

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5184

52nd Legislature
1991 Regular Session

Passed by the Senate April 27, 1991
Yeas 30 Nays 16

President of the Senate

Passed by the House April 26, 1991
Yeas 93 Nays 4

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Gordon Golob, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5184** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5184

AS AMENDED BY THE HOUSE

Passed Legislature - 1991 Regular Session

State of Washington 52nd Legislature 1991 Regular Session

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

Read first time March 4, 1991.

1 AN ACT Relating to work force training and education; amending RCW
2 28B.50.010, 28B.50.020, 28B.50.030, 28B.50.040, 28B.50.050, 28B.50.060,
3 28B.50.085, 28B.50.090, 28B.50.092, 28B.50.093, 28B.50.095, 28B.50.100,
4 28B.50.130, 28B.50.140, 28B.50.142, 28B.50.143, 28B.50.145, 28B.50.150,
5 28B.50.205, 28B.50.242, 28B.50.250, 28B.50.320, 28B.50.330, 28B.50.340,
6 28B.50.350, 28B.50.360, 28B.50.370, 28B.50.402, 28B.50.404, 28B.50.405,
7 28B.50.409, 28B.50.520, 28B.50.535, 28B.50.551, 28B.50.600, 28B.50.740,
8 28B.50.835, 28B.50.837, 28B.50.839, 28B.50.841, 28B.50.843, 28B.50.850,
9 28B.50.851, 28B.50.867, 28B.50.869, 28B.50.870, 28B.50.873, 28B.50.875,
10 15.76.120, 28A.305.270, 28C.10.020, 28B.10.016, 43.19.190, 28B.52.010,
11 28B.52.020, 28B.52.030, 28B.52.035, 28B.52.050, 28B.52.060, 28B.52.070,
12 28B.52.078, 28B.52.090, 28B.52.200, and 28B.52.210; adding new sections
13 to chapter 28B.50 RCW; adding a new section to chapter 28A.150 RCW;
14 adding a new section to chapter 28A.300 RCW; adding a new section to
15 chapter 50.12 RCW; adding a new section to chapter 41.06 RCW; adding a
16 new section to chapter 41.05 RCW; adding a new section to chapter 41.04
17 RCW; adding a new section to chapter 28B.16 RCW; adding a new section

1 to chapter 41.40 RCW; adding a new section to chapter 28B.52 RCW;
2 adding a new section to chapter 43.01 RCW; adding a new section to
3 chapter 41.56 RCW; adding a new section to chapter 28A.320 RCW; adding
4 a new chapter to Title 28A RCW; adding new chapters to Title 28C RCW;
5 adding a new chapter to Title 50 RCW; creating new sections; repealing
6 RCW 28B.50.055, 28C.15.010, 28C.15.020, 28C.15.030, 28C.15.900,
7 28C.04.015, 28C.04.024, 28C.04.035, and 28C.04.045; decodifying RCW
8 28B.50.300; providing effective dates; and declaring an emergency.

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

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

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

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

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

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

23 (1) "Board" means the work force training and education
24 coordinating board.

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

27 (3) "Training system" means programs and courses of secondary
28 vocational education, technical college programs and courses, community
29 college vocational programs and courses, adult basic education programs

1 and courses, programs and courses funded by the job training
2 partnership act, programs and courses funded by the federal vocational
3 act, programs and courses funded under the federal adult education act,
4 publicly funded programs and courses for adult literacy education, and
5 apprenticeships, and programs and courses offered by private and public
6 nonprofit organizations that are representative of communities or
7 significant segments of communities and provide job training or adult
8 literacy services.

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

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

25 (6) "Adult basic education" means instruction designed to achieve
26 mastery of skills in reading, writing, oral communication, and
27 computation at a level sufficient to allow the individual to function
28 effectively as a parent, worker, and citizen in the United States,
29 commensurate with that individual's actual ability level, and includes

1 English as a second language and preparation and testing service for
2 the general education development exam.

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

12 (2)(a) The board shall consist of nine voting members appointed by
13 the governor with the consent of the senate, as follows: Three
14 representatives of business, three representatives of labor, and,
15 serving as ex officio members, the superintendent of public
16 instruction, the executive director of the state board for community
17 and technical colleges, and the commissioner of the employment security
18 department. The chair of the board shall be a nonvoting member
19 selected by the governor with the consent of the senate, and shall
20 serve at the pleasure of the governor. In selecting the chair, the
21 governor shall seek a person who understands the future economic needs
22 of the state and nation and the role that the state's training system
23 has in meeting those needs. Each voting member of the board may
24 appoint a designee to function in his or her place with the right to
25 vote. In making appointments to the board, the governor shall seek to
26 ensure geographic, ethnic, and gender diversity and balance. The
27 governor shall also seek to ensure diversity and balance by the
28 appointment of persons with disabilities.

1 (b) The business representatives shall be selected from among
2 nominations provided by a state-wide business organization representing
3 a cross-section of industries. However, the governor may request, and
4 the organization shall provide, an additional list or lists from which
5 the governor shall select the business representatives. The
6 nominations and selections shall reflect the cultural diversity of the
7 state, including women, people with disabilities, and racial and ethnic
8 minorities, and diversity in sizes of businesses.

9 (c) The labor representatives shall be selected from among
10 nominations provided by state-wide labor organizations. However, the
11 governor may request, and the organizations shall provide, an
12 additional list or lists from which the governor shall select the labor
13 representatives. The nominations and selections shall reflect the
14 cultural diversity of the state, including women, people with
15 disabilities, and racial and ethnic minorities.

16 (d) Each business member may cast a proxy vote or votes for any
17 business member who is not present and who authorizes in writing the
18 present member to cast such vote.

19 (e) Each labor member may cast a proxy vote for any labor member
20 who is not present and who authorizes in writing the present member to
21 cast such vote.

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

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

5 (i) Any vacancies among board members representing business or
6 labor shall be filled by the governor with nominations provided by
7 state-wide organizations representing business or labor, respectively.

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

12 (k) Members of the board shall be compensated in accordance with
13 RCW 43.03.040 and shall receive travel expenses in accordance with RCW
14 43.03.050 and 43.03.060.

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

17 (m) The director of the board shall be appointed by the governor
18 from a list of three names submitted by a committee made up of the
19 business and labor members of the board. However, the governor may
20 request, and the committee shall provide, an additional list or lists
21 from which the governor shall select the director. The lists compiled
22 by the committee shall not be subject to public disclosure. The
23 governor may dismiss the director only with the approval of a majority
24 vote of the board. The board, by a majority vote, may dismiss the
25 director with the approval of the governor.

26 (3) The state board for vocational education is hereby abolished
27 and its powers, duties, and functions are hereby transferred to the
28 work force training and education coordinating board. All references
29 to the director or the state board for vocational education in the

1 Revised Code of Washington shall be construed to mean the director or
2 the work force training and education coordinating board.

3 NEW SECTION. **Sec. 4.** The purpose of the board is to provide
4 planning, coordination, evaluation, monitoring, and policy analysis for
5 the state training system as a whole, and advice to the governor and
6 legislature concerning the state training system, in cooperation with
7 the agencies which comprise the state training system, and the higher
8 education coordinating board.

9 NEW SECTION. **Sec. 5.** (1) The director shall serve as chief
10 executive officer of the board who shall administer the provisions of
11 this chapter, employ such personnel as may be necessary to implement
12 the purposes of this chapter, and utilize staff of existing operating
13 agencies to the fullest extent possible.

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

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

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

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

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

5 (2) The board shall monitor for consistency with the state
6 comprehensive plan for work force training and education the policies
7 and plans established by the state job training coordinating council,
8 the advisory council on adult education, and the Washington state plan
9 for adult basic education, and provide guidance for making such
10 policies and plans consistent with the state comprehensive plan for
11 work force training and education.

12 NEW SECTION. **Sec. 7.** The board, in cooperation with the
13 operating agencies of the state training system shall:

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

17 (2) Advocate for the state training system and for meeting the
18 needs of employers and the work force for work force education and
19 training.

20 (3) Establish and maintain an inventory of the programs of the
21 state training system, and related state programs, and perform a
22 biennial assessment of the vocational education, training, and adult
23 basic education and literacy needs of the state; identify ongoing and
24 strategic education needs; and assess the extent to which employment,
25 training, vocational and basic education, rehabilitation services, and
26 public assistance services represent a consistent, integrated approach
27 to meet such needs.

28 (4) Develop and maintain a state comprehensive plan for work force
29 training and education, including but not limited to, goals,

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

14 (5) In consultation with the higher education coordinating board,
15 review and make recommendations to the office of financial management
16 and the legislature on operating and capital facilities budget requests
17 for operating agencies of the state training system for purposes of
18 consistency with the state comprehensive plan for work force training
19 and education.

20 (6) Provide for coordination among the different operating agencies
21 of the state training system at the state level and at the regional
22 level.

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

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

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

4 (9) Establish minimum standards for program evaluation for the
5 operating agencies of the state training system, including, but not
6 limited to, the use of common survey instruments and procedures for
7 measuring perceptions of program participants and employers of program
8 participants, and monitor such program evaluation.

9 (10) Every two years administer scientifically based outcome
10 evaluations of the state training system, including, but not limited
11 to, surveys of program participants, surveys of employers of program
12 participants, and matches with employment security department payroll
13 and wage files. Every five years administer scientifically based net-
14 impact and cost-benefit evaluations of the state training system.

15 (11) In cooperation with the employment security department,
16 provide for the improvement and maintenance of quality and utility in
17 occupational information and forecasts for use in training system
18 planning and evaluation. Improvements shall include, but not be
19 limited to, development of state-based occupational change factors
20 involving input by employers and employees, and delineation of skill
21 and training requirements by education level associated with current
22 and forecasted occupations.

23 (12) Provide for the development of common course description
24 formats, common reporting requirements, and common definitions for
25 operating agencies of the training system.

26 (13) Provide for effectiveness and efficiency reviews of the state
27 training system.

28 (14) In cooperation with the higher education coordinating board,
29 facilitate transfer of credit policies and agreements between
30 institutions of the state training system, and encourage articulation

1 agreements for programs encompassing two years of secondary work force
2 education and two years of postsecondary work force education.

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

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

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

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

22 (19) Facilitate the location of support services, including but not
23 limited to, child care, financial aid, career counseling, and job
24 placement services, for students and trainees at institutions in the
25 state training system, and advocate for support services for trainees
26 and students in the state training system.

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

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

4 (22) Encourage and assess progress for the equitable representation
5 of racial and ethnic minorities, women, and people with disabilities
6 among the students, teachers, and administrators of the state training
7 system. Equitable, for this purpose, shall mean substantially
8 proportional to their percentage of the state population in the
9 geographic area served. This function of the board shall in no way
10 lessen more stringent state or federal requirements for representation
11 of racial and ethnic minorities, women, and people with disabilities.

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

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

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

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

19 The board may delegate to the director any of the functions of this
20 section.

21 NEW SECTION. **Sec. 8.** All reports, documents, surveys, books,
22 records, files, papers, or written material in the possession of the
23 state board for vocational education shall be delivered to the custody
24 of the work force training and education coordinating board. All
25 cabinets, furniture, office equipment, motor vehicles, and other
26 tangible property employed by the state board for vocational education
27 shall be made available to the work force training and education
28 coordinating board. All funds, credits, or other assets held by the

1 state board for vocational education shall be assigned to the work
2 force training and education coordinating board.

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

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

12 NEW SECTION. **Sec. 9.** All employees of the state board for
13 vocational education who are classified under chapter 41.06 RCW, the
14 state civil service law, are assigned to the work force training and
15 education coordinating board to perform their usual duties upon the
16 same terms as formerly, without any loss of rights, subject to any
17 action that may be appropriate thereafter in accordance with the laws
18 and rules governing state civil service.

19 NEW SECTION. **Sec. 10.** All rules and all pending business
20 before the state board for vocational education shall be continued and
21 acted upon by the work force training and education coordinating board.
22 All existing contracts and obligations shall remain in full force and
23 shall be performed by the work force training and education
24 coordinating board.

25 NEW SECTION. **Sec. 11.** The transfer of the powers, duties,
26 functions, and personnel of the state board for vocational education

1 shall not affect the validity of any act performed prior to the
2 effective date of this section.

3 NEW SECTION. **Sec. 12.** If apportionments of budgeted funds are
4 required because of the transfers directed by sections 8 through 11 of
5 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. 13.** Nothing contained in sections 8 through
11 12 of this act may be construed to alter any existing collective
12 bargaining unit or the provisions of any existing collective bargaining
13 agreement until the agreement has expired or until the bargaining unit
14 has been modified by action of the personnel board as provided by law.

15 NEW SECTION. **Sec. 14.** (1) There is hereby created the
16 Washington state job training coordinating council for so long as a
17 state council is required by federal law or regulation as a condition
18 for receipt of federal funds. The council shall perform all duties of
19 state job training coordinating council as specified in the federal job
20 training partnership act, P.L. 97-300, as amended, including the
21 preparation of a coordination and special services plan for a two-year
22 period, consistent with the state comprehensive plan for work force
23 training and education prepared by the work force training and
24 education coordinating board as provided for in section 7 of this act.

25 (2) The work force training and education coordinating board shall
26 monitor the need for the council as described in subsection (1) of this

1 section, and, if that need no longer exists, propose legislation to
2 terminate the council.

3 NEW SECTION. **Sec. 15.** (1) Current members of the Washington
4 state job training coordinating council appointed pursuant to P.L. 97-
5 300, as amended, shall serve as the state council for purposes of this
6 chapter until new appointments are made consistent with this section.

7 (2) New appointments to the state council shall be made by July 1,
8 1991. Members of the Washington state job training council shall be
9 appointed by the governor as required by federal law and shall be
10 representative of the population of the state with regard to sex, race,
11 ethnic background, and geographical distribution. To the maximum
12 extent feasible, the governor shall give consideration to providing
13 overlapping membership with the membership of the work force training
14 and education coordinating board. One voting member of the council
15 shall be a representative of the administrators for the service
16 delivery areas established under P.L. 97-300. One voting member of the
17 council shall be a representative of the private industry councils
18 established under P.L. 97-300.

19 (3) The Washington state job training coordinating council shall
20 provide staff and allocate funds to the work force training and
21 education coordinating board, as appropriate, to carry out the
22 overlapping functions of the two bodies.

23 NEW SECTION. **Sec. 16.** (1) There is hereby created the
24 Washington state council on vocational education for so long as a state
25 council is required by federal law or regulation as a condition for
26 receipt of federal funds. The council on vocational education shall
27 perform all duties of councils on vocational education as specified in
28 P.L. 101-392, as amended.

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

5 NEW SECTION. **Sec. 17.** Current members of the Washington state
6 council on vocational education appointed pursuant to P.L. 98-524, as
7 amended, shall serve as the state council on vocational education for
8 purposes of this chapter until new appointments are made consistent
9 with this section. New appointments to the state council on vocational
10 education shall be made by July 1, 1991. The council on vocational
11 education shall consist of thirteen members appointed by the governor
12 consistent with the provisions of P.L. 101-392, as amended. In making
13 these appointments, to the maximum extent feasible, the governor shall
14 give consideration to providing overlapping membership with the
15 membership of the state job training coordinating council.

16 NEW SECTION. **Sec. 18.** The council on vocational education
17 shall perform its functions consistent with the state comprehensive
18 plan for work force training and education prepared by the work force
19 training and education coordinating board as provided for in section 7
20 of this act.

21 NEW SECTION. **Sec. 19.** (1) There is hereby created the
22 Washington advisory council on adult education. The advisory council
23 shall advise the state board for community and technical colleges and
24 the work force training and education coordinating board concerning
25 adult basic education and literacy programs. The advisory council
26 shall perform all duties of state advisory councils on adult education
27 as specified in P.L. 100-297, as amended. The advisory council's

1 actions shall be consistent with the state comprehensive plan for work
2 force training and education prepared by the work force training and
3 education coordinating board as provided for in section 7 of this act.

4 (2) The advisory council on adult education shall consist of nine
5 members as required by federal law, appointed by the governor. In
6 making these appointments, to the maximum extent feasible, the governor
7 shall give consideration to providing overlapping membership with the
8 membership of the state job training coordinating council, and the
9 governor shall give consideration to individuals with expertise and
10 experience in adult basic education.

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

15 **Sec. 20.** RCW 28B.50.010 and 1969 ex.s. c 223 s 28B.50.010 are each
16 amended to read as follows:

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

19 **Sec. 21.** RCW 28B.50.020 and 1969 ex.s. c 261 s 17 are each amended
20 to read as follows:

21 The purpose of this chapter is to provide for the dramatically
22 increasing number of students requiring high standards of education
23 either as a part of the continuing higher education program or for
24 occupational education and training, or for adult basic skills and
25 literacy education, by creating a new, independent system of community
26 and technical colleges which will:

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

4 (2) Ensure that each (~~community~~) college district shall offer
5 thoroughly comprehensive educational, training and service programs to
6 meet the needs of both the communities and students served by
7 combining(~~(, with equal emphasis,)~~) high standards of excellence in
8 academic transfer courses; realistic and practical courses in
9 occupational education, both graded and ungraded; community services of
10 an educational, cultural, and recreational nature; and adult education,
11 including basic skills and general, family, and work force literacy
12 programs and services. However, college districts containing only
13 technical colleges shall maintain programs solely for occupational
14 education, basic skills, and literacy purposes, and, for as long as a
15 need exists, may continue those programs, activities, and services
16 offered by the technical colleges during the twelve-month period
17 preceding the effective date of this section;

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

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

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

28 (~~(+4)~~) (6) Allow for the growth, improvement, flexibility and
29 modification of the community colleges and their education, training
30 and service programs as future needs occur; and

1 ~~((5))~~ (7) Establish firmly that community colleges are, for
2 purposes of academic training, two year institutions, and are an
3 independent, unique, and vital section of our state's higher education
4 system, separate from both the common school system and other
5 institutions of higher learning, and never to be considered for
6 conversion into four-year liberal arts colleges.

7 **Sec. 22.** RCW 28B.50.030 and 1985 c 461 s 14 are each amended to
8 read as follows:

9 As used in this chapter, unless the context requires otherwise, the
10 term:

11 (1) "System" shall mean the state system of community and
12 technical colleges, which shall be a system of higher education~~((+))~~.

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

15 (3) "College board" shall mean the state board for community and
16 technical colleges ~~((education))~~ created by this chapter~~((+))~~.

17 ~~((3))~~ (4) "Director" shall mean the administrative director for
18 the state system of community and technical colleges~~((+))~~.

19 ~~((4))~~ (5) "District" shall mean any one of the community and
20 technical college districts created by this chapter~~((+))~~.

21 ~~((5))~~ (6) "Board of trustees" shall mean the local community and
22 technical college board of trustees established for each ~~((community))~~
23 college district within the state~~((+))~~.

24 ~~((6))~~ "Council" shall mean the coordinating council for
25 ~~occupational education~~~~(+))~~

26 (7) "Occupational education" shall mean that education or training
27 that will prepare a student for employment that does not require a
28 baccalaureate degree~~((+))~~.

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

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

5 (10) "Community college" shall include ~~((where applicable,~~
6 ~~vocational-technical and adult))~~ those higher education institutions
7 that conduct education programs ~~((conducted by community colleges and~~
8 ~~vocational-technical institutes whose major emphasis is in post-high~~
9 ~~school education+))~~ under RCW 28B.50.020.

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

22 (12) "Adult education" shall mean all education or instruction,
23 including academic, vocational education or training, basic skills and
24 literacy training, and "occupational education" provided by public
25 educational institutions, including common school districts for persons
26 who are eighteen years of age and over or who hold a high school
27 diploma or certificate(~~(+—PROVIDED, That))~~). However, "adult
28 education" shall not include academic education or instruction for
29 persons under twenty-one years of age who do not hold a high school
30 degree or diploma and who are attending a public high school for the

1 sole purpose of obtaining a high school diploma or certificate(~~(:~~
2 ~~PROVIDED, FURTHER, That)~~), nor shall "adult education" (~~(shall not)~~)
3 include education or instruction provided by any four year public
4 institution of higher education(~~(:~~ ~~AND PROVIDED FURTHER, That adult~~
5 ~~education shall not include education or instruction provided by a~~
6 ~~vocational-technical institute)~~).

7 **Sec. 23.** RCW 28B.50.040 and 1988 c 77 s 1 are each amended to read
8 as follows:

9 The state of Washington is hereby divided into (~~twenty-four~~
10 ~~community~~) twenty-nine college districts as follows:

11 (1) The first district shall encompass the counties of Clallam and
12 Jefferson;

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

15 (3) The third district shall encompass the counties of Kitsap and
16 Mason;

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

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

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

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

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

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

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

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

14 (12) The twelfth district shall encompass Lewis county, the
15 Rochester common school district No. 401, the Tenino common school
16 district No. 402 of Thurston county, and the Thurston county portion of
17 the Centralia common school district No. 401;

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

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

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

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

28 (17) The seventeenth district shall encompass the counties of
29 Ferry, Lincoln (except consolidated school district 105-157-166J and

1 the Lincoln county portion of common school district 167-202), Pend
2 Oreille, Spokane, Stevens and Whitman;

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

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

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

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

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

14 (23) The twenty-third district shall encompass that portion of
15 Snohomish county within such boundaries as the state board for
16 community and technical colleges ~~((education))~~ shall determine:
17 PROVIDED, That the twenty-third district shall encompass the Edmonds
18 Community College; ~~((and))~~

19 (24) The twenty-fourth district shall encompass all of Thurston
20 county except the Rochester common school district No. 401, the Tenino
21 common school district No. 402, and the Thurston county portion of the
22 Centralia common school district No. 401;

23 (25) The twenty-fifth district shall encompass all of Whatcom
24 county;

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

28 (27) The twenty-seventh district shall encompass the Renton, Kent,
29 Auburn, Tahoma, and Enumclaw school districts and a portion of the
30 Seattle school district described as follows: Commencing at a point

1 established by the intersection of the Duwamish river and the south
2 boundary of the Seattle Community College District (number six) and
3 thence north along the centerline of the Duwamish river to the west
4 waterway; thence north along the centerline of the west waterway to
5 Elliot Bay; thence along Elliot Bay to a line established by the
6 intersection of the extension of Denny Way to Elliot Bay; thence east
7 along the line established by the centerline of Denny Way to Lake
8 Washington; thence south along the shoreline of Lake Washington to the
9 south line of the Seattle Community College District; and thence west
10 along the south line of the Seattle Community College District to the
11 point of beginning;

12 (28) The twenty-eighth district shall encompass all of Pierce
13 county; and

14 (29) The twenty-ninth district shall encompass all of Pierce
15 county.

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

21 NEW SECTION. Sec. 25. There is hereby created a board of
22 trustees for district twenty-seven and Renton Vocational-Technical
23 Institute, hereafter known as Renton Technical College. The members of
24 the board shall be appointed pursuant to the provisions of RCW
25 28B.50.100.

26 NEW SECTION. Sec. 26. There is hereby created a board of
27 trustees for district twenty-five and Bellingham Vocational-Technical

1 Institute, hereafter known as Bellingham Technical College. The
2 members of the board shall be appointed pursuant to the provisions of
3 RCW 28B.50.100.

4 NEW SECTION. **Sec. 27.** There is hereby created a new board of
5 trustees for district twenty-eight and Bates Vocational-Technical
6 Institute, hereafter known as Bates Technical College. The members of
7 the board shall be appointed pursuant to the provisions of RCW
8 28B.50.100.

9 NEW SECTION. **Sec. 28.** There is hereby created a new board of
10 trustees for district twenty-nine and Clover Park Vocational-Technical
11 Institute, hereafter known as Clover Park Technical College. The
12 members of the board shall be appointed pursuant to the provisions of
13 RCW 28B.50.100.

14 NEW SECTION. **Sec. 29.** By December 1, 1996, the state board
15 shall complete a report evaluating successes and difficulties
16 associated with the merger of the technical and community colleges into
17 one system. The evaluation shall include but need not be limited to
18 consideration of all local governance models for technical colleges.
19 The state board shall provide the report, and any recommendations,
20 including recommendations for revisions to local governance models, to
21 the governor, the house and senate committees on higher education, and
22 the work force training and education coordinating board.

23 **Sec. 30.** RCW 28B.50.050 and 1988 c 76 s 1 are each amended to read
24 as follows:

25 There is hereby created the "state board for community ((college
26 education)) and technical colleges", to consist of ((eight)) nine

1 members(~~(, one from each congressional district, as now or hereafter~~
2 ~~existing~~)) who represent the geographic diversity of the state, and who
3 shall be appointed by the governor, with the consent of the senate. At
4 least two members shall reside east of the Cascade mountains. In
5 making these appointments, the governor shall attempt to provide
6 geographic balance and give consideration to representing labor,
7 business, women, and racial and ethnic minorities, among the membership
8 of the board. At least one member of the board shall be from business
9 and at least one member of the board shall be from labor. The current
10 members of the state board for community college education on the
11 effective date of this section shall serve on the state board for
12 community and technical colleges until their terms expire. Successors
13 to these members shall be appointed according to the terms of this
14 section. A ninth member shall be appointed by the effective date of
15 this section for a complete term.

16 The successors of the members initially appointed shall be
17 appointed for terms of four years except that ~~((any))~~ a person~~((s))~~
18 appointed to fill a vacancy occurring prior to the expiration of any
19 term shall be appointed only for the remainder of such term. Each
20 member shall serve until the appointment and qualification of his or
21 her successor. All members shall be citizens and bona fide residents
22 of the state.

23 ~~((The board shall not be deemed unlawfully constituted and a member~~
24 ~~of the board shall not be deemed ineligible to serve the remainder of~~
25 ~~the member's unexpired term on the board solely by reason of the~~
26 ~~establishment of new or revised boundaries for congressional~~
27 ~~districts.))~~

28 Members of the college board shall be compensated in accordance
29 with RCW 43.03.240 and shall receive reimbursement for travel expenses

1 in accordance with RCW 43.03.050 and 43.03.060 for each day actually
2 spent in attending to the duties as a member of the college board.

3 The members of the college board may be removed by the governor for
4 inefficiency, neglect of duty, or malfeasance in office, in the manner
5 provided by RCW 28B.10.500.

6 **Sec. 31.** RCW 28B.50.060 and 1975-'76 2nd ex.s. c 34 s 75 are each
7 amended to read as follows:

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

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

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

26 ((He)) The director shall be the executive officer of the college
27 board and serve as its secretary and under its supervision shall
28 administer the provisions of this chapter and the rules, regulations
29 and orders established thereunder and all other laws of the state.

1 ((He)) The director shall attend, but not vote at, all meetings of the
2 college board. ((He)) The director shall be in charge of offices of
3 the college board and responsible to the college board for the
4 preparation of reports and the collection and dissemination of data and
5 other public information relating to the state system of community and
6 technical colleges. At the direction of the college board, ((he)) the
7 director shall, together with the chairman of the college board,
8 execute all contracts entered into by the college board.

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

18 The board may, by written order filed in its office, delegate to
19 the director any of the powers and duties vested in or imposed upon it
20 by this chapter. Such delegated powers and duties may be exercised by
21 the director in the name of the college board.

22 **Sec. 32.** RCW 28B.50.085 and 1981 c 246 s 4 are each amended to
23 read as follows:

24 The state board for community and technical colleges ((education))
25 shall appoint a treasurer who shall be the financial officer of the
26 board, who shall make such vendor payments and salary payments for the
27 entire community and technical college system as authorized by the
28 state board, and who shall hold office during the pleasure of the
29 board. All moneys received by the state board and not required to be

1 deposited elsewhere, shall be deposited in a depository selected by the
2 board, which moneys shall be subject to the budgetary and audit
3 provisions of law applicable to state agencies. The depository
4 selected by the state board shall conform to the collateral
5 requirements required for the deposit of other state funds.
6 Disbursement shall be made by check signed by the treasurer. The
7 treasurer shall render a true and faithful account of all moneys
8 received and paid out by him or her and shall give bond for the
9 faithful performance of the duties of his or her office in such amount
10 as the board requires: PROVIDED, That the board shall pay the fee for
11 any such bonds.

12 **Sec. 33.** RCW 28B.50.090 and 1982 c 50 s 1 are each amended to read
13 as follows:

14 The college board shall have general supervision and control over
15 the state system of community and technical colleges. In addition to
16 the other powers and duties imposed upon the college board by this
17 chapter, the college board shall be charged with the following powers,
18 duties and responsibilities:

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

25 (2) Establish guidelines for the disbursement of funds; and receive
26 and disburse such funds for adult education and maintenance and
27 operation and capital support of the ((community)) college districts in
28 conformance with the state and district budgets, and in conformance
29 with chapter 43.88 RCW;

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

2 (a) That each ((community)) college district shall offer thoroughly
3 comprehensive educational, training and service programs to meet the
4 needs of both the communities and students served by combining((,with
5 equal emphasis,)) high standards of excellence in academic transfer
6 courses; realistic and practical courses in occupational education,
7 both graded and ungraded; and community services of an educational,
8 cultural, and recreational nature; and adult education((:—PROVIDED,
9 That notwithstanding any other provisions of this chapter, a community
10 college shall not be required to offer a program of vocational-
11 technical training, when such a program as approved by the coordinating
12 council for occupational education is already operating in the
13 district)), including basic skills and general, family, and work force
14 literacy programs and services. However, technical colleges, and
15 college districts containing only technical colleges, shall maintain
16 programs solely for occupational education, basic skills, and literacy
17 purposes. For as long as a need exists, technical colleges may
18 continue those programs, activities, and services they offered during
19 the twelve-month period preceding the effective date of this section;

20 (b) That each ((community)) college district shall maintain an
21 open-door policy, to the end that no student will be denied admission
22 because of the location of ((his)) the student's residence or because
23 of ((his)) the student's educational background or ability; that,
24 insofar as is practical in the judgment of the college board,
25 curriculum offerings will be provided to meet the educational and
26 training needs of the community generally and the students thereof; and
27 that all students, regardless of their differing courses of study, will
28 be considered, known and recognized equally as members of the student
29 body: PROVIDED, That the administrative officers of a community or
30 technical college may deny admission to a prospective student or

1 attendance to an enrolled student if, in their judgment, ((he)) the
2 student would not be competent to profit from the curriculum offerings
3 of the ((community)) college, or would, by his or her presence or
4 conduct, create a disruptive atmosphere within the ((community))
5 college not consistent with the purposes of the institution. This
6 subsection (b) shall not apply to competency, conduct, or presence
7 associated with a disability in a person twenty-one years of age or
8 younger attending a technical college;

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

14 (5) Define and administer criteria and guidelines for the
15 establishment of new community and technical colleges or campuses
16 within the existing districts;

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

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

23 (a) Qualifications and credentials of instructional and key
24 administrative personnel, except as otherwise provided in the state
25 plan for vocational education,

26 (b) Internal budgeting, accounting, auditing, and financial
27 procedures as necessary to supplement the general requirements
28 prescribed pursuant to chapter 43.88 RCW,

1 (c) The content of the curriculums and other educational and
2 training programs, and the requirement for degrees and certificates
3 awarded by the colleges,

4 (d) Standard admission policies,

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

6 (8) Establish and administer criteria and procedures for all
7 capital construction including the establishment, installation, and
8 expansion of facilities within the various ((community)) college
9 districts;

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

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

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

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

26 (13) In order that the treasurer for the state board for community
27 and technical colleges ((education)) appointed in accordance with RCW
28 28B.50.085 may make vendor payments, the state treasurer will honor
29 warrants drawn by the state board providing for an initial advance on
30 July 1, 1982, of the current biennium and on July 1 of each succeeding

1 biennium from the state general fund in an amount equal to twenty-four
2 percent of the average monthly allotment for such budgeted biennium
3 expenditures for the state board for community and technical colleges
4 (~~education~~) as certified by the office of financial management; and
5 at the conclusion of such initial month and for each succeeding month
6 of any biennium, the state treasurer will reimburse expenditures
7 incurred and reported monthly by the state board treasurer in
8 accordance with chapter 43.88 RCW: PROVIDED, That the reimbursement to
9 the state board for actual expenditures incurred in the final month of
10 each biennium shall be less the initial advance made in such biennium;

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

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

22 (16) Provide general supervision over the state's technical
23 colleges. The president of each technical college shall report
24 directly to the director of the state board for community and technical
25 colleges, or the director's designee, until local control is assumed by
26 a new or existing board of trustees as appropriate, except that a
27 college president shall have authority over program decisions of his or
28 her college until the establishment of a board of trustees for that
29 college. The directors of the vocational-technical institutes on March

1 1, 1991, shall be designated as the presidents of the new technical
2 colleges.

3 **Sec. 34.** RCW 28B.50.092 and 1977 ex.s. c 131 s 1 are each amended
4 to read as follows:

5 The state board for community and technical colleges ~~((education))~~
6 may authorize any ~~((community college))~~ board of trustees to do all
7 things necessary to conduct an education, training, and service program
8 authorized by chapter 28B.50 RCW, as now or hereafter amended, for
9 United States military personnel and their dependents, and department
10 of defense civilians and their dependents, at any geographical
11 location: PROVIDED, That such programs shall be limited to those
12 colleges which conducted programs for United States military personnel
13 prior to January 1, 1977: PROVIDED FURTHER, That any high school
14 completion program conducted pursuant to this section shall comply with
15 standards set forth in rules and regulations promulgated by the
16 superintendent of public instruction and the state board of education:
17 AND PROVIDED FURTHER, That the superintendent of public instruction
18 shall issue the certificate or diploma in recognition of high school
19 completion education provided pursuant to this section.

20 **Sec. 35.** RCW 28B.50.093 and 1973 c 105 s 2 are each amended to
21 read as follows:

22 Prior to the state board granting authorization for any programs
23 authorized under RCW 28B.50.092, the state board shall determine that
24 such authorization will not deter from the primary functions of the
25 community and technical college system within the state of Washington
26 as prescribed by chapter 28B.50 RCW.

1 **Sec. 36.** RCW 28B.50.095 and 1983 c 3 s 40 are each amended to read
2 as follows:

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

9 **Sec. 37.** RCW 28B.50.100 and 1987 c 330 s 1001 are each amended to
10 read as follows:

11 There is hereby created a ((~~community college~~)) board of trustees
12 for each ((~~community~~)) college district as set forth in this chapter.
13 Each ((~~community college~~)) board of trustees shall be composed of five
14 trustees, who shall be appointed by the governor for terms commencing
15 October 1st of the year in which appointed. In making such
16 appointments the governor shall give consideration to geographical
17 ((~~exigencies, and the interests of labor, industry, agriculture, the~~
18 ~~professions and ethnic groups~~)) diversity, and representing labor,
19 business, women, and racial and ethnic minorities, in the membership of
20 the boards of trustees. The boards of trustees for districts
21 containing technical colleges shall include at least one member from
22 business and one member from labor.

23 The successors of the trustees initially appointed shall be
24 appointed by the governor to serve for a term of five years except that
25 any person appointed to fill a vacancy occurring prior to the
26 expiration of any term shall be appointed only for the remainder of the
27 term. Each member shall serve until a successor is appointed and
28 qualified.

1 Every trustee shall be a resident and qualified elector of the
2 ((community)) college district. No trustee may be an employee of the
3 community and technical college system, a member of the board of
4 directors of any school district, or a member of the governing board of
5 any public or private educational institution.

6 Each board of trustees shall organize itself by electing a chairman
7 from its members. The board shall adopt a seal and may adopt such
8 bylaws, rules and regulations as it deems necessary for its own
9 government. Three members of the board shall constitute a quorum, but
10 a lesser number may adjourn from time to time and may compel the
11 attendance of absent members in such manner as prescribed in its
12 bylaws, rules, or regulations. The district president, or if there be
13 none, the president of the ((community)) college, shall serve as, or
14 may designate another person to serve as, the secretary of the board,
15 who shall not be deemed to be a member of the board.

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

18 **Sec. 38.** RCW 28B.50.130 and 1977 c 75 s 27 are each amended to
19 read as follows:

20 Within thirty days of their appointment ((~~or July 1, 1967,~~
21 ~~whichever is sooner,~~)) the various district boards of trustees shall
22 organize, adopt bylaws for its own government, and make such rules and
23 regulations not inconsistent with this chapter as they deem necessary.
24 At such organizational meeting it shall elect from among its members a
25 ((~~chairman and a vice-chairman~~)) chair and vice-chair, each to serve
26 for one year, and annually thereafter shall elect such officers to
27 serve until their successors are appointed or qualified. The chief
28 executive officer of the ((community)) college district, or ((his))
29 designee, shall serve as secretary of the board. Three trustees shall

1 constitute a quorum, and no action shall be taken by less than a
2 majority of the trustees of the board. The district boards shall
3 transmit such reports to the college board as may be requested by the
4 college board. The fiscal year of the district boards shall conform to
5 the fiscal year of the state.

6 **Sec. 39.** RCW 28B.50.140 and 1990 c 135 s 1 are each amended to
7 read as follows:

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

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

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

20 (3) Shall employ for a period to be fixed by the board a college
21 president for each community and technical college (~~district,~~) and
22 (~~where applicable community college~~), may appoint a president(~~s~~
23 ~~within~~) for the district, and fix their duties and compensation, which
24 may include elements other than salary. Compensation under this
25 subsection shall not affect but may supplement retirement, health care,
26 and other benefits that are otherwise applicable to the presidents as
27 state employees. The board shall also employ for a period to be fixed
28 by the board members of the faculty and such other administrative
29 officers and other employees as may be necessary or appropriate and fix

1 their salaries and duties. Compensation and salary increases under
2 this subsection shall not exceed the amount or percentage established
3 for those purposes in the state appropriations act by the legislature
4 as allocated to the board of trustees by the state board for community
5 and technical colleges (~~(education)~~). The state board for community
6 and technical colleges (~~(education)~~) shall adopt rules defining the
7 permissible elements of compensation under this subsection;

8 (4) May establish, under the approval and direction of the college
9 board, new facilities as community needs and interests demand.
10 However, the authority of (~~community college~~) boards of trustees to
11 purchase or lease major off-campus facilities shall be subject to the
12 approval of the higher education coordinating board pursuant to RCW
13 28B.80.340(5);

14 (5) May establish or lease, operate, equip and maintain
15 dormitories, food service facilities, bookstores and other self-
16 supporting facilities connected with the operation of the community and
17 technical college;

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

27 (7) May establish fees and charges for the facilities authorized
28 hereunder, including reasonable rules and regulations for the
29 government thereof, not inconsistent with the rules and regulations of
30 the college board; each board of trustees operating a community and

1 technical college may enter into agreements, subject to rules and
2 regulations of the college board, with owners of facilities to be used
3 for housing regarding the management, operation, and government of such
4 facilities, and any board entering into such an agreement may:

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

7 (b) Employ necessary employees to govern, manage and operate the
8 same;

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

18 (9) May establish and maintain night schools whenever in the
19 discretion of the board of trustees it is deemed advisable, and
20 authorize classrooms and other facilities to be used for summer or
21 night schools, or for public meetings and for any other uses consistent
22 with the use of such classrooms or facilities for community and
23 technical college purposes;

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

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

1 (12) May grant to every student, upon graduation or completion of
2 a course of study, a suitable diploma, nonbaccalaureate degree or
3 certificate. Technical colleges shall offer only nonbaccalaureate
4 technical degrees, certificates, or diplomas for occupational courses
5 of study under rules of the college board. Technical colleges in
6 districts twenty-eight and twenty-nine may offer nonbaccalaureate
7 associate of technical or applied arts degrees only in conjunction with
8 a community college the district of which overlaps with the district of
9 the technical college, and these degrees may only be offered after a
10 contract or agreement is executed between the technical college and the
11 community college. The authority and responsibility to offer transfer
12 level academic support and general education for students of districts
13 twenty-one and twenty-five shall reside exclusively with Whatcom
14 Community College;

15 (13) Shall enforce the rules and regulations prescribed by the
16 state board for community and technical colleges (~~(education)~~) for the
17 government of community and technical colleges, students and teachers,
18 and promulgate such rules and regulations and perform all other acts
19 not inconsistent with law or rules and regulations of the state board
20 for community and technical colleges (~~(education)~~) as the board of
21 trustees may in its discretion deem necessary or appropriate to the
22 administration of (~~(community)~~) college districts: PROVIDED, That such
23 rules and regulations shall include, but not be limited to, rules and
24 regulations relating to housing, scholarships, conduct at the various
25 community and technical college facilities, and discipline: PROVIDED,
26 FURTHER, That the board of trustees may suspend or expel from community
27 and technical colleges students who refuse to obey any of the duly
28 promulgated rules and regulations;

29 (14) May, by written order filed in its office, delegate to the
30 president or district president any of the powers and duties vested in

1 or imposed upon it by this chapter. Such delegated powers and duties
2 may be exercised in the name of the district board;

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

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

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

1 (18) Shall be authorized to pay dues to any association of trustees
2 that may be formed by the various boards of trustees; such association
3 may expend any or all of such funds to submit biennially, or more often
4 if necessary, to the governor and to the legislature, the
5 recommendations of the association regarding changes which would affect
6 the efficiency of such association;

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

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

13 **Sec. 40.** RCW 28B.50.142 and 1977 ex.s. c 331 s 1 are each amended
14 to read as follows:

15 Each board of (~~community college~~) trustees shall appoint a
16 treasurer who shall be the financial officer of the board and who shall
17 hold office during the pleasure of the board. Each treasurer shall
18 render a true and faithful account of all moneys received and paid out
19 by him or her, comply with the provisions of RCW 28B.50.143, and shall
20 give bond for the faithful performance of the duties of his or her
21 office in such amount as the trustees require: PROVIDED, That the
22 respective community and technical colleges shall pay the fees for any
23 such bonds.

24 **Sec. 41.** RCW 28B.50.143 and 1985 c 180 s 1 are each amended to
25 read as follows:

26 In order that each (~~community~~) college treasurer appointed in
27 accordance with RCW 28B.50.142 may make vendor payments, the state
28 treasurer will honor warrants drawn by each community and technical

1 college providing for one initial advance (~~on September 1, 1977, of~~
2 ~~the current biennium and~~) on July 1 of each succeeding biennium from
3 the state general fund in an amount equal to seventeen percent of each
4 institution's average monthly allotment for such budgeted biennium
5 expenditures as certified by the office of financial management, and at
6 the conclusion of each such initial month, and for each succeeding
7 month of any biennium, the state treasurer will reimburse each
8 institution for each expenditure incurred and reported monthly by each
9 (~~community~~) college treasurer in accordance with chapter 43.83 RCW:
10 PROVIDED, That the reimbursement to each institution for actual
11 expenditures incurred in the final month of each biennium shall be less
12 the initial advance.

13 **Sec. 42.** RCW 28B.50.145 and 1969 ex.s. c 283 s 51 are each amended
14 to read as follows:

15 The boards of trustees of the various (~~community~~) college
16 districts (~~are hereby directed to~~) may create (~~no later than January~~
17 ~~1, 1970~~) at each community or technical college (~~or vocational-~~
18 ~~technical institute~~) under their control a faculty senate or similar
19 organization to be selected by periodic vote of the respective
20 faculties thereof.

21 **Sec. 43.** RCW 28B.50.150 and 1969 ex.s. c 223 s 28B.50.150 are each
22 amended to read as follows:

23 Any resident of the state may enroll in any program or course
24 maintained or conducted by a (~~community~~) college district upon the
25 same terms and conditions regardless of the district of his or her
26 residence.

1 **Sec. 44.** RCW 28B.50.205 and 1988 c 206 s 502 are each amended to
2 read as follows:

3 The state board for community and technical colleges ~~((education))~~
4 shall make information available to all newly matriculated students on
5 methods of transmission of the human immunodeficiency virus and
6 prevention of acquired immunodeficiency syndrome. The curricula and
7 materials shall be reviewed for medical accuracy by the office on AIDS
8 in coordination with the appropriate regional AIDS service network.

9 **Sec. 45.** RCW 28B.50.242 and 1990 c 208 s 10 are each amended to
10 read as follows:

11 The state board for community and technical colleges ~~((education))~~
12 shall provide state-wide coordination of video telecommunications
13 programming for the community and technical college system.

14 **Sec. 46.** RCW 28B.50.250 and 1969 ex.s. c 261 s 25 are each amended
15 to read as follows:

16 The state board for community and technical colleges ~~((education))~~
17 and the state board of education are hereby authorized to permit, on an
18 ad hoc basis, the common school districts to conduct pursuant to RCW
19 28B.50.530 a program in adult education in behalf of a ~~((community))~~
20 college district when such program will not conflict with existing
21 programs of the same nature and in the same geographical area conducted
22 by the ~~((community))~~ college districts: PROVIDED, That federal
23 programs for adult education ~~((which are funded directly to the state~~
24 ~~board of education))~~ shall be administered by the ~~((superintendent of~~
25 ~~public instruction in cooperation with the director of the))~~ state
26 board for community and technical colleges ~~((education))~~, which agency
27 is hereby declared to be the state educational agency primarily

1 responsible for supervision of adult education in the public schools as
2 defined by RCW 28B.50.020.

3 **Sec. 47.** RCW 28B.50.320 and 1971 ex.s. c 279 s 17 are each amended
4 to read as follows:

5 All operating fees, services and activities fees, and all other
6 income which the trustees are authorized to impose shall be deposited
7 as the trustees may direct unless otherwise provided by law. Such sums
8 of money shall be subject to the budgetary and audit provisions of law
9 applicable to state agencies. The depository selected by the trustees
10 shall conform to the collateral requirements required for deposit of
11 other state funds.

12 Disbursement shall be made by check signed by the president of the
13 ((community)) college or ((his)) the president's designee appointed in
14 writing, and such other person as may be designated by the board of
15 trustees of the ((community)) college district. Each person authorized
16 to sign as provided above, shall execute a surety bond as provided in
17 RCW 43.17.100. Said bond or bonds shall be filed in the office of the
18 secretary of state.

19 **Sec. 48.** RCW 28B.50.330 and 1979 ex.s. c 12 s 2 are each amended
20 to read as follows:

21 The boards of trustees of ((community)) college districts are
22 empowered in accordance with the provisions of this chapter to provide
23 for the construction, reconstruction, erection, equipping, demolition,
24 and major alterations of buildings and other capital assets, and the
25 acquisition of sites, rights-of-way, easements, improvements, or
26 appurtenances for the use of the aforementioned colleges as authorized
27 by the college board in accordance with RCW 28B.50.140; to be financed
28 by bonds payable out of special funds from revenues hereafter derived

1 from income received from such facilities, gifts, bequests, or grants,
2 and such additional funds as the legislature may provide, and payable
3 out of a bond retirement fund to be established by the respective
4 district boards in accordance with rules and regulations of the state
5 board. With respect to building, improvements, or repairs, or other
6 work, where the estimated cost exceeds ~~((five))~~ fifteen thousand
7 dollars, complete plans and specifications for such work shall be
8 prepared and such work shall be prepared and such work shall be put out
9 for public bids and the contract shall be awarded to the lowest
10 responsible bidder if in accordance with the bid specifications:
11 PROVIDED, That any project regardless of dollar amount may be put to
12 public bid.

13 Where the estimated cost to any ~~((community))~~ college of any
14 building, improvements, or repairs, or other work, is less than five
15 thousand dollars, the publication requirements of RCW 39.04.020 and
16 ~~((39.04.090))~~ 39.04.070 shall be inapplicable.

17 **Sec. 49.** RCW 28B.50.340 and 1985 c 390 s 54 are each amended to
18 read as follows:

19 In addition to the powers conferred under RCW 28B.50.090, the
20 ~~((community))~~ college ~~((state))~~ board is authorized and shall have the
21 power:

22 (1) To permit the district boards of trustees to contract for the
23 construction, reconstruction, erection, equipping, maintenance,
24 demolition and major alterations of buildings and other capital assets,
25 and the acquisition of sites, rights-of-way, easements, improvements or
26 appurtenances of the college as approved by the ~~((community college))~~
27 state board.

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

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

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

7 **Sec. 50.** RCW 28B.50.350 and 1985 c 390 s 55 are each amended to
8 read as follows:

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

14 (1) Shall not constitute:

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

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

17 (2) Shall be:

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

19 (b) Issued in denominations of not less than one hundred dollars;

20 and

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

22 (d) Signed on behalf of the college board with the manual or
23 facsimile signature of the chairman of the board, attested by the
24 secretary of the board, have the seal of the college board impressed
25 thereon or a facsimile of such seal printed or lithographed in the
26 bottom border thereof, and the coupons attached thereto shall be signed
27 with the facsimile signatures of such chairman and the secretary;

28 (3) Shall state:

29 (a) The date of issue; and

1 (b) The series of the issue and be consecutively numbered within
2 the series; and

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

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

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

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

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

14 (8) Shall be issued under and subject to such terms, conditions and
15 covenants providing for the payment of the principal thereof and
16 interest thereon and such other terms, conditions, covenants and
17 protective provisions safeguarding such payment, not inconsistent with
18 RCW 28B.50.330 through 28B.50.400, and as found to be necessary by the
19 board for the most advantageous sale thereof, which may include but not
20 be limited to:

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

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

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

3 The proceeds of the sale of all bonds, exclusive of accrued
4 interest which shall be deposited in the bond retirement fund, shall be
5 deposited in the state treasury to the credit of the capital projects
6 account of the college board and shall be used solely for paying the
7 costs of the projects, the costs of bond counsel and professional bond
8 consultants incurred in issuing the bonds, and for the purposes set
9 forth in subsection (8)(b) ((above)) of this section;

10 (9) Shall constitute a prior lien and charge against the building
11 fees of the community and technical colleges.

12 **Sec. 51.** RCW 28B.50.360 and 1985 c 390 s 56 are each amended to
13 read as follows:

14 There is hereby created in the state treasury a community and
15 technical college bond retirement fund. Within thirty-five days from
16 the date of start of each quarter all building fees of each such
17 community and technical college shall be paid into the state treasury,
18 and shall be credited as follows:

19 (1) On or before June 30th of each year the college board if
20 issuing bonds payable out of building fees shall certify to the state
21 treasurer the amounts required in the ensuing twelve-month period to
22 pay and secure the payment of the principal of and interest on such
23 bonds. The state treasurer shall thereupon deposit the amounts so
24 certified in the community and technical college bond retirement fund
25 which fund as required, is hereby created in the state treasury. Such
26 amounts of the funds deposited in the bond retirement fund as are
27 necessary to pay and secure the payment of the principal of and
28 interest on the building bonds issued by the college board as
29 authorized by this chapter shall be exclusively devoted to that

1 purpose. If in any twelve-month period it shall appear that the amount
2 certified by the college board is insufficient to pay and secure the
3 payment of the principal of and interest on the outstanding building
4 bonds, the state treasurer shall notify the college board and such
5 board shall adjust its certificate so that all requirements of moneys
6 to pay and secure the payment of the principal and interest on all such
7 bonds then outstanding shall be fully met at all times.

8 (2) That portion of the building fees not required for or in excess
9 of the amounts necessary to pay and secure the payment of any of the
10 bonds as provided in subsection (1) (~~above~~) of this section shall be
11 deposited in the community and technical college capital projects
12 account which account is hereby created in the state treasury. The
13 sums deposited in the capital projects account shall be appropriated
14 and expended exclusively for the construction, reconstruction,
15 erection, equipping, maintenance, demolition and major alteration of
16 buildings and other capital assets owned by the state board for
17 community and technical colleges (~~education~~) in the name of the state
18 of Washington, and the acquisition of sites, rights-of-way, easements,
19 improvements or appurtenances in relation thereto, and for the payment
20 of principal of and interest on any bonds issued for such purposes.
21 All earnings of investments of balances in the (~~community college~~)
22 capital projects account shall be credited to the general fund.

23 (3) Notwithstanding the provisions of subsections (1) and (2)
24 (~~above~~) of this section, at such time as all outstanding building
25 bonds of the college board payable from the community and technical
26 college bond retirement fund have been paid, redeemed, and retired, or
27 at such time as ample provision has been made by the state for full
28 payment, from some source other than the (~~community college~~) bond
29 retirement fund, of the principal of and the interest on and call
30 premium, if applicable, of such bonds as they mature and/or upon their

1 call prior to their maturity, through refunding or otherwise, that
2 portion of all building fees of the community and technical colleges
3 equal to the amount required to pay yearly debt service on any general
4 obligation bonds issued by the state in accordance with Article VIII,
5 section 1, Washington state Constitution, for community and technical
6 college purposes, shall be paid into the general fund of the state
7 treasury. The state finance committee shall determine whether ample
8 provision has been made for payment of such bonds payable from the said
9 bond retirement fund and shall determine the amount required to pay
10 yearly debt service on such general obligation bonds of the state.
11 Nothing in this subsection shall be construed as obligating the
12 legislature or the state to provide for payment of such ((community))
13 college building bonds from some source other than the community and
14 technical college bond retirement fund or as pledging the general
15 credit of the state to the payment of such bonds.

16 **Sec. 52.** RCW 28B.50.370 and 1985 c 390 s 57 are each amended to
17 read as follows:

18 For the purpose of paying and securing the payment of the principal
19 of and interest on the bonds as the same shall become due, there shall
20 be paid into the state treasury and credited to the bond retirement
21 fund of the ((state)) college board ((for—community—college
22 education)), the following:

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

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

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

1 Said bond retirement fund shall be kept segregated from all moneys
2 in the state treasury and shall, while any of such bonds or any
3 interest thereon remains unpaid, be available solely for the payment
4 thereof. As a part of the contract of sale of such bonds, the college
5 board shall charge and collect building fees as established by this
6 chapter and deposit such fees in the bond retirement fund in amounts
7 which will be sufficient to pay and secure the payment of the principal
8 of, and interest on all such bonds outstanding.

9 **Sec. 53.** RCW 28B.50.402 and 1977 ex.s. c 223 s 2 are each amended
10 to read as follows:

11 Notwithstanding anything to the contrary contained in RCW
12 28B.50.360(1) and (2) and in RCW 28B.50.370, all moneys on deposit on
13 or before June 30, 1977, in the community and technical college bond
14 retirement fund, shall be transferred by the state treasurer to the
15 state general fund, except for those moneys appropriated by section 17,
16 chapter 1, Laws of 1977.

17 **Sec. 54.** RCW 28B.50.404 and 1985 c 390 s 60 are each amended to
18 read as follows:

19 Subject to the specific provisions of RCW 28B.50.360 and 28B.50.403
20 through 28B.50.407, such general obligation refunding bonds shall be
21 issued and the refunding of said community and technical college
22 building bonds shall be carried out pursuant to chapters 39.42 and
23 39.53 RCW as now or hereafter amended. The bonds shall pledge the full
24 faith and credit of the state of Washington and contain an
25 unconditional promise of the state to pay the principal thereof and
26 interest thereon when due.

1 **Sec. 55.** RCW 28B.50.405 and 1974 ex.s. c 112 s 3 are each amended
2 to read as follows:

3 There is hereby created in the state treasury the community and
4 technical college refunding bond retirement fund of 1974, which fund
5 shall be exclusively devoted to the payment of the principal of and
6 interest on the refunding bonds authorized by RCW 28B.50.360 and
7 28B.50.403 through 28B.50.407.

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

14 **Sec. 56.** RCW 28B.50.409 and 1974 ex.s. c 112 s 7 are each amended
15 to read as follows:

16 All bonds issued after February 16, 1974 by the college board or
17 any ((community college)) board of trustees for any ((community))
18 college district under provisions of chapter 28B.50 RCW, as now or
19 hereafter amended, shall be issued by such boards only upon the prior
20 advice and consent of the state finance committee.

21 **Sec. 57.** RCW 28B.50.520 and 1969 ex.s. c 223 s 28B.50.520 are each
22 amended to read as follows:

23 The ((state)) college board ((for community college education)) or
24 any ((community college)) board of trustees is authorized to receive
25 federal funds made available for the assistance of community and
26 technical colleges, and providing physical facilities, maintenance or
27 operation of schools, or for any educational purposes, according to the
28 provisions of the acts of congress making such funds available.

1 **Sec. 58.** RCW 28B.50.535 and 1969 ex.s. c 261 s 30 are each amended
2 to read as follows:

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

6 **Sec. 59.** RCW 28B.50.551 and 1980 c 182 s 3 are each amended to
7 read as follows:

8 The board of trustees of each ((community)) college district shall
9 adopt for each community and technical college under its jurisdiction
10 written policies on granting leaves to employees of the district and
11 those colleges, including but not limited to leaves for attendance at
12 official or private institutions and conferences; professional leaves
13 for personnel consistent with the provisions of RCW 28B.10.650; leaves
14 for illness, injury, bereavement and emergencies, and except as
15 otherwise in this section provided, all with such compensation as the
16 board of trustees may prescribe, except that the board shall grant to
17 all such persons leave with full compensation for illness, injury,
18 bereavement and emergencies as follows:

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

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

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

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

10 (5) Accumulated leave for illness, injury, bereavement and
11 emergencies under this section shall be transferred from one
12 ((community)) college district or community and technical college to
13 another, to the ((state)) college board ((for community college
14 education)), to the state superintendent of public instruction, to any
15 educational service district, to any school district, or to any other
16 institutions of higher learning of the state; ((and))

17 (6) Leave accumulated by a person in a ((community)) college
18 district or community and technical college prior to leaving that
19 district or college may, under the policy of the board of trustees, be
20 granted to such person when he or she returns to the employment of that
21 district or college; and

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

24 **Sec. 60.** RCW 28B.50.600 and 1969 ex.s. c 223 s 28B.50.600 are each
25 amended to read as follows:

26 Whenever a common school board has contracted to redeem general
27 obligation bonds used for the construction or acquisition of facilities
28 which are now to be under the administration, control and occupancy of
29 the ((community)) college district board, the common school board shall

1 continue to redeem the bonds in accordance with the provisions of the
2 bonds.

3 **Sec. 61.** RCW 28B.50.740 and 1969 ex.s. c 223 s 28B.50.740 are each
4 amended to read as follows:

5 Notwithstanding any other statutory provision relating to
6 indebtedness of school districts, bonds heretofore issued by any common
7 school district for the purpose of providing funds for community and
8 technical college facilities shall not be considered as indebtedness in
9 determining the maximum allowable indebtedness under any statutory
10 limitation of indebtedness when the sum of all indebtedness therein
11 does not exceed the maximum constitutional allowable indebtedness
12 applied to the value of the taxable property contained in such school
13 district: PROVIDED, That nothing contained herein shall be construed
14 to affect the distribution of state funds under any applicable
15 distribution formula.

16 **Sec. 62.** RCW 28B.50.835 and 1990 c 29 s 1 are each amended to read
17 as follows:

18 The legislature recognizes that quality in the state's community
19 and technical colleges would be strengthened by additional partnerships
20 between citizens and the institutions. The legislature intends to
21 foster these partnerships by creating a matching grant program to
22 assist public community and technical colleges in creating endowments
23 for funding exceptional faculty awards.

24 **Sec. 63.** RCW 28B.50.837 and 1990 c 29 s 2 are each amended to read
25 as follows:

26 (1) The Washington community and technical college exceptional
27 faculty awards program is established. The program shall be

1 administered by the ((state)) college board ((~~for community college~~
2 ~~education~~)). The ((community)) college faculty awards trust fund
3 hereby created shall be administered by the state treasurer.

4 (2) Funds appropriated by the legislature for the community and
5 technical college exceptional faculty awards program shall be deposited
6 in the ((community)) college faculty awards trust fund. All moneys
7 deposited in the fund shall be invested by the state treasurer.
8 Notwithstanding RCW 43.84.090, all earnings of investments of balances
9 in the fund shall be credited to the fund. At the request of the
10 ((state)) college board ((~~for community college education~~)), the
11 treasurer shall release the state matching funds to the designated
12 institution's local endowment fund. No appropriation is necessary for
13 the expenditure of moneys from the fund.

14 **Sec. 64.** RCW 28B.50.839 and 1990 c 29 s 3 are each amended to read
15 as follows:

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

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

23 (3) All community and technical colleges shall be eligible for
24 matching trust funds. Institutions may apply to the ((state)) college
25 board ((~~for community college education~~)) for grants from the fund in
26 twenty-five thousand dollar increments up to a maximum of one hundred
27 thousand dollars when they can match the state funds with equal cash
28 donations from private sources, except that in the initial year of the
29 program, no college may receive more than one grant until every college

1 has received one grant. These donations shall be made specifically to
2 the exceptional faculty awards program and deposited by the institution
3 in a local endowment fund. Otherwise unrestricted gifts may be
4 deposited in the endowment fund by the institution.

5 (4) Once sufficient private donations are received by the
6 institution, the institution shall inform the ((state)) college board
7 ((~~for community college education~~)) and request state matching funds.
8 The ((state)) college board ((~~for community college education~~)) shall
9 evaluate the request for state matching funds based on program
10 priorities and guidelines. The ((state)) college board ((~~for community~~
11 ~~college education~~)) may ask the state treasurer to release the state
12 matching funds to a local endowment fund established by the institution
13 for each faculty award created.

14 **Sec. 65.** RCW 28B.50.841 and 1990 c 29 s 4 are each amended to read
15 as follows:

16 (1) The faculty awards are the property of the institution and may
17 be named in honor of a donor, benefactor, or honoree of the
18 institution, at the option of the institution. The institution shall
19 designate the use of the award. The designation shall be made or
20 renewed annually.

21 (2) The institution is responsible for soliciting private
22 donations, investing and maintaining its endowment funds, administering
23 the faculty awards, and reporting on the program to the governor, the
24 ((state)) college board ((~~for community college education~~)), and the
25 legislature, upon request. The institution may augment its endowment
26 fund with additional unrestricted private donations. The principal of
27 the invested endowment fund shall not be invaded.

28 (3) The proceeds from the endowment fund shall be used to pay
29 expenses for faculty awards, which may include in-service training,

1 temporary substitute or replacement costs directly associated with
2 faculty development programs, conferences, travel, publication and
3 dissemination of exemplary projects; to supplement the salary of the
4 holder or holders of a faculty award; or to pay expenses associated
5 with the holder's program area. Funds from this program shall not be
6 used to supplant existing faculty development funds.

7 **Sec. 66.** RCW 28B.50.843 and 1990 c 29 s 5 are each amended to read
8 as follows:

9 The process for determining local awards shall be subject to
10 collective bargaining. Decisions regarding the amounts of individual
11 awards and who receives them shall not be subject to collective
12 bargaining and shall be subject to approval of the applicable
13 ((community college)) board of trustees.

14 **Sec. 67.** RCW 28B.50.850 and 1969 ex.s. c 283 s 32 are each amended
15 to read as follows:

16 It shall be the purpose of RCW 28B.50.850 through 28B.50.869 to
17 establish a system of faculty tenure which protects the concepts of
18 faculty employment rights and faculty involvement in the protection of
19 those rights in the state system of community and technical colleges.
20 RCW 28B.50.850 through 28B.50.869 shall define a reasonable and orderly
21 process for appointment of faculty members to tenure status and the
22 dismissal of the tenured faculty member.

23 Employees of the Seattle Vocational Institute are exempt from this
24 section until July 1, 1993.

25 **Sec. 68.** RCW 28B.50.851 and 1988 c 32 s 2 are each amended to read
26 as follows:

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

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

4 (2)(a) "Faculty appointment", except as otherwise provided in
5 (~~subsection (2)~~)(b) (~~below~~) of this subsection, shall mean full
6 time employment as a teacher, counselor, librarian or other position
7 for which the training, experience and responsibilities are comparable
8 as determined by the appointing authority, except administrative
9 appointments; "faculty appointment" shall also mean department heads,
10 division heads and administrators to the extent that such department
11 heads, division heads or administrators have had or do have status as
12 a teacher, counselor, or librarian; faculty appointment shall also mean
13 employment on a reduced work load basis when a faculty member has
14 retained tenure under RCW 28B.50.859;

15 (b) "Faculty appointment" shall not mean special faculty
16 appointment as a teacher, counselor, librarian, or other position as
17 enumerated in (~~subsection (2)~~)(a) of this subsection, when such
18 employment results from special funds provided to a community college
19 district from federal moneys or other special funds which other funds
20 are designated as "special funds" by the (~~state~~) college board (~~for~~
21 ~~community college education~~): PROVIDED, That such "special funds" so
22 designated by the (~~state~~) college board for purposes of this section
23 shall apply only to teachers, counselors and librarians hired from
24 grants and service agreements and teachers, counselors and librarians
25 hired in nonformula positions. A special faculty appointment resulting
26 from such special financing may be terminated upon a reduction or
27 elimination of funding or a reduction or elimination of program:
28 PROVIDED FURTHER, That "faculty appointees" holding faculty
29 appointments pursuant to subsections (1) or (2)(a) of this section who
30 have been subsequently transferred to positions financed from "special

1 funds" pursuant to (~~subsection (2)~~) (b) of this subsection and who
2 thereafter lose their positions upon reduction or elimination of such
3 "special funding" shall be entitled to be returned to previous status
4 as faculty appointees pursuant to subsection (1) or (2)(a) of this
5 section depending upon their status prior to the "special funding"
6 transfer. Notwithstanding the fact that tenure shall not be granted to
7 anyone holding a special faculty appointment, the termination of any
8 such faculty appointment prior to the expiration of the term of such
9 faculty member's individual contract for any cause which is not related
10 to elimination or reduction of financing or the elimination or
11 reduction of program shall be considered a termination for cause
12 subject to the provisions of this chapter;

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

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

18 (5) "Administrative appointment" shall mean employment in a
19 specific administrative position as determined by the appointing
20 authority;

21 (6) "Appointing authority" shall mean the board of trustees of a
22 (~~community~~) college district;

23 (7) "Review committee" shall mean a committee composed of the
24 probationer's faculty peers, a student representative, and the
25 administrative staff of the community or technical college: PROVIDED,
26 That the majority of the committee shall consist of the probationer's
27 faculty peers.

28 **Sec. 69.** RCW 28B.50.867 and 1969 ex.s. c 283 s 43 are each amended
29 to read as follows:

1 Upon transfer of employment from one community or technical college
2 to another community or technical college within a district, a tenured
3 faculty member shall have the right to retain tenure and the rights
4 accruing thereto which he or she had in his or her previous employment:
5 PROVIDED, That upon permanent transfer of employment to another
6 ((community)) college district a tenured faculty member shall not have
7 the right to retain his tenure or any of the rights accruing thereto.

8 **Sec. 70.** RCW 28B.50.869 and 1974 ex.s. c 33 s 2 are each amended
9 to read as follows:

10 The review committees required by RCW 28B.50.850 through 28B.50.869
11 shall be composed of members of the administrative staff, a student
12 representative, and the teaching faculty. The representatives of the
13 teaching faculty shall represent a majority of the members on each
14 review committee. The members representing the teaching faculty on
15 each review committee shall be selected by a majority of the teaching
16 faculty and faculty department heads acting in a body. The student
17 representative, who shall be a full time student, shall be chosen by
18 the student association of the particular community or technical
19 college in such manner as the members thereof shall determine.

20 **Sec. 71.** RCW 28B.50.870 and 1977 ex.s. c 282 s 1 are each amended
21 to read as follows:

22 The district board of trustees of any ((community)) college
23 district currently operating an educational program with funds provided
24 by another state agency, including federal funds, which program has
25 been in existence for five or more years under the administration of
26 one or more ((community)) college districts, shall provide for the
27 award or denial of tenure to anyone who holds a special faculty
28 appointment in such curricular program and for as long as the program

1 continues to be funded in such manner, utilizing the prescribed
2 probationary processes and procedures set forth in this chapter with
3 the exception that no student representative shall be required to serve
4 on the review committee defined in RCW 28B.50.851: PROVIDED, That such
5 review processes and procedures shall not be applicable to faculty
6 members whose contracts are renewed after the effective date of this
7 1977 amendatory act and who have completed at least three consecutive
8 years of satisfactory full time service in such program, who shall be
9 granted tenure by the ((community)) college district: PROVIDED
10 FURTHER, That faculty members who have completed one year or more of
11 satisfactory full time service in such program shall be credited with
12 such service for the purposes of this section: PROVIDED, FURTHER, That
13 provisions relating to tenure for faculty under the provisions of this
14 section shall be distinct from provisions relating to tenure for other
15 faculty of the ((community)) college district and faculty appointed to
16 such special curricular program shall be treated as a separate unit as
17 respects selection, retention, reduction in force or dismissal
18 hereunder: AND PROVIDED FURTHER, That the provisions of this section
19 shall only be applicable to faculty holding a special faculty
20 appointment in an educational program operated in a state correctional
21 institution pursuant to a written contract with a ((community)) college
22 district.

23 **Sec. 72.** RCW 28B.50.873 and 1990 c 33 s 559 are each amended to
24 read as follows:

25 The ((state)) college board ((for community college education)) may
26 declare a financial emergency under the following conditions: (1)
27 Reduction of allotments by the governor pursuant to RCW 43.88.110(2),
28 or (2) reduction by the legislature from one biennium to the next or
29 within a biennium of appropriated funds based on constant dollars using

1 the implicit price deflator. When a district board of trustees
2 determines that a reduction in force of tenured or probationary faculty
3 members may be necessary due to financial emergency as declared by the
4 state board, written notice of the reduction in force and separation
5 from employment shall be given the faculty members so affected by the
6 president or district president as the case may be. Said notice shall
7 clearly indicate that separation is not due to the job performance of
8 the employee and hence is without prejudice to such employee and need
9 only state in addition the basis for the reduction in force as one or
10 more of the reasons enumerated in subsections (1) and (2) of this
11 section.

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

27 The hearing required by this section shall be an adjudicative
28 proceeding pursuant to chapter 34.05 RCW, the Administrative Procedure
29 Act, conducted by a hearing officer appointed by the board of trustees
30 and shall be concluded by the hearing officer within sixty days after

1 written notice of the reduction in force has been issued. Ten days
2 written notice of the formal hearing will be given to faculty members
3 who have requested such a hearing by the president or district
4 president as the case may be. The hearing officer within ten days
5 after conclusion of such formal hearing shall prepare findings,
6 conclusions of law and a recommended decision which shall be forwarded
7 to the board of trustees for its final action thereon. Any such
8 determination by the hearing officer under this section shall not be
9 subject to further tenure review committee action as otherwise provided
10 in this chapter.

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

24 When more than one faculty member is notified of termination
25 because of a reduction in force as provided in this section, hearings
26 for all such faculty members requesting formal hearing shall be
27 consolidated and only one such hearing for the affected faculty members
28 shall be held, and such consolidated hearing shall be concluded within
29 the time frame set forth herein.

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

4 It is the intent of the legislature by enactment of this section
5 and in accordance with RCW 28B.52.035, to modify any collective
6 bargaining agreements in effect, or any conflicting board policies or
7 rules, so that any reductions in force which take place after December
8 21, 1981, whether in progress or to be initiated, will comply solely
9 with the provisions of this section: PROVIDED, That any applicable
10 policies, rules, or provisions contained in a collective bargaining
11 agreement related to lay-off units, seniority and re-employment rights
12 shall not be affected by the provisions of this paragraph.

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

16 **Sec. 73.** RCW 28B.50.875 and 1969 ex.s. c 261 s 35 are each amended
17 to read as follows:

18 Local law enforcement agencies or such other public agencies that
19 shall be in need of such service may contract with any community or
20 technical college for laboratory services for the analyzing of samples
21 that chemists associated with such ((community)) colleges may be able
22 to perform under such terms and conditions as the individual
23 ((community)) college may determine.

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

26 **Sec. 74.** RCW 15.76.120 and 1961 c 61 s 3 are each amended to read
27 as follows:

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

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

8 (2) "County and district fairs"--organized to serve the interests
9 of single counties other than those in which a recognized area fair or
10 a district fair as defined in RCW 36.37.050, is held and which are
11 under the direct control and supervision of the county commissioners of
12 the respective counties, which have both open and junior participation,
13 but whose classes, displays and exhibits may be more restricted or
14 limited than in the case of area or district fairs. There may be but
15 one county fair in a single county: PROVIDED, HOWEVER, That the county
16 commissioners of two or more counties may, by resolution, jointly
17 sponsor a county fair.

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

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

27 **Sec. 75.** RCW 28A.305.270 and 1989 c 146 s 2 are each amended to
28 read as follows:

1 (1) The Washington state minority teacher recruitment program is
2 established. The program shall be administered by the state board of
3 education. The state board of education shall consult with the higher
4 education coordinating board, representatives of institutions of higher
5 education, education organizations having an interest in teacher
6 recruitment issues, the superintendent of public instruction, the state
7 board for community and technical colleges (~~education~~), the
8 department of employment security, and the (~~state board of vocational~~
9 ~~education within the office of the governor~~) work force training and
10 education coordinating board. The program shall be designed to recruit
11 future teachers from students in the targeted groups who are in the
12 ninth through twelfth grades and from adults in the targeted groups who
13 have entered other occupations.

14 (2) The program shall include the following:

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

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

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

23 (d) Providing for increased cooperation among institutions of
24 higher education including community colleges, the superintendent of
25 public instruction, the state board of education, and local school
26 districts in working toward the goals of the program.

27 NEW SECTION. Sec. 76. A new section is added to chapter 28A.150
28 RCW to read as follows:

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

5 (2) The local program committees shall:

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

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

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

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

13 NEW SECTION. **Sec. 77.** (1) Each local education agency or
14 college district offering vocational educational programs shall
15 establish local advisory committees to provide that agency or district
16 with advice on current job needs and on the courses necessary to meet
17 these needs.

18 (2) The local program committees shall:

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

20 (b) Review and evaluate program curricula, equipment, and
21 effectiveness;

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

24 (d) Actively consult with other representatives of business,
25 industry, labor, and agriculture.

26 NEW SECTION. **Sec. 78.** A new section is added to chapter 28A.300
27 RCW to read as follows:

1 The superintendent shall cooperate with the work force training and
2 education coordinating board in the conduct of the board's
3 responsibilities under section 7 of this act and shall provide
4 information and data in a format that is accessible to the board.

5 NEW SECTION. **Sec. 79.** The college board shall cooperate with
6 the work force training and education coordinating board in the conduct
7 of the board's responsibilities under section 7 of this act and shall
8 provide information and data in a format that is accessible to the
9 board.

10 NEW SECTION. **Sec. 80.** A new section is added to chapter 50.12 RCW
11 to read as follows:

12 The commissioner shall cooperate with the work force training and
13 education coordinating board in the conduct of the board's
14 responsibilities under section 7 of this act and shall provide
15 information and data in a format that is accessible to the board.

16 **Sec. 81.** RCW 28C.10.020 and 1990 c 188 s 5 are each amended to
17 read as follows:

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

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

22 (2) "Agent" means a person owning an interest in, employed by, or
23 representing for remuneration a private vocational school within or
24 without this state, who enrolls or personally attempts to secure the
25 enrollment in a private vocational school of a resident of this state,
26 offers to award educational credentials for remuneration on behalf of
27 a private vocational school, or holds himself or herself out to

1 residents of this state as representing a private vocational school for
2 any of these purposes.

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

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

10 (5) "Educational credentials" means degrees, diplomas,
11 certificates, transcripts, reports, documents, or letters of
12 designation, marks, appellations, series of letters, numbers, or words
13 which signify or appear to signify enrollment, attendance, progress, or
14 satisfactory completion of the requirements or prerequisites for any
15 educational program.

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

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

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

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

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

1 NEW SECTION. **Sec. 82.** Community and technical colleges may
2 contract with local common school districts to provide occupational and
3 academic programs for high school students. Common school districts
4 whose students currently attend vocational-technical institutes shall
5 not suffer loss of opportunity to continue to enroll their students at
6 technical colleges.

7 For the purposes of this section, "opportunity to enroll" includes,
8 but is not limited to, the opportunity of common school districts to
9 enroll the same number of high school students enrolled at each
10 vocational-technical institute during the period July 1, 1989, through
11 June 30, 1990, and the opportunity for common school districts to
12 increase enrollments of high school students at each technical college
13 in proportion to annual increases in enrollment within the school
14 districts participating on the effective date of this section.
15 Technical colleges shall offer programs which are accessible to high
16 school students to at least the extent that existed during the period
17 July 1, 1989, through June 30, 1990, and to the extent necessary to
18 accommodate proportional annual growth in enrollments of high school
19 students within school districts participating on the effective date of
20 this section. Accommodating such annual increases in enrollment or
21 program offerings shall be the first priority within technical colleges
22 subject to any enrollment or budgetary restrictions. Technical
23 colleges shall not charge tuition or student services and activities
24 fees to high school students enrolled in the college.

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

1 RCW 41.04.600 under the rules established by the state deferred
2 compensation committee.

3 An exclusive bargaining representative certified to represent a
4 bargaining unit covering employees of a vocational technical institute
5 on the effective date of this section shall remain the exclusive
6 representative of such employees thereafter until and unless such
7 representative is replaced or decertified in accordance with state law.

8 Any collective bargaining agreement in effect on June 30, 1991,
9 shall remain in effect as it applies to employees of vocational
10 technical institutes until its expiration or renewal date or until
11 renegotiated or renewed in accordance with chapter 28B.52 or 41.56 RCW.
12 After the expiration date of a collective bargaining agreement, all of
13 the terms and conditions specified in the collective bargaining
14 agreement, as it applies to employees of vocational-technical
15 institutes, shall remain in effect until the effective date of a
16 subsequent agreement, not to exceed one year from the termination date
17 stated in the agreement. The board of trustees and the employees may
18 mutually agree to continue the terms and conditions of the agreement
19 beyond the one year extension. However, nothing in this section shall
20 be construed to deny any employee right granted under chapter 28B.52 or
21 41.56 RCW. Labor relations processes and agreements covering faculty
22 members of vocational technical institutes after the effective date of
23 this section shall be governed by chapter 28B.52 RCW. Labor relations
24 processes and agreements covering classified employees of vocational
25 technical institutes after the effective date of this section shall
26 continue to be governed by chapter 41.56 RCW.

27 NEW SECTION. **Sec. 84.** Notwithstanding the provisions of
28 chapter 28B.15 RCW, technical colleges and the Seattle Vocational
29 Institute may continue to collect student tuition and fees per their

1 standard operating procedures in effect on the effective date of this
2 section. The applicability of existing community college rules and
3 statutes pursuant to chapter 28B.15 RCW regarding tuition and fees
4 shall be determined by the state board for community and technical
5 colleges within two years of the effective date of this section.

6 NEW SECTION. **Sec. 85.** All powers, duties, and functions of the
7 superintendent of public instruction and the state board of education
8 pertaining to projects of adult education, including the state-funded
9 Even Start and including the adult education programs operated pursuant
10 to 20 U.S.C. Sec. 1201 as amended by P.L. 100-297, are transferred to
11 the state board for community and technical colleges. All references
12 to the director or superintendent of public instruction or the state
13 board of education in the Revised Code of Washington shall be construed
14 to mean the director or the state board for community and technical
15 colleges when referring to the functions transferred in this section.

16 NEW SECTION. **Sec. 86.** All reports, documents, surveys, books,
17 records, files, papers, or written material in the possession of the
18 superintendent of public instruction pertaining to the powers,
19 functions, and duties transferred shall be delivered to the custody of
20 the state board for community and technical colleges. All cabinets,
21 furniture, office equipment, motor vehicles, and other tangible
22 property employed by the superintendent of public instruction in
23 carrying out the powers, functions, and duties transferred shall be
24 made available to the state board for community and technical colleges.
25 All funds, credits, or other assets held in connection with the powers,
26 functions, and duties transferred shall be assigned to the state board
27 for community and technical colleges.

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

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

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

14 NEW SECTION. **Sec. 87.** All employees of the superintendent of
15 public instruction engaged in performing the powers, functions, and
16 duties transferred are transferred to the jurisdiction of the state
17 board for community and technical colleges. All employees classified
18 under chapter 41.06 RCW, the state civil service law, are assigned to
19 the state board for community and technical colleges to perform their
20 usual duties upon the same terms as formerly, without any loss of
21 rights, subject to any action that may be appropriate thereafter in
22 accordance with the laws and rules governing chapter 28B.16 RCW.

23 NEW SECTION. **Sec. 88.** All rules and all pending business
24 before the superintendent of public instruction pertaining to the
25 powers, functions, and duties transferred shall be continued and acted
26 upon by the state board for community and technical colleges. All
27 existing contracts and obligations shall remain in full force and shall
28 be performed by the state board for community and technical colleges.

1 NEW SECTION. **Sec. 89.** The transfer of the powers, duties,
2 functions, and personnel of the superintendent of public instruction
3 shall not affect the validity of any act performed prior to the
4 effective date of this section.

5 NEW SECTION. **Sec. 90.** If apportionments of budgeted funds are
6 required because of the transfers directed by sections 86 through 89 of
7 this act, the director of financial management shall certify the
8 apportionments to the agencies affected, the state auditor, and the
9 state treasurer. Each of these shall make the appropriate transfer and
10 adjustments in funds and appropriation accounts and equipment records
11 in accordance with the certification.

12 NEW SECTION. **Sec. 91.** Nothing contained in sections 86 through
13 90 of this act may be construed to alter any existing collective
14 bargaining unit or the provisions of any existing collective bargaining
15 agreement until the agreement has expired or until the bargaining unit
16 has been modified by action of the personnel board as provided by law.

17 NEW SECTION. **Sec. 92.** The college board personnel
18 administering state and federally funded programs for adult basic
19 skills and literacy education shall be known as the state office for
20 adult literacy.

21 NEW SECTION. **Sec. 93.** The legislature finds that a vocational
22 institute in the central area of the city of Seattle provides civic,
23 social, and economic benefits to the people of the state of Washington.
24 Economic development is enhanced by increasing the number of skilled
25 individuals who enter the labor market and social welfare costs are
26 reduced by the training of individuals lacking marketable skills. The

1 students at the institute are historically economically disadvantaged,
2 and include racial and ethnic minorities, recent immigrants,
3 single-parent heads of households, and persons who are dislocated
4 workers or without specific occupational skills. The institute
5 presents a unique opportunity for business, labor, and community-based
6 organizations, and educators to work together to provide effective
7 vocational-technical training to the economically disadvantaged of
8 urban Seattle, and to serve as a national model of such cooperation.
9 Moreover, a trained work force is a major factor in attracting new
10 employers, and with greater minority participation in the work force,
11 the institute is uniquely located to deliver training and education to
12 the individuals employers must increasingly turn to for their future
13 workers.

14 NEW SECTION. **Sec. 94.** The public nonprofit corporation for the
15 Washington institute for applied technology is hereby abolished and its
16 powers, duties, and functions are hereby transferred to the sixth
17 college district. The Washington institute for applied technology
18 shall be renamed the Seattle Vocational Institute. The Seattle
19 Vocational Institute shall become a fourth unit of the sixth college
20 district. All references to the director or public nonprofit
21 corporation for the Washington institute for applied technology in the
22 Revised Code of Washington shall be construed to mean the director of
23 the Seattle Vocational Institute.

24 NEW SECTION. **Sec. 95.** All reports, documents, surveys, books,
25 records, files, papers, or written material in the possession of the
26 public nonprofit corporation for the Washington institute for applied
27 technology shall be delivered to the custody of the sixth college
28 district. All cabinets, furniture, office equipment, motor vehicles,

1 and other tangible property employed by the public nonprofit
2 corporation for the Washington institute for applied technology shall
3 be made available to the sixth college district for the use of the
4 Seattle Vocational Institute. All funds, credits, or other assets held
5 by the public nonprofit corporation for the Washington institute for
6 applied technology shall be assigned to the sixth college district for
7 the use of the institute.

8 Any appropriations made to the public nonprofit corporation for the
9 Washington institute for applied technology shall, on the effective
10 date of this section, be transferred and credited to the sixth college
11 district.

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. 96.** All contractual obligations, rules, and
19 all pending business before the public nonprofit corporation for the
20 Washington institute for applied technology shall be continued and
21 acted upon by the sixth college district. All existing contracts and
22 obligations shall remain in full force and shall be performed by the
23 sixth college district.

24 NEW SECTION. **Sec. 97.** All employees of the Washington
25 institute for applied technology engaged in performing the powers,
26 functions, and duties transferred are transferred to the jurisdiction
27 of the Seattle Vocational Institute. All employees classified under
28 chapter 41.06 RCW, the state civil service law, are assigned to the

1 Seattle Vocational Institute to perform their usual duties upon the
2 same terms as formerly, without any loss of rights, subject to any
3 action that may be appropriate thereafter in accordance with the laws
4 and rules governing state civil service.

5 NEW SECTION. **Sec. 98.** The transfer of the powers, duties,
6 functions, and personnel of the public nonprofit corporation for the
7 Washington institute for applied technology shall not affect the
8 validity of any act performed prior to the effective date of this
9 section.

10 NEW SECTION. **Sec. 99.** If apportionments of budgeted funds are
11 required because of the transfers directed by sections 95 through 98 of
12 this act, the director of financial management shall certify the
13 apportionments to the agencies affected, the state auditor, and the
14 state treasurer. Each of these shall make the appropriate transfer and
15 adjustments in funds and appropriation accounts and equipment records
16 in accordance with the certification.

17 NEW SECTION. **Sec. 100.** The mission of the institute shall be to
18 provide occupational, basic skills, and literacy education
19 opportunities to economically disadvantaged populations in urban areas
20 of the college district it serves. The mission shall be achieved
21 primarily through open-entry, open-exit, short-term, competency-based
22 basic skill, and job training programs targeted primarily to adults.
23 The board of trustees of the sixth college district shall appoint a
24 nine-member advisory committee consisting of equal representation from
25 business, labor, and community representatives to provide advice and
26 counsel to the administration of the institute and the district
27 administration.

1 NEW SECTION. **Sec. 101.** Funding for the institute shall be
2 included in a separate allocation to the sixth college district, and
3 funds allocated for the institute shall be used only for purposes of
4 the institute.

5 NEW SECTION. **Sec. 102.** The sixth college district shall conduct
6 a survey of the capital facilities and equipment necessary to operate
7 the program at the institute. The district shall present the survey to
8 the state board for community and technical colleges by December 1,
9 1991. The board shall include the survey in its budget request to the
10 legislature which shall consider a supplementary appropriation for the
11 1992-93 fiscal year to the sixth college district based on the results
12 of this survey.

13 NEW SECTION. **Sec. 103.** The district may provide for waivers of
14 tuition and fees and provide scholarships for students at the
15 institute. The district may negotiate with applicable public or
16 private service providers to conduct the instructional activities of
17 the institute. The district may employ instructional staff or faculty.
18 The district may also contract with private individuals for
19 instructional services. Until at least July 1, 1993, all faculty and
20 staff serve at the pleasure of the district. In order to allow the
21 district flexibility in its personnel policies with the institute, the
22 district and the institute, with reference to employees of the
23 institute employed during an initial two-year period until July 1,
24 1993, are exempt from chapters 28B.16, 28B.52 (relating to collective
25 bargaining), 41.04, 41.05, 41.06, and 41.40 RCW; from RCW 43.01.040
26 through 43.01.044; and from RCW 28B.50.551 and 28B.50.850 through
27 28B.50.875 (relating to faculty tenure).

1 NEW SECTION. **Sec. 104.** A new section is added to chapter 41.06
2 RCW to read as follows:
3 Employees of the Seattle Vocational Institute are exempt from the
4 provisions of this chapter until July 1, 1993.

5 NEW SECTION. **Sec. 105.** A new section is added to chapter 41.05
6 RCW to read as follows:
7 Employees of the Seattle Vocational Institute are exempt from the
8 provisions of this chapter until July 1, 1993.

9 NEW SECTION. **Sec. 106.** A new section is added to chapter 41.04
10 RCW to read as follows:
11 Employees of the Seattle Vocational Institute are exempt from the
12 provisions of this chapter until July 1, 1993.

13 NEW SECTION. **Sec. 107.** A new section is added to chapter 28B.16
14 RCW to read as follows:
15 Employees of the Seattle Vocational Institute are exempt from the
16 provisions of this chapter until July 1, 1993.

17 NEW SECTION. **Sec. 108.** A new section is added to chapter 41.40
18 RCW to read as follows:
19 Employees of the Seattle Vocational Institute are exempt from the
20 provisions of this chapter until July 1, 1993.

21 NEW SECTION. **Sec. 109.** A new section is added to chapter 28B.52
22 RCW to read as follows:
23 Employees of the Seattle Vocational Institute are exempt from the
24 provisions of this chapter until July 1, 1993.

1 NEW SECTION. **Sec. 110.** A new section is added to chapter 43.01
2 RCW to read as follows:

3 Employees of the Seattle Vocational Institute are exempt from RCW
4 43.01.040 through 43.01.044 until July 1, 1993.

5 NEW SECTION. **Sec. 111.** Related and supplemental instruction for
6 apprentices, coordination of instruction with job experiences, and the
7 selection and training of teachers and coordinators for such
8 instruction shall be the responsibility of the state board for
9 community and technical colleges and its local community and technical
10 colleges.

11 NEW SECTION. **Sec. 112.** A new section is added to chapter 41.56
12 RCW to read as follows:

13 In addition to the entities listed in RCW 41.56.020, this chapter
14 shall apply to classified employees of technical colleges as provided
15 for in section 83 of this act.

16 **Sec. 113.** RCW 28B.10.016 and 1977 ex.s. c 169 s 1 are each amended
17 to read as follows:

18 For the purposes of this title:

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

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

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

26 (4) "Institutions of higher education" or "postsecondary
27 institutions" means the state universities, the regional universities,

1 The Evergreen State College, ((and)) the community colleges, and the
2 technical colleges.

3 NEW SECTION. Sec. 114. There is hereby established the task
4 force on technical colleges appointed by the governor. The task force
5 shall be chaired by the director of the state board for community and
6 technical colleges. The task force shall consist of representatives of
7 the state board for community and technical colleges, community
8 colleges, and the directors of the vocational-technical institutes.
9 The purpose of the task force shall be to reach agreement on
10 transitional issues posed by the bringing together of technical
11 colleges and community colleges. The areas of agreement shall include
12 the district boundaries and service areas not specified on the
13 effective date of this section, for technical colleges that are not
14 specified on the effective date of this section and such other matters
15 as are assigned to the task force by chapter ---, Laws of 1991 (this
16 act). The director of the state board shall convene the task force
17 within thirty days after the appointment of the members. The task
18 force shall report on its final recommendations to the college board
19 and the governor by December 1, 1991. Those issues remaining in
20 dispute shall be settled by the governor or the governor's designee.

21 NEW SECTION. Sec. 115. Title to or all interest in real estate,
22 choses in action and all other assets, and liabilities including court
23 claims, including but not limited to assignable contracts, cash,
24 deposits in county funds (including any interest or premiums thereon),
25 equipment, buildings, facilities, and appurtenances thereto held as of
26 the effective date of this section by or for a school district and
27 obtained identifiably with federal, state, or local funds appropriated
28 for vocational-technical institutes purposes or postsecondary

1 vocational educational purposes, or used or obtained with funds
2 budgeted for postsecondary vocational educational purposes, or used or
3 obtained primarily for vocational-technical institute educational
4 purposes, shall, on the date on which the first board of trustees of
5 each district takes office, vest in or be assigned to the district
6 board. Cash, funds, accounts, or other deposits obtained or raised by
7 a school district to pay for indebtedness, bonded or otherwise,
8 contracted on or before the effective date of this section, for
9 vocational-technical institute purposes shall remain with and continue
10 to be, after February 2, 1992, an asset of the school district. Any
11 option acquired by the school district to purchase real property which
12 in the judgment of the school district will be used in the common
13 school program may remain with the school district notwithstanding that
14 such option was obtained in consideration of the purchase by such
15 school district of other property for vocational-technical institute
16 purposes. Unexpended funds of a common school district derived from
17 the sale, before the effective date of this section, of bonds
18 authorized for any purpose which includes vocational-technical
19 institute purposes and not committed for any existing construction
20 contract, shall remain with and continue to be an asset of such common
21 school district, unless within thirty days after said date such common
22 school district determines to transfer such funds to the board of
23 trustees.

24 NEW SECTION. **Sec. 116.** All powers, duties, and functions of the
25 school district pertaining to a vocational-technical institute are
26 transferred to the state board for community and technical colleges
27 until the establishment of local boards of trustees with authority for
28 the technical college. All references to the director or school
29 district in the Revised Code of Washington shall be construed to mean

1 the director or state board for community and technical colleges when
2 referring to the functions transferred in this section.

3 NEW SECTION. **Sec. 117.** All reports, documents, surveys, books,
4 records, files, papers, licenses, or written material in the possession
5 of the school district pertaining to the powers, functions, and duties
6 transferred shall be delivered to the custody of the state board for
7 community and technical colleges. All cabinets, furniture, office
8 equipment, motor vehicles, and other tangible property employed by the
9 school district in carrying out the powers, functions, and duties
10 transferred shall be made available to the state board for community
11 and technical colleges. All funds, credits, or other assets held in
12 connection with the powers, functions, and duties transferred shall be
13 assigned to the state board for community and technical colleges.

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

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

24 NEW SECTION. **Sec. 118.** All employees of the school district
25 engaged in performing the powers, functions, and duties transferred are
26 temporarily transferred to the jurisdiction of the state board for
27 community and technical colleges. The transfer of employees to the
28 state board for community and technical colleges shall not constitute

1 termination of employment or reductions in force by the school
2 districts and shall be excluded from the requirements of RCW
3 28A.405.210 through 28A.405.240 and 28A.405.300 through 28A.405.380.
4 Until the local board of trustees assumes control of the college, all
5 classified employees are assigned to the jurisdiction of the state
6 board for community and technical colleges to perform their usual
7 duties upon the same terms as formerly, without any loss of rights,
8 subject to any action that may be appropriate thereafter in accordance
9 with chapter 41.56 RCW.

10 NEW SECTION. **Sec. 119.** All rules and all pending business
11 before the school district pertaining to the powers, functions, and
12 duties transferred shall be continued and acted upon by the state board
13 for community and technical colleges. All existing contracts and
14 obligations shall remain in full force and shall be performed by the
15 state board for community and technical colleges.

16 NEW SECTION. **Sec. 120.** The transfer of the powers, duties,
17 functions, and personnel of the school district shall not affect the
18 validity of any act performed prior to the effective date of this
19 section.

20 NEW SECTION. **Sec. 121.** If apportionments of budgeted funds are
21 required because of the transfers directed by sections 117 through 120
22 of this act, the director of financial management shall certify the
23 apportionments to the agencies affected, the state auditor, and the
24 state treasurer. Each of these shall make the appropriate transfer and
25 adjustments in funds and appropriation accounts and equipment records
26 in accordance with the certification.

1 NEW SECTION. **Sec. 122.** All powers, duties, and functions of the
2 superintendent of public instruction pertaining to vocational-technical
3 institutes are transferred to the state board for community and
4 technical colleges. All references to the director or superintendent
5 of public instruction in the Revised Code of Washington shall be
6 construed to mean the director or state board for community and
7 technical colleges when referring to the functions transferred in this
8 section.

9 NEW SECTION. **Sec. 123.** All reports, documents, surveys, books,
10 records, files, papers, licenses, or written material in the possession
11 of the superintendent of public instruction pertaining to the powers,
12 functions, and duties transferred shall be delivered to the custody of
13 the state board for community and technical colleges. All cabinets,
14 furniture, office equipment, motor vehicles, and other tangible
15 property employed by the superintendent of public instruction in
16 carrying out the powers, functions, and duties transferred shall be
17 made available to the state board for community and technical colleges.
18 All funds, credits, or other assets held in connection with the powers,
19 functions, and duties transferred shall be assigned to the state board
20 for community and technical colleges.

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

25 Whenever any question arises as to the transfer of any personnel,
26 funds, books, documents, records, papers, files, equipment, or other
27 tangible property used or held in the exercise of the powers and the
28 performance of the duties and functions transferred, the director of

1 financial management shall make a determination as to the proper
2 allocation and certify the same to the state agencies concerned.

3 NEW SECTION. **Sec. 124.** All employees of the superintendent of
4 public instruction engaged in performing the powers, functions, and
5 duties transferred are transferred to the jurisdiction of the state
6 board for community and technical colleges. All employees classified
7 under chapter 41.06 RCW, the state civil service law, are assigned to
8 the state board for community and technical colleges to perform their
9 usual duties upon the same terms as formerly, without any loss of
10 rights, subject to any action that may be appropriate thereafter in
11 accordance with the laws and rules governing chapter 28B.16 RCW.

12 NEW SECTION. **Sec. 125.** All rules and all pending business
13 before the superintendent of public instruction pertaining to the
14 powers, functions, and duties transferred shall be continued and acted
15 upon by the state board for community and technical colleges. All
16 existing contracts and obligations shall remain in full force and shall
17 be performed by the state board for community and technical colleges.

18 NEW SECTION. **Sec. 126.** The transfer of the powers, duties,
19 functions, and personnel of the superintendent of public instruction
20 shall not affect the validity of any act performed prior to the
21 effective date of this section.

22 NEW SECTION. **Sec. 127.** If apportionments of budgeted funds are
23 required because of the transfers directed by sections 123 through 126
24 of this act, the director of financial management shall certify the
25 apportionments to the agencies affected, the state auditor, and the
26 state treasurer. Each of these shall make the appropriate transfer and

1 adjustments in funds and appropriation accounts and equipment records
2 in accordance with the certification.

3 NEW SECTION. **Sec. 128.** All funds appropriated by the
4 legislature in the capital budget for the 1991-93 biennium pertaining
5 to vocational-technical institutes and to community colleges are hereby
6 combined under the capital budget for the state board for community and
7 technical colleges, provided that funds appropriated in the 1991-93
8 biennium pertaining to vocational-technical institutes or technical
9 colleges shall be made available solely for the use of those entities.

10 NEW SECTION. **Sec. 129.** Capital and (RMI) projections for
11 vocational-technical institutes are hereby incorporated into the six-
12 year capital plan for community colleges that begins in the 1993-95
13 biennium and placed under the capital plans and projections for the
14 state board for community and technical colleges.

15 NEW SECTION. **Sec. 130.** All funds appropriated by the
16 legislature in the operating budget for the 1991-93 biennium pertaining
17 to vocational-technical institutes and to community colleges are
18 combined under the operating budget for the state board for community
19 and technical colleges, provided that funds appropriated in the 1991-93
20 biennium pertaining to vocational-technical institutes or technical
21 colleges shall be made available solely for the use of those entities.

22 NEW SECTION. **Sec. 131.** Title to or all interest in real estate,
23 choses in action, and all other assets and liabilities, including court
24 claims, including but not limited to assignable contracts, cash,
25 deposits in county funds (including any interest or premiums thereon),
26 equipment, buildings, facilities, and appurtenances thereto held as of

1 the effective date of this section by or for a school district and
2 obtained identifiably with federal, state, or local funds appropriated
3 for vocational-technical institute purposes or postsecondary vocational
4 educational purposes, or used or obtained with funds budgeted for
5 vocational-technical institute purposes or postsecondary vocational
6 education purposes, or used or obtained primarily for vocational
7 education purposes, and all liabilities including, but not limited to
8 court claims incurred on behalf of a vocational-technical institute by
9 a school district, shall, on the date on which the first board of
10 trustees of each college district takes office, vest in or be assigned
11 to the state board for community and technical colleges. Grounds that
12 have been used primarily as a playground for children shall continue to
13 be made available for such use.

14 Cash, funds, accounts, or other deposits obtained or raised by a
15 school district to pay for indebtedness, bonded or otherwise,
16 contracted on or before the effective date of this section for
17 vocational-technical institute purposes shall remain with and continue
18 to be, after the effective date of this section, an asset of the school
19 district.

20 Any option acquired by the school district to purchase real
21 property which in the judgment of the school district will be used in
22 the common school program may remain with the school district not
23 withstanding that such option was obtained in consideration of the
24 purchase by such school district of other property for vocational-
25 technical institute purposes.

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

1 For the purposes of this section and to facilitate the process of
2 allocating the assets, the board of directors of each school district
3 in which a vocational-technical institute is located, and the director
4 of each vocational-technical institute, shall each submit to the state
5 board of education, and the state board for community and technical
6 colleges within ninety days of the effective date of this section, an
7 inventory listing all real estate, personal property, choses in action,
8 and other assets, held by a school district which, under the criteria
9 of this section, will become the assets of the state board for
10 community and technical colleges.

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

21 The ultimate decision and approval with respect to the allocation
22 and dispositions of the assets and liabilities including court claims
23 under this section shall be made by a task force appointed by the
24 governor in consultation with the superintendent of public instruction
25 and the state board for community and technical colleges. Any issues
26 remaining in dispute shall be settled by the governor or the governor's
27 designee. The decision of the governor, the governor's designee, or
28 the task force may be appealed within sixty days after such decision is
29 issued by appealing to the district court of Thurston county. The
30 decision of the superior court may be appealed to the supreme court of

1 the state in accordance with the provision of the Administrative
2 Procedure Act, chapter 34.05 RCW.

3 NEW SECTION. **Sec. 132.** If, before the effective date of this
4 section, the use of a single building facility is being shared between
5 an existing vocational-technical institute program and a K-12 program,
6 the respective boards shall continue to share the use of the facility
7 until such time as it is convenient to remove one of the two programs
8 to another facility. The determination of convenience shall be based
9 solely upon the best interests of the students involved.

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

17 The board charged with the administration and control of such
18 facility may share expenses with the other board for the use of the
19 facility.

20 In the event that the two boards are unable to agree upon which
21 board is to administer and control the facility or upon a fair share of
22 expenses for the use of the facility, the governor shall appoint an
23 arbitrator to settle the matter. The decisions of the arbitrator shall
24 be final and binding upon both boards. The expenses of the arbitration
25 shall be divided equally by each board.

26 NEW SECTION. **Sec. 133.** All funds remaining from any public or
27 private grant, contract, or in various auxiliary enterprise accounts
28 for vocational-technical institute purposes shall be transferred to the

1 appropriate college district under the state board for community and
2 technical colleges once a district board of trustees has been
3 appointed.

4 NEW SECTION. **Sec. 134.** In the event a new college district is
5 created, the governor shall appoint new trustees to the district's
6 board of trustees in accordance with RCW 28B.50.100.

7 **Sec. 135.** RCW 43.19.190 and 1987 c 414 s 10 are each amended to
8 read as follows:

9 The director of general administration, through the state
10 purchasing and material control director, shall:

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

14 (2) Purchase all material, supplies, services, and equipment needed
15 for the support, maintenance, and use of all state institutions,
16 colleges, community colleges, technical colleges, college districts,
17 and universities, the offices of the elective state officers, the
18 supreme court, the court of appeals, the administrative and other
19 departments of state government, and the offices of all appointive
20 officers of the state: PROVIDED, That the provisions of RCW 43.19.190
21 through 43.19.1937 do not apply in any manner to the operation of the
22 state legislature except as requested by said legislature: PROVIDED,
23 That primary authority for the purchase of specialized equipment,
24 instructional, and research material for their own use shall rest with
25 the colleges, community colleges, and universities: PROVIDED FURTHER,
26 That universities operating hospitals and the state purchasing and
27 material control director, as the agent for state hospitals as defined
28 in RCW 72.23.010, and for health care programs provided in state

1 correctional institutions as defined in RCW 72.65.010(3) and veterans'
2 institutions as defined in RCW 72.36.010 and 72.36.070, may make
3 purchases for hospital operation by participating in contracts for
4 materials, supplies, and equipment entered into by cooperative hospital
5 service organizations as defined in section 501(e) of the Internal
6 Revenue Code, or its successor: PROVIDED FURTHER, That primary
7 authority for the purchase of materials, supplies, and equipment for
8 resale to other than public agencies shall rest with the state agency
9 concerned: PROVIDED FURTHER, That authority to purchase services as
10 included herein does not apply to personal services as defined in
11 chapter 39.29 RCW, unless such organization specifically requests
12 assistance from the division of purchasing in obtaining personal
13 services and resources are available within the division to provide
14 such assistance: PROVIDED FURTHER, That the authority for the purchase
15 of insurance and bonds shall rest with the risk manager under RCW
16 43.19.1935 as now or hereafter amended;

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

19 (4) Have authority to delegate to state agencies authorization to
20 purchase or sell, which authorization shall specify restrictions as to
21 dollar amount or to specific types of material, equipment, services,
22 and supplies: PROVIDED, That acceptance of the purchasing
23 authorization by a state agency does not relieve such agency from
24 conformance with other sections of RCW 43.19.190 through 43.19.1939, as
25 now or hereafter amended, or from policies established by the director
26 after consultation with the state supply management advisory board:
27 PROVIDED FURTHER, That delegation of such authorization to a state
28 agency, including an educational institution, to purchase or sell
29 material, equipment, services, and supplies shall not be granted, or
30 otherwise continued under a previous authorization, if such agency is

1 not in substantial compliance with overall state purchasing and
2 material control policies as established herein;

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

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

8 (7) Prescribe the manner in which supplies, materials, and
9 equipment purchased through the division shall be delivered, stored,
10 and distributed;

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

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

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

18 (11) Prepare rules and regulations governing the relationship and
19 procedures between the division of purchasing and state agencies and
20 vendors;

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

24 (13) Conduct periodic visits to state agencies, including
25 educational institutions, to determine if statutory provisions and
26 supporting purchasing and material control policies are being fully
27 implemented, and based upon such visits, take corrective action to
28 achieve compliance with established purchasing and material control
29 policies under existing statutes when required.

1 NEW SECTION. **Sec. 136.** Sick leave accumulated by employees of
2 vocational-technical institutes shall be transferred to the college
3 districts without loss of time subject to the provisions of RCW
4 28B.50.551 and the further provisions of any negotiated agreements then
5 in force.

6 NEW SECTION. **Sec. 137.** The state employees' benefit board shall
7 adopt rules to preclude any preexisting conditions or limitations in
8 existing health care service contracts for school district employees at
9 vocational-technical institutes transferred to the state board for
10 community and technical colleges. The board shall also provide for the
11 disposition of any dividends or refundable reserves in the school
12 district's health care service contracts applicable to
13 vocational-technical institute employees.

14 NEW SECTION. **Sec. 138.** If a school board has contracted to
15 redeem general obligation bonds used for the construction or
16 acquisition of facilities which are now to be under the administration,
17 control, and occupancy of the college district board, the school board
18 shall continue to redeem the bonds in accordance with the provisions of
19 the bonds.

20 NEW SECTION. **Sec. 139.** If a technical college is created after
21 the effective date of this section, that college may contract with an
22 adjacent college district for administrative services until such time
23 that an existing or new college district may assume jurisdiction over
24 the college.

25 NEW SECTION. **Sec. 140.** The legislature finds that the needs of
26 the work force and the economy necessitate enhanced vocational

1 education opportunities in secondary education including curriculum
2 which integrates vocational and academic education. In order for the
3 state's work force to be competitive in the world market, employees
4 need competencies in both vocational/technical skills and in core
5 essential competencies such as English, math, science/technology,
6 geography, history, and critical thinking. Curriculum which integrates
7 vocational and academic education reflects that many students learn
8 best through applied learning, and that students should be offered
9 flexible education opportunities which prepare them for both the world
10 of work and for higher education.

11 NEW SECTION. **Sec. 141.** The superintendent of public instruction
12 shall with the advice of the work force training and education
13 coordinating board develop model curriculum integrating vocational and
14 academic education at the secondary level. The curriculum shall
15 integrate vocational education for gainful employment with education in
16 the academic subjects of English, math, science/technology, geography,
17 and history, and with education in critical thinking. Upon completion,
18 the model curriculum shall be provided for consideration and use by
19 school districts.

20 NEW SECTION. **Sec. 142.** A new section is added to chapter 28A.320
21 RCW to read as follows:

22 As of the effective date of this section, school districts shall
23 not remove facilities, equipment, or property from the jurisdiction or
24 use of the technical colleges. This shall include direct and indirect
25 funds other than those indirect charges provided for in the 1990-91
26 appropriations act. School districts shall not increase direct or
27 indirect charges for central district administrative support for
28 technical college programs above the percentage rate charged in the

1 1990-91 school year. This provision on administrative charges for
2 technical college programs shall apply to any state and federal grants,
3 tuition, and other revenues generated by technical college programs.
4 School districts and the superintendent of public instruction shall
5 cooperate fully with the technical colleges and the state board for
6 community and technical colleges with regard to the implementation of
7 chapter ..., Laws of 1991 (this act). No employee of a technical
8 college may be discriminated against based on actions or opinions
9 expressed on issues surrounding chapter ..., Laws of 1991 (this act).
10 Any dispute related to issues contained in this section shall be
11 resolved under section 131 of this act.

12 NEW SECTION. **Sec. 143.** During the period from the effective
13 date of this section until September 1, 1991:

14 (1) The executive director of the state board for community and
15 technical colleges, or the executive director's designee, may enter
16 into contracts, or agreements for goods, services, and personnel, on
17 behalf of the technical college, which are effective after September 1,
18 1991. The executive director, or the executive director's designee,
19 may conduct business, including budget approval, relevant to the
20 operation of the technical college in the period subsequent to
21 September 1, 1991.

22 (2) Vocational-technical institute directors may conduct business
23 relevant to the operation of the vocational-technical institutes.
24 School boards and superintendents may not restrict or remove powers
25 previously delegated to the vocational-technical institute directors
26 during the 1990-91 school year.

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

1 As of September 1, 1991, technical colleges may, by interlocal
2 agreement, continue to purchase from the school districts, support
3 services within mutually agreed upon categories at a cost not to exceed
4 the indirect rate charged during the 1990-91 school year. No employee
5 of a technical college may be discriminated against based on actions or
6 opinions expressed on issues surrounding chapter ..., Laws of 1991
7 (this act). Any dispute related to issues contained in this section
8 shall be resolved under section 131 of this act.

9 NEW SECTION. **Sec. 144.** The colleges in each overlapping service
10 area shall jointly submit for approval to the state board for community
11 and technical colleges not later than December 1, 1991, a regional
12 planning agreement. The agreement shall provide for the ongoing
13 interinstitutional coordination of community and technical college
14 programs and services operated in the overlapping service area. The
15 agreement shall include the means for the adjudication of issues
16 arising from overlapping service areas. The agreement shall include a
17 definitive statement of mission, scope, and purpose for each college
18 including the nature of courses, programs, and services to be offered
19 by each college. The statement shall include a provision that the
20 technical colleges shall not offer courses designed for transfer to
21 baccalaureate granting institutions. This shall not preclude such
22 offerings provided through contracts or agreements with a community
23 college in the service area.

24 Any part of the agreement that is not approved by all the colleges
25 in the service area, shall be determined by the state board for
26 community and technical colleges. Approved regional planning
27 agreements shall be enforced by the full authority of the state board
28 for community and technical colleges. Changes to the agreement are
29 subject to state board approval.

1 For the purpose of creating and adopting a regional planning
2 agreement, the trustees of the colleges in Pierce county shall form a
3 county coordinating committee. The county coordinating committee shall
4 consist of eight members. Each college board of trustees in Pierce
5 county shall select two of its members to serve on the county
6 coordinating committee. The county coordinating committee shall not
7 employ its own staff, but shall instead utilize staff of the colleges
8 in the county. The regional planning agreement adopted by the county
9 coordinating committee shall include, but shall not be limited to: The
10 items listed in this section, the transfer of credits between technical
11 and community colleges, program articulation, and the avoidance of
12 unnecessary duplication in programs, activities, and services.

13 **Sec. 145.** RCW 28B.52.010 and 1987 c 314 s 1 are each amended to
14 read as follows:

15 It is the purpose of this chapter to strengthen methods of
16 administering employer-employee relations through the establishment of
17 orderly methods of communication between academic employees and the
18 ((community)) college districts by which they are employed.

19 It is the purpose of this chapter to promote cooperative efforts by
20 prescribing certain rights and obligations of the employees and
21 employers and by establishing orderly procedures governing the
22 relationship between the employees and their employers which procedures
23 are designed to meet the special requirements and needs of public
24 employment in higher education. It is the intent of this chapter to
25 promote activity that includes the elements of open communication and
26 access to information in a timely manner, with reasonable discussion
27 and interpretation of that information. It is the further intent that
28 such activity shall be characterized by mutual respect, integrity,

1 reasonableness, and a desire on the part of the parties to address and
2 resolve the points of concern.

3 **Sec. 146.** RCW 28B.52.020 and 1987 c 314 s 2 are each amended to
4 read as follows:

5 As used in this chapter:

6 (1) "Employee organization" means any organization which includes
7 as members the academic employees of a ((community)) college district
8 and which has as one of its purposes the representation of the
9 employees in their employment relations with the ((community)) college
10 district.

11 (2) "Academic employee" means any teacher, counselor, librarian, or
12 department head, who is employed by any ((community)) college district,
13 whether full or part time, with the exception of the chief
14 administrative officer of, and any administrator in, each ((community))
15 college district.

16 (3) "Administrator" means any person employed either full or part
17 time by the ((community)) college district and who performs
18 administrative functions as at least fifty percent or more of his or
19 her assignments, and has responsibilities to hire, dismiss, or
20 discipline other employees. Administrators shall not be members of the
21 bargaining unit unless a majority of such administrators and a majority
22 of the bargaining unit elect by secret ballot for such inclusion
23 pursuant to rules ((and regulations)) as adopted in accordance with RCW
24 28B.52.080.

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

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

28 (6) "Union security provision" means a provision in a collective
29 bargaining agreement under which some or all employees in the

1 bargaining unit may be required, as a condition of continued employment
2 on or after the thirtieth day following the beginning of such
3 employment or the effective date of the provision, whichever is later,
4 to become a member of the exclusive bargaining representative or pay an
5 agency fee equal to the periodic dues and initiation fees uniformly
6 required as a condition of acquiring or retaining membership in the
7 exclusive bargaining representative.

8 (7) "Exclusive bargaining representative" means any employee
9 organization which has:

10 (a) Been certified or recognized under this chapter as the
11 representative of the employees in an appropriate collective bargaining
12 unit; or

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

16 (8) "Collective bargaining" and "bargaining" mean the performance
17 of the mutual obligation of the representatives of the employer and the
18 exclusive bargaining representative to meet at reasonable times to
19 bargain in good faith in an effort to reach agreement with respect to
20 wages, hours, and other terms and conditions of employment, such as
21 procedures related to nonretention, dismissal, denial of tenure, and
22 reduction in force. Prior law, practice, or interpretation shall be
23 neither restrictive, expansive, nor determinative with respect to the
24 scope of bargaining. A written contract incorporating any agreements
25 reached shall be executed if requested by either party. The obligation
26 to bargain does not compel either party to agree to a proposal or to
27 make a concession.

28 In the event of a dispute between an employer and an exclusive
29 bargaining representative over the matters that are terms and

1 conditions of employment, the commission shall decide which items are
2 mandatory subjects for bargaining.

3 **Sec. 147.** RCW 28B.52.030 and 1987 c 314 s 3 are each amended to
4 read as follows:

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

9 **Sec. 148.** RCW 28B.52.035 and 1987 c 314 s 4 are each amended to
10 read as follows:

11 At the conclusion of any negotiation processes as provided for in
12 RCW 28B.52.030, any matter upon which the parties have reached
13 agreement shall be reduced to writing and acted upon in a regular or
14 special meeting of the boards of trustees, and become part of the
15 official proceedings of said board meeting. Provisions of written
16 contracts relating to salary increases shall not exceed the amount or
17 percentage established by the legislature in the appropriations act and
18 allocated to the board of trustees by the state board for community and
19 technical colleges ((education)). The length of term of any such
20 agreement shall be for not more than three fiscal years. Any
21 provisions of these agreements pertaining to salary increases will not
22 be binding upon future actions of the legislature. If any provision of
23 a salary increase is changed by subsequent modification of the
24 appropriations act by the legislature, both parties shall immediately
25 enter into collective bargaining for the sole purpose of arriving at a
26 mutually agreed upon replacement for the modified provision.

1 **Sec. 149.** RCW 28B.52.050 and 1971 ex.s. c 196 s 4 are each amended
2 to read as follows:

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

6 **Sec. 150.** RCW 28B.52.060 and 1987 c 314 s 9 are each amended to
7 read as follows:

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

11 In the event that any matter being jointly considered by the
12 employee organization and the board of trustees of the ((community))
13 college district is not settled by the means provided in this chapter,
14 either party, twenty-four hours after serving written notice of its
15 intended action to the other party, may, request the assistance and
16 advice of the commission. Nothing in this section prohibits an
17 employer and an employee organization from agreeing to substitute, at
18 their own expense, some other impasse procedure or other means of
19 resolving matters considered under this chapter.

20 **Sec. 151.** RCW 28B.52.070 and 1971 ex.s. c 196 s 6 are each amended
21 to read as follows:

22 Boards of trustees of ((community)) college districts or any
23 administrative officer thereof shall not discriminate against academic
24 employees or applicants for such positions because of their membership
25 or nonmembership in employee organizations or their exercise of other
26 rights under this chapter.

1 **Sec. 152.** RCW 28B.52.078 and 1987 c 314 s 13 are each amended to
2 read as follows:

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

14 **Sec. 153.** RCW 28B.52.090 and 1971 ex.s. c 196 s 8 are each amended
15 to read as follows:

16 Nothing in this chapter shall be construed to annul or modify, or
17 to preclude the renewal or continuation of, any lawful agreement
18 heretofore entered into between any ((community)) college district and
19 any representative of its employees.

20 **Sec. 154.** RCW 28B.52.200 and 1987 c 314 s 12 are each amended to
21 read as follows:

22 Nothing in chapter 28B.52 RCW as now or hereafter amended shall
23 compel either party to agree to a proposal or to make a concession, nor
24 shall any provision in chapter 28B.52 RCW as now or hereafter amended
25 be construed as limiting or precluding the exercise by each
26 ((community)) college board of trustees of any powers or duties
27 authorized or provided to it by law unless such exercise is contrary to
28 the terms and conditions of any lawful negotiated agreement, except

1 that other than to extend the terms of a previous contract, a board of
2 trustees shall not take unilateral action on any unresolved issue under
3 negotiation, unless the parties have first participated in good faith
4 mediation or some other procedure as authorized by RCW 28B.52.060 to
5 seek resolution of the issue.

6 **Sec. 155.** RCW 28B.52.210 and 1990 c 29 s 6 are each amended to
7 read as follows:

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

11 NEW SECTION. **Sec. 156.** The following acts or parts of acts are
12 each repealed:

- 13 (1) RCW 28B.50.055 and 1982 1st ex.s. c 30 s 10;
- 14 (2) RCW 28C.15.010 and 1987 c 492 s 1;
- 15 (3) RCW 28C.15.020 and 1987 c 492 s 2;
- 16 (4) RCW 28C.15.030 and 1987 c 492 s 3; and
- 17 (5) RCW 28C.15.900 and 1987 c 492 s 4.

18 NEW SECTION. **Sec. 157.** The following acts or parts of acts as
19 now existing or hereafter amended are each repealed effective October
20 1, 1991:

- 21 (1) RCW 28C.04.015 and 1990 c 188 s 1;
- 22 (2) RCW 28C.04.024 and 1990 c 188 s 2;
- 23 (3) RCW 28C.04.035 and 1990 c 188 s 3; and
- 24 (4) RCW 28C.04.045 and 1990 c 188 s 4.

25 NEW SECTION. **Sec. 158.** Each technical college shall have
26 written procedures which include provisions for the vocational

1 education of individuals with disabilities. These written procedures
2 shall include a plan to provide services to individuals with
3 disabilities, a written plan of how the technical college will comply
4 with relevant state and federal requirements for providing vocational
5 education to individuals with disabilities, a written plan of how the
6 technical college will provide on-site appropriate instructional
7 support staff in compliance with P.L. 94-142, and as since amended, and
8 section 504 of the rehabilitation act of 1973, and as thereafter
9 amended.

10 NEW SECTION. **Sec. 159.** Sections 140 and 141 of this act shall
11 constitute a new chapter in Title 28A RCW.

12 NEW SECTION. **Sec. 160.** Sections 14 and 15 of this act shall
13 constitute a new chapter in Title 50 RCW.

14 NEW SECTION. **Sec. 161.** Sections 2 through 7 of this act shall
15 constitute a new chapter in Title 28C RCW.

16 NEW SECTION. **Sec. 162.** Sections 16 through 18 of this act shall
17 constitute a new chapter in Title 28C RCW.

18 NEW SECTION. **Sec. 163.** Sections 19, 24 through 29, 77, 79, 82
19 through 84, 92 through 94, 100 through 103, 111, 134, 139, 143, 144,
20 and 158 of this act are each added to chapter 28B.50 RCW.

21 NEW SECTION. **Sec. 164.** RCW 28B.50.300 is decodified.

22 NEW SECTION. **Sec. 165.** If specific funding for the purposes of
23 this act, referencing this act by bill number, is not provided for

1 sections 93 through 101 and 156 of this act by June 30, 1993, in the
2 omnibus appropriations act, sections 93 through 101 and 156 of this act
3 shall be null and void.

4 NEW SECTION. **Sec. 166.** Sections 1 through 7, 14 through 19, 24
5 through 28, 33, 76 through 81, 85 through 111, 114, 140 through 144,
6 and 164 of this act are necessary for the immediate preservation of the
7 public peace, health, or safety, or support of the state government and
8 its existing public institutions.

9 Sections 33, 114, and 142 through 144 of this act shall take effect
10 immediately.

11 Sections 1 through 8, 14 through 19, 24 through 28, 76 through 81,
12 85 through 111, 140, 141, and 164 of this act shall take effect July 1,
13 1991.

14 Sections 20 through 23, 29 through 32, 34 through 75, 82 through
15 84, 112, 113, 115 through 139, and 145 through 158 of this act shall
16 take effect September 1, 1991.

17 Sections 8 through 13 of this act shall take effect October 1,
18 1991.

19 NEW SECTION. **Sec. 167.** If any provision of this act or its
20 application to any person or circumstance is held invalid, the
21 remainder of the act or the application of the provision to other
22 persons or circumstances is not affected.