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HOUSE BILL 1328

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State of Washington

61st Legislature

2009 Regular Session

**By** Representatives Carlyle, Morrell, Maxwell, Eddy, Anderson, Green, VanDeWege, Sells, White, Hasegawa, Wallace, Dunshee, Priest, McCoy, Dickerson, Williams, Ormsby, Finn, Lias, Kelley, Probst, Kenney, Hunt, Kessler, Pettigrew, Haigh, Goodman, Ericks, Blake, Jacks, Angel, Driscoll, Schmick, Hudgins, Hunter, Moeller, Chase, Springer, Conway, Sullivan, Rolfes, Simpson, Campbell, Santos, and Roberts

Read first time 01/19/09. Referred to Committee on Higher Education.

1 AN ACT Relating to allowing public technical colleges to offer  
2 associate transfer degrees; amending RCW 28B.50.140; and creating a new  
3 section.

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

5 NEW SECTION. **Sec. 1.** It is the intent of the legislature to allow  
6 public technical colleges under the authority of the state board for  
7 community and technical colleges to offer associate transfer degrees  
8 that prepare students for professional bachelor's degrees.

9 **Sec. 2.** RCW 28B.50.140 and 2005 c 258 s 9 are each amended to read  
10 as follows:

11 Each board of trustees:

12 (1) Shall operate all existing community and technical colleges in  
13 its district;

14 (2) Shall create comprehensive programs of community and technical  
15 college education and training and maintain an open-door policy in  
16 accordance with the provisions of RCW 28B.50.090(3)(. ~~However,~~  
17 ~~technical colleges, and college districts containing only technical~~  
18 ~~colleges, shall maintain programs solely for occupational education,~~

1 ~~basic skills, and literacy purposes. For as long as a need exists,~~  
2 ~~technical colleges may continue those programs, activities, and~~  
3 ~~services they offered during the twelve-month period preceding~~  
4 ~~September 1, 1991));~~

5 (3) Shall employ for a period to be fixed by the board a college  
6 president for each community and technical college and, may appoint a  
7 president for the district, and fix their duties and compensation,  
8 which may include elements other than salary. Compensation under this  
9 subsection shall not affect but may supplement retirement, health care,  
10 and other benefits that are otherwise applicable to the presidents as  
11 state employees. The board shall also employ for a period to be fixed  
12 by the board members of the faculty and such other administrative  
13 officers and other employees as may be necessary or appropriate and fix  
14 their salaries and duties. Compensation and salary increases under  
15 this subsection shall not exceed the amount or percentage established  
16 for those purposes in the state appropriations act by the legislature  
17 as allocated to the board of trustees by the state board for community  
18 and technical colleges. The state board for community and technical  
19 colleges shall adopt rules defining the permissible elements of  
20 compensation under this subsection;

21 (4) May establish, under the approval and direction of the college  
22 board, new facilities as community needs and interests demand.  
23 However, the authority of boards of trustees to purchase or lease major  
24 off-campus facilities shall be subject to the approval of the higher  
25 education coordinating board pursuant to RCW 28B.76.230;

26 (5) May establish or lease, operate, equip and maintain  
27 dormitories, food service facilities, bookstores and other self-  
28 supporting facilities connected with the operation of the community and  
29 technical college;

30 (6) May, with the approval of the college board, borrow money and  
31 issue and sell revenue bonds or other evidences of indebtedness for the  
32 construction, reconstruction, erection, equipping with permanent  
33 fixtures, demolition and major alteration of buildings or other capital  
34 assets, and the acquisition of sites, rights-of-way, easements,  
35 improvements or appurtenances, for dormitories, food service  
36 facilities, and other self-supporting facilities connected with the  
37 operation of the community and technical college in accordance with the  
38 provisions of RCW 28B.10.300 through 28B.10.330 where applicable;

1 (7) May establish fees and charges for the facilities authorized  
2 hereunder, including reasonable rules and regulations for the  
3 government thereof, not inconsistent with the rules of the college  
4 board; each board of trustees operating a community and technical  
5 college may enter into agreements, subject to rules of the college  
6 board, with owners of facilities to be used for housing regarding the  
7 management, operation, and government of such facilities, and any board  
8 entering into such an agreement may:

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

11 (b) Employ necessary employees to govern, manage and operate the  
12 same;

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

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

28 (10) May make rules for pedestrian and vehicular traffic on  
29 property owned, operated, or maintained by the district;

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

34 (12) May grant to every student, upon graduation or completion of  
35 a course of study, a suitable diploma, degree, or certificate.  
36 Technical colleges (~~shall~~) may offer (~~only~~) technical degrees under  
37 the rules of the state board for community and technical colleges that  
38 are appropriate to their workforce education and training mission. The

1 primary purpose of these degrees is to lead the individual directly to  
2 employment in a specific occupation. Technical colleges may ((not))  
3 offer transfer degrees that prepare students for professional  
4 bachelor's degrees, subject to rules adopted by the college board. In  
5 adopting rules, the college board, where possible, shall create  
6 consistency between community and technical colleges and may address  
7 issues related to tuition and fee rates; tuition waivers; enrollment  
8 counting, including the use of credits instead of clock hours; degree  
9 granting authority; or any other rules necessary to offer associate  
10 transfer degrees that prepare students for professional bachelor's  
11 degrees. Only pilot colleges under RCW 28B.50.810 may award  
12 baccalaureate degrees. The board, upon recommendation of the faculty,  
13 may also confer honorary associate of arts degrees upon persons other  
14 than graduates of the community college, in recognition of their  
15 learning or devotion to education, literature, art, or science. No  
16 degree may be conferred in consideration of the payment of money or the  
17 donation of any kind of property;

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

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

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

36 (16) Notwithstanding any other provision of law, may offer  
37 educational services on a contractual basis other than the tuition and  
38 fee basis set forth in chapter 28B.15 RCW for a special fee to private

1 or governmental entities, consistent with rules adopted by the state  
2 board for community and technical colleges: PROVIDED, That the whole  
3 of such special fee shall go to the college district and be not less  
4 than the full instructional costs of such services including any salary  
5 increases authorized by the legislature for community and technical  
6 college employees during the term of the agreement: PROVIDED FURTHER,  
7 That enrollments generated hereunder shall not be counted toward the  
8 official enrollment level of the college district for state funding  
9 purposes;

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

24 (18) Shall be authorized to pay dues to any association of trustees  
25 that may be formed by the various boards of trustees; such association  
26 may expend any or all of such funds to submit biennially, or more often  
27 if necessary, to the governor and to the legislature, the  
28 recommendations of the association regarding changes which would affect  
29 the efficiency of such association;

30 (19) May participate in higher education centers and consortia that  
31 involve any four-year public or independent college or university:  
32 PROVIDED, That new degree programs or off-campus programs offered by a  
33 four-year public or independent college or university in collaboration  
34 with a community or technical college are subject to approval by the  
35 higher education coordinating board under RCW 28B.76.230; and

36 (20) Shall perform any other duties and responsibilities imposed by

1 law or rule of the state board.

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