

2 2SSB 5836 - S AMD
3 By Senator Anderson

4 NOT ADOPTED 3/11/93

5 On page 6, after line 21, insert the following:

6 NEW SECTION. **Sec. 7.** The higher education options program is
7 created to meet the implementation criteria in section 1 of this act.
8 The intent aims to further (1) increasing flexibility, (2) efficiency,
9 and (3) the quality of the state system of higher education. The
10 higher education options program will serve as a practical
11 implementation of the goals set forth in section 4 of this act by
12 providing the higher education coordinating board with the information
13 necessary to prepare its report on improving flexibility, quality, and
14 access.

15 NEW SECTION. **Sec. 8.** A new section is added to chapter 28B.10 RCW
16 to read as follows:

17 (1) The higher education options program establishes that all
18 institutions of higher education located in any county in the state
19 that contains a regional university, a community college, and a
20 technical college may determine the enrollment levels at their
21 respective institutions and purchase services or the delivery of
22 services through contracts with individuals or business entities in the
23 most efficient and cost-effective manner. For institutions eligible
24 for the higher education options program, the director of general
25 administration, through the state purchasing and material control
26 director established in RCW 43.19.180, shall be provided the highest
27 level of flexibility in the purchase of all materials, supplies,
28 services, and equipment necessary for the efficient support,
29 maintenance, repair, and use of all agencies and departments under RCW
30 43.19.190.

31 (2) Institutions of higher education located in counties described
32 in subsection (1) of this section shall not be subject to any
33 enrollment limitations or student quality standards or current
34 purchasing, personnel, and contracting limitations.

1 **Sec. 9.** RCW 28B.15.515 and 1991 c 353 s 1 are each amended to read
2 as follows:

3 (1) The boards of trustees of the community college districts may
4 operate summer schools on either a self-supporting or a state-funded
5 basis.

6 If summer school is operated on a self-supporting basis, the fees
7 charged shall be retained by the colleges, and shall be sufficient to
8 cover the direct costs, which are instructional salaries and related
9 benefits, supplies, publications, and records.

10 Community colleges that have self-supporting summer schools shall
11 continue to receive general fund state support for vocational programs
12 that require that students enroll in a four quarter sequence of courses
13 that includes summer quarter due to clinical or laboratory requirements
14 and for ungraded courses limited to adult basic education, vocational
15 apprenticeship, aging and retirement, small business management,
16 industrial first aid, and parent education.

17 (2)(a) The board of trustees of a community college district may
18 permit the district's state-funded, full-time equivalent enrollment
19 level, as provided in the operating budget appropriations act, to vary
20 by plus or minus two percent each fiscal year unless otherwise
21 authorized in the operating budget appropriations act. If the variance
22 is above the state-funded level, the district may charge those students
23 above the state-funded level a fee equivalent to the amount of tuition
24 and fees that are charged students enrolled in state-funded courses.
25 These fees shall be retained by the colleges.

26 (b) Any community college that in 1990-91 has an enrollment above
27 the state-funded level but below the authorized variance may increase
28 its excess enrollments to within the variance.

29 (c) Community colleges that currently have excess enrollments more
30 than the authorized variance, by means of enrollments that would have
31 otherwise been eligible for state funding, shall reduce those excess
32 enrollments to within the authorized variance by September 1, 1995, in
33 at least equal annual reductions, commencing with the 1991-92 fiscal
34 year.

35 (d) Except as permitted by (c) of this subsection, should the
36 number of student-supported, full-time equivalent enrollments in any
37 fiscal year fall outside the authorized variance, the college shall
38 return by September 1st to the state general fund, an amount equal to
39 the college's full average state appropriations per full-time

1 equivalent student for such student-funded full-time equivalent outside
2 the variance, unless otherwise provided in the operating budget
3 appropriations act.

4 (3) The state board for community and technical colleges
5 (~~education~~) shall ensure compliance with this section.

6 (4) This section shall not apply to a community or technical
7 college participating in the higher education options program
8 established in sections 7 and 8 of this act.

9 NEW SECTION. **Sec. 10.** A new section is added to chapter 28B.35
10 RCW to read as follows:

11 Regional universities in any county in the state that also contains
12 a community college and a technical college may exceed enrollment
13 limitations and may retain tuition locally to achieve the policy
14 attributes in section 1(2) and (3), chapter . . . , Laws of 1993
15 (section 1(2) and (3) of this act) as part of the higher education
16 options program created in sections 7 and 8 of this act.

17 **Sec. 11.** RCW 28B.16.040 and 1990 c 60 s 201 are each amended to
18 read as follows:

19 The following classifications, positions, and employees of
20 institutions of higher education and related boards are hereby exempted
21 from coverage of this chapter:

22 (1) Members of the governing board of each institution and related
23 boards, all presidents, vice presidents and their confidential
24 secretaries, administrative and personal assistants; deans, directors,
25 and chairmen; academic personnel; and executive heads of major
26 administrative or academic divisions employed by institutions of higher
27 education; and any employee of a community college district whose place
28 of work is one which is physically located outside the state of
29 Washington and who is employed pursuant to RCW 28B.50.092 and assigned
30 to an educational program operating outside of the state of Washington.

31 (2) Student, part time, or temporary employees, and part time
32 professional consultants, as defined by the higher education personnel
33 board, employed by institutions of higher education and related boards.

34 (3) The director, his or her confidential secretary, assistant
35 directors, and professional education employees of the state board for
36 community and technical colleges (~~education~~).

1 (4) The personnel director of the higher education personnel board
2 and his or her confidential secretary.

3 (5) The governing board of each institution, and related boards,
4 may also exempt from this chapter, subject to the employees right of
5 appeal to the higher education personnel board, classifications
6 involving research activities, counseling of students, extension or
7 continuing education activities, graphic arts or publications
8 activities requiring prescribed academic preparation or special
9 training, and principal assistants to executive heads of major
10 administrative or academic divisions, as determined by the higher
11 education personnel board(~~(: PROVIDED, That no nonacademic employee~~
12 ~~engaged in office, clerical, maintenance, or food and trade services~~
13 ~~may be exempted by the higher education personnel board under this~~
14 ~~provision))~~).

15 Any classified employee having civil service status in a classified
16 position who accepts an appointment in an exempt position shall have
17 the right of reversion to the highest class of position previously
18 held, or to a position of similar nature and salary.

19 A person occupying an exempt position who is terminated from the
20 position for gross misconduct or malfeasance does not have the right of
21 reversion to a classified position as provided for in this section.

22 **Sec. 12.** RCW 28B.16.240 and 1979 ex.s. c 46 s 1 are each amended
23 to read as follows:

24 (~~(Nothing contained in this chapter shall prohibit any))~~ An
25 institution of higher education, as defined in RCW 28B.10.016, ((or))
26 related board ((from purchasing services by contract with individuals
27 or business entities if such services were regularly purchased by valid
28 contract at such institution prior to April 23, 1979: PROVIDED, That
29 no such contract may be executed or renewed if it would have the effect
30 of terminating classified employees or classified employee positions
31 existing at the time of the execution or renewal of the contract)), and
32 all institutions of higher education participating in the higher
33 education options program, as established in sections 7 and 8 of this
34 act, may purchase services or the delivery of services through
35 contracts with individuals or business entities. The execution or
36 renewal of the contract must be in compliance with the provisions of
37 RCW 43.19.1906.

1 NEW SECTION. **Sec. 13.** Sections 7 through 12 of this act shall
2 expire June 30, 1997."

3 Renumber the remaining section consecutively.

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7 On page 1, line 1 of the title, after "28B.80.330" strike the
8 remainder of the title and insert ", 28B.15.515, 28B.16.040, and
9 28B.16.240; adding new sections to chapter 28B.80 RCW; adding a new
10 section to chapter 28B.10 RCW; adding a new section to chapter 28B.35
11 RCW; creating new sections; providing an effective date; and declaring
12 an emergency."

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