

# SENATE BILL REPORT

## E2SSB 5194

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As Passed Senate, March 8, 2021

**Title:** An act relating to equity and access in higher education.

**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:** Higher Education & Workforce Development: 1/21/21, 2/04/21 [DPS-WM, DNP].

Ways & Means: 2/19/21, 2/22/21 [DP2S, DNP, w/oRec].

**Floor Activity:** Passed Senate: 3/8/21, 30-19.

### Brief Summary of Engrossed Second Substitute Bill

- Requires development of a diversity, equity, and inclusion strategic plan.
- Defines required elements of Guided Pathways implementation and requires a WSIPP evaluation.
- Provides for hiring 200 full-time faculty over three years.
- Creates a grant program for additional mental health counselors.
- Modifies residency requirements.

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## SENATE COMMITTEE ON HIGHER EDUCATION & WORKFORCE DEVELOPMENT

**Majority Report:** That Substitute Senate Bill No. 5194 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member; Liias.

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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.*

**Minority Report:** Do not pass.  
Signed by Senator Ericksen.

**Staff:** Alicia Kinne-Clawson (786-7407)

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## SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** That Second Substitute Senate Bill No. 5194 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Conway, Darneille, Dhingra, Hasegawa, Hunt, Keiser, Liias, Pedersen, Van De Wege and Wellman.

**Minority Report:** Do not pass.

Signed by Senators Wilson, L., Ranking Member; Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital; Gildon, Wagoner and Warnick.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Braun, Carlyle, Mullet, Muzzall and Rivers.

**Staff:** Michele Alishahi (786-7433)

**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.

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. The SBCTC is implementing Guided Pathways at CTCs as a pilot. Six colleges were chosen for the pilot, and five additional colleges will be selected this year.

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.

1079 Standard. The Legislature passed HB 1079 in 2003, allowing eligible undocumented students to pay in-state tuition at state universities and colleges if they meet all of the

following criteria:

- received a diploma from a high school or the equivalent in Washington State;
- 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.

Eligible students must provide, to 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 Engrossed Second Substitute Bill: Diversity, Equity, and Inclusion Strategic Plan.** Beginning in 2022, all CTCs must submit to the SBCTC strategic plans for achieving diversity, equity, and inclusion on their campuses. The plans must be publicly posted and define key terms including diversity, equity, inclusion, and culturally appropriate. The process must include stakeholders from diverse groups. The state board must develop a model faculty diversity program to aid in recruitment and retention of faculty from diverse backgrounds.

**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 with a focus on closing equity gaps among historically underserved populations.

Each college must define and conspicuously post definitions for key terms in guided pathways program documents and reports.

The Washington State Institute for Public Policy must complete a study of guided pathways with a preliminary report due in 2023 and a final report due in 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 state board must collect data and assess the impact of these conversions on student outcomes. The report must be conspicuously posted and include definitions for key terms including diversity, equity, inclusion, and culturally competent.

**Mental Health Counselor Grant Program and Minimum Standards.** The State Board for Community and Technical Colleges (SBCTC) must establish a pilot program to increase student access to mental health counseling and services. The SBCTC must provide grants to CTCs, with at least half located outside the Puget Sound area, to implement one or more strategies to increase access to mental health counseling and services. 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.

Within existing resources, the state board must establish minimum faculty-counselor standards. These must include a graduate or professional degree in a specified fields, completion of appropriate graduate coursework, and other standards as determined by the state board.

Undocumented Student Loan Program. Residency requirements are modified to require one year of Washington State residency.

Modifications to Residency Statute. The 1079 standard is modified to allow students to be resident students for the purposes of aid and tuition if they have lived in Washington for at least one year.

**Appropriation:** The bill contains a section or sections to limit implementation to the availability of amounts appropriated for that specific purpose.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill (Higher Education & Workforce Development):** *The committee recommended a different version of the bill than what was heard.* PRO: This is a proposal focused on expanding access for all students in our community and technical colleges. Our students are intellectually capable but the reasons why we see challenges to attaining a credential are all the obstacles in the way for disadvantaged students including students of color, students with disabilities, low-income students, and first generation students. This is our to-do list in the coming years—to have more wraparound services, more counseling, more aid, more full-time faculty, and equal access to student aid. My enrollment at Clark College has changed the direction of my life and also my family's life. Too many students can not complete their course of study. This bill offers research based solutions for the struggles students face. Racial inequalities can not be overcome without significant invests in the system. This bill would expand equity in our system and help some of our most vulnerable populations. The targeted academic advising in this bill will help close the equity gap for first-general, low-income, and students of color. As a non-traditional student I did not know about financial aid and did not think I could qualify. Getting help to students who qualify is important and please make this important investment into equity. Faculty counselors are a vital service to student success. This bill takes the next steps in meeting the needs identified by the Legislature two years ago for more faculty counselors. I attend Centralia College and the lack of racial diversity of faculty does not match the student populations served by our colleges. This bill begins to address this issue by developing systems of retention and recruitment for faculty of color. Students from diverse cultures will succeed more regularly if the faculty look more like

them. Access to childcare is vital to working students and necessary to promote equity in the system. As an undocumented student I have to pay nonresident tuition and it is overwhelming. This bill provides a remedy to help me afford college. This bill makes investments in the faculty workforce and in faculty that will better reflect the students that we serve.

CON: The roundtable has set a goal that 70 percent of Washington's students receive a credential. The things identified in this bill are things we have also identified as important. However, we want these things to be better connect with current guided pathways efforts. In addition, the cap on advanced computing businesses was part of a carefully negotiated bill and we oppose removing it.

OTHER: We have concerns about lifting the cap on the tax that was negotiated just two years ago. However, we are not opposed to the bill because one of our AWB priorities is to support education efforts that are culturally responsive and improve equity in our systems. This bill is going very much in that direction. I fully support the vision and agree with the need to invest further in our colleges. Diversity, equity, and inclusion are priorities for our colleges. But, I have concerns about the fixed staffing ratios in this bill and think that those decisions would be better left to our local boards to make decisions that reflect the needs of the communities they serve. Our local communities look to our colleges to design programs that serve those needs and its imperative our colleges retain the ability to do that. We appreciate the goals in this bill but have concerns about how the bill seeks to achieve them.

**Persons Testifying (Higher Education & Workforce Development):** PRO: Senator Marko Liias, Prime Sponsor; Mya Leonhard; Dulce Estrada, Everett Community College; Ibrahim Dembele, Community for Our Colleges; Brooke Zimmers, Shoreline Community College; Erin Gibbons, Coalition for our Colleges; Sunshine Cheng, Communities for Our Colleges; Yadira Chavez, Yakima Valley College, Connection Bridge Club; Nyla Coleman, Communities for Our Colleges; Odalis Medellin, Communities for Our Colleges Coalition; Mark Gorecki, American Federation of Teachers; Lizbeth Gonzalez Vasquez; Jocelyn Granados, Washington Immigrant Solidarity Network; Josiah Joner, Clark College/Communities for Our Colleges; Sara Bukair, Seattle Central College; Dustin Leonhard, Highline College student; Warren Bacote-Wilson; Paul Bell.

CON: Neil Strege, Washington Roundtable.

OTHER: Jan Yoshiwara, State Board for Community and Technical Colleges; John Mosby, Highline College; Doug Mah, South Puget Sound Community College; Dave Mastin, Association of Washington Business; Athrettis Brown, Young Business Men and Women.

**Persons Signed In To Testify But Not Testifying (Higher Education & Workforce Development):** PRO: AFT Washington, Communities for Our Colleges Coalition; Lizbeth Rivera, Communities for Our Colleges; Laurevi Gonzales, Seattle Central College; Samantha Nelson, Renton Technical College; Miguel Rojas, Yakima Valley College; DeLon Lewis, Everett Community College; Laura Pelayo; Maryam Nuraliyeva, Seattle

Central College; Devon Connor-Green, The Washington Black Lives Matter Alliance; Jackline Castro; Sioeli (Joe) Laupati; Michael Tuncap, Faculty, Washington CTCs; Natalie Hoss.

**Staff Summary of Public Testimony on First Substitute (Ways & Means):** *The committee recommended a different version of the bill than what was heard.* PRO: There has been a huge shift in the ratio of part-time to full-time faculty and as a result it is more difficult to build a report with your teachers. I am in support of this bill because I would like to make sure that our teachers are paid adequately and that students have access to faculty in a meaningful way. Access to counselors is critical. This bill establishes pilot programs that help all students, particularly students of color, get access to the support services they need. This bill will help provide the wraparound services that students, especially low-income and students of color need to be successful. The chance to participate in college was a life altering event for me. Colleges need the resources to be able to support more students. Our colleges have been deeply engaged in work around diversity, equity, and inclusion. Thank you for the changes to the bill that make this more workable for the colleges. Many of our students are juggling work and family. The purposes of guided pathways are to remove the impediments that may delay students from achieving their goals. We want to make sure our colleges are not putting up barriers to students. We welcome the evaluation in section 4 but we think it may duplicate requirements from HB 2158. Our concern is that the elements to be examined may go beyond what were charged to implement. We worked with the sponsor to make some changes to the full time faculty section that align with the state boards goals. Many of the faculty in our colleges are adjuncts and this bill will advance equal pay for equal work. This bill will help our institutions more adequately reflect the students that we serve.

**Persons Testifying (Ways & Means):** PRO: Lizbeth Rivera-Estrada, Communities for Our Colleges Coalition; Jaspreet Singh, Faith Action Network; Dulce Estrada, Everett Community College; Xochitl Lopez, Connection Bridge Club, Yakima Valley College; Mina Zavary, Washington Bus; Dr. Ivan Harrell, Tacoma Community College; Gary Locke, Bellevue College; Dr. Tim Stokes, South Puget Sound Community College; Kayla Perez, AFT, South Puget Sound Community College; Laurevi Gonzales, Seattle Central College; Sakara Remmu, The Washington Black Lives Matter Alliance.

**Persons Signed In To Testify But Not Testifying (Ways & Means):** No one.