

2 **ESSB 5184** - H COMM AMD **ADOPTED 4-19-91**

3 By Committee on Higher Education

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** The legislature finds that the state's
8 system of work force training and education is inadequate for meeting
9 the needs of the state's workers, employers, and economy. A growing
10 shortage of skilled workers is already hurting the state's economy.
11 There is a shortage of available workers and too often prospective
12 employees lack the skills and training needed by employers. Moreover,
13 with demographic changes in the state's population employers will need
14 to employ a more culturally diverse work force in the future.

15 The legislature further finds that the state's current work force
16 training and education system is fragmented among numerous agencies,
17 councils, boards, and committees, with inadequate overall coordination.
18 No comprehensive strategic plan guides the different parts of the
19 system. There is no single point of leadership and responsibility.
20 There is insufficient guidance from employers and workers built into
21 the system to ensure that the system is responsive to the needs of its
22 customers. Adult work force education lacks a uniform system of
23 governance, with an inefficient division in governance between
24 community colleges and vocational technical institutes, and inadequate
25 local authority. The parts of the system providing adult basic skills
26 and literacy education are especially uncoordinated and lack sufficient
27 visibility to adequately address the needs of the large number of
28 adults in the state who are functionally illiterate. The work force

1 training and education system's data and evaluation methods are
2 inconsistent and unable to provide adequate information for determining
3 how well the system is performing on a regular basis so that the system
4 may be held accountable for the outcomes it produces. Much of the work
5 force training and education system provides inadequate opportunities
6 to meet the needs of people from culturally diverse backgrounds.
7 Finally, our educational institutions are not producing the number of
8 people educated in vocational/technical skills needed by employers.

9 The legislature recognizes that we must make certain that our
10 institutions of education place appropriate emphasis on the needs of
11 employers and on the needs of the approximately eighty percent of our
12 young people who enter the world of work without completing a four-year
13 program of higher education. We must make our work force education and
14 training system better coordinated, more efficient, more responsive to
15 the needs of business and workers and local communities, more
16 accountable for its performance, and more open to the needs of a
17 culturally diverse population."

18 NEW SECTION. **Sec. 2.** Unless the context clearly requires
19 otherwise, the definitions in this section apply throughout this title.

20 (1) "Board" means the work force training and education
21 coordinating board.

22 (2) "Director" means the director of the work force training and
23 education coordinating board.

24 (3) "Training system" means programs and courses of secondary
25 vocational education, technical college programs and courses, community
26 college vocational programs and courses, adult basic education programs
27 and courses, programs and courses funded by the job training
28 partnership act, programs and courses funded by the federal vocational
29 act, programs and courses funded under the federal adult education act,

1 publicly funded programs and courses for adult literacy education, and
2 apprenticeships, and programs and courses offered by private and public
3 nonprofit organizations that are representative of communities or
4 significant segments of communities and provide job training or adult
5 literacy services.

6 (4) "Work force skills" means skills developed through applied
7 learning that strengthen and reinforce an individual's academic
8 knowledge, critical thinking, problem solving, and work ethic and,
9 thereby, develop the employability, occupational skills, and management
10 of home and work responsibilities necessary for economic independence.

11 (5) "Vocational education" means organized educational programs
12 offering a sequence of courses which are directly related to the
13 preparation or retraining of individuals in paid or unpaid employment
14 in current or emerging occupations requiring other than a baccalaureate
15 or advanced degree. Such programs shall include competency-based
16 applied learning which contributes to an individual's academic
17 knowledge, higher-order reasoning, and problem-solving skills, work
18 attitudes, general employability skills, and the occupational-specific
19 skills necessary for economic independence as a productive and
20 contributing member of society. Such term also includes applied
21 technology education.

22 (6) "Adult basic education" means instruction designed to achieve
23 mastery of skills in reading, writing, oral communication, and
24 computation at a level sufficient to allow the individual to function
25 effectively as a parent, worker, and citizen in the United States,
26 commensurate with that individual's actual ability level, and includes
27 English as a second language and preparation and testing service for
28 the general education development exam."

1 "NEW SECTION. Sec. 3. There is hereby created the work force
2 training and education coordinating board as a state agency and as the
3 successor agency to the state board for vocational education. Once the
4 coordinating board has convened, all references to the state board for
5 vocational education in the Revised Code of Washington shall be
6 construed to mean the work force training and education coordinating
7 board, except that reference to the state board for vocational
8 education in RCW 49.04.030 shall mean the state board for community and
9 technical colleges."

10 "NEW SECTION. Sec. 4. The purpose of the board is to provide
11 planning, coordination, evaluation, monitoring, and policy analysis for
12 the state training system as a whole, and advice to the governor and
13 legislature concerning the state training system, in cooperation with
14 the agencies which comprise the state training system, and the higher
15 education coordinating board."

16 "NEW SECTION. Sec. 5. (1) The board shall consist of nine
17 voting members appointed by the governor with the consent of the
18 senate, as follows: Three representatives of business, three
19 representatives of labor, and, serving as ex officio members, the
20 superintendent of public instruction, the executive director of the
21 state board for community and technical colleges, and the commissioner
22 of the employment security department. The chair of the board shall be
23 a nonvoting member selected by the governor with the consent of the
24 senate, and shall serve at the pleasure of the governor. In selecting
25 the chair, the governor shall seek a person who understands the future
26 economic needs of the state and nation and the role that the state's
27 training system has in meeting those needs. Each voting member of the
28 board may appoint a designee to function in his or her place with the

1 right to vote. In making appointments to the board, the governor shall
2 seek to ensure geographic diversity and balance.

3 (2) The business representatives shall be selected from among
4 nominations provided by state-wide business organizations. The
5 nominations shall reflect the cultural diversity of the state,
6 including women and racial and ethnic minorities, and diversity in
7 sizes of businesses.

8 (3) The labor representatives shall be selected from among
9 nominations provided by state-wide labor organizations. The
10 nominations shall reflect the cultural diversity of the state,
11 including women and racial and ethnic minorities.

12 (4) Each business member may cast a proxy vote or votes for any
13 business member who is not present and who authorizes in writing the
14 present member to cast such vote.

15 (5) Each labor member may cast a proxy vote for any labor member
16 who is not present and who authorizes in writing the present member to
17 cast such vote.

18 (6) The chair shall appoint to the board one nonvoting member to
19 represent racial and ethnic minorities, women, and people with
20 disabilities. The nonvoting member appointed by the chair shall serve
21 for a term of four years with the term expiring on June 30th of the
22 fourth year of the term.

23 (7) The business members of the board shall serve for terms of four
24 years, the terms expiring on June 30th of the fourth year of the term
25 except that in the case of initial members, one shall be appointed to
26 a two-year term and one appointed to a three-year term.

27 (8) The labor members of the board shall serve for terms of four
28 years, the terms expiring on June 30th of the fourth year of the term
29 except that in the case of initial members, one shall be appointed to
30 a two-year term and one appointed to a three-year term.

1 (9) Any vacancies among board members representing business or
2 labor shall be filled by the governor with nominations provided by
3 state-wide organizations representing business or labor, respectively.

4 (10) The board shall adopt bylaws and shall meet at least bimonthly
5 and at such other times as determined by the chair who shall give
6 reasonable prior notice to the members or at the request of a majority
7 of the voting members.

8 (11) Members of the board shall be compensated in accordance with
9 RCW 43.03.040 and shall receive travel expenses in accordance with RCW
10 43.03.050 and 43.03.060.

11 (12) The board shall be formed and ready to assume its
12 responsibilities under this chapter by October 1, 1991.

13 (13) The board shall appoint a director who shall hold office at
14 the pleasure of the board."

15 "NEW SECTION. Sec. 6. (1) The director shall serve as chief
16 executive officer of the board who shall administer the provisions of
17 this chapter, employ such personnel as may be necessary to implement
18 the purposes of this chapter, and utilize staff of existing operating
19 agencies to the fullest extent possible.

20 (2) The director shall not be the chair of the board.

21 (3) Subject to the approval of the board, the director shall
22 appoint necessary deputy and assistant directors and other staff who
23 shall be exempt from the provisions of chapter 41.06 RCW. The
24 director's appointees shall serve at the director's pleasure on such
25 terms and conditions as the director determines but subject to the code
26 of ethics contained in chapter 42.18 RCW.

27 (4) The director shall appoint and employ such other employees as
28 may be required for the proper discharge of the functions of the board.

1 (5) The director shall, as permissible under P.L. 101-392, as
2 amended, integrate the staff of the council on vocational education,
3 and contract with the state board for community and technical colleges
4 for assistance for adult basic skills and literacy policy development
5 and planning as required by P.L. 100-297, as amended."

6 "NEW SECTION. **Sec. 7.** (1) The board shall be designated as the
7 state board of vocational education as provided for in P.L. 98-524, as
8 amended, and shall perform such functions as is necessary to comply
9 with federal directives pertaining to the provisions of such law.

10 (2) The board shall monitor for consistency with the state
11 comprehensive plan for work force training and education the policies
12 and plans established by the state job training coordinating council,
13 the advisory council on adult education, and the Washington state plan
14 for adult basic education, and provide guidance for making such
15 policies and plans consistent with the state comprehensive plan for
16 work force training and education."

17 "NEW SECTION. **Sec. 8.** The board, in cooperation with the
18 operating agencies of the state training system shall:

19 (1) Concentrate its major efforts on planning, coordination
20 evaluation, policy analysis, and recommending improvements to the
21 state's training system.

22 (2) Advocate for the state training system and for meeting the
23 needs of employers and the work force for work force education and
24 training.

25 (3) Establish and maintain an inventory of the programs of the
26 state training system, and related state programs, and perform a
27 biennial assessment of the vocational education, training, and adult
28 basic education and literacy needs of the state; identify ongoing and

1 strategic education needs; and assess the extent to which employment,
2 training, vocational and basic education, rehabilitation services, and
3 public assistance services represent a consistent, integrated approach
4 to meet such needs.

5 (4) Develop and maintain a state comprehensive plan for work force
6 training and education, including but not limited to, goals,
7 objectives, and priorities for the state training system, and review
8 the state training system for consistency with the state comprehensive
9 plan. In developing the state comprehensive plan for work force
10 training and education, the board shall use, but shall not be limited
11 to: Economic, labor market, and populations trends reports in office
12 of financial management forecasts; joint office of financial management
13 and employment security department labor force, industry employment,
14 and occupational forecasts; the results of scientifically based
15 outcome, net-impact and cost-benefit evaluations; the needs of
16 employers as evidenced in formal employer surveys and other employer
17 input; and the needs of program participants and workers as evidenced
18 in formal surveys and other input from program participants and the
19 labor community.

20 (5) In consultation with the higher education coordinating board,
21 review and make recommendations to the office of financial management
22 and the legislature on operating and capital facilities budget requests
23 for operating agencies of the state training system for purposes of
24 consistency with the state comprehensive plan for work force training
25 and education.

26 (6) Provide for coordination among the different operating agencies
27 of the state training system at the state level and at the regional
28 level.

1 (7) Develop a consistent and reliable data base on vocational
2 education enrollments, costs, program activities, and job placements
3 from publicly funded vocational education programs in this state.

4 (8) Establish standards for data collection and maintenance for the
5 operating agencies of the state training system in a format that is
6 accessible to use by the board. The board shall require a minimum of
7 common core data to be collected by each operating agency of the state
8 training system.

9 The board shall develop requirements for minimum common core data
10 in consultation with the office of financial management and the
11 operating agencies of the training system.

12 (9) Establish minimum standards for program evaluation for the
13 operating agencies of the state training system, including, but not
14 limited to, the use of common survey instruments and procedures for
15 measuring perceptions of program participants and employers of program
16 participants, and monitor such program evaluation.

17 (10) Every two years administer scientifically based outcome
18 evaluations of the state training system, including, but not limited
19 to, surveys of program participants, surveys of employers of program
20 participants, and matches with employment security department payroll
21 and wage files. Every five years administer scientifically based net-
22 impact and cost-benefit evaluations of the state training system.

23 (11) In cooperation with the employment security department,
24 provide for the improvement and maintenance of quality and utility in
25 occupational information and forecasts for use in training system
26 planning and evaluation. Improvements shall include, but not be
27 limited to, development of state-based occupational change factors
28 involving input by employers and employees, and delineation of skill
29 and training requirements by education level associated with current
30 and forecasted occupations.

1 (12) Provide for the development of common course description
2 formats, common reporting requirements, and common definitions for
3 operating agencies of the training system.

4 (13) Provide for effectiveness and efficiency reviews of the state
5 training system.

6 (14) In cooperation with the higher education coordinating board,
7 facilitate transfer of credit policies and agreements between
8 institutions of the state training system, and encourage articulation
9 agreements for programs encompassing two years of secondary work force
10 education and two years of postsecondary work force education.

11 (15) In cooperation with the higher education coordinating board,
12 facilitate transfer of credit policies and agreements between private
13 training institutions and institutions of the state training system.

14 (16) Participate in the development of coordination criteria for
15 activities under the job training partnership act with related programs
16 and services provided by state and local education and training
17 agencies.

18 (17) Make recommendations to the commission of student assessment,
19 the state board of education, and the superintendent of public
20 instruction, concerning basic skill competencies and essential core
21 competencies for K-12 education. Basic skills for this purpose shall
22 be reading, writing, computation, speaking, and critical thinking,
23 essential core competencies for this purpose shall be English, math,
24 science/technology, history, geography, and critical thinking. The
25 board shall monitor the development of and provide advice concerning
26 secondary curriculum which integrates vocational and academic
27 education.

28 (18) Establish and administer programs for marketing and outreach
29 to businesses and potential program participants.

1 (19) Facilitate the location of support services, including but not
2 limited to, child care, financial aid, career counseling, and job
3 placement services, for students and trainees at institutions in the
4 state training system, and advocate for support services for trainees
5 and students in the state training system.

6 (20) Facilitate private sector assistance for the state training
7 system, including but not limited to: Financial assistance, rotation
8 of private and public personnel, and vocational counseling.

9 (21) Facilitate programs for school-to-work transition that combine
10 classroom education and on-the-job training in industries and
11 occupations without a significant number of apprenticeship programs.

12 (22) Encourage and assess progress for the equitable representation
13 of racial and ethnic minorities, women, and people with disabilities
14 among the students, teachers, and administrators of the state training
15 system. Equitable, for this purpose, shall mean substantially
16 proportional to their percentage of the state population in the
17 geographic area served. This function of the board shall in no way
18 lessen more stringent state or federal requirements for representation
19 of racial and ethnic minorities, women, and people with disabilities.

20 (23) Participate in the planning and policy development of governor
21 set-aside grants under P.L. 97-300, as amended.

22 (24) Administer veterans' programs, licensure of private vocational
23 schools, the job skills program, and the Washington award for
24 vocational excellence.

25 (25) Allocate funding from the state job training trust fund.

26 (26) Adopt rules as necessary to implement this chapter.

27 The board may delegate to the director any of the functions of this
28 section."

1 "NEW SECTION. Sec. 9. The state board for vocational education
2 is hereby abolished and its powers, duties, and functions are hereby
3 transferred to the work force training and education coordinating
4 board. All references to the director or the state board for
5 vocational education in the Revised Code of Washington shall be
6 construed to mean the director or the work force training and education
7 coordinating board."

8 "NEW SECTION. Sec. 10. All reports, documents, surveys, books,
9 records, files, papers, or written material in the possession of the
10 state board for vocational education shall be delivered to the custody
11 of the work force training and education coordinating board. All
12 cabinets, furniture, office equipment, motor vehicles, and other
13 tangible property employed by the state board for vocational education
14 shall be made available to the work force training and education
15 coordinating board. All funds, credits, or other assets held by the
16 state board for vocational education shall be assigned to the work
17 force training and education coordinating board.

18 Any appropriations made to the state board for vocational education
19 shall, on the effective date of this section, be transferred and
20 credited to the work force training and education coordinating board.

21 Whenever any question arises as to the transfer of any personnel,
22 funds, books, documents, records, papers, files, equipment, or other
23 tangible property used or held in the exercise of the powers and the
24 performance of the duties and functions transferred, the director of
25 financial management shall make a determination as to the proper
26 allocation and certify the same to the state agencies concerned."

27 "NEW SECTION. Sec. 11. All employees of the state board for
28 vocational education who are classified under chapter 41.06 RCW, the

1 state civil service law, are assigned to the work force training and
2 education coordinating board to perform their usual duties upon the
3 same terms as formerly, without any loss of rights, subject to any
4 action that may be appropriate thereafter in accordance with the laws
5 and rules governing state civil service."

6 "NEW SECTION. **Sec. 12.** All rules and all pending business
7 before the state board for vocational education shall be continued and
8 acted upon by the work force training and education coordinating board.
9 All existing contracts and obligations shall remain in full force and
10 shall be performed by the work force training and education
11 coordinating board."

12 "NEW SECTION. **Sec. 13.** The transfer of the powers, duties,
13 functions, and personnel of the state board for vocational education
14 shall not affect the validity of any act performed prior to the
15 effective date of this section."

16 "NEW SECTION. **Sec. 14.** If apportionments of budgeted funds are
17 required because of the transfers directed by sections 10 through 13 of
18 this act, the director of financial management shall certify the
19 apportionments to the agencies affected, the state auditor, and the
20 state treasurer. Each of these shall make the appropriate transfer and
21 adjustments in funds and appropriation accounts and equipment records
22 in accordance with the certification."

23 "NEW SECTION. **Sec. 15.** Nothing contained in sections 9 through
24 14 of this act may be construed to alter any existing collective
25 bargaining unit or the provisions of any existing collective bargaining

1 agreement until the agreement has expired or until the bargaining unit
2 has been modified by action of the personnel board as provided by law."

3 "NEW SECTION. Sec. 16. (1) There is hereby created the
4 Washington state job training coordinating council for so long as a
5 state council is required by federal law or regulation as a condition
6 for receipt of federal funds. The council shall perform all duties of
7 state job training coordinating council as specified in the federal job
8 training partnership act, P.L. 97-300, as amended, including the
9 preparation of a coordination and special services plan for a two-year
10 period, consistent with the state comprehensive plan for work force
11 training and education prepared by the work force training and
12 education coordinating board as provided for in section 8 of this act.

13 (2) The work force training and education coordinating board shall
14 monitor the need for the council as described in subsection (1) of this
15 section, and, if that need no longer exists, propose legislation to
16 terminate the council."

17 "NEW SECTION. Sec. 17. (1) Current members of the Washington
18 state job training coordinating council appointed pursuant to P.L. 97-
19 300, as amended, shall serve as the state council for purposes of this
20 chapter until new appointments are made consistent with this section.

21 (2) New appointments to the state council shall be made by July 1,
22 1991. Members of the Washington state job training council shall be
23 appointed by the governor as required by federal law and shall be
24 representative of the population of the state with regard to sex, race,
25 ethnic background, and geographical distribution. To the maximum
26 extent feasible, the governor shall give consideration to providing
27 overlapping membership with the membership of the work force training
28 and education coordinating board. One voting member of the council

1 shall be a representative of the administrators for the service
2 delivery areas established under P.L. 97-300. One voting member of the
3 council shall be a representative of the private industry councils
4 established under P.L. 97-300.

5 (3) The Washington state job training coordinating council shall
6 provide staff and allocate funds to the work force training and
7 education coordinating board, as appropriate, to carry out the
8 overlapping functions of the two bodies."

9 "NEW SECTION. Sec. 18. (1) There is hereby created the
10 Washington state council on vocational education for so long as a state
11 council is required by federal law or regulation as a condition for
12 receipt of federal funds. The council on vocational education shall
13 perform all duties of councils on vocational education as specified in
14 P.L. 101-392, as amended.

15 (2) The work force training and education coordinating board shall
16 monitor the need for the council as described in subsection (1) of this
17 section, and, if that need no longer exists, propose legislation to
18 terminate the council."

19 "NEW SECTION. Sec. 19. Current members of the Washington state
20 council on vocational education appointed pursuant to P.L. 98-524, as
21 amended, shall serve as the state council on vocational education for
22 purposes of this chapter until new appointments are made consistent
23 with this section. New appointments to the state council on vocational
24 education shall be made by July 1, 1991. The council on vocational
25 education shall consist of thirteen members appointed by the governor
26 consistent with the provisions of P.L. 101-392, as amended. In making
27 these appointments, to the maximum extent feasible, the governor shall

1 give consideration to providing overlapping membership with the
2 membership of the state job training coordinating council."

3 "NEW SECTION. Sec. 20. The council on vocational education
4 shall perform its functions consistent with the state comprehensive
5 plan for work force training and education prepared by the work force
6 training and education coordinating board as provided for in section 8
7 of this act."

8 "NEW SECTION. Sec. 21. (1) There is hereby created the
9 Washington advisory council on adult education. The advisory council
10 shall advise the state board for community and technical colleges and
11 the work force training and education coordinating board concerning
12 adult basic education and literacy programs. The advisory council
13 shall perform all duties of state advisory councils on adult education
14 as specified in P.L. 100-297, as amended. The advisory council's
15 actions shall be consistent with the state comprehensive plan for work
16 force training and education prepared by the work force training and
17 education coordinating board as provided for in section 8 of this act.

18 (2) The advisory council on adult education shall consist of nine
19 members as required by federal law, appointed by the governor. In
20 making these appointments, to the maximum extent feasible, the governor
21 shall give consideration to providing overlapping membership with the
22 membership of the state job training coordinating council, and the
23 governor shall give consideration to individuals with expertise and
24 experience in adult basic education.

25 (3) The work force training and education coordinating board shall
26 monitor the need for the council as described in subsection (1) of this
27 section, and, if that need no longer exists, propose legislation to
28 terminate the council."

1 **"Sec. 22.** RCW 28B.50.010 and 1969 ex.s. c 223 s 28B.50.010 are
2 each amended to read as follows:

3 This chapter shall be known as and may be cited as the community
4 and technical college act of ((1967)) 1991."

5 **"Sec. 23.** RCW 28B.50.020 and 1969 ex.s. c 261 s 17 are each
6 amended to read as follows:

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

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

16 (2) Ensure that each ((community)) college district shall offer
17 thoroughly comprehensive educational, training and service programs to
18 meet the needs of both the communities and students served by
19 combining((, with equal emphasis,)) high standards of excellence in
20 academic transfer courses; realistic and practical courses in
21 occupational education, both graded and ungraded; community services of
22 an educational, cultural, and recreational nature; and adult education,
23 including basic skills and general, family, and work force literacy
24 programs and services. However, college districts containing only
25 technical colleges shall maintain programs solely for occupational
26 education, basic skills, and literacy purposes, and, for as long as a
27 need exists, may continue those programs, activities, and services
28 offered by the technical colleges during the twelve-month period
29 preceding the effective date of this section;

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

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

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

11 (~~(4)~~) (6) Allow for the growth, improvement, flexibility and
12 modification of the community colleges and their education, training
13 and service programs as future needs occur; and

14 (~~(5)~~) (7) Establish firmly that community colleges are, for
15 purposes of academic training, two year institutions, and are an
16 independent, unique, and vital section of our state's higher education
17 system, separate from both the common school system and other
18 institutions of higher learning, and never to be considered for
19 conversion into four-year liberal arts colleges."

20 **"Sec. 24.** RCW 28B.50.030 and 1985 c 461 s 14 are each amended to
21 read as follows:

22 As used in this chapter, unless the context requires otherwise, the
23 term:

24 (1) "System" shall mean the state system of community and
25 technical colleges, which shall be a system of higher education(~~(?)~~).

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

28 (3) "College board" shall mean the state board for community and
29 technical colleges (~~(education)~~) created by this chapter(~~(?)~~).

1 ~~((3))~~ (4) "Director" shall mean the administrative director for
2 the state system of community and technical colleges~~((7))~~.

3 ~~((4))~~ (5) "District" shall mean any one of the community and
4 technical college districts created by this chapter~~((7))~~.

5 ~~((5))~~ (6) "Board of trustees" shall mean the local community and
6 technical college board of trustees established for each ~~((community))~~
7 college district within the state~~((7))~~.

8 ~~((6))~~ "Council" shall mean the coordinating council for
9 occupational education~~((7))~~

10 (7) "Occupational education" shall mean that education or training
11 that will prepare a student for employment that does not require a
12 baccalaureate degree~~((7))~~.

13 (8) "K-12 system" shall mean the public school program including
14 kindergarten through the twelfth grade~~((7))~~.

15 (9) "Common school board" shall mean a public school district board
16 of directors~~((7))~~.

17 (10) "Community college" shall include ~~((where applicable,~~
18 ~~vocational technical and adult))~~ those higher education institutions
19 that conduct education programs ~~((conducted by community colleges and~~
20 ~~vocational technical institutes whose major emphasis is in post-high~~
21 ~~school education))~~ under RCW 28B.50.020.

22 (11) "Technical college" shall include those higher education
23 institutions with the sole mission of conducting occupational
24 education, basic skills, literacy programs, and offering on short
25 notice, when appropriate, programs that meet specific industry needs.
26 The programs of technical colleges shall include, but not be limited
27 to, continuous enrollment, competency-based instruction, industry-
28 experienced faculty, curriculum integrating vocational and basic skills
29 education, and curriculum approved by representatives of employers and
30 labor. For purposes of this chapter, technical colleges shall include

1 Lake Washington Vocational-Technical Institute, Renton Vocational-
2 Technical Institute, Bates Vocational-Technical Institute, Clover Park
3 Vocational Institute, and Bellingham Vocational-Technical Institute.

4 (12) "Adult education" shall mean all education or instruction,
5 including academic, vocational education or training, basic skills and
6 literacy training, and "occupational education" provided by public
7 educational institutions, including common school districts for persons
8 who are eighteen years of age and over or who hold a high school
9 diploma or certificate(~~(:—PROVIDED, That)~~). However, "adult
10 education" shall not include academic education or instruction for
11 persons under twenty-one years of age who do not hold a high school
12 degree or diploma and who are attending a public high school for the
13 sole purpose of obtaining a high school diploma or certificate(~~(:—~~
14 ~~PROVIDED, FURTHER, That)~~), nor shall "adult education" (~~(shall not)~~)
15 include education or instruction provided by any four year public
16 institution of higher education(~~(:—AND PROVIDED FURTHER, That adult~~
17 ~~education shall not include education or instruction provided by a~~
18 ~~vocational-technical institute)~~)."

19 "Sec. 25. RCW 28B.50.040 and 1988 c 77 s 1 are each amended to
20 read as follows:

21 The state of Washington is hereby divided into (~~(twenty-four~~
22 ~~community)) twenty-seven college districts as follows:~~

23 (1) The first district shall encompass the counties of Clallam and
24 Jefferson;

25 (2) The second district shall encompass the counties of Grays
26 Harbor and Pacific;

27 (3) The third district shall encompass the counties of Kitsap and
28 Mason;

1 (4) The fourth district shall encompass the counties of San Juan,
2 Skagit and Island;

3 (5) The fifth district shall encompass Snohomish county except for
4 the Northshore common school district and that portion encompassed by
5 the twenty-third district created in subsection (23) of this section:
6 PROVIDED, That the fifth district shall encompass the Everett Community
7 College;

8 (6) The sixth district shall encompass the present boundaries of
9 the common school districts of Seattle and Vashon Island, King county;

10 (7) The seventh district shall encompass the present boundaries of
11 the common school districts of Shoreline in King county and Northshore
12 in King and Snohomish counties;

13 (8) The eighth district shall encompass the present boundaries of
14 the common school districts of Lake Washington, Bellevue, Issaquah,
15 Lower Snoqualmie, Mercer Island, Skykomish and Snoqualmie, King county;

16 (9) The ninth district shall encompass the present boundaries of
17 the common school districts of Federal Way, Highline and South Central,
18 King county;

19 (10) The tenth district shall encompass the present boundaries of
20 the common school districts of Auburn, Black Diamond, Renton, Enumclaw,
21 Kent, Lester and Tahoma, King county, and the King county portion of
22 Puyallup common school district No. 3;

23 (11) The eleventh district shall encompass all of Pierce county,
24 except for the present boundaries of the common school districts of
25 Tacoma and Peninsula;

26 (12) The twelfth district shall encompass Lewis county, the
27 Rochester common school district No. 401, the Tenino common school
28 district No. 402 of Thurston county, and the Thurston county portion of
29 the Centralia common school district No. 401;

1 (13) The thirteenth district shall encompass the counties of
2 Cowlitz, and Wahkiakum;

3 (14) The fourteenth district shall encompass the counties of Clark,
4 Skamania and that portion of Klickitat county not included in the
5 sixteenth district;

6 (15) The fifteenth district shall encompass the counties of Chelan,
7 Douglas and Okanogan;

8 (16) The sixteenth district shall encompass the counties of
9 Kittitas, Yakima, and that portion of Klickitat county included in
10 United States census divisions 1 through 4;

11 (17) The seventeenth district shall encompass the counties of
12 Ferry, Lincoln (except consolidated school district 105-157-166J and
13 the Lincoln county portion of common school district 167-202), Pend
14 Oreille, Spokane, Stevens and Whitman;

15 (18) The eighteenth district shall encompass the counties of Adams
16 and Grant, and that portion of Lincoln county comprising consolidated
17 school district 105-157-166J and common school district 167-202;

18 (19) The nineteenth district shall encompass the counties of Benton
19 and Franklin;

20 (20) The twentieth district shall encompass the counties of Asotin,
21 Columbia, Garfield and Walla Walla;

22 (21) The twenty-first district shall encompass Whatcom county;

23 (22) The twenty-second district shall encompass the present
24 boundaries of the common school districts of Tacoma and Peninsula,
25 Pierce county;

26 (23) The twenty-third district shall encompass that portion of
27 Snohomish county within such boundaries as the state board for
28 community and technical colleges ~~((education))~~ shall determine:
29 PROVIDED, That the twenty-third district shall encompass the Edmonds
30 Community College; ~~((and))~~

1 (24) The twenty-fourth district shall encompass all of Thurston
2 county except the Rochester common school district No. 401, the Tenino
3 common school district No. 402, and the Thurston county portion of the
4 Centralia common school district No. 401;

5 (25) The twenty-fifth district shall encompass all of Whatcom
6 county;

7 (26) The twenty-sixth district shall encompass the Northshore, Lake
8 Washington, Bellevue, Mercer Island, Issaquah, Riverview, Snoqualmie
9 Valley and Skykomish school districts; and

10 (27) The twenty-seventh district shall encompass the Renton, Kent,
11 Auburn, Tahoma, and Enumclaw school districts and a portion of the
12 Seattle school district described as follows: Commencing at a point
13 established by the intersection of the Duwamish river and the south
14 boundary of the Seattle Community College District (number six) and
15 thence north along the centerline of the Duwamish river to the west
16 waterway; thence north along the centerline of the west waterway to
17 Elliot Bay; thence along Elliot Bay to a line established by the
18 intersection of the extension of Denny Way to Elliot Bay; thence east
19 along the line established by the centerline of Denny Way to Lake
20 Washington; thence south along the shoreline of Lake Washington to the
21 south line of the Seattle Community College District; and thence west
22 along the south line of the Seattle Community College District to the
23 point of beginning."

24 "NEW SECTION. Sec. 26. There is hereby created a board of
25 trustees for district twenty-six and Lake Washington Vocational-
26 Technical Institute, hereafter known as Lake Washington Technical
27 College. The members of the board shall be appointed pursuant to the
28 provisions of RCW 28B.50.100."

1 "NEW SECTION. **Sec. 27.** There is hereby created a board of
2 trustees for district twenty-seven and Renton Vocational-Technical
3 Institute, hereafter known as Renton Technical College. The members of
4 the board shall be appointed pursuant to the provisions of RCW
5 28B.50.100."

6 "NEW SECTION. **Sec. 28.** There is hereby created a board of
7 trustees for district twenty-five and Whatcom Vocational-Technical
8 Institute, hereafter known as Whatcom Technical College. The members
9 of the board shall be appointed pursuant to the provisions of RCW
10 28B.50.100."

11 "NEW SECTION. **Sec. 29.** There is hereby created a new board of
12 trustees for district twenty-two. The board shall govern Tacoma
13 Community College and Bates Vocational-Technical Institute, hereafter
14 known as Bates Technical College.

15 (1) The board shall consist of seven members appointed by the
16 governor with the consent of the senate, as follows: Two members shall
17 represent business, two members shall represent labor, and three
18 members shall represent the community served by the district.
19 Nominations to the board shall reflect the cultural diversity of the
20 county, including women and racial and ethnic minorities.

21 (2) The members representing business shall be selected from among
22 nominations provided by business organizations within Pierce county.
23 The members representing labor shall be selected from nominations
24 provided by labor organizations in Pierce county.

25 (3) When appointing the initial members representing labor and
26 business, to the maximum extent feasible, the governor shall select
27 persons who are serving on an advisory committee to Bates Vocational-
28 Technical Institute on the effective date of this section.

1 (4) When appointing the initial members representing the community,
2 to the maximum extent feasible, the governor shall select persons who
3 are currently serving on the board of trustees of Tacoma Community
4 College.

5 (5) The presidents of Bates Technical College and Tacoma Community
6 College shall each report to the board.

7 (6) Once the seven member board provided in this section is
8 selected and convened, the board of trustees of Tacoma Community
9 College shall be dissolved."

10 "NEW SECTION. Sec. 30. There is hereby created a new board of
11 trustees for district eleven. The board shall govern Pierce College
12 and Clover Park Vocational-Technical Institute, hereafter known as
13 Clover Park Technical College.

14 (1) The board shall consist of seven members appointed by the
15 governor with the consent of the senate, as follows: Two members shall
16 represent business, two members shall represent labor, and three
17 members shall represent the community served by the district.
18 Nominations to the board shall reflect the cultural diversity of the
19 county, including women and racial and ethnic minorities.

20 (2) The members representing business shall be selected from among
21 nominations provided by business organizations within Pierce county.
22 The members representing labor shall be selected from nominations
23 provided by labor organizations in Pierce county.

24 (3) When appointing the initial members representing labor and
25 business, to the maximum extent feasible, the governor shall select
26 persons who are serving on an advisory committee to Clover Park
27 Vocational-Technical Institute on the effective date of this section.

28 (4) When appointing the initial members representing the community,

1 to the maximum extent feasible, the governor shall select persons who
2 are currently serving on the board of trustees of Pierce College.

3 (5) The presidents of Clover Park Technical College and Pierce
4 College shall each report to the board.

5 (6) Once the seven member board provided in this section is
6 selected and convened, the board of trustees of Pierce College shall be
7 dissolved."

8 "NEW SECTION. Sec. 31. By December 1, 1996, the state board
9 shall complete a report evaluating successes and difficulties
10 associated with the merger of the technical and community colleges into
11 one system. The evaluation shall include but need not be limited to
12 consideration of all local governance models for technical colleges.
13 The state board shall provide the report, and any recommendations,
14 including recommendations for revisions to local governance models, to
15 the governor, the house and senate committees on higher education, and
16 the work force training and education coordinating board."

17 **"Sec. 32.** RCW 28B.50.050 and 1988 c 76 s 1 are each amended to
18 read as follows:

19 There is hereby created the "state board for community ((college
20 education)) and technical colleges", to consist of ((eight)) nine
21 members((, one from each congressional district, as now or hereafter
22 existing)) who represent the geographic diversity of the state, and who
23 shall be appointed by the governor, with the consent of the senate. At
24 least two members shall reside east of the Cascade mountains. In
25 making these appointments, the governor shall attempt to provide
26 geographic balance and give consideration to representing labor,
27 business, women, and racial and ethnic minorities, among the membership
28 of the board. At least one member of the board shall be from business

1 and at least one member of the board shall be from labor. The current
2 members of the state board for community college education on the
3 effective date of this section shall serve on the state board for
4 community and technical colleges until their terms expire. Successors
5 to these members shall be appointed according to the terms of this
6 section. A ninth member shall be appointed by the effective date of
7 this section for a complete term.

8 The successors of the members initially appointed shall be
9 appointed for terms of four years except that ((any)) a person((s))
10 appointed to fill a vacancy occurring prior to the expiration of any
11 term shall be appointed only for the remainder of such term. Each
12 member shall serve until the appointment and qualification of his or
13 her successor. All members shall be citizens and bona fide residents
14 of the state.

15 ~~((The board shall not be deemed unlawfully constituted and a member~~
16 ~~of the board shall not be deemed ineligible to serve the remainder of~~
17 ~~the member's unexpired term on the board solely by reason of the~~
18 ~~establishment of new or revised boundaries for congressional~~
19 ~~districts.))~~

20 Members of the college board shall be compensated in accordance
21 with RCW 43.03.240 and shall receive reimbursement for travel expenses
22 in accordance with RCW 43.03.050 and 43.03.060 for each day actually
23 spent in attending to the duties as a member of the college board.

24 The members of the college board may be removed by the governor for
25 inefficiency, neglect of duty, or malfeasance in office, in the manner
26 provided by RCW 28B.10.500."

27 "**Sec. 33.** RCW 28B.50.060 and 1975-'76 2nd ex.s. c 34 s 75 are each
28 amended to read as follows:

1 A director of the state system of community and technical colleges
2 shall be appointed by the college board and shall serve at the pleasure
3 of the college board. ((He)) The director shall be appointed with due
4 regard to ((his)) the applicant's fitness and background in education,
5 ((by his)) and knowledge of and recent practical experience in the
6 field of educational administration particularly in institutions beyond
7 the high school level. The college board may also take into
8 consideration an applicant's proven management background even though
9 not particularly in the field of education.

10 The director shall devote his or her time to the duties of his or
11 her office and shall not have any direct pecuniary interest in or any
12 stock or bonds of any business connected with or selling supplies to
13 the field of education within this state, in keeping with chapter 42.18
14 RCW, the executive conflict of interest act.

15 ((He)) The director shall receive a salary to be fixed by the
16 college board and shall be reimbursed for travel expenses incurred ((by
17 him)) in the discharge of his or her official duties in accordance with
18 RCW 43.03.050 and 43.03.060, as now existing or hereafter amended.

19 ((He)) The director shall be the executive officer of the college
20 board and serve as its secretary and under its supervision shall
21 administer the provisions of this chapter and the rules, regulations
22 and orders established thereunder and all other laws of the state.
23 ((He)) The director shall attend, but not vote at, all meetings of the
24 college board. ((He)) The director shall be in charge of offices of
25 the college board and responsible to the college board for the
26 preparation of reports and the collection and dissemination of data and
27 other public information relating to the state system of community and
28 technical colleges. At the direction of the college board, ((he)) the
29 director shall, together with the chairman of the college board,
30 execute all contracts entered into by the college board.

1 The director shall, with the approval of the college board: (1)
2 Employ necessary assistant directors of major staff divisions who shall
3 serve at ((his)) the director's pleasure on such terms and conditions
4 as ((he)) the director determines, and (2) subject to the provisions of
5 chapter 28B.16 RCW, the higher education personnel law, the director
6 shall, with the approval of the college board, appoint and employ such
7 field and office assistants, clerks and other employees as may be
8 required and authorized for the proper discharge of the functions of
9 the college board and for whose services funds have been appropriated.

10 The board may, by written order filed in its office, delegate to
11 the director any of the powers and duties vested in or imposed upon it
12 by this chapter. Such delegated powers and duties may be exercised by
13 the director in the name of the college board."

14 "**Sec. 34.** RCW 28B.50.085 and 1981 c 246 s 4 are each amended to
15 read as follows:

16 The state board for community and technical colleges ((education))
17 shall appoint a treasurer who shall be the financial officer of the
18 board, who shall make such vendor payments and salary payments for the
19 entire community and technical college system as authorized by the
20 state board, and who shall hold office during the pleasure of the
21 board. All moneys received by the state board and not required to be
22 deposited elsewhere, shall be deposited in a depository selected by the
23 board, which moneys shall be subject to the budgetary and audit
24 provisions of law applicable to state agencies. The depository
25 selected by the state board shall conform to the collateral
26 requirements required for the deposit of other state funds.
27 Disbursement shall be made by check signed by the treasurer. The
28 treasurer shall render a true and faithful account of all moneys
29 received and paid out by him or her and shall give bond for the

1 faithful performance of the duties of his or her office in such amount
2 as the board requires: PROVIDED, That the board shall pay the fee for
3 any such bonds."

4 "Sec. 35. RCW 28B.50.090 and 1982 c 50 s 1 are each amended to
5 read as follows:

6 The college board shall have general supervision and control over
7 the state system of community and technical colleges. In addition to
8 the other powers and duties imposed upon the college board by this
9 chapter, the college board shall be charged with the following powers,
10 duties and responsibilities:

11 (1) Review the budgets prepared by the ((~~community college~~)) boards
12 of trustees, prepare a single budget for the support of the state
13 system of community and technical colleges and adult education, and
14 submit this budget to the governor as provided in RCW 43.88.090(~~(; the~~
15 ~~coordinating council shall assist with the preparation of the community~~
16 ~~college budget that has to do with vocational education programs))~~);

17 (2) Establish guidelines for the disbursement of funds; and receive
18 and disburse such funds for adult education and maintenance and
19 operation and capital support of the ((~~community~~)) college districts in
20 conformance with the state and district budgets, and in conformance
21 with chapter 43.88 RCW;

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

23 (a) That each ((~~community~~)) college district shall offer thoroughly
24 comprehensive educational, training and service programs to meet the
25 needs of both the communities and students served by combining(~~(, with~~
26 ~~equal emphasis,)~~) high standards of excellence in academic transfer
27 courses; realistic and practical courses in occupational education,
28 both graded and ungraded; and community services of an educational,
29 cultural, and recreational nature; and adult education(~~(;—PROVIDED,~~

1 That notwithstanding any other provisions of this chapter, a community
2 college shall not be required to offer a program of vocational-
3 technical training, when such a program as approved by the coordinating
4 council for occupational education is already operating in the
5 district)), including basic skills and general, family, and work force
6 literacy programs and services. However, technical colleges, and
7 college districts containing only technical colleges, shall maintain
8 programs solely for occupational education, basic skills, and literacy
9 purposes. For as long as a need exists, technical colleges may
10 continue those programs, activities, and services they offered during
11 the twelve-month period preceding the effective date of this section;

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

1 (4) Prepare a comprehensive master plan for the development of
2 community and technical college education and training in the state;
3 and assist the office of financial management in the preparation of
4 enrollment projections to support plans for providing adequate
5 ((community)) college facilities in all areas of the state;

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

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

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

15 (a) Qualifications and credentials of instructional and key
16 administrative personnel, except as otherwise provided in the state
17 plan for vocational education,

18 (b) Internal budgeting, accounting, auditing, and financial
19 procedures as necessary to supplement the general requirements
20 prescribed pursuant to chapter 43.88 RCW,

21 (c) The content of the curriculums and other educational and
22 training programs, and the requirement for degrees and certificates
23 awarded by the colleges,

24 (d) Standard admission policies,

25 (e) Eligibility of courses to receive state fund support;

26 (8) Establish and administer criteria and procedures for all
27 capital construction including the establishment, installation, and
28 expansion of facilities within the various ((community)) college
29 districts;

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

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

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

10 (12) Notwithstanding any other law or statute regarding the sale of
11 state property, sell or exchange and convey any or all interest in any
12 community and technical college real and personal property, except such
13 property as is received by a ((community)) college district in
14 accordance with RCW 28B.50.140(8), when it determines that such
15 property is surplus or that such a sale or exchange is in the best
16 interests of the community and technical college system;

17 (13) In order that the treasurer for the state board for community
18 and technical colleges ((education)) appointed in accordance with RCW
19 28B.50.085 may make vendor payments, the state treasurer will honor
20 warrants drawn by the state board providing for an initial advance on
21 July 1, 1982, of the current biennium and on July 1 of each succeeding
22 biennium from the state general fund in an amount equal to twenty-four
23 percent of the average monthly allotment for such budgeted biennium
24 expenditures for the state board for community and technical colleges
25 ((education)) as certified by the office of financial management; and
26 at the conclusion of such initial month and for each succeeding month
27 of any biennium, the state treasurer will reimburse expenditures
28 incurred and reported monthly by the state board treasurer in
29 accordance with chapter 43.88 RCW: PROVIDED, That the reimbursement to

1 the state board for actual expenditures incurred in the final month of
2 each biennium shall be less the initial advance made in such biennium;

3 (14) Notwithstanding the provisions of subsection (12) of this
4 section, may receive such gifts, grants, conveyances, devises, and
5 bequests of real or personal property from private sources as may be
6 made from time to time, in trust or otherwise, whenever the terms and
7 conditions thereof will aid in carrying out the community and technical
8 college programs and may sell, lease or exchange, invest or expend the
9 same or the proceeds, rents, profits and income thereof according to
10 the terms and conditions thereof; and adopt regulations to govern the
11 receipt and expenditure of the proceeds, rents, profits and income
12 thereof((~~-~~));

13 (15) The college board shall have the power of eminent domain;

14 (16) Provide general supervision over the state's technical
15 colleges. The president of each technical college shall report
16 directly to the director of the state board for community and technical
17 colleges, or the director's designee, until local control is assumed by
18 a new or existing board of trustees as appropriate, except that a
19 college president shall have authority over program decisions of his or
20 her college until the establishment of a board of trustees for that
21 college. The directors of the vocational-technical institutes on March
22 1, 1991, shall be designated as the presidents of the new technical
23 colleges."

24 "Sec. 36. RCW 28B.50.092 and 1977 ex.s. c 131 s 1 are each amended
25 to read as follows:

26 The state board for community and technical colleges ((education))
27 may authorize any ((community college)) board of trustees to do all
28 things necessary to conduct an education, training, and service program
29 authorized by chapter 28B.50 RCW, as now or hereafter amended, for

1 United States military personnel and their dependents, and department
2 of defense civilians and their dependents, at any geographical
3 location: PROVIDED, That such programs shall be limited to those
4 colleges which conducted programs for United States military personnel
5 prior to January 1, 1977: PROVIDED FURTHER, That any high school
6 completion program conducted pursuant to this section shall comply with
7 standards set forth in rules and regulations promulgated by the
8 superintendent of public instruction and the state board of education:
9 AND PROVIDED FURTHER, That the superintendent of public instruction
10 shall issue the certificate or diploma in recognition of high school
11 completion education provided pursuant to this section."

12 "Sec. 37. RCW 28B.50.093 and 1973 c 105 s 2 are each amended to
13 read as follows:

14 Prior to the state board granting authorization for any programs
15 authorized under RCW 28B.50.092, the state board shall determine that
16 such authorization will not deter from the primary functions of the
17 community and technical college system within the state of Washington
18 as prescribed by chapter 28B.50 RCW."

19 "Sec. 38. RCW 28B.50.095 and 1983 c 3 s 40 are each amended to
20 read as follows:

21 In addition to other powers and duties, the college board may issue
22 rules and regulations permitting a student to register at more than one
23 community and technical college, provided that such student shall pay
24 tuition and fees as if ((he)) the student were registered at a single
25 college, but not to exceed tuition and fees charged a full-time student
26 as established by RCW 28B.15.502."

1 **"Sec. 39.** RCW 28B.50.100 and 1987 c 330 s 1001 are each amended to
2 read as follows:

3 There is hereby created a ~~((community college))~~ board of trustees
4 for each ~~((community))~~ college district as set forth in this chapter.
5 With the exception of districts eleven and twenty-two that shall each
6 have a board of trustees composed of seven members, each ~~((community~~
7 college)) board of trustees shall be composed of five trustees, who
8 shall be appointed by the governor for terms commencing October 1st of
9 the year in which appointed. In making such appointments the governor
10 shall give consideration to geographical ~~((exigencies, and the~~
11 ~~interests of labor, industry, agriculture, the professions and ethnic~~
12 groups)) diversity, and representing labor, business, women, and racial
13 and ethnic minorities, in the membership of the boards of trustees.
14 The boards of trustees for districts containing technical colleges
15 shall include at least one member from business and one member from
16 labor.

17 The successors of the trustees initially appointed shall be
18 appointed by the governor to serve for a term of five years except that
19 any person appointed to fill a vacancy occurring prior to the
20 expiration of any term shall be appointed only for the remainder of the
21 term. Each member shall serve until a successor is appointed and
22 qualified.

23 Every trustee shall be a resident and qualified elector of the
24 ~~((community))~~ college district. No trustee may be an employee of the
25 community and technical college system, a member of the board of
26 directors of any school district, or a member of the governing board of
27 any public or private educational institution.

28 Each board of trustees shall organize itself by electing a chairman
29 from its members. The board shall adopt a seal and may adopt such
30 bylaws, rules and regulations as it deems necessary for its own

1 government. Three members of the board shall constitute a quorum, but
2 a lesser number may adjourn from time to time and may compel the
3 attendance of absent members in such manner as prescribed in its
4 bylaws, rules, or regulations. The district president, or if there be
5 none, the president of the ((community)) college, shall serve as, or
6 may designate another person to serve as, the secretary of the board,
7 who shall not be deemed to be a member of the board.

8 Members of the boards of trustees may be removed for misconduct or
9 malfeasance in office in the manner provided by RCW 28B.10.500."

10 "Sec. 40. RCW 28B.50.130 and 1977 c 75 s 27 are each amended to
11 read as follows:

12 Within thirty days of their appointment ((or July 1, 1967,
13 whichever is sooner,)) the various district boards of trustees shall
14 organize, adopt bylaws for its own government, and make such rules and
15 regulations not inconsistent with this chapter as they deem necessary.
16 At such organizational meeting it shall elect from among its members a
17 ((chairman and a vice-chairman)) chair and vice-chair, each to serve
18 for one year, and annually thereafter shall elect such officers to
19 serve until their successors are appointed or qualified. The chief
20 executive officer of the ((community)) college district, or ((his))
21 designee, shall serve as secretary of the board. Three trustees shall
22 constitute a quorum, and no action shall be taken by less than a
23 majority of the trustees of the board. The district boards shall
24 transmit such reports to the college board as may be requested by the
25 college board. The fiscal year of the district boards shall conform to
26 the fiscal year of the state."

27 "Sec. 41. RCW 28B.50.140 and 1990 c 135 s 1 are each amended to
28 read as follows:

1 Each (~~community college~~) board of trustees:

2 (1) Shall operate all existing community and technical colleges
3 (~~and vocational technical institutes~~) in its district;

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

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

1 (4) May establish, under the approval and direction of the college
2 board, new facilities as community needs and interests demand.
3 However, the authority of (~~community college~~) boards of trustees to
4 purchase or lease major off-campus facilities shall be subject to the
5 approval of the higher education coordinating board pursuant to RCW
6 28B.80.340(5);

7 (5) May establish or lease, operate, equip and maintain
8 dormitories, food service facilities, bookstores and other self-
9 supporting facilities connected with the operation of the community and
10 technical college;

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

20 (7) May establish fees and charges for the facilities authorized
21 hereunder, including reasonable rules and regulations for the
22 government thereof, not inconsistent with the rules and regulations of
23 the college board; each board of trustees operating a community and
24 technical college may enter into agreements, subject to rules and
25 regulations of the college board, with owners of facilities to be used
26 for housing regarding the management, operation, and government of such
27 facilities, and any board entering into such an agreement may:

28 (a) Make rules and regulations for the government, management and
29 operation of such housing facilities deemed necessary or advisable; and

1 (b) Employ necessary employees to govern, manage and operate the
2 same;

3 (8) May receive such gifts, grants, conveyances, devises and
4 bequests of real or personal property from private sources, as may be
5 made from time to time, in trust or otherwise, whenever the terms and
6 conditions thereof will aid in carrying out the community and technical
7 college programs as specified by law and the regulations of the state
8 college board; sell, lease or exchange, invest or expend the same or
9 the proceeds, rents, profits and income thereof according to the terms
10 and conditions thereof; and adopt regulations to govern the receipt and
11 expenditure of the proceeds, rents, profits and income thereof;

12 (9) May establish and maintain night schools whenever in the
13 discretion of the board of trustees it is deemed advisable, and
14 authorize classrooms and other facilities to be used for summer or
15 night schools, or for public meetings and for any other uses consistent
16 with the use of such classrooms or facilities for community and
17 technical college purposes;

18 (10) May make rules and regulations for pedestrian and vehicular
19 traffic on property owned, operated, or maintained by the ((community
20 college)) district;

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

25 (12) May grant to every student, upon graduation or completion of
26 a course of study, a suitable diploma, nonbaccalaureate degree or
27 certificate. Technical colleges shall offer only nonbaccalaureate
28 technical degrees, certificates, or diplomas for occupational courses
29 of study under rules of the college board;

1 (13) Shall enforce the rules and regulations prescribed by the
2 state board for community and technical colleges (~~(education)~~) for the
3 government of community and technical colleges, students and teachers,
4 and promulgate such rules and regulations and perform all other acts
5 not inconsistent with law or rules and regulations of the state board
6 for community and technical colleges (~~(education)~~) as the board of
7 trustees may in its discretion deem necessary or appropriate to the
8 administration of (~~(community)~~) college districts: PROVIDED, That such
9 rules and regulations shall include, but not be limited to, rules and
10 regulations relating to housing, scholarships, conduct at the various
11 community and technical college facilities, and discipline: PROVIDED,
12 FURTHER, That the board of trustees may suspend or expel from community
13 and technical colleges students who refuse to obey any of the duly
14 promulgated rules and regulations;

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

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

21 (16) Notwithstanding any other provision of law, may offer
22 educational services on a contractual basis other than the tuition and
23 fee basis set forth in chapter 28B.15 RCW for a special fee to private
24 or governmental entities, consistent with rules and regulations adopted
25 by the state board for community and technical colleges (~~(education)~~):
26 PROVIDED, That the whole of such special fee shall go to the college
27 district and be not less than the full instructional costs of such
28 services including any salary increases authorized by the legislature
29 for community and technical college employees during the term of the
30 agreement: PROVIDED FURTHER, That enrollments generated hereunder

1 shall not be counted toward the official enrollment level of the
2 college district for state funding purposes;

3 (17) Notwithstanding any other provision of law, may offer
4 educational services on a contractual basis, charging tuition and fees
5 as set forth in chapter 28B.15 RCW, counting such enrollments for state
6 funding purposes, and may additionally charge a special supplemental
7 fee when necessary to cover the full instructional costs of such
8 services: PROVIDED, That such contracts shall be subject to review by
9 the state board for community and technical colleges ~~((education))~~ and
10 to such rules as the state board may adopt for that purpose in order to
11 assure that the sum of the supplemental fee and the normal state
12 funding shall not exceed the projected total cost of offering the
13 educational service: PROVIDED FURTHER, That enrollments generated by
14 courses offered on the basis of contracts requiring payment of a share
15 of the normal costs of the course will be discounted to the percentage
16 provided by the college;

17 (18) Shall be authorized to pay dues to any association of trustees
18 that may be formed by the various boards of trustees; such association
19 may expend any or all of such funds to submit biennially, or more often
20 if necessary, to the governor and to the legislature, the
21 recommendations of the association regarding changes which would affect
22 the efficiency of such association;

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

27 (20) Shall perform any other duties and responsibilities imposed by
28 law or rule and regulation of the state board."

1 **"Sec. 42.** RCW 28B.50.142 and 1977 ex.s. c 331 s 1 are each amended
2 to read as follows:

3 Each board of (~~community college~~) trustees shall appoint a
4 treasurer who shall be the financial officer of the board and who shall
5 hold office during the pleasure of the board. Each treasurer shall
6 render a true and faithful account of all moneys received and paid out
7 by him or her, comply with the provisions of RCW 28B.50.143, and shall
8 give bond for the faithful performance of the duties of his or her
9 office in such amount as the trustees require: PROVIDED, That the
10 respective community and technical colleges shall pay the fees for any
11 such bonds."

12 **"Sec. 43.** RCW 28B.50.143 and 1985 c 180 s 1 are each amended to
13 read as follows:

14 In order that each (~~community~~) college treasurer appointed in
15 accordance with RCW 28B.50.142 may make vendor payments, the state
16 treasurer will honor warrants drawn by each community and technical
17 college providing for one initial advance (~~on September 1, 1977, of~~
18 ~~the current biennium and~~) on July 1 of each succeeding biennium from
19 the state general fund in an amount equal to seventeen percent of each
20 institution's average monthly allotment for such budgeted biennium
21 expenditures as certified by the office of financial management, and at
22 the conclusion of each such initial month, and for each succeeding
23 month of any biennium, the state treasurer will reimburse each
24 institution for each expenditure incurred and reported monthly by each
25 (~~community~~) college treasurer in accordance with chapter 43.83 RCW:
26 PROVIDED, That the reimbursement to each institution for actual
27 expenditures incurred in the final month of each biennium shall be less
28 the initial advance."

1 **"Sec. 44.** RCW 28B.50.145 and 1969 ex.s. c 283 s 51 are each
2 amended to read as follows:

3 The boards of trustees of the various ~~((community))~~ college
4 districts ~~((are hereby directed to))~~ may create ~~((no later than January~~
5 ~~1, 1970))~~ at each community or technical college ~~((or vocational-~~
6 ~~technical institute))~~ under their control a faculty senate or similar
7 organization to be selected by periodic vote of the respective
8 faculties thereof."

9 **"Sec. 45.** RCW 28B.50.150 and 1969 ex.s. c 223 s 28B.50.150 are
10 each amended to read as follows:

11 Any resident of the state may enroll in any program or course
12 maintained or conducted by a ~~((community))~~ college district upon the
13 same terms and conditions regardless of the district of his or her
14 residence."

15 **"Sec. 46.** RCW 28B.50.205 and 1988 c 206 s 502 are each amended to
16 read as follows:

17 The state board for community and technical colleges ~~((education))~~
18 shall make information available to all newly matriculated students on
19 methods of transmission of the human immunodeficiency virus and
20 prevention of acquired immunodeficiency syndrome. The curricula and
21 materials shall be reviewed for medical accuracy by the office on AIDS
22 in coordination with the appropriate regional AIDS service network."

23 **"Sec. 47.** RCW 28B.50.242 and 1990 c 208 s 10 are each amended to
24 read as follows:

25 The state board for community and technical colleges ~~((education))~~
26 shall provide state-wide coordination of video telecommunications
27 programming for the community and technical college system."

1 **"Sec. 48.** RCW 28B.50.250 and 1969 ex.s. c 261 s 25 are each
2 amended to read as follows:

3 The state board for community and technical colleges ~~((education))~~
4 and the state board of education are hereby authorized to permit, on an
5 ad hoc basis, the common school districts to conduct pursuant to RCW
6 28B.50.530 a program in adult education in behalf of a ~~((community))~~
7 college district when such program will not conflict with existing
8 programs of the same nature and in the same geographical area conducted
9 by the ~~((community))~~ college districts: PROVIDED, That federal
10 programs for adult education ~~((which are funded directly to the state~~
11 ~~board of education))~~ shall be administered by the ~~((superintendent of~~
12 ~~public instruction in cooperation with the director of the))~~ state
13 board for community and technical colleges ~~((education))~~, which agency
14 is hereby declared to be the state educational agency primarily
15 responsible for supervision of adult education in the public schools as
16 defined by RCW 28B.50.020."

17 **"Sec. 49.** RCW 28B.50.320 and 1971 ex.s. c 279 s 17 are each
18 amended to read as follows:

19 All operating fees, services and activities fees, and all other
20 income which the trustees are authorized to impose shall be deposited
21 as the trustees may direct unless otherwise provided by law. Such sums
22 of money shall be subject to the budgetary and audit provisions of law
23 applicable to state agencies. The depository selected by the trustees
24 shall conform to the collateral requirements required for deposit of
25 other state funds.

26 Disbursement shall be made by check signed by the president of the
27 ~~((community))~~ college or ~~((his))~~ the president's designee appointed in
28 writing, and such other person as may be designated by the board of
29 trustees of the ~~((community))~~ college district. Each person authorized

1 to sign as provided above, shall execute a surety bond as provided in
2 RCW 43.17.100. Said bond or bonds shall be filed in the office of the
3 secretary of state."

4 "Sec. 50. RCW 28B.50.330 and 1979 ex.s. c 12 s 2 are each amended
5 to read as follows:

6 The boards of trustees of ((community)) college districts are
7 empowered in accordance with the provisions of this chapter to provide
8 for the construction, reconstruction, erection, equipping, demolition,
9 and major alterations of buildings and other capital assets, and the
10 acquisition of sites, rights-of-way, easements, improvements, or
11 appurtenances for the use of the aforementioned colleges as authorized
12 by the college board in accordance with RCW 28B.50.140; to be financed
13 by bonds payable out of special funds from revenues hereafter derived
14 from income received from such facilities, gifts, bequests, or grants,
15 and such additional funds as the legislature may provide, and payable
16 out of a bond retirement fund to be established by the respective
17 district boards in accordance with rules and regulations of the state
18 board. With respect to building, improvements, or repairs, or other
19 work, where the estimated cost exceeds ((five)) fifteen thousand
20 dollars, complete plans and specifications for such work shall be
21 prepared and such work shall be prepared and such work shall be put out
22 for public bids and the contract shall be awarded to the lowest
23 responsible bidder if in accordance with the bid specifications:
24 PROVIDED, That any project regardless of dollar amount may be put to
25 public bid.

26 Where the estimated cost to any ((community)) college of any
27 building, improvements, or repairs, or other work, is less than five
28 thousand dollars, the publication requirements of RCW 39.04.020 and
29 ((39.04.090)) 39.04.070 shall be inapplicable."

1 **"Sec. 51.** RCW 28B.50.340 and 1985 c 390 s 54 are each amended to
2 read as follows:

3 In addition to the powers conferred under RCW 28B.50.090, the
4 ((community)) college ((state)) board is authorized and shall have the
5 power:

6 (1) To permit the district boards of trustees to contract for the
7 construction, reconstruction, erection, equipping, maintenance,
8 demolition and major alterations of buildings and other capital assets,
9 and the acquisition of sites, rights-of-way, easements, improvements or
10 appurtenances of the college as approved by the ((community college))
11 state board.

12 (2) To finance the same by the issuance of bonds secured by the
13 pledge of up to one hundred percent of the building fees.

14 (3) Without limitation of the foregoing, to accept grants from the
15 United States government, or any federal or state agency or
16 instrumentality, or private corporation, association, or person to aid
17 in defraying the costs of any such projects.

18 (4) To retain bond counsel and professional bond consultants to aid
19 it in issuing bonds pursuant to RCW 28B.50.340 through 28B.50.400."

20 **"Sec. 52.** RCW 28B.50.350 and 1985 c 390 s 55 are each amended to
21 read as follows:

22 For the purpose of financing the cost of any projects, the college
23 board is hereby authorized to adopt the resolution or resolutions and
24 prepare all other documents necessary for the issuance, sale and
25 delivery of the bonds or any part thereof at such time or times as it
26 shall deem necessary and advisable. Said bonds:

27 (1) Shall not constitute:

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

29 (b) A general obligation of the college or of the college board;

1 (2) Shall be:

2 (a) Either registered or in coupon form; and

3 (b) Issued in denominations of not less than one hundred dollars;
4 and

5 (c) Fully negotiable instruments under the laws of this state; and

6 (d) Signed on behalf of the college board with the manual or
7 facsimile signature of the chairman of the board, attested by the
8 secretary of the board, have the seal of the college board impressed
9 thereon or a facsimile of such seal printed or lithographed in the
10 bottom border thereof, and the coupons attached thereto shall be signed
11 with the facsimile signatures of such chairman and the secretary;

12 (3) Shall state:

13 (a) The date of issue; and

14 (b) The series of the issue and be consecutively numbered within
15 the series; and

16 (c) That the bond is payable both principal and interest solely out
17 of the bond retirement fund created for retirement thereof;

18 (4) Each series of bonds shall bear interest, payable either
19 annually or semiannually, as the board may determine;

20 (5) Shall be payable both principal and interest out of the bond
21 retirement fund;

22 (6) Shall be payable at such times over a period of not to exceed
23 forty years from date of issuance, at such place or places, and with
24 such reserved rights of prior redemption, as the board may prescribe;

25 (7) Shall be sold in such manner and at such price as the board may
26 prescribe;

27 (8) Shall be issued under and subject to such terms, conditions and
28 covenants providing for the payment of the principal thereof and
29 interest thereon and such other terms, conditions, covenants and
30 protective provisions safeguarding such payment, not inconsistent with

1 RCW 28B.50.330 through 28B.50.400, and as found to be necessary by the
2 board for the most advantageous sale thereof, which may include but not
3 be limited to:

4 (a) A covenant that a reserve account shall be created in the bond
5 retirement fund to secure the payment of the principal of and interest
6 on all bonds issued and a provision made that certain amounts be set
7 aside and maintained therein;

8 (b) A covenant that sufficient moneys may be transferred from the
9 capital projects account of the college board issuing the bonds to the
10 bond retirement fund of the college board when ordered by the board in
11 the event there is ever an insufficient amount of money in the bond
12 retirement fund to pay any installment of interest or principal and
13 interest coming due on the bonds or any of them;

14 (c) A covenant fixing conditions under which bonds on a parity with
15 any bonds outstanding may be issued.

16 The proceeds of the sale of all bonds, exclusive of accrued
17 interest which shall be deposited in the bond retirement fund, shall be
18 deposited in the state treasury to the credit of the capital projects
19 account of the college board and shall be used solely for paying the
20 costs of the projects, the costs of bond counsel and professional bond
21 consultants incurred in issuing the bonds, and for the purposes set
22 forth in subsection (8)(b) ((above)) of this section;

23 (9) Shall constitute a prior lien and charge against the building
24 fees of the community and technical colleges."

25 "**Sec. 53.** RCW 28B.50.360 and 1985 c 390 s 56 are each amended to
26 read as follows:

27 There is hereby created in the state treasury a community and
28 technical college bond retirement fund. Within thirty-five days from
29 the date of start of each quarter all building fees of each such

1 community and technical college shall be paid into the state treasury,
2 and shall be credited as follows:

3 (1) On or before June 30th of each year the college board if
4 issuing bonds payable out of building fees shall certify to the state
5 treasurer the amounts required in the ensuing twelve-month period to
6 pay and secure the payment of the principal of and interest on such
7 bonds. The state treasurer shall thereupon deposit the amounts so
8 certified in the community and technical college bond retirement fund
9 which fund as required, is hereby created in the state treasury. Such
10 amounts of the funds deposited in the bond retirement fund as are
11 necessary to pay and secure the payment of the principal of and
12 interest on the building bonds issued by the college board as
13 authorized by this chapter shall be exclusively devoted to that
14 purpose. If in any twelve-month period it shall appear that the amount
15 certified by the college board is insufficient to pay and secure the
16 payment of the principal of and interest on the outstanding building
17 bonds, the state treasurer shall notify the college board and such
18 board shall adjust its certificate so that all requirements of moneys
19 to pay and secure the payment of the principal and interest on all such
20 bonds then outstanding shall be fully met at all times.

21 (2) That portion of the building fees not required for or in excess
22 of the amounts necessary to pay and secure the payment of any of the
23 bonds as provided in subsection (1) (~~(above)~~) of this section shall be
24 deposited in the community and technical college capital projects
25 account which account is hereby created in the state treasury. The
26 sums deposited in the capital projects account shall be appropriated
27 and expended exclusively for the construction, reconstruction,
28 erection, equipping, maintenance, demolition and major alteration of
29 buildings and other capital assets owned by the state board for
30 community and technical colleges (~~(education)~~) in the name of the state

1 of Washington, and the acquisition of sites, rights-of-way, easements,
2 improvements or appurtenances in relation thereto, and for the payment
3 of principal of and interest on any bonds issued for such purposes.
4 All earnings of investments of balances in the ((community college))
5 capital projects account shall be credited to the general fund.

6 (3) Notwithstanding the provisions of subsections (1) and (2)
7 ((above)) of this section, at such time as all outstanding building
8 bonds of the college board payable from the community and technical
9 college bond retirement fund have been paid, redeemed, and retired, or
10 at such time as ample provision has been made by the state for full
11 payment, from some source other than the ((community college)) bond
12 retirement fund, of the principal of and the interest on and call
13 premium, if applicable, of such bonds as they mature and/or upon their
14 call prior to their maturity, through refunding or otherwise, that
15 portion of all building fees of the community and technical colleges
16 equal to the amount required to pay yearly debt service on any general
17 obligation bonds issued by the state in accordance with Article VIII,
18 section 1, Washington state Constitution, for community and technical
19 college purposes, shall be paid into the general fund of the state
20 treasury. The state finance committee shall determine whether ample
21 provision has been made for payment of such bonds payable from the said
22 bond retirement fund and shall determine the amount required to pay
23 yearly debt service on such general obligation bonds of the state.
24 Nothing in this subsection shall be construed as obligating the
25 legislature or the state to provide for payment of such ((community))
26 college building bonds from some source other than the community and
27 technical college bond retirement fund or as pledging the general
28 credit of the state to the payment of such bonds."

1 **"Sec. 54.** RCW 28B.50.370 and 1985 c 390 s 57 are each amended to
2 read as follows:

3 For the purpose of paying and securing the payment of the principal
4 of and interest on the bonds as the same shall become due, there shall
5 be paid into the state treasury and credited to the bond retirement
6 fund of the ((state)) college board ((for—community—college
7 education)), the following:

8 (1) Amounts derived from building fees as are necessary to pay the
9 principal of and interest on the bonds and to secure the same;

10 (2) Any grants which may be made, or may become available for the
11 purpose of furthering the construction of any authorized projects, or
12 for the repayment of the costs thereof;

13 (3) Such additional funds as the legislature may provide.

14 Said bond retirement fund shall be kept segregated from all moneys
15 in the state treasury and shall, while any of such bonds or any
16 interest thereon remains unpaid, be available solely for the payment
17 thereof. As a part of the contract of sale of such bonds, the college
18 board shall charge and collect building fees as established by this
19 chapter and deposit such fees in the bond retirement fund in amounts
20 which will be sufficient to pay and secure the payment of the principal
21 of, and interest on all such bonds outstanding."

22 **"Sec. 55.** RCW 28B.50.402 and 1977 ex.s. c 223 s 2 are each amended
23 to read as follows:

24 Notwithstanding anything to the contrary contained in RCW
25 28B.50.360(1) and (2) and in RCW 28B.50.370, all moneys on deposit on
26 or before June 30, 1977, in the community and technical college bond
27 retirement fund, shall be transferred by the state treasurer to the
28 state general fund, except for those moneys appropriated by section 17,
29 chapter 1, Laws of 1977."

1 **"Sec. 56.** RCW 28B.50.404 and 1985 c 390 s 60 are each amended to
2 read as follows:

3 Subject to the specific provisions of RCW 28B.50.360 and 28B.50.403
4 through 28B.50.407, such general obligation refunding bonds shall be
5 issued and the refunding of said community and technical college
6 building bonds shall be carried out pursuant to chapters 39.42 and
7 39.53 RCW as now or hereafter amended. The bonds shall pledge the full
8 faith and credit of the state of Washington and contain an
9 unconditional promise of the state to pay the principal thereof and
10 interest thereon when due."

11 **"Sec. 57.** RCW 28B.50.405 and 1974 ex.s. c 112 s 3 are each amended
12 to read as follows:

13 There is hereby created in the state treasury the community and
14 technical college refunding bond retirement fund of 1974, which fund
15 shall be exclusively devoted to the payment of the principal of and
16 interest on the refunding bonds authorized by RCW 28B.50.360 and
17 28B.50.403 through 28B.50.407.

18 The state finance committee shall, on or before June 30th of each
19 year, certify to the state treasurer the amount needed in the ensuing
20 twelve months to pay the principal of and interest on such bonds. On
21 July 1st of each year the state treasurer shall deposit such amount in
22 the ((community college)) refunding bond retirement fund of 1974 from
23 any general state revenues received in the state treasury."

24 **"Sec. 58.** RCW 28B.50.409 and 1974 ex.s. c 112 s 7 are each amended
25 to read as follows:

26 All bonds issued after February 16, 1974 by the college board or
27 any ((community college)) board of trustees for any ((community))
28 college district under provisions of chapter 28B.50 RCW, as now or

1 hereafter amended, shall be issued by such boards only upon the prior
2 advice and consent of the state finance committee."

3 "Sec. 59. RCW 28B.50.520 and 1969 ex.s. c 223 s 28B.50.520 are
4 each amended to read as follows:

5 The ((state)) college board ((for community college education)) or
6 any ((community college)) board of trustees is authorized to receive
7 federal funds made available for the assistance of community and
8 technical colleges, and providing physical facilities, maintenance or
9 operation of schools, or for any educational purposes, according to the
10 provisions of the acts of congress making such funds available."

11 "Sec. 60. RCW 28B.50.535 and 1969 ex.s. c 261 s 30 are each
12 amended to read as follows:

13 A community or technical college may issue a high school diploma or
14 certificate, subject to rules and regulations promulgated by the
15 superintendent of public instruction and the state board of education."

16 "Sec. 61. RCW 28B.50.551 and 1980 c 182 s 3 are each amended to
17 read as follows:

18 The board of trustees of each ((community)) college district shall
19 adopt for each community and technical college under its jurisdiction
20 written policies on granting leaves to employees of the district and
21 those colleges, including but not limited to leaves for attendance at
22 official or private institutions and conferences; professional leaves
23 for personnel consistent with the provisions of RCW 28B.10.650; leaves
24 for illness, injury, bereavement and emergencies, and except as
25 otherwise in this section provided, all with such compensation as the
26 board of trustees may prescribe, except that the board shall grant to

1 all such persons leave with full compensation for illness, injury,
2 bereavement and emergencies as follows:

3 (1) For persons under contract to be employed, or otherwise
4 employed, for at least three quarters, not more than twelve days per
5 year, commencing with the first day on which work is to be performed;
6 provisions of any contract in force on June 12, 1980, which conflict
7 with requirements of this subsection shall continue in effect until
8 contract expiration; after expiration, any new contract executed
9 between the parties shall be consistent with this subsection;

10 (2) Such leave entitlement may be accumulated after the first
11 three-quarter period of employment for full time employees, and may be
12 taken at any time;

13 (3) Leave for illness, injury, bereavement and emergencies
14 heretofore accumulated pursuant to law, rule, regulation or policy by
15 persons presently employed by ((community)) college districts and
16 community and technical colleges shall be added to such leave
17 accumulated under this section;

18 (4) Except as otherwise provided in this section or other law,
19 accumulated leave under this section not taken at the time such person
20 retires or ceases to be employed by ((community)) college districts or
21 community and technical colleges shall not be compensable;

22 (5) Accumulated leave for illness, injury, bereavement and
23 emergencies under this section shall be transferred from one
24 ((community)) college district or community and technical college to
25 another, to the ((state)) college board ((for community college
26 education)), to the state superintendent of public instruction, to any
27 educational service district, to any school district, or to any other
28 institutions of higher learning of the state; ((and))

29 (6) Leave accumulated by a person in a ((community)) college
30 district or community and technical college prior to leaving that

1 district or college may, under the policy of the board of trustees, be
2 granted to such person when he or she returns to the employment of that
3 district or college; and

4 (7) Employees of the Seattle Vocational Institute are exempt from
5 this section until July 1, 1993."

6 "Sec. 62. RCW 28B.50.600 and 1969 ex.s. c 223 s 28B.50.600 are
7 each amended to read as follows:

8 Whenever a common school board has contracted to redeem general
9 obligation bonds used for the construction or acquisition of facilities
10 which are now to be under the administration, control and occupancy of
11 the ((community)) college district board, the common school board shall
12 continue to redeem the bonds in accordance with the provisions of the
13 bonds."

14 "Sec. 63. RCW 28B.50.740 and 1969 ex.s. c 223 s 28B.50.740 are
15 each amended to read as follows:

16 Notwithstanding any other statutory provision relating to
17 indebtedness of school districts, bonds heretofore issued by any common
18 school district for the purpose of providing funds for community and
19 technical college facilities shall not be considered as indebtedness in
20 determining the maximum allowable indebtedness under any statutory
21 limitation of indebtedness when the sum of all indebtedness therein
22 does not exceed the maximum constitutional allowable indebtedness
23 applied to the value of the taxable property contained in such school
24 district: PROVIDED, That nothing contained herein shall be construed
25 to affect the distribution of state funds under any applicable
26 distribution formula."

1 **"Sec. 64.** RCW 28B.50.835 and 1990 c 29 s 1 are each amended to
2 read as follows:

3 The legislature recognizes that quality in the state's community
4 and technical colleges would be strengthened by additional partnerships
5 between citizens and the institutions. The legislature intends to
6 foster these partnerships by creating a matching grant program to
7 assist public community and technical colleges in creating endowments
8 for funding exceptional faculty awards."

9 **"Sec. 65.** RCW 28B.50.837 and 1990 c 29 s 2 are each amended to
10 read as follows:

11 (1) The Washington community and technical college exceptional
12 faculty awards program is established. The program shall be
13 administered by the ((state)) college board ((~~for community college~~
14 ~~education~~)). The ((community)) college faculty awards trust fund
15 hereby created shall be administered by the state treasurer.

16 (2) Funds appropriated by the legislature for the community and
17 technical college exceptional faculty awards program shall be deposited
18 in the ((community)) college faculty awards trust fund. All moneys
19 deposited in the fund shall be invested by the state treasurer.
20 Notwithstanding RCW 43.84.090, all earnings of investments of balances
21 in the fund shall be credited to the fund. At the request of the
22 ((state)) college board ((~~for community college education~~)), the
23 treasurer shall release the state matching funds to the designated
24 institution's local endowment fund. No appropriation is necessary for
25 the expenditure of moneys from the fund."

26 **"Sec. 66.** RCW 28B.50.839 and 1990 c 29 s 3 are each amended to
27 read as follows:

1 (1) In consultation with eligible community and technical colleges,
2 the ((state)) college board ((for community college education)) shall
3 set priorities and guidelines for the program.

4 (2) Under this section, a ((community)) college shall not receive
5 more than four faculty grants in twenty-five thousand dollar
6 increments, with a maximum total of one hundred thousand dollars per
7 campus in any biennium.

8 (3) All community and technical colleges shall be eligible for
9 matching trust funds. Institutions may apply to the ((state)) college
10 board ((for community college education)) for grants from the fund in
11 twenty-five thousand dollar increments up to a maximum of one hundred
12 thousand dollars when they can match the state funds with equal cash
13 donations from private sources, except that in the initial year of the
14 program, no college may receive more than one grant until every college
15 has received one grant. These donations shall be made specifically to
16 the exceptional faculty awards program and deposited by the institution
17 in a local endowment fund. Otherwise unrestricted gifts may be
18 deposited in the endowment fund by the institution.

19 (4) Once sufficient private donations are received by the
20 institution, the institution shall inform the ((state)) college board
21 ((for community college education)) and request state matching funds.
22 The ((state)) college board ((for community college education)) shall
23 evaluate the request for state matching funds based on program
24 priorities and guidelines. The ((state)) college board ((for community
25 college education)) may ask the state treasurer to release the state
26 matching funds to a local endowment fund established by the institution
27 for each faculty award created."

28 "Sec. 67. RCW 28B.50.841 and 1990 c 29 s 4 are each amended to
29 read as follows:

1 (1) The faculty awards are the property of the institution and may
2 be named in honor of a donor, benefactor, or honoree of the
3 institution, at the option of the institution. The institution shall
4 designate the use of the award. The designation shall be made or
5 renewed annually.

6 (2) The institution is responsible for soliciting private
7 donations, investing and maintaining its endowment funds, administering
8 the faculty awards, and reporting on the program to the governor, the
9 ((state)) college board ((for community college education)), and the
10 legislature, upon request. The institution may augment its endowment
11 fund with additional unrestricted private donations. The principal of
12 the invested endowment fund shall not be invaded.

13 (3) The proceeds from the endowment fund shall be used to pay
14 expenses for faculty awards, which may include in-service training,
15 temporary substitute or replacement costs directly associated with
16 faculty development programs, conferences, travel, publication and
17 dissemination of exemplary projects; to supplement the salary of the
18 holder or holders of a faculty award; or to pay expenses associated
19 with the holder's program area. Funds from this program shall not be
20 used to supplant existing faculty development funds."

21 "Sec. 68. RCW 28B.50.843 and 1990 c 29 s 5 are each amended to
22 read as follows:

23 The process for determining local awards shall be subject to
24 collective bargaining. Decisions regarding the amounts of individual
25 awards and who receives them shall not be subject to collective
26 bargaining and shall be subject to approval of the applicable
27 ((community college)) board of trustees."

1 **"Sec. 69.** RCW 28B.50.850 and 1969 ex.s. c 283 s 32 are each
2 amended to read as follows:

3 It shall be the purpose of RCW 28B.50.850 through 28B.50.869 to
4 establish a system of faculty tenure which protects the concepts of
5 faculty employment rights and faculty involvement in the protection of
6 those rights in the state system of community and technical colleges.
7 RCW 28B.50.850 through 28B.50.869 shall define a reasonable and orderly
8 process for appointment of faculty members to tenure status and the
9 dismissal of the tenured faculty member.

10 Employees of the Seattle Vocational Institute are exempt from this
11 section until July 1, 1993."

12 **"Sec. 70.** RCW 28B.50.851 and 1988 c 32 s 2 are each amended to
13 read as follows:

14 As used in RCW 28B.50.850 through 28B.50.869:

15 (1) "Tenure" shall mean a faculty appointment for an indefinite
16 period of time which may be revoked only for adequate cause and by due
17 process;

18 (2)(a) "Faculty appointment", except as otherwise provided in
19 (~~subsection (2)~~)(b) (~~below~~) of this subsection, shall mean full
20 time employment as a teacher, counselor, librarian or other position
21 for which the training, experience and responsibilities are comparable
22 as determined by the appointing authority, except administrative
23 appointments; "faculty appointment" shall also mean department heads,
24 division heads and administrators to the extent that such department
25 heads, division heads or administrators have had or do have status as
26 a teacher, counselor, or librarian; faculty appointment shall also mean
27 employment on a reduced work load basis when a faculty member has
28 retained tenure under RCW 28B.50.859;

1 (b) "Faculty appointment" shall not mean special faculty
2 appointment as a teacher, counselor, librarian, or other position as
3 enumerated in ~~((subsection—(2)))~~(a) of this subsection, when such
4 employment results from special funds provided to a community college
5 district from federal moneys or other special funds which other funds
6 are designated as "special funds" by the ~~((state))~~ college board ~~((for~~
7 ~~community college education))~~: PROVIDED, That such "special funds" so
8 designated by the ~~((state))~~ college board for purposes of this section
9 shall apply only to teachers, counselors and librarians hired from
10 grants and service agreements and teachers, counselors and librarians
11 hired in nonformula positions. A special faculty appointment resulting
12 from such special financing may be terminated upon a reduction or
13 elimination of funding or a reduction or elimination of program:
14 PROVIDED FURTHER, That "faculty appointees" holding faculty
15 appointments pursuant to subsections (1) or (2)(a) of this section who
16 have been subsequently transferred to positions financed from "special
17 funds" pursuant to ~~((subsection—(2)))~~ (b) of this subsection and who
18 thereafter lose their positions upon reduction or elimination of such
19 "special funding" shall be entitled to be returned to previous status
20 as faculty appointees pursuant to subsection (1) or (2)(a) of this
21 section depending upon their status prior to the "special funding"
22 transfer. Notwithstanding the fact that tenure shall not be granted to
23 anyone holding a special faculty appointment, the termination of any
24 such faculty appointment prior to the expiration of the term of such
25 faculty member's individual contract for any cause which is not related
26 to elimination or reduction of financing or the elimination or
27 reduction of program shall be considered a termination for cause
28 subject to the provisions of this chapter;

1 (3) "Probationary faculty appointment" shall mean a faculty
2 appointment for a designated period of time which may be terminated
3 without cause upon expiration of the probationer's terms of employment;

4 (4) "Probationer" shall mean an individual holding a probationary
5 faculty appointment;

6 (5) "Administrative appointment" shall mean employment in a
7 specific administrative position as determined by the appointing
8 authority;

9 (6) "Appointing authority" shall mean the board of trustees of a
10 ((community)) college district;

11 (7) "Review committee" shall mean a committee composed of the
12 probationer's faculty peers, a student representative, and the
13 administrative staff of the community or technical college: PROVIDED,
14 That the majority of the committee shall consist of the probationer's
15 faculty peers."

16 "Sec. 71. RCW 28B.50.867 and 1969 ex.s. c 283 s 43 are each
17 amended to read as follows:

18 Upon transfer of employment from one community or technical college
19 to another community or technical college within a district, a tenured
20 faculty member shall have the right to retain tenure and the rights
21 accruing thereto which he or she had in his or her previous employment:
22 PROVIDED, That upon permanent transfer of employment to another
23 ((community)) college district a tenured faculty member shall not have
24 the right to retain his tenure or any of the rights accruing thereto."

25 "Sec. 72. RCW 28B.50.869 and 1974 ex.s. c 33 s 2 are each amended
26 to read as follows:

27 The review committees required by RCW 28B.50.850 through 28B.50.869
28 shall be composed of members of the administrative staff, a student

1 representative, and the teaching faculty. The representatives of the
2 teaching faculty shall represent a majority of the members on each
3 review committee. The members representing the teaching faculty on
4 each review committee shall be selected by a majority of the teaching
5 faculty and faculty department heads acting in a body. The student
6 representative, who shall be a full time student, shall be chosen by
7 the student association of the particular community or technical
8 college in such manner as the members thereof shall determine."

9 "Sec. 73. RCW 28B.50.870 and 1977 ex.s. c 282 s 1 are each amended
10 to read as follows:

11 The district board of trustees of any ((community)) college
12 district currently operating an educational program with funds provided
13 by another state agency, including federal funds, which program has
14 been in existence for five or more years under the administration of
15 one or more ((community)) college districts, shall provide for the
16 award or denial of tenure to anyone who holds a special faculty
17 appointment in such curricular program and for as long as the program
18 continues to be funded in such manner, utilizing the prescribed
19 probationary processes and procedures set forth in this chapter with
20 the exception that no student representative shall be required to serve
21 on the review committee defined in RCW 28B.50.851: PROVIDED, That such
22 review processes and procedures shall not be applicable to faculty
23 members whose contracts are renewed after the effective date of this
24 1977 amendatory act and who have completed at least three consecutive
25 years of satisfactory full time service in such program, who shall be
26 granted tenure by the ((community)) college district: PROVIDED
27 FURTHER, That faculty members who have completed one year or more of
28 satisfactory full time service in such program shall be credited with
29 such service for the purposes of this section: PROVIDED, FURTHER, That

1 provisions relating to tenure for faculty under the provisions of this
2 section shall be distinct from provisions relating to tenure for other
3 faculty of the ((community)) college district and faculty appointed to
4 such special curricular program shall be treated as a separate unit as
5 respects selection, retention, reduction in force or dismissal
6 hereunder: AND PROVIDED FURTHER, That the provisions of this section
7 shall only be applicable to faculty holding a special faculty
8 appointment in an educational program operated in a state correctional
9 institution pursuant to a written contract with a ((community)) college
10 district."

11 "Sec. 74. RCW 28B.50.873 and 1990 c 33 s 559 are each amended to
12 read as follows:

13 The ((state)) college board ((for community college education)) may
14 declare a financial emergency under the following conditions: (1)
15 Reduction of allotments by the governor pursuant to RCW 43.88.110(2),
16 or (2) reduction by the legislature from one biennium to the next or
17 within a biennium of appropriated funds based on constant dollars using
18 the implicit price deflator. When a district board of trustees
19 determines that a reduction in force of tenured or probationary faculty
20 members may be necessary due to financial emergency as declared by the
21 state board, written notice of the reduction in force and separation
22 from employment shall be given the faculty members so affected by the
23 president or district president as the case may be. Said notice shall
24 clearly indicate that separation is not due to the job performance of
25 the employee and hence is without prejudice to such employee and need
26 only state in addition the basis for the reduction in force as one or
27 more of the reasons enumerated in subsections (1) and (2) of this
28 section.

1 Said tenured or probationary faculty members will have a right to
2 request a formal hearing when being dismissed pursuant to subsections
3 (1) and (2) of this section. The only issue to be determined shall be
4 whether under the applicable policies, rules or collective bargaining
5 agreement the particular faculty member or members advised of severance
6 are the proper ones to be terminated. Said hearing shall be initiated
7 by filing a written request therefor with the president or district
8 president, as the case may be, within ten days after issuance of such
9 notice. At such formal hearing the tenure review committee provided
10 for in RCW 28B.50.863 may observe the formal hearing procedure and
11 after the conclusion of such hearing offer its recommended decision for
12 consideration by the hearing officer. Failure to timely request such
13 a hearing shall cause separation from service of such faculty members
14 so notified on the effective date as stated in the notice, regardless
15 of the duration of any individual employment contract.

16 The hearing required by this section shall be an adjudicative
17 proceeding pursuant to chapter 34.05 RCW, the Administrative Procedure
18 Act, conducted by a hearing officer appointed by the board of trustees
19 and shall be concluded by the hearing officer within sixty days after
20 written notice of the reduction in force has been issued. Ten days
21 written notice of the formal hearing will be given to faculty members
22 who have requested such a hearing by the president or district
23 president as the case may be. The hearing officer within ten days
24 after conclusion of such formal hearing shall prepare findings,
25 conclusions of law and a recommended decision which shall be forwarded
26 to the board of trustees for its final action thereon. Any such
27 determination by the hearing officer under this section shall not be
28 subject to further tenure review committee action as otherwise provided
29 in this chapter.

1 Notwithstanding any other provision of this section, at the time of
2 a faculty member or members request for formal hearing said faculty
3 member or members may ask for participation in the choosing of the
4 hearing officer in the manner provided in RCW 28A.405.310(4), said
5 employee therein being a faculty member for the purposes hereof and
6 said board of directors therein being the board of trustees for the
7 purposes hereof: PROVIDED, That where there is more than one faculty
8 member affected by the board of trustees' reduction in force such
9 faculty members requesting hearing must act collectively in making such
10 request: PROVIDED FURTHER, That costs incurred for the services and
11 expenses of such hearing officer shall be shared equally by the
12 community or technical college and the faculty member or faculty
13 members requesting hearing.

14 When more than one faculty member is notified of termination
15 because of a reduction in force as provided in this section, hearings
16 for all such faculty members requesting formal hearing shall be
17 consolidated and only one such hearing for the affected faculty members
18 shall be held, and such consolidated hearing shall be concluded within
19 the time frame set forth herein.

20 Separation from service without prejudice after formal hearing
21 under the provisions of this section shall become effective upon final
22 action by the board of trustees.

23 It is the intent of the legislature by enactment of this section
24 and in accordance with RCW 28B.52.035, to modify any collective
25 bargaining agreements in effect, or any conflicting board policies or
26 rules, so that any reductions in force which take place after December
27 21, 1981, whether in progress or to be initiated, will comply solely
28 with the provisions of this section: PROVIDED, That any applicable
29 policies, rules, or provisions contained in a collective bargaining

1 agreement related to lay-off units, seniority and re-employment rights
2 shall not be affected by the provisions of this paragraph.

3 Nothing in this section shall be construed to affect the right of
4 the board of trustees or its designated appointing authority not to
5 renew a probationary faculty appointment pursuant to RCW 28B.50.857."

6 "Sec. 75. RCW 28B.50.875 and 1969 ex.s. c 261 s 35 are each
7 amended to read as follows:

8 Local law enforcement agencies or such other public agencies that
9 shall be in need of such service may contract with any community or
10 technical college for laboratory services for the analyzing of samples
11 that chemists associated with such ((community)) colleges may be able
12 to perform under such terms and conditions as the individual
13 ((community)) college may determine.

14 Employees of the Seattle Vocational Institute are exempt from this
15 section until July 1, 1993."

16 "Sec. 76. RCW 15.76.120 and 1961 c 61 s 3 are each amended to read
17 as follows:

18 For the purposes of this chapter all agricultural fairs in the
19 state which may become eligible for state allocations shall be divided
20 into categories, to wit:

21 (1) "Area fairs"--those not under the jurisdiction of boards of
22 county commissioners; organized to serve an area larger than one
23 county, having both open and junior participation, and having an
24 extensive diversification of classes, displays and exhibits;

25 (2) "County and district fairs"--organized to serve the interests
26 of single counties other than those in which a recognized area fair or
27 a district fair as defined in RCW 36.37.050, is held and which are
28 under the direct control and supervision of the county commissioners of

1 the respective counties, which have both open and junior participation,
2 but whose classes, displays and exhibits may be more restricted or
3 limited than in the case of area or district fairs. There may be but
4 one county fair in a single county: PROVIDED, HOWEVER, That the county
5 commissioners of two or more counties may, by resolution, jointly
6 sponsor a county fair.

7 (3) "Community fairs"--organized primarily to serve a smaller area
8 than an area or county fair, which may have open or junior classes,
9 displays, or exhibits. There may be more than one community fair in a
10 county.

11 (4) "Youth shows and fairs"--approved by duly constituted agents of
12 Washington State University and/or the Washington (~~state board for~~
13 ~~vocational education~~) work force training and education coordinating
14 board, serving three or more counties, and having for their purpose the
15 education and training of rural youth in matters of rural living."

16 "Sec. 77. RCW 28A.305.270 and 1989 c 146 s 2 are each amended to
17 read as follows:

18 (1) The Washington state minority teacher recruitment program is
19 established. The program shall be administered by the state board of
20 education. The state board of education shall consult with the higher
21 education coordinating board, representatives of institutions of higher
22 education, education organizations having an interest in teacher
23 recruitment issues, the superintendent of public instruction, the state
24 board for community and technical colleges (~~education~~), the
25 department of employment security, and the (~~state board of vocational~~
26 ~~education within the office of the governor~~) work force training and
27 education coordinating board. The program shall be designed to recruit
28 future teachers from students in the targeted groups who are in the

1 ninth through twelfth grades and from adults in the targeted groups who
2 have entered other occupations.

3 (2) The program shall include the following:

4 (a) Encouraging students in targeted groups in grades nine through
5 twelve to acquire the academic and related skills necessary to prepare
6 for the study of teaching at an institution of higher education;

7 (b) Promoting teaching career opportunities to develop an awareness
8 of opportunities in the education profession;

9 (c) Providing opportunities for students to experience the
10 application of regular high school course work to activities related to
11 a teaching career; and

12 (d) Providing for increased cooperation among institutions of
13 higher education including community colleges, the superintendent of
14 public instruction, the state board of education, and local school
15 districts in working toward the goals of the program."

16 "NEW SECTION. Sec. 78. A new section is added to chapter 28A.150
17 RCW to read as follows:

18 (1) Each local education agency or college district offering
19 vocational educational programs shall establish local advisory
20 committees to provide that agency or district with advice on current
21 job needs and on the courses necessary to meet these needs.

22 (2) The local program committees shall:

23 (a) Participate in the determination of program goals;

24 (b) Review and evaluate program curricula, equipment, and
25 effectiveness;

26 (c) Include representatives of business and labor who reflect the
27 local industry, and the community; and

28 (d) Actively consult with other representatives of business,
29 industry, labor, and agriculture."

1 "NEW SECTION. **Sec. 79.** (1) Each local education agency or
2 college district offering vocational educational programs shall
3 establish local advisory committees to provide that agency or district
4 with advice on current job needs and on the courses necessary to meet
5 these needs.

6 (2) The local program committees shall:

7 (a) Participate in the determination of program goals;

8 (b) Review and evaluate program curricula, equipment, and
9 effectiveness;

10 (c) Include representatives of business and labor who reflect the
11 local industry, and the community; and

12 (d) Actively consult with other representatives of business,
13 industry, labor, and agriculture."

14 "NEW SECTION. **Sec. 80.** A new section is added to chapter 28A.300
15 RCW to read as follows:

16 The superintendent shall cooperate with the work force training and
17 education coordinating board in the conduct of the board's
18 responsibilities under section 8 of this act and shall provide
19 information and data in a format that is accessible to the board."

20 "NEW SECTION. **Sec. 81.** The college board shall cooperate with
21 the work force training and education coordinating board in the conduct
22 of the board's responsibilities under section 8 of this act and shall
23 provide information and data in a format that is accessible to the
24 board."

25 "NEW SECTION. **Sec. 82.** A new section is added to chapter 50.12
26 RCW to read as follows:

1 The commissioner shall cooperate with the work force training and
2 education coordinating board in the conduct of the board's
3 responsibilities under section 8 of this act and shall provide
4 information and data in a format that is accessible to the board."

5 "Sec. 83. RCW 28C.10.020 and 1990 c 188 s 5 are each amended to
6 read as follows:

7 Unless the context clearly requires otherwise, the definitions in
8 this section apply throughout this chapter.

9 (1) "Agency" means the (~~state board for vocational education~~)
10 work force training and education coordinating board or its successor.

11 (2) "Agent" means a person owning an interest in, employed by, or
12 representing for remuneration a private vocational school within or
13 without this state, who enrolls or personally attempts to secure the
14 enrollment in a private vocational school of a resident of this state,
15 offers to award educational credentials for remuneration on behalf of
16 a private vocational school, or holds himself or herself out to
17 residents of this state as representing a private vocational school for
18 any of these purposes.

19 (3) "Degree" means any designation, appellation, letters, or words
20 including but not limited to "associate," "bachelor," "master,"
21 "doctor," or "fellow" which signify or purport to signify satisfactory
22 completion of an academic program of study beyond the secondary school
23 level.

24 (4) "Education" includes but is not limited to, any class, course,
25 or program of training, instruction, or study.

26 (5) "Educational credentials" means degrees, diplomas,
27 certificates, transcripts, reports, documents, or letters of
28 designation, marks, appellations, series of letters, numbers, or words
29 which signify or appear to signify enrollment, attendance, progress, or

1 satisfactory completion of the requirements or prerequisites for any
2 educational program.

3 (6) "Entity" includes, but is not limited to, a person, company,
4 firm, society, association, partnership, corporation, or trust.

5 (7) "Private vocational school" means any location where [there is]
6 an entity offering postsecondary education in any form or manner for
7 the purpose of instructing, training, or preparing persons for any
8 vocation or profession.

9 (8) "To grant" includes to award, issue, sell, confer, bestow, or
10 give.

11 (9) "To offer" includes, in addition to its usual meanings, to
12 advertise or publicize. "To offer" also means to solicit or encourage
13 any person, directly or indirectly, to perform the act described.

14 (10) "To operate" means to establish, keep, or maintain any
15 facility or location where, from, or through which education is offered
16 or educational credentials are offered or granted to residents of this
17 state, and includes contracting for the performance of any such act."

18 NEW SECTION. Sec. 84. Community and technical colleges may
19 contract with local common school districts to provide occupational and
20 academic programs for high school students. Common school districts
21 whose students currently attend vocational-technical institutes shall
22 not suffer loss of opportunity to continue to enroll their students at
23 technical colleges.

24 For the purposes of this section, "opportunity to enroll" includes,
25 but is not limited to, the opportunity of common school districts to
26 enroll the same number of high school students enrolled at each
27 vocational-technical institute during the period July 1, 1989, through
28 June 30, 1990, and the opportunity for common school districts to
29 increase enrollments of high school students at each technical college

1 in proportion to annual increases in enrollment within the school
2 districts participating on the effective date of this section.
3 Technical colleges shall offer programs which are accessible to high
4 school students to at least the extent that existed during the period
5 July 1, 1989, through June 30, 1990, and to the extent necessary to
6 accommodate proportional annual growth in enrollments of high school
7 students within school districts participating on the effective date of
8 this section. Accommodating such annual increases in enrollment or
9 program offerings shall be the first priority within technical colleges
10 subject to any enrollment or budgetary restrictions. Technical
11 colleges shall not charge tuition or student services and activities
12 fees to high school students enrolled in the college.

13 Technical colleges may enter into interlocal agreements with local
14 school districts to provide instruction in courses required for high
15 school graduation, basic skills, and literacy training for students
16 enrolled in technical college programs.

17 Technical colleges shall receive a dual designation as vocational
18 skill centers if the technical college and one or more local school
19 districts enter into an interlocal agreement to serve eligible high
20 school students through the college."

21 "NEW SECTION. Sec. 85. When the state system of community and
22 technical colleges assumes administrative control of the vocational-
23 technical institutes, personnel employed by the vocational-technical
24 institutes shall:

25 (1) Suffer no reduction in compensation, benefits, seniority, or
26 employment status. After the effective date of this section,
27 classified employees shall continue to be covered by chapter 41.56 RCW
28 and faculty members and administrators shall be covered by chapter
29 28B.50 RCW;

1 (2) To the extent applicable to faculty members, any faculty
2 currently employed on a "continuing contract" basis under RCW
3 28A.405.210 be awarded tenure pursuant to RCW 28B.50.851 through
4 28B.50.873, except for any faculty members who are provisional
5 employees under RCW 28A.405.220;

6 (3) Be eligible to participate in the health care and other
7 insurance plans provided by the health care authority and the state
8 employee benefits board pursuant to chapter 41.05 RCW;

9 (4) Be eligible to participate in old age annuities or retirement
10 income plans under the rules of the state board for community and
11 technical colleges pursuant to RCW 28B.10.400 or the teachers'
12 retirement system plan I for personnel employed before July 1, 1977, or
13 plan II for personnel employed after July 1, 1977, under chapter 41.32
14 RCW; however, no affected vocational-technical institute employee shall
15 be required to choose from among any available retirement plan options
16 prior to six months after the effective date of this section;

17 (5) Have transferred to their new administrative college district
18 all accrued sick and vacation leave and thereafter shall earn and use
19 all such leave under the rule established pursuant to RCW 28B.50.551;

20 (6) Be eligible to participate in the deferred compensation plan
21 pursuant to RCW 41.04.250 and the dependent care program pursuant to
22 RCW 41.04.600 under the rules established by the state deferred
23 compensation committee.

24 An exclusive bargaining representative certified to represent a
25 bargaining unit covering employees of a vocational technical institute
26 on the effective date of this section shall remain the exclusive
27 representative of such employees thereafter until and unless such
28 representative is replaced or decertified in accordance with state law.

29 Any collective bargaining agreement in effect on the effective date
30 of this section shall remain in effect as it applies to employees of

1 vocational technical institutes until its expiration or renewal date or
2 until renegotiated or renewed in accordance with chapter 28B.52 or
3 41.56 RCW. If any collective bargaining agreement pertaining to any
4 employee of a vocational-technical institute expires before the new
5 boards of trustees convene, the terms and conditions of the expired
6 contract shall continue until the board approves a new contract, or
7 until October 1, 1991, whichever comes first. The board and the
8 employees may mutually agree to continue the terms and conditions of an
9 existing contract beyond October 1, 1991. Labor relations processes
10 and agreements covering faculty members of vocational technical
11 institutes after the effective date of this section shall be governed
12 by chapter 28B.52 RCW. Labor relations processes and agreements
13 covering classified employees of vocational technical institutes after
14 the effective date of this section shall continue to be governed by
15 chapter 41.56 RCW."

16 "NEW SECTION. Sec. 86. Notwithstanding the provisions of
17 chapter 28B.15 RCW, technical colleges and the Seattle Vocational
18 Institute may continue to collect student tuition and fees per their
19 standard operating procedures in effect on the effective date of this
20 section. The applicability of existing community college rules and
21 statutes pursuant to chapter 28B.15 RCW regarding tuition and fees
22 shall be determined by the state board for community and technical
23 colleges within two years of the effective date of this section."

24 "NEW SECTION. Sec. 87. All powers, duties, and functions of the
25 superintendent of public instruction and the state board of education
26 pertaining to projects of adult education, including the state-funded
27 Even Start and including the adult education programs operated pursuant
28 to 20 U.S.C. Sec. 1201 as amended by P.L. 100-297, are transferred to

1 the state board for community and technical colleges. All references
2 to the director or superintendent of public instruction or the state
3 board of education in the Revised Code of Washington shall be construed
4 to mean the director or the state board for community and technical
5 colleges when referring to the functions transferred in this section."

6 "NEW SECTION. Sec. 88. All reports, documents, surveys, books,
7 records, files, papers, or written material in the possession of the
8 superintendent of public instruction pertaining to the powers,
9 functions, and duties transferred shall be delivered to the custody of
10 the state board for community and technical colleges. All cabinets,
11 furniture, office equipment, motor vehicles, and other tangible
12 property employed by the superintendent of public instruction in
13 carrying out the powers, functions, and duties transferred shall be
14 made available to the state board for community and technical colleges.
15 All funds, credits, or other assets held in connection with the powers,
16 functions, and duties transferred shall be assigned to the state board
17 for community and technical colleges.

18 Any appropriations made to the superintendent of public instruction
19 for carrying out the powers, functions, and duties transferred shall,
20 on the effective date of this section, be transferred and credited to
21 the state board for community and technical colleges.

22 Whenever any question arises as to the transfer of any personnel,
23 funds, books, documents, records, papers, files, equipment, or other
24 tangible property used or held in the exercise of the powers and the
25 performance of the duties and functions transferred, the director of
26 financial management shall make a determination as to the proper
27 allocation and certify the same to the state agencies concerned.

1 The superintendent or designee, and the director of the state board
2 shall work out a mutually agreeable schedule to accomplish this
3 transfer by no later than July 1, 1991."

4 "NEW SECTION. **Sec. 89.** All employees of the superintendent of
5 public instruction engaged in performing the powers, functions, and
6 duties transferred are transferred to the jurisdiction of the state
7 board for community and technical colleges. All employees classified
8 under chapter 41.06 RCW, the state civil service law, are assigned to
9 the state board for community and technical colleges to perform their
10 usual duties upon the same terms as formerly, without any loss of
11 rights, subject to any action that may be appropriate thereafter in
12 accordance with the laws and rules governing chapter 28B.16 RCW."

13 "NEW SECTION. **Sec. 90.** All rules and all pending business
14 before the superintendent of public instruction pertaining to the
15 powers, functions, and duties transferred shall be continued and acted
16 upon by the state board for community and technical colleges. All
17 existing contracts and obligations shall remain in full force and shall
18 be performed by the state board for community and technical colleges."

19 "NEW SECTION. **Sec. 91.** The transfer of the powers, duties,
20 functions, and personnel of the superintendent of public instruction
21 shall not affect the validity of any act performed prior to the
22 effective date of this section."

23 "NEW SECTION. **Sec. 92.** If apportionments of budgeted funds are
24 required because of the transfers directed by sections 88 through 91 of
25 this act, the director of financial management shall certify the
26 apportionments to the agencies affected, the state auditor, and the

1 state treasurer. Each of these shall make the appropriate transfer and
2 adjustments in funds and appropriation accounts and equipment records
3 in accordance with the certification."

4 "NEW SECTION. Sec. 93. Nothing contained in sections 88 through
5 92 of this act may be construed to alter any existing collective
6 bargaining unit or the provisions of any existing collective bargaining
7 agreement until the agreement has expired or until the bargaining unit
8 has been modified by action of the personnel board as provided by law."

9 "NEW SECTION. Sec. 94. The college board personnel
10 administering state and federally funded programs for adult basic
11 skills and literacy education shall be known as the state office for
12 adult literacy."

13 "NEW SECTION. Sec. 95. The legislature finds that a vocational
14 institute in the central area of the city of Seattle provides civic,
15 social, and economic benefits to the people of the state of Washington.
16 Economic development is enhanced by increasing the number of skilled
17 individuals who enter the labor market and social welfare costs are
18 reduced by the training of individuals lacking marketable skills. The
19 students at the institute are historically economically disadvantaged,
20 and include racial and ethnic minorities, recent immigrants,
21 single-parent heads of households, and persons who are dislocated
22 workers or without specific occupational skills. The institute
23 presents a unique opportunity for business, labor, and community-based
24 organizations, and educators to work together to provide effective
25 vocational-technical training to the economically disadvantaged of
26 urban Seattle, and to serve as a national model of such cooperation.
27 Moreover, a trained work force is a major factor in attracting new

1 employers, and with greater minority participation in the work force,
2 the institute is uniquely located to deliver training and education to
3 the individuals employers must increasingly turn to for their future
4 workers."

5 "NEW SECTION. **Sec. 96.** The public nonprofit corporation for the
6 Washington institute for applied technology is hereby abolished and its
7 powers, duties, and functions are hereby transferred to the sixth
8 college district. The Washington institute for applied technology
9 shall be renamed the Seattle Vocational Institute. The Seattle
10 Vocational Institute shall become a fourth unit of the sixth college
11 district. All references to the director or public nonprofit
12 corporation for the Washington institute for applied technology in the
13 Revised Code of Washington shall be construed to mean the director of
14 the Seattle Vocational Institute."

15 "NEW SECTION. **Sec. 97.** All reports, documents, surveys, books,
16 records, files, papers, or written material in the possession of the
17 public nonprofit corporation for the Washington institute for applied
18 technology shall be delivered to the custody of the sixth college
19 district. All cabinets, furniture, office equipment, motor vehicles,
20 and other tangible property employed by the public nonprofit
21 corporation for the Washington institute for applied technology shall
22 be made available to the sixth college district for the use of the
23 Seattle Vocational Institute. All funds, credits, or other assets held
24 by the public nonprofit corporation for the Washington institute for
25 applied technology shall be assigned to the sixth college district for
26 the use of the institute.

27 Any appropriations made to the public nonprofit corporation for the
28 Washington institute for applied technology shall, on the effective

1 date of this section, be transferred and credited to the sixth college
2 district.

3 Whenever any question arises as to the transfer of any personnel,
4 funds, books, documents, records, papers, files, equipment, or other
5 tangible property used or held in the exercise of the powers and the
6 performance of the duties and functions transferred, the director of
7 financial management shall make a determination as to the proper
8 allocation and certify the same to the state agencies concerned."

9 "NEW SECTION. **Sec. 98.** All contractual obligations, rules, and
10 all pending business before the public nonprofit corporation for the
11 Washington institute for applied technology shall be continued and
12 acted upon by the sixth college district. All existing contracts and
13 obligations shall remain in full force and shall be performed by the
14 sixth college district."

15 "NEW SECTION. **Sec. 99.** All employees of the Washington
16 institute for applied technology engaged in performing the powers,
17 functions, and duties transferred are transferred to the jurisdiction
18 of the Seattle Vocational Institute. All employees classified under
19 chapter 41.06 RCW, the state civil service law, are assigned to the
20 Seattle Vocational Institute to perform their usual duties upon the
21 same terms as formerly, without any loss of rights, subject to any
22 action that may be appropriate thereafter in accordance with the laws
23 and rules governing state civil service."

24 "NEW SECTION. **Sec. 100.** The transfer of the powers, duties,
25 functions, and personnel of the public nonprofit corporation for the
26 Washington institute for applied technology shall not affect the

1 validity of any act performed prior to the effective date of this
2 section."

3 "NEW SECTION. Sec. 101. If apportionments of budgeted funds are
4 required because of the transfers directed by sections 97 through 100
5 of this act, the director of financial management shall certify the
6 apportionments to the agencies affected, the state auditor, and the
7 state treasurer. Each of these shall make the appropriate transfer and
8 adjustments in funds and appropriation accounts and equipment records
9 in accordance with the certification."

10 "NEW SECTION. Sec. 102. The mission of the institute shall be to
11 provide occupational, basic skills, and literacy education
12 opportunities to economically disadvantaged populations in urban areas
13 of the college district it serves. The mission shall be achieved
14 primarily through open-entry, open-exit, short-term, competency-based
15 basic skill, and job training programs targeted primarily to adults.
16 The board of trustees of the sixth college district shall appoint a
17 nine-member advisory committee consisting of equal representation from
18 business, labor, and community representatives to provide advice and
19 counsel to the administration of the institute and the district
20 administration."

21 "NEW SECTION. Sec. 103. Funding for the institute shall be
22 included in a separate allocation to the sixth college district, and
23 funds allocated for the institute shall be used only for purposes of
24 the institute."

25 "NEW SECTION. Sec. 104. The sixth college district shall conduct
26 a survey of the capital facilities and equipment necessary to operate

1 the program at the institute. The district shall present the survey to
2 the state board for community and technical colleges by December 1,
3 1991. The board shall include the survey in its budget request to the
4 legislature which shall consider a supplementary appropriation for the
5 1992-93 fiscal year to the sixth college district based on the results
6 of this survey."

7 "NEW SECTION. Sec. 105. The district may provide for waivers of
8 tuition and fees and provide scholarships for students at the
9 institute. The district may negotiate with applicable public or
10 private service providers to conduct the instructional activities of
11 the institute. The district may employ instructional staff or faculty.
12 The district may also contract with private individuals for
13 instructional services. Until at least July 1, 1993, all faculty and
14 staff serve at the pleasure of the district. In order to allow the
15 district flexibility in its personnel policies with the institute, the
16 district and the institute, with reference to employees of the
17 institute employed during an initial two-year period until July 1,
18 1993, are exempt from chapters 28B.16, 28B.52 (relating to collective
19 bargaining), 41.04, 41.05, 41.06, and 41.40 RCW; from RCW 43.01.040
20 through 43.01.044; and from RCW 28B.50.551 and 28B.50.850 through
21 28B.50.875 (relating to faculty tenure)."

22 "NEW SECTION. Sec. 106. A new section is added to chapter 41.06
23 RCW to read as follows:

24 Employees of the Seattle Vocational Institute are exempt from the
25 provisions of this chapter until July 1, 1993."

26 "NEW SECTION. Sec. 107. A new section is added to chapter 41.05
27 RCW to read as follows:

1 Employees of the Seattle Vocational Institute are exempt from the
2 provisions of this chapter until July 1, 1993."

3 "NEW SECTION. **Sec. 108.** A new section is added to chapter 41.04
4 RCW to read as follows:

5 Employees of the Seattle Vocational Institute are exempt from the
6 provisions of this chapter until July 1, 1993."

7 "NEW SECTION. **Sec. 109.** A new section is added to chapter 28B.16
8 RCW to read as follows:

9 Employees of the Seattle Vocational Institute are exempt from the
10 provisions of this chapter until July 1, 1993."

11 "NEW SECTION. **Sec. 110.** A new section is added to chapter 41.40
12 RCW to read as follows:

13 Employees of the Seattle Vocational Institute are exempt from the
14 provisions of this chapter until July 1, 1993."

15 "NEW SECTION. **Sec. 111.** A new section is added to chapter 28B.52
16 RCW to read as follows:

17 Employees of the Seattle Vocational Institute are exempt from the
18 provisions of this chapter until July 1, 1993."

19 "NEW SECTION. **Sec. 112.** A new section is added to chapter 43.01
20 RCW to read as follows:

21 Employees of the Seattle Vocational Institute are exempt from RCW
22 43.01.040 through 43.01.044 until July 1, 1993."

23 "NEW SECTION. **Sec. 113.** Related and supplemental instruction for
24 apprentices, coordination of instruction with job experiences, and the

1 selection and training of teachers and coordinators for such
2 instruction shall be the responsibility of the state board for
3 community and technical colleges and its local community and technical
4 colleges."

5 "NEW SECTION. Sec. 114. A new section is added to chapter 41.56
6 RCW to read as follows:

7 In addition to the entities listed in RCW 41.56.020, this chapter
8 shall apply to classified employees of technical colleges as provided
9 for in section 85 of this act."

10 "Sec. 115. RCW 28B.10.016 and 1977 ex.s. c 169 s 1 are each
11 amended to read as follows:

12 For the purposes of this title:

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

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

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

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

24 "NEW SECTION. Sec. 116. There is hereby established the task
25 force on technical colleges appointed by the governor. The task force
26 shall be chaired by the director of the state board for community and
27 technical colleges. The task force shall consist of representatives of

1 the state board for community and technical colleges, community
2 colleges, and the directors of the vocational-technical institutes.
3 The purpose of the task force shall be to reach agreement on
4 transitional issues posed by the bringing together of technical
5 colleges and community colleges. The areas of agreement shall include
6 the district boundaries and service areas not specified on the
7 effective date of this section, for technical colleges that are not
8 specified on the effective date of this section and such other matters
9 as are assigned to the task force by chapter ---, Laws of 1991 (this
10 act). The director of the state board shall convene the task force
11 within thirty days after the appointment of the members. The task
12 force shall report on its final recommendations to the college board
13 and the governor by December 1, 1991. Those issues remaining in
14 dispute shall be settled by the governor or the governor's designee."

15 "NEW SECTION. Sec. 117. Title to or all interest in real estate,
16 choses in action and all other assets, and liabilities including court
17 claims, including but not limited to assignable contracts, cash,
18 deposits in county funds (including any interest or premiums thereon),
19 equipment, buildings, facilities, and appurtenances thereto held as of
20 the effective date of this section by or for a school district and
21 obtained identifiably with federal, state, or local funds appropriated
22 for vocational-technical institutes purposes or postsecondary
23 vocational educational purposes, or used or obtained with funds
24 budgeted for postsecondary vocational educational purposes, or used or
25 obtained primarily for vocational-technical institute educational
26 purposes, shall, on the date on which the first board of trustees of
27 each district takes office, vest in or be assigned to the district
28 board. Cash, funds, accounts, or other deposits obtained or raised by
29 a school district to pay for indebtedness, bonded or otherwise,

1 contracted on or before the effective date of this section, for
2 vocational-technical institute purposes shall remain with and continue
3 to be, after February 2, 1992, an asset of the school district. Any
4 option acquired by the school district to purchase real property which
5 in the judgment of the school district will be used in the common
6 school program may remain with the school district notwithstanding that
7 such option was obtained in consideration of the purchase by such
8 school district of other property for vocational-technical institute
9 purposes. Unexpended funds of a common school district derived from
10 the sale, before the effective date of this section, of bonds
11 authorized for any purpose which includes vocational-technical
12 institute purposes and not committed for any existing construction
13 contract, shall remain with and continue to be an asset of such common
14 school district, unless within thirty days after said date such common
15 school district determines to transfer such funds to the board of
16 trustees."

17 "NEW SECTION. Sec. 118. All powers, duties, and functions of the
18 school district pertaining to a vocational-technical institute are
19 transferred to the state board for community and technical colleges
20 until the establishment of local boards of trustees with authority for
21 the technical college. All references to the director or school
22 district in the Revised Code of Washington shall be construed to mean
23 the director or state board for community and technical colleges when
24 referring to the functions transferred in this section."

25 "NEW SECTION. Sec. 119. All reports, documents, surveys, books,
26 records, files, papers, licenses, or written material in the possession
27 of the school district pertaining to the powers, functions, and duties
28 transferred shall be delivered to the custody of the state board for

1 community and technical colleges. All cabinets, furniture, office
2 equipment, motor vehicles, and other tangible property employed by the
3 school district in carrying out the powers, functions, and duties
4 transferred shall be made available to the state board for community
5 and technical colleges. All funds, credits, or other assets held in
6 connection with the powers, functions, and duties transferred shall be
7 assigned to the state board for community and technical colleges.

8 Any appropriations made to the school district for carrying out the
9 powers, functions, and duties transferred shall, on the effective date
10 of this section, be transferred and credited to the state board for
11 community and technical colleges.

12 Whenever any question arises as to the transfer of any personnel,
13 funds, books, documents, records, papers, files, equipment, or other
14 tangible property used or held in the exercise of the powers and the
15 performance of the duties and functions transferred, the director of
16 financial management shall make a determination as to the proper
17 allocation and certify the same to the state agencies concerned."

18 "NEW SECTION. Sec. 120. All employees of the school district
19 engaged in performing the powers, functions, and duties transferred are
20 temporarily transferred to the jurisdiction of the state board for
21 community and technical colleges. The transfer of employees to the
22 state board for community and technical colleges shall not constitute
23 termination of employment or reductions in force by the school
24 districts and shall be excluded from the requirements of RCW
25 28A.405.210 through 28A.405.240 and 28A.405.300 through 28A.405.380.
26 Until the local board of trustees assumes control of the college, all
27 classified employees are assigned to the jurisdiction of the state
28 board for community and technical colleges to perform their usual
29 duties upon the same terms as formerly, without any loss of rights,

1 subject to any action that may be appropriate thereafter in accordance
2 with chapter 41.56 RCW."

3 "NEW SECTION. Sec. 121. All rules and all pending business
4 before the school district pertaining to the powers, functions, and
5 duties transferred shall be continued and acted upon by the state board
6 for community and technical colleges. All existing contracts and
7 obligations shall remain in full force and shall be performed by the
8 state board for community and technical colleges."

9 "NEW SECTION. Sec. 122. The transfer of the powers, duties,
10 functions, and personnel of the school district shall not affect the
11 validity of any act performed prior to the effective date of this
12 section."

13 "NEW SECTION. Sec. 123. If apportionments of budgeted funds are
14 required because of the transfers directed by sections 119 through 122
15 of this act, the director of financial management shall certify the
16 apportionments to the agencies affected, the state auditor, and the
17 state treasurer. Each of these shall make the appropriate transfer and
18 adjustments in funds and appropriation accounts and equipment records
19 in accordance with the certification."

20 "NEW SECTION. Sec. 124. All powers, duties, and functions of the
21 superintendent of public instruction pertaining to vocational-technical
22 institutes are transferred to the state board for community and
23 technical colleges. All references to the director or superintendent
24 of public instruction in the Revised Code of Washington shall be
25 construed to mean the director or state board for community and

1 technical colleges when referring to the functions transferred in this
2 section."

3 "NEW SECTION. **Sec. 125.** All reports, documents, surveys, books,
4 records, files, papers, licenses, or written material in the possession
5 of the superintendent of public instruction pertaining to the powers,
6 functions, and duties transferred shall be delivered to the custody of
7 the state board for community and technical colleges. All cabinets,
8 furniture, office equipment, motor vehicles, and other tangible
9 property employed by the superintendent of public instruction in
10 carrying out the powers, functions, and duties transferred shall be
11 made available to the state board for community and technical colleges.
12 All funds, credits, or other assets held in connection with the powers,
13 functions, and duties transferred shall be assigned to the state board
14 for community and technical colleges.

15 Any appropriations made to the superintendent of public instruction
16 for carrying out the powers, functions, and duties transferred shall,
17 on the effective date of this section, be transferred and credited to
18 the state board for community and technical colleges.

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

25 "NEW SECTION. **Sec. 126.** All employees of the superintendent of
26 public instruction engaged in performing the powers, functions, and
27 duties transferred are transferred to the jurisdiction of the state
28 board for community and technical colleges. All employees classified

1 under chapter 41.06 RCW, the state civil service law, are assigned to
2 the state board for community and technical colleges to perform their
3 usual duties upon the same terms as formerly, without any loss of
4 rights, subject to any action that may be appropriate thereafter in
5 accordance with the laws and rules governing chapter 28B.16 RCW."

6 "NEW SECTION. Sec. 127. All rules and all pending business
7 before the superintendent of public instruction pertaining to the
8 powers, functions, and duties transferred shall be continued and acted
9 upon by the state board for community and technical colleges. All
10 existing contracts and obligations shall remain in full force and shall
11 be performed by the state board for community and technical colleges."

12 "NEW SECTION. Sec. 128. The transfer of the powers, duties,
13 functions, and personnel of the superintendent of public instruction
14 shall not affect the validity of any act performed prior to the
15 effective date of this section."

16 "NEW SECTION. Sec. 129. If apportionments of budgeted funds are
17 required because of the transfers directed by sections 125 through 128
18 of this act, the director of financial management shall certify the
19 apportionments to the agencies affected, the state auditor, and the
20 state treasurer. Each of these shall make the appropriate transfer and
21 adjustments in funds and appropriation accounts and equipment records
22 in accordance with the certification."

23 "NEW SECTION. Sec. 130. All funds appropriated by the
24 legislature in the capital budget for the 1991-93 biennium pertaining
25 to vocational-technical institutes and to community colleges are hereby
26 combined under the capital budget for the state board for community and

1 technical colleges, provided that funds appropriated in the 1991-93
2 biennium pertaining to vocational-technical institutes or technical
3 colleges shall be made available solely for the use of those entities."

4 "NEW SECTION. Sec. 131. Capital and (RMI) projections for
5 vocational-technical institutes are hereby incorporated into the six-
6 year capital plan for community colleges that begins in the 1993-95
7 biennium and placed under the capital plans and projections for the
8 state board for community and technical colleges."

9 "NEW SECTION. Sec. 132. All funds appropriated by the
10 legislature in the operating budget for the 1991-93 biennium pertaining
11 to vocational-technical institutes and to community colleges are
12 combined under the operating budget for the state board for community
13 and technical colleges, provided that funds appropriated in the 1991-93
14 biennium pertaining to vocational-technical institutes or technical
15 colleges shall be made available solely for the use of those entities."

16 "NEW SECTION. Sec. 133. Title to or all interest in real estate,
17 choses in action, and all other assets and liabilities, including court
18 claims, including but not limited to assignable contracts, cash,
19 deposits in county funds (including any interest or premiums thereon),
20 equipment, buildings, facilities, and appurtenances thereto held as of
21 the effective date of this section by or for a school district and
22 obtained identifiably with federal, state, or local funds appropriated
23 for vocational-technical institute purposes or postsecondary vocational
24 educational purposes, or used or obtained with funds budgeted for
25 vocational-technical institute purposes or postsecondary vocational
26 education purposes, or used or obtained primarily for vocational
27 education purposes, and all liabilities including, but not limited to

1 court claims incurred on behalf of a vocational-technical institute by
2 a school district, shall, on the date on which the first board of
3 trustees of each college district takes office, vest in or be assigned
4 to the state board for community and technical colleges. Grounds that
5 have been used primarily as a playground for children shall continue to
6 be made available for such use.

7 Cash, funds, accounts, or other deposits obtained or raised by a
8 school district to pay for indebtedness, bonded or otherwise,
9 contracted on or before the effective date of this section for
10 vocational-technical institute purposes shall remain with and continue
11 to be, after the effective date of this section, an asset of the school
12 district.

13 Any option acquired by the school district to purchase real
14 property which in the judgment of the school district will be used in
15 the common school program may remain with the school district not
16 withstanding that such option was obtained in consideration of the
17 purchase by such school district of other property for vocational-
18 technical institute purposes.

19 Unexpended funds of a common school district derived from the sale
20 of bonds issued for vocational-technical institute capital purposes and
21 not committed for any existing construction contract, shall be
22 transferred to the college district of which the institute is a part
23 for application to such projects.

24 For the purposes of this section and to facilitate the process of
25 allocating the assets, the board of directors of each school district
26 in which a vocational-technical institute is located, and the director
27 of each vocational-technical institute, shall each submit to the state
28 board of education, and the state board for community and technical
29 colleges within ninety days of the effective date of this section, an
30 inventory listing all real estate, personal property, choses in action,

1 and other assets, held by a school district which, under the criteria
2 of this section, will become the assets of the state board for
3 community and technical colleges.

4 However, assets used primarily for vocational-technical institute
5 purposes shall include, but not be limited to, all assets currently
6 held by school districts which have been used on an average of at least
7 seventy-five percent of the time during the 1989-90 school year, or if
8 acquired subsequent to July 1, 1990, since its time of acquisition, for
9 vocational-technical institute purposes, except that facilities used
10 during school construction and remodeling periods to house vocational-
11 technical institute programs temporarily and facilities that were
12 vacated by the vocational-technical institute and returned to the
13 school district during 1990-91 are not subject to this requirement.

14 The ultimate decision and approval with respect to the allocation
15 and dispositions of the assets and liabilities including court claims
16 under this section shall be made by a task force appointed by the
17 governor in consultation with the superintendent of public instruction
18 and the state board for community and technical colleges. Any issues
19 remaining in dispute shall be settled by the governor or the governor's
20 designee. The decision of the governor, the governor's designee, or
21 the task force may be appealed within sixty days after such decision is
22 issued by appealing to the district court of Thurston county. The
23 decision of the superior court may be appealed to the supreme court of
24 the state in accordance with the provision of the Administrative
25 Procedure Act, chapter 34.05 RCW."

26 "NEW SECTION. Sec. 134. If, before the effective date of this
27 section, the use of a single building facility is being shared between
28 an existing vocational-technical institute program and a K-12 program,
29 the respective boards shall continue to share the use of the facility

1 until such time as it is convenient to remove one of the two programs
2 to another facility. The determination of convenience shall be based
3 solely upon the best interests of the students involved.

4 If a vocational-technical institute district board and a common
5 school district board are sharing the use of a single facility, the
6 program occupying the majority of the space of such facility, exclusive
7 of space utilized equally by both, shall determine which board will be
8 charged with the administration and control of such facility. The
9 determination of occupancy shall be based upon the space occupied as of
10 January 1, 1990.

11 The board charged with the administration and control of such
12 facility may share expenses with the other board for the use of the
13 facility.

14 In the event that the two boards are unable to agree upon which
15 board is to administer and control the facility or upon a fair share of
16 expenses for the use of the facility, the governor shall appoint an
17 arbitrator to settle the matter. The decisions of the arbitrator shall
18 be final and binding upon both boards. The expenses of the arbitration
19 shall be divided equally by each board."

20 "NEW SECTION. **Sec. 135.** All funds remaining from any public or
21 private grant, contract, or in various auxiliary enterprise accounts
22 for vocational-technical institute purposes shall be transferred to the
23 appropriate college district under the state board for community and
24 technical colleges once a district board of trustees has been
25 appointed."

26 "NEW SECTION. **Sec. 136.** In the event a new college district is
27 created, the governor shall appoint new trustees to the district's
28 board of trustees in accordance with RCW 28B.50.100."

1 **"Sec. 137.** RCW 43.19.190 and 1987 c 414 s 10 are each amended to
2 read as follows:

3 The director of general administration, through the state
4 purchasing and material control director, shall:

5 (1) Establish and staff such administrative organizational units
6 within the division of purchasing as may be necessary for effective
7 administration of the provisions of RCW 43.19.190 through 43.19.1939;

8 (2) Purchase all material, supplies, services, and equipment needed
9 for the support, maintenance, and use of all state institutions,
10 colleges, community colleges, technical colleges, college districts,
11 and universities, the offices of the elective state officers, the
12 supreme court, the court of appeals, the administrative and other
13 departments of state government, and the offices of all appointive
14 officers of the state: PROVIDED, That the provisions of RCW 43.19.190
15 through 43.19.1937 do not apply in any manner to the operation of the
16 state legislature except as requested by said legislature: PROVIDED,
17 That primary authority for the purchase of specialized equipment,
18 instructional, and research material for their own use shall rest with
19 the colleges, community colleges, and universities: PROVIDED FURTHER,
20 That universities operating hospitals and the state purchasing and
21 material control director, as the agent for state hospitals as defined
22 in RCW 72.23.010, and for health care programs provided in state
23 correctional institutions as defined in RCW 72.65.010(3) and veterans'
24 institutions as defined in RCW 72.36.010 and 72.36.070, may make
25 purchases for hospital operation by participating in contracts for
26 materials, supplies, and equipment entered into by cooperative hospital
27 service organizations as defined in section 501(e) of the Internal
28 Revenue Code, or its successor: PROVIDED FURTHER, That primary
29 authority for the purchase of materials, supplies, and equipment for
30 resale to other than public agencies shall rest with the state agency

1 concerned: PROVIDED FURTHER, That authority to purchase services as
2 included herein does not apply to personal services as defined in
3 chapter 39.29 RCW, unless such organization specifically requests
4 assistance from the division of purchasing in obtaining personal
5 services and resources are available within the division to provide
6 such assistance: PROVIDED FURTHER, That the authority for the purchase
7 of insurance and bonds shall rest with the risk manager under RCW
8 43.19.1935 as now or hereafter amended;

9 (3) Provide the required staff assistance for the state supply
10 management advisory board through the division of purchasing;

11 (4) Have authority to delegate to state agencies authorization to
12 purchase or sell, which authorization shall specify restrictions as to
13 dollar amount or to specific types of material, equipment, services,
14 and supplies: PROVIDED, That acceptance of the purchasing
15 authorization by a state agency does not relieve such agency from
16 conformance with other sections of RCW 43.19.190 through 43.19.1939, as
17 now or hereafter amended, or from policies established by the director
18 after consultation with the state supply management advisory board:
19 PROVIDED FURTHER, That delegation of such authorization to a state
20 agency, including an educational institution, to purchase or sell
21 material, equipment, services, and supplies shall not be granted, or
22 otherwise continued under a previous authorization, if such agency is
23 not in substantial compliance with overall state purchasing and
24 material control policies as established herein;

25 (5) Contract for the testing of material, supplies, and equipment
26 with public and private agencies as necessary and advisable to protect
27 the interests of the state;

28 (6) Prescribe the manner of inspecting all deliveries of supplies,
29 materials, and equipment purchased through the division;

1 (7) Prescribe the manner in which supplies, materials, and
2 equipment purchased through the division shall be delivered, stored,
3 and distributed;

4 (8) Provide for the maintenance of a catalogue library,
5 manufacturers' and wholesalers' lists, and current market information;

6 (9) Provide for a commodity classification system and may, in
7 addition, provide for the adoption of standard specifications after
8 receiving the recommendation of the supply management advisory board;

9 (10) Provide for the maintenance of inventory records of supplies,
10 materials, and other property;

11 (11) Prepare rules and regulations governing the relationship and
12 procedures between the division of purchasing and state agencies and
13 vendors;

14 (12) Publish procedures and guidelines for compliance by all state
15 agencies, including educational institutions, which implement overall
16 state purchasing and material control policies;

17 (13) Conduct periodic visits to state agencies, including
18 educational institutions, to determine if statutory provisions and
19 supporting purchasing and material control policies are being fully
20 implemented, and based upon such visits, take corrective action to
21 achieve compliance with established purchasing and material control
22 policies under existing statutes when required."

23 "NEW SECTION. Sec. 138. Sick leave accumulated by employees of
24 vocational-technical institutes shall be transferred to the college
25 districts without loss of time subject to the provisions of RCW
26 28B.50.551 and the further provisions of any negotiated agreements then
27 in force."

1 "NEW SECTION. Sec. 139. The state employees' benefit board shall
2 adopt rules to preclude any preexisting conditions or limitations in
3 existing health care service contracts for school district employees at
4 vocational-technical institutes transferred to the state board for
5 community and technical colleges. The board shall also provide for the
6 disposition of any dividends or refundable reserves in the school
7 district's health care service contracts applicable to
8 vocational-technical institute employees."

9 "NEW SECTION. Sec. 140. If a school board has contracted to
10 redeem general obligation bonds used for the construction or
11 acquisition of facilities which are now to be under the administration,
12 control, and occupancy of the college district board, the school board
13 shall continue to redeem the bonds in accordance with the provisions of
14 the bonds."

15 "NEW SECTION. Sec. 141. If a technical college is created after
16 the effective date of this section, that college may contract with an
17 adjacent college district for administrative services until such time
18 that an existing or new college district may assume jurisdiction over
19 the college."

20 "NEW SECTION. Sec. 142. The legislature finds that the needs of
21 the work force and the economy necessitate enhanced vocational
22 education opportunities in secondary education including curriculum
23 which integrates vocational and academic education. In order for the
24 state's work force to be competitive in the world market, employees
25 need competencies in both vocational/technical skills and in core
26 essential competencies such as English, math, science/technology,
27 geography, history, and critical thinking. Curriculum which integrates

1 vocational and academic education reflects that many students learn
2 best through applied learning, and that students should be offered
3 flexible education opportunities which prepare them for both the world
4 of work and for higher education."

5 "NEW SECTION. Sec. 143. The superintendent of public instruction
6 shall with the advice of the work force training and education
7 coordinating board develop model curriculum integrating vocational and
8 academic education at the secondary level. The curriculum shall
9 integrate vocational education for gainful employment with education in
10 the academic subjects of English, math, science/technology, geography,
11 and history, and with education in critical thinking. Upon completion,
12 the model curriculum shall be provided for consideration and use by
13 school districts."

14 "NEW SECTION. Sec. 144. A new section is added to chapter 28A.320
15 RCW to read as follows:

16 As of the effective date of this section, school districts shall
17 not remove facilities, equipment, or property from the jurisdiction or
18 use of the technical colleges. This shall include direct and indirect
19 funds other than those indirect charges provided for in the 1990-91
20 appropriations act. School districts shall not increase direct or
21 indirect charges for central district administrative support for
22 technical college programs above the percentage rate charged in the
23 1990-91 school year. This provision on administrative charges for
24 technical college programs shall apply to any state and federal grants,
25 tuition, and other revenues generated by technical college programs.
26 School districts and the superintendent of public instruction shall
27 cooperate fully with the technical colleges and the state board for
28 community and technical colleges with regard to the implementation of

1 chapter ..., Laws of 1991 (this act). No employee of a technical
2 college may be discriminated against based on actions or opinions
3 expressed on issues surrounding chapter ..., Laws of 1991 (this act).
4 Any dispute related to issues contained in this section shall be
5 resolved under section 133 of this act."

6 "NEW SECTION. Sec. 145. During the period from the effective
7 date of this section until September 1, 1991:

8 (1) The executive director of the state board for community and
9 technical colleges, or the executive director's designee, may enter
10 into contracts, or agreements for goods, services, and personnel, on
11 behalf of the technical college, which are effective after September 1,
12 1991. The executive director, or the executive director's designee,
13 may conduct business, including budget approval, relevant to the
14 operation of the technical college in the period subsequent to
15 September 1, 1991.

16 (2) Vocational-technical institute directors may conduct business
17 relevant to the operation of the vocational-technical institutes.
18 School boards and superintendents may not restrict or remove powers
19 previously delegated to the vocational-technical institute directors
20 during the 1990-91 school year.

21 (3) Technical colleges' boards of trustees appointed before
22 September 1, 1991, shall serve in an advisory capacity to the
23 vocational-technical institute director.

24 As of September 1, 1991, technical colleges may, by interlocal
25 agreement, continue to purchase from the school districts, support
26 services within mutually agreed upon categories at a cost not to exceed
27 the indirect rate charged during the 1990-91 school year. No employee
28 of a technical college may be discriminated against based on actions or
29 opinions expressed on issues surrounding chapter ..., Laws of 1991

1 (this act). Any dispute related to issues contained in this section
2 shall be resolved under section 133 of this act."

3 "NEW SECTION. Sec. 146. The colleges in each overlapping service
4 area shall jointly submit for approval to the state board for community
5 and technical colleges not later than December 1, 1991, a regional
6 planning agreement. The agreement shall provide for the ongoing
7 interinstitutional coordination of community and technical college
8 programs and services operated in the overlapping service area. The
9 agreement shall include the means for the adjudication of issues
10 arising from overlapping service areas. The agreement shall include a
11 definitive statement of mission, scope, and purpose for each college
12 including the nature of courses, programs, and services to be offered
13 by each college. The statement shall include a provision that the
14 technical colleges shall not offer courses designed for transfer to
15 baccalaureate granting institutions. This shall not preclude such
16 offerings provided through contracts or agreements with a community
17 college in the service area.

18 Any part of the agreement that is not approved by all the colleges
19 in the service area, shall be determined by the state board for
20 community and technical colleges. Approved regional planning
21 agreements shall be enforced by the full authority of the state board
22 for community and technical colleges. Changes to the agreement are
23 subject to state board approval."

24 **"Sec. 147.** RCW 28B.52.010 and 1987 c 314 s 1 are each amended to
25 read as follows:

26 It is the purpose of this chapter to strengthen methods of
27 administering employer-employee relations through the establishment of

1 orderly methods of communication between academic employees and the
2 ((community)) college districts by which they are employed.

3 It is the purpose of this chapter to promote cooperative efforts by
4 prescribing certain rights and obligations of the employees and
5 employers and by establishing orderly procedures governing the
6 relationship between the employees and their employers which procedures
7 are designed to meet the special requirements and needs of public
8 employment in higher education. It is the intent of this chapter to
9 promote activity that includes the elements of open communication and
10 access to information in a timely manner, with reasonable discussion
11 and interpretation of that information. It is the further intent that
12 such activity shall be characterized by mutual respect, integrity,
13 reasonableness, and a desire on the part of the parties to address and
14 resolve the points of concern."

15 **"Sec. 148.** RCW 28B.52.020 and 1987 c 314 s 2 are each amended to
16 read as follows:

17 As used in this chapter:

18 (1) "Employee organization" means any organization which includes
19 as members the academic employees of a ((community)) college district
20 and which has as one of its purposes the representation of the
21 employees in their employment relations with the ((community)) college
22 district.

23 (2) "Academic employee" means any teacher, counselor, librarian, or
24 department head, who is employed by any ((community)) college district,
25 whether full or part time, with the exception of the chief
26 administrative officer of, and any administrator in, each ((community))
27 college district.

28 (3) "Administrator" means any person employed either full or part
29 time by the ((community)) college district and who performs

1 administrative functions as at least fifty percent or more of his or
2 her assignments, and has responsibilities to hire, dismiss, or
3 discipline other employees. Administrators shall not be members of the
4 bargaining unit unless a majority of such administrators and a majority
5 of the bargaining unit elect by secret ballot for such inclusion
6 pursuant to rules (~~and regulations~~) as adopted in accordance with RCW
7 28B.52.080.

8 (4) "Commission" means the public employment relations commission.

9 (5) "Unfair labor practice" means any unfair labor practice listed
10 in RCW 28B.52.073.

11 (6) "Union security provision" means a provision in a collective
12 bargaining agreement under which some or all employees in the
13 bargaining unit may be required, as a condition of continued employment
14 on or after the thirtieth day following the beginning of such
15 employment or the effective date of the provision, whichever is later,
16 to become a member of the exclusive bargaining representative or pay an
17 agency fee equal to the periodic dues and initiation fees uniformly
18 required as a condition of acquiring or retaining membership in the
19 exclusive bargaining representative.

20 (7) "Exclusive bargaining representative" means any employee
21 organization which has:

22 (a) Been certified or recognized under this chapter as the
23 representative of the employees in an appropriate collective bargaining
24 unit; or

25 (b) Before July 26, 1987, been certified or recognized under a
26 predecessor statute as the representative of the employees in a
27 bargaining unit which continues to be appropriate under this chapter.

28 (8) "Collective bargaining" and "bargaining" mean the performance
29 of the mutual obligation of the representatives of the employer and the
30 exclusive bargaining representative to meet at reasonable times to

1 bargain in good faith in an effort to reach agreement with respect to
2 wages, hours, and other terms and conditions of employment, such as
3 procedures related to nonretention, dismissal, denial of tenure, and
4 reduction in force. Prior law, practice, or interpretation shall be
5 neither restrictive, expansive, nor determinative with respect to the
6 scope of bargaining. A written contract incorporating any agreements
7 reached shall be executed if requested by either party. The obligation
8 to bargain does not compel either party to agree to a proposal or to
9 make a concession.

10 In the event of a dispute between an employer and an exclusive
11 bargaining representative over the matters that are terms and
12 conditions of employment, the commission shall decide which items are
13 mandatory subjects for bargaining."

14 "Sec. 149. RCW 28B.52.030 and 1987 c 314 s 3 are each amended to
15 read as follows:

16 Representatives of an employee organization, which organization
17 shall by secret ballot have won a majority in an election to represent
18 the academic employees within its ((community)) college district, shall
19 have the right to bargain as defined in RCW 28B.52.020(8)."

20 "Sec. 150. RCW 28B.52.035 and 1987 c 314 s 4 are each amended to
21 read as follows:

22 At the conclusion of any negotiation processes as provided for in
23 RCW 28B.52.030, any matter upon which the parties have reached
24 agreement shall be reduced to writing and acted upon in a regular or
25 special meeting of the boards of trustees, and become part of the
26 official proceedings of said board meeting. Provisions of written
27 contracts relating to salary increases shall not exceed the amount or
28 percentage established by the legislature in the appropriations act and

1 allocated to the board of trustees by the state board for community and
2 technical colleges ((education)). The length of term of any such
3 agreement shall be for not more than three fiscal years. Any
4 provisions of these agreements pertaining to salary increases will not
5 be binding upon future actions of the legislature. If any provision of
6 a salary increase is changed by subsequent modification of the
7 appropriations act by the legislature, both parties shall immediately
8 enter into collective bargaining for the sole purpose of arriving at a
9 mutually agreed upon replacement for the modified provision."

10 "Sec. 151. RCW 28B.52.050 and 1971 ex.s. c 196 s 4 are each
11 amended to read as follows:

12 Nothing in this chapter shall prohibit any academic employee from
13 appearing in his or her own behalf on matters relating to his or her
14 employment relations with the ((community)) college district."

15 "Sec. 152. RCW 28B.52.060 and 1987 c 314 s 9 are each amended to
16 read as follows:

17 The commission shall conduct mediation activities upon the request
18 of either party as a means of assisting in the settlement of unresolved
19 matters considered under this chapter.

20 In the event that any matter being jointly considered by the
21 employee organization and the board of trustees of the ((community))
22 college district is not settled by the means provided in this chapter,
23 either party, twenty-four hours after serving written notice of its
24 intended action to the other party, may, request the assistance and
25 advice of the commission. Nothing in this section prohibits an
26 employer and an employee organization from agreeing to substitute, at
27 their own expense, some other impasse procedure or other means of
28 resolving matters considered under this chapter."

1 **"Sec. 153.** RCW 28B.52.070 and 1971 ex.s. c 196 s 6 are each
2 amended to read as follows:

3 Boards of trustees of ((community)) college districts or any
4 administrative officer thereof shall not discriminate against academic
5 employees or applicants for such positions because of their membership
6 or nonmembership in employee organizations or their exercise of other
7 rights under this chapter."

8 **"Sec. 154.** RCW 28B.52.078 and 1987 c 314 s 13 are each amended to
9 read as follows:

10 The right of ((community)) college faculty to engage in any strike
11 is prohibited. The right of a board of trustees to engage in any
12 lockout is prohibited. Should either a strike or lockout occur, the
13 representative of the faculty or board of trustees may invoke the
14 jurisdiction of the superior court in the county in which the labor
15 dispute exists and such court shall have jurisdiction to issue an
16 appropriate order against either or both parties. In fashioning an
17 order, the court shall take into consideration not only the elements
18 necessary for injunctive relief but also the purpose and goals of this
19 chapter and any mitigating factors such as the commission of an unfair
20 labor practice by either party."

21 **"Sec. 155.** RCW 28B.52.090 and 1971 ex.s. c 196 s 8 are each
22 amended to read as follows:

23 Nothing in this chapter shall be construed to annul or modify, or
24 to preclude the renewal or continuation of, any lawful agreement
25 heretofore entered into between any ((community)) college district and
26 any representative of its employees."

1 **"Sec. 156.** RCW 28B.52.200 and 1987 c 314 s 12 are each amended to
2 read as follows:

3 Nothing in chapter 28B.52 RCW as now or hereafter amended shall
4 compel either party to agree to a proposal or to make a concession, nor
5 shall any provision in chapter 28B.52 RCW as now or hereafter amended
6 be construed as limiting or precluding the exercise by each
7 ((community)) college board of trustees of any powers or duties
8 authorized or provided to it by law unless such exercise is contrary to
9 the terms and conditions of any lawful negotiated agreement, except
10 that other than to extend the terms of a previous contract, a board of
11 trustees shall not take unilateral action on any unresolved issue under
12 negotiation, unless the parties have first participated in good faith
13 mediation or some other procedure as authorized by RCW 28B.52.060 to
14 seek resolution of the issue."

15 **"Sec. 157.** RCW 28B.52.210 and 1990 c 29 s 6 are each amended to
16 read as follows:

17 With respect to the community and technical colleges faculty awards
18 trust program, the permissible scope of collective bargaining under
19 this chapter shall be governed by RCW 28B.50.843."

20 "NEW SECTION. **Sec. 158.** The following acts or parts of acts are
21 each repealed:

- 22 (1) RCW 28B.50.055 and 1982 1st ex.s. c 30 s 10;
- 23 (2) RCW 28C.15.010 and 1987 c 492 s 1;
- 24 (3) RCW 28C.15.020 and 1987 c 492 s 2;
- 25 (4) RCW 28C.15.030 and 1987 c 492 s 3; and
- 26 (5) RCW 28C.15.900 and 1987 c 492 s 4."

1 "NEW SECTION. **Sec. 159.** The following acts or parts of acts as
2 now existing or hereafter amended are each repealed effective October
3 1, 1991:

4 (1) RCW 28C.04.015 and 1990 c 188 s 1;

5 (2) RCW 28C.04.024 and 1990 c 188 s 2;

6 (3) RCW 28C.04.035 and 1990 c 188 s 3; and

7 (4) RCW 28C.04.045 and 1990 c 188 s 4."

8 "NEW SECTION. **Sec. 160.** Each technical college shall have
9 written procedures which include provisions for the vocational
10 education of individuals with disabilities. These written procedures
11 shall include a plan to provide services to individuals with
12 disabilities, a written plan of how the technical college will comply
13 with relevant state and federal requirements for providing vocational
14 education to individuals with disabilities, a written plan of how the
15 technical college will provide on-site appropriate instructional
16 support staff in compliance with P.L. 94-142, and as since amended, and
17 section 504 of the rehabilitation act of 1973, and as thereafter
18 amended."

19 "NEW SECTION. **Sec. 161.** Sections 142 and 143 of this act shall
20 constitute a new chapter in Title 28A RCW."

21 "NEW SECTION. **Sec. 162.** Sections 16 and 17 of this act shall
22 constitute a new chapter in Title 50 RCW."

23 "NEW SECTION. **Sec. 163.** Sections 2 through 9 of this act shall
24 constitute a new chapter in Title 28C RCW."

1 "NEW SECTION. **Sec. 164.** Sections 18 through 20 of this act shall
2 constitute a new chapter in Title 28C RCW."

3 "NEW SECTION. **Sec. 165.** Sections 21, 26 through 31, 79, 81, 84
4 through 86, 94 through 96, 102 through 105, 113, 136, 141, 145, 146,
5 and 160 of this act are each added to chapter 28B.50 RCW."

6 "NEW SECTION. **Sec. 166.** RCW 28B.50.300 is decodified."

7 "NEW SECTION. **Sec. 167.** If specific funding for the purposes of
8 this act, referencing this act by bill number, is not provided for
9 sections 95 through 103 and 158 of this act by June 30, 1993, in the
10 omnibus appropriations act, sections 95 through 103 and 158 of this act
11 shall be null and void."

12 "NEW SECTION. **Sec. 168.** Sections 1 through 8, 16 through 21, 26
13 through 30, 35, 78 through 83, 87 through 113, 116, 142 through 146,
14 and 166 of this act are necessary for the immediate preservation of the
15 public peace, health, or safety, or support of the state government and
16 its existing public institutions.

17 Sections 35, 116, and 144 through 146 of this act shall take effect
18 immediately.

19 Sections 1 through 8, 16 through 21, 26 through 30, 78 through 83,
20 87 through 113, 142, 143, and 166 of this act shall take effect July 1,
21 1991.

22 Sections 22 through 25, 31 through 34, 36 through 77, 84 through
23 86, 114, 115, 117 through 141, and 147 through 160 of this act shall
24 take effect September 1, 1991.

25 Sections 9 through 15 of this act shall take effect October 1,
26 1991."

1 "NEW SECTION. Sec. 169. If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected."

5 **ESSB 5184** - H COMM AMD
6 By Committee on Higher Education

7

8 On page 1, line 1 of the title, after "education;" strike the
9 remainder of the title and insert "amending RCW 28B.50.010, 28B.50.020,
10 28B.50.030, 28B.50.040, 28B.50.050, 28B.50.060, 28B.50.085, 28B.50.090,
11 28B.50.092, 28B.50.093, 28B.50.095, 28B.50.100, 28B.50.130, 28B.50.140,
12 28B.50.142, 28B.50.143, 28B.50.145, 28B.50.150, 28B.50.205, 28B.50.242,
13 28B.50.250, 28B.50.320, 28B.50.330, 28B.50.340, 28B.50.350, 28B.50.360,
14 28B.50.370, 28B.50.402, 28B.50.404, 28B.50.405, 28B.50.409, 28B.50.520,
15 28B.50.535, 28B.50.551, 28B.50.600, 28B.50.740, 28B.50.835, 28B.50.837,
16 28B.50.839, 28B.50.841, 28B.50.843, 28B.50.850, 28B.50.851, 28B.50.867,
17 28B.50.869, 28B.50.870, 28B.50.873, 28B.50.875, 15.76.120, 28A.305.270,
18 28C.10.020, 28B.10.016, 43.19.190, 28B.52.010, 28B.52.020, 28B.52.030,
19 28B.52.035, 28B.52.050, 28B.52.060, 28B.52.070, 28B.52.078, 28B.52.090,
20 28B.52.200, and 28B.52.210; adding new sections to chapter 28B.50 RCW;
21 adding a new section to chapter 28A.150 RCW; adding a new section to
22 chapter 28A.300 RCW; adding a new section to chapter 50.12 RCW; adding
23 a new section to chapter 41.06 RCW; adding a new section to chapter
24 41.05 RCW; adding a new section to chapter 41.04 RCW; adding a new
25 section to chapter 28B.16 RCW; adding a new section to chapter 41.40
26 RCW; adding a new section to chapter 28B.52 RCW; adding a new section
27 to chapter 43.01 RCW; adding a new section to chapter 41.56 RCW; adding
28 a new section to chapter 28A.320 RCW; adding a new chapter to Title 28A
29 RCW; adding new chapters to Title 28C RCW; adding a new chapter to

1 Title 50 RCW; creating new sections; repealing RCW 28B.50.055,
2 28C.15.010, 28C.15.020, 28C.15.030, 28C.15.900, 28C.04.015, 28C.04.024,
3 28C.04.035, and 28C.04.045; decodifying RCW 28B.50.300; providing
4 effective dates; and declaring an emergency."