

WESTERN WASHINGTON UNIVERSITY ITEM SUBMITTED TO THE BOARD OF TRUSTEES

TO: Members of the Board of Trustees

FROM: President Sabah Randhawa on behalf of Becca Kenna-Schenk, Executive Director of Government Relations

DATE: April 13, 2018

SUBJECT: **Legislative Update**

PURPOSE: Discussion Item

Purpose of Submittal:

For this agenda item, Becca Kenna-Schenk, Executive Director of Government Relations, will provide a brief update on the 2018 Legislative Session and answer any questions the Trustees may have.

Background:

The 2018 legislative session ended March 8, 2018 with several legislative “wins” for higher education and for Western specifically.

Budget highlights of the 2018 session include:

- ✓ \$18.5 million for the State Need Grant program to serve an additional 4,825 students and a commitment to fully-fund the program by 2022;
- ✓ \$1.3 million for Western to establish a new undergraduate degree program in Marine, Coastal and Watershed Sciences;
- ✓ \$700,000 for Western to establish a baccalaureate degree program in Early Childhood Education in Kitsap County as part of the Western on the Peninsulas program;
- ✓ \$70,000 in one-time funding for Western to conduct a study exploring the feasibility of creating a four-year degree granting campus on the Kitsap or Olympic Peninsula, with a report on the findings due to the Governor and the Legislature by December 2018; and
- ✓ \$1.5 million in state bond funding in the 2018 supplemental capital budget to address minor works projects at Western. (This funding was previously appropriated from WWU’s local building account in the 2017-19 capital budget).

Key higher education policy bills that passed during the 2018 session include:

- ✓ HB 1433 – Decoupling Services and Activities fees from tuition increases;
- ✓ HB 1488 – Expanding higher education opportunities for certain students;
- ✓ HB 1561 – Concerning open educational resources;
- ✓ HB 2009 – Providing higher education support for gold star families;
- ✓ SB 5917 – Requiring a system-wide credit policy regarding International Baccalaureate exams;
- ✓ SB 6029 – Establishing the Student Loan Bill of Rights;

- ✓ SB 6493 – Increasing transparency and accountability for intercollegiate athletic programs;
- ✓ SB 6514 – Concerning suicide prevention and behavioral health in higher education; and
- ✓ SB 6582 – Concerning the criminal history of applicants to institutions of higher education.



2018 Legislative Session Report

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WWU Government Relations works to pursue and promote Western's state and federal policy objectives to the legislative and executive branches of the state and federal government. The Office works closely with elected officials, Western administrators, faculty, students and staff. Western's Office of Government Relations also educates the campus community about legislation and initiatives affecting the University.

Introduction

Washington's 2018 legislative session adjourned *sine die* on March 8 on the 60th day of the regular session. This report provides a summary of the budgets as they impact Western and key policy bills impacting higher education that passed the Legislature or were enacted as part of the new operating budget and have been signed into law.

Operating Budget

The 2018 supplemental operating budget ([SB 6032](#)) included \$18.5 million in new funding for the State Need Grant program to serve an additional 4,600 students throughout the state, along with a commitment to fully-fund the program over the next four years. The budget also includes \$100,000 for the Student Achievement Council to establish a competitive grant program for the development of Open Educational Resources (OERs) as specified in [HB 1561](#). Additionally, funding was provided for the Washington State Institute for Public Policy to review the higher education funding models in ten states with higher education systems similar to Washington and report to the legislature by November 1, 2018.

For Western, the operating budget included \$1.3 million to establish a new undergraduate degree program in Marine, Coastal and Watershed Sciences, as well as \$700,000 to develop an Early Childhood Education degree program in partnership with Olympic College as part of the Western on the Peninsulas program. The operating budget also directs WWU to conduct a study exploring the feasibility of creating a four-year degree granting campus on the Kitsap or Olympic Peninsula, with a report on the findings due to the Governor and the Legislature by December 2018. Additionally, \$24,000 in one-time funding was provided to Western solely for the implementation of [SB 5028](#) (Native American history curriculum) and \$39,000 was provided for implementation of [HB 2009](#) (Gold Star families).

Capital Budget

2017-19 Capital Budget

The 2017-19 biennial capital budget ([SB 6090](#)) passed in the early weeks of the 2018 session, following the adjournment of the 2017 legislative session without the passage a biennial capital budget for the first time in state history. The 2017-19 capital budget included the following funding for WWU's capital priorities:

- \$6 million in design funding for the Sciences Building Addition;
- \$6.65 million for Classroom and Lab Upgrades;
- \$6.179 million for Minor Works Preservation Projects;
- \$3.614 million for Maintenance and Repairs;
- \$1.5 million for Access Control Security Upgrades; and

- \$3.188 million for Elevator Preservation Safety and ADA Upgrades.

2018 Supplemental Capital Budget

The 2018 supplemental capital budget ([SB 6095](#)) included \$1.5 million in state bond funds to address minor works projects at Western. This funding was originally appropriated from WWU's capital projects account in the 2017-19 biennial capital budget.

Under the supplemental budget, the Office of Financial Management must submit a higher education facility study to the governor and the appropriate legislative fiscal committees by December 1, 2018. The study must include learning space utilization standards, reasonableness of cost standards, and a criteria scoring and prioritization matrix for use by four-year higher education institutions and other decision makers to produce single prioritized lists of higher education capital projects.

Additionally, the supplemental budget directs Western to require the successful bidder for the Sciences Building Addition design project to submit current third-party verified environmental product declarations for the eligible materials used, including concrete, unit masonry, metal and wood, and to report declarations to the Department of Commerce.

Policy Bills Enacted in the 2018 Legislative Session

Academic Affairs

[HB 1561](#) - Open educational resources – Sponsored by Representative Noel Frame, HB 1561 requires the Washington Student Achievement Council to administer the Open Educational Resources Grant Pilot Program for the public, four-year institutions of higher education and requires the Council to conduct outreach to other states and higher education agencies to identify if there is interest in establishing a multistate OER network. The bill also requires the Washington State Institute for Public Policy to conduct a study on the costs of textbooks and course materials and on the use of OER at the public, four-year institutions of higher education.

[SB 5028](#) - Native American curriculum – Sponsored by Senator John McCoy, SB 5028 requires teacher preparation programs to integrate the Native American curriculum developed by the Office of the Superintendent of Public Instruction into existing history and government course requirements.

[SB 5064](#) - Student freedom of expression – Sponsored by Senator Joe Fain, SB 5064 provides that students of public institutions of higher education have the right to exercise freedom of speech and freedom of the press in school-sponsored media. Under the bill, school-sponsored media produced at institutions of higher education are designated public forums and are not subject to prior review by school officials. The bill also provides that a public institution of higher education may not control the content of student speech, unless the content is libelous

or slanderous, is an unwarranted invasion of privacy, violates the Federal Communications Act or rules of the Federal Communications Commission, or incites other students so as to create a clear and present danger to violate federal or state laws or violate school regulations, or is reasonably forecast to cause a material and substantial disruption to the orderly operation of the school. Finally, under the bill, an official or governing board of a public school or institution of higher education is not responsible for expressions made in school-sponsored media and may not be held civilly or criminally liable for content unless the school official or governing board has interfered with or altered the content.

SB 5917 - International Baccalaureate exam credit – Sponsored by Senator Mark Mullet, SB 5917 requires institutions of higher education to take into account the evidence for student success and the relevance of the IB or Cambridge International curriculum and test scores or grades when granting college credit or waiving course requirements. Examples of policies the institutions may consider are included, such as whether a score of four on standard-level or higher-level IB examinations and whether a grade of E on a Cambridge International examination indicates that the student has mastered college-level coursework for which undergraduate credits may be granted. The credit policies for all IB examinations and Cambridge International examinations must be posted on campus websites effective for the 2018 fall academic term, and the institutions must conduct biennial reviews of their credit policies and report noncompliance to the Legislature by November 1, 2020.

Capital Projects and Public Works

HB 1673 - Responsible bidder criteria – Sponsored by Representative Beth Doglio, HB 1673 requires training in public works and prevailing wage in order to be a responsible bidder on public works projects. Under the bill, bidders who have completed three or more public works projects and have had a Washington business license for at least three years are exempt.

HB 1849 - Apprenticeship utilization — Sponsored by Representative Mike Sells, HB 1849 makes awarding agencies responsible for monitoring a contractor and subcontractor's compliance with apprenticeship utilization hours within existing resources. The bill also requires public works contracts to include a specific line item specifying that apprenticeship utilization goals should be met, monetary incentives for meeting the goals, monetary penalties for not meeting the goals, and an expected cost value to be included in the bid associated with meeting the goals. Under the legislation, contracts must specify that apprenticeship utilization requirements may not be required, and awarding agencies are required to report the apprenticeship utilization by contractor and subcontractor to the Supervisor of Apprenticeship at the Department of Labor and Industries by the time of final project acceptance.

Financial Aid and Student Services

HB 1169 - Student loan assistance – Sponsored by Representative Tina Orwall, HB 1169 repeals multiple provisions allowing suspension of a professional license due to student loan default. The bill also changes the judgment interest rate for unpaid private student loan debt to two

percentage points above the prime rate, unless the judgment interest rate is specified in the contract and increases the bank account and wage garnishment exemptions for judgments on private student loan debt. The bill also modifies the writs and forms for garnishment and continuing lien on earnings to specify whether a writ is for private student loan debt, and if so, to notify the debtor of their exemption rights for private student loan debt.

HB 1433 - Services and Activities fee increases – Sponsored by Representative Melanie Stambaugh, HB 1433 decouples S&A fee increases from tuition increases for resident undergraduate students, but limits S&A fee increases to four percent per year.

HB 1439 - Higher education student protection – Sponsored by Representative Gerry Pollet, HB 1439 authorizes the Washington Student Achievement Council to continue administering its study from 2016 on for-profit degree-granting institutions and private vocational schools, and to include recommendations on the creation of an ombuds office. The bill also makes it an unfair business practice for degree-granting institutions and private vocational schools to provide misleading or deceptive testimonials and endorsements. Finally, the bill provides that if a degree-granting institution or private vocational school presents certain performance data, the posted data must be consistent with data posted on the state's Career Bridge website or data posted by the United States Department of Education.

HB 1452 - Opportunity Scholarship program – Sponsored by Representative Jeff Holy, HB 1452 expands the Washington State Opportunity Scholarship program to students pursuing professional-technical certificates and degrees. The bill also creates a new account, called the Student Support Pathways Account, from which scholarships for professional-technical certificates and degrees will be awarded and allows students who are ineligible to file for federal student aid to file a state financial aid application to meet scholarship renewal requirements.

HB 1488 - Expanding higher education opportunities – Sponsored by Representative Drew Hansen, HB 1488 allows students who meet the state's "1079" residency criteria to be eligible for the College Bound Scholarship program. The bill also provides that students who have received Opportunity Scholarships may renew their scholarships by filing the Washington Application for State Financial Aid (WAFSA). Finally, the bill provides that, for the purposes of residency for in-state tuition, a person is not a "nonresident student" if the person: (1) has been granted Deferred Action for Childhood Arrival (DACA) status before, on, or after the effective date of the act, regardless of whether the person is no longer in DACA status due to the termination, suspension, or modification of the DACA program; (2) has U or T nonimmigrant status with the United States Citizenship and Immigration Services (USCIS); (3) has been issued a work permit by the USCIS; or (4) is in deferred action status.

HB 1499 - Student loan disbursement – Sponsored by Representative Gerry Pollet, HB 1499 creates notice and other requirements applicable to postsecondary institutions that use third-party servicers or financial institutions to disburse financial aid refunds to students. The bill also requires the Washington Student Achievement Council to have rules ensuring that

contracts between institutions and third-party servicers or financial institutions are in the best financial interest of students and meet other criteria.

HB 2009 - Gold Star families – Sponsored by Representative Kristine Reeves, HB 2009 supports military families by providing a \$500 annual textbook stipend to children and spouses receiving a tuition waiver because their parent or spouse passed away, became totally disabled, or is considered a prisoner of war or missing in action due to active military service.

HB 2822 - Concerning service animals – Sponsored by Representative Mike Steele, HB 2822 adopts the federal definition of service animal and creates a civil infraction for the misrepresentation of a service animal.

SB 6029 - Student loan bill of rights – Sponsored by Senator Marko Liias, SB 6029 creates a Student Education Loan Advocate through the Washington Student Achievement Council to receive, review, and provide assistance to student education loan borrowers who file complaints. The bill also: 1) requires student loan servicers to obtain a license from the Department of Financial Institutions to operate in the state, and permits the DFI to establish fees; 2) requires servicers to comply with various provisions regarding assessing and crediting fees; account information and dispute requests; acquiring, transferring, and selling servicing rights; and reporting information; and 3) prohibits third-party student loan modification servicers from various practices that may misrepresent the student loan situation or encourage a borrower to do something counterproductive to their situation. Finally, the bill requires the Washington State Institute for Public Policy to study student loan authorities who refinance student loans from proceeds of tax-exempt bonds.

SB 6274 - Passport to College Promise – Sponsored by Senator Kevin Ranker, SB 6274 establishes the Passport to Careers program, which supports former foster and unaccompanied homeless youth in pursuing postsecondary education through two pathways: the Passport to College Promise program and the Passport to Apprenticeship Opportunities program. The bill expands the Passport to College Promise program to include unaccompanied homeless youth and former foster youth in federal and tribal foster care systems, and provides financial assistance for former foster youth and unaccompanied homeless youth to pursue apprenticeships and pre-apprenticeships.

SB 6493 - Intercollegiate athletics – Sponsored by Senator Andy Billig, SB 6493 requires Boards of Trustees at institutions of higher education to approve in open public meetings the annual budgets for their intercollegiate programs in advance of any expenditures for the fiscal year. The bill also requires that if an institution's intercollegiate athletic programs operate at a deficit, the Board must approve a plan to reduce operating deficits, post the plan and fiscal statements on its website, and, with certain exceptions, approve in advance transfers or expenditures exceeding \$250,000 that were not included in the annual budget. "Operating deficit" is defined as the amount by which the aggregate operating costs of the programs exceeds the aggregated receipts and revenue directly generated by the programs in the fiscal year plus any transfers of reserves that were originally generated directly by the athletic department account.

[SB 6514](#) - Higher education behavioral health – Sponsored by Senator Sharon Brown, SB 6514 requires an entity within the University of Washington School of Social Work to create a statewide resource for behavioral health and suicide prevention in postsecondary institutions that includes, among other things, a training curriculum and model protocols. The bill also creates a grant program to fund postsecondary institutions' behavioral health and suicide prevention efforts and requires that the first six grants be awarded to public institutions of higher education. Finally, under the bill postsecondary institutions are required to submit annual reports to the UW regarding information related to behavioral health and suicide on their campuses.

[SB 6582](#) - Criminal history and higher education admissions applications – Sponsored by Senator Maralyn Chase, SB 6582 prohibits public institutions of higher education from using initial admissions applications that request information about an applicant's criminal history and prohibits an institution from automatically or unreasonably denying an applicant's admission or restricting access to campus residency based on the applicant's criminal history. Under the bill, institutions are authorized to inquire into an applicant's criminal history after that applicant has otherwise been determined to be qualified for admission. Institutions are required to develop a process for determining whether there is a relationship between an applicant's criminal history and a specific academic program or campus residency to justify denial or restriction.

Human Resources and Employee Protections

[HB 1298](#) - Criminal background and employment applications – Sponsored by Representative Lillian Ortiz-Self, HB 1298 prohibits an employer from, among other things, including any question on an application or inquiring into an applicant's criminal background until after the employer initially determines that the applicant is otherwise qualified for the position. Under the bill, certain employers are exempt from the prohibition.

[HB 1336](#) - Disability compensation social security offset – Sponsored by Representative Steve Kirby, HB 1336 eliminates the Social Security retirement offset for injured workers who either were receiving or had applied to receive Social Security benefits before being injured.

[HB 1434](#) - Shared leave pregnancy disability – Sponsored by Representative June Robinson, HB 1434 authorizes shared employee leave for parental leave and for sickness or temporary disability due to pregnancy disability.

[HB 2661](#) - Employment protections for domestic assault survivors – Sponsored by Representative Beth Doglio, HB 2661 makes it unlawful for an employer to discriminate against an applicant or employee because the individual is an actual or perceived victim of domestic violence, sexual assault, or stalking. The bill also makes it unlawful for an employer to refuse to make a reasonable safety accommodation requested by a victim of domestic violence, sexual assault, or stalking unless the accommodation would impose an undue hardship.

[HB 2669](#) - Civil service and part-time employees – Sponsored by Representative Beth Doglio, HB 2669 removes the exemption of part-time employees from the state’s Civil Service Law and removes lapsed restrictions on salary increases for exempt employees from language in the Civil Service Law.

[HB 2751](#) - Deduction of union dues – Sponsored by Representative Monica Stonier, HB 2751 provides that if a collective bargaining agreement has a union security provision, written authorization from the employee is not required for the employer to enforce the union security agreement by deducting required dues or fees from the employee's pay. The bill also provides that if a collective bargaining agreement includes requirements for deductions of payments other than union dues or equivalent fees under a union security provision, the employer must make those deductions upon written authorization of the employee. Also, under the bill the requirement that an employee's written authorization to deduct dues be filed with the employer is removed.

[SB 6229](#) - Bargaining representative access – Sponsored by Senator Kevin Van De Wege, SB 6229 requires public sector employers to provide exclusive bargaining representatives reasonable access of at least 30 minutes to new employees of the bargaining unit for the purposes of presenting information about the union.

Appendix: WWU’s 2018 State Legislative Priorities

Legislative Priorities

2018



Pass the compromise 2017-19 Capital Budget

Western strongly urges the Legislature to adopt the previously agreed-upon 2017-19 capital budget as early in the 2018 Legislative Session as possible. The budget proposals include critical funding to address WWU's growing capacity constraints and preservation and maintenance needs, including design funding for a new interdisciplinary STEM building that will address major space limitations in a variety of STEM programs and funding to improve outdated safety and accessibility infrastructure needs across Western's campus.

Support All Washington Students

Western strongly supports programs that ensure all Washington students have access to quality postsecondary opportunities. This includes support for proposals to fully fund the State Need Grant, as well as state and federal efforts to protect and support our DACA and undocumented students.

Reduce Bottlenecks in STEM Degree Programs

(\$1.2 million per year + \$300k in one-time costs)

STEM majors at Western have more than doubled since 2005, and the university requests \$1.2 million per year to help meet growing student demand and address bottlenecks in STEM degree programs. This plan will increase capacity in entry-level courses in Math, Physics and Chemistry that are required for STEM majors, and accommodate an additional 100 STEM students per year. This investment will also reduce time to degree by an average of two academic quarters—saving students and families thousands in tuition costs.

Marine, Coastal and Watershed Sciences Degree

(\$1 million per year + \$300k in one-time costs)

Western requests funding to establish a new interdisciplinary STEM degree program designed to meet student and employer demand and help address Washington's emerging challenges associated with climate change, resource management, and the growing fields of coastal science and policy. The focus of the Marine, Coastal, and Watershed Sciences program would be unique in its coastal sea-and-land emphasis, which requires a multidisciplinary approach to solving challenges related to coastal and estuary pollution, erosion, flooding, sustainable fisheries and aquaculture, ocean acidification, sustainable energy, and changing hydrologic cycles. The new degree program would leverage Western's existing areas of expertise in oceanographic, aquatic, and environmental sciences, and expand student access to Western's existing Shannon Point Marine Center in Anacortes.

15,915 students

95% are undergraduates

87% are residents of Washington

99% of classes are taught by faculty, not graduate assistants

34% of degrees are awarded in STEM/high demand areas

33% of students are first generation students

70% graduation rate (over 80 percent of students who start at WWU graduate at WWU or elsewhere)

4.3 years is the average time to degree

