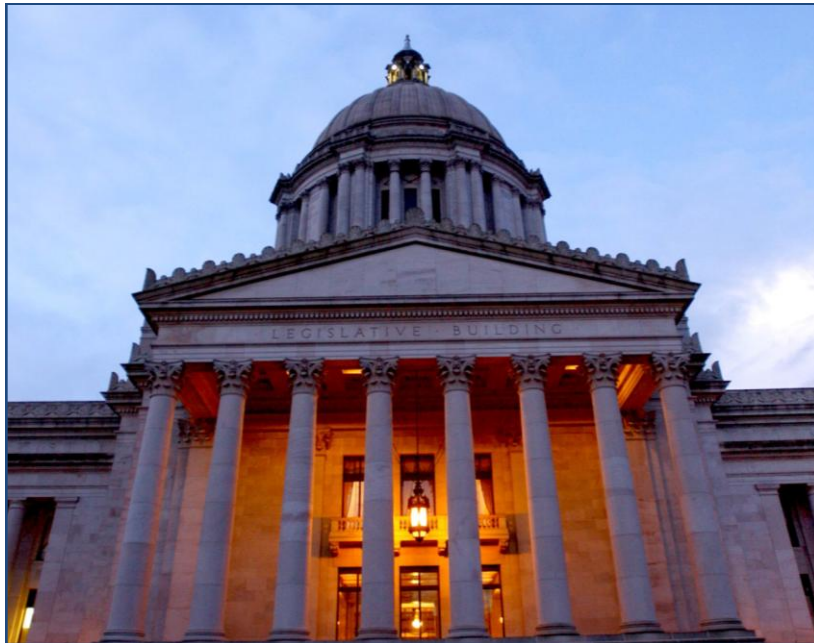


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# Legislative Bill Summary Community and Technical Colleges 2010 Regular Session

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**61ST WASHINGTON STATE LEGISLATURE**





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# Administration and Governance

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**61ST WASHINGTON STATE LEGISLATURE  
2010 REGULAR SESSION**



# SHB 2684

## Establishing opportunity centers at community colleges

<b>SPONSOR:</b>	Kenney	<b>EFFECTIVE DATE:</b>	June 10, 2010
<b>STATUS:</b>	Chapter 40, 2010 Laws	<b>STAFF CONTACT:</b>	Tina Bloomer

### Background:

The Legislature's Capital Budget of 2003 called for "the State Board for Community and Technical Colleges (SBCTC) to conduct a study, with input from an advisory committee, on the feasibility and benefits of establishing one-stop satellite offices co-locating the Employment Security Department (ESD) and the Department of Social and Health Services (DSHS) on community college campuses."

The Legislature's intent was to improve service delivery to shared clients/students of the two-year colleges, the DSHS, and the ESD; to improve employment outcomes for people struggling to achieve self-sufficiency and prosperity for their families; and to make better use of tax dollars by locating these services in facilities owned by the state rather than in leased buildings.

The SBCTC formed an advisory committee that included representatives from the ESD, the DSHS, and the Workforce Development Councils (WDC) and worked throughout 2004 to conduct focus groups and interviews with various stakeholder groups. The advisory committee recommended moving forward with a pilot at North Seattle Community College.

Based on their study, the advisory group indicated that this co-location model had the potential to use state resources more effectively and to enhance service delivery through the integration of services needed by working-age adults.

### Effect:

An Opportunity Education and Employment Center (Center) is established within the Seattle Community College district. The Center will house various educational and social service providers that will integrate access to employment, counseling, and public benefit programs as well as education, training, financial aid, and counseling offered through community colleges. The Center is required to form partnerships that will enhance service provision.

The Center is required to provide the following services: ESD and WDC WorkSource services; job listing, referral, and placement; job coaching; employment counseling, testing, and career planning; Unemployment Insurance claim filing assistance; cash

grant programs run by the DSHS; the Supplemental Nutrition Assistance Program; housing assistance; child support assistance; child care subsidies; WorkFirst and Temporary Assistance to Needy Families; state General Assistance and Supplemental Security Income facilitation; Vocational Rehabilitation services and referrals; Medicaid and medical services; alcoholism and drug addiction treatment and support act referrals; case management and mental health referrals; community college financial aid; support services; college counseling services related to career pathways and basic-skills resources for English language learners; high school completion; and adult basic education.

The Center is additionally responsible for jointly developing evaluation criteria with the SBCTC. By December 1, 2011, and annually thereafter, the SBCTC must provide an evaluation of existing Centers based on these criteria. The report must also include data on any federal and state legislative barriers to integration.

The Chancellor of the Seattle Community College district must convene a workgroup (Workgroup) that is charged with governing the Center. The Workgroup must include representatives of the King County WDC, North Seattle Community College, the ESD, and the DSHS. Each year a chair will be chosen from among the Workgroup's membership, with the chairmanship rotating among participating agencies.

The Workgroup is tasked with determining protocols and policies for service delivery and general operation, developing cross-agency training for agency employees located at the Center, and developing a plan to establish a common information-technology framework that could facilitate interagency access to files and information, including any common application and screening systems that facilitate access. The plan developed by the Workgroup must be accomplished within existing resources and to the extent federal privacy laws allow.

In addition, the Workgroup must also develop a release of information form that may be voluntarily completed by Center clients to facilitate information sharing and compliance with all applicable state and federal laws.

Agencies are required to apply for any applicable waivers of federal and state law to facilitate the intended goals of the Center. By December 1, 2010, the SBCTC must make recommendations on the location of a new Center. If future Centers are created, they will be governed by the Workgroup.

### **Votes on Passage:**

	<b>Yeas</b>	<b>Nays</b>
<b>House</b>	<b>61</b>	<b>36</b>
<b>Senate</b>	<b>30</b>	<b>17</b>

**Governor Signed, March 12, 2010**

# E2SHB 2782

## Concerning the security lifeline act

<b>SPONSOR:</b>	Dickerson	<b>EFFECTIVE DATE:</b>	March 29, 2010 July 1, 2010 (Section 10)
<b>STATUS:</b>	Chapter 8, 2010 Laws, 1 <sup>st</sup> Special Session PV	<b>STAFF CONTACT:</b>	Marie Bruin

### Background:

#### Access to Benefits

Individuals may apply for and renew public assistance benefits online from their home and from kiosks located in the waiting areas in the offices of the Department of Social and Health Services (DSHS). The benefits available through this online service access application include food assistance, cash assistance, medical assistance, drug or alcohol treatment, assisted living, child care, and in-home care.

Since the summer of 2009, the DSHS has been working with a steering committee composed of nonprofit organizations, government agencies, and community organizations to develop a web-based benefits portal to allow eligible persons to apply for and access additional benefits such as energy assistance, federal student aid, housing assistance, and others. A Request for Proposals is being developed, and the steering committee is seeking private funding for the portal project.

#### Food Stamp Employment and Training Program

The Food Stamp Employment and Training Program (Program) was established and administered through the Employment Security Department and the DSHS pursuant to a provision in the Washington Administrative Code. Recipients of assistance under the Basic Food Program, unless they are exempt, are required to participate in the Program.

Participants engage in job search workshops and receive assistance in job placement. Emphasis in the Program is given to participants who have been assessed as needing basic education, a General Equivalency Diploma (GED), English as a second language, or vocational training in order to increase their opportunity for employment. Currently 12 community colleges participate in the Program.

#### General Assistance Program

The General Assistance Program (General Assistance) is a public assistance program for low income individuals. Recipients are eligible for a cash grant, food assistance, and medical care, including mental health care. Individuals who are eligible for General Assistance are not eligible for other federal assistance other than food assistance, and they are incapacitated from gainful employment because of a physical or mental

infirmity that will likely continue for at least 90 days. If the infirmity is primarily due to a drug or alcohol addiction, a person is not eligible for General Assistance. The monthly cash grant amount for general assistance is \$339.

## **Effect:**

### **Opportunity Portal**

The Secretary of the DSHS will act as the executive branch sponsor of the portal planning process. The DSHS must:

- identify and select an appropriate solution and acquisition approach to integrate technology systems for a user-friendly electronic tool for Washington residents to apply for benefits;
- facilitate the adaptation of state information technology systems to allow applications for benefits generated through the Opportunity Portal and other compatible electronic application systems to seamlessly link to state information systems;
- ensure that the Opportunity Portal provides access to state, federal, and local services which include health care services, higher education financial aid, tax credits, civic engagement, nutrition assistance, energy assistance, family support, and disability lifeline benefits;
- maximize collaboration with community-based organizations to facilitate use by low-income individuals and families;
- provide access to the Opportunity Portal through many and varied locations;
- maximize available federal and private funds for the development and initial operation of the Opportunity Portal; and
- determine a solution and acquisition approach by June 1, 2010.

### *Paperless Application Processes*

The DSHS must develop a plan for implementing paperless application processes for the services included in the Opportunity Portal. The plan should include the goal of achieving the transition of the services offered through the Opportunity Portal to paperless application processes by July 1, 2012.

### *Funding and Contracting*

The Secretary of the DSHS must seek private funding for the development and initial operation of the Opportunity Portal. Incidental costs to state agencies are to be derived from existing resources. If private funding sufficient to implement and operate the Opportunity Portal is not secured by December 31, 2010, the section authorizing its implementation becomes null and void. Any contract that DSHS enters into to implement the Opportunity Portal must be performance-based.

### *Reporting*

The DSHS must submit an annual report to the Legislature and the Governor regarding implementation, outcomes, and use of the Opportunity Portal. The first report is due on December 1, 2011.

### **Expanding the Basic Food Employment and Training Program**

The DSHS, the Employment Security Department, and the State Board for Community and Technical Colleges must work in a partnership to expand the Basic Food Employment and Training Program (Program). Subject to federal approval, the Program will be expanded to three additional community colleges or other community-based locations in 2010 and will expand the capacity of the 12 currently participating colleges.

The agencies working in partnership must seek out community organizations that can provide support services and case management to participants in the Program, and they must identify funds with which to draw down federal matching funds for employment and training services. Support services provided by community-based organizations must supplement, and not replace, the positions or work of employees of the DSHS.

Employment and training funds may be allocated for skill development for employment, vocational education, English as a second language, job readiness, tuition, housing, counseling, transportation, and other services.

#### *Reporting*

The DSHS must annually track and report outcomes, including federal funding received, the number of participants served, completion rates, wages, and other outcome-related data. The report must be submitted to the Governor and appropriate legislative committees on November 1 of each year, beginning in 2010.

### **Disability Lifeline Program**

The General Assistance Program is renamed the "Disability Lifeline Program." All of the eligibility requirements and conditions that were in place for the General Assistance Program, including the cash benefit amount, remain in place. An individual may not continue to receive Disability Lifeline benefits if he or she refuses without good cause to participate in needed treatment or other program services. Good cause includes an emotional or physical disability that prevents participation or the unavailability of treatment.

The DSHS must adopt medical criteria for Disability Lifeline incapacity determinations to ensure that the eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information. The standard for incapacity is not intended to be as stringent as the federal Supplemental Security Income (SSI) disability standards. In any event, the criteria for eligibility must not be more restrictive than the standards for federal SSI standards. Any eligibility decision which rejects uncontroverted medical opinion must set forth clear and convincing reasons for such action.

There are additional provisions contained in the Disability Lifeline Program:

#### *Eligibility Time Limits*

As of September 1, 2010, a person will not be eligible to receive Disability Lifeline benefits for more than 24 months in a 5-year period. This time limit is retroactive, and applies to persons already receiving benefits. The months spent receiving General

Assistance-Unemployable (GA-U) benefits prior to the effective date of the act will be counted towards the 24-month limit. Months spent on the Disability Lifeline or the GAU expedited program or the General Disability Lifeline or GA programs under the categories of aged, blind, or disabled do not count toward the 24-month limit.

By July 1, 2010, the DSHS must review the cases of all persons who have received Disability Lifeline or GA-U benefits for at least 20 months as of that date. The review should determine whether the person meets the federal SSI income disability standard and whether the receipt of additional services could lead to employability. Beginning on September 1, 2010, the DSHS must review clients who have been receiving benefits for more than 12 months as of that date. If the DSHS identifies a need for additional services, it must provide case management services such as assistance with transportation or housing to facilitate access to needed services. A person may not be deemed to have exceeded the time limit unless he or she has received a case review.

The time-limit provisions of the act expire June 30, 2013.

#### *Early Supplemental Security Income Transition Project*

The DSHS must implement the Early Supplemental Security Income Transition Project (Project) starting in King, Pierce, and Spokane counties. The program in these three counties must be implemented no later than July 1, 2010 and extend statewide no later than October 1, 2011, and must use performance-based contracts.

The Project must systematically screen Disability Lifeline applicants to determine whether they are likely eligible for federal SSI. The Project must also maintain a centralized appointment and clinical data system and assist persons receiving Disability Lifeline Benefits with obtaining additional medical or behavioral health examinations needed to meet the federal SSI disability standard. Persons under this Project who are found to be likely eligible for federal Supplemental Security Income (SSI) will be moved into the Disability Lifeline Expedited program.

The Project will have the following performance goals:

- persons receiving Disability Lifeline benefits should be screened within 30 days of entering the Project to determine the propriety of their transfer to the Disability Lifeline Expedited program; and
- 75 percent of persons receiving Disability Lifeline benefits that appear likely to qualify for federal SSI benefits must be transferred to the Disability Lifeline Expedited program within four months of their application for Disability Lifeline benefits.

By December 1, 2011, the DSHS must report to the Governor and the appropriate policy and fiscal committees regarding the project's performance goals.

#### *Housing Voucher Program*

The Department of Commerce and the DSHS must jointly develop a Housing Voucher (HV) Program. To the greatest extent possible, the housing resources provided by the HV Program must follow the supportive housing model. The Department of Commerce must administer the HV Program and identify the current supply of private and public

housing, including acquisition and rental of existing housing stock. The Department of Commerce must develop funding strategies and design the HV Program to maximize the ability of the DSHS to recover federal funding.

Applicants who are homeless and have been assessed as needing chemical dependency or mental health treatment, or both, must agree as a condition of eligibility to accept a housing voucher in place of a cash grant if a voucher is available. The dollar-value of the housing voucher is established by the DSHS and may differ from the value of the cash grant. Persons receiving a housing voucher will also receive a \$50 cash stipend per month. Persons who refuse to accept a housing voucher, but are otherwise eligible for Disability Lifeline Benefits, remain eligible for medical care services benefits.

If the Department of Commerce determines that sufficient housing is not available, persons who are homeless and have mental health or chemical dependency needs will receive a cash grant instead of a housing voucher.

The Department of Commerce and the DSHS must evaluate the impact of the use of the housing vouchers and report to the Governor and Legislature by November 30, 2012, regarding supply, affordability, appropriateness, and use of housing; outcomes; participation in chemical dependency or mental health treatment; contact with law enforcement; use of hospital emergency room services; and commitments under the Involuntary Treatment Act.

#### *Referral to the Division of Vocational Rehabilitation*

The Economic Services Administration (ESA) must work jointly with the Division of Vocational Rehabilitation (DVR) to develop an assessment tool to determine whether the programs offered by the DVR could assist persons receiving Disability Lifeline benefits in returning to the work force.

The assessment tool must be completed no later than December 1, 2010. The ESA must begin using the tool no later than January 1, 2011. By December 10, 2011, the Department must report on the use of the tool and the success of DVR programs in returning persons to the work force.

#### *Referral to the Department of Veterans Affairs*

During the application process for Disability Lifeline benefits, the DSHS must inquire whether the applicant has ever served in the U.S. military. For any applicant who has served, the DSHS must confer with a veteran's benefit specialist with the Washington State Department of Veterans Affairs to determine whether the applicant is eligible for any benefits or programs offered by either the state or federal government.

#### *Basic Health Plan Enrollment*

Individuals who have lost eligibility for Disability Lifeline Program benefits due to improvements in their health status and who are eligible for subsidized basic health coverage must be given high priority for enrollment in the Basic Health Plan.

*Access to Chemical Dependency Treatment*

If the DSHS or an entity that has contracted with the DSHS to provide medical care services to Disability Lifeline Program clients determines that chemical dependency treatment is necessary to improve a client's health status for transition to employment or transition to federal disability benefits, the DSHS or the contracting entity must give the client high priority to enroll in chemical dependency treatment within funds appropriated for chemical dependency treatment. The first priority goes to pregnant women and parents. This requirement expires on June 30, 2013.

*Report by the Washington State Institute for Public Policy*

By December 1, 2012, the Washington State Institute for Public Policy (WSIPP) must submit a report to the Governor and the Legislature that analyzes the experience of persons terminated from Disability Lifeline Benefits. The report must include: the number of persons terminated who transferred to federal SSI benefits; the number of persons who became employed; the rate of use of hospital emergency room services; arrest and criminal conviction data; mortality rate; and whether the case review and performance goal standards of the Early Supplemental Security Income Transition Project have been met.

**Funding for the Act**

The provisions of this act must be implemented within the amounts appropriated specifically for this purpose in the State Omnibus Operating Appropriations Act.

**Partial Veto Summary:** The Governor vetoed the section which gives priority to former Disability Lifeline clients for enrollment the Basic Health Plan.

**Votes on Passage:**

	<b>Yeas</b>	<b>Nays</b>
<b>House</b>	<b>57</b>	<b>40</b>
<b>Senate</b>	<b>28</b>	<b>16</b>

**Governor Signed, March 29, 2010**

# HB 2858

## Regarding the purchasing authority of institutions of higher education

<b>SPONSOR:</b>	Appleton	<b>EFFECTIVE DATE:</b>	June 10, 2010
<b>STATUS:</b>	Chapter 61, 2010 Laws	<b>STAFF CONTACT:</b>	Chuck Greenough

### Background:

As agencies of Washington, the institutions of higher education have been granted statutory authority by the Legislature in many areas concerning general operation and administration. The enabling statutes that establish each institution and proscribe powers and duties to the various boards of regents or trustees each contain provisions that authorize the boards to delegate powers and duties to the president or his or her designee. Each has adopted specific delegations governing procurement transactions.

The Revised Code of Washington (RCW) contains several chapters that deal specifically with how the procurement process will occur. They are as follows:

#### **RCW 43.19**

Establishes the state procurement code. Each of the institutions has several elements of authority granted to it in 43.19: (1) "The primary authority for the purchase of specialized equipment, instructional, and research material for their own use;" (2) authority to conduct all other purchases in accordance with the requirements of RCW 43.19, regardless of whether Washington has mandatory use contracts in place for the goods or services required; (3) the purchase of materials, supplies, and equipment for resale to other than public agencies rests with the institutions; and (4) certain provisions are stated which allow for acquisitions other than through the formal sealed-bid process. These include: purchases from legitimate sole sources, purchases from non-profit cooperative hospital group purchasing organizations, and emergency purchases.

#### **RCW 39.29**

Personal Service contracts are governed by RCW 39.29 and require that institutions must conduct these contracts in accordance with regulations adopted by the Washington State Office of Financial Management.

#### **RCW 43.78**

The institutions are given discretion whether to use the services of the state printer. Often times, the governing board delegates authority to conduct acquisitions of printing services to a particular department. For instance, at the University of Washington, the power is delegated to the University's Publications Services Department.

**RCW 43.105**

The Department of Information Services (DIS) adopts regulations and delegates authority to individual agencies for conducting the acquisitions of data processing and communications goods and services. The institutions have been delegated authority by the DIS to conduct all such acquisitions, with review required by the DIS for only the largest acquisitions. Current law authorizes cooperative purchasing to Washington but only with other federal and state governmental entities. A number of universities and colleges throughout the United States participate in group purchasing organization contracts established by consortia of universities or other entities and realize significant savings due to the combined purchasing power from member institutions.

**Effect:**

The institutions of higher education are authorized to make purchases that are governed by the state procurement code, state regulations regarding personal service contracts, the state printer, and the DIS, through group purchasing organizations.

**Votes on Passage:**

	<b>Yeas</b>	<b>Nays</b>
<b>House</b>	<b>97</b>	<b>0</b>
<b>Senate</b>	<b>40</b>	<b>0</b>

**Governor Signed, March 15, 2010**

# E2SHB 3141

## Regarding delivery of Temporary Assistance for Needy Families

<b>SPONSOR:</b>	Kagi	<b>EFFECTIVE DATE:</b>	June 10, 2010
<b>STATUS:</b>	Chapter 273, 2010 Laws	<b>STAFF CONTACT:</b>	Marie Bruin

### Background:

#### Temporary Assistance for Needy Families

The Temporary Assistance for Needy Families (TANF) program is administered with federal block grant funding, appropriated to the Department of Social and Health Services (DSHS) by the Legislature. Federal law permits the use of TANF funding for the following purposes:

- to provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives;
- to end the dependence of needy parents on government benefits by promoting job preparation, work, and marriage;
- to prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies; and
- to encourage the formation and maintenance of two-parent families.

Washington's TANF program is called WorkFirst. Under WorkFirst, recipients receive a comprehensive evaluation prior to referral to job search activities. The evaluation is facilitated by a WorkFirst specialist and covers a broad range of topics. Information obtained through the evaluation process is used to develop an individual responsibility plan (IRP) for the recipient. The IRP includes an employment goal, a plan for obtaining employment as quickly as possible, and a description of services to remove barriers to employment and to enable the recipient to obtain and keep employment. Federal law requires states to include a job search component in their TANF programs.

Washington's job search component calls for 12 weeks of job search and the focus of the program is work. A household may receive TANF benefits for up to a lifetime maximum of 60 months, unless an adult qualifies for one of the following exemptions permitted by federal law:

- caregiver age 55 or older;
- caregiver for an adult who is disabled;
- caregiver for a child who is disabled or who has special needs;
- adult who is disabled and not eligible for Social Security Disability Insurance;
- adult in process of applying for Social Security Disability Insurance or Supplemental Security Income;

- adult addressing family violence issues; or
- adult caring for an infant under 1 year of age.

A household also may be exempt from the 60-month time limit on the basis of hardship. A state may exempt a total of up to 20 percent of its total TANF caseload from the 60-month time limit.

Preliminary data from the current TANF caseload indicates that an estimated 5,000 households have received TANF services for 61 or more months and are not eligible for an exemption on a basis other than hardship. Approximately 87 percent of these households are headed by a single adult. Of all the one-adult households, over 90 percent are mothers who collectively are raising approximately 10,000 children, half of whom are under 8 years of age. An introductory analysis of educational levels of mothers in these single-adult households reflects that approximately 30 percent have less than a high school diploma and another 40 percent have only a high school diploma.

#### Working Connections Child Care Program

The Working Connections Child Care program (WCCC) provides child care subsidies to child care providers serving working families with incomes at or below 200 percent of the federal poverty level. In addition to low-income working families, WCCC subsidies also may be paid to providers on behalf of:

- families receiving TANF who are enrolled in approved activities; and
- parents under age 22, not on TANF, and enrolled in high school or a General Education Development (GED) program.

The Economic Services Administration (ESA) within the DSHS has responsibility for verifying families' eligibility to receive WCCC subsidies. Under policies adopted by the Department of Early Learning (DEL), eligibility determinations for WCCC subsidies are effective for a period of three or six months, after which a reauthorization process is conducted to determine continued eligibility.

Changes that can result in a family becoming ineligible for subsidies include:

- an increase in income;
- the loss of a job or a temporary lay-off;
- not keeping current with the obligation to make the monthly co-payment to the provider;
- not providing notice of changes in the family's circumstances within the time frames required; or
- not providing all documentation requested at the time of the reauthorization.

When a family loses eligibility for a WCCC subsidy, it may result in the child experiencing a change in caregiver and environment if, when eligibility is reinstated, the child's enrollment slot has already been filled by another child.

## Effect:

### Temporary Assistance for Needy Families

The primary goal of the TANF program is economic self-sufficiency for families through unsubsidized employment. The WorkFirst job search requirements are modified to require consideration of the applicant's marketable job skills, attachment to the labor force, and level of education or training when determining the length of time job search is required. The TANF wage subsidy program is named the Community Jobs Program.

The WorkFirst subcabinet will collaborate with the Governor and reevaluate the WorkFirst program in the context of Legislative intent regarding the focus of the WorkFirst program. The reevaluation also will reflect consideration of research relating to family economic self-sufficiency and completion of adequate training and education programs. The subcabinet will develop a proposal for the Legislature to redesign the state's use of the TANF funding in a manner that makes optimum use of all funds available to promote more families moving out of poverty to sustainable self-sufficiency. The proposal is due December 1, 2010, and must include:

1. a process for reassessing persons who are unable to achieve sustainable self-sufficiency through employment after a prolonged period;
2. a plan for referring persons who have been unsuccessful in finding sustainable employment to the Community Jobs Program; and
3. a schedule for developing and implementing three pathways to family self-sufficiency that will be used to guide case management and engage parents early in developing a comprehensive plan to achieve self-sufficiency while addressing families' current basic needs. The pathways must address the needs of:
  - persons with no barriers to employment who have work experience, education, or attachment to the job force;
  - persons who have barriers to employment, no work experience, or little education or skills; and
  - persons who are disabled or caring for a disabled child or family member.

The WorkFirst subcabinet is required to adopt the goal of increasing the percentage of TANF recipients who eventually are able to increase household earnings to a level that is at or above 200 percent of the federal poverty level. The proposal for redesigning delivery of TANF-funded programs also must delineate specific strategies to achieve the goal.

Beginning December 1, 2010, and annually thereafter, the OFM, in consultation with other state agencies, must report to the Governor and the Legislature with estimates of:

- the percentage of Washington residents with income at or above 200 percent FPL; and
- the percentage of WorkFirst clients who have achieved earning at or above 200 percent FPL.

Working Connections Child Care Program

Beginning in Fiscal Year 2011, for families with children enrolled in the Early Childhood Education Assistance Program (ECEAP), Head Start, or Early Head Start, the subsidy authorization will be valid for 12 months unless a change in circumstances requires a reauthorization sooner. The DEL will report to the Legislature by September 1, 2011, with:

- an analysis of the impact of the twelve month authorization period on the stability of child care, program costs, and administrative savings; and
- recommendations to expand the application of the twelve month authorization period to additional populations of children in care.

**Votes on Passage:**

	<b>Yeas</b>	<b>Nays</b>
<b>House</b>	<b>57</b>	<b>38</b>
<b>Senate</b>	<b>27</b>	<b>20</b>

**Governor Signed, April 1, 2010**

# SSB 6355

## Expanding the higher education system upon proven demand

<b>SPONSOR:</b>	Kilmer	<b>EFFECTIVE DATE:</b>	June 10, 2010
<b>STATUS:</b>	Chapter 245, 2010 Laws	<b>STAFF CONTACT:</b>	Jan Yoshiwara

### Background:

The 2008 Strategic Master Plan for Higher Education identifies Washington's need for a higher education system capable of delivering many more degrees, especially at the baccalaureate and graduate levels. In 2009 the Legislature, faced with inconsistent information and demands regarding how to best expand the higher education system, directed the Higher Education Coordinating Board (HECB) to conduct a system design planning project with the object of defining how the current higher education delivery system could be shaped and expanded to best meet the needs of Washington citizens and businesses for high quality and accessible post-secondary education.

The HECB published the results of the system design planning project in December 2009. The System Design Plan's recommendations include: (1) making strategic use of existing capacity at the branch campuses, centers, and comprehensive institutions to broaden the geographic availability of baccalaureate education; (2) when new capacity is proposed, employing an expand on demand philosophy, building it only when demand is clearly present; and (3) establishing a new Fund for Innovation, which would foster innovation and improvement statewide by providing support for strategies and programs with significant potential to help achieve Master Plan goals.

In 2005 the Legislature authorized four applied baccalaureate degree pilot programs at community or technical colleges. In 2008 the Legislature expanded the pilot project to include three additional colleges to develop and offer programs of study leading to an applied baccalaureate degree.

The Washington fund for innovation and quality in higher education program is administered by the HECB and State Board for Community and Technical Colleges (SBCTC) to award incentive grants to public institutions of higher education or consortia of institutions to encourage cooperative programs designed to address specific system problems.

## Effect:

Proposed changes in the missions of institutions of higher education may be identified by the HECB, any public institution or by a state or local government. A mission change is defined as a change that allows an institution of higher education to offer a new level of degree not currently authorized in statute. Major expansion means expansion of the system that requires significant new capital investment and would result in a mission change.

Mission changes and major expansions are subject to approval by the HECB. Gaining HECB approval is a two-step process. First, a needs assessment process is conducted to analyze the need for the proposed change. If the need is established, the HECB examines the viability of the proposed mission change or major expansion. The HECB's recommendations to proceed with the proposed change, proceed with modifications, or not proceed are presented to the Legislature and the Governor.

The applied baccalaureate degree is no longer a pilot project. The limitation on the number of applied baccalaureate degree programs is eliminated. Community and technical colleges may apply to SBCTC to develop and offer applied baccalaureate degree programs after approval by SBCTC and the HECB.

The HECB is identified as the lead entity for the innovation and quality in higher education programs and makes awards in collaboration with SBCTC and other local and regional entities. Grants may be awarded to state public or private nonprofit institutions of higher education or consortia of institutions. The two-year time limitation of incentive grants is eliminated. Washington Fund for Innovation and Quality grants may be used for development of educational technology and accelerated academic programs.

The HECB is required to rank major capital projects at four-year institutions in a single list by priority order. The University of Washington is authorized to use alternative contracting methods for highly specialized medical spaces. The HECB is required to consider the strategic and operational use of technology as part of the needs assessment process.

### Votes on Passage:

	Yeas	Nays
House	97	0
Senate	44	0

**Governor Signed, March 29, 2010**

# ESSB 6359

## Promoting efficiencies including institutional coordination and partnerships in the community and technical college system

<b>SPONSOR:</b>	Kilmer	<b>EFFECTIVE DATE:</b>	June 10, 2010
<b>STATUS:</b>	Chapter 246, 2010 Laws	<b>STAFF CONTACT:</b>	Jan Yoshiwara

### Background:

Washington's Community and Technical College Act of 1991 provides for a state system of community and technical colleges. Each college district is required to offer thoroughly comprehensive educational, training, and service programs to meet the needs of both the communities and students served by combining, with equal emphasis, high standards of excellence in academic transfer courses; realistic and practical courses in occupational education; community services of an educational, cultural and recreational nature; and adult education. There are currently 34 community and technical colleges in 30 college districts.

The State Board for Community and Technical Colleges (SBCTC) sets policy direction for the community and technical college system in collaboration with colleges and other system partners. It advocates for and allocates state resources to the colleges. The SBCTC is required to provide general supervision and control over the state system of community and technical colleges.

Among its specific responsibilities the SBCTC must:

1. prepare a single system operating budget request and capital budget request for consideration by the Legislature;
2. disburse capital and operating funds appropriated by the Legislature to the college districts;
3. administer criteria for establishment of new colleges and for the modification of district boundary lines;
4. establish minimum standards for the operation of community and technical colleges with respect to personnel qualifications, budgeting, accounting, auditing, curriculum content, degree requirements, admission policies, and the eligibility of courses for state support; and
5. prepare a comprehensive master plan for community and technical college education.

### **Effect:**

The SBCTC in collaboration with boards of trustees, shall identify potential administrative efficiencies, complementary administrative functions, and complementary academic programs based upon consultation with colleges within a regional area. Colleges within the regional area must work with stakeholders including faculty and staff representatives appointed by their unions. The SBCTC must develop and adopt a detailed plan and timeline for the implementation of any identified changes that would result in cost savings while maintaining or enhancing student access and achievement.

Colleges are to consider greater flexibility for students to transfer credits and obtain degrees and certificates from other colleges within the region. Cost savings are retained by the college districts to enhance student access and success. A preliminary progress report must be submitted to the appropriate legislative committees and to the Governor by December 2010. A final report is due by December 2011.

The SBCTC, in consultation with boards of trustees at the colleges, shall identify adjacent college districts that can feasibly be consolidated or whose boundaries can be modified to form a multiple college district, and submit required legislative changes to the governor and appropriate committees of the legislature by December 1, 2012.

### **Votes on Passage:**

	<b>Yeas</b>	<b>Nays</b>
<b>House</b>	<b>96</b>	<b>2</b>
<b>Senate</b>	<b>48</b>	<b>0</b>

**Governor Signed, March 29, 2010**

# SSB 6367

## Allowing agencies to direct requesters to their Web site for public records

<b>SPONSOR:</b>	Hatfield	<b>EFFECTIVE DATE:</b>	June 10, 2010
<b>STATUS:</b>	Chapter 69, 2010 Laws	<b>STAFF CONTACT:</b>	Janelle Runyon

### Background:

The Public Records Act (PRA) requires all state and local government agencies to make all public records available for public inspection and copying unless they fall within certain statutory exemptions. The requirements of public records disclosure must be interpreted liberally—and exemptions narrowly—in a manner favoring disclosure.

The PRA requires agencies to respond to public records requests within five business days. The agency must either (1) provide the records, (2) provide a reasonable estimate of the time it will take to respond to the request, or (3) deny the request.

Additional time may be required to respond to a request where the agency needs to notify third parties or agencies affected by the request or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request.

A failure to properly respond is treated as a denial. A denial of a public records request must be accompanied by a written statement of the specific reasons for denial. Any person denied opportunity to inspect or copy a public record may file a motion to show cause in Superior Court why the agency has refused access to the record.

The burden of proof rests with the agency to establish the refusal is consistent with the statute that exempts or prohibits disclosure.

Any person who prevails against an agency in any action in the courts seeking the right to inspect or copy any public record must be awarded all costs, including reasonable attorney fees. The court may award such person no less than \$5 and no more than \$100 for each day the person was denied the right to inspect or copy the public record. The court's discretion lies in the amount per day, but the court may not adjust the number of days for which the agency is fined.

### **Effect:**

Previously, when an agency received a public records request, the records were required to be provided in hardcopy form (unless the request is denied). This bill adds the option for agencies to direct requestors to a website for the information if it exists online, rather than providing printed copies.

In addition to providing a record in response to a public records request, an agency may provide an Internet address and link on the agency's website to the specific records requested.

If the requester informs the agency he or she cannot access records through the Internet, the agency must provide hard copies or allow the requester to view copies on an agency computer.

### **Votes on Passage:**

	<b>Yeas</b>	<b>Nays</b>
<b>House</b>	<b>96</b>	<b>0</b>
<b>Senate</b>	<b>46</b>	<b>0</b>

**Governor Signed, March 15, 2010**

# E2SSB 6696

## Regarding education reform

<b>SPONSOR:</b>	McAuliffe	<b>EFFECTIVE DATE:</b>	June 10, 2010
<b>STATUS:</b>	Chapter 235, 2010 Laws	<b>STAFF CONTACT:</b>	Bill Moore

### **Background:** (sections pertaining to CTC system in bold)

#### Federal Funds

One component of the federal American Recovery and Reinvestment Act (ARRA) is the Race To The Top (RTTT) Fund, estimated to provide \$4 billion for one-time, four-year competitive grants to encourage states to improve student outcomes by implementing strategies in four education reform areas and to reward states that have already made significant progress in these areas:

1. implementing high academic standards and rigorous assessments;
2. improving teacher effectiveness and achieving equity in teacher distribution;
3. improving collection and use of data; and
4. supporting struggling schools.

The federal guidance provided for the federal competitive RTTT grants provides that implementation of the four federally defined school intervention models (turnaround, restart, school closure, and transformation) can strengthen a RTTT application and facilitate the reforms required to be addressed by the RTTT grant. The Governor, Superintendent of Public Instruction (SPI), and Chair of the State Board of Education (SBE) are jointly working on a RTTT grant application and intend to submit the application by the June 1, 2010, deadline. The Governor has requested legislation to address some areas that will be included in the state's RTTT application.

#### Accountability

In 1993 the Legislature directed the Commission on Student Learning (CSL) to, among other things, adopt criteria to identify successful schools and districts, those in need of assistance, and those in need of state-level intervention. The CSL expired on June 30, 1999, without such a system being created. During the 1999 Legislative Session the Academic Achievement and Accountability Commission (A+ Commission) was created and given the same task. In 2001 the A+ Commission proposed an accountability system to the Legislature, including a voluntary focused assistance program. The legislation did not pass, but funds were, and continue to be, provided in the budget for a voluntary focused assistance and school improvement program. In 2005 the Legislature abolished the A+ Commission and charged the SBE with identifying successful schools and districts, those in need of assistance, and those in need of state-level intervention. In 2008 the SBE adopted an accountability framework that included using an

accountability index that used multiple indicators to identify schools and districts for recognition, improvement, and additional state support. The 2009 Legislature directed the SBE to continue to refine the framework, including a system targeting schools and districts that have not demonstrated sufficient improvement through the voluntary system.

#### Public Employment Relations Commission (PERC)

PERC offers mediation, fact-finding, and arbitration services; training in collective bargaining; processing of representation and unit clarification cases; and adjudication of unfair labor practice cases at no cost to the approximately 350,000 public employees in Washington who work for the state, cities, counties, ports, school districts, community colleges, universities, and public utilities and have collective bargaining rights under public sector collective bargaining statutes.

#### Evaluations

*Classroom Teachers, Principals, and Other Staff.* Current law requires each school district to have criteria and procedures to evaluate the district superintendent; principals; other administrators; and other certificated staff, including classroom teachers, but not classified staff. The criteria and procedures for evaluating classroom teachers must include minimum criteria established by the SPI in instructional skill; classroom management; professional preparation and scholarship; effort toward improvement when needed; handling of student discipline and attendance problems; interest in teaching pupils; and knowledge of subject matter. Principal evaluation must be based on the job description and may address specified criteria. It is the responsibility of the principal to evaluate all certificated staff in the school. The number and duration of the observations for the purpose of evaluation are specified, and can include a locally bargain short-form evaluation for employees who have received four years of satisfactory evaluations. The employee must receive a written copy of any evaluation results.

#### *Provisional Certificated Staff.*

Except for provisional employees, there must be probable cause and due process provided to an employee whose employment contract is not renewed. A provisional employee is subject to nonrenewal of an employment contract without a finding of probable cause. A provisional employee is a non-supervisory, certificated employee who is either (1) in the first two years of employment by a school district; or (2) in the first year of employment at a school district but has at least two years of employment by another Washington school district.

#### Assignment of Staff

Assignment of staff must be based on classroom and program needs determined by the school board.

#### Supplemental Contracts

The Legislature provides funding for teachers and other certificated staff salaries through the state salary allocation schedule, which uses education and years of experience to determine the salary levels. School districts have the authority to establish the actual salaries paid to staff, subject to local collective bargaining, and

within limits set by the Legislature. School districts may exceed the limitations by using a locally funded supplemental contract for additional time, responsibilities, or incentives (TRI). TRI supplemental contracts must be for only one year, not cause the state to incur any present or future funding obligation, be covered by collective bargaining, and not be used to pay for basic education services.

### Professional Educator Preparation

The Professional Educator Standards Board (PESB) is responsible for the policy and oversight of Washington's system of educator preparation and certification. There are currently two levels of teacher certification: (1) residency, which requires completion of an approved teacher preparation program at an institution of higher education or through an alternative route; and (2) professional, which requires successful completion of an approved professional certification program until September 1, 2011, successful submission of a ProTeach portfolio assessment to the PESB, or successful achievement of a certificate from the National Board for Professional Teaching Standards.

### *Preservice Assessment*

Last session, the Legislature directed the PESB to develop a proposal for a uniform classroom-based means of evaluating teacher effectiveness to be used during preservice. The assessment was to include multiple measures of classroom performance, artifacts, and student work. In April 2009 the PESB joined a multi-state consortium to pilot the Teacher Performance Assessment, a preservice assessment.

### *Alternative Routes for Certification*

The Legislature has created four alternative routes to teacher certification. Since 2001, under the alternative routes, school districts have been able to partner with higher education teacher preparation programs to provide a shortened field based teacher preparation program with a mentored internship. The educational program for each route varies based on the existing education level of the candidate. Originally, a partnership grant program and conditional scholarship were funded by the Legislature to support the alternative route program; however, the grant program is no longer funded.

There are currently ten approved programs, all at private four-year institutions of higher education. In 2008-09, 125 candidates received a teaching certificate through one of the alternative route programs. In 2007 a program called Retooling to Teach Math and Science was created to offer conditional scholarships for currently employed teachers or unemployed elementary teachers to earn a math or science endorsement.

### *Student Teaching Centers*

Legislation enacted in 1991 created networks of student teaching centers through the Educational Service Districts (ESDs) to coordinate student teaching placements in rural communities not served by higher education institutions. Funding for the centers was eliminated in the 2003-05 biennial budget.

## **Workforce Data**

Since 2004, at the direction of the Legislature, the Higher Education Coordinating Board (HECB), the State Board for Community and Technical Colleges (SBCTC), and the Workforce Training and Education Coordinating Board (WTECB) have jointly reported, every two years, an assessment of the number and type of higher education and training credentials required to match employer demand for a skilled and educated workforce.

## **Academic Standards:**

### *Essential Academic Learning Requirements (EALRs)*

The SPI has the responsibility to develop and revise the Essential Academic Learning Requirements (EALRs), which are the knowledge and skills that public school students need to know and be able to do. The EALRs in reading, writing, communications, and mathematics were initially adopted in 1995 and revised in 1997. The EALRs for science, social studies, the arts, and health and fitness were initially adopted in 1996 and also revised in 1997. The EALRs for mathematics and science were again revised in 2008. Under current law, if the SPI proposes any modification to the EALRs, then the SPI must, upon request, provide opportunities for the education committees of the Legislature to review the proposed modifications before the modifications are adopted.

### *Common Core Standards*

In May 2009 Governor Gregoire and State Superintendent Dorn signed an agreement joining the governors and the chief state school officers from 48 states to develop a common core of state standards in English-language arts and mathematics for grades K-12. The anticipated release of the standards is February 2010. A validation committee will verify that states have accurately adopted the common core state standards.

Once the English-language arts and mathematics standards are developed, there is a plan to develop a common core of standards in science and potentially additional subject areas.

## **Parents and Community**

Since 1994, each school must annually provide a school performance report to the parents of students in the school and the community served by the school. The report must include information on enrollment, student demographics, student performance, student attendance, graduation and dropout rates, expenditures, and the use and condition of school buildings. The SPI must post each school's report on the SPI website.

## **Effect:**

This bill addresses school and school district accountability, educator preparation, teacher and principal evaluations, academic standards, and parent and community involvement in schools.

## Accountability

In 2010 phase I of the accountability system is voluntary; will use federal funds to target the lowest 5 percent of persistently lowest achieving schools in the state eligible for federal Title I funds; and use federal intervention models. A required action process will begin in 2011 for those eligible schools that did not volunteer and have not improved student achievement. Phase II will use state funds for a required action process in schools that are not Title I eligible and begin in 2013.

Beginning no later than December 1, 2010, the SPI must use criteria developed by the SPI that conforms to federal criteria to annually identify schools that are the persistently lowest achieving schools. If federal funds are available, beginning in January 2011, the SPI must annually recommend to the SBE the school districts that should be designated as a required action district. A required action district must have at least one identified persistently lowest achieving school; however, a district that voluntarily participated in 2010 cannot be designated for three years following the receipt of the federal grant. A timeline and process is provided for the SPI to provide written notice of the designation to the required actions districts and for a district to request reconsideration of the designation. A designated district must notify all parents of students in the identified school of the designation and the required action process that will be followed.

The SPI must contract with an external review team, with expertise in school and district reform, to conduct an academic performance audit of the designated district and the identified school to identify potential reasons for the low performance. The audit must include specified areas of review. The audit findings must be made available to the district staff, community, and the SBE.

A plan must be developed by the school district with school employees, employee unions, parents, students, and community members to address the findings in the audit. The plan must contain specified components, including implementation of one of the four federal intervention models (although a district may not establish a charter school without express legislative authority.) The SPI must provide assistance, if the district requests. The district must obtain comment on the proposed plan at a public hearing.

Any collective bargaining agreement with a designated required action district must be able to be changed, if necessary, to implement the required action plan. If the district and employee organizations are unable to agree on the change necessary then the parties must request the Public Employment Relations Commission (PERC) to mediate in accordance with a specified timeline. If the mediation is unsuccessful then the executive director of the PERC must certify the disputed issues for a decision by the Superior Court. In accordance with a specified timeline and process, the court must enter an order selecting the required action plan proposal that best responds to the issues raised in the school district's academic performance audit and must allow implementation of one of the four federal intervention models. Each party must bear its own costs and attorney's fees.

Plans must be submitted to the OSPI to determine consistency with federal guidelines and to the SBE for approval. If the SBE does not approve a plan, a district must either submit a new Plan or can request reconsideration from a Required Action Review Panel

(Panel). The Panel is composed of five individuals appointed by the Speaker of the House, the President of the Senate, and the Governor, but is convened by the SPI only on an as-needed basis.

Reconsideration is based on whether the SBE gave appropriate consideration to the unique circumstances of the district, as identified in the performance audit. The Panel can reaffirm the SBE's rejection of the Plan, recommend approval, or recommend changes to secure approval.

Once approved, a plan must be implemented the school year immediately following the district's designation as a required action district, unless federal funds are not available.

If a school district has not submitted a final plan for approval or has not received SBE approval by the beginning of the school year in which the plan is to be implemented then the SBE may direct the SPI to redirect the district's federal Title I funds based on the academic performance audit findings.

The district must submit progress reports and the SPI must provide a report twice a year to the SBE on the progress made by all the required action districts. After three years, a school district may be released from required action if the district has made progress, as defined by the SPI, and no longer has a school within the district that is identified as persistently low achieving.

The SBE with the SPI must annually recognize schools for exemplary performance as measured on the SBE accountability index. The State Board of Education must have ongoing collaboration with the Achievement Gap Oversight and Accountability Committee regarding the measures used for and the recognition of schools that are closing the achievement gap.

Both SPI and the SBE may adopt rules to implement the accountability provisions.

#### *Joint Select Committee*

A Joint Select Committee (Committee) is created no earlier than May 1, 2012, with eight legislative members to examine options and models for significant state action, particularly in the case of persistent lack of improvement by a Required Action district. The Committee must submit an interim report by September 1, 2012, and a final report with recommendations by September 1, 2013. The committee expires June 30, 2014.

#### Evaluations

Each school district must establish performance criteria and an evaluation process for all staff and establish a four-level rating system for evaluating classroom teachers and principals with revised evaluation criteria. Minimum criteria is specified. The new rating system must describe performance on a continuum that indicates the extent the criteria have been met or exceeded. When student growth data, (showing a change in student achievement between two points in time), is available for principals and available and relevant to the teacher and subject matter, it must be based on multiple measures.

### *Classroom Teachers*

The revised evaluation criteria must include: centering instruction on high expectations for student achievement; demonstrating effective teaching practices; recognizing individual student learning needs, and developing strategies to address those needs; providing clear and intentional focus on subject matter content and curriculum; fostering and managing a safe, positive learning environment; using multiple student data elements to modify instruction and improve student learning; communicating and collaborating with parents and the school community; and exhibiting collaborative and collegial practices focused on improving instructional practice and student learning. The locally bargained short-form may also be used for certificated support staff or for teachers who have received one of the top two ratings for four years. The short-form evaluations must be specifically linked to one or more of the evaluation criteria.

### *Principals*

The revised evaluation criteria must include: creating a school culture that promotes the ongoing improvement of learning and teaching for students and staff; demonstrable commitment to closing the achievement gap; providing for school safety; leading the development, implementation, and evaluation of a data-driven plan for increasing student achievement, including the use of multiple student data elements; assisting instructional staff with alignment of curriculum, instruction, and assessment with state and local district learning goals; monitoring, assisting, and evaluating effective instruction and assessment practices; managing both staff and fiscal resources to support student achievement and legal responsibilities; and partnering with the school community to promote student learning.

### *Pilot and Implementation*

The SPI, with stakeholders and experts, must create models for implementing the revised evaluation system criteria, student growth measurement tools, professional development programs, and evaluator training. Beginning in the 2010-11 school year, SPI selected school districts that, among other things, have the agreement of the local associations representing teachers and principals to collaborate with the district, will pilot the new teacher and principal evaluation systems. If funds are provided for beginning teacher support programs, school districts participating in the phase-in of the new evaluation systems receive first priority for funds during the phase-in period. The school districts participating in the pilot must submit student data to OSPI. OSPI must analyze the extent student data is used in the evaluations. The new evaluation systems must be implemented in all school districts beginning in 2013-14.

### *Reporting*

The SPI must provide reports on the status of the new evaluation implementation by July 1, 2011, and July 1, 2012. The 2011 report must include recommendations for whether a single statewide evaluation model should be adopted, whether modified versions should be subject to state approval, what the criteria would be for state approval, and challenges posed by requiring a state approval process.

### *Provisional Certificated Staff*

Provisional status for certificated staff is extended from two years to three, although a district superintendent may remove an employee from provisions status if the employee received one of the top two evaluation ratings during the employee's second year of employment. Process providing the number and duration of the observations during the third year is specified.

Principals hired after the effective date of the bill can be transferred to a subordinate position in the district even if they have more than three years of employment as a principal, based on the superintendent's determination that the results of the principal's performance evaluation provide a valid reason for the transfer. No probationary period is required, but support and an attempt at remediation, as defined by the superintendent, are required. A final decision by the board to transfer the principal cannot be appealed. These provisions apply only in school districts with more than 35,000 students.

### Assignment of Staff

In addition to classroom and program needs, assignment of staff must be based on a plan to ensure that the policy supports the learning needs of all students and gives specific attention to high-need schools and classrooms.

### Supplemental Contracts

TRI contracts are expanded to authorize the inclusion of innovative activities, if focused on the achievement gaps, STEM, and arts education. School districts must report the innovative activities to OSPI and OSPI must provide to the Legislature a summary of the innovative activities in supplemental contracts.

### ***Program Approval***

**By September 1, 2010 the PESB must review and revise its educator preparation program approval standards and, beginning September 30, 2010, accept proposals for new programs that could include community and technical colleges or nonhigher education providers. All approved program providers must adhere to the same standards and comply with the same requirements.**

### ***Preservice Performance Assessment***

**Approved teacher preparation programs must administer the PESB's evidence-based assessment of teaching effectiveness to all preservice candidates beginning with the 2011-12 school year. The PESB must establish a date during the 2012-13 school year after which all candidates must successfully pass the assessment.**

The PESB is authorized to contract with a third-party to administer the assessment. Candidates who are charged a fee for the assessment by the contracted party will pay the contractor directly.

### *Alternative Routes to Certification*

The PESB is directed to transition the alternative route certification program from a separate competitive partnership grant program to a preparation program model that can be expanded to additional approved providers. Various adjustments are made to the laws pertaining to these alternative route programs to reflect the shift in emphasis. All public institutions of higher education with residency certificate programs that are not already offering an alternative route program must submit a proposal to the PESB to offer one or more of the alternative route programs.

### *Student Teaching Centers*

Laws establishing student teaching centers in the ESDs are repealed.

### **Educator Workforce**

**The ESDs must annually convene school districts and educator preparation programs in their region to review educator workforce data, make projections of certificate needs, and identify how preparation program recruitment and enrollment plans reflect that need.**

**The needs assessment conducted by the HECB regarding teacher preparation is expanded to include any area of regional or subject-matter shortage. The HECB must also establish service regions for public institutions of higher education that offer preparation programs. If the HECB determines that access to a preparation program within a service region is inadequate, the responsible higher education institution must submit a plan to the HECB for meeting the need.**

The Council of Presidents (COP) must convene a working group to implement the plans developed in 2009 by the public colleges of education regarding increasing the number of mathematics and science teachers. The COP submits a progress report by December 31, 2011.

### **Common Core Standards**

The SPI is authorized to adopt a common set of standards based on those developed by a multi-state consortium on a provisional basis by August 2, 2010, but must not implement the standards until the legislative Education committees have an opportunity for review. By January 1, 2011, the SPI must submit a detailed comparison of the provisional standards and the state standards, as well as an estimated timeline and costs to implement the provisional standards.

### **Parents and Community**

Beginning in 2010-11 each school must conduct outreach and seek feedback from a diverse range of parents and community members regarding their experience with the school. Schools must summarize the feedback and include it in the annual school performance report. The SPI must create a working group to develop model feedback tools and strategies that school districts are encouraged to adapt to the unique circumstances of their communities. School districts are encouraged to create spaces in school buildings, if space is available, to provide access to student and family services. The CISL must determine measures that can be used to evaluate the level of parental

involvement in a school and identify successful models and practices of parent involvement.

**Votes on Passage:**

	<b>Yeas</b>	<b>Nays</b>
<b>House</b>	<b>72</b>	<b>25</b>
<b>Senate</b>	<b>46</b>	<b>1</b>

**Governor Signed, March 29, 2010**

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# Budget and Finance

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**61ST WASHINGTON STATE LEGISLATURE  
2010 REGULAR SESSION**



# EHB 2561

## Concerning the Capital Budget

<b>SPONSORS:</b>	Dunshee	<b>EFFECTIVE DATE:</b>	July 13, 2010
<b>STATUS:</b>	Chapter 35, 2010 Laws, 1 <sup>st</sup> Special Session	<b>STAFF CONTACT:</b>	Wayne Doty

### Background:

Washington issues general obligation bonds to finance projects authorized in the capital and transportation budgets. General obligation bonds pledge the full faith and credit and taxing power of the state toward payment of debt service. Bond authorization legislation generally specifies the account or accounts into which bond sale proceeds are deposited, as well as the source of debt service payments. When debt service payments are due, the State Treasurer withdraws the amounts necessary to make the payments from the State General Fund and deposits them into bond retirement funds.

The State Finance Committee, composed of the Governor, the Lieutenant Governor, and the State Treasurer, is responsible for the issuance of all state bonds. The amount of state general obligation debt that may be incurred is limited by constitutional and statutory restrictions; however, Article VIII, section 3 of the Washington Constitution allows for voter-approved bonds outside the constitutional debt limit.

The Energy Savings Performance Contracting (ESPC) program started in 1986. The Department of General Administration (GA) manages the state ESPC program pursuant to state statute. Through the ESPC program, facility owners contract for energy improvement construction projects resulting in energy-related savings that cover the cost of the improvements. The amount of the energy-related savings is at least the cost of the construction project minus incentives from utilities. An Energy Savings Contractor (ESCO) guarantees the savings will cover the cost of the project over a period of generally seven to 10 years. The guarantee is in place for the first year of the project and up to 10 years if the owner complies with ESCO monitoring and verification requirements. Public facility owners may also contract for ESPC services through a request for qualifications (RFQ) process of their own, instead of using GA's services.

Each biennium, the GA pre-qualifies ESCOs through a request for qualifications process. There are 10 ESCOs on the GA's list of approved contractors. The ESCOs audit ESPC projects and contract for the construction.

Certificates of participation provide financing of real property and personal property, which is real estate and equipment by state agencies. Certificates of participation are financing contracts that include installment payment agreements, lease and purchase

agreements, or other interest-bearing contract used to finance property. Real estate must be specifically approved by the Legislature.

### **Effect:**

The State Finance Committee is authorized to issue general obligation bonds in the amount of \$505 million to create jobs by constructing capital improvements to public K-12 school districts and higher education facilities for energy costs savings. The bonds are to be known as the Jobs Act Bonds. The full faith and credit of the state is pledged to pay the principal and interest on the bonds.

The Department of Commerce, in consultation with the GA and Washington State University's (WSU) Energy Program, must administer the Jobs Act. The GA must develop guidelines for the implementation of energy savings performance contracting projects by December 31, 2010.

An appropriation in the amount of \$500 million is made to the Department of Commerce from the Washington Works Account, which is created to receive proceeds from the bond issuance. The appropriation is for grants to public K-12 schools and public higher education institutions for energy cost savings improvements and related projects that result in energy and utility and operational cost savings. Related projects are projects that must be completed in order for the energy efficiency improvement to be effective.

The Department of Commerce must consult with the GA and the WSU Energy Program to establish a competitive process and evaluate applications. The Department of Commerce determines the final grant awards. At least 5 percent of each grant round must be awarded to small school districts. Small school districts, for this purpose, are those with fewer than 1,000 full-time equivalent students.

Within each round, projects must be weighted and prioritized based on the following criteria and in the following order:

1. Leverage ratio: the higher the leverage ratio of non-state funding sources to state Jobs Act grant, the higher the project ranking;
2. Energy savings: the higher the energy savings, the higher the project ranking;  
and
3. Expediency of expenditure: the more ready a project is to proceed, the higher the project ranking.

Projects not using ESPC must: verify energy-related cost savings for 10 years, or until the project has paid for itself, whichever is shorter; follow the GA's ESPC program guidelines; and employ a licensed engineer for the energy audit and construction. The Department of Commerce may require third-party verification of energy-related savings if a project is not using an ESCO selected through the GA's RFQ process. Third-party verification must be conducted by an ESCO from GA's list of contractors selected through the RFQ, or by a project or educational service district resource conservation manager.

The Department of Commerce may only award funds to the top ranked 85 percent of projects applying in a round until the Department of Commerce determines a final round is appropriate. Projects that do not receive a grant award in one round may reapply.

The Department of Commerce must use bond proceeds to pay for one-half of the cost of preliminary audits if the project does not meet the owner's predetermined cost-effectiveness criteria.

An ESCO may not charge the cost of the investment grade audit to the project owner if the audit demonstrates that the project does not meet the owner's predetermined cost-effectiveness criteria.

The Department of Commerce may charge projects administrative fees and may pay the GA's and WSU's Energy Program administration fees.

The Department of Commerce and the GA must report to the Legislature and the Office of Financial Management on the timing and use of the grant funds and program administration functions and fees by the end of each fiscal year until the funds are fully expended and all savings verification requirements are complete.

The State Treasurer must determine a mechanism to allow Washington residents to purchase the Jobs Act Bonds.

The title, intent, and bond authorization proposal are referred to a vote of the people at the next general election. The ballot title is "The legislature has passed House Bill No . . . (this act), concerning job creation through school and other public capital projects. This bill would promote job creation by authorizing bonds to construct energy operational cost savings improvements and related projects to schools and other public facilities."

If the pertinent parts of the act are not approved by the voters, the appropriation and bottled water tax sections are null and void. The act is contingent on the enactment of Second Engrossed Substitute Senate Bill 6143.

### **Votes on Passage:**

	<b>Yeas</b>	<b>Nays</b>
<b>House</b>	<b>59</b>	<b>38</b>
<b>Senate</b>	<b>28</b>	<b>18</b>

**Governor Signed, May 4, 2010**



# ESHB 2836

## Concerning the Capital Budget

<b>SPONSORS:</b>	Dunshee	<b>EFFECTIVE DATE:</b>	May 4, 2010
<b>STATUS:</b>	Chapter 36, 2010 Laws, 1 <sup>st</sup> Special Session	<b>STAFF CONTACT:</b>	Wayne Doty

### Background:

Washington operates on a biennial budget cycle. The Legislature authorizes expenditures for capital needs in the state omnibus capital appropriations act (capital budget), for a two-year period and authorizes bond sales through passage of a bond bill associated with the capital budget to fund a portion of these expenditures. The current capital budget covers the period from July 1, 2009, through June 30, 2011.

### Effect:

The Supplemental Capital Budget appropriations in the amount of \$433 million are made for the 2009-11 biennium.

### Partial Veto Summary:

The Governor vetoed three sections of the capital budget bill. A reduction in design funding for the Bates Technical College - Mohler Communications Technology Center - was vetoed in the Community and Technical College System section. Two sections giving direction to the Office of Financial Management (OFM) were also vetoed. One of the provisos directs OFM to require preliminary energy audits on projects included in agency budget requests for renovations or improvements. The second section eliminates OFM's authority to transfer funds from one capital project to another within the same state agency, prohibits allotments for contingencies above the amount required for completion of a project and proposed alternates if agencies cannot document a programmatic need and an operational budget savings, and prohibits allotments for equipment costs or project scope beyond the funded project.

### Votes on Passage:

	Yeas	Nays
<b>House</b>	<b>61</b>	<b>36</b>
<b>Senate</b>	<b>33</b>	<b>13</b>

**Governor Signed, May 4, 2010**



# ESSB 6444

## Making 2010 supplemental budget appropriations

<b>SPONSORS:</b>	Prentice	<b>EFFECTIVE DATE:</b>	May 4, 2010
<b>STATUS:</b>	Chapter 37, 2010 Laws, 1 <sup>st</sup> Special Session PV	<b>STAFF CONTACT:</b>	Denise Graham

### Background:

The operating expenses of state government and its agencies and programs are funded on a biennial basis by an omnibus operations budget adopted by the Legislature in odd-numbered years. In even-numbered years, a supplemental budget is adopted, making various modifications to agency appropriations. State operating expenses are paid from the state General Fund and from various dedicated funds and accounts.

### Effect:

The 2010 supplemental operating budget modifies the 2009-11 biennial appropriations for state agencies and programs.

The following changes are made to the community and technical colleges' FY 2011 appropriations:

- State funding is reduced by \$44.8 million (6.5%), \$7 million of which is for one-time compensation savings.
- \$17.6 million in new, one-time funding is provided for 3,784 Worker Retraining Program enrollments.
- \$1 million in new, one-time funding is provided for the Opportunity Grants program.
- \$158,000 is provided for a BS in nursing program at the University Center at Everett Community College.
- \$164,000 is provided to transfer the Labor Education and Research Center from the Evergreen State College to South Seattle Community College.
- \$1.75 million is provided for the Aerospace Training and Research Center on Paine field in Everett, Washington to support industry-identified training in the aerospace sector.

### Votes on Passage:

	Yeas	Nays
House	54	43
Senate	25	21

### Governor Signed, May 4, 2010

**Partial Veto Summary:** The Governor vetoed approximately 60 sections of the operating budget bill. The state General Fund impact of the vetoes reduces GF-S reserves by approximately \$27 million, bringing the total expected GF-S reserves down to around \$452 million as opposed to the \$480 million assumed in the budget that passed the Legislature.

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# Education and Technology

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**61ST WASHINGTON STATE LEGISLATURE  
2010 REGULAR SESSION**



# E2SHB 1418

## Establishing a statewide dropout reengagement system

<b>SPONSOR:</b>	Kagi	<b>EFFECTIVE DATE:</b>	June 10, 2010
<b>STATUS:</b>	Chapter 20, 2010 Laws	<b>STAFF CONTACT:</b>	Michael Tate

### Background:

Students are eligible to receive education in a public school until the age of 21 or completion of a high school diploma, whichever is sooner. School districts have broad authority to contract with colleges, community-based organizations, or other education providers to provide educational services. School districts that use basic education dollars for these services must meet certain criteria established by rules that are intended to assure that the contracted services meet the purpose of basic education program requirements.

A number of school districts have created programs for older youth who have dropped out of school and are so far behind in accumulating credits that graduation before the age of 21 is unlikely. Some districts offer their own programs through an alternative high school; others contract with community and technical colleges or community-based organizations. In some cases, one school district acts as a contracting and fiscal agent on behalf of multiple districts in the region, and students from other districts enroll in the non-resident district using the state's "Choice" laws.

In recent years a number of school districts have terminated their contracted dropout reengagement programs. Reasons cited include lack of clarity in state laws and rules governing these contracts. At least one school district has been the subject of audit findings for noncompliance with rules governing expenditure of basic education dollars.

The Office of Superintendent of Public Instruction (OSPI) has made several special adaptations to the rules, including on an emergency basis, in an attempt to provide clarity. School districts that have enrolled nonresident students express concerns about assuming liability for these students, especially if the students are eligible for special education. There are no standardized contracts or agreements.

One of the recommendations from the Building Bridges Dropout Prevention, Intervention, and Retrieval Workgroup in its 2008 report to the Legislature was to establish a statewide dropout retrieval system with a single, comprehensive regulatory framework to govern retrieval programs.

## Effect:

A statutory framework for a statewide dropout re-engagement system is created to provide education and services to older youth who have dropped out of school or are not expected to graduate from high school by the age of 21. Under the system, school districts are authorized but not required to enter into model inter-local agreements with an Educational Service District (ESD), community or technical college, or other public entity to provide a dropout re-engagement program for eligible students, or enter into a model contract with a community-based organization. Current authority of school districts to contract for program services is not affected.

If a school district does not contract to provide a dropout reengagement program for its resident students, an ESD, community or technical college, other public entity, or community-based organization can petition another school district to enroll those students under the "Choice" laws and contract with the petitioning entity to provide a program. For the purposes of the system, dropout re-engagement programs offer at least the following:

- academic instruction, including GED preparation, academic skills, and college and work readiness preparation, that generates high school credit for a diploma and has the goal of academic and work readiness;
- instruction by certified teachers or college instructors whose credentials are established by the college;
- case management, counseling, and resource and referral services; and opportunity for qualified students to enroll in college courses tuition-free if the program provider is a college.

Students eligible for dropout re-engagement programs are those aged 16 to 21 who are so credit deficient that completion of a high school diploma before age 21 is not reasonable, or are recommended by social service or juvenile justice system case managers. Students can enroll in their resident school district or another district using the state's "Choice" laws. The OSPI must adopt criteria defining a full-time equivalent (FTE) student for purposes of dropout re-engagement programs based on college credits or planned programming and minimum attendance, but not based on seat-time.

The OSPI must develop model inter-local agreements and contract for the dropout reengagement system, which must at a minimum address the following topics:

- responsibilities for identification, referral, and enrollment of eligible students;
- instruction and services to be provided by a dropout re-engagement program;
- responsibilities for data collection and reporting, including transcripts and the student information system;
- administration of state assessments;
- uniform financial reimbursement rates per-FTE student, using statewide average basic education allocations and allowing for a uniform district administrative fee;
- responsibilities for providing special education and accommodations;
- minimum instructional staffing ratios for community-based programs, which are not required to be the same as for basic education; and

- performance measures reported to the state, including longitudinal monitoring of student progress and postsecondary education and employment.

Students in a dropout re-engagement program are considered regular students of the district in which they are enrolled, but they do not count against a district's basic education staffing ratio compliance.

The OSPI must adopt rules to implement the provisions and must consult with the State Board for Community and Technical Colleges, the Workforce Board, dropout re-engagement programs, school districts, approved providers of online learning, and ESDs.

### **Votes on Passage:**

	<b>Yeas</b>	<b>Nays</b>
<b>House</b>	<b>96</b>	<b>2</b>
<b>Senate</b>	<b>46</b>	<b>0</b>

**Governor Signed, March 12, 2010**



# E2SHB 2630

Regarding the Opportunity Express program

<b>SPONSORS:</b>	Probst	<b>EFFECTIVE DATE:</b>	July 13, 2010
<b>STATUS:</b>	Chapter 24, 2010 Laws, 1 <sup>st</sup> Special Session PV	<b>STAFF CONTACT:</b>	Dixie Simmons

## Background:

### Worker Retraining Program

The Worker Retraining Program (WRP) provides funding to dislocated and unemployed workers for training programs and related support services including financial aid, career advising, educational planning, referral to training resources, job referral, and job development. The WRP includes a grant of financial aid to students that can be used to help pay for tuition, books, fees, and related expenses. To qualify, a person must be eligible for or have exhausted his or her unemployment compensation benefits within the last 24 months.

Dislocated workers and long-term unemployed people have priority access to training and support services. Displaced homemakers, those formerly self-employed, and unemployed veterans recently separated from service may also qualify. Vulnerable workers defined as those who are employed but in declining occupations and have less than one year of college education plus a credential may qualify depending upon the economic status of the local community.

The State Board for Community and Technical Colleges (SBCTC) administers the WRP program and requires each college to convene a worker retraining advisory committee (committee). The committee must include involvement from business and labor and is required to help colleges link students to high-wage, high-employer demand programs suited to local needs. Each college is also required to submit an annual plan that lays out how WRP program funds will be used and how WRP programs are linked to the overall economic development strategy of the region. Each college may contract with private career colleges to provide WRP program capacity.

During the economic recession of 2008-2009, demand for the WRP expanded. Compared to the same academic quarter in the prior year, worker retraining enrollments grew 26 percent in fall quarter 2008, 39 percent in winter quarter 2008, and 50 percent in spring quarter 2009.

Worker retraining enrollments are driven in large part by unemployment rates. At the start of the 2008-09 academic year the state's unemployment rate was 5.41 percent.

Unemployment grew steadily throughout the year and reached just over 9 percent as of January 2010.

Unemployment is expected to continue to increase through spring 2010, topping out at almost 10 percent. Last year the program served 8,900 full-time equivalent students (FTES).

### **Opportunity Grant Program**

The SBCTC administers the Opportunity Grant (OPP) program that is designed to assist low-income students enroll in college for training in high-wage, high-demand career pathways. These pathways are to provide a minimum beginning wage of \$13 per hour in Washington (\$15 per hour in King County).

Eligible students pursuing approved career pathways at any of the 34 Washington community and technical colleges or eight approved private career colleges may receive funds for tuition and fees for up to 45 credits and up to an additional \$1,000 for books, supplies, or tools. To qualify, a person must make a formal application to the OPP program, be a Washington resident student, enroll in an Opportunity Grant-eligible program of study, have family income that is at or below 200 percent of the federal poverty level using the most current guidelines available, and have financial need based on federal methodology from the Free Application for Federal Student Aid.

In 2006 an appropriation of \$4 million in state funds kicked off an OPP pilot project at 10 community and technical colleges. The 10 pilot OPP programs showed positive results with 73 percent retention and approximately 843 low-income students participating in training for high-wage, high-demand career pathways. In 2007 the OPP program was expanded by \$7.5 million for a total of \$11.5 million per year for all 34 community and technical colleges. In 2007-08 the OPP program served over 2,000 FTES or approximately 3,000 full-time and part-time students. Again, student persistence exceeded expectations with an 81 percent fall to spring retention rate. By 2008 the OPP program had grown to serve almost 5,000 full- and part-time students equivalent to 3,305 FTES.

### **Opportunity Internships**

Created in 2009, the Opportunity Internship program (OI program) provides incentives for local consortia to build educational and employment pipelines for low income high school students in high-demand occupations in targeted industries. The OI program is administered by the Workforce Training and Education Coordinating Board (WTECB) and offers outreach, internships, pre-apprenticeships, counseling, and up to one year of financial aid through the State Need Grant, as well as the promise of a job interview if the student completes a postsecondary program of study.

Under the OI program, consortia, composed of the area Workforce Development Councils (WDC), Economic Development Council, high schools, community or technical colleges, public and private four-year institutions of higher education, apprenticeship councils, private vocational schools, employers, and labor organizations use existing federal, state, and private resources to:

- identify high-demand occupations in targeted industries for which internships and pre-apprenticeships will be developed and provided for low income students;
- develop paid or unpaid internships and pre-apprenticeships of at least 90 hours in length; and
- provide mentoring, guidance, and assistance with college applications and financial aid.

The law limits the OI program to 10 consortia and the number of students who may participate per consortia to 100. This creates a statewide cap of 1,000 students per year.

### **Effect:**

In administering the WRP, community and technical colleges must give priority to programs that train students in aerospace, healthcare, advanced manufacturing, construction, forest products, or renewable energy. The colleges may also prioritize additional programs of study if those programs are linked to high-demand industries identified in the state comprehensive plan for workforce development by the WTECB, as well as in local workforce development plans developed by area WDC. Additional industries and occupations identified by the area WDC may also be prioritized.

The SBCTC is encouraged to create a single website to advertise the availability of workforce education and training resources. The website must explain that the Opportunity Express program helps people who want to pursue college and apprenticeships for certain targeted industries within the following tracks: (1) worker retraining for unemployed adults; (2) training programs approved by the Commissioner of the Employment Security Department, training programs administered by labor and management partnerships, and training programs prioritized by industry for unemployed adults and incumbent workers; (3) the Opportunity Grant program for low-income adults; and (4) the Opportunity Internship program for low-income high school students. The website may also include a link to the Washington State Department of Labor and Industries apprenticeship program. If the SBCTC opts to create the website, it must be completed by July 1, 2010.

The Opportunity Express Account (Account) is created and stipulates that money in the Account may only be used for the worker retraining program, training programs approved by the Commissioner of the Employment Security Department, training programs administered by labor and management partnerships, industry-prioritized programs, training programs that facilitate career progression in healthcare occupations -- including long-term care, the Opportunity Internship program, and the Opportunity Grant program. Funding may also be used for administrative costs related to these programs. Funding appropriated from the Account may only supplement, not supplant, existing funding for the Opportunity Grant program.

The OI program is expanded during Fiscal Years 2011-2013 to include no more than 12 participating consortia and up to 5,000 students per year, with no per consortia limit on

the number of students served. The WTECB is directed to assure a geographic distribution of consortia in regions across the state.

**Partial Veto Summary:** The partial veto removes section six of the bill, which contained an emergency clause that would have made the bill effective immediately. The bill will now take effect 90 days after the end of the first special session.

**Votes on Passage:**

	<b>Yeas</b>	<b>Nays</b>
<b>House</b>	<b>88</b>	<b>8</b>
<b>Senate</b>	<b>34</b>	<b>11</b>

**Governor Signed, April 23, 2010**

# HB 2694

Regarding a bachelor in science in nursing program at the University Center

<b>SPONSORS:</b>	Sells	<b>EFFECTIVE DATE:</b>	July 1, 2010
<b>STATUS:</b>	Chapter 25, 2010 Laws, 1 <sup>st</sup> Special Session	<b>STAFF CONTACT:</b>	Michelle Andreas

## Background:

Management and leadership responsibility for the north Snohomish, Island, and Skagit counties' higher education consortium is assigned, in statute, to Everett Community College (ECC). The ECC is charged with collaborating with community and business leaders, other local community colleges, the public four-year institutions, and the Higher Education Coordinating Board (HECB) to develop an educational plan for the region based on the university center model. In April of 2009, Gray Wolf Hall opened as the new home of the University Center of North Puget Sound. The University Center at ECC offers over 20 bachelor's and master's degrees from six partner universities.

The ECC offers an associate degree nursing program that graduates approximately 70 to 90 students per year. The University Center at ECC does not offer a bachelor of science in nursing. There is a bachelor of science in nursing program offered by the University of Washington-Bothell at its Bothell campus and at Skagit Community College.

Despite recent growth in nursing education capacity, shortages still persist for registered nurses. According to a June 2007 study by the Washington, Wyoming, Alaska, Montana, and Idaho (WWAMI) Center for Health Workforce Studies, the average age of Washington's registered nurses was 48 years. More than a third were 55 years of age or older. In light of the age demographics, it was predicted that there would be a high rate of registered nurses retiring from nursing practice over the next two decades which will significantly reduce the supply. This reduction comes at the same time as the state's population grows and ages.

The registered nurse education capacity in Washington impacts the supply of registered nurses in the state. If the rate of graduation in registered nursing does not increase, projections show that supply in Washington will begin to decline by 2015. In contrast, if graduation rates increased by 400 per year, the supply of registered nurses would meet estimated demand by the year 2021.

The HECB's Employer Demand Joint Report 2009 Update of *A Skilled and Educated Workforce* showed an annual supply of 2,912 registered nurses, with 3,019 additional registered nurses needed to meet the average annual demand for 2004-2014.

**Effect:**

Subject to specific funding, the University Center at ECC, in partnership with the University of Washington-Bothell, may offer a bachelor of science in nursing program with capacity for up to 50 full-time students.

**Votes on Passage:**

	<b>Yeas</b>	<b>Nays</b>
<b>House</b>	<b>96</b>	<b>0</b>
<b>Senate</b>	<b>43</b>	<b>2</b>

**Governor Signed, April 23, 2010**

# ESHB 3178

## Creating efficiencies in the use of technology in state government

<b>SPONSOR:</b>	Carlyle	<b>EFFECTIVE DATE:</b>	June 10, 2010
<b>STATUS:</b>	Chapter 282, 2010 Laws PV	<b>STAFF CONTACT:</b>	Abraham Rocha

### Background:

#### Information Technology Work Group

The state has undertaken a variety of efforts in recent years to examine opportunities to improve the administration and coordination of state information technologies (IT). In 2007 the Legislature created the Information Technology Work Group (Work Group), which is composed of legislative members, state agency directors, chief information officers, and members of the business community. In November of 2007, the Work Group made a number of recommendations regarding IT project approval and oversight, purchasing practices, and the shared use of the Department of Information Services (DIS) infrastructure.

The Work Group also recommended that a consultant be hired to conduct an evaluation of IT in support of the continued efforts of the Work Group. In September of 2008, the House of Representatives signed a contract with Pacific Technologies, Inc. (PTI) to conduct an evaluation of, and develop a strategy for, the governance and delivery of state IT services.

#### Recent IT Reports

In 2009 the Legislature received three reports related to the provision of IT in state government. While the scope and objectives of the reports vary, all three reports provide high-level recommendations regarding how the state could increase efficiency in the provision of IT.

*Pacific Technologies, Inc. Report.* The PTI report was completed in June of 2009 at the request of the Legislature and the Work Group. In their final report, the PTI made a number of recommendations regarding IT governance and service delivery, including recommendations to:

- refocus the Information Services Board (SB) on setting and guiding IT direction for the state;
- establish a Project Review Board for level 3 projects;
- centralize desktop and infrastructure support functions to achieve economies of scale, while leaving application support in state agencies; and
- optimize and reduce IT infrastructure in alignment with enterprise architecture best practices.

*Unisys Report.* The Unisys report was commissioned in 2009 as part of the authorization from the Legislature to the DIS to construct a new state data center and office building. Specifically, Unisys was directed to outline how the state could consolidate independent agency data centers to achieve cost-savings to offset higher facility costs.

In its report, Unisys recommended that efforts be made to standardize IT in state government. According to Unisys, greater standardization would allow the state to achieve greater economies of scale, reduce costs, and provide for a more efficient transition to the new state data center. Such standardization efforts could include: discontinuing individual agency server purchases; developing virtualization standards; consolidating servers; and establishing data storage requirements.

*State Auditor's Report.* In January of 2010, the State Auditor issued an "Opportunities for Washington" report, which identified a number of areas with respect to IT where the state could improve service and reduce costs. The State Auditor's report identified several opportunities for improving service and cutting costs: (1) reduce the number of agency data centers; (2) consolidate International Business Machines (IBM) mainframes under one shared service provider; (3) standardize and centralize IT support; (4) consolidate servers within the DIS and better use technology to reduce the number of servers needed; (5) use network resources more efficiently by eliminating duplication and using resources provided by the DIS; (6) include e-mail administration as part of the central e-mail service; and (7) provide competitively priced shared data storage at the DIS. However, the State Auditor acknowledged that changes should be made to how the DIS operates before further consolidation or sharing of IT infrastructure services occurs.

#### Department of Information Services.

The DIS was formed in 1987 as a result of consolidating the state's four independent data processing and communications systems. The Director of the DIS is responsible for overseeing the functions of the DIS, as well as maintaining a strategic planning and policy component for the state by serving as the state Chief Information Officer (CIO).

The DIS provides IT services, upon request, to state agencies, local governments, and public benefit non-profit entities in the state on a cost-recovery basis. The DIS also performs work delegated to it by the Information Services Board, including the review of agency portfolios, the review of agency investment plans and requests, and implementation of statewide and interagency policies, standards, and guidelines.

#### Information Services Board.

The Information Services Board (ISB) was also formed in 1987. The ISB is given a broad range of duties under statute, including policy development, strategic IT planning, oversight of executive branch agencies' IT projects, and delegating authority to the DIS and the agencies. One of the ISB's primary functions is reviewing and providing oversight and spending authorization for larger, higher risk IT projects administered by executive branch agencies.

### Wireless Service.

Many state agencies provide portable handheld wireless devices to their employees. Agencies may purchase wireless service plans or phones through an IT Master Contract offered through the DIS, but generally may also purchase wireless service or phones from other sources.

### Data Storage and Data Centers.

The state has both centralized data center capacity, as well as independent data processing capabilities in numerous agency data centers. The capabilities of these in-house data centers ranges from servers placed in office space to full-fledged facilities with dedicated cooling, power, and staff.

State agencies currently have varied data storage requirements, equipment, resources, and multiple variations in implementation of data retention policies. The Unisys report found that, among the 21 agencies surveyed, there were over 195 different storage devices within the agencies data centers.

## **Effect:**

### Information Technology Savings

OFM, with the assistance of DIS, must identify areas of potential savings that will achieve the savings identified in the Omnibus Appropriation Act. These areas of potential savings must include wireless service, telephony, desktop computers, e-mail services, and data storage.

OFM must work with state agencies, including DIS, to generate savings equal to the amount specified in the Omnibus Appropriations Act. To accomplish this objective, state agencies must provide total cost of ownership data to OFM upon request regarding IT products and services.

OFM must reduce agency allotments by the amounts specified in the Omnibus Appropriations Act to reflect these savings. The allotment reductions must be placed in unallotted status and remain unexpended. Higher education institutions, the State Board for Community and Technical Colleges, the Higher Education Coordinating Board, offices headed by a statewide elected official, the legislative branch, and the judicial branch are all exempt from this section.

### Information Technology Inventory

DIS must conduct a detailed inventory from existing data sets of all IT assets owned or leased by state agencies, including every state office, department, division, bureau, board, commission, or other state agency, including offices headed by a statewide elected official, and offices in the legislative and judicial branches of state government. This inventory must be used to inform the development of a state IT asset management process. Prior to implementation of any state IT asset management process, DIS must submit its recommended approach to the ISB for approval.

### Wireless Phone Service

State agencies must purchase cellular or mobile phone service from the state Master Contract, unless the state agency provides to OFM evidence that the agency is securing wireless devices or services from another source for a lower cost than through participation in the state Master Contract. Institutions of higher education, the State Board for Community and Technical Colleges, the Higher Education Coordinating Board, offices headed by a statewide elected official, the legislative branch, and the judicial branch are exempt from this requirement.

### Information Technology Reporting

Additional requirements are added to the State Budget and Accounting Act related to IT reporting. OFM must collect from all agencies information to produce reports, summaries and budget detail of all current and proposed expenditures for IT by state agencies. In addition, the OFM must collect information for all existing IT projects as defined by ISB policy. OFM must work with DIS to maximize the ability to draw this information from the IT portfolio management data collected by DIS.

The biennial budget documentation submitted by OFM must include an IT plan identifying proposed IT projects and their current and projected costs according to a method similar to the capital budget process. This plan must be submitted electronically, in a format agreed upon by OFM and the Legislative Evaluation and Accountability Program Committee (LEAP).

OFM also must institute a method of accounting for IT-related expenditures, including creating common definitions for what constitutes an IT investment.

The Administrative Office of the Courts and the Legislative Service Center must develop and submit an IT portfolio to the Legislature, DIS, and OFM.

DIS, in coordination with the ISB and OFM, must evaluate agency budget requests and submit funding recommendations to the Legislature. DIS must also submit recommendations regarding consolidation of similar proposals or other efficiencies it may find in reviewing proposals.

DIS must also include additional items in its report to the Legislature on major IT projects. This report must include original and final budgets, original and final schedules, and data regarding process made towards meeting the performance measures included in the original proposal. The first report is due December 15, 2011, and every two years thereafter.

### Enterprise Strategy for IT

OFM must develop an enterprise-based strategy for IT in state government. In developing an enterprise-based strategy for the state, the ISB is encouraged to consider several strategies as possible opportunities for achieving greater efficiency, including personal computer replacement policies, shared services initiatives, pilot programs, data storage, and partnerships with private providers. The legislative and judicial branches are encouraged to coordinate with, and participate in, shared services initiatives, pilot programs, and development of the enterprise-based strategy.

### Information Savings Board Oversight

The ISB must develop contracting standards for IT acquisition and purchased services and work with state agencies to ensure deployment of standardized contracts. The ISB, in consultation with OFM, must review state agency IT budgets. Information Technology projects under the ISB purview must be reviewed based on independent technical and financial information, regardless of whether the project or service is being provided by public or private providers. This review must be conducted by independent, technical staff support, if funds are appropriated.

### Review of IT Governance

By December 1, 2010, DIS and OFM must review: (1) best practices in IT governance, including private sector practices and lessons learned from other states; (2) existing statutes regarding IT governance, standards, and financing to identify inconsistencies between current law and best practices; and (3) what financial data is needed to evaluate IT spending from an enterprise view.

### Legislative Intent

An existing intent section is repealed from current law and is replaced by a new intent section.

### **Votes on Passage:**

	<b>Yeas</b>	<b>Nays</b>
<b>House</b>	<b>94</b>	<b>3</b>
<b>Senate</b>	<b>47</b>	<b>0</b>

**Governor Signed, April 1, 2010**



# SSSB 6357

## Requiring policies for academic recognition of certain formal and informal learning experiences

<b>SPONSOR:</b>	Kilmer	<b>EFFECTIVE DATE:</b>	June 10, 2010
<b>STATUS:</b>	Chapter 71, 2010 Laws	<b>STAFF CONTACT:</b>	Michelle Andreas

### Background:

The State Board for Community and Technical Colleges (SBCTC) sets policy direction for the community and technical college system. Among its specific responsibilities, the SBCTC must:

1. ensure that each college district offers thoroughly comprehensive educational, training, and service programs to meet the needs of both communities and students;
2. provide or coordinate related and supplemental instruction for apprentices; and
3. allow for the growth, improvement, flexibility, and modification of the community colleges and their education, training, and service programs as future needs occur.

Many students enroll at Washington institutions of higher education after first gaining significant life experiences and training in alternative learning settings. The 2008 Strategic Master Plan for Higher Education in Washington specifically identifies working adults and non-traditional students as demographic groups whose engagement in higher education opportunities should be encouraged.

### Effect:

The SBCTC, in consultation with the Higher Education Coordinating Board, the Council of Presidents, the Workforce Training and Education Coordinating Board, representatives from Washington institutions of higher education, representatives from two- and four-year faculty, representatives from private career schools, and representatives from business and labor must develop policies for awarding academic credit for learning from work and military experience, military and law enforcement training, career college training, internships and externships, and apprenticeships. The policies must address issues regarding verification, accreditation, transfer of academic credit, licensing and professional recognition, and financial aid.

Policies developed by the SBCTC, along with recommendations, are submitted to the appropriate committees of the Legislature by December 31, 2010.

**Votes on Passage:**

	<b>Yeas</b>	<b>Nays</b>
<b>House</b>	<b>97</b>	<b>0</b>
<b>Senate</b>	<b>46</b>	<b>0</b>

**Governor Signed, March 15, 2010**

# SB 6467

## Authorizing honorary degrees for students who were ordered into internment camps

<b>SPONSOR:</b>	Shin	<b>EFFECTIVE DATE:</b>	June 10, 2010
<b>STATUS:</b>	Chapter 51, Laws 2010	<b>STAFF CONTACT:</b>	Cynthia Torres-Jimenez

### Background:

United States Executive Order 9066 was a United States Presidential executive order signed and issued during World War II by U.S. President Franklin Roosevelt on February 19, 1942, ordering Japanese Americans to internment camps. The order authorized the Secretary of War and United States Armed Forces commanders to declare areas of the United States as military areas "from which any or all persons may be excluded," although it did not name any nationality or ethnic group. It was eventually applied to one third of the land area of the U.S. (mostly in the West) and was used against those with "Foreign Enemy Ancestry" — Japanese, Italians, and Germans.

Approximately 120,000 ethnic Japanese people were held in internment camps for the duration of the war. Americans of Italian and German ancestry were also targeted by these restrictions, including internment. Eleven thousand people of German ancestry were interned, as were 3,000 people of Italian ancestry, along with some Jewish refugees. Some of the internees of European descent were interned only briefly, and others were held for several years beyond the end of the war.

### Effect:

Honorary degrees may be conferred, by the University of Washington, Washington State University, Central Washington University, Western Washington University, Eastern Washington University, or community and technical colleges in existence in 1942, upon persons who were students at those institutions in 1942, but did not graduate because they were ordered into an internment camp. An honorary degree may also be requested by relatives for deceased qualified persons.

### Votes on Passage:

	Yeas	Nays
House	96	0
Senate	43	0

**Governor Signed, March 12, 2010**



# 2SSB 6702

## Providing education programs for juveniles in adult jails

<b>SPONSOR:</b>	Kline	<b>EFFECTIVE DATE:</b>	June 10, 2010
<b>STATUS:</b>	Chapter 226, 2010 Laws	<b>STAFF CONTACT:</b>	Shash Woods

### Background:

Under current law, provisions are made in statute for educational programs for juveniles confined in state adult prisons, state institutions for juvenile rehabilitation, and county juvenile detention facilities. No specific statutory provision is made for educational programs for juveniles confined in adult jails.

### Effect:

Educational programs are available for juveniles confined in adult jails. Each school district, within which there exists an adult jail, must provide a program of education for juveniles confined therein. Districts may contract with educational service districts, community and technical colleges, four-year institutions, or other qualified entities to provide all or part of these services. A contract must be negotiated for each school year, or for a longer period if agreed to, that defines the respective duties and authority of each party, as well as the manner in which disputes or grievances are resolved.

A district or other provider must:

1. employ, supervise, and control administrators, teachers, and other necessary personnel;
2. purchase, lease, rent, or provide textbooks, and other educational materials and supplies necessary for the program;
3. conduct programs for inmates under the age of 18 in accordance with program standards;
4. expend funds for the direct and indirect costs of maintaining and operating the program allocated for this exclusive purpose; and
5. provide educational services to juvenile inmates within five days of receiving notification from an adult jail that a juvenile has been incarcerated within the district's boundaries. The district or other provider must develop the curricula, instruction methods, and educational objectives of the program.

School districts that provide an education program may:

1. award appropriate diplomas or certificates;

2. allow students who are under the age of 18 when they commence the program, to continue in the program; and
3. spend only funds appropriated by the Legislature allocated for these programs. Excess tax levy proceeds may not be used to pay for costs incurred in this program.

To support the education program, the adult jail facility and each superintendent or chief administrator of an adult jail facility must:

1. provide access to existing instructional and exercise space that is safe and secure;
2. provide necessary equipment to conduct the education program;
3. maintain a clean and appropriate classroom environment that is consistent with security conditions;
4. provide appropriate supervision of juvenile inmates and education providers while engaged in educational related activities;
5. provide support services and facilities necessary to conduct the education program;
6. provide available medical and mental health records necessary for the educational needs of the juvenile inmate;
7. notify the district within five school days that an eligible juvenile inmate has been incarcerated in the adult jail facility.

By September 30, 2010, each school district with an adult jail facility within its boundaries must submit an instructional service plan to the Office of the Superintendent of Public Instruction (OSPI).

OSPI must:

1. allocate money appropriated by the Legislature to administer and provide education programs in adult jail facilities; and
2. adopt rules that apply to school districts and educational providers that establish reporting, program compliance, audit, and other accountability requirements.

OSPI rules must not govern requirements regarding security within the jail facility nor the physical facility of the jail. Any excess costs to the jail facilities must be negotiated between OSPI and the jail facility. OSPI must collaborate with representatives of jail facilities in development of rules for implementation of the educational program.

### **Votes on Passage:**

	<b>Yeas</b>	<b>Nays</b>
<b>House</b>	<b>72</b>	<b>26</b>
<b>Senate</b>	<b>35</b>	<b>12</b>

**Governor Signed, March 26, 2010**

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# **Salaries, Benefits And Personnel**

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**61ST WASHINGTON STATE LEGISLATURE  
2010 REGULAR SESSION**



# SHB 2403

## Concerning military leave for public employees

<b>SPONSOR:</b>	Morrell	<b>EFFECTIVE DATE:</b>	June 10, 2010
<b>STATUS:</b>	Chapter 91, 2010 Laws	<b>STAFF CONTACT:</b>	John Boesenberg

### Background:

Any officer or employee of state or local government who is a member of the Washington National Guard, Army, Navy, Air Force, Coast Guard, or Marine Corps Reserves of the United States, or of any organized reserve or armed forces of the United States, is entitled to 21 days of military leave of absence from employment each year.

The leave is granted so the person may report for active duty or active training duty and is in addition to vacation or sick leave. Taking leave will not result in any loss of efficiency rating, privileges, or pay. The employee receives his or her normal pay during this leave. Active state service or active training duty is construed to be any service on behalf of the state, or at encampments whether ordered by state or federal authority, or any other duty requiring the entire time of any organization or person except when called or drafted into the federal service by the President of the United States.

### Effect:

Military leave shall be granted for required military duty, training, or drills including those in the National Guard. An officer or employee of state or local government shall be charged military leave only for the days that he or she is regularly scheduled to work for the state or local government.

### Votes on Passage:

	Yeas	Nays
House	96	0
Senate	48	0

**Governor Signed, March 17, 2010**



# SHB 2998

## Suspending certain monetary awards and salary increases

<b>SPONSOR:</b>	Seaquist	<b>EFFECTIVE DATE:</b>	February 15, 2010
<b>STATUS:</b>	Chapter 2, 2010 Laws	<b>STAFF CONTACT:</b>	John Boesenberg

### Background:

Washington Management Service (WMS) is a personnel system established for civil service managers in state government. Washington Management Service employees develop policies or direct the work of an agency, administer policies or programs of an agency or agency subdivision, or manage local offices or subdivisions of agencies. Washington Management Service positions often have responsibility for personnel administration, legislative relations, public information, or budgets, or have other duties that include exercising authority that is not merely routine or clerical in nature and requires the consistent use of independent judgment. During 2009 about 4,500 of the 65,000 non-higher education state employees occupied WMS positions.

Washington Management Service employees do not receive automatic annual salary increments as civil service employees do. Instead, a WMS employee's agency has discretion to grant WMS progression increases. Progression increases are added to base salary due to "growth and development" in the job. These progression increases were halted for a period of one year by the passage of Engrossed Second Substitute Bill 5460 (relating to reducing the administrative cost of state government) by the 2009 Legislature on February 18, 2009.

Exempt Management Service (EMS) is the employment category used for senior, executive level positions that are exempt from state civil service law. They are at-will employees, and serve at the pleasure of the appointing agency or authority. Creation of EMS positions is generally restricted, and may be designated either by statute or by the Director of Personnel at the request of the Governor or other elected official. During 2009 there were about 1,250 EMS positions in state government.

"Performance Based Incentives and Bonuses" are considered to include awards or lump-sum payments that agencies may grant to civil service, WMS and exempt employees in recognition of special job performance, outstanding achievements, and special accomplishments under the general authority established in the state civil service statutes and rules. Such payments do not generally become a permanent addition to base pay.

In 2009 Chapter 534, Laws of 2009 (Engrossed Substitute House Bill 2049) the Department of Personnel was required to annually report on the award of performance-based incentives and bonuses to the Governor and Legislature. That report was first submitted in December of 2009, and it indicated that about \$1.9 million in performance based incentives and bonuses was awarded to employees, with an average award amount of \$204.

**Effect:**

No monetary-based awards or incentives may be granted to the Washington Civil Service, the Washington Management Service (WMS), or Civil Service-exempt employees through June 30, 2011. In addition, no growth and development progression adjustments may be granted to the WMS employees through June 30, 2011. The prohibitions on awards do not apply to the awards granted by the Washington State Productivity Board.

**Votes on Passage:**

	<b>Yeas</b>	<b>Nays</b>
<b>House</b>	<b>98</b>	<b>0</b>
<b>Senate</b>	<b>48</b>	<b>0</b>

**Governor Signed, February 15, 2010**

# SSB 6382

## Reducing the cost of state government operations by restricting compensation

<b>SPONSOR:</b>	Prentice	<b>EFFECTIVE DATE:</b>	February 15, 2010
<b>STATUS:</b>	Chapter 1, 2010 Laws	<b>STAFF CONTACT:</b>	John Boesenberg

### Background:

Generally, state employment positions are either civil service exempt, general service, or Washington Management Service (WMS). General service employees are eligible to collectively bargain if they so elect. In higher education, some categories of exempt employees as well as general service employees may collectively bargain if they so elect. For example, higher education faculty and technical college classified employees are exempt employees but may collectively bargain. For employees who collectively bargain, salary and wage increases are determined as provided in the existing contract.

The 2009 Legislature established a 12-month prohibition on salary and wage increases for exempt and WMS employees in Chapter 5, Laws of 2009 (ESSB 5460). The ban on salary increases expired on February 18, 2010.

### Effect:

The prohibition on salary and wage increases for WMS and exempt employees of state agencies and institutions of higher education, not covered by collective bargaining agreements, is extended through June 30, 2011.

An employer may grant a salary increase to a position for which it has a demonstrated difficulty retaining qualified personnel, provided that the increase can be paid within existing resources and without adversely impacting the delivery of client services.

An institution of higher education may also grant a salary increase for employees taking on additional academic duties during the summer quarter.

Any agency giving a salary increase for an exempt or WMS position must submit a report to the fiscal committees of the Legislature by July 31, 2011, describing the increases given and the reasons for the increases.

The prohibition on salary increases is expanded to include awards of cash or cash equivalents given in recognition for performance or longevity.

**Votes on Passage:**

	<b>Yeas</b>	<b>Nays</b>
<b>House</b>	<b>94</b>	<b>3</b>
<b>Senate</b>	<b>33</b>	<b>15</b>

**Governor Signed, February 15, 2010**

# SB 6503

## Closing state agencies on specified dates

<b>SPONSOR:</b>	Prentice	<b>EFFECTIVE DATE:</b>	April 27, 2010
<b>STATUS:</b>	Chapter 32, 2010 Laws PV	<b>STAFF CONTACT:</b>	John Boesenberg

### Background:

State offices must be open at least forty hours per week, with an exception for weeks containing one or more of the ten legal holidays designated in statute.

### Effect:

State agencies are directed to achieve a reduction in employee compensation costs through mandatory and voluntary furloughs, leave without pay, reduced work hours, voluntary retirements and separations, layoffs, and other methods. The amount of the savings will be specified in the omnibus appropriations act. Agencies that fail to submit or receive approval of a compensation reduction plan will be subject to ten specified agency closure dates beginning in July 2010. The cost reduction plans submitted by institutions of higher education may provide for reductions to operations, as well as compensation.

Agencies are encouraged to preserve family wage jobs. Exceptions to the agency expenditure reductions include state corrections and social service institutions, child protective services, law enforcement, military operations, state hospitals, emergency management, state parks, highways, and ferries, the Department of Revenue, Insurance Commissioner, Attorney General, higher education classroom instruction and student employees, state liquor stores, state lottery, unemployment insurance and reemployment services, workers compensation and workplace safety programs, agricultural commodity commissions and food inspections, employees necessary to protect state assets and public safety, and state legislative agencies, the Office of Financial Management, the Governor, and Lieutenant Governor during legislative sessions.

State agency closures will result in the temporary layoff (furlough) and reduction of compensation of affected state employees. These temporary layoffs and reduction in compensation do not affect employee seniority, vacation and sick leave accrual, or retirement benefits.

Agencies that do not adopt an approved compensation reduction plan will be subject to ten closure dates specified in the act. Employees earning less than \$30,000 per year are allowed to use annual leave or shared leave in lieu of temporary layoffs during agency closures.

The Governor vetoed the section of the bill requiring at least \$10 million in compensation savings from management positions exempt from civil service.

**Votes on Passage:**

	<b>Yeas</b>	<b>Nays</b>
<b>House</b>	<b>50</b>	<b>38</b>
<b>Senate</b>	<b>26</b>	<b>14</b>

**Governor Signed, April 27, 2010**

# ESSB 6724

## Allowing employees of a school district or educational service district to share leave with employees in another agency

<b>SPONSOR:</b>	Kilmer	<b>EFFECTIVE DATE:</b>	March 23, 2010
<b>STATUS:</b>	Chapter 168, 2010 Laws	<b>STAFF CONTACT:</b>	John Boesenberg

### Background:

The Washington State Leave Sharing Program (Program) was enacted by the Legislature in 1989 for state employees. The Program permits state agency, school district, and educational service district employees to donate annual and sick leave to fellow employees that may lose their job or go on leave without pay due to certain specified conditions. These conditions include extraordinary illness, injury, or impairment that has caused an employee to exhaust the balance of their sick and annual leave. The illness or injury may be to an employee, a relative, or a household member.

Current law provides that an employee may only receive 261 days of donated leave. It also provides that an employee may transfer leave to another employee employed in the same agency and, with the approval of both agency heads, to an employee of another agency. Employees of school districts or educational service districts, however, may only transfer leave between employees within the same employing district.

### Effect:

A state employee may receive up to 522 days of leave. An employer may grant leave above the 522 day cap in extraordinary circumstances if an employee suffers from severe illness, injury, impairment, or physical or mental conditions. Shared leave received under the uniformed service shared leave pool is not subject to these limitations. The director of personnel is authorized to adopt rules as necessary to implement such changes.

Current statutory provisions limiting leave sharing between employees of a school district or education service district are amended. Employees of a school district or educational service district are authorized to share leave with employees in another agency.

### Votes on Passage:

	Yeas	Nays
House	98	0
Senate	46	0

**Governor Signed, March 23, 2010**

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# Tuition and Student Services

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**61ST WASHINGTON STATE LEGISLATURE  
2010 REGULAR SESSION**



# EHB 2519

## Addressing duty-related death benefits for public safety employees

<b>SPONSOR:</b>	Green	<b>EFFECTIVE DATE:</b>	June 10, 2010
<b>STATUS:</b>	Chapter 261, 2010 Laws	<b>STAFF CONTACT:</b>	Paula Moore

### Background:

#### State Tuition and Education Benefits

State institutions of higher education may waive all or a portion of tuition and fees for eligible students within certain limits. Categories of eligible students include the children of law enforcement officers or firefighters that died or became disabled in the line of duty. For these waivers, known as state-supported waivers, institutions receive general fund support to offset the tuition not collected from students as a result of granting the waivers. This authority to grant state-supported waivers is capped for each institution at a certain percentage of the total tuition revenue the institution collects. Within their respective percentage caps, each institution decides how to apportion its waiver authority among the various categories of state supported permissive waivers.

Institutions also have authority to waive tuition on a space available basis for certain eligible persons. Student attendance under space-available waivers is not counted for budgetary purposes. In addition to state-supported waivers and space-available waivers, institutions also have authority to waive all or a portion of the tuition operating fee (not the building fee) for any student. These waivers are unsupported discretionary waivers for which the institution receives no state funding to make up for the foregone revenue.

### Effect:

#### State Tuition and Education Benefits

State institutions of higher education must waive all tuition, service fees and activity fees for children and spouses of law enforcement officers, firefighters, and Washington State Patrol Officers, that die or become totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in Washington.

The boards of higher education institutions must report to the Higher Education Coordinating Board or the State Board for Community and Technical Colleges on the cost of tuition and other fees waived under the act. The state boards must report these results annually to the appropriate fiscal and policy committees of the Legislature.

### Votes on Passage:

	Yeas	Nays
House	92	2
Senate	46	0

**Governor Signed, March 31, 2010**

# HB 2973

## Creating resident student classifications for certain members of the military and their spouses and dependents

<b>SPONSOR:</b>	Orcutt	<b>EFFECTIVE DATE:</b>	June 10, 2010
<b>STATUS:</b>	Chapter 183, 2010 Laws	<b>STAFF CONTACT:</b>	Cynthia Torres-Jimenez

### Background:

#### Resident Student

Classification as a resident qualifies a student to pay in-state tuition rates which are lower than non-resident rates. The statutory definition of resident student encompasses several categories of students, including:

- a financially independent student who has established a domicile in the state of Washington for one year immediately prior to the first day of class for which the student has registered and has established such domicile in this state for other than educational purposes;
- a dependent student whose parent or parents have maintained a domicile in Washington for one year prior to the start of class;
- a student who has spent at least 75 percent of his or her junior and senior years in a Washington high school and whose parents maintained a domicile in Washington for at least one year in the five-year period preceding the student's enrollment, and who enrolls in college within six months of leaving high school;
- any person who has completed his or her senior year in a Washington high school, received a high school diploma or its equivalent, continuously lived in Washington three years prior to receiving the diploma and continued to live in Washington after receipt, and who provides an affidavit indicating that he or she will file an application to become a permanent resident; and
- a student who is on active military duty stationed in this state or who is a member of the Washington National Guard, as well as his or her spouse or dependents.

#### Border County Higher Education Opportunity Project

Columbia Basin College, Clark College, Lower Columbia College, Gray's Harbor College, and Walla Walla Community College may charge resident tuition rates to students who moved to Washington from an Oregon "border county" within the last 12 months and had lived in the border county for at least 90 days immediately prior to moving to Washington.

The Tri-Cities and Vancouver branch campuses of Washington State University may charge resident tuition rates to students who moved to Washington from one of these nine Oregon border counties provided that the student: (1) moved to Washington within the last 12 months; (2) lived in the border county for at least 90 days immediately prior to moving to Washington; and (3) is enrolled in eight credits or less.

The nine eligible Oregon counties include Columbia, Multnomah, Clatsop, Clackamas, Morrow, Umatilla, Union, Wallowa, and Washington.

### **Effect:**

A student who resides in Washington and is on active military duty stationed in one of the nine Oregon border counties is included in the definition of "resident student" and eligible to pay in-state tuition rates. Spouses and dependents of active military members stationed in one of the border counties and living in Washington are also eligible for in-state tuition rates as long as the spouse or dependent also resides in Washington. If the person on active military duty moves from Washington or is reassigned out of one of the Oregon border counties, his or her spouse or dependent maintains resident status so long as the spouse or dependent resides in Washington and is continuously enrolled in a degree program.

### **Votes on Passage:**

	<b>Yeas</b>	<b>Nays</b>
<b>House</b>	<b>97</b>	<b>0</b>
<b>Senate</b>	<b>46</b>	<b>0</b>

**Governor Signed, March 23, 2010**