

Chapter 28B.77 RCW
STUDENT ACHIEVEMENT COUNCIL
(Formerly: Council for higher education)

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RCW 28B.77.001 Findings—Intent—2012 c 229. The legislature recognizes that increasing educational attainment is critical to the social and economic well-being of Washington. It is the intent of the legislature to create the student achievement council to provide the focus and propose the goals for increasing educational attainment including improving student transitions from secondary to postsecondary education and training and between and among postsecondary institutions.

The legislature finds that increasing educational attainment is essential for maintaining the health of a democratic society and the competitiveness of the state in the global economy. By increasing educational attainment, students will develop into citizens who are more capable of critical thinking, more aware of their world and its diversity, more creative in their problem-solving, and more successful in addressing social and economic challenges of the future in an informed and thoughtful way.

The legislature finds that educational attainment is a powerful predictor of well-being. Students who have completed higher levels of education or training are more likely to achieve success in work or life and less likely to require taxpayer support. Education is perhaps the most important engine of economic growth and individual and financial health. Success in growing a stronger economy and democracy and lifting incomes and well-being depends upon increasing educational attainment.

The legislature recognizes that reaching the overall objective of increased educational attainment means that Washington's education systems must enable many more students to gain meaningful high school diplomas, postsecondary certificates, associate degrees, bachelor's degrees, and graduate degrees.

The legislature recognizes that the requirement for academic attainment is increasing. According to various academic studies, Washington's economy is becoming even more highly dependent on workers with postsecondary education. Other studies indicate that rates of successful participation in higher education by Washington residents, especially among lower-income and disadvantaged persons, are among the lowest in the nation.

Due to the large and growing gap between education requirements and achievement, it is the intent of the legislature to focus on increased educational attainment as a key priority and to closely track progress towards meeting this statewide objective. [2012 c 229 s 1.]

RCW 28B.77.003 Missions. (1) Guided by the state's overarching objective of substantially increasing educational attainment for the purposes outlined in RCW 28B.77.001, the council has a dual mission:

(a) To propose to the governor and the legislature goals for increasing educational attainment in Washington, recommend the resources necessary to achieve the goals, and monitor progress toward meeting the goals;

(b) To propose to the governor, the legislature, and the state's educational institutions, improvements and innovations needed to continually adapt the state's educational institutions to evolving educational attainment needs; and

(c) To advocate for higher education through various means, with the goal of educating the general public on the economic, social, and civic benefits of postsecondary education, and the consequent need for increased financial support and civic commitment in the state.

(2) In the pursuit of the missions the council links the work of educational programs, schools, and institutions from secondary through postsecondary education and training and through careers. The council must connect the work of the superintendent of public instruction, the state board of education, the professional educator standards board, the state board for community and technical colleges, the workforce training and education coordinating board, and the four-year institutions of higher education, as well as the independent schools and colleges.

(3) Drawing on the staff expertise of the council and other state, national, and international analysis and research assets, the council must also take a leading role in facilitating educational attainment analysis and research leading to increased educational attainment and education system development. [2012 c 229 s 103.]

RCW 28B.77.005 Student achievement council—Advisory committees.

(1) The student achievement council is created.

(2) The council is composed of 10 voting members as provided in this subsection.

(a) Six citizen members shall be appointed by the governor with the consent of the senate. One of the citizen members shall be an undergraduate student and one shall be a graduate student. The citizen members shall be selected based on their knowledge of or experience in higher education. In making appointments to the council, the governor shall give consideration to citizens representing labor, business, women, and racial and ethnic minorities, as well as geographic representation, to ensure that the council's membership reflects the state's diverse population. The citizen members shall serve for four-year terms except for each of the student members, who shall serve for two years; however, the terms of the initial members and the undergraduate and graduate student members shall be staggered.

(b) A representative of an independent nonprofit higher education institution as defined in RCW 28B.07.020, selected by an association of independent nonprofit baccalaureate degree-granting institutions. The representative appointed under this subsection (2)(b) shall excuse himself or herself from voting on matters relating primarily to public institutions of higher education.

(c) Chosen for their recognized ability and innovative leadership experience in broad education policy and system design, a representative of each of the following shall be selected by the

respective organizations, who shall serve at the pleasure of the appointing organizations:

(i) A representative of the four-year institutions of higher education as defined in RCW 28B.10.016, selected by the presidents of those institutions;

(ii) A representative of the state's community and technical college system, selected by the state board for community and technical colleges; and

(iii) A representative of the state's K-12 education system, selected by the superintendent of public instruction in consultation with the department of children, youth, and families and the state board of education. The representative appointed under this subsection (2)(c)(iii) shall excuse himself or herself from voting on matters relating primarily to institutions of higher education.

(3) The chair shall be selected by the council from among the citizen members appointed to the council. The chair shall serve a one-year term but may serve more than one term if selected to do so by the membership.

(4) The council may create advisory committees on an ad hoc basis for the purpose of obtaining input from students, faculty, and higher education experts and practitioners, citizens, business and industry, and labor, and for the purpose of informing their research, policy, and programmatic functions. Ad hoc advisory committees addressing secondary to postsecondary transitions and university and college admissions requirements must include K-12 sector representatives including teachers, school directors, principals, administrators, and others as the council may direct, in addition to higher education representatives. The council shall maintain a contact list of K-12 and higher education stakeholder organizations to provide notices to stakeholders regarding the purposes of ad hoc advisory committees, timelines for planned work, means for participation, and a statement of desired outcomes.

(5) Any vacancies on the council shall be filled in the same manner as the original appointments. Appointments to fill vacancies shall be only for such terms as remain unexpired. Any vacancies among council members appointed by the governor shall be filled by the governor subject to confirmation by the senate and shall have full authority to act before the time the senate acts on their confirmation. [2021 c 134 s 1; 2018 c 58 s 27; 2012 c 229 s 101; 2011 1st sp.s. c 11 s 301.]

Effective date—2018 c 58: See note following RCW 28A.655.080.

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: "Sections 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904 of this act take effect July 1, 2012." [2012 c 229 s 908.]

Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301: See note following RCW 28B.76.020.

Intent—2011 1st sp.s. c 11: See note following RCW 28B.76.020.

RCW 28B.77.007 Student loan advocate—Duties—Referral of complaints. (1) The council shall designate a student loan advocate within the office to provide timely assistance to any student education loan borrower with any student education loan. The student loan advocate may hire additional staff as necessary to implement this section.

(2) The student loan advocate receives and reviews complaints from student education loan borrowers. Complaints regarding student education loan servicers licensed or subject to licensing under chapter 31.04 RCW must be referred to the department of financial institutions. The department of financial institutions investigates complaints received by the student loan advocate, and from the public who may also submit complaints directly to the department of financial institutions.

(3) The student loan advocate, in collaboration with the attorney general's office, receives, reviews, and refers to the attorney general's consumer protection division all other complaints from student education loan borrowers regarding student education loan servicers whose activities are not subject to licensure by chapter 31.04 RCW.

(4) The student loan advocate, the department of financial institutions, and the office of the attorney general shall confer annually regarding the student education loan servicer complaints, the proper referral processes for those complaints, and the reporting requirements of the advocate under chapter 31.04 RCW and this section.

(5) The student loan advocate has the following duties:

(a) Compile and analyze data on student education loan borrower complaints received and referred to the department of financial institutions and the office of the attorney general;

(b) Assist student education loan borrowers in understanding rights and responsibilities under the terms of student education loans, including reviewing the complete student education loan history for any student education loan borrower who has provided written consent for the review;

(c) Provide information to the public, agencies, legislators, and others regarding the problems and concerns of student education loan borrowers and make recommendations for resolving those problems and concerns;

(d) Analyze and monitor the development and implementation of federal, state, and local laws, rules, regulations, and policies relating to student education loan borrowers and recommend any changes the student loan advocate deems necessary;

(e) Assess the number of residents with federal student education loans who have applied for, received, or are awaiting a decision on forgiveness or discharge of a student education loan on a comparable annual basis, subject to the availability of applicable data;

(f) Disseminate information concerning the availability of the student loan advocate to assist student education loan borrowers and potential student education loan borrowers, as well as institutions of higher education, student education loan servicers, and any other participant in student education loan lending, with any student education loan concerns;

(g) Take any action reasonably calculated or intended to assist student education loan borrowers, including providing assistance applying for forgiveness or discharge of a student education loan and communicating with a student education loan servicer to resolve a

complaint received by the advocate from a student education loan borrower; and

(h) Take any other actions necessary to fulfill the duties of the student loan advocate as provided in chapter 31.04 RCW and this section.

(6) By October 1, 2020, the student loan advocate shall establish and maintain a student education loan borrower education course that includes educational presentations and materials regarding issues surrounding student education loans. The course must include, but not be limited to, key loan terms, documentation requirements, monthly payment obligations, income-driven repayment options, loan forgiveness, refund, and discharge, state-based tuition recovery, disclosures, federal consumer information and warnings, federal regulations intended to protect federal student loan borrowers, options for submitting complaints to the student loan advocate and state and federal agencies, and specific benefits and options for military service members and veterans.

(7) By December 31, 2020, the council shall submit a report to the appropriate committees of the legislature having jurisdiction over matters relating to financial institutions and higher education. The council shall report on: (a) The implementation of this section; (b) the overall effectiveness of the student loan advocate; (c) the types of complaints received regarding student education loan borrowing, student education loan repayments and servicing, and how these complaints are resolved; and (d) other data on outstanding student education loan issues faced by borrowers.

(8) Implementation of this section by the council is subject to the availability of amounts appropriated and the balance of the student loan advocate account. [2018 c 62 s 1.]

Application—Short title—2018 c 62: See RCW 31.04.905 and 31.04.906.

RCW 28B.77.008 Student loan advocate account. The student loan advocate account is created in the custody of the state treasurer. Expenditures from the account may be used only for the purpose of covering the costs of administering the student loan advocate program created in RCW 28B.77.007. Only the executive director of the council or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditure. [2018 c 62 s 5.]

Application—Short title—2018 c 62: See RCW 31.04.905 and 31.04.906.

RCW 28B.77.009 Student loan advocate—Public service loan forgiveness program awareness materials. (1) The student loan advocate, established in RCW 28B.77.007, shall develop, and update annually as necessary, materials designed to increase awareness of the public service loan forgiveness program. Materials include, at a minimum:

(a) A standardized letter for public service employers to send to their employees briefly summarizing the public service loan

forgiveness program, information about what eligible employees are required to do in order to benefit from the program, and how an eligible employee may contact their student loan servicer for additional resources;

(b) A detailed fact sheet describing the public service loan forgiveness program, including the official website address maintained by the United States department of education for the program and contact information for the student loan advocate; and

(c) A document containing frequently asked questions about the public service loan forgiveness program.

(2) The student loan advocate shall coordinate with the office of financial management, the secretary of state, local governmental entities, and other relevant agencies and public service employer entities to ensure that public service employers receive materials developed in subsection (1) of this section.

(3) For purposes of this section, the definitions in this subsection apply:

(a) "Public service employer" includes the following:

(i) Any governmental entity including state, county, city, or other local government entity including political subdivisions, such as office, department, independent agency, school district, public college or university system, public library system, authority, or other body including the legislature and the judiciary;

(ii) Any employer that has received designation as a tax-exempt organization pursuant to Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended;

(iii) Any other entities identified as a public service job in Title 20 U.S.C. Sec. 1087e(m).

(b) "Public service loan forgiveness program" means the federal loan forgiveness program established pursuant to Title 20 U.S.C. Sec. 1087e(m) and 34 C.F.R. Sec. 685.219. [2022 c 248 s 2.]

Intent—2022 c 248: "(1) The legislature recognizes that our country faces a student loan debt crisis. Nationally, Americans owe \$1.73 trillion in student loans. In Washington state, about 767,300 student loan borrowers owe nearly \$27.4 billion of outstanding debt, more than \$35,700 per borrower on average.

(2) Student loan debt is a multigenerational issue that affects borrowers of all ages and jeopardizes millions of families' long-term financial security. While student loan balances have risen for all age groups, older borrowers have seen the largest increase. Student loan defaults rise with the borrower's age, and parents and grandparents take on debt to help their children and grandchildren pay for their education. Borrowers are increasingly defaulting on their debts, resulting in income garnishment and deductions from federal tax refunds or social security payments.

(3) The legislature further recognizes that the federal government offers and provides loan forgiveness for individuals who have worked in a public service job full time and have made qualifying payments towards their student loans. Unfortunately, the eligibility criteria to qualify for this program has been complex, leading to low approval rates for individuals who would otherwise qualify. By providing more public awareness of this program, the legislature intends to help alleviate the student loan debt burden of those who have committed their lives to public service.

(4) It is the intent of the legislature to do the following:

- (a) Develop materials to increase awareness of the federal public service loan forgiveness program;
- (b) Create a program for state agencies to certify employment for the purpose of the public service loan forgiveness program;
- (c) Have public service employers collaborate on a statewide initiative to improve access and remove barriers to the public service loan forgiveness program for all public service employees in the state; and
- (d) Acknowledge the work done outside the classroom by part-time academic employees, allowing for those hours to be counted towards the definition of full time for the public service loan forgiveness program as set forth in 34 C.F.R. Sec. 685.219." [2022 c 248 s 1.]

Effective date—2022 c 248: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 30, 2022]." [2022 c 248 s 6.]

RCW 28B.77.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Committee" means the joint higher education committee.
- (2) "Council" means the student achievement council.
- (3) "Education data center" means the education data center established in the office of financial management as provided under RCW 43.41.400.
- (4) "Four-year institutions of higher education" means the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, and The Evergreen State College.
- (5) "Major expansion" means expansion of the higher education system that requires significant new capital investment, including building new institutions, campuses, branches, or centers or conversion of existing campuses, branches, or centers that would result in a mission change.
- (6) "Mission change" means a change in the level of degree awarded or institutional type not currently authorized in statute.
- (7) "Office" means the office of student financial assistance created in RCW 28B.76.090. [2012 c 229 s 102.]

RCW 28B.77.020 Educational attainment goals and priorities—Short-term strategic action plan—Ten-year road map—System reviews—Role of education data center—Responsibility for work of the office—Additional duties. (1) Aligned with the state's biennial budget and policy cycles, the council shall propose educational attainment goals and priorities to meet the state's evolving needs. The council shall identify strategies for meeting the goals and priorities by means of a short-term strategic action plan and a ten-year plan that serves as a road map.

(a) The goals must address the needs of Washington residents to reach higher levels of educational attainment and Washington's workforce needs for certificates and degrees in particular fields of study.

(b) The council shall identify the resources it deems appropriate to meet statewide goals and also recognize current state economic conditions and state resources.

(c) In proposing goals, the council shall collaborate with the superintendent of public instruction, the professional educator standards board, the state board of education, the state board for community and technical colleges, the four-year institutions of higher education, independent colleges and degree-granting institutions, certificate-granting institutions, and the workforce training and education coordinating board.

(2) The council shall update the strategic action plan every two years with the first strategic action plan to be submitted to the governor and the legislature by December 1, 2012. The ten-year road map must be updated every two years with the first road map to be submitted to the governor and the legislature by December 1, 2013. The council must provide regular updates to the joint higher education committee created in RCW 44.04.360 as needed.

(3) In order to develop the ten-year road map, the council shall conduct strategic planning in collaboration with agencies and stakeholders and include input from the legislature. The council must also consult with the STEM education innovation alliance established under RCW 28A.188.030 in order to align strategies under the road map with the STEM framework for education and accountability developed by the alliance. The road map must encompass all sectors of higher education, including secondary to postsecondary transitions. The road map must outline strategies that address:

(a) Strategic planning, which includes setting benchmarks and goals for long-term degree production generally and in particular fields of study;

(b) Expanding access, affordability, quality, efficiency, and accountability among the various institutions of higher education;

(c) Higher education finance planning and strategic investments including budget recommendations necessary to meet statewide goals;

(d) System design and coordination;

(e) Improving student transitions;

(f) Higher education data and analysis, in collaboration with the education data center, which includes outcomes for recruitment, retention, and success of students;

(g) College and career access preparedness, in collaboration with the office of the superintendent of public instruction and the state board of education;

(h) Expanding participation and success for racial and ethnic minorities in higher education;

(i) Development and expansion of innovations in higher education including innovations to increase attainment of postsecondary certificates, and associate, baccalaureate, graduate, and professional degrees; and innovations to improve precollege education in terms of cost-effectiveness and transitions to college-level education;

(j) Strengthening the education pipeline and degree production in science, technology, engineering, and mathematics fields, and aligning strategies under the road map with the STEM framework for action and accountability developed under RCW 28A.188.030; and

(k) Relevant policy research.

(4) As needed, the council must conduct system reviews consistent with RCW 28B.77.080.

(5) The council shall facilitate the development and expansion of innovative practices within, between, and among the sectors to

increase educational attainment and assess the effectiveness of the innovations.

(6) The council shall use the data and analysis produced by, and in consultation with, the education data center created in RCW 43.41.400 in developing policy recommendations and proposing goals. In conducting research and analysis the council at a minimum must:

(a) Identify barriers to increasing educational attainment, evaluate effectiveness of various educational models, identify best practices, and recommend methods to overcome barriers;

(b) Analyze data from multiple sources including data from academic research and from areas and agencies outside of education including but not limited to data from the department of health, the department of corrections, and the department of social and health services to determine best practices to remove barriers and to improve educational attainment;

(c) Assess educational achievement disaggregated by income level, age, gender, race and ethnicity, country of origin, and other relevant demographic groups working with data from the education data center;

(d) Track progress toward meeting the state's goals;

(e) Communicate results and provide access to data analysis to policymakers, the superintendent of public instruction, institutions of higher education, students, and the public; and

(f) Use data from the education data center wherever appropriate to conduct duties in (a) through (e) of this subsection.

(7) The council shall collaborate with the appropriate state agencies and stakeholders, including the state board of education, the office of the superintendent of public instruction, the state board for community and technical colleges, the workforce training and education coordinating board, and the four-year institutions of higher education to improve student transitions and success including but not limited to:

(a) Setting minimum college admission standards for four-year institutions of higher education, including:

(i) A requirement that coursework in American sign language or an American Indian language satisfies any requirement for instruction in a language other than English that the council or the institutions may establish as a general undergraduate admissions requirement; and

(ii) Encouragement of the use of multiple measures to determine whether a student must enroll in a precollege course, such as placement tests, the SAT, high school transcripts, college transcripts, or initial class performance;

(b) Proposing comprehensive policies and programs to encourage students to prepare for, understand how to access, and pursue postsecondary college and career programs, including specific policies and programs for students with disabilities;

(c) Recommending policies that require coordination between or among sectors such as dual high school-college programs, awarding college credit for advanced high school work, and transfer between two and four-year institutions of higher education or between different four-year institutions of higher education; and

(d) Identifying transitions issues and solutions for students, from high school to postsecondary education including community and technical colleges, four-year institutions of higher education, apprenticeships, training, or workplace education; between two-year and four-year institutions of higher education; and from postsecondary education to career. In addressing these issues the council must

recognize that these transitions may occur multiple times as students continue their education.

(8) The council directs the work of the office, which includes administration of student financial aid programs under RCW 28B.76.090, including the Washington college grant and other scholarships, the Washington advanced college tuition payment program, and work-study programs.

(9) The council may administer state and federal grants and programs including but not limited to those programs that provide incentives for improvements related to increased access and success in postsecondary education.

(10) The council shall protect higher education consumers including:

(a) Approving degree-granting postsecondary institutions consistent with existing statutory criteria;

(b) Establishing minimum criteria to assess whether students who attend proprietary institutions of higher education shall be eligible for the Washington college grant and other forms of state financial aid.

(i) The criteria shall include retention rates, completion rates, loan default rates, and annual tuition increases, among other criteria for students who receive the Washington college grant in chapter 28B.92 RCW and any other state financial aid.

(ii) The council may remove proprietary institutions of higher education from eligibility for the Washington college grant or other form of state financial aid if it finds that the institution or college does not meet minimum criteria.

(iii) The council shall report by December 1, 2014, to the joint higher education committee in RCW 44.04.360 on the outcomes of students receiving Washington college grants, impacts on meeting the state's higher education goals for educational attainment, and options for prioritization of the Washington college grant and possible consequences of implementing each option. When examining options for prioritizing the Washington college grant the council shall consider awarding grants based on need rather than date of application and making awards based on other criteria selected by the council.

(11) The council shall adopt residency requirements by rule.

(12) The council shall arbitrate disputes between and among four-year institutions of higher education and the state board for community and technical colleges at the request of one or more of the institutions involved, or at the request of the governor, or from a resolution adopted by the legislature. The decision of the council shall be binding on the participants in the dispute.

(13) The council may solicit, accept, receive, and administer federal funds or private funds, in trust, or otherwise, and contract with foundations or with for-profit or nonprofit organizations to support the purposes and functions of the council.

(14) The council shall represent the broad public interest above the interests of the individual institutions of higher education. [2019 c 406 s 42; 2015 c 83 s 2; 2013 2nd sp.s. c 25 s 6; 2012 c 229 s 104.]

Findings—Intent—2019 c 406: See note following RCW 43.79.195.

Findings—Short title—2019 c 406: See notes following RCW 28B.92.200.

Findings—2019 c 406: See note following RCW 28B.94.020.

Findings—Intent—2019 c 406: See note following RCW 28C.30.050.

Findings—Intent—2019 c 406: See note following RCW 43.216.135.

RCW 28B.77.030 Bylaws—Meetings. (1) The council shall adopt bylaws and shall meet at least four times each year and at such other times as determined by the chair who shall give reasonable prior notice to the members.

(2) Councilmembers are expected to consistently attend meetings. The chair of the council may remove any member who misses more than two meetings in any calendar year without cause. Any member so removed must be replaced as provided under RCW 28B.77.005. [2012 c 229 s 105.]

RCW 28B.77.035 Compensation—Reimbursement. Councilmembers shall be compensated in accordance with RCW 43.03.240 and reimbursed for travel expenses incurred in carrying out the duties of the council in accordance with RCW 43.03.050 and 43.03.060. [2012 c 229 s 106.]

RCW 28B.77.040 Executive director. (1) The council shall employ an executive director. The executive director shall be appointed by the governor from a list of three names submitted by the council. However, the governor may request, and the council shall provide, an additional list or lists from which the governor shall select the executive director. The governor may dismiss the executive director only with the approval of a majority vote of the council. The council, by a majority vote, may dismiss the executive director.

(2) The executive director may employ necessary deputy and assistant directors and other exempt staff under chapter 41.06 RCW, who shall serve at the executive director's pleasure on such terms and conditions as he or she determines. Subject to the provisions of chapter 41.06 RCW, the executive director may appoint and employ such other employees as may be required for the proper discharge of the functions of the council. [2012 c 229 s 107.]

RCW 28B.77.050 Rule-making authority. The council has the authority to adopt rules as necessary to implement this chapter. [2012 c 229 s 108.]

RCW 28B.77.060 Council as state commission for federal law purposes. The council is designated as the state commission as provided for in Section 1202 of the education amendments of 1972 (Public Law 92-318), as now or hereafter amended; and shall perform such functions as is necessary to comply with federal directives pertaining to the provisions of such law. [2012 c 229 s 109; 2004 c 275 s 5; 1985 c 370 s 20; 1975 1st ex.s. c 132 s 9. Formerly RCW 28B.76.110, 28B.80.200.]

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

Effective date—1975 1st ex.s. c 132: "This 1975 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1975." [1975 1st ex.s. c 132 s 19.]

Severability—1975 1st ex.s. c 132: "If any provision of this 1975 amendatory 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." [1975 1st ex.s. c 132 s 18.]

RCW 28B.77.065 Council to administer certain federal programs. The council may administer any federal act pertaining to higher education which is not administered by another state agency. [2012 c 229 s 117; 2011 1st sp.s. c 11 s 108; 1985 c 370 s 21; 1975 1st ex.s. c 132 s 12. Prior: 1969 ex.s. c 263 s 3. Formerly RCW 28B.76.510, 28B.80.210, 28.90.120, 28B.81.030.]

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.

Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301: See note following RCW 28B.76.020.

Intent—2011 1st sp.s. c 11: See note following RCW 28B.76.020.

Effective date—Severability—1975 1st ex.s. c 132: See notes following RCW 28B.77.060.

RCW 28B.77.070 Budget priorities and levels of funding—Submission of budget outlines and priorities to the office of financial management—Prioritized list. (1) The council shall identify budget priorities and levels of funding for higher education, including the two and four-year institutions of higher education and state financial aid programs. It is the intent of the legislature for the council to make budget recommendations for allocations for major policy changes in accordance with priorities set forth in the ten-year plan, but the legislature does not intend for the council to review and make recommendations on individual institutional budgets. It is the intent of the legislature that recommendations from the council prioritize funding needs for the overall system of higher education in accordance with priorities set forth in the ten-year plan. It is also the intent of the legislature that the council's recommendations take into consideration the total per-student funding at similar public institutions of higher education in the global challenge states.

(2) By December of each odd-numbered year, the council shall outline the council's fiscal priorities under the ten-year plan that it must distribute to the institutions, the state board for community

and technical colleges, the office of financial management, and the joint higher education committee.

(a) Capital budget outlines for the two-year institutions shall be submitted to the office of financial management by August 15th of each even-numbered year, and shall include the prioritized ranking of the capital projects being requested, a description of each capital project, and the amount and fund source being requested.

(b) Capital budget outlines for the four-year institutions must be submitted to the office of financial management by August 15th of each even-numbered year, and must include: The institutions' priority ranking of the project; the capital budget category within which the project will be submitted to the office of financial management in accordance with RCW 43.88D.010; a description of each capital project; and the amount and fund source being requested.

(c) The office of financial management shall reference these reporting requirements in its budget instructions.

(3) The council shall submit recommendations on the operating budget priorities to support the ten-year plan to the office of financial management by October 1st each year, and to the legislature by January 1st each year.

(4) (a) The office of financial management shall develop one prioritized list of capital projects for the legislature to consider that includes all of the projects requested by the four-year institutions of higher education that were scored by the office of financial management pursuant to chapter 43.88D RCW, including projects that were previously scored but not funded. The prioritized list of capital projects shall be based on the following priorities in the following order:

(i) Office of financial management scores pursuant to chapter 43.88D RCW;

(ii) Preserving assets;

(iii) Degree production; and

(iv) Maximizing efficient use of instructional space.

(b) The office of financial management shall include all of the capital projects requested by the four-year institutions of higher education, except for the minor works projects, in the prioritized list of capital projects provided to the legislature.

(c) The form of the prioritized list for capital projects requested by the four-year institutions of higher education shall be provided as one list, ranked in priority order with the highest priority project ranked number "1" through the lowest priority project numbered last. The ranking for the prioritized list of capital projects may not:

(i) Include subpriorities;

(ii) Be organized by category;

(iii) Assume any state bond or building account biennial funding level to prioritize the list; or

(iv) Assume any specific share of projects by institution in the priority list.

(5) Institutions and the state board for community and technical colleges shall submit any supplemental capital budget requests and revisions to the office of financial management by November 1st and to the legislature by January 1st.

(6) For the 2019-2021 fiscal biennium and the 2021-2023 fiscal biennium, pursuant to subsection (4) of this section, the office of financial management may, but is not obligated to, develop one prioritized list of capital projects for the legislature to consider

that includes all of the projects requested by the four-year institutions of higher education that were scored by the office of financial management pursuant to chapter 43.88D RCW, including projects that were previously scored but not funded. [2021 c 332 s 7044; 2019 c 413 s 7029; 2018 c 298 s 7014; 2012 c 229 s 110; 2011 1st sp.s. c 11 s 104; 2010 c 245 s 10; 2008 c 205 s 4; 2007 c 458 s 202; 2004 c 275 s 7; 2003 c 130 s 3; 1997 c 369 s 10; 1996 c 174 s 1; 1993 c 363 s 6; 1985 c 370 s 4. Formerly RCW 28B.76.210, 28B.80.330.]

Effective date—2021 c 332: See note following RCW 43.19.501.

Effective date—2019 c 413: See note following RCW 28B.15.210.

Effective date—2018 c 298: See note following RCW 79.17.210.

Intent—2011 1st sp.s. c 11: See note following RCW 28B.76.020.

Findings—Expand on demand—System design plan endorsed—2010 c 245: See note following RCW 28B.50.020.

Part headings not law—2007 c 458: See note following RCW 28B.76.090.

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

Findings—Intent—2003 c 130: "(1) The legislature finds that:

(a) At the time the *higher education coordinating board was created in 1985, the legislature wanted a board with a comprehensive mission that included planning, budget and program review authority, and program administration;

(b) Since its creation, the board has achieved numerous accomplishments, including proposals leading to creation of the branch campus system, and has made access and affordability of higher education a consistent priority;

(c) However, higher education in Washington state is currently at a crossroads. Demographic, economic, and technological changes present new and daunting challenges for the state and its institutions of higher education. As the state looks forward to the future, the legislature, the governor, and institutions need a common strategic vision to guide planning and decision making.

(2) Therefore, it is the legislature's intent to reaffirm and strengthen the strategic planning role of the *higher education coordinating board. It is also the legislature's intent to examine options for reassigning or altering other roles and responsibilities to enable the board to place priority and focus on planning and coordination." [2003 c 130 s 1.]

***Reviser's note:** The higher education coordinating board was abolished by 2011 1st sp.s. c 11 s 301, effective July 1, 2012.

Findings—1993 c 363: "The legislature finds a need to redefine the relationship between the state and its postsecondary education institutions through a compact based on trust, evidence, and a new alignment of responsibilities. As the proportion of the state budget dedicated to postsecondary education programs has continued to

decrease and the opportunity for this state's citizens to participate in such programs also has declined, the state institutions of higher education have increasingly less flexibility to respond to emerging challenges through innovative management and programming. The legislature finds that this state has not provided its institutions of higher education with the ability to effectively achieve statewide goals and objectives to increase access to, improve the quality of, and enhance the accountability for its postsecondary education system.

Therefore, the legislature declares that the policy of the state of Washington is to create an environment in which the state institutions of higher education have the authority and flexibility to enhance attainment of statewide goals and objectives for the state's postsecondary education system through decisions and actions at the local level. The policy shall have the following attributes:

(1) The accomplishment of equitable and adequate enrollment by significantly raising enrollment lids, adequately funding those increases, and providing sufficient financial aid for the neediest students;

(2) The development and use of a new definition of quality measured by effective operations and clear results; the efficient use of funds to achieve well-educated students;

(3) The attainment of a new resource management relationship that removes the state from micromanagement, allows institutions greater management autonomy to focus resources on essential functions, and encourages innovation; and

(4) The development of a system of coordinated planning and sufficient feedback to assure policymakers and citizens that students are succeeding and resources are being prudently deployed." [1993 c 363 s 1.]

Effective date—1993 c 363: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993." [1993 c 363 s 7.]

Project of statewide significance—Defined: RCW 43.157.010.

RCW 28B.77.080 Needs assessment process and analysis—Recommendations—Activities requiring council approval. (1) The council shall develop a comprehensive and ongoing assessment process to analyze the need for additional degrees and programs, additional off-campus centers and locations for degree programs, and consolidation or elimination of programs by the four-year institutions of higher education. Council recommendations regarding proposed major expansion shall be limited to determinations of whether the major expansion is within the scope indicated in the most recent ten-year plan for higher education or most recent system design plan. Recommendations regarding existing capital prioritization processes are not within the scope of the evaluation of major expansion. Major expansion and proposed mission changes may be proposed by the council, any public institution of higher education, or by a state or local government.

(2) As part of the needs assessment process, the council shall examine:

(a) Projections of student, employer, and community demand for education and degrees, including liberal arts degrees, on a regional and statewide basis;

(b) Current and projected degree programs and enrollment at public and private institutions of higher education, by location and mode of service delivery;

(c) Data from the workforce training and education coordinating board and the state board for community and technical colleges on the supply and demand for workforce education and certificates and associate degrees; and

(d) Recommendations from the technology transformation task force created in chapter 407, Laws of 2009, and institutions of higher education relative to the strategic and operational use of technology in higher education. These and other reports, reviews, and audits shall allow for: The development of enterprise-wide digital information technology across educational sectors, systems, and delivery methods; the integration and streamlining of administrative tools including but not limited to student information management, financial management, payroll, human resources, data collection, reporting, and analysis; and a determination of the costs of multiple technology platforms, systems, and models.

(3) Every two years the council shall produce, jointly with the state board for community and technical colleges and the workforce training and education coordinating board, an assessment of the number and type of higher education and training credentials required to match employer demand for a skilled and educated workforce. The assessment shall include the number of forecasted net job openings at each level of higher education and training and the number of credentials needed to match the forecast of net job openings.

(4) The council shall determine whether certain major lines of study or types of degrees, including applied degrees or research-oriented degrees, shall be assigned uniquely to some institutions or institutional sectors in order to create centers of excellence that focus resources and expertise.

(5) The following activities are subject to approval by the council:

(a) Creation of higher education centers and consortia; and

(b) New degree programs and creation of off-campus programs by an independent college or university in collaboration with a community or technical college.

(6) Institutions seeking council approval under this section must demonstrate that the proposal is justified by the needs assessment developed under this section. Institutions must also demonstrate how the proposals align with or implement the ten-year plan for higher education.

(7) The council shall develop clear guidelines and objective decision-making criteria regarding approval of proposals under this section, which must include review and consultation with the institution and other interested agencies and individuals.

(8) The council shall periodically recommend consolidation or elimination of programs at the four-year institutions of higher education, based on the needs assessment analysis.

(9) In the case of a proposed major expansion or mission change, the needs assessment process under subsection (2) of this section constitutes a threshold inquiry. If the council determines that the need for the proposed major expansion or mission change has not been justified, the inquiry is concluded. If the council determines that

the need for the proposed major expansion or mission change has been sufficiently established, the council, in consultation with any directly involved institutions and other interested agencies and individuals, shall proceed to examine the viability of the proposal using criteria including, but not limited to:

- (a) The specific scope of the project including the capital investment requirements, the number of full-time equivalent students anticipated, and the number of academic programs planned;
- (b) The existence of an efficient and sustainable financial plan;
- (c) The extent to which existing resources can be leveraged;
- (d) The current and five-year projected student population, faculty, and staff to support the proposed programs, institution, or innovation;
- (e) The plans to accommodate expected growth over a twenty-year time frame;
- (f) The extent to which new or existing partnerships and collaborations are a part of the proposal; and
- (g) The feasibility of any proposed innovations to accelerate degree production.

(10) After the council completes its evaluation of the proposed major expansion or mission change using the needs assessment under subsection (2) of this section and viability determination under subsection (9) of this section, the council shall make a recommendation to either proceed, modify, or not proceed with the proposed major expansion or mission change. The council's recommendation shall be presented to the governor and the legislature. [2012 c 229 s 111; 2010 c 245 s 5; 2005 c 258 s 11; 2004 c 275 s 9. Formerly RCW 28B.76.230.]

Findings—Expand on demand—System design plan endorsed—2010 c 245: See note following RCW 28B.50.020.

Findings—Intent—2005 c 258: See note following RCW 28B.45.014.

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

RCW 28B.77.090 Accountability monitoring and reporting system—Data requirements—Uniform dashboard format for display of data—Use of performance data. (1) An accountability monitoring and reporting system is established as part of a continuing effort to make meaningful and substantial progress towards the achievement of long-term performance goals in higher education.

(2) To provide consistent, easily understood data among the public four-year institutions of higher education within Washington and in other states, the following data must be reported to the education data center annually by December 1st, and at a minimum include data recommended by a national organization representing state chief executives. The education data center in consultation with the council may change the data requirements to be consistent with best practices across the country. This data must, to the maximum extent possible, be disaggregated by race and ethnicity, gender, state and county of origin, age, and socioeconomic status, and include the following for the four-year institutions of higher education:

- (a) Bachelor's degrees awarded;

- (b) Graduate and professional degrees awarded;
- (c) Graduation rates: The number and percentage of students who graduate within four years for bachelor's degrees and within the extended time, which is six years for bachelor's degrees;
- (d) Transfer rates: The annual number and percentage of students who transfer from a two-year to a four-year institution of higher education;
- (e) Time and credits to degree: The average length of time in years and average number of credits that graduating students took to earn a bachelor's degree;
- (f) Enrollment in remedial education: The number and percentage of entering first-time undergraduate students who place into and enroll in remedial mathematics, English, or both;
- (g) Success beyond remedial education: The number and percentage of entering first-time undergraduate students who complete entry college-level math and English courses within the first two consecutive academic years;
- (h) Credit accumulation: The number and percentage of first-time undergraduate students completing two quarters or one semester worth of credit during their first academic year;
- (i) Retention rates: The number and percentage of entering undergraduate students who enroll consecutively from fall-to-spring and fall-to-fall at an institution of higher education;
- (j) Course completion: The percentage of credit hours completed out of those attempted during an academic year;
- (k) Program participation and degree completion rates in bachelor and advanced degree programs in the sciences, which includes agriculture and natural resources, biology and biomedical sciences, computer and information sciences, engineering and engineering technologies, health professions and clinical sciences, mathematics and statistics, and physical sciences and science technologies, including participation and degree completion rates for students from traditionally underrepresented populations;
- (l) Annual enrollment: Annual unduplicated number of students enrolled over a twelve-month period at institutions of higher education including by student level;
- (m) Annual first-time enrollment: Total first-time students enrolled in a four-year institution of higher education;
- (n) Completion ratio: Annual ratio of undergraduate and graduate degrees and certificates, of at least one year in expected length, awarded per one hundred full-time equivalent undergraduate students at the state level;
- (o) Market penetration: Annual ratio of undergraduate and graduate degrees and certificates, of at least one year in program length, awarded relative to the state's population age eighteen to twenty-four years old with a high school diploma;
- (p) Student debt load: Median three-year distribution of debt load, excluding private loans or debts incurred before coming to the institution;
- (q) Data related to enrollment, completion rates, participation rates, and debt load shall be disaggregated for students in the following income brackets to the maximum extent possible:
 - (i) Up to 70 percent of the median family income;
 - (ii) Between 71 percent and 125 percent of the median family income; and
 - (iii) Above 125 percent of the median family income;

(r) Yearly percentage increases in the average cost of undergraduate instruction;

(s) Ratio of fall head count students to fall head count faculty appointments;

(t) Annualized ratio of full-time equivalent students to annualized full-time equivalent nonfaculty positions;

(u) Net position for the academy as defined by the national center for education statistics, integrated postsecondary education data system data glossary (2022);

(v) Annual primary reserve ratio as measured by expendable net assets to total expenses;

(w) Cash on hand as calculated by the ratio of total cash on hand for the academy divided by operating expenses for the academy minus noncash expenses divided by 365;

(x) Viability ratio as measured by unrestricted and expendable net assets, not including capital projects expendable net assets, divided by total debt;

(y) Ratio of total expendable net assets for the academy as defined by the national center for education statistics, integrated postsecondary education data system data glossary (2022) per full-time equivalent student;

(z) Total market value of college or university endowment holdings; and

(aa) Total annual market value of college or university endowment earnings, the amount of the annual earnings that remain in the endowment after fees are removed, and the percentage of the annual remaining endowment earnings after fees are removed to total annual market value of college or university endowment earnings.

(3) Four-year institutions of higher education must count all students when collecting data, not only first-time, full-time first-year students.

(4) In conjunction with the office of financial management, all four-year institutions of higher education must display the data described in subsection (2) of this section in a uniform dashboard format on the office of financial management's website no later than January 15th. To the maximum extent possible, the information must be viewable by race and ethnicity, gender, state and county of origin, age, and socioeconomic status. The information may be tailored to meet the needs of various target audiences such as students, researchers, and the general public.

(5) The council shall use performance data from the education data center for the purposes of strategic planning, to report on progress toward achieving statewide goals, and to develop priorities proposed in the 10-year plan for higher education. [2023 c 98 s 1; 2013 c 23 s 60; 2012 c 229 s 115; 2011 1st sp.s. c 10 s 8; 2004 c 275 s 11. Formerly RCW 28B.76.270.]

Findings—Intent—Short title—2011 1st sp.s. c 10: See notes following RCW 28B.15.031.

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

RCW 28B.77.100 Data collection and research—Data-sharing agreements—Education data center as authorized representative for

research purposes. (1)(a) In consultation with the education data center, institutions of higher education, and state education agencies, the council shall identify the data needed to carry out its responsibilities for policy analysis and public information. The primary goals of the council's data collection and research are to describe how students and other beneficiaries of higher education are being served; to compare and contrast the state of Washington's higher education system with the rest of the nation; and to assist state policymakers and institutions in making policy decisions.

(b) For the council, assistance to state policymakers and institutions of higher education in making policy decisions includes but is not limited to annual reporting of a national comparison of tuition and fees.

(2) One of the goals of the education data center's data collection and research for higher education is to support higher education accountability. For the education data center, assistance to state policymakers and institutions of higher education in making policy decisions includes but is not limited to regular completion of:

(a) Educational cost study reports as provided in RCW 43.41.415 and information on state support received by students as provided in RCW 43.41.410; and

(b) Per-student funding at similar public institutions of higher education in the global challenge states.

(3) State-approved educator preparation programs must collect and provide data as required for approval by the professional educator standards board to the education data center.

(4) The education data center and the state-approved educator preparation programs as described in RCW 28A.410.210 shall enter data-sharing agreements to facilitate the transfer of data required by the professional educator standards board. The education data center must hold, analyze, and make available for research and monitoring by the professional educator standards board, state-approved educator preparation programs, and other researchers with appropriate data-sharing agreements, the data on the preparation of educators.

(5) The education data center shall be considered an authorized representative of the council and the office under applicable federal and state statutes for purposes of accessing and compiling student record data for research purposes. [2017 c 172 s 2; 2015 c 244 s 2; 2012 c 229 s 302; 2010 1st sp.s. c 7 s 58; 2004 c 275 s 12. Formerly RCW 28B.76.280.]

Finding—Intent—2017 c 172: "The legislature finds that the entities that are approved by the professional educator standards board collect and hold valuable information about candidates for educator certification. The education data center collects data for research purposes for the student achievement council and K-12 educational agencies. The training of effective teachers and understanding of the best practices of educator preparation programs is valuable information for policymakers. The preparation programs currently approved are required to collect and hold this information, but due to federal privacy concerns, the submission of reports contains only aggregate data, and thus makes it impossible to follow the careers of state educators into the field. The education data center has legislative authority to collect this information and meets federal privacy requirements. Therefore, the legislature intends to require transfer to the entity charged with K-12 and higher education

research, such data required and held by state-approved educator preparation programs, while fully respecting the privacy of students." [2017 c 172 s 1.]

Findings—2015 c 244: See note following RCW 28B.118.010.

Effective date—2010 1st sp.s. c 26; 2010 1st sp.s. c 7: See note following RCW 43.03.027.

RCW 28B.77.110 Complaint portal. Within existing resources, the student achievement council, the workforce training and education coordinating board, and the department of licensing shall collaborate to create a single portal for student complaints regarding issues related to consumer protection, disclosures, school or program closures, or other violations committed by institutions regulated by those three agencies. The persons staffing the portal shall refer complaints to the appropriate agency and work as a liaison between the student and relevant agency to assist in resolving the concerns or complaint. Each agency shall ensure that all students enrolled in, applying to enroll in, or obtaining loans at, institutions regulated by the agency are informed of the portal and how to file complaints. The persons staffing the portal will report to the legislature annually by November 1, 2018, the number of complaints and their resolution status. [2018 c 203 s 13.]

Finding—Intent—2018 c 203: See note following RCW 28B.85.095.

RCW 28B.77.120 Suicide prevention in higher education grant program. (1) Subject to availability of amounts appropriated for this specific purpose, the suicide prevention in higher education grant program is established. The purpose of the grant program is to provide funding to postsecondary institutions for the institutions to create partnerships with health care entities to provide mental health, behavioral health, and suicide prevention to students in their institutions.

(2)(a) The council shall administer the grant program in accordance with this section and in collaboration with the work group convened by the entity within the University of Washington school of social work specified under RCW 28B.20.510. The council shall establish minimum criteria that grant recipients must meet to be awarded a grant. The grant program must be implemented by November 1, 2019.

(b) The council must award the first six grants created under this section to public institutions of higher education. When selecting the recipients of the first six grants under this subsection, the council must consult with the state board for community and technical colleges. The council must identify which public institutions of higher education have the greatest need, have a clear and strong demonstration of willingness from leadership to utilize the statewide resources created under RCW 28B.20.510, and can develop partnerships to enhance capacity. From those identified public institutions of higher education, proposals that enhance treatment services to student veterans must be given priority. Once the first

six grants are awarded, the council may award grants to other postsecondary institutions that meet the council's criteria.

(3) For the purposes of this section, "postsecondary institutions" means institutions of higher education as defined in RCW 28B.10.016, degree-granting institutions as defined in RCW 28B.85.010, private vocational schools as defined under RCW 28C.10.020, and school as defined in RCW 18.16.020. [2018 c 293 s 3.]

Intent—Findings—2018 c 293: See note following RCW 28B.20.510.

RCW 28B.77.200 Master list of high school courses qualifying for postsecondary credit and qualifying examination scores—Publication on website. The council shall annually publish on its website the agreed-upon list of high school courses qualifying for postsecondary credit under RCW 28B.10.053 and qualifying examination scores and demonstrated competencies meeting the postsecondary requirements for a certificate or technical degree, a two-year academic transfer degree, or the lower division requirements for a baccalaureate degree. [2012 c 229 s 112; 2011 c 77 s 4. Formerly RCW 28B.76.235.]

Findings—Intent—Short title—2011 c 77: See notes following RCW 28A.230.130.

RCW 28B.77.210 Statewide transfer and articulation policies. The council shall adopt statewide transfer and articulation policies that ensure efficient transfer of credits and courses across public two and four-year institutions of higher education. The intent of the policies is to create a statewide system of articulation and alignment between two and four-year institutions of higher education. Policies may address but are not limited to creation of a statewide system of course equivalency, creation of transfer associate degrees, statewide articulation agreements, applicability of technical courses toward baccalaureate degrees, and other issues. The institutions of higher education and the state board for community and technical colleges shall cooperate with the council in developing the statewide policies and shall provide support and staff resources as necessary to assist in maintaining the policies. [2012 c 229 s 113; 2004 c 275 s 10; 1998 c 245 s 23; 1985 c 370 s 27; 1983 c 304 s 1. Formerly RCW 28B.76.240, 28B.80.280.]

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

RCW 28B.77.215 Statewide transfer of credit policy and agreement—Requirements. The statewide transfer of credit policy and agreement must be designed to facilitate the transfer of students and the evaluation of transcripts, to better serve persons seeking information about courses and programs, to aid in academic planning, and to improve the review and evaluation of academic programs in the state institutions of higher education. The statewide transfer of credit policy and agreement must not require or encourage the standardization of course content or prescribe course content or the credit value assigned by any institution to the course. Policies adopted by public

four-year institutions of higher education concerning the transfer of lower division credit must treat students transferring from public community colleges the same as students transferring from public four-year institutions of higher education. [2012 c 229 s 114. Prior: 2004 c 55 s 5; 1983 c 304 s 2. Formerly RCW 28B.76.2401, 28B.80.290.]

RCW 28B.77.220 Transfer associate degrees—Work groups—Implementation—Progress reports. (1) The council must convene work groups to develop transfer associate degrees that will satisfy lower division requirements at public four-year institutions of higher education for specific academic majors. Work groups must include representatives from the state board for community and technical colleges and the council of presidents, as well as faculty from two and four-year institutions. Work groups may include representatives from independent four-year institutions.

(2) Each transfer associate degree developed under this section must enable a student to complete the lower-division courses or competencies for general education requirements and preparation for the major that a direct-entry student would typically complete in the first-year student and sophomore years for that academic major.

(3) Completion of a transfer associate degree does not guarantee a student admission into an institution of higher education or admission into a major, minor, or professional program at an institution of higher education that has competitive admission standards for the program based on grade point average or other performance criteria.

(4) During the 2004-05 academic year, the work groups must develop transfer degrees for elementary education, engineering, and nursing. As necessary based on demand or identified need, the council must convene additional groups to identify and develop additional transfer degrees. The council must give priority to majors in high demand by transfer students and majors that the general direct transfer agreement associate degree does not adequately prepare students to enter automatically upon transfer.

(5) The council, in collaboration with the intercollege relations commission, must collect and maintain lists of courses offered by each community and technical college and public four-year institution of higher education that fall within each transfer associate degree.

(6) The council must monitor implementation of transfer associate degrees by public four-year institutions to ensure compliance with subsection (2) of this section.

(7) Beginning January 10, 2005, the council must submit a progress report on the development of transfer associate degrees to the higher education committees of the house of representatives and the senate. The first progress report must include measurable benchmark indicators to monitor the effectiveness of the initiatives in improving transfer and baseline data for those indicators before the implementation of the initiatives. Subsequent reports must be submitted by January 10th of each odd-numbered year and must monitor progress on the indicators, describe development of additional transfer associate degrees, and provide other data on improvements in transfer efficiency. [2013 c 23 s 61; 2012 c 229 s 541; 2004 c 55 s 2. Formerly RCW 28B.76.250.]

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—Intent—2004 c 55: "(1) The legislature finds that community and technical colleges play a vital role for students obtaining baccalaureate degrees. In 2002, more than forty percent of students graduating with a baccalaureate degree had transferred from a community or technical college.

(2) The legislature also finds that demand continues to grow for baccalaureate degrees. Increased demand comes from larger numbers of students seeking access to higher education and greater expectations from employers for the knowledge and skills needed to expand the state's economy. Community and technical colleges are an essential partner in meeting this demand.

(3) However, the legislature also finds that current policies and procedures do not provide for efficient transfer of courses, credits, or prerequisites for academic majors. Furthermore, the state's public higher education system must expand its capacity to enroll transfer students in baccalaureate education. The *higher education coordinating board must take a leadership role in working with the community and technical colleges and four-year institutions to ensure efficient and seamless transfer across the state.

(4) Therefore, it is the legislature's intent to build clearer pathways to baccalaureate degrees, improve statewide coordination of transfer and articulation, and ensure long-term capacity in the state's higher education system for transfer students." [2004 c 55 s 1.]

***Reviser's note:** The higher education coordinating board was abolished by 2011 1st sp.s. c 11 s 301, effective July 1, 2012.

RCW 28B.77.230 Academic credit for prior learning—Goals—Work group—Reports. (1) The council, the state board for community and technical colleges, the council of presidents, the four-year institutions of higher education, the private independent higher education institutions, and the private career schools shall collaborate to carry out the following goals:

(a) Increase the number of students who receive academic credit for prior learning and the number of students who receive credit for prior learning that counts towards their major or towards earning their degree, certificate, or credential, while ensuring that credit is awarded only for high quality, course-level competencies;

(b) Increase the number and type of academic credits accepted for prior learning in institutions of higher education, while ensuring that credit is awarded only for high quality, course-level competencies;

(c) Develop transparent policies and practices in awarding academic credit for prior learning;

(d) Improve prior learning assessment practices across the institutions of higher education;

(e) Create tools to develop faculty and staff knowledge and expertise in awarding credit for prior learning and to share exemplary policies and practices among institutions of higher education;

(f) Develop articulation agreements when patterns of credit for prior learning are identified for particular programs and pathways; and

(g) Develop outcome measures to track progress on the goals outlined in this section.

(2) The council shall convene the academic credit for prior learning work group.

(a) The work group must include the following members:

(i) One representative from the council;

(ii) One representative from the state board for community and technical colleges;

(iii) One representative from the council of presidents;

(iv) Two representatives each from faculty from two and four-year institutions of higher education;

(v) Two representatives from private career schools;

(vi) Two representatives from business; and

(vii) Two representatives from labor.

(b) The purpose of the work group is to coordinate and implement the goals in subsection (1) of this section.

(3) The council shall report progress on the goals and outcome measures annually by December 31st.

(4) For the purposes of this section, "prior learning" means the knowledge and skills gained through work and life experience; through military training and experience; and through formal and informal education and training from in-state and out-of-state institutions including foreign institutions. [2012 c 229 s 116; 2011 1st sp.s. c 10 s 28. Formerly RCW 28B.76.325.]

Findings—Intent—Short title—2011 1st sp.s. c 10: See notes following RCW 28B.15.031.

RCW 28B.77.240 Western Governors University - Washington—Recognition and endorsement—Rules. (1) The council may:

(a) Recognize and endorse online, competency-based education as an important component of Washington's higher education system;

(b) Work to eliminate unnecessary barriers to the delivery of online competency-based education by Western Governors University - Washington; and

(c) Work with Western Governors University - Washington, as appropriate, to integrate its academic programs and services into Washington higher education policy and strategy.

(2) The council shall work with Western Governors University - Washington to create data-sharing processes to assess the institution's performance and determine the extent to which it helps the state achieve the goals of the current ten-year plan for higher education.

(3) The council shall adopt rules and policies to implement this section and that require council consultation and approval before:

(a) Modifications of contractual terms or relationships between the state and the institution of higher education; or

(b) Changes or modifications in the nonprofit status of the institution of higher education. [2012 c 229 s 118; 2011 c 146 s 2. Formerly RCW 28B.76.695.]

Findings—Intent—2011 c 146: "The legislature finds that the key to Washington's economic prosperity over the past twenty years has been a thriving employment sector for workers who have high levels of education. The legislature finds that by 2018, sixty-seven percent of all jobs in Washington will require some postsecondary education - the fifth highest in the nation - and that between 2011 and 2018, the number of Washington jobs requiring postsecondary education will increase by two hundred fifty-nine thousand. The legislature finds that while Washington enterprises that rely on highly educated workers have been able to fill positions from within the state and by attracting workers from other states or nations, businesses located in states that fail to produce sufficient numbers of degreed workers will be at a competitive disadvantage, since these employers will incur the added expense of recruiting heavily in other states and countries to find their skilled workforce. Citizens of Washington will not have access to the jobs Washington firms are producing unless the state dramatically increases postsecondary educational opportunities for them. The legislature further finds that increasing the numbers of Washington graduates to meet the needs of the state's citizens and businesses demands innovative institutions and educational delivery systems.

The legislature intends to partner with Western Governors University, a regionally and nationally accredited nonprofit and independent university, to establish Western Governors University - Washington. Western Governors University would offer online, competency-based degrees and provide enhanced access to postsecondary education for all Washington students, including dislocated workers and placebound students. The legislature further intends that the institution be recognized as a Washington baccalaureate degree-granting institution that is self-supporting and does not receive state funding. It is the intent of the legislature that the higher education coordinating board, the state board for community and technical colleges, and the other institutions of higher education in Washington include the institution in policies and agreements regarding the efficient transfer of credits and courses between institutions." [2011 c 146 s 1.]

RCW 28B.77.250 Program of supplemental educational transition planning—Contract with nongovernmental entity—Reports. (1) To the extent funds are appropriated for this purpose, the council, with input from the office of the superintendent of public instruction; the department of children, youth, and families; the department of commerce office of homeless youth prevention and protection programs; and the department of social and health services, shall contract with at least one nongovernmental entity to develop, implement, and administer a program of supplemental educational transition planning for youth in foster care and unaccompanied youth experiencing homelessness in Washington state.

(2) The nongovernmental entity or entities chosen by the council shall have demonstrated success in working with foster care and unaccompanied homeless youth and assisting foster care and unaccompanied homeless youth in successfully making the transition from high school to a postsecondary plan, including postsecondary enrollment, career, or service.

(3) The selected nongovernmental entity or entities shall provide supplemental educational transition planning to foster care and unaccompanied homeless youth in Washington state. Youth eligible for referral are not currently served by programs under RCW 28A.300.592, dependent pursuant to chapter 13.34 RCW, age thirteen through twenty-one, and remain eligible for continuing service following fulfillment of the permanent plan and through initiation of a postsecondary plan. After high school completion, services are concluded within a time period specified in the contract to pursue engagement of continuing postsecondary support services provided by local education agencies, postsecondary education, community-based programs, or the passport to careers program. The nongovernmental entity or entities must facilitate the educational progress, graduation, and postsecondary plan initiation of eligible youth. The contract must be outcome driven with a stated goal of improving the graduation rates and postsecondary plan initiation of eligible youth by two percent per year over five school year periods starting with the 2016-17 school year and ending with the 2021-22 school year. With each new contract, a baseline must be established at the end of the first year of service provision.

(4) The supplemental transition planning shall include:

(a) Consultation with schools and the department of social and health services' caseworkers to develop educational plans for and with participating youth;

(b) Age-specific developmental and logistical tasks to be accomplished for high school and postsecondary success;

(c) Facilitating youth participation with appropriate school and local resources that may assist in educational access and success;

(d) Coordinating youth, caregivers, schools, and social workers to support youth progress in the educational system; and

(e) Establishing postsecondary plan initiation in coordination with the passport to careers program.

(5) The selected nongovernmental entity or entities may be colocated in the offices of the department of social and health services to provide timely consultation. These entities must have access to all paper and electronic education records and case information pertinent to the educational planning and services of youth referred and are subject to RCW 13.50.010 and 13.50.100.

(6) The contracted nongovernmental entity or entities must report outcomes to the council and the department of social and health services semiannually.

(7) For purposes of this section, "homeless" and "unaccompanied" have the same meanings as in RCW 28B.117.020. [2018 c 232 s 6; 2016 c 71 s 5; 2011 1st sp.s. c 11 s 224; 2007 c 314 s 7. Formerly RCW 28B.117.060.]

Recommendation—2018 c 232 ss 6 and 8: "The legislature strongly recommends that the entities selected in sections 6 and 8 of this act coordinate on technological models to keep the students they serve engaged." [2018 c 232 s 9.]

Short title—2018 c 232: See note following RCW 28B.117.010.

Intent—2016 c 71: See note following RCW 28A.300.590.

Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301: See note following RCW 28B.76.020.

Expiration date—2011 1st sp.s. c 11 ss 220-225: See note following RCW 28B.117.020.

Intent—2011 1st sp.s. c 11: See note following RCW 28B.76.020.

RCW 28B.77.270 Postsecondary institution contracts with third parties to disburse financial aid. (1) The council's rules or other requirements for institutions to participate in state financial aid programs shall assure that contracts between postsecondary institutions participating in state financial aid programs, as defined in RCW 28B.10.287, and financial institutions or third-party servicers for the disbursement of student financial aid:

(a) Ensure that all state aid to students is available for the student's educational purposes with one hundred percent of the student's state financial aid available to the student without incurring any fees;

(b) Are in the "best financial interest of the students";

(c) Provide that the student's ability to access his or her disbursement is geographically convenient and practical for the student;

(d) Provide that the student is given a choice regarding the method by which the student receives his or her financial aid disbursement, for example, whether disbursed by direct deposit, check, or debit card, in accordance with federal regulations;

(e) Provide that the postsecondary institution has an effective process for reviewing complaints filed by students regarding student state financial aid disbursements, with appropriate notice to students; and

(f) Require that the postsecondary institution does not have a revenue-sharing agreement with the third-party servicer or financial institution.

(2) The council must compile a list of all postsecondary institutions that use third-party servicers or financial institutions for student financial aid disbursements and make the list available on the council's website. [2018 c 13 s 3.]

Finding—Intent—2018 c 13: See note following RCW 28B.10.287.

RCW 28B.77.280 Statewide financial aid calculator tool. (1) The council shall adopt a centralized online statewide calculator tool for the purposes of estimating federal Pell grant and Washington college grant awards for all public four-year institutions of higher education in Washington state.

(2) The tool must provide an estimate of state and federal aid based on student and family financial circumstances.

(3) The calculator tool must be published on a website managed by the council.

(4) The financial aid calculator must be for estimation purposes only and is not a guarantee of state aid. Neither this section nor the estimates provided by the financial aid calculator constitute an entitlement on the part of the state, and no institution, agency, or their agents or employees may be held liable for any estimates created through its usage.

(5) The financial aid calculator must be designed for anonymous use and may not be used to collect or share any data. [2020 c 307 s 2.]

Intent—Conflict with federal requirements—2020 c 307: See notes following RCW 28B.77.290.

RCW 28B.77.285 Gift equity packaging policy. (1) The council shall ensure that a postsecondary institution participating in the state student financial aid program has a gift equity packaging policy allowing for a student who receives a private scholarship to receive up to 100 percent of the student's unmet need, as determined by the United States department of education's federal need analysis methodology, before any of the student's federal, state, or institutional financial aid is reduced under the institution's gift equity packaging policy.

(2) This section does not apply to public community and technical colleges. [2022 c 138 s 2.]

Intent—2022 c 138: "The legislature recognizes the importance of philanthropic entities that donate millions of dollars in private scholarships to students and that such entities are a key component in helping students attain their educational goals. The legislature seeks to encourage philanthropic giving of private scholarships and declares that such entities are more likely to donate money when they know their scholarships will genuinely help recipients meet their financial needs. Therefore, the legislature intends to incentivize the giving of scholarships by private entities by addressing scholarship displacement." [2022 c 138 s 1.]

RCW 28B.77.290 Financial aid package award letters—Consistent terminology. (1) In collaboration with financial aid experts from public four-year and two-year institutions of higher education, as well as independent colleges in Washington state, the Washington student achievement council shall develop clear, consistent definitions for institutions of higher education to adopt regarding financial aid package award letters.

(2) By July 1, 2021, all public four-year and two-year institutions of higher education, as well as all independent colleges in Washington state, must adopt uniform terminology and a standardized template for financial aid award packages so that students may easily compare them. [2020 c 307 s 3.]

Intent—2020 c 307: "The legislature recognizes the increasing importance of postsecondary education as a tool for economic resilience and mobility, as well as the financial barriers many students in our state face in pursuing postsecondary education. In light of the 2019 expansion of the Washington college grant, it is also important to share information about new financial aid opportunities available to prospective postsecondary students. The legislature also acknowledges Washington's low completion rate of the free application for federal student aid in comparison with other states, as well as other states' successes in increasing these rates by expanding supports for students and their families. Research has

shown that increased completion of student aid applications in other states has led to increases in high school graduation and college matriculation, especially for students in underrepresented groups. Given these facts, the legislature intends to undertake several actions to improve financial aid awareness and to increase coordination in this area among schools, districts, agencies, and institutions of higher education." [2020 c 307 s 1.]

Conflict with federal requirements—2020 c 307: "If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state." [2020 c 307 s 8.]

RCW 28B.77.300 Washington college grant program—Statewide marketing campaign. Subject to availability of amounts appropriated for this specific purpose, the student achievement council shall conduct a statewide marketing campaign to increase awareness of the Washington college grant program established in chapter 28B.92 RCW. The student achievement council shall issue a request for proposal for hiring a marketing firm that will produce high quality advertisements to promote the state's largest financial aid program. Advertisements should be marketed towards potential postsecondary students and their parents with the goal of increasing awareness of the Washington college grant program to further the state's educational attainment goals. The advertisements may include television commercials, billboards, advertisements on public transit, paid internet search advertisements, and social media marketing. [2022 c 214 s 2.]

Intent—2022 c 214: "The legislature recognizes that, in 2020, Washington ranked 49th nationally for completion of the free application for federal student aid among high school seniors. The free application for federal student aid is the form that prospective and current postsecondary education students use to receive federal and state financial aid, such as the federal Pell grant, the Washington college grant, the college bound scholarship, the opportunity scholarship, federal student loans, and many other financial resources for college. For students who cannot file a free application for federal student aid, the state has an alternative financial aid application called the Washington application for state financial aid. The free application for federal student aid is a strong indicator for college enrollment. Ninety-two percent of high school seniors who completed the free application for federal student aid enrolled in a postsecondary institution by the November following graduation versus 51 percent of students who did not complete a free application for federal student aid. In addition, the legislature recognizes that the pandemic has exacerbated equity gaps in college access as colleges and universities are experiencing decreases in enrollments among low-income students, despite having one of the largest and most generous need-based financial aid programs in the

country. The legislature recognizes that the Washington college grant program established in chapter 28B.92 RCW, which education trust called "the most equity-focused free college program in the country" is a critical tool to address these equity gaps and help students enter college and apprenticeships. Therefore, it is the legislature's intent to establish an outreach initiative for the Washington college grant and an outreach and completion initiative for the free application for federal student aid and Washington application for state financial aid to help students succeed." [2022 c 214 s 1.]

RCW 28B.77.310 Workforce education investment accountability and oversight board.

(1) The workforce education investment accountability and oversight board is established. The board consists of 18 members, as provided in this subsection:

(a) Four members of the legislature consisting of the chairs and ranking minority members of the respective higher education and workforce development committees of the senate and house of representatives, ex officio; and

(b) The following members appointed by the governor with the consent of the senate:

(i) Five members representing the businesses described in RCW 82.04.299 or subject to the tax rate under RCW 82.04.290(2)(a)(i);

(ii) Two members representing labor organizations, one of which must have expertise in registered apprenticeships and training a high-demand workforce and one of which must represent faculty at the four-year institutions of higher education;

(iii) Two members representing the institutions of higher education, as defined in RCW 28B.10.016, one of which must be from the four-year sector and one of which must be from the community and technical college sector;

(iv) Two members representing students, one of which must be a community and technical college student;

(v) One member representing the independent, not-for-profit higher education institutions;

(vi) One member representing the workforce training and education coordinating board created under RCW 28C.18.020; and

(vii) One member representing the student achievement council, established under this chapter.

(2) Except for ex officio and student members, board members shall hold their offices for a term of three years until their successors are appointed. Student board members shall hold one-year terms.

(3) The board shall have two cochair. One cochair shall be one of the chairs of the respective higher education and workforce development committees of the legislature and the other cochair shall be one of the board members representing the businesses described in RCW 82.04.299 or subject to the tax rate under RCW 82.04.290(2)(a)(i). The cochair shall hold the position for a one-year term. The board members shall elect the cochair annually.

(4) Nine voting members of the board constitute a quorum for the transaction of business. The board shall meet four times a year.

(5) Staff support for the board shall be provided by the student achievement council established in this chapter.

(6) The purposes of the board are to:

(a) Provide guidance and recommendations to the legislature on what workforce education priorities should be funded with the workforce education investment account; and

(b) Ensure accountability that the workforce education investments funded with the workforce education investment account are producing the intended results and are effectively increasing student success and career readiness, such as by increasing retention, completion, and job placement rates.

(7) The board shall consult data from the education data center established under RCW 43.41.400 and the workforce training and education coordinating board established under this chapter when reviewing and determining whether workforce education investments funded from the workforce education investment account are effectively increasing student success and career readiness. The workforce training and education coordinating board shall maintain the workforce education investment accountability and oversight board data dashboard on a public-facing portal and work with the board to update and modify the data dashboard as new performance metrics are identified.

(8) The board shall report its recommendations to the appropriate committees of the legislature by August 1st of each year.

(9) For the purposes of this section, "board" means the workforce education investment accountability and oversight board established in this section. [2023 c 282 s 1; 2020 c 2 s 1; 2019 c 406 s 3. Formerly RCW 28C.18.200.]

Tax preference performance statement exemption—Automatic expiration date exemption—Effective dates—2020 c 2: See notes following RCW 82.04.290.

Findings—Intent—2019 c 406: See note following RCW 43.79.195.

Findings—Short title—2019 c 406: See notes following RCW 28B.92.200.

Findings—2019 c 406: See note following RCW 28B.94.020.

Findings—Intent—2019 c 406: See note following RCW 28C.30.050.

Findings—Intent—2019 c 406: See note following RCW 43.216.135.

RCW 28B.77.320 Postsecondary wrestling grant program. (1) Subject to availability of amounts appropriated for this specific purpose, the postsecondary wrestling grant program is created. The purpose of the postsecondary wrestling grant program is to provide funding to institutions of higher education to establish or maintain intercollegiate wrestling programs.

(2) The council shall administer the postsecondary wrestling grant program and award grants, based on a competitive grant process. The council shall establish minimum criteria for institutions of higher education to be awarded a grant.

(3) Grant funds may be allocated on a one-time or once every four-year basis dependent on the needs of the program and may be used for purposes including, but not limited to, support of one-time start-up costs, equipment, and student scholarships.

(4) For purposes of this section, "institutions of higher education" has the same meaning as in RCW 28B.10.016. [2023 c 190 s 1.]

Short title—2023 c 190: "This act may be known and cited as the Charles Cate II act." [2023 c 190 s 2.]

RCW 28B.77.850 Students experiencing homelessness and foster youth program. (1) Subject to the availability of amounts appropriated for this specific purpose, each public four-year institution of higher education and a public tribal college located in Washington and accredited by the northwest commission on colleges and universities or another accrediting association recognized by the United States department of education may implement a program to provide assistance to students experiencing homelessness and to students who were in the foster care system when they graduated high school. The program must provide certain accommodations to these students that may include, but are not limited to, the following:

- (a) Access to laundry facilities;
 - (b) Access to storage;
 - (c) Access to locker room and shower facilities;
 - (d) Reduced-price meals or meal plans, and access to food banks;
 - (e) Access to technology;
 - (f) Access to short-term housing or housing assistance, especially during seasonal breaks; and
 - (g) Case management services.
- (2) The four-year institutions of higher education and the tribal college may also establish plans to develop surplus property for affordable housing to accommodate the needs of students experiencing homelessness and students who were in the foster care system when they graduated high school.

(3) The four-year institutions of higher education and the tribal college participating in the program shall leverage existing community resources by making available to students in the program information that is available for individuals experiencing homelessness, including through not-for-profit organizations, the local housing authority, and the department of commerce's office of homeless youth.

(4) The four-year institutions of higher education and the tribal college participating in the program shall annually provide a joint report to the appropriate committees of the legislature in accordance with RCW 43.01.036 beginning December 1, 2023, that includes at least the following information:

(a) The number of students experiencing homelessness or food insecurity, and the number of students who were in the foster care system when they graduated high school who attended a four-year institution of higher education or a tribal college during the program. The council shall coordinate with all of the four-year institutions of higher education and the tribal college to collect voluntary data on how many students experiencing homelessness or food insecurity are attending the four-year institutions of higher education and the tribal college;

(b) The number of students assisted by the program;

(c) Strategies for accommodating students experiencing homelessness or food insecurity, and former foster care students; and

(d) Legislative recommendations for how students experiencing homelessness or food insecurity, and former foster care students could be better served.

(5) For purposes of this section, "program" means the students experiencing homelessness and foster youth program. [2025 c 92 s 1; 2023 c 339 s 2; 2021 c 62 s 2; 2019 c 330 s 2.]

RCW 28B.77.900 Transfer of powers, duties, and functions—2012 c 229. (1) All powers, duties, and functions of the higher education coordinating board are transferred to the student achievement council. All references to the executive director or the higher education coordinating board in the Revised Code of Washington shall be construed to mean the executive director or the student achievement council when referring to the functions transferred in this section.

(2) (a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the higher education coordinating board pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the student achievement council. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the higher education coordinating board in carrying out the powers, functions, and duties transferred shall be made available to the student achievement council. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the student achievement council.

(b) Any appropriations made to the higher education coordinating board for carrying out the powers, functions, and duties transferred shall, on June 7, 2012, be transferred and credited to the student achievement council.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the higher education coordinating board necessary to the assigned functions of the student achievement council are transferred to the jurisdiction of the student achievement council subject to review by the executive director of the student achievement council. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the student achievement council to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the higher education coordinating board pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the student achievement council. All existing contracts and obligations shall remain in full force and shall be performed by the student achievement council.

(5) The transfer of the powers, duties, and functions of the higher education coordinating board shall not affect the validity of any act performed before June 7, 2012.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) All classified employees of the higher education coordinating board assigned to the student achievement council under this section whose positions are within an existing bargaining unit description at the student achievement council shall become a part of the existing bargaining unit at the student achievement council and shall be considered an appropriate inclusion or modification of the existing bargaining unit under the provisions of chapter 41.80 RCW. [2012 c 229 s 121.]