

Exemptions Criteria Worksheet

1. **Exemption:** RCW 28C.18.020(2)(m)

2. **Session Law:** Laws of 1991, chapter 238

3. **Category:** Employment

4. **Cross-ref.:**

5. **Date Enacted:** 1991

6. **(Text of exemption)** The lists compiled by the committee shall not be subject to public disclosure.

7. **Exemption protects:** ☐ Safety ☐ Privacy ☐ Financial ☒ Other (explain):

List of names of candidates for executive director of workforce training and education coordinating board.

8. **Purpose (including purpose of accompanying legislation if applicable):**

Not stated in the legislative history.

9. **Information covered:** ☒ About gov't function ☐ Collected/held by gov't

☐ Public funds ☐ Public official ☐ Vital gov't Interest ☐ Confidential/private ☐ Other

Describe: Candidates for director are nominated by business and labor representatives who are members of the board. The list is submitted to the governor who then appoints the director.

10. **Stakeholders:**

1. Workforce Training/
Education Coordinating Board

Contacted: ☐ yes ☐ no

2.

Contacted: ☐ yes ☐ no

3.

Contacted: ☐ yes ☐ no

4.

Contacted: ☐ yes ☐ no

11. **Add'l bill**

Information: Floor debate: ☐ yes ☒ no

Bill Reports: ☒ yes ☐ no

12. **Comments (including significant court decisions; related WACs sections, or other).**

RCW 28C.18.020**Workforce training and education coordinating board.**

(1) There is hereby created the workforce training and education coordinating board as a state agency and as the successor agency to the state board for vocational education. Once the coordinating board has convened, all references to the state board for vocational education in the Revised Code of Washington shall be construed to mean the workforce training and education coordinating board, except that reference to the state board for vocational education in RCW 49.04.030 shall mean the state board for community and technical colleges.

(2)(a) The board shall consist of nine voting members appointed by the governor with the consent of the senate, as follows: Three representatives of business, three representatives of labor, and, serving as ex officio members, the superintendent of public instruction, the executive director of the state board for community and technical colleges, and the commissioner of the employment security department. The chair of the board shall be a nonvoting member selected by the governor with the consent of the senate, and shall serve at the pleasure of the governor. In selecting the chair, the governor shall seek a person who understands the future economic needs of the state and nation and the role that the state's training system has in meeting those needs. Each voting member of the board may appoint a designee to function in his or her place with the right to vote. In making appointments to the board, the governor shall seek to ensure geographic, ethnic, and gender diversity and balance. The governor shall also seek to ensure diversity and balance by the appointment of persons with disabilities.

(b) The business representatives shall be selected from among nominations provided by a statewide business organization representing a cross-section of industries. However, the governor may request, and the organization shall provide, an additional list or lists from which the governor shall select the business representatives. The nominations and selections shall reflect the cultural diversity of the state, including women, people with disabilities, and racial and ethnic minorities, and diversity in sizes of businesses.

(c) The labor representatives shall be selected from among nominations provided by statewide labor organizations. However, the governor may request, and the organizations shall provide, an additional list or lists from which the governor shall select the labor representatives. The nominations and selections shall reflect the cultural diversity of the state, including women, people with disabilities, and racial and ethnic minorities.

(d) Each business member may cast a proxy vote or votes for any business member who is not present and who authorizes in writing the present member to cast such vote.

(e) Each labor member may cast a proxy vote for any labor member who is not present and who authorizes in writing the present member to cast such vote.

(f) The chair shall appoint to the board one nonvoting member to represent racial and ethnic minorities, women, and people with disabilities. The nonvoting member appointed by the chair shall serve for a term of four years with the term expiring on June 30th of the fourth year of the term.

(g) The business members of the board shall serve for terms of four years, the terms expiring on June 30th of the fourth year of the term except that in the case of initial members, one shall be appointed to a two-year term and one appointed to a three-year term.

(h) The labor members of the board shall serve for terms of four years, the terms expiring on June 30th of the fourth year of the term except that in the case of initial members, one shall be appointed to a two-year term and one appointed to a three-year term.

(i) Any vacancies among board members representing business or labor shall be filled by the governor with nominations provided by statewide organizations representing business or labor, respectively.

(j) The board shall adopt bylaws and shall meet at least bimonthly and at such other times as determined by the chair who shall give reasonable prior notice to the members or at the request of a majority of the voting members.

(k) Members of the board shall be compensated in accordance with RCW 43.03.040 and shall receive travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(l) The board shall be formed and ready to assume its responsibilities under this chapter by October 1, 1991.

(m) The director of the board shall be appointed by the governor from a list of three names submitted by a committee made up of the business and labor members of the board. However, the governor may request, and the committee shall provide, an additional list or lists from which the governor shall select the director. The lists compiled by the committee shall not be subject to public disclosure. The governor may dismiss the director only with the approval of a majority vote of the board. The board, by a majority vote, may dismiss the director with the approval of the governor.

(3) The state board for vocational education is hereby abolished and its powers, duties, and functions are hereby transferred to the workforce training and education coordinating board. All references to the director or the state board for vocational education in

between community colleges and vocational technical institutes, and inadequate local authority. The parts of the system providing adult basic skills and literacy education are especially uncoordinated and lack sufficient visibility to adequately address the needs of the large number of adults in the state who are functionally illiterate. The work force training and education system's data and evaluation methods are inconsistent and unable to provide adequate information for determining how well the system is performing on a regular basis so that the system may be held accountable for the outcomes it produces. Much of the work force training and education system provides inadequate opportunities to meet the needs of people from culturally diverse backgrounds. Finally, our educational institutions are not producing the number of people educated in vocational/technical skills needed by employers.

The legislature recognizes that we must make certain that our institutions of education place appropriate emphasis on the needs of employers and on the needs of the approximately eighty percent of our young people who enter the world of work without completing a four-year program of higher education. We must make our work force education and training system better coordinated, more efficient, more responsive to the needs of business and workers and local communities, more accountable for its performance, and more open to the needs of a culturally diverse population.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this title.

(1) "Board" means the work force training and education coordinating board.

(2) "Director" means the director of the work force training and education coordinating board.

(3) "Training system" means programs and courses of secondary vocational education, technical college programs and courses, community college vocational programs and courses, adult basic education programs and courses, programs and courses funded by the job training partnership act, programs and courses funded by the federal vocational act, programs and courses funded under the federal adult education act, publicly funded programs and courses for adult literacy education, and apprenticeships, and programs and courses offered by private and public nonprofit organizations that are representative of communities or significant segments of communities and provide job training or adult literacy services.

(4) "Work force skills" means skills developed through applied learning that strengthen and reinforce an individual's academic knowledge, critical thinking, problem solving, and work ethic and, thereby, develop the employability, occupational skills, and management of home and work responsibilities necessary for economic independence.

(5) "Vocational education" means organized educational programs offering a sequence of courses which are directly related to the preparation or

retraining of individuals in paid or unpaid employment in current or emerging occupations requiring other than a baccalaureate or advanced degree. Such programs shall include competency-based applied learning which contributes to an individual's academic knowledge, higher-order reasoning, and problem-solving skills, work attitudes, general employability skills, and the occupational-specific skills necessary for economic independence as a productive and contributing member of society. Such term also includes applied technology education.

(6) "Adult basic education" means instruction designed to achieve mastery of skills in reading, writing, oral communication, and computation at a level sufficient to allow the individual to function effectively as a parent, worker, and citizen in the United States, commensurate with that individual's actual ability level, and includes English as a second language and preparation and testing service for the general education development exam.

NEW SECTION. Sec. 3. (1) There is hereby created the work force training and education coordinating board as a state agency and as the successor agency to the state board for vocational education. Once the coordinating board has convened, all references to the state board for vocational education in the Revised Code of Washington shall be construed to mean the work force training and education coordinating board, except that reference to the state board for vocational education in RCW 49.04.030 shall mean the state board for community and technical colleges.

(2)(a) The board shall consist of nine voting members appointed by the governor with the consent of the senate, as follows: Three representatives of business, three representatives of labor, and, serving as ex officio members, the superintendent of public instruction, the executive director of the state board for community and technical colleges, and the commissioner of the employment security department. The chair of the board shall be a nonvoting member selected by the governor with the consent of the senate, and shall serve at the pleasure of the governor. In selecting the chair, the governor shall seek a person who understands the future economic needs of the state and nation and the role that the state's training system has in meeting those needs. Each voting member of the board may appoint a designee to function in his or her place with the right to vote. In making appointments to the board, the governor shall seek to ensure geographic, ethnic, and gender diversity and balance. The governor shall also seek to ensure diversity and balance by the appointment of persons with disabilities.

(b) The business representatives shall be selected from among nominations provided by a state-wide business organization representing a cross-section of industries. However, the governor may request, and the organization shall provide, an additional list or lists from which the governor shall

select the business representatives. The nominations and selections shall reflect the cultural diversity of the state, including women, people with disabilities, and racial and ethnic minorities, and diversity in sizes of businesses.

(c) The labor representatives shall be selected from among nominations provided by state-wide labor organizations. However, the governor may request, and the organizations shall provide, an additional list or lists from which the governor shall select the labor representatives. The nominations and selections shall reflect the cultural diversity of the state, including women, people with disabilities, and racial and ethnic minorities.

(d) Each business member may cast a proxy vote or votes for any business member who is not present and who authorizes in writing the present member to cast such vote.

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(i) Any vacancies among board members representing business or labor shall be filled by the governor with nominations provided by state-wide organizations representing business or labor, respectively.

(j) The board shall adopt bylaws and shall meet at least bimonthly and at such other times as determined by the chair who shall give reasonable prior notice to the members or at the request of a majority of the voting members.

(k) Members of the board shall be compensated in accordance with RCW 43.03.040 and shall receive travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(l) The board shall be formed and ready to assume its responsibilities under this chapter by October 1, 1991.

(m) The director of the board shall be appointed by the governor from a list of three names submitted by a committee made up of the business and labor members of the board. However, the governor may request, and the committee shall provide, an additional list or lists from which the governor

shall select the director. The lists compiled by the committee shall not be subject to public disclosure. The governor may dismiss the director only with the approval of a majority vote of the board. The board, by a majority vote, may dismiss the director with the approval of the governor.

(3) The state board for vocational education is hereby abolished and its powers, duties, and functions are hereby transferred to the work force training and education coordinating board. All references to the director or the state board for vocational education in the Revised Code of Washington shall be construed to mean the director or the work force training and education coordinating board.

NEW SECTION. Sec. 4. The purpose of the board is to provide planning, coordination, evaluation, monitoring, and policy analysis for the state training system as a whole, and advice to the governor and legislature concerning the state training system, in cooperation with the agencies which comprise the state training system, and the higher education coordinating board.

NEW SECTION. Sec. 5. (1) The director shall serve as chief executive officer of the board who shall administer the provisions of this chapter, employ such personnel as may be necessary to implement the purposes of this chapter, and utilize staff of existing operating agencies to the fullest extent possible.

(2) The director shall not be the chair of the board.

(3) Subject to the approval of the board, the director shall appoint necessary deputy and assistant directors and other staff who shall be exempt from the provisions of chapter 41.06 RCW. The director's appointees shall serve at the director's pleasure on such terms and conditions as the director determines but subject to the code of ethics contained in chapter 42.18 RCW.

(4) The director shall appoint and employ such other employees as may be required for the proper discharge of the functions of the board.

(5) The director shall, as permissible under P.L. 101-392, as amended, integrate the staff of the council on vocational education, and contract with the state board for community and technical colleges for assistance for adult basic skills and literacy policy development and planning as required by P.L. 100-297, as amended.

NEW SECTION. Sec. 6. (1) The board shall be designated as the state board of vocational education as provided for in P.L. 98-524, as amended, and shall perform such functions as is necessary to comply with federal directives pertaining to the provisions of such law.

(2) The board shall monitor for consistency with the state comprehensive plan for work force training and education the policies and plans established by the state job training coordinating council, the advisory council

FINAL BILL REPORT

ESSB 5184

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SYNOPSIS AS ENACTED

Brief Description: Creating a work force training and education coordinating board, and combining community and vocational-technical schools under one agency.

SPONSORS: Senate Committee on Higher Education (originally sponsored by Senators Saling, Bauer, Thorsness, Jesernig, Stratton, Talmadge and Snyder; by request of Governor Gardner).

SENATE COMMITTEE ON HIGHER EDUCATION

SENATE COMMITTEE ON WAYS & MEANS

HOUSE COMMITTEE ON HIGHER EDUCATION

BACKGROUND:

A number of studies have concluded that changes are necessary in both state and national policy to improve workforce education and training. The United States Department of Labor's 1987 study, "Workforce 2000," pointed to the demographic shifts that will mean greater diversity in the workforce and a requirement for the workforce as a whole to be more highly trained. "Washington Works Worldwide," the 1988 report of the Washington Economic Development Board, pointed to the critical need for a well-trained workforce in terms of the state's competition in a global economy. In June of 1990, the National Center on Education and the Economy's Commission on the Skills of the American Workforce produced a report, "America's Choice: High Skills or Low Wages," which underscores the work of the preceding reports and makes a number of bold recommendations for change. Basic to the conclusions of this report is the belief that the organization of work must move beyond the mass production model.

As the citizens of Washington move into the next century, they will require technical skills and vocational training as well as critical thinking skills if they are to help the state compete in that global economy. The Governor's Advisory Council on the Investment in Human Capital was created in 1990. The primary mission is to improve state policies for workforce education and training to meet shifting demographic and economic imperatives. Due to legislative concern about the fragmentation of the training system, the council was asked to recommend an agency to govern all postsecondary vocational education and the first two years of higher education not under the jurisdiction of a four-year college or university.

In 1990 the Office of Financial Management (OFM) was directed to administer a study of the state's training and retraining system that would provide the supporting data for the council's recommendations. Among the findings of the study are the following conclusions:

- (1) The workforce is changing. It is growing more slowly and contains fewer young people. In addition, 40 percent of the net increase in Washington's workforce between now and 2010 will come from minority populations and approximately 53 percent will be women.
- (2) A shortage of well-trained workers is already hurting the state.
- (3) Many employers are unsatisfied with employee skills--both basic and technical. Eighty percent of all firms that hire workers with specialized technical skills have had difficulty finding qualified workers.
- (4) The level of training that is most needed is vocational/technical training.
- (5) Needs of target populations are not being met: functionally illiterate; dislocated workers; economically disadvantaged; people with disabilities; minority population.
- (6) More support services are needed, including but not limited to day care, financial aid, career counseling, etc.
- (7) The private sector alone cannot provide worker training. One-half of employers report lack of resources to provide training.
- (8) Public programs are fragmented. Accountability and responsibility cannot be placed in one agency. Poor data collection is a problem for both business and labor. There are no common definitions for data collection or other purposes.
- (9) Vocational education has a poor image in the United States. European models provide educational standards that all students must meet. Work-based learning of the apprenticeship-type has proven effective.

The Governor's Advisory Council on the Investment in Human Capital made recommendations covering nine major areas. These include creating a coordinating structure for vocational training, improving accountability, consolidating governance of programs for the adult workforce, and expanding apprenticeship programs. The council also recommended enhancing the following: literacy and basic skills programs, K-12 workforce programs, access to and funding for training programs, and efforts to recruit and train workers from diverse ethnic and cultural backgrounds.

SUMMARY:

The Workforce Training and Education Coordinating Board is created as the successor agency to the State Board for Vocational Education. The new board will have nine voting members. Six members, three each from business and labor, will be selected by the Governor and confirmed by the Senate. The Governor shall seek to ensure diversity and balance by the appointment of persons with disabilities, as well as ethnic, gender and geographical distribution. The Superintendent of Public Instruction, the Executive Director of the State Board for Community and Technical Colleges, and the Commissioner of Employment Security will be ex-officio voting members. A nonvoting chair shall be a person of vision appointed by the Governor.

The director of the board shall be appointed by the Governor from a list (or lists) of three names submitted by a committee made up of the business and labor members of the board. The Governor may dismiss the director only with the approval of a majority vote of the board. The board, by a majority vote, may dismiss the director with the approval of the Governor.

With the cooperation of the Superintendent of Public Instruction, the State Board for Community and Technical Colleges, and the Employment Security Department, the coordinating board shall develop a consistent and reliable data base. The coordinating board shall be primarily for planning, policy development and coordination. The coordinating board is responsible for administering the private vocational school act.

The coordinating board shall monitor the need for federally mandated councils: The Washington State Job Training Coordinating Council (SJTCC) and the Washington State Council on Vocational Education (COVE), as well as the Washington Advisory Council on Adult Education. There will be overlapping membership on the SJTCC to the maximum extent feasible. One service delivery area (SDA) administrator and one private industry council (PIC) representative shall be voting members of the SJTCC.

The State Board for Community and Technical Colleges shall have nine members with at least two from eastern Washington. Membership must include geographical diversity and one representative of labor and one representative of business. Programs and activities offered in the last year will continue so long as the need exists. The state board shall provide or coordinate apprenticeship programs.

The five vocational-technical institutes under the jurisdiction of the common school system are renamed and transferred to the State Board for Community and Technical Colleges. A separate five-member board of trustees is created for each of the five technical colleges: Bates Technical College, Clover Park Technical College, Bellingham Technical College, Lake Washington Technical College, and Renton Technical College. Local board membership shall include one

member from business and one member from labor. There shall be a separate district for each technical college. A coordinating mechanism is provided for overlapping college districts. In Pierce County there will be an eight-member coordinating committee which includes two trustees from each college, responsible for regional planning. The coordinating committee shall not employ its own staff. Agreements for associate degrees are required in Pierce County, while in Whatcom County transfer courses will be offered only by the community college.

School districts sending students to the vocational-technical institutes may continue to send students to the technical colleges. High school students shall continue to be served by the technical college in the proportion as in school year 1989-90. The technical colleges may offer high school level nonvocational courses.

Technical colleges may buy support services from school districts by mutual agreement. Technical colleges are to offer nonbaccalaureate degrees under state board rules. Playgrounds will continue to be available. The \$5,000 bid limit is increased to \$15,000. Faculty senates shall be optional for the colleges.

Retirement and benefit options are clarified. SPI employees are transferred to the higher education personnel system. Bargaining laws are revised to include the technical college instructors. Contracts due to expire will continue until the board of trustees can negotiate a new contract, or for one year, or longer by agreement. VTI/school district personnel are protected from retribution due to the act. VTI employees will not be given termination notices. On March 1, 1991, VTI directors become presidents of technical colleges.

Buildings used temporarily by a VTI and buildings already returned revert to the school district. VTIs stay with the school districts until September 1991. Liabilities are transferred with assets. No asset removal is allowed; no increase in direct costs is allowed--everyone must cooperate. Decisions regarding asset transfers are made in consultation with SPI, the state board, and a task force appointed by the Governor. If no agreement is reached, then the Governor will decide. Licenses are transferred with other papers. School districts are obligated only for bonds already issued.

Statutes pertaining to the Washington Institute of Applied Technology are repealed. The institute is renamed the Seattle Vocational Institute and becomes the fourth unit of the Seattle Community College District. The powers, duties, and functions of the Institute are transferred to the Seattle Community College District. The mission is clarified, staff is transferred and some faculty may be hired.

All literacy programs are transferred to the State Board for Community and Technical Colleges. SPI is directed to develop a curriculum that integrates vocational and academic coursework.

VOTES ON FINAL PASSAGE:

Senate	32	17	
House	90	7	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Senate			(Senate refused to concur)
House	93	4	(House amended)
Senate	30	16	(Senate concurred)

EFFECTIVE: July 28, 1991