

Chapter 28B.40 RCW
THE EVERGREEN STATE COLLEGE

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RCW 28B.40.010 Designation. The only state college in Washington shall be in Thurston county, The Evergreen State College. [1977 ex.s. c 169 s 64; 1969 ex.s. c 223 s 28B.40.010. Prior: 1967 c 47 s 6; 1961 c 62 s 2; 1957 c 147 s 2; prior: (i) 1909 c 97 p 251 s 1, part; 1897 c 118 s 212; 1893 c 107 s 1; RRS s 4604, part. (ii) 1937 c 23 s 1; RRS s 4604-1. (iii) 1937 c 23 s 2; RRS s 4604-2. (iv) 1937 c 23 s 3; RRS s 4604-3. Formerly RCW 28.81.010.]

Severability—Nomenclature—Savings—1977 ex.s. c 169: See notes following RCW 28B.10.016.

RCW 28B.40.100 Trustees—Appointment—Terms—Quorum—Vacancies.

(1) The governance of The Evergreen State College shall be vested in a board of trustees consisting of eight members, one of whom shall be a student. The governor shall select the student member from a list of candidates, of at least three and not more than five, submitted by the student body. They shall be appointed by the governor with the consent of the senate and, except for the student member, shall hold their offices for a term of six years from the first day of October and until their successors are appointed and qualified. The student member

shall hold his or her office for a term of one year from the first day of July and until the first day of July of the following year or until his or her successor is appointed and qualified, whichever is later. The student member shall be a full-time student in good standing at the college at the time of appointment.

(2) Five members of the board constitute a quorum for the transaction of business. In case of a vacancy, or when an appointment is made after the date of expiration of the term, the governor shall fill the vacancy for the remainder of the term of the trustee whose office has become vacant or expired.

(3) Except for the term of the student member, no more than the terms of two members will expire simultaneously on the last day of September in any one year.

(4) A student appointed under this section shall excuse himself or herself from participation or voting on matters relating to the hiring, discipline, or tenure of faculty members and personnel. [2006 c 78 s 4; 1998 c 95 s 4; 1985 c 137 s 2; 1979 ex.s. c 103 s 5; 1977 ex.s. c 169 s 65; 1973 c 62 s 11; 1969 ex.s. c 223 s 28B.40.100. Prior: 1967 ex.s. c 5 s 2; 1957 c 147 s 3; prior: (i) 1909 c 97 p 251 s 1, part; 1897 c 118 s 212; 1893 c 107 s 1; RRS s 4604, part. (ii) 1909 c 97 p 251 s 2; 1897 c 118 s 213; 1893 c 107 s 2; RRS s 4605. Formerly RCW 28.81.020.]

Present terms not affected—Severability—1979 ex.s. c 103: See notes following RCW 28B.20.100.

Severability—Nomenclature—Savings—1977 ex.s. c 169: See notes following RCW 28B.10.016.

Savings—Severability—1973 c 62: See notes following RCW 28B.10.510.

RCW 28B.40.105 Trustees—Organization and officers of board—Quorum. The board of The Evergreen State College trustees shall elect one of its members chair, and it shall elect a secretary, who may or may not be a member of the board. The board shall have power to adopt bylaws for its government and for the government of the school, which bylaws shall not be inconsistent with law, and to prescribe the duties of its officers, committees, and employees. A majority of the board shall constitute a quorum for the transaction of all business. [2011 c 336 s 732; 1977 ex.s. c 169 s 66; 1969 ex.s. c 223 s 28B.40.105. Prior: 1909 p 252 s 3; RRS s 4606; prior: 1897 c 118 s 214; 1893 c 107 s 3. Formerly RCW 28.81.030 and 28.81.050(1), (2).]

Severability—Nomenclature—Savings—1977 ex.s. c 169: See notes following RCW 28B.10.016.

RCW 28B.40.110 Trustees—Open public meetings. The board of The Evergreen State College trustees shall hold at least two regular meetings each year, at such times as may be provided by the board, and shall follow procedures for open public meetings in chapter 42.30 RCW. The board shall provide time for public comment at each meeting. Special meetings shall be held as may be deemed necessary, whenever called by the chair or by a majority of the board. Public notice of

all meetings shall be given in accordance with *chapter 42.32 RCW. [2012 c 228 s 4; 2011 c 336 s 733; 1977 ex.s. c 169 s 67; 1969 ex.s. c 223 s 28B.40.110. Prior: 1917 c 128 s 1, part; 1909 c 97 p 253 s 6, part; RRS s 4609, part; prior: 1897 c 118 s 217, part; 1893 c 107 s 6, part. Formerly RCW 28.81.040, part.]

***Reviser's note:** The only section in chapter 42.32 RCW, RCW 42.32.030, was recodified as RCW 42.30.035 pursuant to 2017 3rd sp.s. c 25 s 30.

Severability—Nomenclature—Savings—1977 ex.s. c 169: See notes following RCW 28B.10.016.

Open public meetings act: Chapter 42.30 RCW.

RCW 28B.40.120 Trustees—General powers and duties of board. In addition to any other powers and duties prescribed by law, the board of trustees of The Evergreen State College:

(1) Shall have full control of the state college and its property of various kinds, except as otherwise provided by law.

(2) Shall employ the president of the state college, his or her assistants, members of the faculty, and other employees of the institution, who, except as otherwise provided by law, shall hold their positions, until discharged therefrom by the board for good and lawful reason.

(3) With the assistance of the faculty of the state college, shall prescribe the course of study in the various schools and departments thereof and publish such catalogues thereof as the board deems necessary: PROVIDED, That the Washington professional educator standards board shall determine the requisites for and give program approval of all courses leading to teacher certification by such board.

(4) May establish such divisions, schools, or departments necessary to carry out the purposes of the college and not otherwise proscribed by law.

(5) Except as otherwise provided by law, may establish and erect such new facilities as determined by the board to be necessary for the college.

(6) May acquire real and other property as provided in RCW 28B.10.020, as now or hereafter amended.

(7) Except as otherwise provided by law, may purchase all supplies and purchase or lease equipment and other personal property needed for the operation or maintenance of the college.

(8) May establish, lease, operate, equip, and maintain self-supporting facilities in the manner provided in RCW 28B.10.300 through 28B.10.330, as now or hereafter amended.

(9) Except as otherwise provided by law, shall enter into such contracts as the trustees deem essential to college purposes.

(10) May receive such gifts, grants, conveyances, devises, and bequests of real or personal property from whatsoever source, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the college programs; sell, lease, or exchange, invest or expend the same or the proceeds, rents, profits, and income thereof except as limited by the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits, and income thereof.

(11) In accordance with RCW 28B.77.080, may offer new degree programs, offer off-campus programs, participate in consortia or centers, contract for off-campus educational programs, and purchase or lease major off-campus facilities.

(12) May promulgate such rules and regulations, and perform all other acts not forbidden by law, as the board of trustees may in its discretion deem necessary or appropriate to the administration of the college. [2012 c 229 s 813; 2011 c 336 s 734; 2006 c 263 s 825; 2004 c 275 s 56; 1985 c 370 s 95; 1977 ex.s. c 169 s 68; 1969 ex.s. c 223 s 28B.40.120. Prior: 1909 c 97 p 252 s 4; RRS s 4607; prior: 1905 c 85 s 1; 1897 c 118 s 215; 1893 c 107 s 4. Formerly RCW 28.81.050.]

Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904: See note following RCW 28B.77.005.

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Part headings not law—2004 c 275: See note following RCW 28B.76.090.

Severability—Nomenclature—Savings—1977 ex.s. c 169: See notes following RCW 28B.10.016.

RCW 28B.40.190 Trustees—Fire protection services. Subject to the provisions of RCW 35.21.779, the board of trustees of The Evergreen State College may:

(1) Contract for such fire protection services as may be necessary for the protection and safety of the students, staff and property of the college;

(2) By agreement pursuant to the provisions of chapter 239, Laws of 1967 (chapter 39.34 RCW), as now or hereafter amended, join together with other agencies or political subdivisions of the state or federal government and otherwise share in the accomplishment of any of the purposes of subsection (1) of this section:

PROVIDED, HOWEVER, That neither the failure of the trustees to exercise any of its powers under this section nor anything herein shall detract from the lawful and existing powers and duties of political subdivisions of the state to provide the necessary fire protection equipment and services to persons and property within their jurisdiction. [1992 c 117 s 2; 1977 ex.s. c 169 s 69; 1970 ex.s. c 15 s 28.]

Findings—1992 c 117: See note following RCW 35.21.775.

Severability—Nomenclature—Savings—1977 ex.s. c 169: See notes following RCW 28B.10.016.

Severability—1970 ex.s. c 15: See note following RCW 28A.230.160.

RCW 28B.40.195 Treasurer—Appointment, term, duties, bonds. Each board of state college trustees shall appoint a treasurer who

shall be the financial officer of the board and who shall hold office during the pleasure of the board. Each treasurer shall render a true and faithful account of all moneys received and paid out by him or her, and shall give bond for the faithful performance of the duties of his or her office in such amount as the trustees require: PROVIDED, That the respective colleges shall pay the fees for any such bonds. [2011 c 336 s 735; 1977 c 52 s 1.]

Regional universities—Designation: RCW 28B.35.010.

RCW 28B.40.196 Credits—Statewide transfer policy and agreement—Establishment. See RCW 28B.77.210 and 28B.77.215.

RCW 28B.40.200 Bachelor degrees authorized. The degree of bachelor of arts or the degree of bachelor of science and/or the degree of bachelor of arts in education may be granted to any student who has completed a four-year course of study or the equivalent thereof in The Evergreen State College. [1977 ex.s. c 169 s 70; 1969 ex.s. c 223 s 28B.40.200. Prior: 1967 c 231 s 1; 1967 c 47 s 7; 1947 c 109 s 1; 1933 c 13 s 1; Rem. Supp. 1947 s 4618-1. Formerly RCW 28.81.052; 28.81.050(16).]

Severability—Nomenclature—Savings—1977 ex.s. c 169: See notes following RCW 28B.10.016.

RCW 28B.40.202 Educational specialist degrees. The board of trustees of The Evergreen State College may offer educational specialist degrees. [2013 c 296 s 2.]

RCW 28B.40.206 Degrees through master's degrees—Honorary bachelor's or master's degrees. In addition to all other powers and duties given to them by law, the board of trustees of The Evergreen State College is hereby authorized to grant any degree through the master's degree to any student who has completed a program of study and/or research in those areas which are determined by the faculty and board of trustees of the college to be appropriate for the granting of such degree.

The board of trustees, upon recommendation of the faculty, may also confer honorary bachelor's or master's degrees upon persons other than graduates of the institution, in recognition of their learning or devotion to education, literature, art, or science. No degree may be conferred in consideration of the payment of money or the donation of any kind of property. [2012 c 229 s 814; 1991 c 58 s 3; 1985 c 370 s 85; 1979 ex.s. c 78 s 1.]

Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904: See note following RCW 28B.77.005.

Severability—1979 ex.s. c 78: "If any provision of this act or its application to any person or circumstance is held invalid, the

remainder of the act or the application of the provision to other persons or circumstances is not affected." [1979 ex.s. c 78 s 4.]

RCW 28B.40.230 Certificates, diplomas—Signing—Contents. Every diploma issued by The Evergreen State College shall be signed by the chair of the board of trustees and by the president of the state college, and sealed with the appropriate seal. In addition to the foregoing, teaching certificates shall be countersigned by the state superintendent of public instruction. Every certificate shall specifically state what course of study the holder has completed and for what length of time such certificate is valid in the schools of the state. [2011 c 336 s 736; 1977 ex.s. c 169 s 72; 1969 ex.s. c 223 s 28B.40.230. Prior: 1917 c 128 s 4; 1909 c 97 p 254 s 9; RRS s 4615; prior: 1897 c 118 s 220; 1895 c 146 s 2; 1893 c 107 s 13. Formerly RCW 28.81.056; 28.81.050(15).]

Severability—Nomenclature—Savings—1977 ex.s. c 169: See notes following RCW 28B.10.016.

RCW 28B.40.300 Model schools and training departments—Purpose. A model school or schools or training departments may be provided for The Evergreen State College, in which students, before graduation, may have actual practice in teaching or courses relative thereto under the supervision and observation of critic teachers. All schools or departments involved herewith shall organize and direct their work being cognizant of public school needs. [1977 ex.s. c 169 s 73; 1969 ex.s. c 223 s 28B.40.300. Prior: 1917 c 128 s 2; 1909 c 97 p 253 s 8; RRS s 4611; prior: 1897 c 118 s 219; 1893 c 107 s 12. Formerly RCW 28.81.058; 28.81.050(12).]

Severability—Nomenclature—Savings—1977 ex.s. c 169: See notes following RCW 28B.10.016.

RCW 28B.40.305 Model schools and training departments—Trustees to estimate number of pupils required. The board of trustees of The Evergreen State College, if having a model school or training department as authorized by RCW 28B.40.300, shall, on or before the first Monday of September of each year, file with the board of the school district or districts in which such state college is situated, a certified statement showing an estimate of the number of public school pupils who will be required to make up such model school and specifying the number required for each grade for which training for students is required. [1977 ex.s. c 169 s 74; 1969 ex.s. c 223 s 28B.40.305. Prior: 1907 c 97 s 1; RRS s 4612. Formerly RCW 28.81.059; 28.81.050(13).]

Severability—Nomenclature—Savings—1977 ex.s. c 169: See notes following RCW 28B.10.016.

RCW 28B.40.310 Model schools and training departments—Requisitioning of pupils—President may refuse admission. It shall thereupon be the duty of the board of the school district or districts

with which such statement has been filed, to apportion for attendance to the said model school or training department, a sufficient number of pupils from the public schools under the supervision of said board as will furnish to The Evergreen State College the number of pupils required in order to maintain such facility: PROVIDED, That the president of said state college may refuse to accept any such pupil as in his or her judgment would tend to reduce the efficiency of said model school or training department. [2011 c 336 s 737; 1977 ex.s. c 169 s 75; 1969 ex.s. c 223 s 28B.40.310. Prior: 1907 c 97 s 2; RRS s 4613. Formerly RCW 28.81.060.]

Severability—Nomenclature—Savings—1977 ex.s. c 169: See notes following RCW 28B.10.016.

RCW 28B.40.315 Model schools and training departments—Report of attendance. Annually, on or before the date for reporting the school attendance of the school district in which said model school or training department is situated, for the purpose of taxation for the support of the common schools, the board of trustees of The Evergreen State College, since having supervision over the same, shall file with the board of the school district or districts, in which such model school or training department is situated, a report showing the number of common school pupils at each such model school or training department during the school year last passed, and the period of their attendance in the same form that reports of public schools are made. Any superintendent of the school district so affected shall, in reporting the attendance in said school district, segregate the attendance at said model school or training department, from the attendance in the other schools of said district: PROVIDED, That attendance shall be credited, if credit be given therefor, to the school district in which the pupil resides. [1977 ex.s. c 169 s 76; 1969 ex.s. c 223 s 28B.40.315. Prior: 1917 c 128 s 3; 1907 c 97 s 3; RRS s 4614. Formerly RCW 28.81.061; 28.81.050(14).]

Severability—Nomenclature—Savings—1977 ex.s. c 169: See notes following RCW 28B.10.016.

RCW 28B.40.350 Suspension and expulsion. Any student may be suspended or expelled from The Evergreen State College who is found to be guilty of an infraction of the regulations of the institution. [1977 ex.s. c 169 s 77; 1969 ex.s. c 223 s 28B.40.350. Prior: 1961 ex.s. c 13 s 2, part; prior: (i) 1909 c 97 p 255 s 13; RRS s 4620. (ii) 1921 c 136 s 1, part; 1905 c 85 s 3, part; RRS s 4616, part. Formerly RCW 28.81.070.]

Severability—Nomenclature—Savings—1977 ex.s. c 169: See notes following RCW 28B.10.016.

RCW 28B.40.370 Disposition of building fees and normal school fund revenues—Bond payments—Capital projects accounts. See RCW 28B.35.370.

RCW 28B.40.390 Duties of president. The president of The Evergreen State College shall have general supervision of the college and see that all laws and rules of the board of trustees are observed. [1977 ex.s. c 169 s 81; 1969 ex.s. c 223 s 28B.40.390. Prior: 1909 c 97 p 253 s 7; RRS s 4610; prior: 1897 c 118 s 218; 1893 c 107 s 7. Formerly RCW 28.81.110.]

Severability—Nomenclature—Savings—1977 ex.s. c 169: See notes following RCW 28B.10.016.

RCW 28B.40.500 Annuities and retirement income plans for faculty members. See RCW 28B.10.400 through 28B.10.423.

RCW 28B.40.505 Tax deferred annuities for employees. See RCW 28B.10.480.

FINANCING BUILDINGS AND FACILITIES—1961 ACT

RCW 28B.40.700 Construction, remodeling, improvement, financing, etc.—Authorized. See RCW 28B.35.700.

RCW 28B.40.710 Definitions. See RCW 28B.35.710.

RCW 28B.40.720 Contracts, issuance of evidences of indebtedness, bonds, acceptance of grants. See RCW 28B.35.720.

RCW 28B.40.730 Bonds—Issuance, sale, form, term, interest, etc.—Covenants—Deposit of proceeds. See RCW 28B.35.730.

RCW 28B.40.740 Disposition of building fees and normal school fund revenues—Bond payments, etc. See RCW 28B.35.370.

RCW 28B.40.750 Funds payable into bond retirement funds—Pledge of building fees. See RCW 28B.35.750.

RCW 28B.40.751 Disposition of certain normal school fund revenues. See RCW 28B.35.751.

RCW 28B.40.760 Additional powers of board—Issuance of bonds, investments, transfer of funds, etc. See RCW 28B.35.760.

RCW 28B.40.770 Refunding bonds. See RCW 28B.35.770.

RCW 28B.40.780 Bonds not general obligation—Legislature may provide additional means of payment. See RCW 28B.35.780.

RCW 28B.40.790 Other laws not repealed or limited. See RCW 28B.35.790.

RCW 28B.40.795 Acquisition, construction, equipping and betterment of lands, buildings and facilities at universities and The Evergreen State College. See RCW 28B.10.300 through 28B.10.330.

RCW 28B.40.810 The Evergreen State College—Established. There is hereby established in Thurston county a state college, The Evergreen State College. [1969 ex.s. c 223 s 28B.40.810. Prior: 1967 c 47 s 2. Formerly RCW 28.81.610.]

Legislative declaration of purpose: See 1967 c 47 s 1.

Site selection and initial procedure to prepare college for reception of students: See 1967 c 47 s 4.

RCW 28B.40.820 The Evergreen State College—Trustees—Appointment—Terms. The terms of office and date of commencement thereof of the five member board of trustees of The Evergreen State College appointed by the governor prior to August 1, 1967, shall be the same as prescribed by law for trustees of state colleges under RCW 28B.40.100, as now or hereafter amended, except that initial appointments shall be for terms as follows: One for two years, one for three years, one for four years, one for five years, and one for six years. [1969 ex.s. c 223 s 28B.40.820. Prior: 1967 c 47 s 3. Formerly RCW 28.81.620.]

RCW 28B.40.830 The Evergreen State College—Trustees, powers and duties—Existing statutes as applicable to college—Federal benefits and donations. The board of trustees of The Evergreen State College shall have all the powers and duties as are presently or may hereafter be granted to existing state colleges by law. All statutes pertaining to the existing state colleges shall have full force and application to The Evergreen State College.

The Evergreen State College is hereby deemed entitled to receive and share in all the benefits and donations made and given to similar institutions by the enabling act or other federal law to the same extent as other state colleges are entitled to receive and share in such benefits and donations. [1969 ex.s. c 223 s 28B.40.830. Prior: 1967 c 47 s 5. Formerly RCW 28.81.630.]