

# HOUSE BILL REPORT

## E2SSB 5194

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### As Passed House - Amended:

April 9, 2021

**Title:** An act relating to providing for equity and access in the community and technical colleges.

**Brief Description:** Concerning equity and access in higher education.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Liias, Hasegawa, Das, Hunt, Keiser, Nguyen and Wilson, C.).

### Brief History:

#### Committee Activity:

College & Workforce Development: 3/22/21, 3/24/21 [DPA];  
Appropriations: 3/31/21, 4/1/21 [DPA(CWD)].

#### Floor Activity:

Passed House: 4/9/21, 60-38.

### Brief Summary of Engrossed Second Substitute Bill (As Amended By House)

- Requires community and technical colleges (CTCs) to develop diversity, equity, and inclusion strategic plans.
- Requires full implementation of Guided Pathways at all CTCs and requires an evaluation of Guided Pathways by the Washington State Institute for Public Policy.
- Establishes a goal for increasing full-time tenured faculty positions by 200 in the 2021-23 biennium at the CTCs.
- Creates a pilot program to provide grants to CTCs to increase student access to mental health counseling and services.
- Establishes minimum hiring standards for CTC faculty counselors.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

- Modifies residency requirements for undocumented students.

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## HOUSE COMMITTEE ON COLLEGE & WORKFORCE DEVELOPMENT

**Majority Report:** Do pass as amended. Signed by 7 members: Representatives Slatter, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Hansen, Paul, Pollet and Sells.

**Minority Report:** Do not pass. Signed by 5 members: Representatives Chambers, Ranking Minority Member; Chandler, Hoff, Kraft and Sutherland.

**Minority Report:** Without recommendation. Signed by 1 member: Representative Jacobsen, Assistant Ranking Minority Member.

**Staff:** Megan Mulvihill (786-7304).

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** Do pass as amended by Committee on College & Workforce Development. Signed by 18 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp, Cody, Dolan, Fitzgibbon, Frame, Hansen, Johnson, J., Lekanoff, Pollet, Ryu, Senn, Stonier, Sullivan and Tharinger.

**Minority Report:** Do not pass. Signed by 4 members: Representatives Dye, Harris, Hoff and Schmick.

**Minority Report:** Without recommendation. Signed by 10 members: Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke, Caldier, Chandler, Jacobsen, Rude and Steele.

**Staff:** Kate Henry (786-7349).

### **Background:**

#### Diversity, Equity, and Inclusion.

The State Board for Community and Technical Colleges (SBCTC) has adopted a diversity, equity, and inclusion (DEI) work plan which includes developing hiring resources, analyzing cultural climate resources, creating professional development opportunities, and identifying opportunities for the SBCTC to act as a leader on DEI activities. There are 20 community and technical colleges (CTCs) that have diversity and equity officers as part of the Diversity and Equity Officers Commission, a newly formed group leading strategic equity efforts across the CTC sector.

### Guided Pathways.

The Guided Pathways program is a research-based approach that simplifies higher education choices for students. Courses are grouped together to form clear paths within chosen fields to get students through college and into careers. Guided Pathways provides students with targeted advising to help them stay on their chosen path and evaluates learning outcomes as students progress down a path. Guided Pathways is being implemented to some degree at each of the 34 CTCs.

### Counselors.

Counselors in the CTC system are considered academic employees and faculty appointments for purposes of tenure and collective bargaining. There is no statutory definition of "counselor" for purposes of CTC employees, and there are no statutorily prescribed minimum requirements for a person to be employed as a counselor at a CTC.

### Community and Technical College Counselors Task Force.

In 2019 Engrossed Substitute House Bill 1355 established the Community and Technical Colleges Counselors Task Force (Task Force). The Task Force was required to address how the CTCs will meet the mental health needs of students and to examine three issues: minimum standards required for counselors, staffing ratios, and best practices. The Task Force's subcommittee on best practices recommended a list of eight strategies to improve student access to mental health services. Those strategies are:

- improve equity, diversity, and inclusion in counseling services;
- meet mental health needs of students through an all-campus effort;
- engage students to help increase mental health awareness;
- increase visibility of counseling services on campus;
- increase or expand external partnerships with community service providers;
- adopt the use of telebehavioral health;
- develop an assessment of counseling services to inform improvements and ensure counseling services are meeting student needs; and
- implement counseling approaches, grounded in theory, that have evidence of being effective.

### 1079 Category of Resident Student.

The Legislature passed House Bill 1079 (HB 1079) in 2003, allowing eligible undocumented students to pay in-state tuition at state universities and colleges if they:

- received a high school diploma or the equivalent in Washington;
- lived in the state for at least three calendar years prior to receiving their diploma or equivalent; and
- continuously lived in the state since receiving their high school diploma and until enrolling in a higher education institution.

Eligible students must provide the institution an affidavit indicating they will file an application to become a permanent resident at the earliest opportunity and are willing to

engage in other activities necessary to acquire citizenship including, but not limited to, citizenship or civics courses.

### **Summary of Amended Bill:**

#### Diversity, Equity, and Inclusion Strategic Plan.

Beginning July 30, 2022, all CTCs must submit to the SBCTC strategic plans for achieving diversity, equity, and inclusion on their campuses. The strategic plan development must include stakeholders, such as faculty, staff, students, and community organizations. The plans must be publicly posted online and define key terms, such as "diversity," "equity," "inclusion," and "culturally appropriate." In addition, the CTCs must include opportunities for students from historically marginalized communities to form student-based organizations and establish culturally appropriate outreach programs in their diversity program. The SBCTC must develop a model faculty diversity program to aid in recruitment and retention of faculty from diverse backgrounds.

#### Guided Pathways.

Subject to appropriation, each CTC must fully implement Guided Pathways. At a minimum, Guided Pathways implementation must include:

- comprehensive mapping of educational pathways;
- dedicated advising and career counseling;
- data analytics to measure student learning and program outcomes; and
- student success support infrastructure that is evidence-based with a focus on closing equity gaps among historically underserved populations.

Each college must define and conspicuously post definitions online for key terms in Guided Pathways program documents and reports.

The Washington State Institute for Public Policy, in consultation with the Workforce Education Investment Accountability and Oversight Board, must complete an evaluation of Guided Pathways. The evaluation must address the effectiveness of Guided Pathways on improving student outcomes. A preliminary report is due December 15, 2023, and a final report is due on December 15, 2029.

#### Tenure-Track Faculty.

In the 2021-23 biennium the Legislature intends to convert 200 part-time faculty positions to full-time faculty positions. The SBCTC must collect data and assess the impact of the additional full-time tenure-track faculty positions on student outcomes. The SBCTC must report the results of the assessment, along with next-step recommendations, to the Legislature by December 15, 2023. The SBCTC must conspicuously post online and include in the report definitions for key terms including "diversity," "equity," "inclusion," and "culturally competent."

#### Mental Health Counselor Grant Program and Minimum Standards.

The SBCTC must establish a pilot program to increase student access to mental health counseling and services. The SBCTC must provide grants to the CTCs, at least half of which must be located outside the Puget Sound area, to implement one or more strategies to increase access to mental health counseling and services. The CTCs wishing to participate must apply and demonstrate: (1) a commitment to further developing partnerships by engaging with external community providers; (2) opportunities to expand on-campus mental health counseling and services; and (3) plans to implement one or more of the eight strategies identified by the Task Force. A selection committee must assist the SBCTC with the application selection process. The CTCs selected to participate who wish to hire additional mental health counselors with the grant funding must hire counselors with graduate-level training. Colleges selected for the pilot program must conspicuously post, and include in the report to the Legislature, definitions for key terms including diversity, equity, inclusion, and culturally competent. A report on the pilot program is due to the Legislature by November 1, 2023.

#### Minimum Counselor Standards.

Within existing resources, and beginning September 1, 2021, the SBCTC must establish minimum hiring standards for faculty counselors. These must include a requirement for new hires to have a graduate or professional degree in a related field and completion of appropriate graduate coursework, and other standards as established by the SBCTC. The minimum standards do not apply to an individual employed by a CTC as a counselor before September 1, 2021. In addition, counselors who were employed at a CTC before September 1, 2021, that move to employment at another CTC may carry the exemption with them.

#### Modifications to Residency Statute.

The HB 1079 category of resident student, which allows individuals to qualify for residency for the purpose of in-state tuition rates and state financial aid programs, is expanded. To qualify, the individual needs to have a high school diploma or equivalent and have lived in Washington for at least one year before being admitted to an institution of higher education. The Undocumented Student Support Loan Program's residency definition is updated to reflect the change in the residency statute.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

#### **Staff Summary of Public Testimony (College & Workforce Development):**

(In support) This is multifaceted legislation supported by a diverse coalition of students and leaders. The CTCs will be better equipped to assist students and ensure students have access to higher education, support on campus, and are taught by diverse faculty. There are

barriers that disproportionately affect students of color, and the most important challenge facing the Black, Indigenous, and people of color population is education. Too many students are pushed out before they finish their education. This proposal helps address structural racism. The CTCs would be required to have a diversity, equity, and inclusion strategic plan. Asian American hate has escalated with the COVID-19 pandemic, but if a student has a safe space to turn to where there are others dealing with the same issues, it helps. Race does not cease to exist in any space, but addressing it can help students focus on academics. Lack of diversity in faculty impacts students, and research shows that students do better academically when they learn from people who look like them, yet only 20 percent of CTC faculty are people of color. In addition, full-time faculty are more available to help students feel connected to their school, which increases completion rates. There is a need for more full-time faculty, while at the same time recognizing that part-time faculty are invaluable. Adjunct faculty receive lower pay and have precarious positions.

This legislation also corrects a discrepancy in residency for in-state tuition and student aid. With this change, students who fall into the resident student category under HB 1079 would be treated the same as Dreamers. Many families are paying three times the cost of in-state tuition to attend college. If a student has to be in the state for three years before high school graduation to qualify for residency, many will never qualify. The additional support for undocumented students is appreciated, and it will help individuals get jobs and become participants in the state's economy.

The state is in a mental health crisis. Colleges play a critical part in this as more students are experiencing trauma, grief, and depression during the pandemic. The need for mental health services is at a critical level, and staffing is woefully inadequate. Some colleges do not have counseling available. The pilot program would provide students with clinically trained counselors on campus, which is the best place for students to receive services.

The Legislature is encouraged to increase the full-time faculty numbers beyond 200 per biennium. It would be great if it were 200 per year for the next three years. Guided Pathways should be funded, and the pilot program for increasing access to mental health should be funded for eight pilot locations.

(Opposed) There are concerns around sections three and five of the bill. Section five adds more tenure-track, full-time faculty. This might have been appropriate in the 1970's when adjunct faculty use by the colleges was just beginning. Adding more full-time faculty now will not work. The real solution would be to correct issues surrounding adjunct faculty. There is no evidence to suggest that full-time faculty are inherently better than part-time.

Washington voters rejected Referendum Measure No. 88 because they did not want an overarching prescription around college hiring practices. How does this legislation comply with what the voters asked for? When it comes to data collection, how will personal information be protected? How will the cost for these new programs be covered?

### **Staff Summary of Public Testimony (Appropriations):**

(In support) This bill is critical equity and economic recovery legislation. Currently, too many students who start at a community or technical college and do not finish are students of color. By including these additional supports, more students will complete their degree. The budget includes many supports needed to implement this bill. Students of color need a bit more help to succeed at the community and technical colleges and the investments in this bill is that help. Community and technical colleges should be the best place for students. We are in a mental health crisis and the campus services, specifically for traditionally underrepresented students, has not kept up with demand. Trained and culturally sensitive counselors are imperative. Counselors and advisors are both vital for student support.

(Opposed) This bill is mean; it would fire part-time faculty at community and technical colleges. The conversions would not be the people, but positions. Unions have continued to run this bill; instead, institutions should pay part-time faculty better. There is no credible evidence that full-time faculty are more successful than part-time faculty. The bill is silent on the point of part-time or full-time faculty workload.

**Persons Testifying (College & Workforce Development):** (In support) Senator Liias, prime sponsor; Dulce Estrada, Everett Community College; Xochitl Lopez, Connection Bridge Club, Yakima Valley College; Mya Leonhard and Nicole Wilson, Highline College and Communities For Our Colleges Coalition; Guillermo Rogel, Statewide Poverty Action Network; Lizbeth Rivera, Wenatchee Valley College; Isaac Tchao, Shoreline Community College; Jaspreet Singh, Faith Action Network; Heidi Matlack, Yakima Valley College, Grandview; Ivan Harrell, Tacoma Community College; Lucinda Young, Washington Education Association; Devon Connor-Green, Washington Black Lives Matter Alliance; Dustin Leonhard, Highline College; Carolyn Brotherton, American Federation of Teachers, Washington; Bernal Baca, Washington State Commission on Hispanic Affairs; and Kayla Perez, American Federation of Teachers Local 4603 and South Puget Sound Community College.

(Opposed) Jack Longmate, Washington Part-Time Faculty Association; and Sarah Davenport-Smith, Family Policy Institute of Washington.

**Persons Testifying (Appropriations):** (In support) Lizbeth Rivera, Wenatchee Valley College and Communities for Our Colleges; Mya Leonhard, Green River College and Communities for Our Colleges; Nicole Wilson, Highline College and Communities for Our Colleges; and Arlen Harris, State Board for Community and Technical Colleges.

(Opposed) Keith Hoeller and Jack Longmate, Washington Part-Time Faculty Association.

**Persons Signed In To Testify But Not Testifying (College & Workforce Development):** None.

**Persons Signed In To Testify But Not Testifying (Appropriations):** None.