

1 5475 AMH JACO H2969.1

2 **SB 5475 - H AMD 613 FAILED 4-19-91**

3 By Representatives Jacobsen and Prince

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

7 "Sec. 1. RCW 28B.10.802 and 1989 c 254 s 2 are each amended to
8 read as follows:

9 As used in RCW 28B.10.800 through 28B.10.824:

10 (1) "Institutions of higher education" shall mean (1) any public
11 university, college, community college, or vocational-technical
12 institute operated by the state of Washington or any political
13 subdivision thereof or any tribally controlled college under P.L. 95-
14 471 established by a Washington state Indian tribe and approved to
15 administer federal title IV financial aid or (2) any other university,
16 college, school, or institute in the state of Washington offering
17 instruction beyond the high school level which is a member institution
18 of an accrediting association recognized by rule of the board for the
19 purposes of this section: PROVIDED, That any institution, branch,
20 extension or facility operating within the state of Washington which is
21 affiliated with an institution operating in another state must be a
22 separately accredited member institution of any such accrediting
23 association: PROVIDED FURTHER, That no institution of higher education
24 shall be eligible to participate in a student financial aid program
25 unless it agrees to and complies with program rules and regulations
26 adopted pursuant to RCW 28B.10.822.

1 (2) The term "financial aid" shall mean loans and/or grants to
2 needy students enrolled or accepted for enrollment as a student at
3 institutions of higher education.

4 (3) The term "needy student" shall mean a post high school student
5 of an institution of higher learning as defined in subsection (1) of
6 this section who demonstrates to the board the financial inability,
7 either through the student's parents, family and/or personally, to meet
8 the total cost of board, room, books, and tuition and incidental fees
9 for any semester or quarter.

10 (4) The term "disadvantaged student" shall mean a post high school
11 student who by reason of adverse cultural, educational, environmental,
12 experiential, familial or other circumstances is unable to qualify for
13 enrollment as a full time student in an institution of higher learning,
14 who would otherwise qualify as a needy student, and who is attending an
15 institution of higher learning under an established program designed to
16 qualify the student for enrollment as a full time student.

17 (5) "Commission" or "board" shall mean the higher education
18 coordinating board."

19 **"Sec. 2.** RCW 28B.12.030 and 1974 ex.s. c 177 s 3 are each amended
20 to read as follows:

21 As used in this chapter, the following words and terms shall have
22 the following meanings, unless the context shall clearly indicate
23 another or different meaning or intent:

24 (1) The term "needy student" shall mean a student enrolled or
25 accepted for enrollment at a post-secondary institution who, according
26 to a system of need analysis approved by the commission on higher
27 education, demonstrates a financial inability, either parental,
28 familial, or personal, to bear the total cost of education for any
29 semester or quarter.

1 (2) The term "eligible institution" shall mean any post-secondary
2 institution in this state accredited by the Northwest Association of
3 Secondary and Higher Schools or any public vocational-technical school
4 in the state or any tribally controlled college under P.L. 95-471
5 established by a Washington state Indian tribe and approved to
6 administer federal title IV financial aid."

7 "Sec. 3. RCW 28B.102.020 and 1987 c 437 s 2 are each amended to
8 read as follows:

9 Unless the context clearly requires otherwise, the definitions in
10 this section apply throughout this chapter.

11 (1) "Conditional scholarship" means a loan that is forgiven in
12 whole or in part if the recipient renders service as a teacher in the
13 public schools of this state.

14 (2) "Institution of higher education" or "institution" means a
15 college or university in the state of Washington which is accredited by
16 an accrediting association recognized as such by rule of the higher
17 education coordinating board or any tribally controlled college under
18 P.L. 95-471 established by a Washington state Indian tribe and approved
19 to administer federal title IV financial aid.

20 (3) "Board" means the higher education coordinating board.

21 (4) "Eligible student" means a student who is registered for at
22 least ten credit hours or the equivalent, demonstrates achievement of
23 at least a 3.30 grade point average for students entering an
24 institution of higher education directly from high school or maintains
25 at least a 3.00 grade point average or the equivalent for each academic
26 year in an institution of higher education, is a resident student as
27 defined by RCW 28B.15.012 through 28B.15.015, and has a declared
28 intention to complete an approved preparation program leading to
29 initial teacher certification or required for earning an additional

1 endorsement, or a college or university graduate who meets the same
2 credit hour requirements and is seeking an additional teaching
3 endorsement or initial teacher certification.

4 (5) "Public school" means an elementary school, a middle school,
5 junior high school, or high school within the public school system
6 referred to in Article IX of the state Constitution.

7 (6) "Forgiven" or "to forgive" or "forgiveness" means to render
8 service as a teacher at a public school in the state of Washington in
9 lieu of monetary repayment.

10 (7) "Satisfied" means paid-in-full.

11 (8) "Participant" means an eligible student who has received a
12 conditional scholarship under this chapter.

13 (9) "Targeted ethnic minority" means a group of Americans with a
14 common ethnic or racial heritage selected by the board for program
15 consideration due to societal concerns such as high dropout rates or
16 low rates of college participation by members of the group."

17 **"Sec. 4.** RCW 28B.104.020 and 1989 1st ex.s. c 9 s 206 and 1989 c
18 115 s 1 are each reenacted and amended to read as follows:

19 Unless the context clearly requires otherwise, the definitions in
20 this section apply throughout this chapter.

21 (1) "Conditional scholarship" means a loan that is forgiven in
22 whole or in part if the recipient renders nursing service as a nurse
23 serving in a nurse shortage area, as defined by the state department of
24 health.

25 (2) "Institution of higher education" or "institution" means a
26 community college, vocational-technical school, college, or university
27 in the state of Washington which is accredited by an accrediting
28 association recognized as such by rule of the higher education
29 coordinating board or any tribally controlled college under P.L. 95-471

1 established by a Washington state Indian tribe and approved to
2 administer federal title IV financial aid.

3 (3) "Board" means the higher education coordinating board.

4 (4) "Eligible student" means a student who has been accepted into
5 a program leading to eligibility for licensure as a licensed practical
6 nurse, or to a program leading to an associate, baccalaureate, or
7 higher degree in nursing or continues satisfactory progress within the
8 program; and has a declared intention to serve in a nurse shortage area
9 upon completion of the educational program.

10 (5) "Nurse shortage area" means those areas where nurses are in
11 short supply as a result of geographic maldistribution; or specialty
12 areas of nursing, such as geriatrics or critical care, where vacancies
13 exist in serious numbers that jeopardize patient care and pose a threat
14 to the public health and safety. The state department of health shall
15 determine nurse shortage areas in the state guided by federal standards
16 of "health manpower shortage areas."

17 (6) "Forgiven" or "to forgive" or "forgiveness" means to render
18 nursing service in a nurse shortage area in the state of Washington in
19 lieu of monetary repayment.

20 (7) "Satisfied" means paid-in-full.

21 (8) "Participant" means an eligible student who has received a
22 conditional scholarship under this chapter."

23 **"Sec. 5.** RCW 28B.108.010 and 1990 c 287 s 2 are each amended to
24 read as follows:

25 Unless the context clearly requires otherwise, the definitions in
26 this section apply throughout this chapter.

27 (1) "Institution of higher education" or "institution" means a
28 college or university in the state of Washington which is accredited by
29 an accrediting association recognized as such by rule of the higher

1 education coordinating board or any tribally controlled college under
2 P.L. 95-471 established by a Washington state Indian tribe and approved
3 to administer federal title IV financial aid.

4 (2) "Board" means the higher education coordinating board.

5 (3) "Eligible student" or "student" means an American Indian
6 (~~student as defined by the board in consultation with the advisory~~
7 ~~committee described in RCW 28B.108.030,~~) who is a financially needy
8 student, as defined in RCW 28B.10.802, who is a resident student, as
9 defined by RCW 28B.15.012(2), who is a full-time student at an
10 institution of higher education, and who promises to use his or her
11 education to benefit other American Indians."

12 "Sec. 6. RCW 28B.10.420 and 1979 c 14 s 1 are each amended to read
13 as follows:

14 (1) Except as provided otherwise in subsection (2) of this section,
15 faculty members or other employees designated by the boards of regents
16 of the state universities, the boards of trustees of the regional
17 universities or of The Evergreen State College, or the state board for
18 community college education pursuant to RCW 28B.10.400 through
19 28B.10.420 as now or hereafter amended shall be retired from their
20 employment with their institutions of higher education not later than
21 the end of the academic year next following their seventieth birthday
22 if their seventieth birthday occurs on or before June 30, 1991. There
23 shall be no mandatory retirement on condition of age for faculty or
24 other designated employees after July 1, 1991.

25 (2) As provided in this subsection, the board of regents of a state
26 university, the board of trustees of a regional university or The
27 Evergreen State College, or the state board for community college
28 education may reemploy any person who is "retired" pursuant to
29 (~~subsection (1) of this section, who applies for reemployment and who~~

1 ~~has reached seventy years of age on or after July 1, 1970))~~ this
2 chapter. The following provisions shall govern such reemployment:

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

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

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

17 ~~(d))~~ (b) A person may be reemployed on a part time basis and
18 receive or continue to receive any benefits for which such person is
19 eligible under any state authorized or supported annuity or retirement
20 income plan. Such part time work, however, shall not exceed forty
21 percent of full time employment during any year.

22 ~~((e))~~ (c) A person reemployed pursuant to this section shall
23 comply with all conditions of reemployment and all rules providing for
24 the administration of this subsection which are prescribed or adopted
25 by the board of regents, or board of trustees, or by the state board
26 for community college education."

27 "NEW SECTION. Sec. 7. A new section is added to chapter 28B.10
28 RCW to read as follows:

1 By October 31, 1991, each institution of higher education as
2 defined in RCW 28B.10.016 shall use an existing committee or convene a
3 physical access committee to identify barriers to physical access on
4 each of the institution's campuses. The committee shall include, but
5 is not limited to: One or more students with disabilities, one or more
6 members of the faculty and staff with disabilities, the institution's
7 coordinator of disabled student services, administrators, physical
8 plant staff, and others as appropriate.

9 The committee shall present its findings and recommendations to the
10 institution's administration. Beginning with the 1993-95 capital
11 budget request, each institution shall incorporate into its capital
12 budget process, efforts to substantially reduce and eventually
13 eliminate physical barriers to access."

14 "Sec. 8. RCW 28B.108.030 and 1990 c 287 s 4 are each amended to
15 read as follows:

16 The higher education coordinating board shall establish an advisory
17 committee to assist in program design and to develop criteria for the
18 screening and selection of scholarship recipients. The committee shall
19 be composed of representatives of the same groups as the screening
20 committee described in RCW 28B.108.020. ((These)) The criteria shall
21 assess the student's social and cultural ties to an American Indian
22 community within the state. The criteria shall include a priority for
23 upper-division or graduate students. The criteria may include a
24 priority for students who are majoring in program areas in which
25 expertise is needed by the state's American Indians."

26 "Sec. 9. RCW 28B.108.050 and 1990 c 287 s 6 are each amended to
27 read as follows:

1 The American Indian endowed scholarship trust fund is established.
2 The trust fund shall be administered by the state treasurer. Funds
3 appropriated by the legislature for the trust fund shall be deposited
4 into the fund. All moneys deposited in the fund shall be invested by
5 the state treasurer. Notwithstanding RCW 43.84.090, all earnings of
6 investments of balances of the trust fund shall be credited to the
7 fund. At the request of the higher education coordinating board, and
8 when conditions set forth in RCW 28B.108.070 are met, the treasurer
9 shall ~~((deposit))~~ transfer state matching moneys ~~((in))~~ and any earned
10 interest from the trust fund ~~((into))~~ to the American Indian endowment
11 fund. No appropriation is required for expenditures from the trust
12 fund."

13 **"Sec. 10.** RCW 28B.108.060 and 1990 c 287 s 7 are each amended to
14 read as follows:

15 The American Indian scholarship endowment fund is established. The
16 endowment fund shall be administered by the state treasurer. Moneys
17 received from the higher education coordinating board, private
18 donations, state matching moneys and any earned interest, and funds
19 received from any other source may be deposited into the endowment
20 fund. All moneys deposited in the endowment fund shall be invested by
21 the state treasurer. Notwithstanding RCW 43.84.090, all earnings of
22 investments of balances of the endowment fund shall be credited to the
23 endowment fund. At the request of the higher education coordinating
24 board, the treasurer shall release earnings from the endowment fund to
25 the board for scholarships. No appropriation is required for
26 expenditures from the endowment fund.

27 The principal of the endowment fund shall not be invaded. The
28 earnings on the fund shall be used solely for the purposes set forth in
29 RCW 28B.108.040."

1 **"Sec. 11.** RCW 28B.108.070 and 1990 c 287 s 8 are each amended to
2 read as follows:

3 The higher education coordinating board may request that the
4 treasurer deposit (~~(five hundred)~~) fifty thousand dollars of state
5 matching funds and any earned interest into the American Indian
6 scholarship endowment fund when the board can match the state funds
7 with an equal amount of private cash donations. Private cash donations
8 means moneys from nonstate sources that include, but are not limited
9 to, federal moneys, tribal moneys, and assessments by commodity
10 commissions authorized to conduct research activities, including but
11 not limited to research studies authorized under RCW 15.66.030 and
12 15.65.040."

13 "NEW SECTION. **Sec. 12.** The higher education coordinating board
14 shall establish an advisory committee on access to higher education for
15 students with disabilities. The committee shall include but need not
16 be limited to representation from the following: Students with
17 disabilities, coordinators of services for students with disabilities,
18 the governor's committee on disability issues and employment, and
19 agencies and organizations that work with or represent persons with
20 disabilities."

21 "NEW SECTION. **Sec. 13.** In consultation with the advisory
22 committee on access to higher education for students with disabilities
23 the board shall:

24 (1) Inventory existing campus and agency resources available to
25 address the accommodation needs of students with disabilities;

26 (2) Distribute the inventory to institutions of higher education
27 and to the superintendent of public instruction for further
28 distribution to appropriate personnel in the K-12 system;

1 (3) Survey institutions of higher education and students with
2 disabilities to identify specific services that have been requested but
3 not provided;

4 (4) Report the results of the survey, with recommendations on a
5 phased plan to meet identified needs in priority order, to the
6 governor, the house of representatives and senate higher education and
7 fiscal committees, and the institutions of higher education;

8 (5) In coordination with the state board for community college
9 education, conduct a state-wide training workshop for coordinators of
10 services for students with disabilities."

11 "NEW SECTION. **Sec. 14.** If specific funding for the purposes of
12 sections 12 and 13 of this act, referencing this act by bill number, is
13 not provided by June 30, 1991, in the omnibus appropriations act,
14 sections 12 and 13 of this act shall be null and void."

15 "NEW SECTION. **Sec. 15.** Sections 12 and 13 of this act are each
16 added to chapter 28B.80 RCW."

17 "NEW SECTION. **Sec. 16.** Section 6 of this act is necessary for
18 the immediate preservation of the public peace, health, or safety, or
19 support of the state government and its existing public institutions,
20 and shall take effect July 1, 1991."

1 **SB 5475** - H AMD

2 By Representative Jacobsen

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4 On page 1, line 1 of the title, after "education;" strike the
5 remainder of the title and insert "amending RCW 28B.10.802, 28B.12.030,
6 28B.102.020, 28B.108.010, 28B.10.420, 28B.108.030, 28B.108.050,
7 28B.108.060, and 28B.108.070; reenacting and amending RCW 28B.104.020;
8 adding a new section to chapter 28B.10 RCW; adding new sections to
9 chapter 28B.80 RCW; creating a new section; providing an effective
10 date; and declaring an emergency."