in RCW 28B.117.040;

(b) Provide financial assistance through the nongovernmental entity or entities in RCW 28B.117.055 for registered apprenticeship and recognized preapprenticeship entrance requirements and occupational-specific costs that does not exceed the individual's financial need; and

(c) Extend financial assistance to any eligible applicant for six years or 150 percent of the published length of the program in which the student is enrolled or the credit or clock-hour equivalent.

(7) Recipients may utilize passport to college promise or passport to apprenticeship opportunities at different times, but not concurrently. The total award an individual may receive in any combination of the programs shall not exceed the equivalent amount that would have been awarded for the individual to attend a public university for six years with the highest annual tuition and state-mandated fees in the state.

(8) Personally identifiable information shared pursuant to this section retains its confidentiality and may not be further disclosed except as allowed under state and federal law. [2024 c 323 s 4; 2019 c 470 s 23; 2018 c 232 s 4; 2013 c 182 s 8; (2012 c 229 s 609 expired June 30, 2013); 2011 1st sp.s. c 11 s 221; 2007 c 314 s 4.]

**Short title——2018 c 232:** See note following RCW 28B.117.010.

**Findings——2013 c 182:** See note following RCW 13.34.030.

**Expiration date——2012 c 229 ss 570 and 609:** "Sections *570 and 609 of this act expire June 30, 2013." [2012 c 229 s 907.]

***Reviser's note:** Section 570 of this act was vetoed.

**Effective date——2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Effective date——2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Expiration date——2011 1st sp.s. c 11 ss 220-225:** See note following RCW 28B.117.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**RCW 28B.117.040 Identification of eligible students and applicants—Duties of institutions of higher education, the department of social and health services, and the department of children, youth, and families.** Effective operation of the passport to careers program requires early and accurate identification of former foster care youth and unaccompanied youth experiencing homelessness so that they can be linked to the financial and other assistance that will help them succeed in college or in a registered apprenticeship or recognized preapprenticeship. To that end:

(1) All institutions of higher education that receive funding for student support services under RCW 28B.117.030 shall include on their applications for admission or on their registration materials a question asking whether the applicant has been in state, tribal, or federal foster care in Washington state or experienced unaccompanied homelessness under the parameters in RCW 28B.117.030(3)(a), as determined by the office, with an explanation that financial and support services may be available. All other institutions of higher education are strongly encouraged to include such a question and explanation. No institution may consider whether an applicant may be eligible for a scholarship or student support services under this chapter when deciding whether the applicant will be granted admission.

(2) With substantial input from the office of the superintendent of public instruction, the department of social and health services and the department of children, youth, and families shall devise and implement procedures for efficiently, promptly, and accurately identifying students and applicants who are eligible for services under RCW 28B.117.030, and for sharing that information with the office, the institutions of higher education, and the nongovernmental entity or entities identified in RCW 28B.77.250, 28B.117.030(5)(e), and 28B.117.055. The procedures shall include appropriate safeguards for consent by the applicant or student before disclosure. This information retains its confidentiality under chapter 13.50 RCW and federal law and may not be further disclosed except as allowed under state and federal law.

(3) Nothing in this chapter allows the sharing of confidential information that is prohibited by state or federal law. [2019 c 470 s 24; 2019 c 64 s 5; 2018 c 232 s 5; 2012 c 163 s 4; 2011 1st sp.s. c 11 s 222; 2007 c 314 s 5.]

**Reviser's note:** This section was amended by 2019 c 64 s 5 and by 2019 c 470 s 24, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

**Explanatory statement—2019 c 64:** See note following RCW 1.20.110.

**Short title—2018 c 232:** See note following RCW 28B.117.010.

**Findings—Effective date—2012 c 163:** See notes following RCW 28B.117.010.

**Legislative recommendation—2012 c 163:** See note following RCW 28B.118.010.

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Expiration date—2011 1st sp.s. c 11 ss 220-225:** See note following RCW 28B.117.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**RCW 28B.117.050 Internet website and outreach program.** (1) To the extent funds are appropriated for this purpose, the office shall develop and maintain an internet website and outreach program to serve as a comprehensive portal for foster care youth and unaccompanied youth or young adults who have experienced homelessness in Washington state to obtain information regarding higher education and registered apprenticeship and recognized preapprenticeship programs. In developing the website and conducting the outreach program, the office shall get input from community and technical colleges; the foster care partnership; institutions of higher education; the employment security department; the state apprenticeship and training council; the workforce training and education coordinating board; department of commerce office of homeless youth prevention and protection programs; department of children, youth, and families; the department of licensing; and the department of labor and industries. The outreach program and website shall include, but not be limited to:

(a) Academic, social, family, financial, and logistical information important to successful postsecondary educational success;

(b) How and when to obtain and complete college applications;

(c) How and when to apply for a registered apprenticeship or preapprenticeship program;

(d) What academic subject matter prerequisites, if any, are generally required for acceptance to an institute of higher education, a registered apprenticeship, or a preapprenticeship program;

(e) What college placement tests, if any, are generally required for admission to college and when and how to register for such tests;

(f) How and when to obtain and complete a federal free application for federal student aid (FAFSA) or if ineligible to apply for the FAFSA, the state financial aid application approved by the office; and

(g) Detailed sources of financial aid and assistance likely available to eligible former foster care and unaccompanied homeless youth, including the financial aid and assistance provided by this chapter.

(2) The office shall determine whether to design, build, and operate such program and website directly or to use, support, and modify existing websites created by government or nongovernmental entities for a similar purpose. [2018 c 232 s 7; 2011 1st sp.s. c 11 s 223; 2007 c 314 s 6.]

**Short title—2018 c 232:** See note following RCW 28B.117.010.

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Expiration date—2011 1st sp.s. c 11 ss 220-225:** See note following RCW 28B.117.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**RCW 28B.117.055 Training for disadvantaged populations.** Subject to availability of amounts appropriated for this specific purpose, the office, with approval from the employment security department and the apprenticeship and training council pursuant to chapter 49.04 RCW, shall contract with at least one nongovernmental entity to provide quality training, employment navigation, and supportive services to disadvantaged populations seeking to complete apprenticeships and preapprenticeships through the passport to apprenticeship opportunities program. The nongovernmental entity shall also disburse state financial assistance under RCW 28B.117.030(5) to meet registered apprenticeship and preapprenticeship entrance requirements and occupational-specific costs. [2018 c 232 s 8.]

**Recommendation—2018 c 232 ss 6 and 8:** See note following RCW 28B.77.250.

**Short title—2018 c 232:** See note following RCW 28B.117.010.

**RCW 28B.117.900 Construction—2007 c 314.** Nothing in this chapter may be construed to:

(1) Guarantee acceptance by, or entrance into, any institution of higher education; or

(2) Limit the participation of youth, in or formerly in, foster care in Washington state in any other program of financial assistance for postsecondary education. [2007 c 314 s 9.]

# Chapter 28B.118 RCW
# COLLEGE BOUND SCHOLARSHIP PROGRAM

**Sections**


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**RCW 28B.118.005 Intent——Finding.** The legislature intends to inspire and encourage all Washington students to dream big by creating a guaranteed tuition scholarship program for students from low-income families who enroll within one year of high school graduation. The legislature finds that, too often, financial barriers prevent many of the brightest students from considering college as a future possibility. Often the cost of tuition coupled with the complexity of finding and applying for financial aid is enough to prevent a student from even applying to college. Many students become disconnected from the education system early on and may give up or drop out before graduation. It is the intent of the legislature to alert students early in their educational career to the options and opportunities available beyond high school. [2024 c 323 s 3; 2007 c 405 s 1.]

**RCW 28B.118.010 Program design and student eligibility.** The office of student financial assistance shall design the Washington college bound scholarship program in accordance with this section and in alignment with the Washington college grant program in chapter 28B.92 RCW unless otherwise provided in this section. The right of an eligible student to receive a college bound scholarship vest upon enrollment in the program that is earned by meeting the requirements of this section as it exists at the time of the student's enrollment under subsection (2) of this section.

(1) "Eligible students" are those students who:

(a) Qualify for free or reduced-price lunches.

(i) If a student qualifies in the seventh or eighth grade, the student remains eligible even if the student does not receive free or reduced-price lunches thereafter.

(ii) Beginning in the 2019-20 academic year, if a student qualifies for free or reduced-price lunches in the ninth grade and was previously ineligible during the seventh or eighth grade while he or she was a student in Washington, the student is eligible for the college bound scholarship program;

(b) Are dependent pursuant to chapter 13.34 RCW and:

(i) In grade seven through 12; or

(ii) Are between the ages of 18 and 21 and have not graduated from high school; or

(c) Were dependent pursuant to chapter 13.34 RCW and were adopted between the ages of 14 and 18 with a negotiated adoption agreement that includes continued eligibility for the Washington state college bound scholarship program pursuant to RCW 74.13A.025.

(2)(a) Every eligible student shall be automatically enrolled by the office of student financial assistance, with no action necessary by the student, student's family, or student's guardians.

(b) Eligible students and the students' parents or guardians shall be notified of the student's enrollment in the Washington college bound scholarship program and the requirements for award of the scholarship by the office of student financial assistance. To the maximum extent practicable, an eligible student must acknowledge enrollment in the college bound scholarship program and receipt of the requirements for award of the scholarship.

(c) The office of the superintendent of public instruction and the department of children, youth, and families must provide the office of student financial assistance with a list of eligible students when requested. The office of student financial assistance must determine the most effective methods, including timing and frequency, to notify eligible students of enrollment in the Washington college bound scholarship program. The office of student financial assistance must take reasonable steps to ensure that eligible students acknowledge enrollment in the college bound scholarship program and receipt of the requirements for award of the scholarship. The office of student financial assistance shall also make available to every school district information, brochures, and posters to increase awareness and to enable school districts to notify eligible students directly or through school teachers, counselors, or school activities.

(3) Except as provided in subsection (4) of this section, an eligible student must:

(a)(i) Graduate from a public high school under RCW 28A.150.010 or an approved private high school under chapter 28A.195 RCW in Washington, have received a high school equivalency certificate under RCW 28B.50.536, or have received home-based instruction under chapter 28A.200 RCW; and

(ii) For eligible students enrolling in a postsecondary educational institution for the first time beginning with the 2023-24 academic year, graduate with at least a "C" average for consideration of direct admission to a public or private four-year institution of higher education;

(b) Have no felony convictions;

(c) Be a resident student as defined in RCW 28B.15.012(2) (a) through (e); and

(d) Have a family income that does not exceed 65 percent of the state median family income at the time of high school graduation.

(4) An eligible student who is a resident student under RCW 28B.15.012(2)(e) must also provide the institution, as defined in RCW 28B.15.012, an affidavit indicating that the individual will file an application to become a permanent resident at the earliest opportunity the individual is eligible to do so and a willingness to engage in any other activities necessary to acquire citizenship, including but not limited to citizenship or civics review courses.

(5)(a) For students attending two or four-year institutions of higher education as defined in RCW 28B.10.016, the value of the award shall be (i) the difference between the student's tuition and required

fees, less the value of any state-funded grant, scholarship, or waiver assistance the student receives; (ii) plus $500 for books and materials.

(b)(i) For students attending private four-year institutions of higher education in Washington, the award amount shall be the average of awards granted to students in public research universities in Washington or the average of awards granted to students in public research universities in Washington in the 2014-15 academic year, whichever is greater, through the 2026-27 academic year.

(ii) Beginning in the 2027-28 academic year, for students attending private four-year not-for-profit institutions of higher education in Washington, the award amount shall be 50 percent of the average of awards for the same academic year granted to students in public research universities in Washington.

(c)(i) For students attending private vocational schools in Washington, the award amount shall be the average of awards granted to students in public community and technical colleges in Washington or the average of awards granted to students in public community and technical colleges in Washington in the 2014-15 academic year, whichever is greater, through the 2026-27 academic year.

(ii) Beginning in the 2027-28 academic year, for students attending two-year private not-for-profit schools in Washington, the award amount shall be the average of awards granted in the same academic year to students in public community and technical colleges in Washington, or the average of awards granted to students in public community and technical colleges in Washington in the 2014-15 academic year, whichever is greater.

(d) Beginning in the 2027-28 academic year, for students attending Western Governors University-Washington, as established in RCW 28B.77.240, the award shall be $4,650.

(6) Eligible students must enroll no later than the fall term, as defined by the institution of higher education, one academic year following high school graduation. College bound scholarship eligibility may not extend beyond six years or 150 percent of the published length of the program in which the student is enrolled or the credit or clock-hour equivalent.

(7) Institutions of higher education shall award the student all need-based and merit-based financial aid for which the student would otherwise qualify. The Washington college bound scholarship is intended to replace unmet need, loans, and, at the student's option, work-study award before any other grants or scholarships are reduced.

(8) The first scholarships shall be awarded to students graduating in 2012.

(9) The eligible student has a property right in the award, but the state of Washington retains legal ownership of tuition units awarded as scholarships under this chapter until the tuition units are redeemed. These tuition units shall remain separately held from any tuition units owned under chapter 28B.95 RCW by a Washington college bound scholarship recipient.

(10)(a) The scholarship award must be used within six years of receipt. Any unused scholarship tuition units revert to the Washington college bound scholarship account.

(b) Should the recipient terminate his or her enrollment for any reason during the academic year, the unused portion of the scholarship tuition units shall revert to the Washington college bound scholarship account. [2025 c 395 s 4; 2025 c 288 s 1; 2024 c 323 s 2; 2023 c 174 s 2; 2021 c 283 s 2. Prior: 2019 c 406 s 44; 2019 c 298 s 1; prior:

2018 c 204 s 1; 2018 c 12 s 1; 2017 3rd sp.s. c 20 s 11; 2015 3rd sp.s. c 36 s 8; 2015 c 244 s 3; prior: 2012 c 229 s 402; 2012 c 163 s 8; 2011 1st sp.s. c 11 s 226; 2008 c 321 s 9; 2007 c 405 s 2.]

**Reviser's note:** This section was amended by 2025 c 288 s 1 and by 2025 c 395 s 4, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

**Finding—Intent—Effective date—2025 c 395:** See notes following RCW 28B.92.030.

**Finding—Intent—2023 c 174:** "The legislature finds that the college bound scholarship is an important financial aid program that prompts students to begin to have a college going mindset early in high school. The data indicates that since the first cohort of college bound scholarship students, there were just under 5,000 students who were college bound scholarship applicants but had grade point averages below 2.0. Despite not meeting the requirements to receive the college bound scholarship, these students still went on to pursue postsecondary education. The legislature recognizes that community and technical colleges do not require a certain grade point average to enroll, but that strong academic performance is still a requirement for direct admittance to a four-year institution of higher education from high school. Since the legislature believes that many students who may not have performed well academically in high school can still thrive at a community and technical college, it is the legislature's intent to keep students' dreams of higher education alive by allowing students without a "C" average to still qualify for college bound scholarships." [2023 c 174 s 1.]

**Findings—Intent—2021 c 283:** "The legislature enacted the college bound scholarship program in 2007 to encourage all Washington students to dream big by creating a guaranteed four-year tuition scholarship program for students from low-income families. The legislature finds the program has been successful in achieving this goal. A report by the Washington state institute for public policy found that the scholarship increases high school graduation rates, probability of on-time college enrollment, college persistence, and college graduation rates. However, more than one quarter of eligible students are unable to access the scholarship by failing to sign the pledge required by the program. The legislature finds that the pledge has become an unintended barrier to entry, a problem made more acute as students are receiving their education remotely during the COVID-19 pandemic and have less access to school teachers, counselors, and peers. Therefore, the legislature intends with this act to remove the pledge as an eligibility requirement while retaining the requirement that students maintain a "C" average and avoid serious interactions with the criminal justice system for four years. In order to ensure that the legislature will fulfill its promise to provide a scholarship upon graduation, the legislature intends by this act to create a statutory contractual right for students who fulfill scholarship requirements that vests when the student becomes first eligible for the scholarship." [2021 c 283 s 1.]

**Savings—2021 c 283:** "This act does not affect any existing right acquired or liability or obligation incurred under the sections

amended or repealed or under any rule or order adopted under those sections, nor does it affect any proceeding instituted under those sections." [2021 c 283 s 5.]

**Intent—Retroactive application—2021 c 283:** "The legislature intends this act to be curative, remedial, and retroactively apply to seventh grade students beginning with the 2019-20 school year." [2021 c 283 s 6.]

**Effective date—2021 c 283:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 12, 2021]." [2021 c 283 s 7.]

**Findings—Intent—2019 c 406:** See note following RCW 43.79.195.

**Findings—Short title—2019 c 406:** See notes following RCW 28B.92.200.

**Findings—2019 c 406:** See note following RCW 28B.94.020.

**Findings—Intent—2019 c 406:** See note following RCW 28C.30.050.

**Findings—Intent—2019 c 406:** See note following RCW 43.216.135.

**Construction—Competitive procurement process and contract provisions—Conflict with federal requirements and Indian Child Welfare Act of 1978—2017 3rd sp.s. c 20:** See notes following RCW 74.13.270.

**Short title—2015 3rd sp.s. c 36:** See note following RCW 28B.15.031.

**Findings—2015 c 244:** "The legislature finds that the college bound scholarship program has demonstrated that an early promise of financial aid results in increased high school graduation rates for low-income students. The promise of state financial aid to students from low-income families who work to graduate with sufficient grades and no felony convictions provides them with a path toward greater educational attainment and upward mobility. The scholarship program has the potential to move Washington toward its long-term goal of a better trained and educated workforce. Among the first two cohorts, college bound enrollees were fifteen percent and nineteen percent more likely to graduate from high school in 2012 and 2013 compared to low-income peers who were not part of the program.

The legislature also finds that a comprehensive review of the college bound scholarship program in 2014 resulted in unanimous recommendations to improve and enhance certain components of the program, including data collection, outreach, and program outcomes." [2015 c 244 s 1.]

**Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**Legislative recommendation—2012 c 163:** "The legislature strongly recommends that the entities with which the department of social and health services contracts or collaborates to provide educational support services and educational outcomes for students who are dependent under chapter 13.34 RCW and the private agency under contract with the *higher education coordinating board or its successor to perform outreach for the passport to college promise program under chapter 28B.117 RCW and the college bound scholarship program under chapter 28B.118 RCW explore models for harnessing technology to keep in constant touch with the students they serve and keep these students engaged." [2012 c 163 s 12.]

***Reviser's note:** The higher education coordinating board was abolished by 2011 1st sp.s. c 11 s 301, effective July 1, 2012.

**Findings—Effective date—2012 c 163:** See notes following RCW 28B.117.010.

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Findings—2008 c 321:** See note following RCW 28A.320.190.

**RCW 28B.118.020 Duties of the office of the superintendent of public instruction.** The office of the superintendent of public instruction shall:

(1) Notify elementary, middle, and junior high schools about the Washington college bound scholarship program using methods in place for communicating with schools and school districts; and

(2) Work with the office of student financial assistance to develop application collection and student tracking procedures. [2011 1st sp.s. c 11 s 227; 2007 c 405 s 3.]

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**RCW 28B.118.030 Duty of school districts—Notification.** Each school district shall notify students, parents, teachers, counselors, and principals about the Washington college bound scholarship program through existing channels. Notification methods may include, but are not limited to, regular school district and building communications, online scholarship bulletins and announcements, notices posted on school walls and bulletin boards, information available in each counselor's office, and school or district scholarship information sessions. [2007 c 405 s 4.]

**RCW 28B.118.040 Duties of the office of student financial assistance.** The office of student financial assistance shall:

(1) With the assistance of the office of the superintendent of public instruction, implement and administer the Washington college bound scholarship program;

(2) Develop effective methods to notify eligible students of their enrollment in the Washington college bound scholarship program and the requirements of RCW 28B.118.010;

(3) Develop and implement a process for scholarships, which includes working with other state agencies, law enforcement, or the court system to verify that eligible students do not have felony convictions;

(4) Annually in March, with the assistance of the office of the superintendent of public instruction, distribute to tenth grade eligible students and their families: (a) Notification that, to qualify for the scholarship, a student's family income may not exceed sixty-five percent of the state median family income at graduation from high school; (b) the current year's value for sixty-five percent of the state median family income; and (c) a statement that a student should consult their school counselor if their family makes, or is projected to make, more than this value before the student graduates;

(5) Develop comprehensive social media outreach with grade-level specific information designed to keep students on track to graduate and leverage current tools such as the high school and beyond plan required by the state board of education and the ready set grad website maintained by the student achievement council;

(6) Track scholarship recipients to ensure continued eligibility and determine student compliance for awarding of scholarships;

(7) Within existing resources, collaborate with college access providers and K-12, postsecondary, and youth-serving organizations to map and coordinate mentoring and advising resources across the state;

(8) Subject to appropriation, deposit funds into the state educational trust fund;

(9) Purchase tuition units under the advanced college tuition payment program in chapter 28B.95 RCW to be owned and held in trust by the office of student financial assistance, for the purpose of scholarship awards as provided for in this section; and

(10) Distribute scholarship funds, in the form of tuition units purchased under the advanced college tuition payment program in chapter 28B.95 RCW or through direct payments from the state educational trust fund, to institutions of higher education on behalf of scholarship recipients identified by the office, as long as recipients maintain satisfactory academic progress. [2021 c 283 s 3; 2019 c 298 s 2; 2018 c 12 s 2; 2015 c 244 s 4; 2011 1st sp.s. c 11 s 228; 2007 c 405 s 5.]

**Findings—Intent—Savings—Intent—Retroactive application—Effective date—2021 c 283:** See notes following RCW 28B.118.010.

**Findings—2015 c 244:** See note following RCW 28B.118.010.

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**RCW 28B.118.050 Grants, gifts, bequests, and devises.** The office of student financial assistance may accept grants, gifts, bequests, and devises of real and personal property from any source for the purpose of granting financial aid in addition to that funded by the state. [2011 1st sp.s. c 11 s 229; 2007 c 405 s 6.]

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**RCW 28B.118.060 Rules.** The office of student financial assistance may adopt rules to implement this chapter. [2011 1st sp.s. c 11 s 230; 2007 c 405 s 7.]

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**RCW 28B.118.075 Caseload estimate.** The caseload forecast council shall estimate the anticipated caseload of the Washington college bound scholarship program and shall submit this forecast as specified in RCW 43.88C.020. [2011 c 304 s 1.]

**RCW 28B.118.080 Advising resources—Identification of officials, resources, programs, and students.** Each institution of higher education is encouraged to tailor advising resources for any enrolled student who is the recipient of a college bound scholarship. The institutions of higher education should identify campus officials, resources, programs, and other college bound scholarship students available to work with college bound scholarship recipients. [2015 c 244 s 5.]

**Findings—2015 c 244:** See note following RCW 28B.118.010.

**RCW 28B.118.090 Transmitting data to the education data center—Annual report.** (1) Beginning January 1, 2015, and at a minimum every year thereafter, the student achievement council and all institutions of higher education eligible to participate in the college bound scholarship program shall ensure data needed to analyze and evaluate the effectiveness of the college bound scholarship program is promptly transmitted to the education data center created in RCW 43.41.400 so that it is available and easily accessible. The data to be reported should include but not be limited to:

(a) The number of enrolled students for the college bound scholarship program in seventh, eighth, or ninth grade;

(b) The number of college bound scholarship students who graduate from high school;

(c) The number of college bound scholarship students who enroll in postsecondary education, including how many enroll who graduated high school with less than a "C" average;

(d) Persistence and completion rates of college bound scholarship recipients disaggregated by institutions of higher education and by high school grade point average;

(e) College bound scholarship recipient grade point averages;

(f) The number of college bound scholarship recipients who did not remain eligible and reasons for ineligibility;

(g) College bound scholarship program costs; and

(h) Impacts to the Washington college grant program.

(2) Beginning May 12, 2015, and at a minimum every December 1st thereafter, the student achievement council shall submit student unit record data for the college bound scholarship program applicants and recipients to the education data center.

(3) Beginning July 1, 2024, and annually thereafter, the education data center shall submit to the student achievement council the data listed in this section that is submitted by institutions of higher education for the purposes of completing the annual legislative report required by this section.

(4) Beginning November 1, 2024, and annually thereafter, the student achievement council shall submit a report to the higher education committees of the legislature in accordance with RCW 43.01.036 on the data listed in this section. [2023 c 174 s 3; 2021 c 283 s 4. Prior: 2019 c 406 s 45; 2019 c 298 s 3; 2015 c 244 s 6.]

**Finding—Intent—2023 c 174:** See note following RCW 28B.118.010.

**Findings—Intent—Savings—Intent—Retroactive application—Effective date—2021 c 283:** See notes following RCW 28B.118.010.

**Findings—Intent—2019 c 406:** See note following RCW 43.79.195.

**Findings—Short title—2019 c 406:** See notes following RCW 28B.92.200.

**Findings—2019 c 406:** See note following RCW 28B.94.020.

**Findings—Intent—2019 c 406:** See note following RCW 28C.30.050.

**Findings—Intent—2019 c 406:** See note following RCW 43.216.135.

**Effective date—2015 c 244 s 6:** "Section 6 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 12, 2015]." [2015 c 244 s 8.]

**Findings—2015 c 244:** See note following RCW 28B.118.010.

# Chapter 28B.120 RCW
## WASHINGTON CAREER AND COLLEGE PATHWAYS INNOVATION CHALLENGE PROGRAM
(Formerly: Washington fund for innovation and quality in higher education program)

**Sections**

28B.120.040 Washington career and college pathways innovation challenge program account.
28B.120.060 Washington career and college pathways innovation challenge program—Purpose—Grants.

**RCW 28B.120.040 Washington career and college pathways innovation challenge program account.** The Washington career and college pathways innovation challenge program account is hereby established in the custody of the state treasurer. The student achievement council shall deposit in the fund all moneys received for the Washington career and college pathways innovation challenge program. Moneys in the fund may be spent only for the purposes of awarding grants under the Washington career and college pathways innovation challenge program. Disbursements from the fund shall be on the authorization of the student achievement council. The fund is subject to the allotment procedure provided under chapter 43.88 RCW, but an appropriation is not required for disbursements. [2022 c 244 s 2; 2012 c 229 s 575; 1999 c 169 s 7; 1996 c 41 s 3; 1991 c 98 s 5.]

**Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904:** See note following RCW 28B.77.005.

**RCW 28B.120.060 Washington career and college pathways innovation challenge program—Purpose—Grants.** (1) The Washington career and college pathways innovation challenge program is established. The purpose of the program is to meet statewide educational attainment goals established in RCW 28B.77.020 by developing local and regional partnerships that foster innovations to:

(a) Increase postsecondary enrollment and completion for students enrolling directly from high school and adults returning to education; and

(b) Eliminate educational opportunity gaps for students of color, English language learners, students with disabilities, and foster and homeless youth.

(2)(a) The student achievement council shall administer the program and award grants, based on a competitive grant process, to local and regional partnerships that represent cross-sector collaborations among education and higher education agencies and institutions, local education agencies, local government, community-based organizations, employers, and other local entities. The student achievement council must consult, in both the design of the grant program as well as in the administration of the grant program, with stakeholders including representatives of:

(i) The state board for community and technical colleges;

(ii) An organization representing the presidents of the public four-year institutions of higher education;

(iii) The workforce training and education coordinating board;

(iv) An organization representing the private, not-for-profit, four-year institutions of higher education;

(v) The commission on African American affairs;

(vi) The commission on Hispanic affairs;

(vii) The commission on Asian Pacific American affairs;

(viii) The Washington state LGBTQ commission;

(ix) The governor's office of Indian affairs; and

(x) The Washington state women's commission.

(b) In awarding the grants, the student achievement council shall consider applications that:

(i) Plan and pilot innovative initiatives to raise educational attainment and decrease opportunity gaps;

(ii) Engage community-based organizations and resources;

(iii) Expand the use of integrated work-based learning;

(iv) Provide financial support to cover expenses beyond educational tuition and fees, and other services and supports for students to enroll and complete education and training; and

(v) Include local matching funds.

(c) In administering the program the student achievement council may hire staff to support grant oversight and provide technical assistance to grantees.

(d) The student achievement council may solicit and receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the program and may expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

(3) The student achievement council shall provide a report each year beginning September 1, 2022, to the governor and the education and higher education committees of the legislature in accordance with RCW 43.01.036. The report shall:

(a) Describe grants awarded;

(b) Report the progress of each local and regional partnership by reporting on high school graduation, postsecondary enrollment, and completion for each of the regions that partnerships serve; and

(c) Disaggregate data by income, race, ethnicity, and other demographic characteristics. [2022 c 244 s 1.]

# Chapter 28B.121 RCW
# FOOD ANIMAL VETERINARIAN CONDITIONAL SCHOLARSHIP PROGRAM

**Sections**


28B.121.005 Findings—Intent.
28B.121.010 Definitions.
28B.121.020 Program established.
28B.121.030 Selection of participants—Selection committee—Selection criteria.
28B.121.040 Eligibility.
28B.121.050 Award of scholarships—Amount—Duration.
28B.121.060 Repayment obligation—Rules.
28B.121.070 Food animal veterinarian conditional scholarship account.


**RCW 28B.121.005 Findings—Intent.** The legislature finds that there is a critical shortage of food animal veterinarians particularly in rural areas of the state. The legislature finds that among the factors contributing to this shortage is the need to repay student loans that are taken out to pay for an extensive and high-cost education. To pay these student loans, licensed graduates currently find it necessary to take higher paying positions that provide service to companion and small animals.

The legislature finds that the livestock industry provides a critical component of the food supply. Providing adequate animal health and disease diagnostic services is of high importance not only to protect animal health, but also for the protection of our food supply, the protection of public health from potential effects of contagious diseases, and to provide an essential disease detection and response capability.

The legislature intends to increase the supply of food animal veterinarians by providing incentives to graduates of Washington State University college of veterinary medicine to focus on food animal health services to address this critical shortage. [2008 c 208 s 1.]

**RCW 28B.121.010 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "College" means the Washington State University college of veterinary medicine.

(2) "Conditional scholarship" means a loan that is forgiven in whole or in part if the recipient renders service as a food animal veterinarian in this state.

(3) "Eligible student" means a student who is registered for at least six credit hours or the equivalent, is making satisfactory academic progress as defined by the college, has declared veterinary medicine for his or her major, and has a declared intention to practice veterinary medicine with an emphasis in food animal medicine in the state of Washington.

(4) "Food animal" means any species commonly recognized as livestock including, but not limited to, poultry, cattle, swine, and sheep.

(5) "Food animal veterinarian" means a veterinarian licensed and registered under chapter 18.92 RCW and engaged in general and food

animal practice as a primary specialty, who has at least fifty percent of his or her practice time devoted to large production animal veterinary practice.

(6) "Forgiven" or "to forgive" or "forgiveness" means to practice veterinary medicine with an emphasis in food animal medicine in the state of Washington in lieu of monetary repayment.

(7) "Participant" means an eligible student who has received a conditional scholarship under this chapter.

(8) "Satisfied" means paid-in-full.

(9) "University" means Washington State University. [2008 c 208 s 2.]

**RCW 28B.121.020 Program established.** The food animal veterinarian conditional scholarship program is established. The program shall be administered by the university. In administering the program, the university has the following powers and duties:

(1) To select, in consultation with the college, up to two students each year to receive conditional scholarships;

(2) To adopt necessary rules and guidelines;

(3) To publicize the program;

(4) To collect and manage repayments from students who do not meet their obligations under this chapter; and

(5) To solicit and accept grants and donations from public and private sources for the program. [2008 c 208 s 3.]

**RCW 28B.121.030 Selection of participants—Selection committee—Selection criteria.** (1) The university shall select participants based on an application process conducted by the university.

(2) The university shall establish a selection committee for screening and selecting recipients of the conditional scholarships. The selection committee shall include at least two representatives from the college, at least one of whom is a faculty member teaching in food animal veterinary medicine, and at least one representative from the beef, dairy, or sheep industry.

(3) The selection criteria shall emphasize factors demonstrating a sustained interest in food animals and serving the needs of Washington's agricultural communities. The criteria shall also take into account the need for food animal veterinarians in diverse areas of the state and allocate funds in a manner designed to represent a cross section of geographic locations. [2008 c 208 s 4.]

**RCW 28B.121.040 Eligibility.** To remain an eligible student and receive continuing disbursements under the program, a participant must be considered by the college to be making satisfactory academic progress. [2008 c 208 s 5.]

**RCW 28B.121.050 Award of scholarships—Amount—Duration.** The university may award conditional scholarships to eligible students from the funds appropriated to the university for this purpose, or from any private donations, or any other funds given to the university for this program. The amount of the conditional scholarship awarded an individual may not exceed the amount of resident tuition and fees at

the college, as well as the cost of room, board, laboratory fees and supplies, and books, incurred by an eligible student and approved by a financial aid administrator at the university. Participants are eligible to receive conditional scholarships for a maximum of five years. [2008 c 208 s 6.]

**RCW 28B.121.060 Repayment obligation—Rules.** (1) A participant in the conditional scholarship program incurs an obligation to repay the conditional scholarship, with interest, unless he or she is employed as a food animal veterinarian in Washington state for each year of scholarship received, under rules adopted by the university.

(2) The interest rate shall be determined annually by the university.

(3) The minimum payment shall be set by the university. The maximum period for repayment is ten years, with payments of principal and interest accruing quarterly commencing six months from the date the participant completes or discontinues the course of study, including any internship or residency in food animal medicine and surgery. Provisions for deferral of payment shall be determined by the university.

(4) The entire principal and interest of each payment shall be forgiven for each payment period in which the participant is employed as a food animal veterinarian in this state until the entire repayment obligation is satisfied. Should the participant cease to be employed as a food animal veterinarian in this state before the participant's repayment obligation is completed, payments on the unsatisfied portion of the principal and interest shall begin the next payment period and continue until the remainder of the participant's repayment obligation is satisfied.

(5) The university is responsible for collection of repayments made under this section and shall exercise due diligence in such collection, maintaining all necessary records to ensure that maximum repayments are made. Collection and servicing of repayments under this section shall be pursued using the full extent of the law, including wage garnishment if necessary. The university is responsible to forgive all or parts of such repayments under the criteria established in this section and shall maintain all necessary records of forgiven payments.

(6) Receipts from the payment of principal or interest or any other subsidies to which the university as administrator is entitled, that are paid by or on behalf of participants under this section, shall be deposited in the food animal veterinarian conditional scholarship account and shall be used to cover the costs of granting the conditional scholarships, maintaining necessary records, and making collections under subsection (5) of this section. The university shall maintain accurate records of these costs, and all receipts beyond those necessary to pay such costs shall be used to grant conditional scholarships to eligible students.

(7) The university shall adopt rules to define the terms of repayment, including applicable interest rates, fees, and deferments. [2008 c 208 s 7.]

**RCW 28B.121.070 Food animal veterinarian conditional scholarship account.** (1) The food animal veterinarian conditional scholarship

account is created in the custody of the state treasurer. No appropriation is required for expenditures of funds from the account. The account is not subject to allotment procedures under chapter 43.88 RCW except for moneys used for program administration.

(2) The university shall deposit into the account all moneys received for the program. The account shall be self-sustaining and consist of funds appropriated by the legislature for the food animal veterinarian conditional scholarship program, private contributions to the program, and receipts from participant repayments.

(3) Expenditures from the account may be used solely for conditional scholarships to participants in the program established by this chapter and costs associated with program administration by the university.

(4) Disbursements from the account may be made only on the authorization of the university. [2008 c 208 s 8.]

# Chapter 28B.122 RCW
# AEROSPACE TRAINING STUDENT LOAN PROGRAM

**Sections**

28B.122.010 Definitions.
28B.122.020 Program established.
28B.122.030 Program eligibility——Student eligibility.
28B.122.040 Awards.
28B.122.050 Aerospace training student loan account.
28B.122.060 Annual report.

**RCW 28B.122.010 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Aerospace training or educational program" means a course in the aerospace industry offered by the Washington aerospace training and research center, the Spokane aerospace technology center, Renton technical college, or Everett Community College.

(2) "Eligible student" means a student who is registered for an aerospace training or educational program, is making satisfactory progress as defined by the program, and has a declared intention to work in the aerospace industry in the state of Washington.

(3) "Office" means the office of student financial assistance.

(4) "Participant" means an eligible student who has received an aerospace training student loan.

(5) "Student loan" means a loan that is approved by the office and awarded to an eligible student. [2015 c 218 s 1; 2012 c 50 s 4; 2011 c 8 s 1.]

**Effective date——2012 c 50 ss 4-8:** "Sections 4 through 8 of this act take effect July 1, 2012." [2012 c 50 s 9.]

**Finding——Intent——2012 c 50:** See note following RCW 28B.50.903.

**RCW 28B.122.020 Program established.** (1) The aerospace training student loan program is established.

(2) The program shall be designed in consultation with representatives of aerospace employers, aerospace workers, and aerospace training or educational programs.

(3) The program shall be administered by the office. In administering the program, the office has the following powers and duties:

(a) To screen and select, in coordination with representatives of aerospace training or educational programs, eligible students to receive an aerospace training student loan;

(b) To consider an eligible student's financial inability to meet the total cost of the aerospace training or educational program in the selection process;

(c) To issue low-interest student loans;

(d) To establish an annual loan limit equal to the cost of attendance minus any other financial aid received;

(e) To define the terms of repayment, including applicable interest rates, fees, and deferments;

(f) To collect and manage repayments from students who do not meet their obligations under this chapter;

(g) To solicit and accept grants and donations from public and private sources for the program; and

(h) To adopt necessary rules. [2012 c 50 s 5; 2011 c 8 s 2.]

**Effective date—2012 c 50 ss 4-8:** See note following RCW 28B.122.010.

**Finding—Intent—2012 c 50:** See note following RCW 28B.50.903.

**RCW 28B.122.030 Program eligibility—Student eligibility.** (1) To remain an aerospace training or educational program in which a participant may be registered, the program must have an advisory committee that includes at least one member representing aerospace employers and at least one member from organized labor representing aerospace workers.

(2) To remain an eligible student and receive continuing disbursements under the program, a participant must be considered by the aerospace training or educational program to be making satisfactory progress. [2011 c 8 s 3.]

**RCW 28B.122.040 Awards.** The office may award aerospace training student loans to eligible students from the funds available in the aerospace training student loan account for this program. The amount of the student loan awarded an individual may not exceed tuition and fees for the program of study. [2012 c 50 s 6; 2011 c 8 s 4.]

**Effective date—2012 c 50 ss 4-8:** See note following RCW 28B.122.010.

**Finding—Intent—2012 c 50:** See note following RCW 28B.50.903.

**RCW 28B.122.050 Aerospace training student loan account.** (1) The aerospace training student loan account is created in the custody of the state treasurer. No appropriation is required for expenditures of funds from the account for student loans. An appropriation is required for expenditures of funds from the account for costs associated with program administration by the office. The account is not subject to allotment procedures under chapter 43.88 RCW.

(2) The office shall deposit into the account all moneys received for the program. The account shall be self-sustaining and consist of moneys received for the program by the office, and receipts from participant repayments, including principal and interest.

(3) Expenditures from the account may be used solely for student loans to participants in the program established by this chapter and costs associated with program administration by the office.

(4) Disbursements from the account may be made only on the authorization of the office.

(5) During the 2015-2017 and 2017-2019 fiscal biennia, the legislature may transfer from the aerospace training student loan account to the state general fund such amounts as reflect the excess

fund balance of the account. [2017 3rd sp.s. c 1 s 959; 2016 sp.s. c 36 s 917; 2012 c 50 s 7; 2011 c 8 s 5.]

**Effective date—2017 3rd sp.s. c 1:** See note following RCW 43.41.455.

**Effective date—2016 sp.s. c 36:** See note following RCW 18.20.430.

**Effective date—2012 c 50 ss 4-8:** See note following RCW 28B.122.010.

**Finding—Intent—2012 c 50:** See note following RCW 28B.50.903.

**RCW 28B.122.060 Annual report.** (1) The office, in collaboration with aerospace training or educational programs, shall submit an annual report regarding the aerospace training student loan program to the governor and to the appropriate committees of the legislature.

(2) The annual report shall describe the design and implementation of the aerospace training student loan program, and shall include the following:

(a) The number of applicants for loans;

(b) The number of participants in the loan program;

(c) The number of participants in the loan program who complete an aerospace training or educational program;

(d) The number of participants in the loan program who are placed in employment;

(e) The nature of that employment, including: (i) The type of job; (ii) whether the job is full-time, part-time, or temporary; (iii) whether the job pays annual wages that are: (A) Less than thirty thousand dollars; (B) thirty thousand dollars or greater, but less than sixty thousand dollars; or (C) sixty thousand dollars or more; and

(f) Demographic profiles of applicants for loans and participants in the loan programs.

(3) The annual report shall be submitted by December 1st of each year after July 22, 2011. [2012 c 50 s 8; 2011 c 8 s 6.]

**Effective date—2012 c 50 ss 4-8:** See note following RCW 28B.122.010.

**Finding—Intent—2012 c 50:** See note following RCW 28B.50.903.

# Chapter 28B.123 RCW
# CERTIFIED PUBLIC ACCOUNTING SCHOLARSHIP PROGRAM

**Sections**


28B.123.010 Certified public accounting scholarship program—Established—Purpose—Awards—Limitation.
28B.123.020 Definitions.
28B.123.030 Role of a foundation under contract with the board.
28B.123.040 Foundation's report to the board.
28B.123.050 Certified public accounting scholarship transfer account.


**RCW 28B.123.010 Certified public accounting scholarship program—Established—Purpose—Awards—Limitation.** (1) The certified public accounting scholarship program is established.

(2) The purpose of this scholarship program is to increase the number of students pursuing the certified public accounting license in Washington state.

(3) Scholarships shall be awarded to eligible students based on merit and without regard to age, gender, race, creed, religion, ethnic or national origin, or sexual orientation. In the selection process, the foundation is encouraged to consider the level of financial need demonstrated by applicants who otherwise meet merit-based scholarship criteria.

(4) Scholarships shall be awarded every year not to exceed the net balance of the foundation's scholarship award account.

(5) Scholarships shall be awarded to eligible students for one year. Qualified applicants may reapply in subsequent years.

(6) Scholarships awarded to program participants shall be paid directly to the Washington-based college or university where the program participant is enrolled.

(7) A scholarship award for any program participant shall not exceed the cost of tuition and fees assessed by the college or university on that individual program participant for the academic year of the award. [2015 c 215 s 1.]

**RCW 28B.123.020 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the board of accountancy created in RCW 18.04.035.

(2) "Eligible student" means a student enrolled at an accredited Washington-based college or university with a declared major in accounting, entering his or her junior year or higher. "Eligible student" includes community college transfer students, residents of Washington pursuing an online degree in accounting, and students pursuing a masters in tax, masters in accounting, or a PhD in accounting.

(3) "Foundation" means the Washington CPA foundation.

(4) "Program" means the certificated public accounting scholarship program created in this chapter.

(5) "Program participant" means an eligible student who is awarded a scholarship under the program.

(6) "Resident student" has the definition in RCW 28B.15.012. [2015 c 215 s 2.]

**RCW 28B.123.030 Role of a foundation under contract with the board.** The board must contract with a foundation to develop and administer the program. The board shall provide oversight and guidance for the program in light of established legislative priorities and to fulfill the duties and responsibilities under this chapter and chapter 18.04 RCW, including determining eligible education programs for purposes of the program. The board shall negotiate a reasonable administrative fee for the services provided by the foundation. In addition to its contractual obligations with the board, the foundation has the duties and responsibilities to:

(1) Establish a separate scholarship award account to receive state funds and from which to disburse scholarship awards;

(2) Manage and invest funds in the separate scholarship award account to maximize returns at a prudent level of risk and to maintain books and records of the account for examination by the board as it deems necessary or appropriate;

(3) In consultation with the board, make an assessment of the reasonable annual eligible expenses associated with eligible education programs identified by the board;

(4) Work with [the] board, institutions of higher education, the student achievement council, and other organizations to promote and publicize the program to obtain a wide and diverse group of applicants;

(5) Develop and implement an application, selection, and notification process for awarding certified public accounting scholarships;

(6) Determine the annual amount of the certified public accounting scholarship for each program participant;

(7) Distribute scholarship awards to colleges and universities for program participants; and

(8) Notify the student achievement council and colleges and universities of enrolled program participants and inform them of the terms and conditions of the scholarship award. [2015 c 215 s 3.]

**RCW 28B.123.040 Foundation's report to the board.** By January 1, 2016, and annually each January 1st thereafter, the foundation contracted with under RCW 28B.123.030 shall report to the board regarding the program, including:

(1) An accounting of receipts and disbursements of the foundation's separate scholarship award account including any realized or unrealized gains or losses and the resulting change in account balance;

(2) A list of the program participants and the scholarship amount awarded, by year; and

(3) Other outcome measures necessary for the board to assess the impacts of the program. [2015 c 215 s 4.]

**RCW 28B.123.050 Certified public accounting scholarship transfer account.** (1) The certified public accounting scholarship transfer account is created in the custody of the state treasurer. Expenditures

from the account may be used solely for scholarships and the administration of the program created in RCW 28B.123.010.

(2) Revenues to the account shall consist of appropriations by the legislature and any gifts, grants, or donations received by the board for this purpose.

(3) Only the director of the board or the director's designee may authorize expenditures from the certified public accounting scholarship transfer account. The account is not subject to the allotment procedures under chapter 43.88 RCW and an appropriation is not required for expenditures. [2015 c 215 s 5.]

# Chapter 28B.124 RCW
# STATE REGISTERED APPRENTICESHIP PROGRAM OPPORTUNITIES

**Sections**

28B.124.010 Intent——Access to the Washington college grant.
28B.124.020 Credit towards a degree report.
28B.124.030 Credits for related supplemental instruction.

**RCW 28B.124.010 Intent——Access to the Washington college grant.** (1) It is the intent of the legislature to remove barriers for students enrolled in a state registered apprenticeship program under chapter 49.04 RCW to access the Washington college grant.

(2) It is the goal of the legislature that students enrolled in state registered apprenticeship programs and receiving related supplemental instruction at a community and technical college have access to the Washington college grant through the financial aid office at their college. The Washington student achievement council shall verify access to the Washington college grant for students enrolled in state registered apprenticeship programs receiving their related supplemental instruction other than at a community and technical college.

(3) The state board for community and technical colleges must fully implement this goal by the beginning of the 2025-26 academic year.

(4) As part of the implementation process, the state board for community and technical colleges must collaborate with the office of student financial assistance, as defined in RCW 28B.92.030, to create a student information technology interface to simplify the application, verification of registration, eligibility, and award to students.

(5) The state board for community and technical colleges and the office of student financial assistance must establish data-sharing agreements with other state agencies to verify student data. [2022 c 166 s 2.]

**RCW 28B.124.020 Credit towards a degree report.** ***(Expires July 1, 2028.)*** (1) The student achievement council shall contract with the William D. Ruckelshaus center to do the following:

(a) Evaluate paths to credentials for apprentices, including recommendations on the requirements and benefits of expanding the multioccupational trades degree, and exploration of other credentials that will support transfer to baccalaureate degrees or other advanced credentials for apprentices. This evaluation may include options for instructional modality and analysis of the opportunities and limitations for incorporating general education course requirements into degree pathways for apprentices. The evaluation may also include reviewing credit articulation within the college system, prior learning assessments, and competency-based models, as applicable;

(b) Examine national best practices in delivery and award of educational credentials to apprentices. This exploration may include assessment of the governance structures and operational models for delivery of apprenticeship degree pathways, including operational considerations and costs associated with those models, and make recommendations on the model or models best suited for implementation

in Washington with consideration on sustainably funding and growing state registered apprenticeships in the future;

(c) Research apprentices' demand for degrees, for individuals in, or who have completed, a state registered apprenticeship program;

(d) Review the current funding model for apprentices within the community and technical college system, with consideration on the use of state funds for apprenticeships, and national funding structures for apprenticeship programs that could be applied within Washington state. The center must consult with the Washington state apprenticeship council established under chapter 49.04 RCW, the state board for community and technical colleges, the associated general contractors of Washington, the association of Washington business, and any other relevant or impacted parties as needed to provide recommendations to the legislature on a sustainable funding model for related supplemental instruction and credit for apprentices through the community and technical college system to ensure it fully covers institutional and apprenticeship program costs of related supplemental instruction. This funding model review may include institutional costs of developing, administering, delivering, hosting, instructing, and contracting. These recommendations must be included in the annual report established in subsection (2) of this section;

(e) Consult with the state board for community and technical colleges, an organization representing the presidents of the public four-year institutions of higher education, the office of the superintendent of public instruction, the joint transfer council of Washington, the department of labor and industries, the Washington state labor council, the associated general contractors of Washington, the association of Washington business, the Washington building trades council, the student achievement council, the independent colleges of Washington, private career colleges, an accrediting body, career connect, and other stakeholders with interests and expertise in apprenticeship training and higher education mobility;

(f) Identify and remove barriers for apprentices to access the Washington college grant program, established under RCW 28B.92.200, and all other student services and support programs and resources.

(2) The student achievement council shall report annually by December 1st, beginning in 2023, in compliance with RCW 43.01.036, the William D. Ruckelshaus Center's progress, findings, and recommendations to the appropriate higher education committees of the legislature on the evaluations in subsection (1) of this section. The annual report in 2026 shall provide viable policy options for degree pathways for individuals who complete state registered apprenticeship programs.

(3) The apprenticeship council, in consultation with the state board for community and technical colleges, the student achievement council, an organization representing the presidents of the public four-year institutions of higher education, and any other relevant or impacted parties as needed, shall explore whether the state should establish an institution, or centralized program, for apprentices to receive related supplemental instruction for credit towards a degree. A report on their findings, with a recommendation, must be included in the December 1, 2023, annual report established in subsection (2) of this section.

(4) This section expires July 1, 2028. [2022 c 166 s 3.]

**RCW 28B.124.030 Credits for related supplemental instruction.** All institutions of higher education, as defined in RCW 28B.10.016, must establish a policy for granting as many credits as possible and appropriate, for related supplemental instruction in active state apprenticeship programs, registered during or before July 1, 2022, by the 2028-29 school year. For all state registered apprenticeship programs approved after July 1, 2022, all institutions of higher education, as defined in RCW 28B.10.016, must establish a policy for granting as many credits, as possible and appropriate, for related supplemental instruction within six years of the program's registration. While establishing credits, institutions of higher education must consult with their faculty representatives. Credits are at the sole discretion of each institution of higher education and must be determined in consultation with their faculty representatives. Credits established by institutions of higher education are not intended to impact the possible revision of previously approved related supplemental instruction in a state registered apprenticeship program. [2022 c 166 s 4.]

# Chapter 28B.126 RCW
# NATIVE AMERICAN APPRENTICE ASSISTANCE PROGRAM

**Sections**

28B.126.005 Intent.
28B.126.010 Definitions.
28B.126.020 Program established—Office duties.

**RCW 28B.126.005 Intent.** The legislature recognizes that Native American people have faced historical traumas that have had a lasting impact in many facets of life, including educational attainment. Historically, education was used as a reformation tactic to strip away Native identity and culture to whitewash the indigenous population and destroy a nation's own first people by separating Native children from their families. The legislature acknowledges the historical use of education as a weapon and the opportunity to partner with federally recognized Indian tribes to establish truth and reconciliation regarding boarding school traumas in order to facilitate change and remove stigmas of how Native Americans view education.

Native Americans face additional challenges in attaining higher education, such as high rates of poverty and lack of postsecondary educational access near reservations. When the state invests in an educated Native workforce, Native communities become more economically resilient, stronger, healthier, and empowered. Robust Native communities help make a more resilient and vigorous Washington state and contribute to alleviating workforce demand by tapping into historically underutilized talent. Therefore, the legislature intends to establish the Native American apprentice assistance program with the recognition that indigenous populations need additional assistance to pursue postsecondary education because of historical actions that have left lasting impacts. [2024 c 203 s 1.]

**RCW 28B.126.010 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Eligible participant" means a member of a federally recognized Indian tribe as defined in RCW 43.376.010 who files a financial aid application approved by the office and enrolls in a state-registered apprenticeship program.

(2) "Gift aid" has the same definition as in RCW 28B.145.010.

(3) "Office" means the office of student financial assistance within the student achievement council.

(4) "State-registered apprenticeship program" means an approved apprenticeship program under chapter 49.04 RCW that has been approved to participate in state financial aid programs. [2024 c 203 s 2.]

**RCW 28B.126.020 Program established—Office duties.** (1) Subject to the availability of amounts appropriated for this specific purpose, the Native American apprentice assistance program is established and shall be administered by the office. In administering the program, the office has the following duties:

(a) Publicize the program;

(b) Award assistance to eligible participants according to rules and guidelines adopted beginning with the year 2025; and

(c) Adopt any necessary rules and guidelines for the program in consultation with tribes and state-registered apprenticeship programs.

(2) The office shall determine apprenticeship assistance awarding priorities and award amounts for eligible participants in collaboration with the tribes and state-registered apprenticeship programs.

(a) For eligible participants attending a state-registered apprenticeship program, the office shall prioritize funding to cover any tuition costs for related supplemental instruction. Additional funding may be used to provide a grant to cover required supplies, tools, materials, work clothing, and living expenses.

(b) The office may also prioritize funding that secures an eligible participant's grant for the entire length of the participant's program. [2024 c 203 s 3.]

# Chapter 28B.130 RCW
# TRANSPORTATION DEMAND MANAGEMENT PROGRAMS

**Sections**

28B.130.005 Findings—Intent.
28B.130.010 Definitions.
28B.130.020 Transportation fee.
28B.130.030 Use of transportation fees.
28B.130.040 Adoption of guidelines for establishing and funding transportation demand management programs.

**RCW 28B.130.005 Findings—Intent.** Transportation demand management strategies that reduce the number of vehicles on Washington state's highways, roads, and streets, and provide attractive and effective alternatives to single-occupancy travel, can improve ambient air quality, conserve fossil fuels, and forestall the need for capital improvements to the state's transportation system. The legislature has required many public and private employers in the state's largest counties to implement transportation demand management programs to reduce the number of single-occupant vehicle travelers during the morning and evening rush hours, and has provided substantial funding for the University of Washington's UPASS program, which has been immensely successful in its first two years of implementation. The legislature finds that additional transportation demand management strategies are required to mitigate the adverse social, environmental, and economic effects of auto dependency and traffic congestion. While expensive capital improvements, including dedicated busways and commuter rail systems, may be necessary to improve the region's mobility, they are only part of the solution. All public and private entities that attract single-occupant vehicle drivers must develop imaginative and cost-effective ways to encourage walking, bicycling, carpooling, vanpooling, bus riding, and telecommuting. It is the intent of the legislature to revise those portions of state law that inhibit the application of imaginative solutions to the state's transportation mobility problems, and to encourage many more public and private institutions of higher learning to adopt effective transportation demand management strategies.

The legislature finds further that many of the institutions of higher education in the state's largest counties are responsible for significant numbers of single-occupant vehicle trips to and from their campuses. These single-occupant vehicle trips are not only contributing to the degradation of the state's environment and deterioration of its transportation system, but are also usurping parking spaces from surrounding residential communities because existing parking facilities cannot accommodate students' current demand. Therefore, it is the intent of the legislature to permit these institutions to develop and fund transportation demand management programs that reduce single-occupant vehicle travel and promote alternatives to single-occupant vehicle driving. The legislature encourages institutions of higher education to include faculty and staff in their transportation demand management programs. [1993 c 447 s 1.]

**RCW 28B.130.010 Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Transportation fee" means the fee charged to employees and students at institutions of higher education for the purposes provided in RCW 28B.130.020.

(2) "Transportation demand management program" means the set of strategies adopted by an institution of higher education to reduce the number of single-occupant vehicles traveling to its campus. These strategies may include but are not limited to those identified in RCW 70A.15.4040. [2021 c 65 s 22; 1993 c 447 s 2.]

**Explanatory statement——2021 c 65:** See note following RCW 53.54.030.

**RCW 28B.130.020 Transportation fee.** (1) The governing board of an institution of higher education as defined in RCW 28B.10.016 may impose either a voluntary or a mandatory transportation fee on employees and on students at the institution. The board of regents of Washington State University may impose either a voluntary or a mandatory transportation fee on faculty and staff working at the Riverpoint higher education park and on students attending classes there. The transportation fee shall be used solely to fund transportation demand management programs that reduce the demand for campus and neighborhood parking, and promote alternatives to single-occupant vehicle driving. If the board charges a mandatory transportation fee to students, it shall charge a mandatory transportation fee to employees. The transportation fee for employees may exceed, but shall not be lower than the transportation fee charged to students. The transportation fee for employees may be deducted from the employees' paychecks. The transportation fee for students may be imposed annually, or each academic term. For students attending community colleges and technical colleges, the mandatory transportation fee shall not exceed sixty percent of the maximum rate permitted for services and activities fees at community colleges, unless, through a vote, a majority of students consent to increase the transportation fee. For students attending four-year institutions of higher education or classes at the Riverpoint higher education park, the mandatory transportation fee shall not exceed thirty-five percent of the maximum rate permitted for services and activities fees at the institution where the student is enrolled unless, through a vote, a majority of students consents to increase the transportation fee. The board may make a limited number of exceptions to the fee based on a policy adopted by the board.

(2) The board of regents of Washington State University shall not impose a transportation fee on any student who is already paying a transportation fee to the institution of higher education in which the student is enrolled. [1998 c 344 s 7; 1997 c 273 s 2; 1993 c 447 s 3.]

**Intent——Findings——1998 c 344:** See note following RCW 28B.10.029.

**RCW 28B.130.030 Use of transportation fees.** Transportation fees shall be spent only on activities directly related to the institution

of higher education's transportation demand management program. These may include, but are not limited to the following activities: Transit, carpool, and vanpool subsidies; ride-sharing programs, and program advertising for carpools, vanpools, and transit service; guaranteed ride-home and telecommuting programs; and bicycle storage facilities. Funds may be spent on capital or operating costs incurred in the implementation of any of these strategies, and may be also used to contract with local or regional transit agencies for transportation services. Funds may be used for existing programs if they are incorporated into the campus transportation demand management program. [1993 c 447 s 4.]

**RCW 28B.130.040 Adoption of guidelines for establishing and funding transportation demand management programs.** The board of trustees or board of regents of each institution of higher education imposing a transportation fee shall adopt guidelines governing the establishment and funding of transportation demand management programs supported by transportation fees. These guidelines shall establish procedures for budgeting and expending transportation fee revenue. [1993 c 447 s 5.]

# Chapter 28B.133 RCW
# GAINING INDEPENDENCE FOR STUDENTS WITH DEPENDENTS PROGRAM

**Sections**


28B.133.005 Finding—Intent.
28B.133.010 Program created.
28B.133.020 Eligibility.
28B.133.030 Solicitation of gifts, grants, or endowments—Use.
28B.133.040 Program administration.
28B.133.050 Use of grants.
28B.133.900 Short title.


**RCW 28B.133.005 Finding—Intent.** The legislature finds that financially needy students, especially those with dependents, are finding it increasingly difficult to stay in school due to the high costs of caring for their dependent children.

The legislature intends to establish an educational assistance grant program, funded through gifts, grants, or endowments from private sources, for students with dependents who have additional financial needs due to the care they provide for their dependents eighteen years of age or younger. [2003 c 19 s 1.]

**RCW 28B.133.010 Program created.** The educational assistance grant program for students with dependents is hereby created, subject to the availability of receipts of gifts, grants, or endowments from private sources. The program is created to serve students who demonstrate financial need with dependents eighteen years of age or younger, by assisting them directly through a grant program to pursue a degree or certificate at public or private institutions of higher education, as defined in RCW 28B.92.030(4) (a) and (b) (i) and (ii), that participate in the Washington college grant program. [2019 c 406 s 46; 2013 c 248 s 4; 2004 c 275 s 72; 2003 c 19 s 2.]

**Findings—Intent—2019 c 406:** See note following RCW 43.79.195.

**Findings—Short title—2019 c 406:** See notes following RCW 28B.92.200.

**Findings—2019 c 406:** See note following RCW 28B.94.020.

**Findings—Intent—2019 c 406:** See note following RCW 28C.30.050.

**Findings—Intent—2019 c 406:** See note following RCW 43.216.135.

**Findings—Intent—Effective date—2013 c 248:** See notes following RCW 28B.92.030.

**Part headings not law—2004 c 275:** See note following RCW 28B.76.090.

**RCW 28B.133.020 Eligibility.** To be eligible for the educational assistance grant program for students with dependents, applicants

shall: (1) Be residents of the state of Washington; (2) be students who demonstrate financial need as defined in RCW 28B.92.030; (3) be eligible to participate in the Washington college grant program as set forth under chapter 28B.92 RCW; and (4) have dependents eighteen years of age or younger who are under their care. [2019 c 406 s 47; 2004 c 275 s 73; 2003 c 19 s 3.]

**Findings—Intent—2019 c 406:** See note following RCW 43.79.195.

**Findings—Short title—2019 c 406:** See notes following RCW 28B.92.200.

**Findings—2019 c 406:** See note following RCW 28B.94.020.

**Findings—Intent—2019 c 406:** See note following RCW 28C.30.050.

**Findings—Intent—2019 c 406:** See note following RCW 43.216.135.

**Part headings not law—2004 c 275:** See note following RCW 28B.76.090.

**RCW 28B.133.030 Solicitation of gifts, grants, or endowments—Use.** ***(Effective until January 1, 2026.)*** The office may solicit and receive gifts, grants, or endowments from private sources that are made from time to time, in trust or otherwise, for the use and benefit of the purposes of the educational assistance grant program. The director, or the director's designee, may spend gifts, grants, or endowments or income from the private sources according to their terms unless the receipt of the gifts, grants, or endowments violates RCW 42.17A.560. [2012 c 198 s 24; 2011 1st sp.s. c 11 s 236; 2011 c 60 s 12; 2003 c 19 s 4.]

**Effective date—2012 c 198:** See note following RCW 70A.15.5110.

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Effective date—2011 c 60:** See RCW 42.17A.919.

**RCW 28B.133.030 Solicitation of gifts, grants, or endowments—Use.** ***(Effective January 1, 2026.)*** The office may solicit and receive gifts, grants, or endowments from private sources that are made from time to time, in trust or otherwise, for the use and benefit of the purposes of the educational assistance grant program. The director, or the director's designee, may spend gifts, grants, or endowments or income from the private sources according to their terms unless the receipt of the gifts, grants, or endowments violates RCW 29B.45.020. [2024 c 164 s 506; 2012 c 198 s 24; 2011 1st sp.s. c 11 s 236; 2011 c 60 s 12; 2003 c 19 s 4.]

**Intent—Construction—Rules remain valid—Effective date—2024 c 164:** See notes following RCW 29B.10.010.

**Effective date—2012 c 198:** See note following RCW 70A.15.5110.

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Effective date—2011 c 60:** See note following RCW 29B.20.030.

**RCW 28B.133.040 Program administration.** The office of student financial assistance shall develop and administer the educational assistance grant program for students with dependents. In administering the program, once the balance in the students with dependents grant account is five hundred thousand dollars, the office's powers and duties shall include but not be limited to:

(1) Adopting necessary rules and guidelines;

(2) Publicizing the program;

(3) Accepting and depositing donations into the grant account established in *RCW 28B.133.030; and

(4) Soliciting and accepting grants and donations from private sources for the program. [2011 1st sp.s. c 11 s 237; 2003 c 19 s 5.]

***Reviser's note:** RCW 28B.133.030 was amended by 2012 c 198 s 24, deleting (1) which created the grant account.

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**RCW 28B.133.050 Use of grants.** The educational assistance grant program for students with dependents grants may be used by eligible participants to attend any public or private college or university in the state of Washington as defined in RCW 28B.92.030(4) (a) and (b) (i) and (ii). Each participating student may receive an amount to be determined by the office of student financial assistance, with a minimum amount of one thousand dollars per academic year, not to exceed the student's documented financial need for the course of study as determined by the institution.

Educational assistance grants for students with dependents are not intended to supplant any grant scholarship or tax program related to postsecondary education. If the office of student financial assistance finds that the educational assistance grants for students with dependents supplant or reduce any grant, scholarship, or tax program for categories of students, then the office shall adjust the financial eligibility criteria or the amount of the grant to the level necessary to avoid supplanting. [2013 c 248 s 5; 2011 1st sp.s. c 11 s 238; 2004 c 275 s 74; 2003 c 19 s 6.]

**Findings—Intent—Effective date—2013 c 248:** See notes following RCW 28B.92.030.

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Part headings not law—2004 c 275:** See note following RCW 28B.76.090.

**RCW 28B.133.900 Short title.** This chapter may be known and cited as the gaining independence for students with dependents program. [2003 c 19 s 7.]

# Chapter 28B.135 RCW
# CHILD CARE FOR HIGHER EDUCATION STUDENTS

**Sections**


28B.135.010 Four-year student child care in higher education account ——Program established.
28B.135.020 Grants——Eligibility——Grant period.
28B.135.030 Program administration——Four-year institutions of higher education——Rules——Reports.
28B.135.035 Program administration——Community and technical colleges ——Rules——Reports.
28B.135.040 Four-year student child care in higher education account.


**RCW 28B.135.010 Four-year student child care in higher education account——Program established.** The four-year student child care in higher education account is established. The office of student financial assistance shall administer the program for the four-year institutions of higher education. Through this program the office shall award either competitive or matching child care grants to state institutions of higher education to encourage programs to address the need for high quality, accessible, and affordable child care for students at higher education institutions. The grants shall be used exclusively for the provision of quality child care services for students at institutions of higher education. The university or college administration and student government association, or its equivalent, of each institution receiving the award may contribute financial support in an amount equal to or greater than the child care grant received by the institution. [2011 1st sp.s. c 11 s 239; 2010 1st sp.s. c 9 s 5; 2008 c 162 s 2; 1999 c 375 s 1.]

**Effective date——2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent——2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Effective date——2010 1st sp.s. c 9:** See note following RCW 28A.650.035.

**Intent——2008 c 162:** "It is the intent of the legislature to improve access to higher education for all residents and ensure that students have the necessary resources and support services to attain their educational goals while keeping families strong. For many students, the lack of affordable, accessible, quality child care on or in close proximity to colleges and universities is a barrier to completion of their higher education goals. Further, it is the intent of the legislature to adopt policies that, to the extent possible, leverage existing resources and maximize educational outcomes by supporting affordable, accessible, and quality child care programs." [2008 c 162 s 1.]

**RCW 28B.135.020 Grants——Eligibility——Grant period.** The institution of higher education shall be eligible to receive the grant

for a period not exceeding two years. After the expiration of any two-year grant, the institution may reapply to receive subsequent grant awards or a continuation of the grant awarded the prior two years. [1999 c 375 s 2.]

**RCW 28B.135.030 Program administration—Four-year institutions of higher education—Rules—Reports.** The office of student financial assistance shall have the following powers and duties in administering the program for the four-year institutions of higher education:

(1) To adopt rules necessary to carry out the program;

(2) To establish one or more review committees to assist in the evaluation of proposals for funding. The review committees may receive input from parents, educators, and other experts in the field of early childhood education for this purpose;

(3) To establish each biennium specific guidelines for submitting grant proposals consistent with the overall goals of the program. The guidelines shall be consistent with the following desired outcomes of increasing access to quality child care for students, providing affordable child care alternatives for students, creating a partnership between university or college administrations, university or college foundations, and student government associations, or their equivalents;

(4) To proportionally distribute the amount of money available in the trust fund based on the financial support for child care received by the student government associations or their equivalents. Student government associations may solicit funds from private organizations and targeted fund-raising campaigns as part of their financial support for child care;

(5) To solicit grant proposals and provide information to the institutions of higher education about the program; [and]

(6) To establish reporting, evaluation, accountability, monitoring, and dissemination requirements for the recipients of the grants; and[.] [2011 1st sp.s. c 11 s 240; 2008 c 162 s 3; 2005 c 490 s 8; 1999 c 375 s 3.]

**Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent—2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Intent—2008 c 162:** See note following RCW 28B.135.010.

**Effective date—2005 c 490:** See note following RCW 43.216.705.

**RCW 28B.135.035 Program administration—Community and technical colleges—Rules—Reports.** The state board for community and technical colleges shall have the following powers and duties in administering the program established in RCW 28B.135.010 for the two-year institutions of higher education:

(1) To adopt rules necessary to carry out the program;

(2) To establish, if deemed necessary, one or more review committees to assist in the evaluation of proposals for funding. The review committees may receive input from parents, educators, and other experts in the field of early childhood education for this purpose;

(3) To establish each biennium specific guidelines for submitting grant proposals consistent with the overall goals of the program. The guidelines shall be consistent with the following desired outcomes of increasing access to quality child care for students, providing affordable child care alternatives for students, creating more cooperative preschool programs or other alternative parent education models, creating models that can be replicated at other institutions, creating a partnership between college administrations, college foundations, and student government associations, or their equivalents, and increasing innovation at campus child care centers;

(4) To establish guidelines for an allocation system based on factors that include but are not limited to: The amount of money available in the trust fund and the financial support for child care received by the student government associations or their equivalents. Student government associations may solicit funds from private organizations and targeted fund-raising campaigns as part of their financial support for child care;

(5) To solicit grant proposals and provide information to the institutions of higher education about the program;

(6) To establish reporting, evaluation, accountability, monitoring, and dissemination requirements for the recipients of the grants; and

(7) To report to the appropriate committees of the legislature by December 15, 2008, and every two years thereafter, on the status of program design and implementation within the community and technical college system. The report shall include but not be limited to summary information on the institutions receiving child [care] grant allocations, the amount contributed by each college administration and student government association for the purposes of child care, including expenditures and reports for the previous biennium, services provided by each institutional child care center, the number of students using such services, and identifiable unmet need. [2008 c 162 s 4.]

**Intent——2008 c 162:** See note following RCW 28B.135.010.

**RCW 28B.135.040 Four-year student child care in higher education account.** The four-year student child care in higher education account is established in the custody of the state treasurer. Moneys in the account may be spent only for the purposes of RCW 28B.135.010. Disbursements from the account shall be on the authorization of the office of student financial assistance. The account is subject to the allotment procedures under chapter 43.88 RCW, but no appropriation is required for disbursements. [2011 1st sp.s. c 11 s 241; 2010 1st sp.s. c 9 s 4; 1999 c 375 s 4.]

**Effective date——2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301:** See note following RCW 28B.76.020.

**Intent——2011 1st sp.s. c 11:** See note following RCW 28B.76.020.

**Effective date——2010 1st sp.s. c 9:** See note following RCW 28A.650.035.

# Chapter 28B.137 RCW
# RELIGIOUS REASONABLE ACCOMMODATION

**Sections**

28B.137.010 Reasonable accommodation for religious holidays.

**RCW 28B.137.010 Reasonable accommodation for religious holidays.** (1) Postsecondary educational institutions must develop policies to accommodate student absences to allow students to take holidays for reasons of faith or conscience or for organized activities conducted under the auspices of a religious denomination, church, or religious organization, so that students' grades are not adversely impacted by the absences.

(2) The institution's policy must require faculty to reasonably accommodate students who, due to the observance of religious holidays, expect to be absent or endure a significant hardship during certain days of the course or program. "Reasonably accommodate" means coordinating with the student on scheduling examinations or other activities necessary for completion of the program and includes rescheduling examinations or activities or offering different times for examinations or activities.

(3) Any student seeking reasonable accommodations under this section must provide written notice to the faculty, within the first two weeks of the beginning of the course, of the specific dates the student requests accommodations regarding examinations or other activities.

(4) A postsecondary educational institution shall provide notice to students of its policy by publishing the policy on the institution's website and including either the policy or a link to the policy in course or program syllabi. The notice to students must also include notification of the institution's grievance procedure.

(5) A postsecondary educational institution may not require a student to pay any fees for seeking reasonable accommodations under this section.

(6) For the purposes of this section, "postsecondary educational institution" means an institution of higher education as defined in RCW 28B.10.016, a degree-granting institution as defined in RCW 28B.85.010, a private vocational school as defined in RCW 28C.10.020, school as defined in RCW 18.16.020, and any entity offering academic credit for an apprenticeship program under RCW 49.04.150. [2019 c 182 s 1; 2014 c 168 s 4. Formerly RCW 28B.10.039.]

# Chapter 28B.140 RCW
# FINANCING RESEARCH FACILITIES AT RESEARCH UNIVERSITIES

**Sections**


28B.140.005 Policy.
28B.140.010 Scope of authority.
28B.140.020 Financial responsibility of university—No state general fund obligation.
28B.140.030 Authority of chapter—Supplemental.
28B.140.900 Reports to the legislature.


**RCW 28B.140.005 Policy.** It is the policy of the state to encourage basic and applied scientific research by the state's research universities. The creation of knowledge is a core mission of the state's research universities, and research provides teaching and learning opportunities for students and faculty. State-of-the-art facilities for research by research universities serve to attract the most capable students and faculty to the state and research grants from public and private institutions throughout the world. The application of such research stimulates investment and employment within Washington and the strengthening of our tax base. In order to finance research facilities, the state's research universities often use federal, state, private, and university resources and therefore require the authority to enter into financing arrangements that leverage funding sources and reduce the costs of such complex facilities to the state. [2002 c 151 s 1.]

**RCW 28B.140.010 Scope of authority.** The University of Washington and Washington State University each may:

(1) Acquire, construct, rehabilitate, equip, and operate facilities and equipment to promote basic and applied research in the sciences;

(2) Borrow money for such research purposes, including interest during construction and other incidental costs, issue revenue bonds or other evidences of indebtedness, refinance the same before or at maturity, and provide for the amortization of such indebtedness by pledging all or a component of the fees and revenues of the university available for such purpose derived from the ownership and operation of any of its facilities or conducting research that are not subject to appropriation by the legislature and that do not constitute general state revenues as defined in Article VIII, section 1 of the state Constitution;

(3) Enter into leases, with or without an option to purchase, of real and personal property to be used in basic and applied research in the sciences; and

(4) Lease all or a portion of such facilities and equipment as is deemed prudent by the university to provide for research conducted by persons or entities that are not part of the university but that provide rental income to support university research facilities or provide opportunities for the interaction of public and private research and research personnel, including students and faculty. [2002 c 151 s 2.]

**RCW 28B.140.020 Financial responsibility of university—No state general fund obligation.** The governing body of a university financing facilities and equipment under this chapter shall give due regard to the costs of maintaining and operating such facilities and equipment during the useful lives of the facilities and equipment. No state appropriated funds may be used for (1) the payment of maintenance and operation of the facilities and equipment financed under this chapter; or (2) the grant or contract-supported research activities housed in these facilities. If funding through grants or contracts for research activities housed in these facilities is reduced, eliminated, or declared insufficient, the funding deficiencies are not a state obligation to be paid from the state general fund. [2002 c 151 s 3.]

**RCW 28B.140.030 Authority of chapter—Supplemental.** The authority granted by this chapter is supplemental to any existing or future authority granted to the University of Washington and Washington State University and shall not be construed to limit the existing or future authority of these universities. [2002 c 151 s 4.]

**RCW 28B.140.900 Reports to the legislature.** Before January 31st of each year, the University of Washington and Washington State University must report to the ways and means committee of the senate and the capital budget committee of the house of representatives on the financing arrangements entered into under the authority of this chapter. [2002 c 151 s 7.]

# Chapter 28B.142 RCW
# LOCAL BORROWING AUTHORITY—RESEARCH UNIVERSITIES

**Sections**


28B.142.005 Finding—Intent.
28B.142.010 Bonds, notes, evidences of indebtedness—University of Washington and Washington State University.
28B.142.020 Reports.
28B.142.030 Bonds, notes, evidences of indebtedness—University of Washington—Refinancing.
28B.142.040 Authority of chapter—Supplemental.


**RCW 28B.142.005 Finding—Intent.** The legislature hereby recognizes that the University of Washington and Washington State University will require additional methods of funding to meet the universities' educational and research missions and remain competitive in a challenging environment. State appropriations are sufficient to meet only a portion of these research universities' funding requirements. The state authorizes the universities to collect student tuition, services and activities fees, building fees, and technology fees, subject to statutory limits. In addition, the universities generate revenue from other sources such as grants, contracts, other fees, sales and services, and investment income. The legislature finds that the research universities are able to leverage these local nonstate-appropriated funds to enhance university facilities and services for the benefit of students, faculty, and the larger community. The legislature intends that the research universities be permitted to borrow and incur obligations for any university purpose, so long as repayment is limited to local nonappropriated university funds and so long as the state's credit or general state revenues are not obligated or used for repayment. To permit the University of Washington to refinance the real and personal property acquired between August and October 2006 before the end of the fiscal biennium, sections of chapter 24, Laws of 2007 necessary to accomplish this limited purpose are made effective before the end of the biennium. [2007 c 24 s 1.]

**RCW 28B.142.010 Bonds, notes, evidences of indebtedness—University of Washington and Washington State University.** The board of regents of the University of Washington and Washington State University may issue bonds, notes, or other evidences of indebtedness for any university purpose. The board of regents of the University of Washington and Washington State University may obligate all or a component of the fees and revenues of the university for the payment of such bonds, notes, or evidences of indebtedness: PROVIDED, That such fees and revenues are not subject to appropriation by the legislature and do not constitute general state revenues as defined in Article VIII, section 1 of the state Constitution. Such bonds, notes, and other indebtedness shall not constitute bonds, notes, or other evidences of indebtedness secured by the full faith and credit of the state or required to be paid, directly or indirectly, from general state revenues. Bonds, notes, or other evidences of indebtedness issued under this chapter shall be issued in accordance with the

procedures in RCW 28B.10.310 and 28B.10.315 or the provisions applicable to either the state or local governments under chapter 39.46 or 39.53 RCW. [2009 c 500 s 4; 2007 c 24 s 2.]

**Effective date—2009 c 500:** See note following RCW 39.42.070.

**RCW 28B.142.020 Reports.** The University of Washington and Washington State University must report annually to the ways and means committee of the senate, the capital budget committee of the house of representatives, and the office of the state treasurer on any bonds, notes, and other evidences of indebtedness issued under this chapter as a part of a public securities offering. The report shall include a summary of the total outstanding debt of the university, a summary of any public securities offerings issued that year by purpose, including rating information from at least one nationally recognized credit rating agency, issuance costs, interest rate information, sources of repayment, and a copy of the annual bondholder report filed by the University of Washington and Washington State University in accordance with Rule 15c2-12 of the securities and exchange commission. [2007 c 24 s 3.]

**RCW 28B.142.030 Bonds, notes, evidences of indebtedness—University of Washington—Refinancing.** The board of regents of the University of Washington may issue bonds, notes, or other evidences of indebtedness under this section for the purpose of refinancing real and personal property acquired by the University of Washington during the period between August and October 2006. The board of regents of the University of Washington may obligate all or a component of the fees and revenues of the university for the payment of such bonds, notes, or evidences of indebtedness: PROVIDED, That such fees and revenues are not subject to appropriation by the legislature and do not constitute general state revenues as defined in Article VIII, section 1 of the state Constitution. Bonds, notes, or other evidences of indebtedness issued under this section shall be issued in accordance with the procedures in RCW 28B.10.310 and 28B.10.315 or the provisions applicable to either the state or local governments under chapter 39.46 or 39.53 RCW. Such bonds, notes, and other indebtedness shall not constitute bonds, notes, or other evidences of indebtedness secured by the full faith and credit of the state or required to be paid, directly or indirectly, from general state revenues. [2009 c 500 s 5; 2007 c 24 s 4.]

**Effective date—2009 c 500:** See note following RCW 39.42.070.

**Effective date—2007 c 24 s 4:** "Section 4 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect May 1, 2007." [2007 c 24 s 6.]

**RCW 28B.142.040 Authority of chapter—Supplemental.** The authority granted by this chapter is in addition and supplemental to any previously granted or future authority granted to the University of Washington or Washington State University and shall not be

construed to limit the existing or future powers or authority of these universities, including without limitation the authority to issue bonds, notes, and other evidences of indebtedness pursuant to RCW 28B.10.300 through 28B.10.330, 28B.20.145, or 28B.20.395 through 28B.20.398, or chapter 28B.140 RCW, or to participate in state reimbursable bond, certificate of participation, or other state debt programs. [2007 c 24 s 5.]

# Chapter 28B.145 RCW
# OPPORTUNITY SCHOLARSHIP ACT

**Sections**


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**RCW 28B.145.005 Finding—Intent.** The legislature finds that, despite increases in degree production, there remain acute shortages in high employer demand programs of study, particularly in the science, technology, engineering, and mathematics (STEM) and health care fields of study. According to the workforce training and education coordinating board, seventeen percent of Washington businesses had difficulty finding job applicants in 2010. Eleven thousand employers did not fill a vacancy because they lacked qualified job applicants. Fifty-nine percent of projected job openings in Washington state from now until 2017 will require some form of postsecondary education and training.

It is the intent of the legislature to provide jobs and opportunity by making Washington the place where the world's most productive companies find the world's most talented people. The legislature intends to accomplish this through the creation of the opportunity scholarship and the opportunity expansion programs to: Help mitigate the impact of tuition increases; increase the number of professional-technical certificates, professional-technical degrees, baccalaureate degrees in high employer demand and other programs, and advanced degrees in health professions; and invest in programs and students to meet market demands for a knowledge-based economy while filling middle-income jobs with a sufficient supply of skilled workers. [2019 c 406 s 62. Prior: 2018 c 209 s 5; 2018 c 114 s 1; 2011 1st sp.s. c 13 s 1.]

**Findings—Intent—2019 c 406:** See note following RCW 43.79.195.

**Findings—Short title—2019 c 406:** See notes following RCW 28B.92.200.

**Findings—2019 c 406:** See note following RCW 28B.94.020.

**Findings—Intent—2019 c 406:** See note following RCW 28C.30.050.

**Findings—Intent—2019 c 406:** See note following RCW 43.216.135.

**RCW 28B.145.010 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the opportunity scholarship board.

(2) "Council" means the student achievement council.

(3) "Eligible advanced degree program" means a health professional degree program beyond the baccalaureate level and includes graduate and professional degree programs.

(4) "Eligible county" has the same meaning as "rural county" as defined in RCW 82.14.370 and also includes any county that shares a common border with Canada and has a population of over 125,000.

(5) "Eligible education programs" means high employer demand and other programs of study as determined by the board.

(6) "Eligible expenses" means reasonable expenses associated with the costs of acquiring an education such as tuition, books, equipment, fees, room and board, and other expenses as determined by the program administrator in consultation with the council and the state board for community and technical colleges.

(7) "Eligible school district" means a school district of the second class as identified in RCW 28A.300.065(2).

(8)(a) "Eligible student" means a resident student who:

(i)(A) Received his or her high school diploma or high school equivalency certificate as provided in RCW 28B.50.536 in Washington and has been accepted at a four-year institution of higher education into an eligible education program leading to a baccalaureate degree;

(B) Received his or her high school diploma or high school equivalency certificate as provided in RCW 28B.50.536 in Washington and will attend a two-year institution of higher education and intends to transfer to an eligible education program at a four-year institution of higher education;

(C) Received his or her high school diploma or equivalent and has been accepted at an institution of higher education into a professional-technical certificate or degree program in an eligible education program; or

(D) Has been accepted at an institution of higher education into an eligible advanced degree program that leads to credentials in health professions;

(ii) Declares an intention to obtain a professional-technical certificate, professional-technical degree, baccalaureate degree, or an advanced degree; and

(iii) Has a family income at or below 125 percent of the state median family income at the time the student applies for an opportunity scholarship. For the advanced degree program, family income may be greater than 125 percent if the eligible student can demonstrate financial need through other factors such as a history of prior household income, income loss caused by entering the advanced

degree program, level of student debt at application and annually thereafter, or other factors determined by the program.

(b) To remain eligible for scholarship funds under the opportunity scholarship program the student must meet satisfactory academic progress toward completion of an eligible program as determined by the office of student financial assistance in the Washington college grant program under chapter 28B.92 RCW.

(9) "Gift aid" means financial aid received from the federal Pell grant, the Washington college grant program in chapter 28B.92 RCW, the college bound scholarship program in chapter 28B.118 RCW, the opportunity grant program in chapter 28B.50 RCW, or any other state grant, scholarship, or worker retraining program that provides funds for educational purposes with no obligation of repayment. "Gift aid" does not include student loans, work-study programs, the basic food employment and training program administered by the department of social and health services, or other employment assistance programs that provide job readiness opportunities and support beyond the costs of tuition, books, and fees.

(10) "High employer demand program of study" has the same meaning as provided in RCW 28B.50.030.

(11) "Participant" means an eligible student who has received a scholarship under the opportunity scholarship program.

(12) "Private sources," "private funds," "private contributions," or "private sector contributions" means donations from private organizations, corporations, federally recognized Indian tribes, municipalities, counties, and other sources, but excludes state dollars.

(13) "Professional-technical certificate" means a program as approved by the state board for community and technical colleges under RCW 28B.50.090(7)(c), that is offered by an institution of higher education or an eligible registered apprenticeship program under chapter 28B.92 RCW.

(14) "Professional-technical degree" means a program as approved by the state board for community and technical colleges under RCW 28B.50.090(7)(c), that is offered by an institution of higher education or an eligible registered apprenticeship program under chapter 28B.92 RCW.

(15) "Program administrator" means one or more private nonprofit corporations registered under Title 24 RCW and qualified as a tax-exempt entity under section 501(c)(3) of the federal internal revenue code.

(16) "Resident student" means a student meeting the requirements under RCW 28B.92.200(5)(c) as defined in the Washington college grant program.

(17) "Rural jobs program" means the rural county high employer demand jobs program created in this chapter. [2023 c 176 s 1; 2022 c 211 s 1; 2021 c 133 s 2; 2019 c 406 s 63. Prior: 2018 c 254 s 9; 2018 c 209 s 6; 2018 c 114 s 2; 2014 c 208 s 1; 2013 c 39 s 13; 2011 1st sp.s. c 13 s 2.]

**Effective date—2023 c 176:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 25, 2023]." [2023 c 176 s 7.]

**Findings—Intent—2021 c 133:** "The legislature finds that higher education is pivotal in delivering training to Washington citizens at all stages of their careers and ages. A skilled workforce increases productivity, boosts outputs, and propels growth in Washington's economy. The legislature further finds that a well-trained, highly skilled workforce provides Washington citizens with greater opportunities and skill sets to efficiently and confidently meet the changing demands of a transforming economy. Furthermore, a STEM-based education provides Washington's citizens with real-world applications to develop a variety of skill sets needed in today's global economy.

The legislature further finds that the Washington state opportunity scholarship is an innovative public-private partnership that has been successful building a qualified workforce to fill Washington's high-demand STEM, health care, and trade industries. The Washington state opportunity scholarship has successfully created opportunities for communities historically left out of higher education and STEM, including women, students of color, and first-generation college students. In addition, the Washington state opportunity scholarship has been shown to change communities by breaking the cycle of intergenerational poverty.

The legislature also finds that higher education is a key driver of individual growth and prosperity, and is an effective way to bridge societal inequities that disproportionately afflict low-income communities and communities of color. The legislature further finds that these gaps will be further widened in the current global pandemic, which will exacerbate long-term impacts on these communities in intergenerational poverty, job attainment, job stability, and wage growth.

Therefore, it is the intent of the legislature to amend the existing Washington state opportunity scholarship program to eliminate false barriers for students eligible for the scholarship and provide additional educational opportunities for Washington's citizens. This legislative intent is particularly urgent during the global pandemic where additional skills and opportunities will be vital for Washington citizens as the state moves toward recovery from the current global pandemic." [2021 c 133 s 1.]

**Findings—Intent—2019 c 406:** See note following RCW 43.79.195.

**Findings—Short title—2019 c 406:** See notes following RCW 28B.92.200.

**Findings—2019 c 406:** See note following RCW 28B.94.020.

**Findings—Intent—2019 c 406:** See note following RCW 28C.30.050.

**Findings—Intent—2019 c 406:** See note following RCW 43.216.135.

**Findings—Intent—2018 c 254:** See note following RCW 28B.145.100.

**RCW 28B.145.020 Opportunity scholarship board.** (1) The opportunity scholarship board is created. The board consists of eleven members:

(a) Six members appointed by the governor. For three of the six appointments, the governor shall consider names from a list provided

by the president of the senate and the speaker of the house of representatives; and

(b) Five foundation or business and industry representatives appointed by the governor from among the state's most productive industries such as aerospace, manufacturing, health care, information technology, engineering, agriculture, and others, as well as philanthropy. The foundation or business and industry representatives shall be selected from among nominations provided by the private sector donors to the opportunity scholarship and opportunity expansion programs. However, the governor may request, and the private sector donors shall provide, an additional list or lists from which the governor shall select these representatives.

(2) Board members shall hold their offices for a term of four years from the first day of September and until their successors are appointed. No more than the terms of two members may expire simultaneously on the last day of August in any one year.

(3) The members of the board shall elect one of the business and industry representatives to serve as chair.

(4) Seven members of the board constitute a quorum for the transaction of business. In case of a vacancy, or when an appointment is made after the date of expiration of the term, the governor or the president of the senate or the speaker of the house of representatives, depending upon which made the initial appointment to that position, shall fill the vacancy for the remainder of the term of the board member whose office has become vacant or expired.

(5) The board shall be staffed by one or more program administrators, under contract with the board and the council. The board may cause one or more tax-exempt nonprofit corporations to be created, organized, and operated exclusively to perform some or all of the program administrator duties under chapter 176, Laws of 2023. The board and council may contract directly with any such nonprofit corporation.

(6) The purpose of the board is to provide oversight and guidance for the opportunity expansion program, the opportunity scholarship program, and the rural jobs program, in light of established legislative priorities and to fulfill the duties and responsibilities under this chapter, including but not limited to determining eligible education programs and eligible advanced degree programs for purposes of the opportunity scholarship program and rural jobs program. In determining eligible advanced degree programs, the board shall consider advanced degree programs that lead to credentials in health professions that include, but are not limited to, primary care, dental care, behavioral health, and public health. Duties, exercised jointly with the program administrator, include soliciting funds and setting annual fund-raising goals.

(7) The board may report to the governor and the appropriate committees of the legislature with recommendations as to:

(a) Whether some or all of the scholarships should be changed to conditional scholarships that must be repaid in the event the participant does not complete the eligible education program;

(b) A source or sources of funds for the opportunity expansion program in addition to the voluntary contributions of the high-technology research and development tax credit under *RCW 82.32.800; and

(c) Whether the program should include a loan repayment or low-interest or no-interest loan component for the advanced degree portion of the program. [2023 c 176 s 2; 2019 c 406 s 64. Prior: 2018 c 254 s

2; 2018 c 209 s 7; 2018 c 114 s 3; 2014 c 208 s 2; 2011 1st sp.s. c 13 s 3.]

***Reviser's note:** RCW 82.32.800 was repealed by 2025 c 399 s 1.

**Effective date—2023 c 176:** See note following RCW 28B.145.010.

**Findings—Intent—2019 c 406:** See note following RCW 43.79.195.

**Findings—Short title—2019 c 406:** See notes following RCW 28B.92.200.

**Findings—2019 c 406:** See note following RCW 28B.94.020.

**Findings—Intent—2019 c 406:** See note following RCW 28C.30.050.

**Findings—Intent—2019 c 406:** See note following RCW 43.216.135.

**Findings—Intent—2018 c 254:** See note following RCW 28B.145.100.

**RCW 28B.145.030 Program administrator—Duties—Specified accounts.** (1) The program administrator shall provide administrative support to execute the duties and responsibilities provided in this chapter, including but not limited to publicizing the program, selecting participants for the opportunity scholarship award, distributing opportunity scholarship awards, and achieving the maximum possible rate of return on investment of the accounts in subsection (2) of this section, while ensuring transparency in the investment decisions and processes. Duties, exercised jointly with the board, include soliciting funds and setting annual fund-raising goals. The program administrator shall be paid an administrative fee as determined by the board.

(2) With respect to the opportunity scholarship program, the program administrator shall:

(a) Establish and manage the specified accounts created in (b) of this subsection, into which to receive grants and contributions from private sources as well as state matching funds, and from which to disburse scholarship funds to participants;

(b) Solicit and accept grants and contributions from private sources, via direct payment, pledge agreement, or escrow account, of private sources for deposit into any of the specified accounts created in this subsection (2)(b) upon the direction of the donor and in accordance with this subsection (2)(b):

(i) The "scholarship account," whose principal may be invaded, and from which scholarships must be disbursed for baccalaureate programs beginning no later than December 1, 2011, if, by that date, state matching funds in the amount of five million dollars or more have been received. Thereafter, scholarships shall be disbursed on an annual basis beginning no later than May 1, 2012, and every October 1st thereafter;

(ii) The "student support pathways account," whose principal may be invaded, and from which scholarships may be disbursed for professional-technical certificate or degree programs in the fiscal year following appropriations of state matching funds. Thereafter, scholarships shall be disbursed on an annual basis;

(iii) The "advanced degrees pathways account," whose principal may be invaded, and from which scholarships may be disbursed for eligible advanced degree programs in the fiscal year following appropriations of state matching funds. Thereafter, scholarships shall be disbursed on an annual basis;

(iv) The "endowment account," from which scholarship moneys may be disbursed for baccalaureate programs from earnings only in years when:

(A) The state match has been made into both the scholarship and the endowment account; and

(B) The state appropriations for the Washington college grant program under chapter 28B.92 RCW meet or exceed state appropriations for the state need grant made in the 2011-2013 biennium, adjusted for inflation, and eligibility for Washington college grant recipients is at least seventy percent of state median family income;

(v) An amount equal to at least fifty percent of all grants and contributions must be deposited into the scholarship account until such time as twenty million dollars have been deposited into the scholarship account, after which time the private donors may designate whether their contributions must be deposited to the scholarship account, the student support pathways account, the advanced degrees pathways account, or the endowment account. The board and the program administrator must work to maximize private sector contributions to these accounts to maintain a robust scholarship program while simultaneously building the endowment, and to determine the division between the accounts in the case of undesignated grants and contributions, taking into account the need for a long-term funding mechanism and the short-term needs of families and students in Washington. The first five million dollars in state match, as provided in RCW 28B.145.040, shall be deposited into the scholarship account and thereafter the state match shall be deposited into the specified accounts created in this subsection (2)(b) in equal proportion to the private funds deposited in each account, except that no more than $5,000,000 in state match shall be deposited into the advanced degrees pathways account in a single fiscal biennium; and

(vi) Once moneys in the opportunity scholarship match transfer account are subject to an agreement under RCW 28B.145.050(5) and are deposited in the scholarship account, the student support pathways account, the advanced degrees pathways account, or the endowment account under this section, the state acts in a fiduciary rather than ownership capacity with regard to those assets. Assets in the scholarship account, the student support pathways account, the advanced degrees pathways account, and the endowment account are not considered state money, common cash, or revenue to the state;

(c) Provide proof of receipt of grants and contributions from private sources to the council, identifying the amounts received by name of private source and date, and whether the amounts received were deposited into the scholarship account, the student support pathways account, the advanced degrees pathways account, or the endowment account;

(d) In consultation with the council and the state board for community and technical colleges, make an assessment of the reasonable annual eligible expenses associated with eligible education programs and eligible advanced degree programs identified by the board;

(e) Determine the dollar difference between tuition fees charged by institutions of higher education in the 2008-09 academic year and

the academic year for which an opportunity scholarship is being distributed;

(f) Develop and implement an application, selection, and notification process for awarding opportunity scholarships;

(g) Ensure that if the private source is from a federally recognized Indian tribe, municipality, or county, an amount at least equal to the value of the private source plus the state match is awarded to participants within that federally recognized Indian tribe, municipality, or county according to the federally recognized Indian tribe's, municipality's, or county's program rules;

(h) Determine the annual amount of the opportunity scholarship for each selected participant. The annual amount shall be at least one thousand dollars or the amount determined under (e) of this subsection, but may be increased on an income-based, sliding scale basis up to the amount necessary to cover all reasonable annual eligible expenses as assessed pursuant to (d) of this subsection, or to encourage participation in professional-technical certificate programs, professional-technical degree programs, baccalaureate degree programs, or eligible advanced degree programs identified by the board;

(i) Distribute scholarship funds to selected participants. Once awarded, and to the extent funds are available for distribution, an opportunity scholarship shall be automatically renewed as long as the participant annually submits documentation of filing both a free application for federal student aid (FAFSA) and for available federal education tax credits including, but not limited to, the American opportunity tax credit, or if ineligible to apply for federal student aid, the participant annually submits documentation of filing a state financial aid application as approved by the office of student financial assistance; and until the participant withdraws from or is no longer attending the program, completes the program, or has extended beyond five years or 125 percent of the published program length of the program in which the student is enrolled or the credit or clock-hour equivalent as defined in the Washington college grant program;

(j) Notify institutions of scholarship recipients who will attend their institutions and inform them of the terms of the students' eligibility; and

(k) For participants enrolled in an eligible advanced degree program, document each participant's employment following graduation.

(3) With respect to the opportunity expansion program, the program administrator shall:

(a) Assist the board in developing and implementing an application, selection, and notification process for making opportunity expansion awards; and

(b) Solicit and accept grants and contributions from private sources for opportunity expansion awards. [2022 c 211 s 2; 2021 c 170 s 5; 2019 c 406 s 65. Prior: 2018 c 209 s 8; 2018 c 204 s 2; 2018 c 114 s 4; 2014 c 208 s 3; 2011 1st sp.s. c 13 s 4.]

**Findings——Intent——2021 c 170:** See note following RCW 71.24.887.

**Findings——Intent——2019 c 406:** See note following RCW 43.79.195.

**Findings——Short title——2019 c 406:** See notes following RCW 28B.92.200.

**Findings—2019 c 406:** See note following RCW 28B.94.020.

**Findings—Intent—2019 c 406:** See note following RCW 28C.30.050.

**Findings—Intent—2019 c 406:** See note following RCW 43.216.135.

**RCW 28B.145.040 Opportunity scholarship program.** (1) The opportunity scholarship program is established.

(2) The purpose of this scholarship program is to provide scholarships that will help low and middle-income Washington residents earn professional-technical certificates, professional-technical degrees, baccalaureate degrees in high employer demand and other programs of study, and advanced degrees in health professions, and encourage them to remain in the state to work. The program must be designed for students starting professional-technical certificate or degree programs, students starting at two-year institutions of higher education and intending to transfer to four-year institutions of higher education, students starting at four-year institutions of higher education, and students enrolled in eligible advanced degree programs.

(3) The opportunity scholarship board shall determine which programs of study, including but not limited to high employer demand programs, are eligible for purposes of the opportunity scholarship. For eligible advanced degree programs, the board shall limit scholarships to eligible students enrolling in programs that lead to credentials in health professions.

(4)(a) The source of funds for the program shall be a combination of private grants and contributions and state matching funds. A state match may be earned under this section for private contributions made on or after June 6, 2011.

(b)(i) The state must provide an annual appropriation for a state match, on an equal dollar basis, not to exceed $50,000,000 per fiscal year.

(ii) Appropriations for the state match in the biennial omnibus operating appropriations act must be based on estimated donations and pledges for those fiscal years as reported by the board to the office of financial management as of the date each official state caseload forecast is submitted by the caseload forecast council to the legislative fiscal committees, as provided under RCW 43.88C.020.

(iii) Annually in the supplemental omnibus operating appropriations act, the state match must be adjusted to donations received and estimated pledges committed for the current fiscal biennium as reported by the board to the office of financial management as of the date each official state caseload forecast is submitted by the caseload forecast council to the legislative fiscal committees, as provided under RCW 43.88C.020. Additionally, the state match for the current fiscal year must be adjusted to reflect the excess or deficit between donations and pledges actually received in the prior fiscal year and the state match provided in the prior fiscal year.

(iv) The purpose of this subsection (4)(b) is to ensure the predictable treatment of the program in the budget process by clarifying the calculation process of the state match required by this section and ensuring the program is budgeted at maintenance level.

[2023 c 176 s 3; 2019 c 406 s 66. Prior: 2018 c 209 s 9; 2018 c 114 s 5; 2011 1st sp.s. c 13 s 5.]

**Effective date—2023 c 176:** See note following RCW 28B.145.010.

**Findings—Intent—2019 c 406:** See note following RCW 43.79.195.

**Findings—Short title—2019 c 406:** See notes following RCW 28B.92.200.

**Findings—2019 c 406:** See note following RCW 28B.94.020.

**Findings—Intent—2019 c 406:** See note following RCW 28C.30.050.

**Findings—Intent—2019 c 406:** See note following RCW 43.216.135.

**RCW 28B.145.050 Opportunity scholarship match transfer account.** (1) The opportunity scholarship match transfer account is created in the custody of the state treasurer as a nonappropriated account to be used solely and exclusively for the opportunity scholarship program created in RCW 28B.145.040 and the local government partner promise programs authorized in RCW 28B.145.140. The purpose of the account is to provide matching funds for the opportunity scholarship program and the local government partner promise programs.

(2) Revenues to the account shall consist of appropriations by the legislature into the account and any gifts, grants, or donations received by the executive director of the council for this purpose.

(3) No expenditures from the account may be made except upon receipt of proof, by the executive director of the council from the program administrator, of private contributions to the opportunity scholarship program. Expenditures, in the form of matching funds, may not exceed the total amount of private contributions.

(4) Only the executive director of the council or the executive director's designee may authorize expenditures from the opportunity scholarship match transfer account. Such authorization must be made as soon as practicable following receipt of proof as required under subsection (3) of this section.

(5) The council shall enter into an appropriate agreement with the program administrator to demonstrate exchange of consideration for the matching funds.

(6) During the 2019-2021 fiscal biennium, expenditures from the opportunity scholarship match transfer account may be used for payment to the program administrator for administrative duties carried out under this chapter in an amount not to exceed two hundred fifty thousand dollars per fiscal year. [2025 c 254 s 4; 2020 c 357 s 912; 2014 c 208 s 5; 2011 1st sp.s. c 13 s 6.]

**Purpose—Intent—2025 c 254:** See note following RCW 28B.145.140.

**Effective date—2020 c 357:** See note following RCW 43.79.545.

**RCW 28B.145.055 Opportunity scholarship program—Awards not considered state-funded.** The office of student financial assistance and the institutions of higher education may not consider awards made

under the opportunity scholarship program to be state-funded for the purpose of determining the value of an award for other state financial aid programs. [2019 c 406 s 68.]

**Findings—Intent—2019 c 406:** See note following RCW 43.79.195.

**Findings—Short title—2019 c 406:** See notes following RCW 28B.92.200.

**Findings—2019 c 406:** See note following RCW 28B.94.020.

**Findings—Intent—2019 c 406:** See note following RCW 28C.30.050.

**Findings—Intent—2019 c 406:** See note following RCW 43.216.135.

**RCW 28B.145.060 Opportunity expansion program—Generally—Reports.** (1) The opportunity expansion program is established.

(2) The board shall select institutions of higher education to receive opportunity expansion awards. In so doing, the board must:

(a) Solicit, receive, and evaluate proposals from institutions of higher education that are designed to directly increase the number of baccalaureate degrees produced in high employer demand and other programs of study, and that include annual numerical targets for the number of such degrees, with a strong emphasis on serving students who received their high school diploma or high school equivalency certificate as provided in RCW 28B.50.536 in Washington or are adult Washington residents who are returning to school to gain a baccalaureate degree;

(b) Develop criteria for evaluating proposals and awarding funds to the proposals deemed most likely to increase the number of baccalaureate degrees and degrees produced in high employer demand and other programs of study;

(c) Give priority to proposals that include a partnership between public and private partnership entities that leverage additional private funds;

(d) Give priority to proposals that are innovative, efficient, and cost-effective, given the nature and cost of the particular program of study;

(e) Consult and operate in consultation with existing higher education stakeholders, including but not limited to: Faculty, labor, student organizations, and relevant higher education agencies; and

(f) Determine which proposals to improve and accelerate the production of baccalaureate degrees in high employer demand and other programs of study will receive opportunity expansion awards for the following state fiscal year, notify the state treasurer, and announce the awards.

(3) The state treasurer, at the direction of the board, must distribute the funds that have been awarded to the institutions of higher education from the *opportunity expansion account.

(4) Institutions of higher education receiving awards under this section may not supplant existing general fund state revenues with opportunity expansion awards.

(5) Annually, the office of financial management shall report to the board, the governor, and the relevant committees of the legislature regarding the percentage of Washington households with

incomes in the middle-income bracket or higher. For purposes of this section, "middle-income bracket" means household incomes between two hundred and five hundred percent of the 2010 federal poverty level, as determined by the United States department of health and human services for a family of four, adjusted annually for inflation.

(6) Annually, the council must report to the board, the governor, and the relevant committees of the legislature regarding the increase in the number of degrees in high employer demand and other programs of study awarded by institutions of higher education over the average of the preceding ten academic years.

(7) In its comprehensive plan, the workforce training and education coordinating board shall include specific strategies to reach the goal of increasing the percentage of Washington households living in the middle-income bracket or higher, as calculated by the office of financial management and developed by the agency or education institution that will lead the strategy. [2014 c 208 s 6; 2013 c 39 s 14; 2011 1st sp.s. c 13 s 7.]

***Reviser's note:** RCW 82.32.800 creating the "opportunity expansion account" was repealed by 2025 c 399 s 1.

**RCW 28B.145.070 Reports—Review for legislative action.** (1) Annually each December 1st, the board, together with the program administrator, shall report to the council, the governor, and the appropriate committees of the legislature regarding the rural jobs program, the opportunity scholarship program, and the opportunity expansion program, including but not limited to:

(a) Which education programs the board determined were eligible for purposes of the opportunity scholarship and which high employer demand fields within eligible counties were identified for purposes of the rural jobs program;

(b) The number of applicants for the opportunity scholarship and rural jobs program, disaggregated, to the extent possible, by race, ethnicity, gender, county of origin, age, and median family income;

(c) The number of participants in the opportunity scholarship program and rural jobs program, disaggregated, to the extent possible, by race, ethnicity, gender, county of origin, age, and median family income;

(d) The number and amount of the scholarships actually awarded, whether the scholarships were paid from the student support pathways account, the scholarship account, or the endowment account, and the number and amount of scholarships actually awarded under the rural jobs program;

(e) The institutions and eligible education programs in which opportunity scholarship participants enrolled, together with data regarding participants' completion and graduation, and the institutions and programs in which recipients of the rural jobs program scholarship enrolled, together with recipients' data on completion and graduation;

(f) The total amount of private contributions and state match moneys received for the rural jobs program and the opportunity scholarship program, how the funds under the opportunity scholarship program were distributed between the student support pathways account, the scholarship account, and the endowment account, the interest or other earnings on all the accounts created under this chapter, and the amount of any administrative fee paid to the program administrator;

(g) Identification of the programs the board selected to receive opportunity expansion awards and the amount of such awards; and

(h) For local government partners as defined in RCW 28B.145.140:

(i) The total amount of private contributions and state match moneys received; and

(ii) The total number of students served by each local government partner.

(2) In the next succeeding legislative session following receipt of a report required under subsection (1) of this section, the appropriate committees of the legislature shall review the report and consider whether any legislative action is necessary with respect to the rural jobs program, the opportunity scholarship program, or the opportunity expansion program, including but not limited to consideration of whether any legislative action is necessary with respect to the nature and level of focus on high employer demand fields and the number and amount of scholarships. [2025 c 254 s 5; 2018 c 254 s 8; 2014 c 208 s 7; 2011 1st sp.s. c 13 s 8.]

**Purpose—Intent—2025 c 254:** See note following RCW 28B.145.140.

**Findings—Intent—2018 c 254:** See note following RCW 28B.145.100.

**RCW 28B.145.080 Evaluation of opportunity scholarship and opportunity expansion programs by joint legislative audit and review committee.** (1) Beginning in 2018, the joint legislative audit and review committee shall evaluate the opportunity scholarship and opportunity expansion programs, and submit a report to the appropriate committees of the legislature by December 1, 2018. The committee's evaluation shall include, but not be limited to:

(a) The number and type of eligible education programs as determined by the opportunity scholarship board;

(b) The number of participants in the opportunity scholarship program in relation to the number of participants who completed a baccalaureate degree;

(c) The total cumulative number of students who received opportunity scholarships, and the total cumulative number of students who gained a baccalaureate degree after receiving an opportunity scholarship and the types of baccalaureate degrees awarded;

(d) The amount of private contributions to the opportunity scholarship program, annually and in total;

(e) The amount of state match moneys to the opportunity scholarship program, annually and in total;

(f) The amount of any administrative fees paid to the program administrator, annually and in total;

(g) The source and amount of funding, annually and cumulatively, for the opportunity expansion program;

(h) The number and type of proposals submitted by institutions for opportunity expansion awards, the number and type of proposals that received an award of opportunity expansion funds, and the amount of such awards;

(i) The total cumulative number of additional high employer demand degrees produced in Washington state due to the opportunity expansion program, including both the initial opportunity expansion awards and the subsequent inclusion in base funding; and

(j) Evidence that the existence of the opportunity scholarship and opportunity expansion programs have contributed to the achievement of the public policy objectives of helping to mitigate the impact of tuition increases, increasing the number of baccalaureate degrees in high employer demand and other programs, and investing in programs and students to meet market demands for a knowledge-based economy while filling middle-income jobs with a sufficient supply of skilled workers.

(2) In the event that the joint legislative audit and review committee is charged with completing an evaluation of other aspects of degree production, funding, or other aspects of higher education in 2018, and to the extent that it is economical and feasible to do so, the committee shall combine the multiple evaluations and submit a single report. [2011 1st sp.s. c 13 s 9.]

**RCW 28B.145.085 Eligibility verification—Outcome data.** (1) All institutions of higher education that participate in the opportunity scholarship program, including a local government partner promise scholarship program pursuant to RCW 28B.145.140, shall provide timely verification of eligibility information to the program administrator.

(2) Beginning in 2025, the education research and data center shall provide data on the outcomes of Washington state opportunity scholarship recipients and graduates by November 1st of each year. [2025 c 254 s 3.]

**Purpose—Intent—2025 c 254:** See note following RCW 28B.145.140.

**RCW 28B.145.090 Investments by the state investment board.** (1) The board may elect to have the state investment board invest the funds in the scholarship account, the student support pathways account, the advanced degrees pathways account, and the endowment account described under RCW 28B.145.030(2)(b). If the board so elects, the state investment board has the full power to invest, reinvest, manage, contract, sell, or exchange investment money in these accounts. All investment and operating costs associated with the investment of money shall be paid under RCW 43.33A.160 and 43.84.160. With the exception of these expenses, the earnings from the investment of the money shall be retained by the accounts.

(2) All investments made by the state investment board shall be made with the exercise of that degree of judgment and care under RCW 43.33A.140 and the investment policy established by the state investment board.

(3) As deemed appropriate by the state investment board, money in the scholarship account, the student support pathways account, the advanced degrees pathways account, and the endowment account may be commingled for investment with other funds subject to investment by the state investment board.

(4) Members of the state investment board shall not be considered an insurer of the funds or assets and are not liable for any action or inaction.

(5) Members of the state investment board are not liable to the state, to the fund, or to any other person as a result of their activities as members, whether ministerial or discretionary, except for willful dishonesty or intentional violations of law. The state

investment board in its discretion may purchase liability insurance for members.

(6) The authority to establish all policies relating to the scholarship account, the student support pathways account, the advanced degrees pathways account, and the endowment account, other than the investment policies as provided in subsections (1) through (3) of this section, resides with the board and program administrator acting in accordance with the principles set forth in this chapter. With the exception of expenses of the state investment board in subsection (1) of this section, disbursements from the scholarship account, the student support pathways account, the advanced degrees pathways account, and the endowment account shall be made only on the authorization of the opportunity scholarship board or its designee, and moneys in the accounts may be spent only for the purposes specified in this chapter.

(7) The state investment board shall routinely consult and communicate with the board on the investment policy, earnings of the accounts, and related needs of the program. [2019 c 406 s 67. Prior: 2018 c 254 s 3; 2018 c 209 s 10; 2018 c 114 s 6; 2014 c 208 s 4.]

**Findings—Intent—2019 c 406:** See note following RCW 43.79.195.

**Findings—Short title—2019 c 406:** See notes following RCW 28B.92.200.

**Findings—2019 c 406:** See note following RCW 28B.94.020.

**Findings—Intent—2019 c 406:** See note following RCW 28C.30.050.

**Findings—Intent—2019 c 406:** See note following RCW 43.216.135.

**Findings—Intent—2018 c 254:** See note following RCW 28B.145.100.

**RCW 28B.145.100 Rural jobs program.** (1)(a) The rural county high employer demand jobs program is created to meet the workforce needs of business and industry in rural counties by assisting students in earning certificates, associate degrees, or other industry-recognized credentials necessary for employment in high employer demand fields.

(b) Subject to the requirements of this section, the rural jobs program provides selected students scholarship funds and support services, as determined by the board, to help students meet their eligible expenses when they enroll in a community or technical college program that prepares them for high employer demand fields.

(c) The source of funds for the rural jobs program shall be a combination of private donations, grants, and contributions and state matching funds.

(d) The state must provide an annual appropriation for the state match, on an equal dollar basis, not to exceed $1,000,000 each fiscal biennium.

(i) Appropriations for the state match in the biennial omnibus operating appropriations act must be based on estimated donations and pledges for those fiscal years as reported by the board to the office of financial management as of the date each official state caseload

forecast is submitted by the caseload forecast council to the legislative fiscal committees, as provided under RCW 43.88C.020.

(ii) Annually in the supplemental omnibus operating appropriations act, the state match must be adjusted to donations received and estimated pledges committed for the current fiscal biennium as reported by the board to the office of financial management as of the date each official state caseload forecast is submitted by the caseload forecast council to the legislative fiscal committees, as provided under RCW 43.88C.020. Additionally, the state match for the current fiscal year must be adjusted to reflect the excess or deficit between donations and pledges actually received in the prior fiscal year and the state match provided in the prior fiscal year.

(iii) The purpose of this subsection (1)(d) is to ensure the predictable treatment of the program in the budget process by clarifying the calculation process of the state match required by this section and to ensure the program is budgeted at maintenance level.

(2) The program administrator has the duties and responsibilities provided under this section, including but not limited to:

(a) Publicize the rural jobs program and conducting outreach to eligible counties;

(b) In consultation with the state board for community and technical colleges, any interested community or technical college located in an eligible county, and the county's workforce development council, identify high employer demand fields within the eligible counties. When identifying high employer demand fields, the board must consider:

(i) County-specific employer demand reports issued by the employment security department or the list of statewide high-demand programs for secondary career and technical education established under RCW 28A.700.020; and

(ii) The ability and capacity of the community and technical college to meet the needs of qualifying students and industry in the eligible county;

(c) Develop and implement an application, selection, and notification process for awarding rural jobs program scholarship funds. In making determinations on scholarship recipients, the board shall use county-specific employer high-demand data;

(d) Determine the annual scholarship fund amounts to be awarded to selected students;

(e) Distribute funds to selected students;

(f) Notify institutions of higher education of the rural jobs program recipients who will attend their institutions of higher education and inform them of the scholarship fund amounts and terms of the awards; and

(g) Establish and manage an account as provided under RCW 28B.145.110 to receive donations, grants, contributions from private sources, and state matching funds, and from which to disburse scholarship funds to selected students.

(3) To be eligible for scholarship funds under the rural jobs program, a student must:

(a) Either:

(i) Be a resident of an eligible county;

(ii) Have attended and graduated from a school in an eligible school district; or

(iii) Be enrolled in either a community or technical college established under chapter 28B.50 RCW located in an eligible county or

participating in an eligible registered apprenticeship program under chapter 28B.92 RCW in an eligible county;

(b) Be a resident student as defined in the Washington college grant program in RCW 28B.92.200(5)(c);

(c) Be in a certificate, degree, or other industry-recognized credential or training program that has been identified by the board as a program that prepares students for a high employer demand field;

(d) Have a family income that does not exceed seventy percent of the state median family income adjusted for family size; and

(e) Demonstrate financial need according to the free application for federal student aid or the Washington application for state financial aid.

(4) To remain eligible for scholarship funds under the rural jobs program, the student must meet satisfactory academic progress toward completion of an eligible program as established by the program. Rural jobs program eligibility may not extend beyond five years or 125 percent of the published length of the program in which the student is enrolled or the credit or clock-hour equivalent.

(5) A scholarship award under the rural jobs program may not result in a reduction of any gift aid. Nothing in this section creates any right or entitlement. [2023 c 176 s 4; 2022 c 211 s 3; 2021 c 133 s 3; 2018 c 254 s 4.]

**Effective date——2023 c 176:** See note following RCW 28B.145.010.

**Findings——Intent——2021 c 133:** See note following RCW 28B.145.010.

**Findings——Intent——2018 c 254:** "(1) The legislature recognizes that:

(a) According to research from Georgetown University, by the year 2020, seventy percent of jobs in Washington state will require at least some education and training beyond high school, which aligns with Washington's educational attainment goals established under RCW 28B.77.020; and

(b) Research by the state board for community and technical colleges and other entities has found that attending college for at least one year and earning a credential results in a substantial boost in earnings for adults who enter a community college with a high school diploma or less.

(2) In addition, the legislature finds that:

(a) Rural counties face unique challenges to achieving full economic and community development in the face of societal trends that concentrate job and population growth in larger metropolitan areas. For example, seventy-five percent of the job growth in Washington by 2018 is projected to be confined to just five large counties. In addition, two-thirds of the state's recent population growth has occurred in the three largest counties and seven counties have actually lost population in recent years.

(b) One barrier to economic growth and investment in many rural counties is the lack of a trained, qualified workforce for the opportunities present in rural areas, particularly in science, technology, engineering, and mathematics (STEM) and health care fields of study. These opportunities often require specialized skills tailored for specific, regional employer needs. In many cases, employment opportunities are available in rural communities; however,

some assistance is needed to help local residents acquire the skills necessary to access the opportunities in their own backyards.

(3) The legislature declares that opportunity, community vitality, quality of life, and prosperity are essential for all Washington communities. Therefore, the legislature intends to create a program to assist rural communities in growing the workforce the community needs to meet its specific industry sector demands." [2018 c 254 s 1.]

**RCW 28B.145.110 Rural jobs program—Administrator duties—Student support pathways account.** (1) For the purposes of the rural jobs program, the program administrator shall:

(a) Jointly with the board, solicit and accept donations, grants, and contributions from private sources via direct payment, pledge agreement, or escrow account, for deposit into the student support pathways account created in this section, and set annual fund-raising goals;

(b) Establish and manage the student support pathways account to receive grants, contributions from private sources, and state matching funds, and from which to disburse scholarship funds to selected students; and

(c) Provide proof of receipt of grants and contributions from private sources to the council, identifying the amounts received by the name of the private source and date received, and whether the amounts received were deposited into the student support pathways account.

(2) The student support pathways account, whose principal may be invaded, must be created by the board from which scholarship funds will be disbursed beginning no later than the fall term of the 2020 academic year, if by that date, state matching funds have been received. Thereafter, scholarship funds shall be disbursed on an annual basis. [2018 c 254 s 5.]

**Findings—Intent—2018 c 254:** See note following RCW 28B.145.100.

**RCW 28B.145.120 Rural jobs program—Match transfer account.** (1) The rural jobs program match transfer account is created in the custody of the state treasurer as a nonappropriated account to be used solely and exclusively for the rural jobs program created in RCW 28B.145.100. The purpose of the rural jobs program match transfer account is to provide state matching funds for the rural jobs program.

(2) Revenues to the rural jobs program match transfer account shall consist of appropriations by the legislature into the rural jobs program match transfer account.

(3) No expenditures from the rural jobs program match transfer account may be made except upon receipt of proof, by the executive director of the council from the program administrator, of private contributions to the rural jobs program. Expenditures, in the form of matching funds, may not exceed the total amount of private contributions.

(4) Only the executive director of the council or the executive director's designee may authorize expenditures from the rural jobs program match transfer account. Such authorization must be made as

soon as practicable following receipt of proof as required under this section.

(5)(a) The council shall enter into an appropriate agreement with the program administrator to demonstrate exchange of consideration for the matching funds.

(b) Once moneys in the rural jobs program match transfer account are subject to an agreement under this subsection and are deposited in the student support pathways account, the state acts in a fiduciary rather than ownership capacity with regard to those assets. Assets in the student support pathways account are not considered state money, common cash, or revenue to the state. [2023 c 176 s 5; 2018 c 254 s 6.]

**Effective date——2023 c 176:** See note following RCW 28B.145.010.

**Findings——Intent——2018 c 254:** See note following RCW 28B.145.100.

**RCW 28B.145.140 Local government partner promise scholarship program.** (1) A local government partner may establish its own promise scholarship program within the opportunity scholarship program. The local government partner promise scholarship program shall be administered by the Washington state opportunity scholarship program. The program administrator shall assist the local government partner in the selection, notification, and disbursement of scholarship awards.

(2) To be eligible to participate in a local government partner promise scholarship program, a student must have received his or her high school diploma or high school equivalency certificate as provided in RCW 28B.50.536 in Washington and attend a public two-year institution of higher education or a professional-technical certificate or degree program as approved by the state board for community and technical colleges under RCW 28B.50.090(7)(c). Eligibility may not extend beyond three years or 125 percent of the published length of the program in which the student is enrolled or the credit or clock-hour equivalent.

(3) A local government partner that establishes a promise scholarship program may establish separate rules for its program that are independent from the broader Washington state opportunity scholarship program.

(4) The value of the scholarship award under the local government partner promise scholarship program is, at minimum, the difference between the recipient's total tuition fees as defined in RCW 28B.15.020 and services and activities fees as defined in RCW 28B.15.041, less the value of any state-funded grant including the college bound scholarship program established in chapter 28B.118 RCW and the Washington college grant created in RCW 28B.92.200, scholarship, gift aid, or waiver assistance the recipient receives. The local government partner may provide additional scholarship awards to cover reasonable expenses associated with the costs of acquiring an education such as books, equipment, room and board, and other expenses as determined by the local government partner.

(5) The office of student financial assistance and the institutions of higher education may not consider awards made under a local government partner's promise scholarship program to be state-funded for the purpose of determining the value of an award for other state financial aid programs.

(6) If a student participating in a local government partner promise scholarship program transfers to an institution not eligible under the local government partner's promise scholarship program rules, the student must reapply to the broader opportunity scholarship program and meet all eligibility requirements. A local government partner may continue to provide funds to the student through its own promise scholarship program if the local government partner's program rules allow continued payment. A student may not receive funds from the broader Washington state opportunity scholarship program and the local government partner promise scholarship program at the same time.

(7) A participating student's eligibility must be reconfirmed prior to each disbursement of funds.

(8) In consultation with the local government partner, the administrator's duties include:

(a) Implementing a selection and notification process for awarding local government scholarship funds;

(b) Distributing funds to selected students; and

(c) Notifying institutions of higher education of the local government scholarship recipients who will attend their institutions of higher education and informing the institutions of the scholarship fund amounts and terms of the awards.

(9) Ten percent of the local government partner funds, excluding state matching funds, may be used for the operational costs listed in subsection (8) of this section. The local government partner may opt to have additional programmatic support from the broader Washington opportunity scholarship program, such as application or marketing support, for an additional agreed-upon fee.

(10) In the event that there are not enough funds to serve all eligible applicants, priority must be given to applicants to the broader Washington state opportunity scholarship program over applicants to a government partner promise scholarship program.

(11) For each local government partner promise scholarship program, state matching funds shall be limited to $250,000 per fiscal year.

(12) For purposes of this section, "government partner" means municipalities, counties, or federally recognized Indian tribes.

(13) To be eligible for a state match in the 2025-27 biennium, a local government partner shall submit a pledge amount to the program administrator referencing the local government partner promise scholarship program by February 1, 2025. [2025 c 254 s 2.]

**Purpose—Intent—2025 c 254:** "The legislature recognizes that postsecondary credentials are vital for creating and maintaining a skilled workforce. To increase Washington's skilled workforce, local governments are encouraged to establish their own local government partner promise scholarship programs within the Washington state opportunity scholarship program to further reduce barriers for students within their jurisdiction. Current barriers may include scholarship applications, income limits, and degree program requirements. The purpose of this act is for local governments that establish local government partner promise scholarship programs to have minimal administrative duties, making benefits to students substantial. Therefore, it is the intent of the legislature to encourage additional local government partner promise scholarship programs to serve more students with fewer barriers." [2025 c 254 s 1.]

**RCW 28B.145.900 Short title.** This chapter may be known and cited as the opportunity scholarship act. [2011 1st sp.s. c 13 s 11.]

**RCW 28B.145.901 Effective date—2011 1st sp.s. c 13.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [June 6, 2011]. [2011 1st sp.s. c 13 s 13.]

# Chapter 28B.155 RCW
# JOINT CENTER FOR AEROSPACE TECHNOLOGY INNOVATION

**Sections**

28B.155.010 Joint center for aerospace technology innovation.
28B.155.020 Gifts, grants, donations.
28B.155.030 Industry partners——Freedom from discrimination.

**Reviser's note——Sunset Act application:** The joint center for aerospace technology innovation is subject to review, termination, and possible extension under chapter 43.131 RCW, the Sunset Act. See RCW 43.131.417. RCW 28B.155.010, 28B.155.020, and 28B.155.030 are scheduled for future repeal under RCW 43.131.418.

**RCW 28B.155.010 Joint center for aerospace technology innovation.** (1) The joint center for aerospace technology innovation is created to:

(a) Pursue joint industry-university research in computing, manufacturing efficiency, materials/structures innovation, and other new technologies that can be used in aerospace firms;

(b) Enhance the education of students in the engineering departments of the University of Washington, Washington State University, and other participating institutions through industry-focused research; and

(c) Work directly with existing small, medium-sized, and large aerospace firms and aerospace industry associations to identify research needs and opportunities to transfer off-the-shelf technologies that would benefit such firms.

(2) The center shall be operated and administered as a multi-institutional education and research center, conducting research and development programs in various locations within Washington under the joint authority of the University of Washington and Washington State University. The initial administrative offices of the center shall be west of the crest of the Cascade mountains. In order to meet aerospace industry needs, the facilities and resources of the center must be made available to all four-year institutions of higher education as defined in RCW 28B.10.016. Resources include, but are not limited to, internships, on-the-job training, and research opportunities for undergraduate and graduate students and faculty.

(3) The powers of the center are vested in and shall be exercised by a board of directors. The board shall consist of nine members appointed by the governor. The governor shall appoint a nonvoting chair. Of the eight voting members, one member shall represent small aerospace firms, one member shall represent medium-sized firms, one member shall represent large aerospace firms, one member shall represent labor, two members shall represent aerospace industry associations, and two members shall represent higher education. The terms of the initial members shall be staggered.

(4) The board shall hire an executive director. The executive director shall hire such staff as the board deems necessary to operate the center. Staff support may be provided from among the cooperating institutions through cooperative agreements to the extent funds are available. The executive director may enter into cooperative agreements for programs and research with public and private

organizations including state and nonstate agencies consistent with policies of the participating institutions.

(5) The board must:

(a) Work with aerospace industry associations and aerospace firms of all sizes to identify the research areas that will benefit the intermediate and long-term economic vitality of the Washington aerospace industry;

(b) Identify entrepreneurial researchers to join or lead research teams in the research areas specified in (a) of this subsection and the steps the University of Washington and Washington State University will take to recruit such researchers;

(c) Assist firms to integrate existing technologies into their operations and align the activities of the center with those of impact Washington to enhance services available to aerospace firms;

(d) Develop internships, on-the-job training, research, and other opportunities and ensure that all undergraduate and graduate students enrolled in an aerospace engineering curriculum have direct experience with aerospace firms;

(e) Assist researchers and firms in safeguarding intellectual property while advancing industry innovation;

(f) Develop and strengthen university-industry relationships through promotion of faculty collaboration with industry, and sponsor at least one annual symposium focusing on aerospace research in the state of Washington;

(g) Encourage a full range of projects from small research projects that meet the specific needs of a smaller company to large scale, multipartner projects;

(h) Develop nonstate support of the center's research activities through leveraging dollars from federal and private for-profit and nonprofit sources;

(i) Leverage its financial impact through joint support arrangements on a project-by-project basis as appropriate;

(j) Establish mechanisms for soliciting and evaluating proposals and for making awards and reporting on technological progress, financial leverage, and other measures of impact;

(k) By June 30, 2013, develop an operating plan that includes the specific processes, methods, or mechanisms the center will use to accomplish each of its duties as set out in this subsection; and

(l) Report biennially to the legislature and the governor about the impact of the center's work on the state's economy and the aerospace sector, with projections of future impact, providing indicators of its impact, and outlining ideas for enhancing benefits to the state. The report must be coordinated with the governor's office, and the department of commerce. [2014 c 174 s 3; 2014 c 112 s 102; 2012 c 242 s 1.]

**Reviser's note:** This section was amended by 2014 c 112 s 102 and by 2014 c 174 s 3, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

**Sunset Act application:** See note following chapter digest.

**Intent——2014 c 174:** See note following RCW 28B.50.902.

**RCW 28B.155.020 Gifts, grants, donations.** The joint center for aerospace technology innovation may solicit and receive gifts, grants, donations, sponsorships, or contributions from any federal, state, or local governmental agency or program or any private source, and expend the same for any purpose consistent with this chapter. [2012 c 242 s 2.]

**Sunset Act application:** See note following chapter digest.

**RCW 28B.155.030 Industry partners—Freedom from discrimination.** When determining industry partners, the joint center for aerospace technology innovation shall ensure aerospace firms and aerospace industry associations adhere to the values of the state of Washington under RCW 49.60.030, which provide its citizens freedom from discrimination. Any relationship with a potential or current industry partner that is found to have violated RCW 49.60.030 by the attorney general shall not be considered and immediately terminated unless:

(1) The industry partner has fulfilled the conditions or obligations associated with any court order or settlement resulting from that violation; or

(2) The industry partner has taken significant and meaningful steps to correct the violation, as determined by the Washington state human rights commission. [2020 c 306 s 3.]

**Sunset Act application:** See note following chapter digest.

# Chapter 28B.156 RCW
# JOINT CENTER FOR DEPLOYMENT AND RESEARCH IN EARTH-ABUNDANT MATERIALS

**Sections**


28B.156.005 Finding—Intent.
28B.156.010 Joint center for deployment and research in earth-abundant materials.
28B.156.020 Operation and administration of joint center.
28B.156.030 Board of directors—Membership—Powers and duties—Executive director—Operating plan—Report.
28B.156.040 Gifts, grants, donations.
28B.156.900 Short title.


**RCW 28B.156.005 Finding—Intent.** The legislature finds that to reach our energy, environmental, and economic goals, it is important to accelerate the development of next generation clean energy and transportation technologies in Washington. Today, a large number of clean and renewable energy technologies are dependent on rare earth elements and other expensive and difficult-to-source earth components. These technologies are critical to reducing carbon emissions, such as wind turbines, solar panels, and electric and hybrid car batteries.

According to a 2012 environmental protection agency report (EPA/600/R-12/572), no rare earth element mining has been conducted in the United States since 1995, and a legacy of environmental destruction has been left in countries where rare earth elements are mined. The same environmental protection agency report notes that recovering rare earth elements from state-of-the-art recycling processes is far more efficient than smelting metals from ores, generates only a fraction of the carbon emissions, and has significant benefits compared to mining in terms of land use and hazardous emissions. The environmental protection report stresses the need for additional research in alternative materials to rare earth materials as well as recycling innovation.

The legislature acknowledges that the people of Washington desire to leave behind a cleaner planet, and to lead the world in the research and innovations to make that possible. Setting aggressive, renewable energy and clean technology standards at home that result in exporting the environmental harms of improper mineral extraction to other nations is not an acceptable strategy. Fortunately, Washington is home to some of the world's leading researchers who have core competencies in developing material substitutes and extracting rare earth elements for recycling.

Leading research institutions have indicated that a program to accelerate the development of next generation clean energy and transportation technologies using earth-abundant materials would fit within their strategic vision and core mission to increase and coordinate their efforts with the private industry and implement this talent and research to work in accelerating the deployment of clean energy and cleaner transportation solutions. The goal is to develop materials to use in the manufacturing process that can be reliably accessed and acquired in environmentally responsible processes. A joint center established for this purpose can bridge the gap between institutions, encourage private-public partnerships, and increase the ability to compete for federal grants.

The legislature recognizes the opportunity for Washington to lead in these areas of research and innovation, fostering true sustainability environmental stewardship, and providing supply reliability and resiliency in next generation technologies. Doing so will contribute to the preservation of national security by increasing energy independence. Therefore, the legislature intends to fund research of earth-abundant materials that can substitute effectively in manufacturing for rare earth elements or other critical materials, with great potential to increase efficiency or reduce emissions in the transportation or energy sector, and to fund research into the recycling of rare earth elements from existing consumer products. The legislature intends to accomplish this by establishing the joint center for deployment and research in earth abundant materials, or JCDREAM, to attract academic talent and research funding to our state, and develop a workforce for manufacturing next generation earth-abundant technologies. [2015 3rd sp.s. c 20 s 1.]

**RCW 28B.156.010 Joint center for deployment and research in earth-abundant materials.** The joint center for deployment and research in earth-abundant materials is created to:

(1) Establish a transformative program in earth-abundant materials to accelerate the development of next generation clean energy and transportation technologies in Washington;

(2) Establish a coordinated framework and deploy resources that can facilitate and promote multi-institution collaborations to drive research, development, and deployment efforts in the use of earth-abundant materials for manufactured clean technologies or recycling of advanced materials used in clean technologies; and

(3) Promote environmentally responsible processes in the areas of manufacturing and recycling of advanced materials used in clean technologies. [2015 3rd sp.s. c 20 s 2.]

**RCW 28B.156.020 Operation and administration of joint center.** The joint center for deployment and research in earth-abundant materials must be operated and administered as a multi-institutional education and research center, conducting research and development programs in various locations within Washington under the joint authority of the University of Washington and Washington State University. The initial administrative offices of the center shall be west of the crest of the Cascade mountains. In order to meet industry needs, the facilities and resources of the center must be made available to all four-year institutions of higher education. Resources include internships, on-the-job training, and research opportunities for undergraduate and graduate students and faculty. [2015 3rd sp.s. c 20 s 3.]

**RCW 28B.156.030 Board of directors—Membership—Powers and duties—Executive director—Operating plan—Report.** (1)(a) The powers of the joint center for deployment and research in earth-abundant materials are vested in and shall be exercised by a board of directors consisting of ten voting members and a chair, appointed by the governor, who shall not vote, except as provided in (c) of this subsection.

(b) Of the ten voting members, one member must be the dean of Washington State University, one member must be the dean of the University of Washington, one member must represent Pacific Northwest National Laboratory, one member must represent an energy institute at a regional university, one member must represent the community colleges engaged in training of the next generation workforce in the relevant areas, one member must represent large industry companies, one member must represent medium industry companies, one member must represent small industry companies, one member must have professional experience in the fields of national security and energy policy, and one member shall have professional experience in innovation and development of policy to address environmental challenges.

(c) In the event of a tie vote among the voting members, the chair may vote to break the tie.

(d) The terms of the initial members must be staggered.

(2) The board shall hire an executive director. The executive director shall hire such staff as the board deems necessary to operate the joint center for deployment and research in earth-abundant materials. Staff support may be provided from among the cooperating institutions through cooperative agreements to the extent funds are available. The executive director may enter into cooperative agreements for programs and research with public and private organizations including state and nonstate agencies consistent with policies of the participating institutions.

(3) The board shall:

(a) Work with the clean technology and transportation industry associations and firms of all sizes to identify the research areas that will benefit the intermediate and long-term economic vitality of Washington's clean technology and transportation industries;

(b) Identify entrepreneurial researchers to join or lead research teams in the research areas specified in (a) of this subsection and the steps the University of Washington and Washington State University will take to recruit and retain such researchers;

(c) Assist firms to integrate existing technologies into their operations and align the activities of the joint center for deployment and research in earth-abundant materials with those of impact Washington to enhance services available to clean technology and transportation firms;

(d) Develop internships, on-the-job training, research, and other opportunities and ensure that all undergraduate and graduate students enrolled in programs for clean technology and earth-abundant research and deployment-related curriculum have direct experience with the industry;

(e) Assist researchers and firms in safeguarding intellectual property while advancing industry innovation;

(f) Develop and strengthen university-industry relationships through promotion of faculty collaboration with industry and sponsor at least one annual symposium focusing on clean energy earth-abundant research and deployment in the state of Washington;

(g) Encourage a full range of projects from small research projects that meet the specific needs of a smaller company to large scale, multipartner projects;

(h) Develop nonstate support of the center's research activities through leveraging dollars from federal and private for-profit and nonprofit sources;

(i) Leverage its financial impact through joint support arrangements on a project-by-project basis as appropriate;

(j) Establish mechanisms for soliciting and evaluating proposals and for making awards and reporting on technological progress, financial leverage, and other measures of impact;

(k) Allocate appropriated seed funds for at least one of the following purposes:

(i) Collaboration on research and product development that would further the commercialization of renewable energy and battery storage technologies that use earth-abundant materials in place of critical materials or rare earth elements;

(ii) Collaboration on research for joining dissimilar materials in a way that minimizes titanium content by employing earth-abundant materials for advanced manufacturing commercialization;

(iii) Collaboration on research and deployment of technologies and processes that facilitate reclamation and recycling of rare-earth elements from existing products; and

(iv) Providing assistance to community colleges and trade schools in program development and equipment for training the skilled workforce necessary for the successful commercialization and integration of earth-abundant technologies, as the workforce training needs are defined by forthcoming deployment opportunities;

(l)(i) By December 1, 2015, develop an operating plan that includes the specific processes, methods, or mechanisms the center will use to accomplish each of its duties as set out in this subsection (3);

(ii) The operating plan must also include appropriate performance metrics to measure total research dollars leveraged, total researchers involved, total workforce trained, and total number of products or processes that have progressed to commercialization and private sector deployment; and

(m)(i) Report biennially to the legislature and the governor about the impact of the center's work on the state's economy and the development of next generation clean energy and transportation technologies in Washington using earth-abundant materials. The report must include performance metrics results, projections of future impact, indicators of its current impact, and ideas for enhancing benefits to the state.

(ii) The report must be coordinated with the governor's office and the department of commerce. [2015 3rd sp.s. c 20 s 4.]

**RCW 28B.156.040 Gifts, grants, donations.** The joint center for deployment and research in earth-abundant materials may solicit and receive gifts, grants, donations, sponsorships, or contributions from any federal, state, or local governmental agency or program or any private source and expend the same for any purpose consistent with this chapter. Members and employees associated with the joint center for deployment and research in earth-abundant materials are presumed not to be in violation of solicitation and receipt of gift provisions in RCW 42.52.150. [2015 3rd sp.s. c 20 s 5.]

**RCW 28B.156.900 Short title.** This chapter may be known and cited as the JCDREAM act. [2015 3rd sp.s. c 20 s 6.]

# Chapter 28B.160 RCW
# APPLICANT CRIMINAL HISTORY

**Sections**

28B.160.010 Definitions.
28B.160.020 Admissions applications.
28B.160.030 Authorized inquiries.
28B.160.040 Process development.
28B.160.900 Short title—2018 c 83.

**RCW 28B.160.010 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admissions application" means an individual application to enroll as an undergraduate or graduate student at an institution of higher education.

(2) "Criminal record" or "criminal history" includes any record about a citation or arrest for criminal conduct, including any records relating to probable cause to arrest, and includes any record about a criminal or juvenile case filed with any court, whether or not the case resulted in a finding of guilt.

(3) "Institutions of higher education" means the state universities, the regional universities, The Evergreen State College, the community colleges, and the technical colleges that receive state funds.

(4) "Third-party admissions application" means an admissions application not controlled by the institution. [2018 c 83 s 1.]

**RCW 28B.160.020 Admissions applications.** (1) Except as provided in subsection (2) of this section, an institution of higher education may not use an initial admissions application that requests information about the criminal history of the applicant.

(2) An institution of higher education may, but is not required to, use a third-party admissions application that contains information about the criminal history of the applicant if the institution of higher education posts a notice on its website stating that the institution of higher education may not automatically or unreasonably deny an applicant's admission or restrict access to campus residency based on an applicant's criminal history. [2018 c 83 s 2.]

**RCW 28B.160.030 Authorized inquiries.** (1) After an applicant has otherwise been determined to be qualified for admission, an institution of higher education may, but is not required to, inquire into or obtain information about an applicant's criminal history for the purpose of:

(a) Accepting or denying an applicant for admission to the institution of higher education or restricting access to campus residency; or

(b) Offering supportive counseling or services to help rehabilitate and educate the student on barriers a criminal record may present.

(2) After inquiring into or obtaining information under this section, an institution of higher education may not automatically or

unreasonably deny an applicant's admission or restrict access to campus residency based on that applicant's criminal history. [2018 c 83 s 3.]

**RCW 28B.160.040 Process development.** (1) Each institution of higher education shall develop a process to determine whether or not there is a relationship between an applicant's criminal history and a specific academic program or campus residency to justify denial of admission or restrict access to campus residency.

(2) The process developed under this section shall be set forth in writing and shall include consideration of:

(a) The age of the applicant at the time any aspect of the applicant's criminal history occurred;

(b) The time that has elapsed since any aspect of the applicant's criminal history occurred;

(c) The nature of the criminal history, including but not limited to whether the applicant was convicted of a "serious violent offense" or a "sex offense" as those terms are defined in RCW 9.94A.030; and

(d) Evidence of rehabilitation or good conduct produced by the applicant. [2018 c 83 s 4.]

**RCW 28B.160.900 Short title——2018 c 83.** This act may be known and cited as the Washington fair chance to education act. [2018 c 83 s 5.]

# Chapter 28B.170 RCW
# MENSTRUAL HYGIENE PRODUCTS

**Sections**

28B.170.010 Menstrual hygiene products.

**RCW 28B.170.010 Menstrual hygiene products.** (1) By the beginning of the 2022-23 academic year, institutions of higher education as defined in RCW 28B.92.030 must make menstrual hygiene products available at no cost in all gender-neutral bathrooms and bathrooms designated for female students.

(2) Menstrual hygiene products must include sanitary napkins, tampons, or similar items.

(3) Institutions of higher education must bear the cost of supplying menstrual hygiene products. Institutions of higher education may seek grants or partner with nonprofit or community-based organizations to fulfill this obligation. [2021 c 163 s 2.]

# Chapter 28B.900 RCW
# CONSTRUCTION

**Sections**


28B.900.010 Repeals and savings——1969 ex.s. c 223.
28B.900.020 Moneys transferred.
28B.900.030 Continuation of existing law.
28B.900.040 Provisions to be construed in pari materia.
28B.900.050 Title, chapter, section headings not part of law.
28B.900.060 Invalidity of part of title not to affect remainder.
28B.900.070 This code defined.
28B.900.080 Effective date——1969 ex.s. c 223.


**RCW 28B.900.010 Repeals and savings——1969 ex.s. c 223.** See 1969 ex.s. c 223 s 28B.98.010. Formerly RCW 28B.98.010.

**RCW 28B.900.020 Moneys transferred.** All moneys in the Southwestern Washington State College bond retirement fund and the Southwestern Washington State College capital projects account are hereby transferred to The Evergreen State College bond retirement fund and The Evergreen State College capital projects account respectively, which latter fund and account are created in RCW 28B.35.370. [1969 ex.s. c 223 s 28B.98.020. Formerly RCW 28B.98.020.]

**RCW 28B.900.030 Continuation of existing law.** The provisions of this title, Title 28B RCW, insofar as they are substantially the same as statutory provisions repealed by this chapter, and relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments. Nothing in this 1969 code revision of Title 28 RCW shall be construed as authorizing any new bond issues or new or additional appropriations of moneys but the bond issue authorizations herein contained shall be construed only as continuations of bond issues authorized by prior laws herein repealed and reenacted, and the appropriations of moneys herein contained are continued herein for historical purposes only and this 1969 act shall not be construed as a reappropriation thereof and no appropriation contained herein shall be deemed to be extended or revived hereby and such appropriation shall lapse or shall have lapsed in accordance with the original enactment: PROVIDED, That this 1969 act shall not operate to terminate, extend, or otherwise affect any appropriation for the biennium commencing July 1, 1967 and ending June 30, 1969. [1969 ex.s. c 223 s 28B.98.030. Formerly RCW 28B.98.030.]

**RCW 28B.900.040 Provisions to be construed in pari materia.** The provisions of this title, Title 28B RCW, shall be construed in pari materia even though as a matter of prior legislative history they were not originally enacted in the same statute. The provisions of this title shall also be construed in pari materia with the provisions of Title 28A RCW, and with other laws relating to education. This section shall not operate retroactively. [1969 ex.s. c 223 s 28B.98.040. Formerly RCW 28B.98.040.]

**RCW 28B.900.050 Title, chapter, section headings not part of law.** Title headings, chapter headings, and section or subsection headings, as used in this title, Title 28B RCW, do not constitute any part of the law. [1969 ex.s. c 223 s 28B.98.050. Formerly RCW 28B.98.050.]

**RCW 28B.900.060 Invalidity of part of title not to affect remainder.** If any provision of this title, Title 28B RCW, or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision to other persons or circumstances is not affected. [1969 ex.s. c 223 s 28B.98.060. Formerly RCW 28B.98.060.]

**RCW 28B.900.070 This code defined.** As used in this title, Title 28B RCW, "this code" means Titles 28A and 28B of this 1969 act. [1969 ex.s. c 223 s 28B.98.070. Formerly RCW 28B.98.070.]

**RCW 28B.900.080 Effective date—1969 ex.s. c 223.** This act shall take effect on July 1, 1970. [1969 ex.s. c 223 s 28B.98.080. Formerly RCW 28B.98.080.]