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**SENATE BILL 5904**

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**State of Washington                      53rd Legislature                      1993 Regular Session**

**By Senators Anderson and Oke**

Read first time 02/24/93. Referred to Committee on Higher Education.

1            AN ACT Relating to the higher education options program; amending  
2 RCW 28B.15.515, 41.06.380, 28B.16.040, and 28B.16.240; adding a new  
3 section to chapter 28B.10 RCW; adding a new section to chapter 28B.35  
4 RCW; creating new sections; providing an effective date; and declaring  
5 an emergency.

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

7            NEW SECTION.    **Sec. 1.** It is the intent of the legislature to  
8 improve the quality of and access to our institutions of higher  
9 education by expanding flexibility within the institutions of higher  
10 education through strategies that foster cost controls and increase  
11 quality and service levels through the use of free market enterprise  
12 competition.

13            NEW SECTION.    **Sec. 2.** This act shall be known as the higher  
14 education options program.

15            NEW SECTION.    **Sec. 3.** A new section is added to chapter 28B.10 RCW  
16 to read as follows:

1 (1) The higher education options program, hereby created,  
2 establishes that all institutions of higher education located in any  
3 county in the state that contains a regional university, a community  
4 college, and a technical college may determine the enrollment levels at  
5 their respective institutions and purchase services or the delivery of  
6 services through contracts with individuals or business entities in the  
7 most efficient and cost-effective manner.

8 (2) The director of general administration, through the state  
9 purchasing and material control director established in RCW 43.19.180,  
10 shall be provided the highest level of flexibility in the purchase of  
11 all materials, supplies, services, and equipment necessary for the  
12 efficient support, maintenance, repair, and use of all agencies and  
13 departments under RCW 43.19.190.

14 (3) Institutions of higher education located in counties described  
15 in subsection (1) of this section shall not be subject to any  
16 enrollment limitations or student quality standards or current  
17 purchasing, personnel, and contracting limitations.

18 **Sec. 4.** RCW 28B.15.515 and 1991 c 353 s 1 are each amended to read  
19 as follows:

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

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

27 Community colleges that have self-supporting summer schools shall  
28 continue to receive general fund state support for vocational programs  
29 that require that students enroll in a four quarter sequence of courses  
30 that includes summer quarter due to clinical or laboratory requirements  
31 and for ungraded courses limited to adult basic education, vocational  
32 apprenticeship, aging and retirement, small business management,  
33 industrial first aid, and parent education.

34 (2)(a) The board of trustees of a community college district may  
35 permit the district's state-funded, full-time equivalent enrollment  
36 level, as provided in the operating budget appropriations act, to vary  
37 by plus or minus two percent each fiscal year unless otherwise  
38 authorized in the operating budget appropriations act. If the variance

1 is above the state-funded level, the district may charge those students  
2 above the state-funded level a fee equivalent to the amount of tuition  
3 and fees that are charged students enrolled in state-funded courses.  
4 These fees shall be retained by the colleges.

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

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

14 (d) Except as permitted by (c) of this subsection, should the  
15 number of student-supported, full-time equivalent enrollments in any  
16 fiscal year fall outside the authorized variance, the college shall  
17 return by September 1st to the state general fund, an amount equal to  
18 the college's full average state appropriations per full-time  
19 equivalent student for such student-funded full-time equivalent outside  
20 the variance, unless otherwise provided in the operating budget  
21 appropriations act.

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

24 (4) This section shall not apply to a community or technical  
25 college participating in the higher education options program  
26 established in section 3, chapter ..., Laws of 1993 (section 3 of this  
27 act).

28 NEW SECTION. Sec. 5. A new section is added to chapter 28B.35 RCW  
29 to read as follows:

30 Regional universities in any county in the state that also contains  
31 a community college and a technical college may exceed enrollment  
32 limitations and may retain tuition locally as part of the higher  
33 education options program created in section 3 of this act.

34 **Sec. 6.** RCW 41.06.380 and 1979 ex.s. c 46 s 2 are each amended to  
35 read as follows:

36 ~~((Nothing contained in this chapter shall prohibit any department,~~  
37 ~~as defined in RCW 41.06.020, from purchasing services by contract with~~

1 ~~individuals or business entities if such services were regularly~~  
2 ~~purchased by valid contract by such department prior to April 23, 1979:~~  
3 ~~PROVIDED, That no such contract may be executed or renewed if it would~~  
4 ~~have the effect of terminating classified employees or classified~~  
5 ~~employee positions existing at the time of the execution or renewal of~~  
6 ~~the contract)) An institution of higher education may purchase services  
7 or the delivery of services through contracts with individuals or  
8 business entities. The execution or renewal of the contract must be in  
9 compliance with the provisions of RCW 43.19.1906.~~

10 **Sec. 7.** RCW 28B.16.040 and 1990 c 60 s 201 are each amended to  
11 read as follows:

12 The following classifications, positions, and employees of  
13 institutions of higher education and related boards are hereby exempted  
14 from coverage of this chapter:

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

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

27 (3) The director, his or her confidential secretary, assistant  
28 directors, and professional education employees of the state board for  
29 community and technical colleges ((education)).

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

32 (5) The governing board of each institution, and related boards,  
33 may also exempt from this chapter, subject to the employees right of  
34 appeal to the higher education personnel board, classifications  
35 involving research activities, counseling of students, extension or  
36 continuing education activities, graphic arts or publications  
37 activities requiring prescribed academic preparation or special  
38 training, and principal assistants to executive heads of major

1 administrative or academic divisions, as determined by the higher  
2 education personnel board(~~(: PROVIDED, That no nonacademic employee~~  
3 ~~engaged in office, clerical, maintenance, or food and trade services~~  
4 ~~may be exempted by the higher education personnel board under this~~  
5 ~~provision))).~~

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

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

13 **Sec. 8.** RCW 28B.16.240 and 1979 ex.s. c 46 s 1 are each amended to  
14 read as follows:

15 (~~(Nothing contained in this chapter shall prohibit any))~~ An  
16 institution of higher education, as defined in RCW 28B.10.016, or  
17 related board (~~(from purchasing services by contract with individuals~~  
18 ~~or business entities if such services were regularly purchased by valid~~  
19 ~~contract at such institution prior to April 23, 1979: PROVIDED, That~~  
20 ~~no such contract may be executed or renewed if it would have the effect~~  
21 ~~of terminating classified employees or classified employee positions~~  
22 ~~existing at the time of the execution or renewal of the contract))~~ may  
23 purchase services or the delivery of services through contracts with  
24 individuals or business entities. The execution or renewal of the  
25 contract must be in compliance with the provisions of RCW 43.19.1906.

26 NEW SECTION. **Sec. 9.** This act is necessary for the immediate  
27 preservation of the public peace, health, or safety, or support of the  
28 state government and its existing public institutions, and shall take  
29 effect July 1, 1993.

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