

2021 Session: Legislation Higher Education Impacts

Below is a summary of impacts to Washington's public baccalaureate institutions in legislation passed during the 2021 session and signed by the Governor.

Not all bills tracked by COP are summarized below. The legislation summarized reflects bills or parts of bills tracked by COP during the session that impact the public baccalaureate sector. Each bill is linked to the implementing legislation.

The full list of bills tracked by COP can be found [here](#). Additional information about 2021 legislative bills can be found [here](#).

Bills are grouped by area:

Academic Affairs	Human Resources
Behavioral, Mental and Health Related	IT
Business Affairs	K-12
Capital Construction	Licensing
Diversity, Equity and Inclusion	Public Safety
Early Learning	Student Affairs
Financial Aid	Teacher Preparation
Governance	

Academic Affairs**Instructional Materials, [HB 1119](#), Effective July 25, 2021**

The public four-year institutions of higher education (institutions) must designate in their online course descriptions, which students use to register for courses, whether a course uses the OER or low-cost required instructional materials. A course uses low-cost instructional materials if the entire cost of the required materials equals \$50 or less. The institutions must adjust the dollar value of low-cost at least once every five years to reflect the percentage change in the Consumer Price Index over the preceding five years. The institutions may designate whether the course uses low-cost materials or OER at a later date than registration if, at the time of registration, the faculty member has not yet been assigned to the course.

Winery Workforce Development, [HB 1289](#), Effective July 25, 2021

Domestic winery licensees and non-retail class licensees are permitted, under certain specified circumstances, to allow an employee or intern between age 18 and 21 years old to handle, transport, or otherwise possess liquor. For example, a domestic winery licensee may allow interns between age 18 and 21 years old to engage in wine production-related work at the domestic winery's licensed location, so long as the intern is enrolled as a student at a community or technical college, regional university, or state university that holds a special permit issued by the Liquor and Cannabis Board (LCB) for that purpose. In addition, the student must be enrolled in a required or elective class as part of a culinary, sommelier, wine business, enology, viticulture, wine technology,

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beer technology, or spirituous technology-related degree program. A domestic winery or non-retail class liquor licensee is solely responsible for any act or omission of their employee occurring at or on the licensee's premises that violates liquor laws.

A domestic winery employee who is at least age 18, but under age 21, may engage in wine production and work in a winery's production facility, so long as there is an adult age 21 or older on duty supervising such activities on the premises. The authorization may not be interpreted to allow a winery employee under age 21 to taste, consume, sell, or serve liquor.

College in the High School, [HB 1302](#), Effective July 25, 2021

Ninth grade students are eligible to participate in CiHS programs. A high school that offers a CiHS program must provide general information about the program to all students in grades eight through 12 and to the parents and guardians of those students. A high school that offers a CiHS program must include the following information about program courses in the high school catalogue or equivalent: there is no fee for students to enroll in a program course to earn only high school credit and fees apply for students who choose to enroll in a course to earn both high school and college credit; a description and breakdown of the fees charged to students to earn college credit; and a notification that paying for college credit automatically starts an official college transcript with the institution of higher education offering the course regardless of student performance, and college credit earned upon successful completion of a course may count only as elective credit if transferred to another institution of higher education. Charter schools and state-tribal compact schools are allowed to offer CiHS programs, to the same extent as school districts. The maximum per college credit tuition fee an institution of higher education may charge for a CiHS course is set at \$65, to be annually adjusted for inflation. The Office of the Superintendent of Public Instruction must calculate and post the maximum fee on its website, by July 1st annually. Language specifying that the minimum CiHS program allocation and subsidy is \$65 per quarter credit and that specified entities must review funding levels for the program every 4 years and recommend changes is removed. Cross-references are corrected and other terminology changes are made.

Behavioral Health Workforce Pilot Program, [HB 1504](#), Effective July 25, 2021

Workforce education, including career connected learning, is added as an allowable use for the Workforce Education Investment Account. The HCA must establish a behavioral health workforce pilot program and training support grants for community mental health and substance use disorder treatment providers. The HCA must implement the pilot program and training support grants in partnership with and through the Accountable Communities of Health or the University of Washington Behavioral Health Institute. The pilot program's purpose is to provide incentive pay for individuals serving as clinical supervisors within community behavioral health agencies, state hospitals, and facilities operated by the Department of Social and Health Services. The HCA must ensure the pilot program covers three sites serving primarily Medicaid clients in both eastern and western Washington. Of those three sites, one must specialize in the delivery of behavioral health services for Medicaid enrolled children and one must offer substance use disorder treatment services. The HCA must report to the Legislature and the Office of Financial Management by September 30, 2023, on the pilot program's outcomes. The report must include: a description of the mechanism for incentivizing supervisor pay and other strategies used at each of the sites; the number of supervisors that received bonus pay at each site; the number of students or prelicensure clinicians that received supervision at each site; the number of supervision hours provided at each site; initial reporting on the number of students or prelicensure clinicians who received supervision through the pilot programs that moved into a permanent position with the pilot program or another community behavioral health program in Washington at the end of their supervision; identification of options for establishing enhanced supervisor pay through managed care organization payments to behavioral health providers; and recommendations for individual site

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policy and practice implications for statewide implementation. In addition to the pilot program, the HCA must establish a grant program for mental health and substance use disorder providers that provides flexible funding for training and mentoring clinicians who serve children and youth. The HCA must consult with stakeholders, including behavioral health experts in services for children, youth, providers, and consumers, to develop guidelines for how the funding could be used. These uses must focus on evidence-based and promising practices, continuing education requirements, and quality monitoring infrastructure. The definition of "agency affiliated counselor" is expanded to include interns who are supervised by agency staff. Washington Health Corps. The Office of Student Financial Assistance under the Washington Student Achievement Council and the Department of Health are to prioritize a portion of nonfederal funding in the Health Professional Loan Repayment program for applications that reflect demographically underrepresented populations. The cap limiting state match dollars for the WSOS Advanced Degrees Pathways Account is increased to \$5 million.

Equity in Medical Training, [SB 5228](#), Effective July 25, 2021

Each public medical school must develop curriculum for medical students on health equity by January 1, 2023. The objective of the health equity curriculum must be to provide tools for eliminating structural racism in healthcare systems, and build cultural safety. UWSOM and WSUCOM student must complete a course, or courses, on health equity prior to graduating. Health equity course topics may include, but are not limited to: strategies for recognizing health care disparities and eliminating factors that influence them; intercultural communication skills training; historical examples of medical and public health racism; cultural safety training; structural competency training; methods of evaluating health care systems; and implicit bias training. Each public medical school, by January 1, 2022, must develop a goal focused on increasing the number of underrepresented students, guided by the state of Washington's need for physicians from diverse racial and ethnic backgrounds and each school's predominant equity goals. In developing the goal, special consideration may be given to students attending the UWSOM through WWAMI. The goal must be set for January 1, 2025. Progress toward each goal must be reported annually on each of their public websites.

BS Computer Science CTCs, [SB 5401](#), Effective July 25, 2021

Subject to approval by the SBCTC, the community and technical colleges are authorized to offer bachelor's degrees in computer science. The degree programs must be approved by the college board. Prior to approval, the college must submit a proposal for approval which includes: demonstrated capacity to build and sustain a high-quality program; access to qualified faculty to support a baccalaureate-level program; demonstrated demand to make the program cost-effective and feasible; employer demand for the program; and that the program fills a gap in options available for students not met by other public colleges in the geographic area. The proposal must be submitted after December 1, 2021. The existing bachelor's degree in computer science at Bellevue College is exempt from the requirements in this bill.

Prison to Postsecondary Path, [HB 1044](#), Effective July 25, 2021

The DOC's authority to implement associate workforce degree programs at state correctional institutions is expanded to postsecondary education certificate or degree programs, but is limited to no more than a bachelor's degree. State-recognized pre-apprenticeship programs are also permitted. Priority consideration based on the number of years remaining on an individual's sentence is removed. The DOC must work with the State Board for Community and Technical Colleges (SBCTC) to develop a plan to assist incarcerated persons participating in state-funded postsecondary education with filing a Free Application for Federal Student Aid (FAFSA) or the Washington Application for State Financial Aid (WASFA). Incarcerated persons sentenced to death or subject to deportation may participate in a postsecondary education degree program if it is paid for by a third party or the individual. The DOC is required to provide incarcerated individuals who

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participated in postsecondary education programs with a copy of their unofficial transcript any time the person completes a postsecondary education program, is transferred to a different facility, or is released. This copy must be provided at no cost to the individual. Standard tuition fees charged at public institutions of higher education do not apply to persons incarcerated under the DOC who participate in credit-eligible postsecondary education if the expenses are funded by non-tuition resources, such as grants, contracts, and donations. The definition of "county of origin" is changed to the county of the incarcerated individual's residence at the time of the individual's first felony conviction. Upon release, the DOC may approve a residence location that is not in the individual's county of origin if the DOC determines the residence location would be appropriate based on any court-ordered condition of the individual's sentence, victim safety concerns, and factors that increase opportunities for successful reentry and long-term support, including location of family, supporting persons or organizations, ability to complete an education program that the individual is enrolled in, availability of appropriate programming or treatment, and access to housing, employment, and prosocial influences in the community. The DOC must approve residence locations in a manner that will not cause any one county to be disproportionately impacted. n incarcerated individual's county of origin is the county of the individual's first felony conviction in Washington. The DOC's educational goals for incarcerated persons are modified as follows: the achievement of basic skills by obtaining a high school diploma or the equivalent, including achievement by those persons eligible for special education services pursuant to federal or state law; 1. the achievement of vocational skills necessary for work programs and to qualify for work upon release; 2. participation in additional work and education programs necessary to comply with an individual reentry plan, including special education services and postsecondary education certificate or degree programs; and 3. participation in other appropriate vocational, work, or educational programs not necessary for compliance with an individual reentry plan, including postsecondary education certificate or degree programs. 4. The DOC must establish a process for identifying and assessing incarcerated persons with learning disabilities, traumatic brain injuries, and other cognitive impairments to determine whether they require accommodations in order to effectively participate in educational programming, including General Educational Development (GED) tests and postsecondary education. The DOC must establish a process to provide accommodations to these persons. The DOC must establish and periodically review goals for expanding access to postsecondary education certificate and degree programs and increasing program completion for all incarcerated individuals, including persons of color. The DOC may contract and partner with any accredited educational program sponsored by a nonprofit entity, community-based postsecondary education program, or institution with historical evidence of providing education programs to people of color. The Washington State Institute for Public Policy (WSIPP) must study recidivism, enrollment, and completion rates of incarcerated persons in the postsecondary education system post-release. The DOC, the Washington Student Achievement Council (WSAC), the Education Research and Data Center, and the SBCTC must provide the data necessary to complete the study. The study's findings are to be published in two reports, a preliminary report due October 1, 2024, and a final report due October 1, 2027. The WSIPP study must include: patterns and effects on post-release enrollment and participation in the community and technical college sector by individuals who, while incarcerated, participated in postsecondary education; differential outcomes for individuals participating in different types of postsecondary education courses, certificates, and degree programs; changes in enrollment and completion of postsecondary education courses, certificate programs, and degree programs due to the expansion in postsecondary education programming; and recidivism outcomes other than incarceration for those individuals who participated in postsecondary education while incarcerated. The DOC, SBCTC, WSAC, and the Washington Statewide Reentry Council, in collaboration with an organization representing the presidents of the public four-year institutions of higher education, must report to the committees of the Legislature with oversight over higher education and correctional matters, by December 1, 2021, and annually thereafter. The state agencies must consult and engage with nonprofit and community-based postsecondary education providers

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during the development of the annual report. The report must strive to include the voices of current or formerly incarcerated individuals, and must include the following: a review, disaggregated by demographics, of the number of incarcerated persons served and not served in the DOC's postsecondary education system, the number of persons leaving the DOC's custody after a minimum of one year without a high school equivalency certificate, and the number of persons released without any postsecondary education; a review of the DOC's identification and assessment of incarcerated persons with learning disabilities, traumatic brain injuries, and other cognitive impairments or disabilities that affect their ability to participate in educational programming, and the barriers to the identification and assessment of these persons with recommendations to improve; identification of issues related to ensuring that credits earned in credit-bearing courses are transferable, including a breakdown of both transferable and nontransferable credits awarded; a review of transfer policies, including the identification of barriers or challenges, in order to create recommendations to ensure the seamless transfer of incarcerated persons to postsecondary educational institutions; the number of persons participating in correspondence courses and the completion rates, disaggregated by demographics; an examination of the collaboration between correctional facilities, educational programs, and the postsecondary educational institutions, with the goal of clearly defining roles and responsibilities; and a review of partnerships with nonprofit and community-based postsecondary education organizations at state correctional facilities that provide postsecondary education programs and reentry services, including a list of programs and services offered and recommendations to improve program delivery and access. References to offender, inmate, and prisoner are changed to incarcerated individual throughout the bill. Third party includes a nonprofit entity or community-based postsecondary education program that partners with the DOC to provide accredited postsecondary education degree and certificate programs at state correctional institutions.

Use of computer science credits for the purpose of graduation requirements, [SB 5299](#), Effective July 25, 2021

For purposes of meeting graduation requirements, a student may substitute a computer science course aligned to state computer science learning standards as an alternative to either a third-year mathematics or a third-year science course if: prior to the substitution, the school counselor provides the student and the student's parent or guardian with written notification of the consequences of the substitution on postsecondary opportunities; the student, the student's parent or guardian, and the student's school counselor or principal agree to the substitution; and the substitution is aligned with the student's HSBP. A student may use the permitted substitution only once.

Behavioral, Mental and Health Related

Student Health Plans, [HB 1009](#), Effective July 25, 2021

A student health plan issued or renewed on or after January 1, 2022, is subject to the abortion requirements applicable to other health plans. The student health plans to which this requirement applies include student health plans deemed by the Insurance Commissioner to have a short-term limited purpose or duration or to be guaranteed renewable while the covered person is enrolled as a regular full-time undergraduate or graduate student at an accredited higher education institution.

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Business Affairs

Oversight/Accountability of Contract with Women and Minority Business Enterprises, [HB 1259](#), Effective July 25, 2021

The OMWBE must annually identify the state agencies and educational institutions that are: in the lowest quintile of utilization of minority- and women-owned contractors as a percentage of all contracts issued by the agency; in the lowest quintile of dollar value awarded to minority- and women-owned contractors as a percentage of the dollar value of all contracts issued by the agency; and performing significantly below their established goals. The OMWBE must meet with each identified agency to review the agency's plan and identify tools for increasing participation by qualified businesses. The OMWBE must include the information identified and actions taken to the Legislature and the Governor in their annual report.

Review/Notification of Recorded Documents w/ Unlawful Racial Restrictions, [HB 1335](#), Effective July 25, 2021

Subject to appropriations, the University of Washington and Eastern Washington University must review existing recorded covenants and deed restrictions to identify recorded documents that include racial or other restrictions on property ownership or use against protected classes that are unlawful under the WLAD. For properties subject to such unlawful restrictions, the universities must notify property owners and the county auditor of the county in which the property is located and must provide information on how such unlawful restrictions may be struck. When an action to strike unlawful provisions is brought in superior court and an order striking the void provision is entered by the court, a complete copy of any document affected by the order must be made an exhibit to the order. The order must identify each document and set forth verbatim the void provisions to be struck, and must include a certified copy of each document, upon which the court has physically redacted the void provisions. The person bringing the action may obtain and deliver a certified copy of the order to the county auditor or official charged with recording instruments in the county records, and the auditor or official shall record the documents prepared by the court. An image of the corrected document must be placed in the public records and must contain certain specified information. The auditor is required to update the index of each original document referenced in the court order with the auditor's file number of the corrected document, and the index must note that the original record is no longer the primary official public record and is removed from the chain of title. The original document or image and subsequent records must be separately maintained in the county's records and, at the auditor or official's discretion, the original document or image may also be transferred to the Secretary of State archives division to be preserved for historical or archival purposes. The seller disclosure statement is amended to include a notice to the buyer that covenants or deed restrictions based on race, creed, sexual orientation, or other protected class are void and unenforceable, and provides information on how such illegal restrictions can be struck. The provisions of the bill apply to real estate transactions entered into on or after January 1, 2022.

Capital Construction

Predesigns, [HB 1023](#), Effective July 25, 2021

The threshold for non-higher education capital construction projects requiring predesign is increased from \$5 million to \$10 million, which establishes the same threshold for all capital project types. OFM may waive some or all predesign requirements for capital projects that exceed the \$10 million threshold. When OFM exempts a project from some or all predesign requirements, it must also notify legislative fiscal committees of the waiver and provide an explanation, a project

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description, and a project cost estimate. OFM must also consider the following factors in deliberations related to predesign waivers: whether there is any siting determination to be made; whether there is any determination to be made about the type of project work—new construction or renovation; whether the agency administering the project has completed, or initiated construction of, a similar project within the past six years; whether there is any planned change in the programming or service delivery at the facility; whether the agency requesting the project indicates that the project may not require some or all predesign requirements due to a lack of complexity; and whether there are any other factors related to project complexity and risk, as determined by OFM, that could reduce the need for, or scope of, a predesign. If some or all project predesign requirements are waived, the OFM may propose a professional cost estimate in lieu of a request for predesign funding. Other predesign-related thresholds are changed to conform with the adjustment of the predesign cost threshold.

Prime Contractor Bidding, [SB 5356](#), Effective July 25, 2021

Every invitation to bid on a prime contract that is expected to cost \$1,000,000 or more for the construction, alteration, or repair of any public building or public work of the state, or a state agency or municipality, or an institution of higher education, must require each prime contract bidder to submit: within one hour after the published bid submittal time, the names of the subcontractors with whom the bidder, if awarded the contract, will subcontract for performance of HVAC, plumbing, and electrical work, or to name itself for the work; and within 48 hours after the published bid submittal time, the names of the subcontractors with whom the bidder, if awarded the contract, will subcontract for performance of structural steel installation and rebar installation work. This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent. Design-build and general contractor/construction manager requests for proposals are exempt. The Capital Projects Advisory Review Board must submit a report on subcontractor listing policies and practices by November 1, 2022.

Reauthorization and Improvement to Alternative Public Works Contracting, [SB 5032](#), Effective May 10, 2021

Alternative public works are reauthorized, subject to another sunset review in ten years. Notification requirements are made uniform across all alternative contracting procedures to publish, at minimum, a notice at least once in a legal newspaper of general circulation. Public bodies are encouraged to post notifications on websites for business associations, with the OMWBE, and other locations and mediums that will further publicize the opportunity. CPARB membership is altered to add one individual from the private sector representing the interests of the disadvantaged business enterprises community, appointed by the Governor, and one member representing transit, selected by the Washington State Transit Association. CPARB members must be knowledgeable or have experience in public works procurement and contracting, including state and federal laws, rules, and best practices concerning public contracting for minority, women, and veteran-owned businesses and small businesses. CPARB must reflect the gender, racial, ethnic, and geographic diversity of the state, including the interests of persons with disabilities. CPARB must provide opportunities for those not represented on the board to participate and provide insights, particularly with respect to the experience of minority, women, and veteran-owned businesses, and small businesses. CPARB must develop and recommend to the Legislature policies to encourage competition and further enhance equitable participation by disadvantaged business enterprises in capital construction, including specific recommendations for reducing barriers for participation by disadvantaged business entities. The CPARB duty to develop and administer questionnaires to provide data is changed to direct DES to collect quantitative and qualitative data on alternative public works contracting procedures. CPARB must coordinate and consult with OMWBE, DES, the Office of Equity, community stakeholders and advocates, and subject matter experts to create best

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practices guidelines for increasing and sustaining access to contracting opportunities in alternative public works for minority, women, and veteran-owned businesses, and small businesses. The best practices must address, at a minimum: guidelines for use of race-neutral and race-conscious programs; elements of successful inclusion plans; the use of aspirational inclusion goals; evaluation of inclusion plans in the contract award process; and the evaluation of inclusion plans and past performance in public body certification and project approval processes. By June 30, 2022, CPARB must make the best practices guidelines available on its website and have a plan to update the practices to keep them relevant for use; and report to the appropriate committees of the Legislature any recommendations for changes to state law that are advisable based upon the best practices guidelines. Membership of the PRC, appointed by CPARB, and any panel it establishes to evaluate projects, must represent a balance of public and private sector representatives of CPARB and include at least one member representing the interests of disadvantaged business enterprises. In addition to other duties, the committee must review and approve the use of alternative subcontractor selection on a project-by-project basis for public bodies that are not otherwise certified, wherein review and approval may be concurrent with project approval. Public bodies using DB, including progressive DB, for parking garages and pre-engineered metal buildings are subject to review by the PRC, regardless of cost. Contracts for DB services are awarded through a competitive process using public solicitations of proposals which must include the proposer's past performance in utilization of small business entities. Finalists' proposals are evaluated solely on factors identified in the request for proposals which must include the inclusion plan for small business entities and disadvantages business enterprises as subconsultants, subcontractors, and suppliers for the project, to the extent permitted by law. Any contract must require the DB firm to track and report to OMWBE, in addition to reporting to the public body, its use of the OMWBE certified businesses and veteran certified businesses. Washington State University (WSU) may perform DB demonstration projects with a total project cost under \$2 million to develop best practices to encourage participation of small business entities and of minority, women, and veteran-owned businesses and in managing capital projects under \$2 million. WSU must report to CPARB every other year. The report must include: information on the type of projects performed; the initial and final project cost and schedule of the projects; participation of small, minority, women, and veteran-owned business entities; the best practices derived from the projects; and outreach measures developed in concert with OMWBE. Public bodies should select GC/CMs at a time in the project when the GC/CM's participation provides value rather than early in the life of public works projects. Evaluation factors for qualifications of the GC/CM must include, but not be limited to: experience and technical competence of key personnel; the proposer's past performance with negotiated or similarly complex projects; the proposer's capacity to perform the work; the scope of work the proposer offers to self-perform and its past performance of that scope of work; the proposer's approach to executing the project, including ability to meet the project time and budget requirements; and the proposer's past performance in use of disadvantaged business enterprises and small business entities and the inclusion plan for small business and disadvantaged business enterprises as subconsultants, subcontractors, and suppliers for the project, to the extent permitted by law. Selected finalists must submit final proposals that must include sealed bids for the percent fee on the estimated maximum allowable construction cost which may include other price-related factors identified in the request for proposal. In no event may a price-related factor include a request for overall project budget, estimate, or bid. With respect to total contract costs, unless portions or all are converted to lump sum, negotiated support services must be treated as a contractual allowance, subject to reconciliation at the conclusion of work. Contract documents must obligate the public owner to accept, dispute, or reject requests for equitable adjustment, change orders, or claims, in writing within 30 calendar days, rather than 60. If a request is disputed or rejected, the public owner must state in writing why part or all of the request is disputed or rejected. If a public owner fails to respond within the specified time period, the contractor is not deemed to have waived any right to the claims process. Heavy civil project requirements are consolidated into a new section. The public body and GC/CM must negotiate a fair and reasonable

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inclusion plan, rather than outreach plan, for heavy civil projects. Where independent audits are required to confirm the proper accrual of costs as outlined in the contract, the public body or GC/CM must define the scope of the audit in the contract. Bid packages must be prepared to reduce barriers for and increase participation by disadvantaged business enterprises. Individual bid packages are to be prepared with trades separated in the manner consistent with industry practice to maximize participation and competition across all trades. Bundling of trades not normally combined into one bid package is not allowed without justification and specific approval by the public body. The GM/CM may negotiate with the lowest responsible and responsive bidder to negotiate an adjustment to the lowest bid or proposal price to reduce costs based upon agreed changes to the contract plans and specifications under the following conditions: all responsive bids or proposal prices exceed the published bid package estimates; and the apparent low responsive bid or proposal does not exceed the published bid package estimates by more than 10 percent. The references to mechanical or electrical contractors are generalized to subcontractor under the alternative selection process. An alternative selection process for subcontractor selection may be used by certified public bodies and noncertified public bodies if the process is approved for the project by the PRC. In addition to other requirements, public solicitation of proposals under the alternative selection process must include descriptions of the projects unique aspects, complexities, and challenges. The notice published by the GC/CM of intent to use the alternative selection process must include evaluation criteria and application weight given to each criteria, including clear definitions of what should be considered specified general conditions work and what should be considered the fee. The evaluation criteria, weights assigned to each criteria, and justification for using this selection process must be available upon request at least seven calendar days before the public hearing. Final determination must: state the reason the alternative selection process is in the best interest of the public; and reasonably address comments received regarding the criteria and weights for each criterion. Evaluation factors for selecting the subcontractor under the alternative selection process are amended to include the ability of a firm to meet the requirements as demonstrated on projects of similar size, scope, or complexity. If interviews are part of the selection process, the solicitation must describe how interviews will be scored or evaluated, and evaluations must be included in the written selection summary. The GC/CM and the public body must select the firm submitting the highest scored final proposal using the evaluation factors and the relative weight of factors identified in the solicitation of proposals. Scoring of the nonprice factors must be added to the scoring of the fee and cost proposals to determine the highest scored firm. The request for proposal documents must include, among other things, the identity of the specific unit price book to be used and a description of which elements will be included in the coefficient as necessary to establish a firm fixed price on work orders to be awarded under the job order contract. The public body must: prioritize efforts to solicit proposals from certified minority or women-owned contractors, to the extent permitted by law; and include a member with knowledge and experience in state and federal laws, rules, and best practices concerning public contracting for minority, women, and veteran-owned businesses and small businesses on its committee to evaluate the proposals. Sealed bids for selected finalists must include, but are not limited to, coefficients. Such bids may be in the form of coefficient adjustments to the listed unit price book. All job order contracts must be signed before July 1, 2031. However, these contracts may be extended or renewed beyond this date as allowed by law. Each public body must maintain and make available the following information for each job order contract: a list of work orders issued; the cost of each work order; a list of subcontractors hired under each work order, including whether those subcontractors were certified small, minority, women, or veteran-owned businesses; and a copy of the intent to pay prevailing wage and the affidavit of wages paid for each work order subcontract. "Budget contingencies" is defined as contingencies established by a public body outside of the design-build or GC/CM contract for payment of project costs that are not the responsibility of the design-builder or GC/CM under the respective contract. "Coefficient" is defined as the job order contractor's competitively bid numerical factor applied to the public body's prices as published in the unit price book. "Risk contingency" is defined as a contingency for use as defined in the contract

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and established as part of the maximum allowable construction cost for unexpected cost of work items that have not otherwise been included or addressed in the maximum allowable construction cost.

Diversity, Equity and Inclusion

DEI and Access for Community and Technical Colleges, SB 5149, Effective July 25, 2021

Beginning in 2022, all CTCs must submit to the SBCTC strategic plans for achieving diversity, equity, and inclusion on their campuses. The plans must be publicly posted and define key terms including diversity, equity, inclusion, and culturally appropriate. The process must include stakeholders from diverse groups. The state board must develop a model faculty diversity program to aid in recruitment and retention of faculty from diverse backgrounds. Subject to appropriations, at a minimum, Guided Pathways implementation must include: comprehensive mapping of educational pathways; dedicated advising and career counseling; data analytics to measure student learning and program outcomes; and student success support infrastructure with a focus on closing equity gaps among historically underserved populations. Each college must define and conspicuously post definitions for key terms in guided pathways program documents and reports. The Washington State Institute for Public Policy must complete a study of guided pathways with a preliminary report due in 2023 and a final report due in 2029. In the 2021-23 biennium the Legislature intends to convert 200 part-time faculty positions to full-time faculty positions. The state board must collect data and assess the impact of these conversions on student outcomes. The report must be conspicuously posted and include definitions for key terms including diversity, equity, inclusion, and culturally competent. The State Board for Community and Technical Colleges (SBCTC) must establish a pilot program to increase student access to mental health counseling and services. The SBCTC must provide grants to CTCs, with at least half located outside the Puget Sound area, to implement one or more strategies to increase access to mental health counseling and services. Colleges selected for the pilot program must conspicuously post, and include in the report to the Legislature, definitions for key terms including diversity, equity, inclusion, and culturally competent. Within existing resources, the state board must establish minimum faculty-counselor standards. These must include a graduate or professional degree in a specified fields, completion of appropriate graduate coursework, and other standards as determined by the state board. Residency requirements are modified to require one year of Washington State residency. The 1079 standard is modified to allow students to be resident students for the purposes of aid and tuition if they have lived in Washington for at least one year.

DEI Training and Assessment Higher Education, SB 5227, Effective July 25 2021

A professional development program on diversity, equity, inclusion (DEI), and antiracism for faculty and staff is established at each public IHE. Beginning with the 2022-23 academic year, each public IHE campus must provide a professional development program for faculty and staff with the purpose of eliminating structural racism against all races and promoting DEI. The program must also work to improve academic, social, and health and wellness outcomes for students from historically marginalized communities. The program must be developed in partnership with administration, faculty, staff, and student leadership. Efforts should be made to ensure the program is developed and delivered by individuals with innate and acquired experience in the field of DEI. The content framework of the professional development program must be posted on each institution's website. The IHEs must create an evaluation for professional development participants. The evaluation must, at minimum, capture the participant's satisfaction, the degree learning objectives were achieved, and how they will apply knowledge gained to their work. All new faculty and staff must participate in the professional development program and submit an evaluation. Other faculty and staff may participate in the program as needed or required by their institution. Though only new employees are required to participate, each institution must develop a goal of at least 80 percent of all faculty and staff completing the professional development program

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every two years. The progress in that goal must be included in a report to the Legislature. Part-time faculty and staff employed at more than one IHE may provide proof of completion of the professional development program to another IHE employer. Beginning July 1, 2023, IHEs must share completed participant evaluations with either the State Board for Community and Technical Colleges (SBCTC) or the Council of Presidents (COP). The SBCTC and COP will receive completed evaluations and pertinent information on the program. The SBCTC and COP must post a list of model standards and promising practices for professional development on each of their public websites. Beginning in the 2024-25 academic year, 35 percent of tenured faculty and administrators at each public IHE must complete the professional development program every two years. Each public IHE must conduct a campus climate assessment to understand the current state of DEI in the learning, working, and living environments on campus for students, faculty, and staff. The campus climate assessment must be conducted, at minimum, every five years. The assessment may include questions evaluating the prevalence of discrimination, sexual assault, and harassment, and retaliation on and off campus as well as evaluating students' knowledge of campus policies and procedures regarding sex discrimination. The SBCTC may develop a model assessment for use by the CTCs. Every public IHE must conduct annual listening and feedback sessions on DEI for the entire campus community during periods between climate assessments and must, to the extent possible, compensate students for their participation in those sessions. The design of each assessment must involve diversity officers, faculty, staff, and students. The results of the campus climate assessment shall be used to inform the professional development and subsequent student DEI and antiracism programs. Campus climate assessment and listening and feedback session findings must be reported to the SBCTC and COP annually beginning July 1, 2022. Public IHEs must publish the results of either the campus climate assessment or the listening and feedback sessions annually. Beginning in the 2024-25 academic year, the public IHEs must provide a program on DEI and antiracism for all students using data and promising practices from the faculty professional development program and campus climate assessments. The purpose of the program is to eliminate structural racism against all races and promote DEI while improving outcomes for students from historically marginalized communities. Beginning with the 2025-26 academic year, program participation is only required for new students or those who have transferred to an IHE and have not yet participated in a required DEI and anti-racism program. Students may opt out of the student DEI and antiracism program if they can self-attest to participating in a similar program at an IHE within the previous five years. Only degree-seeking students are required to participate in the program. The content framework of the student program must be posted on each IHE website. The SBCTC and COP must evaluate the student DEI and antiracism programs beginning in 2024 and post a list of model standards and promising practices for the student program on their public website. By December 31, 2024, and biennially thereafter, SBCTC and COP will each develop and submit a report on the professional development programs and campus climate assessments and annual listening and feedback sessions. The report must be submitted to the higher education committees of the Legislature. Beginning in 2026, the SBCTC and COP must include findings on the student DEI and antiracism programs in their biennial report.

Early Learning

Working Connections Childcare for Student Parents, [SB 5237](#), Effective July 25, 2021

The department shall establish and implement policies in the working connections child care program to promote stability and quality of care for children from low-income households. These policies shall focus on supporting school readiness for young learners. Policies for the expenditure of funds constituting the working connections childcare program must be consistent with the outcome measures established by the department and the standards established in this section intended to promote stability, quality, and continuity of early care and education programming. As recommended by P.L. 113-186, authorizations for the working connections childcare subsidy are

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effective for twelve months beginning July 1, 2016: (a) A household's 12-month authorization begins on the date that childcare is expected to begin. (b) If a newly eligible household does not begin care within 12 months of being determined eligible by the department, the household must reapply in order to qualify for subsidy. (3)(a) The department shall establish and implement policies in the working connections child care program to allow eligibility for families with children who: (i) In the last six months have: Received child protective services as defined and used by chapters 26.44 and 74.13 RCW; (B) Received child welfare services as defined and used by chapter 74.13 RCW; or (C) Received services through a family assessment response as defined and used by chapter 26.44 RCW; (ii) Have been referred for child care as part of the family's case management as defined by RCW 74.13.020; and (iii) Are residing with a biological parent or guardian. (b) Families who are eligible for working connections childcare pursuant to this subsection do not have to keep receiving services identified in this subsection to maintain twelve-month authorization. (4)(a) Beginning July 1, 2021, and subject to the availability of amounts appropriated for this specific purpose, the department may not require an applicant or consumer to meet work requirements as a condition of receiving working connections childcare benefits when the applicant or consumer is a full-time student of a community, technical, or tribal college and is enrolled in: (i) A vocational education program that leads to a degree or certificate in a specific occupation, (ii) An associate degree program; or (iii) A registered apprenticeship program. (b) An applicant or consumer is a full-time student for the purposes of this subsection if he or she meets the college's definition of a full-time student. (c) Nothing in this subsection is intended to change how applicants or consumers are prioritized when applicants or consumers are placed on a waitlist for working connections childcare benefits. **(d) Subject to the availability of amounts appropriated for this specific purpose, the department may extend the provisions of this subsection (4) to full-time students who are enrolled in a bachelor's degree program or applied baccalaureate degree program.**

The early learning advisory council is established to advise the department on statewide early learning issues that contribute to the ongoing efforts of building a comprehensive system of quality early learning programs and services for Washington's young children and families. (2) The council shall work in conjunction with the department to: (a) Assist in policy development and implementation that promotes alignment of private and public sector actions, objectives, and resources, with the overall goal of promoting school readiness for all children; (b) Provide recommendations annually to the governor and the legislature, beginning August 31, 2022, regarding the phased implementation of strategies and priorities identified in section 102 of this act; (c) Maintain a focus on racial equity and inclusion in order to dismantle systemic racism at its core and contribute to statewide efforts to break the cycle of intergenerational poverty; (d) Maintain a focus on inclusionary practices for children with disabilities; (e) Partner with nonprofit organizations to collect and analyze data and measure progress; and (f) Assist the department in monitoring and ensuring that the investments funded by the fair start for kids account created in PL section 101 of this act are designed to support the following objectives: (i) Advance racial equity and strengthen families by recognizing and responding to the growing diversity of our state's population; (ii) Promote access to affordable, high quality child care and early learning opportunities for all families, paying particular attention to the needs of rural and other underserved communities; (iii) Promote kindergarten readiness by enhancing child development, including development of social-emotional skills, and eliminating exclusionary admissions practices and disproportionate removals in child care and early learning programs; and (iv) Contribute to efforts to strengthen and grow our state's economy by supporting working parents as well as stabilizing and supporting the child care and early learning workforce. (3) In collaboration with the council, the department shall consult with its advisory groups and other interested stakeholders and shall submit a biennial report to the governor and legislature

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describing how the investments funded by the fair start for kids act have impacted the policy objectives stated in subsection (2)(f) of this section. The first report under this section is due September 15, 2023. The council shall include diverse, statewide representation from public, nonprofit, and for-profit entities. Its membership shall include critical partners in service delivery and reflect regional, racial, and cultural diversity to adequately represent the interests of all children and families in the state. (4) Councilmembers shall serve two-year terms. However, to stagger the terms of the council, the initial appointments for twelve of the members shall be for one year. Once the initial one-year to two-year terms expire, all subsequent terms shall be for two years, with the terms expiring on June 30th of the applicable year. The terms shall be staggered in such a way that, where possible, the terms of members representing a specific group do not expire simultaneously. (5) The council shall consist of members essential to coordinating services statewide prenatal through age 12, as follows: (a) In addition to being staffed and supported by the department, the governor shall appoint one representative from each of the following: The department of commerce and the department of health; **one representative from the student achievement council, to be appointed by the student achievement council**; the military spouse liaison created within the department of veterans affairs under RCW 43.60A.245; **one representative from the state board for community and technical colleges, to be appointed by the state board for community and technical colleges**; one representative from the office of the superintendent of public instruction, to be appointed by the superintendent of public instruction; two members of the house of representatives, one from each caucus, to be appointed by the speaker of the house of representatives and two members of the senate, one from each caucus, to be appointed by the majority leader in the senate and the minority leader in the senate; Two parents, one of whom serves on the department's parent advisory group, to be appointed by the parent advisory group; One representative of the private-public partnership created in RCW 43.216.065, to be appointed by the partnership board; One representative from the developmental disabilities community representing children and families involved in part C of the federal individuals with disabilities education act and one representative from the developmental disabilities community representing children and families involved in part B of the federal individuals with disabilities education act; Two representatives from early learning regional coalitions; Up to five representatives of underserved communities who have a special expertise or interest in high quality early learning, one to be appointed by each of the following commissions: The Washington state commission on Asian Pacific American affairs established under chapter 43.117RCW; The Washington state commission on African American affairs established under chapter 43.113RCW; The Washington state commission on Hispanic affairs established under chapter 43.115RCW; The Washington state women's commission established under chapter 43.119RCW; and The Washington state office of equity established under chapter 43.06DRCW; Two representatives designated by sovereign tribal governments, one of whom must be a representative of a tribal early childhood education assistance program or head start program; One representative from the Washington federation of independent schools; One representative from the Washington library association; One representative from a statewide advocacy coalition of organizations that focuses on early learning; One representative from an association representing statewide business interests, to be appointed by the association and one representative from a regional business coalition; One representative of an advocacy organization for immigrants and refugees; One representative of an organization advocating for expanded learning opportunities and school-age child care programs; One representative from the largest union representing child care providers; A representative of a head start, early head start, or migrant and seasonal head start program, to be appointed by the head start collaboration office; A representative of educational service districts, to be appointed by a statewide association of educational service district board members; A provider responsible for programs under section 619 of the federal individuals with disabilities education act, to be appointed by the superintendent of public instruction; A representative of the state agency responsible for part C of the federal individuals with disabilities education act, to be appointed by the department; A representative of the early childhood education and assistance

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program, to be appointed by an association representing early childhood education and assistance programs; A representative of licensed family home providers, to be appointed by the largest union representing child care providers; A representative of child care centers, to be appointed by an association representing child care centers; A representative from the home visiting advisory committee established in RCW 43.216.130, to be appointed by the committee; An infant or early childhood mental health expert, to be appointed by the Barnard center for infant and early childhood mental health at the University of Washington; A family, friend, and neighbor caregiver, to be appointed by the largest union representing child care providers; A representative from prenatal to three services; A pediatrician, to be appointed by the state chapter of the American academy of pediatrics; and A representative of the statewide child care resource and referral organization, to be appointed by the statewide child care resource and referral organization. (6) The council shall be cochaired by two members, to be elected by the council for two-year terms and not more than one cochair may represent a state agency. (7) At the direction of the cochairs, the council may convene advisory groups, such as a parent caucus, to evaluate specific issues and report related findings and recommendations to the full council. The council shall appoint two members and stakeholders with expertise in early learning to sit on the technical working group created in section 2, chapter 234, Laws of 2010. (9) Each member of the council 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. (10)(a) The council shall convene an early achievers review subcommittee to provide feedback and guidance on strategies to improve the quality of instruction and environment for early learning and provide input and recommendations on the implementation and refinement of the early achievers program. The subcommittee shall at a minimum provide feedback and guidance to the department and the council on the following: (i) Adequacy of data collection procedures; (ii) Coaching and technical assistance standards; (iii) Progress in reducing barriers to participation for low-income providers and providers from diverse cultural backgrounds, including a review of the early achievers program's rating tools, quality standard areas, and components, and how they are applied; (iv) Strategies in response to data on the effectiveness of early achievers program standards in relation to providers and children from diverse cultural backgrounds; (v) Status of the life circumstance exemption protocols; (vi) Analysis of early achievers program data trends; and (vii) Other relevant early learning data including progress in serving students with disabilities ages birth to five and least restrictive environment data.

Financial Aid

Internship Program Scholarship, SB 5431, Effective July 25, 2021

The Rosa Franklin legislative internship program scholarship is established. Washington students who are accepted into and participate in the legislative internship program of the Senate and House of Representatives may qualify based on financial need. The secretary of the Senate and chief clerk of the House of Representatives may administer and conduct the scholarship, including soliciting and accepting gifts and grants. Any legislative member or employee may also solicit contributions. Money received may only be used for the scholarship. The secretary of the Senate and the chief clerk of the House must adopt joint rules or govern and protect the receipt and expenditure of the proceeds.

Expansion of College Bound Scholarship, SB 5321, Effective May 12, 2021

The requirement that a student sign a pledge in order to be eligible for the CBS is eliminated. The Legislature intends to create a statutory contractual right for students who fulfill the CBS requirements. A student has a vested right to the award of a CBS if they: qualify for free or reduced-price lunch in the seventh-, eighth-, or, under certain circumstances, ninth-grade; graduate high

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school with a minimum of a C average; have no felony convictions; are a resident student; and have a family income that does not exceed 65 percent of the median family income at the time of graduation. Eligible students must enroll within one-year of high school graduation. The award must be used within a five-year period and must not exceed four full-time years worth of scholarship awards. Eligible students, to the maximum extent practicable, must acknowledge enrollment in the college bound program and receipt of the scholarship requirements. The office of financial assistance must take reasonable steps to ensure that students acknowledge enrollment in the program. The office must develop a process for auto-enrolling and notifying all eligible students of the scholarship and its requirements. The requirements in this act are applied retroactively to students beginning with the 2019-20 school year.

Governance

WSAC Council Membership, [HB 1472](#), Effective July 25, 2021

Membership of WSAC is increased from nine members to ten members by increasing the number of citizen members to six. At least one of the citizen members must be an undergraduate student, and at least one of the citizen members must be a graduate student. The terms of the undergraduate and graduate student members are modified from one year to two years. The terms of the undergraduate and graduate student members must be staggered.

Prior, WSAC was comprised of the following nine voting members: five citizen members appointed by the Governor with the consent of the Senate, one of which must be a student. Citizen members must represent the diversity of the state and state's geography. Four citizen members serve four-year terms, and the student serves a one-year term; a representative of the public baccalaureate institutions selected by the presidents of public baccalaureate institutions; a representative of the community and technical college system, selected by the State Board for Community and Technical Colleges; a representative of the K-12 system selected by the Office of the Superintendent of Public Instruction, in consultation with the Department of Early Learning and the State Board of Education. This member must excuse themselves from voting on matters pertaining primarily to institutions of higher education; and1. a representative of an independent, nonprofit higher education institution selected by an association of independent nonprofit baccalaureate degree-granting institutions. This member must excuse themselves from matters pertaining primarily to public institutions.

Human Resources

Paid Family and Medical Leave Program, [HB 1073](#), Effective Immediately

Pandemic leave assistance employee grants are provided beginning August 1, 2021, for leave claims from 2021 through March 31, 2022. Grant eligibility is provided for employees that: do not meet the PFML eligibility threshold through hours worked in 2020 and the first quarter of 2021; met the eligibility threshold through hours worked in 2019 and the first quarter of 2020; and were not separated from employment due to misconduct or a voluntary separation unrelated to the COVID-19 pandemic. The amount of the employee grant must be equal to the WBA calculated in the PFML program. Pandemic leave assistance employer grants are provided for employers with fewer than 150 employees for the following costs associated with an employee taking leave in receipt of a grant: \$3,000 for hiring a temporary worker to replace the employee on leave; or up to \$1,000 for significant wage-related costs related to the leave. Pandemic leave assistance employer grants may not be funded from the Family and Medical Leave Insurance Account. Both the employer and the

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employee grants are only available until specific funding is exhausted. An emergency clause and immediate effective date is provided. The pandemic leave assistance provisions expire June 30, 2023.

Family Leave Act, [HB 1087](#), Effective Immediately

The provisions of the Family Leave Act (FLA), as it existed prior to January 1, 2020, apply to employee and employer conduct occurring on or before December 31, 2019. A cause of action based on that conduct remains available within its applicable statute of limitations. The provisions of the PFML program apply to conduct occurring on or after January 1, 2020.

Domestic Violence in the Workplace, [HB 1315](#), Effective July 25, 2021

The Department of Commerce (Commerce) must convene a task force on domestic violence and workplace resources to identify the role of the workplace in helping to curb domestic violence. Commerce must appoint to the task force one member representing each of the following: Association of Washington Business; National Federation of Independent Business; Washington Hospitality Association; Washington Retail Association; Washington State Labor Council; Washington Coalition Against Domestic Violence; a federally recognized tribe; a business owner; a survivor of domestic violence; and up to two additional members. The task force must review the role of the workplace in the lives of individuals experiencing domestic violence, the appropriate role of employers and employees in helping reduce the incidence of domestic violence, and whether legislation is needed to address these issues. A preliminary report is due to the appropriate committees of the Legislature by December 1, 2021, and a final report is due December 1, 2022.

Retirement Benefits for Public Employees, [SB 5021](#), Effective July 25, 2021

Average Final Compensation and Service Credits. During the 2019-2021 and 2021-2023 fiscal biennia, the average final salary and earned service credit for members of PERS, PSERS, SERS, TRS, LEOFF, and WSPRS must include any compensation that was forgone as a result of reduced work hours, mandatory leave without pay, temporary layoffs, furloughs, reductions to the current pay, or other similar measures resulting from the COVID-19 budgetary crisis, if the reduced compensation is an integral part of the employers' expenditure reduction efforts, as certified by the employer. This does not include elimination of a previously agreed upon future salary increase.

Unemployment Insurance Shared Work Program. The retirement benefit of an employee who is a member of a retirement system administered by DRS is not impacted by reduced hours when the reduction is part of an approved Shared Work plan. This provision applies prospectively and retroactively to July 28, 2013. This act is intended to be curative, remedial, and retroactively applied.

Enrollment in PEBB and SEBB, [SB 5322](#), Effective July 25, 2021

An employee eligible for both PEBB and SEBB health insurance coverage must choose coverage from the same program, rather than selecting some benefits from each program.

Expanding Paid Family and Medical Leave Program, [SB 5097](#), Effective July 25, 2021

The definition of family member is expanded to include any individual who regularly resides in the employee's home or where the relationship creates an expectation that the employee care for the person, and that individual depends on the employee for care. Family member does not include an individual who simply resides in the same house with no expectation that the employee care for the individual. In consultation with the advisory committee, ESD must collect and analyze disaggregated data relating to employment protections under the PFML program. By December 1, 2021, ESD must submit a report to the Legislature with the following information: program use by employees covered under approved voluntary plans compared to employees covered under the

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state plan; and program use by employees working for employers with 50 or more employees compared to employees working for employers with fewer than 50 employees. By June 30, 2022, and June 30, 2023, ESD must submit a report to the Legislature with the following information: the number of individuals who used leave under the PFML program as a result of the amended definition of family member in the act; and the effects, if any, on the family and medical leave insurance account as a result of the amended definition of family member in the act. ESD must provide members of the advisory committee opportunity to comment on the reports to the Legislature. If the number of individuals using leave under the PFML program as a result of the amended definition of family member in the act exceeds 500 individuals in any calendar year before July 1, 2023, the expenses of the additional leave must be paid by the general fund into the Family and medical Leave Insurance Account.

Juneteenth Legal Holiday, [HB 1016](#), Effective July 25, 2021

June 19, recognized as Juneteenth, is designated a state legal holiday.

IT

Cloud Computing, [HB 1274](#), Effective July 25, 2021

Defines cloud computing as the same meaning as provided by the special publication 800-145 issued by the national institute of standards and technology of the United States department of commerce as of September 2011 or its successor publications. A task force is established, chaired by the Chief Information Officer, to review the impact on labor of transitioning to third-party cloud computing services and the needs for retraining that would accompany such a shift. Task force membership consists of: the Chief Information Officer; the Chief Information Security Officer; two representatives from the represented employees' bargaining unit for state employees; one representative from a company providing third-party cloud computing services; one representative from a trade association representing cloud computing providers; and one member from the State Board for Community and Technical Colleges. The task force must provide a report of its findings and recommendations to the Governor and the appropriate committees of the Legislature by November 30, 2021.

Cybersecurity State Agencies, [SB 5432](#), Effective July 25, 2021

Each state agency, institution of higher education, the legislature, and the judiciary must develop an information technology security program consistent with the office of cybersecurity's standards and policies. In the case of institutions of higher education, the judiciary, and the legislature, each information technology security program must be comparable to the intended outcomes of the office of cybersecurity's security standards and policies. The Office of Cybersecurity (OCS) is created within the OCIO. The CIO appoints the CISO. The primary duties of the OCS are specified, such as establishing security standards and policies and developing a centralized cybersecurity protocol for protecting and managing state IT assets. Programs required under current law must adhere to or be comparable to security standards and policies established by the OCS rather than the OCIO. Current independent compliance audit requirements are maintained. If the audit identifies any failure to comply with standards or any other material cybersecurity risk, the OCS must require the agency to implement a plan to resolve the failure and monitor compliance. By July 1, 2022, the OCS, in collaboration with state agencies, must develop a catalog of cybersecurity services and functions for the OCS to perform, and submit a report to the Governor and the Legislature. The OCS shall update and publish its catalog of services and performance metrics on a biennial basis. In the event of a major cybersecurity incident, state agencies must report that incident to the OCS within 24 hours of discovery of the incident. State agencies must provide the OCS with contact information for any external parties with material information related to the incident. The OCS must investigate the incident to determine the degree

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of severity and must serve as the state's point of contact for all major cybersecurity incidents. The OCS, in collaboration with the Office of Privacy and Data Protection and the Office of the Attorney General, shall research existing best practices for data governance and data protection, including model terms for data sharing contracts, and submit a report to the Legislature by December 1, 2021. Before an agency shares or requests category 3 or higher data, a written data sharing agreement that conforms to OCS policies must be in place. This requirement does not limit audit authorities of the State Auditor. The OCS must contract for an independent security assessment (assessment) of the statutorily required program audits conducted since July 1, 2015. Minimum assessment requirements are specified such as assessing the context of any audit findings and evaluating the findings relative to industry standards at the time of the audit, evaluating the state's performance in taking action upon audit findings, and evaluating policies and standards established by the OCS. A report of the assessment must be submitted to the Governor and Legislature by August 31, 2022. The report is confidential and not subject to public disclosure. To the greatest extent practicable, the OCS must contract for the assessment using a DES master contract or the competitive solicitation process described under current law. If the OCS conducts a competitive solicitation, it must work with DES, the Office of Minority and Women's Business Enterprises, and the Department of Veteran's Affairs to engage outreach to small businesses and certified veteran-owned businesses and encourage these entities to submit a bid.

K-12

Emergency High School Graduation Waivers, [HB 1121](#), Effective March 2, 2021

Beginning with the class of 2020, the SBE may authorize school districts to grant individual student emergency waivers from credit and subject area graduation requirements, the graduation pathway requirement, or both, if: the student's ability to complete the requirement was impeded due to a significant disruption resulting from a local, state, or national emergency; the school district demonstrates a good faith effort to support the individual student in meeting the requirement before considering an emergency waiver; the student is reasonably expected to graduate in the school year when the emergency waiver is granted; and the student has demonstrated skills and knowledge indicating preparation for the next steps identified in their High School and Beyond plan and for success in postsecondary education, gainful employment, and civic engagement. In addition to school districts, the emergency waiver program may be accessed by charter schools, tribal compact schools, private schools, the Washington State School for the Deaf, the Washington State School for the Blind, and community and technical colleges granting high school diplomas. School districts granted emergency waiver authority must maintain a record of waived courses and requirements as part of the individual student record, maintain records, and report student-level waiver data to Office of the Superintendent of Public Instruction (OSPI). Districts must also adopt a written plan that describes the district's process for students to request or decline an emergency waiver, and a process for students to appeal within the school district if the district decides not to grant an emergency waiver. School districts must determine if there is disproportionality among student subgroups receiving emergency waivers and take appropriate corrective actions to ensure equitable administration. By December 15, 2021, the SBE shall provide the education committees of the Legislature with a summary of emergency waiver data provided by OSPI for students in the graduating classes of 2020 and 2021. The summary must include the total number of emergency waivers requested and issued, by school district and an analysis of any concerns regarding school district implementation. "Emergency" is defined as an event or set of circumstances that demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken community overtaken by such occurrences; or reaches such a dimension or degree of destructiveness as to warrant the Governor proclaiming a state of emergency. An emergency may also include a national declaration of emergency by an authorized federal official.

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High School Student Fines and Fees, [HB 1176](#), Effective July 25, 2021

School districts may withhold the diplomas, but not the grades or transcripts, of students who are responsible for damaging or losing school property, or property belonging to a contractor of the district, an employee, or another student. School and school bus readmittance requirements are modified. Provisions prohibiting school districts from readmitting students who have been suspended for property damage or loss until the students or the students' parents or guardians have made payments in full for the damages, or until directed by the superintendent of schools, are repealed. Provisions barring students who have damaged a school district or contracted school bus from entering or riding any school bus until the students or the students' parents or guardians have paid in full for the damages, or until directed by the superintendent, are also repealed.

Requirements for school district penalty policies related to student property damage and loss are modified. School districts may not withhold a student's diploma for damaging or losing school property or property belonging to a contractor, an employee, or another student, until the board of directors of the district has adopted policies to ensure the protection of students' due process rights. Terminology changes are made. Statutory references to "pupil" are changed to "student," and references to "voluntary work" are changed to "community service. Public and private schools may no longer withhold a transferring student's official transcript due to: an unpaid fine or fee for damaging or losing school property or property belonging to other specified parties; or unpaid tuition, fees, or fines at an approved private school. School districts that withhold diplomas from students because of unpaid penalties for property that was damaged or lost by a student must post information on their websites indicating: the number of withheld diplomas, by graduating class, during the previous three school years; and the number of students with withheld diplomas who were eligible for free or reduced-price meals during their last two years in the school district. In publishing this data, school districts must, to the extent practicable, publish the information with other information that districts are required publish.

School Counseling, [SB 5030](#), Effective July 25, 2021

Each school district must develop and implement a written plan for a comprehensive school counseling program by the beginning of the 2022-23 school year. The school counseling program must be based on regularly updated standards developed by a national organization representing school counselors. The written plan must: establish a comprehensive school counseling program that uses state and nationally recognized counselor frameworks and is systemically aligned to state learning standards; provide a process for identifying student needs through a multilevel school data review and analysis that includes, at a minimum, use-of-time data; program results data; and data regarding communication with administrators, parents, students, and stakeholders; explain how direct and indirect services will be delivered through the comprehensive school counseling program; and establish an annual review and assessment process for the comprehensive school counseling program that includes building administrators and stakeholders. The comprehensive school counseling program must be implemented by school counselors or other ESAs, who must spend at least 80 percent of their work time providing direct and indirect services to benefit students. Tasks such as coordinating and monitoring student testing, supervising students at lunch and recess, and assuming the duties of other non-counseling staff are not direct or indirect services. Direct services are in-person interactions between school counselors or ESAs and students that help students improve achievement, attendance, and discipline. Examples include instruction, appraisal, advisement, and counseling. Indirect services are provided on behalf of students as a result of a school counselor or ESA's interactions with others. Examples include collaboration, consultation, and referrals. Work time is defined as the portion of an employee's contracted hours for which they are contracted to perform the duties of a school counselor or other ESA assignment. By December 1, 2021, the Office of the Superintendent of Public Instruction (OSPI) must develop and distribute guidance for school districts implementing a written plan and comprehensive school

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counseling program. OSPI must also consult with and develop guidance for small districts that is appropriate for the staffing resources, school counselor-to-student ratios, and range of duties performed by school counselors and ESAs in small school districts. Prior to the 2022-23 school year, each school district board of directors must, within existing funds, develop a transition plan for developing and implementing the comprehensive school counseling program plan.

Mastery-Based Learning Work Group, [SB 5249](#), Effective July 25, 2021

By December 10, 2021, the Mastery-Based Learning Work Group shall develop a Washington State profile of a graduate describing the skills a student should have developed by the time they graduate high school. In developing the profile, the work group shall consult with students, families, and educators who have been underserved by the education system. The work group shall seek guidance from the EOGOAC regarding how to engage with these communities. In addition, the work group must consult with representatives from postsecondary education and training programs, labor, and industry, as well as the **Council of Presidents** and the Washington Association of Colleges for Teacher Education (WACTE). The work group must submit a final report on a profile of a graduate and related recommendations for supporting implementation of mastery-based learning by December 10, 2021. The work group membership must include the following additions: one representative from an approved teacher preparation program with experience in mastery-based learning as selected by a state association representing teacher preparation programs; one representative from the Professional Educator Standards Board; one representative from the Washington Student Achievement Council; and one representative from the online learning community selected by the Online Learning Advisory Committee of the Office of the Superintendent of Public Instruction. The SBE shall consider for adoption the profile of a graduate recommended by the Mastery-Based Learning Work Group. The SBE may consider modifications and must adopt the recommended or modified profile by April 30, 2022, and submit a report outlining its findings and recommendations to the Governor and the education committees of the Legislature by December 31, 2022. The SBE must propose rules by December 31, 2022, and may submit recommendations to align graduation requirements to support implementation of the adopted profile of a graduate, and in doing so must consider: changes to the core subject area requirements, flexible credits, and noncredit requirements; the relationship between credits and core subject area requirements; and how components of the high school diploma work together as a system of graduation requirements designed to declare that a student is ready for success in postsecondary education, gainful employment, and civic engagement, and is equipped with the skills to be a lifelong learner. Any recommended additional graduation pathway options or changes to graduation pathway options may not be added by rule alone. In addition to existing parties, the SBE must also survey high school students and recent high school graduates regarding adding graduation pathways or modifying current ones. The SBE must provide an additional report to the education committees of the Legislature by December 10, 2022.

Licensing

Prior Criminal Convictions, [HB 1399](#), Effective January 1, 2022

An individual with a criminal conviction may submit a preliminary application to the DOL, or a board or commission supported by the DOL, for a determination of whether that criminal history will disqualify the individual from obtaining a professional license. The individual may submit the preliminary application at any time, including before obtaining any required education or paying any licensing fee. Once the preliminary application has been received, the licensing authority must make a determination of whether the individual's criminal conviction would disqualify the person from obtaining a professional license. The licensing authority may disqualify the individual if it determines the individual's criminal conviction is related to the profession. The determination must be made in writing within two months after receiving a preliminary application. An individual may

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appeal the determination to the licensing authority. A person may not file another preliminary application with the same licensing authority within two years after the final decision on the previous preliminary application, except when the applicant has taken action to remedy the disqualification. A criminal conviction may not disqualify an individual from obtaining a professional license in any instance where the individual has requested and received a Certificate of Restoration of Opportunity (CROP).

Licensure of international medical graduates, [HB 1129](#), Effective July 25, 2021

The Washington Medical Commission (WMC) may issue limited licenses to international medical graduates (IMGs) upon nomination by the chief medical officer of any hospital, appropriate medical practice, the Department of Children, Youth, and Families (DCYF), the Department of Social and Health Services (DSHS), the Department of Corrections (DOC), or a county or city health department. An IMG applying for a limited license must: be a state resident for at least one year; provide proof of certification by the Educational Commission for Foreign Medical Graduates; pass the United States Medical Licensing Examination; and submit to the WMC background check as generally required of applicants. An IMG practicing with a limited license may only practice within the nominating facility or organization, under the control of a licensed supervising physician of the same or substantially similar clinical specialty. An IMG must also file a practice agreement with the WMC between the IMG and the supervising physician. A supervising physician is limited to supervising two limited license holders, unless the WMC grants an increase upon the supervising physician's request. A supervising physician must retain professional and personal responsibility for any act by a limited license holder that constitutes the practice of medicine, and hold medical malpractice insurance for any claim against a limited license holder. A limited license for an IMG is valid for two years and may be renewed once by the WMC upon application by the nominating entity. The WMC may, upon the written request of the Secretary of the DCYF, issue limited licenses to persons who work with patients, residents, or inmates of state institutions under the control and supervision of the DCYF.

Public Safety

Requirements for Tactics and Equipment by Peace Officers, [HB 1054](#), Effective July 25, 2021

Restrictions are established on the use of certain tactics and equipment used by peace officers and law enforcement agencies. "Peace officer" includes any general authority, limited authority, and specially commissioned Washington peace officer, and any employee, whether part-time or full-time, of a jail, correctional, or detention facility who is responsible for the custody, safety, and security of adult or juvenile persons confined in the facility. "Law enforcement agency" includes any general authority and limited authority law enforcement agency, and any state or local agency providing or otherwise responsible for the custody, safety, and security of adults or juveniles incarcerated in correctional, jail, or detention facilities. Neck Restraints and Chokeholds. A peace officer may not use a chokehold or neck restraint on another person in the course of his or her duties as a peace officer. "Chokehold" means the intentional application of direct pressure to a person's trachea or windpipe for the purpose of restricting another person's airway. "Neck restraint" refers to any vascular neck restraint or similar restraint, hold, or other tactic in which pressure is applied to the neck for the purpose of constricting blood flow. Military Equipment and the Military Surplus Program. A law enforcement agency may not acquire or use any military equipment, including firearms and ammunition of .50 caliber or greater, machine guns, armed helicopters, armed or armored drones, armed vessels, armed vehicles, armed aircraft, tanks, long range acoustic hailing devices, rockets, rocket launchers, bayonets, explosive grenades, incendiary

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grenades, missiles, directed energy systems, and electromagnetic spectrum weapons. Each law enforcement agency must compile an inventory of military equipment possessed by the agency, including the proposed use of the equipment, estimated number of times the equipment has been used in the prior year, and whether such use is necessary for the operation and safety of the agency or some other public safety purpose. The agency must provide the inventory to the Washington Association of Sheriffs and Police Chiefs by November 1, 2021. The Washington Association of Sheriffs and Police Chiefs must summarize the inventory information from each law enforcement agency and provide a report to the Governor and the Legislature by December 31, 2021. Any law enforcement agency in possession of military equipment must return the equipment to the federal agency from which it was acquired, if applicable, or destroy the equipment by December 31, 2022. However, the restrictions on military equipment do not prohibit a law enforcement agency from participating in a federal military equipment surplus program, provided that any equipment acquired through the program does not constitute military equipment.

Tear Gas. "Tear gas" includes chloroacetophenone (CN), O-chlorobenzylidene malononitrile (CS), and any similar chemical irritant dispersed in the air for the purpose of producing temporary physical discomfort or permanent injury. "Tear gas" does not include oleoresin capsicum (OC). A law enforcement agency may not use or authorize its peace officers or other employees to use tear gas unless necessary to alleviate a present risk of serious harm posed by a riot, barricaded subject, or hostage situation. Prior to deploying tear gas, the officer or employee must: exhaust alternatives to the use of tear gas that are available and appropriate under the circumstances; obtain authorization to use tear gas from a supervising officer, who must determine whether the present circumstances warrant the use of tear gas and whether available and appropriate alternatives have been exhausted; announce to the subject or subjects the intent to use tear gas; and allow sufficient time and space for the subject or subjects to comply with the officer's or employee's directives. In addition, if the riot is occurring outside of a correctional, jail, or detention facility, the officer or employee may use tear gas only after receiving authorization from the highest elected official in the jurisdiction. "Highest elected official" means the county executive in those charter counties with an elective office of county executive, however designated, and in the case of other counties, the chair of the county legislative authority. In the case of cities and towns, it means the mayor, regardless of whether the mayor is directly elected, selected by the council or legislative body according to procedures in statute, or selected according to a process in an established city charter. In the case of actions by the Washington State Patrol, it means the Governor.

Vehicular Pursuits and Firing upon Vehicles. A "vehicular pursuit" means an attempt by a uniformed peace officer in a vehicle equipped with emergency lights and a siren to stop a moving vehicle where the operator of the moving vehicle appears to be aware that the officer is signaling the operator to stop the vehicle and the operator of the moving vehicle appears to be willfully resisting or ignoring the officer's attempt to stop the vehicle by increasing vehicle speed, making evasive maneuvers, or operating the vehicle in a reckless manner that endangers the safety of the community or the officer. A peace officer may not engage in a vehicular pursuit, unless: there is probable cause to believe that a person in the vehicle has committed or is committing a violent offense, sex offense or an escape offense, or there is reasonable suspicion that a person in the vehicle has committed or is committing a driving under the influence offense; the pursuit is necessary for the purpose of identifying or apprehending the person; and the person poses an imminent threat to the safety of others and the safety risks of failing to apprehend or identify the person are considered to be greater than the safety risks associated with the vehicular pursuit under the circumstances. An officer must receive authorization to engage in any vehicular pursuit from a supervising officer, and there must be supervisory control of any vehicular pursuit. The supervising officer must consider the justification for the vehicular pursuit and other safety considerations, including speed, weather, traffic, road

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conditions, and the known presence of minors in the vehicle. However, in jurisdictions with fewer than 10 commissioned officers, if a supervisor is not on duty at the time, the officer will request the on-call supervisor be notified of the pursuit according to agency procedures. In the absence of a supervisor in these circumstances, the officer must still comply with the same requirements and safety considerations in evaluating whether to conduct or terminate a pursuit. A pursuing officer must comply with any agency procedures for designating the primary pursuit vehicle and determining the appropriate number of vehicles permitted to participate in the vehicular pursuit and comply with any agency procedures for coordinating operations with other jurisdictions, including available tribal police departments when applicable. The requirements for the CJTC to adopt a model policy and for individual agencies to adopt policies consistent with the model policy are repealed. Firing upon Vehicles. A peace officer may not fire a weapon upon a moving vehicle unless necessary to protect against an imminent threat of serious physical harm resulting from the operator's or a passenger's use of a deadly weapon. A vehicle is not considered a deadly weapon unless the operator is using the vehicle as a deadly weapon and no other reasonable means to avoid potential serious harm are immediately available to the officer. No-Knock Warrants. An officer may not seek, and a court may not issue, a search or arrest warrant granting an express exception to the "knock and announce" rule. Identification. Law enforcement agencies must adopt policies and procedures to ensure that uniformed peace officers while on duty and in the performance of their official duties are reasonably identifiable. "Reasonably identifiable" means that the peace officer's uniform clearly displays the officer's name or other information that members of the public can see and the agency can use to identify the peace officer. Canine Teams. The CJTC must convene a work group to develop a model policy for the training and use of canine teams. The CJTC must ensure that the work group is equally represented between community and law enforcement stakeholders, including certain representatives and interest groups. The model policy work group shall consider: training curriculum, including the history of race and policing; circumstances where the deployment of a canine may not be appropriate; circumstances where deployment of a canine on leash may be appropriate; strategies for reducing the overall rate of canine bites; circumstances where a canine handler should consider the use of tactics other than deploying a canine; explicitly prohibiting the use of canines for crowd control purposes; canine reporting protocols; circumstances where the use of voluntary canines and canine handlers may be appropriate; and identifying circumstances that would warrant the decertification of canine teams. The CJTC must publish the model policy on its website by January 1, 2022.

Use of Force. [HB 1310](#). Effective July 25, 2021

A civil standard for use of force by peace officers is established. A peace officer may use physical force against another person when necessary to: protect against criminal conduct where there is probable cause to make an arrest; effect an arrest; prevent an escape; or protect against an imminent threat of bodily injury to the peace officer, another person, or the person against whom force is being used. A peace officer may use deadly force against another person only when necessary to protect against an imminent threat of serious physical injury or death to the officer or another person. "Necessary" means that, under the totality of the circumstances, a reasonably effective alternative to the use of deadly force does not exist, and that the amount of force used was a reasonable and proportional response to the threat posed to the officer and others. "Imminent threat of serious physical injury or death" means that, based on the totality of the circumstances, it is objectively reasonable to believe that a person has the present and apparent ability, opportunity, and intent to immediately cause death or serious bodily injury to the peace officer or another person. "Totality of the circumstances" means all facts known to the peace officer leading up to and at the time of the use of force, and includes the actions of the person against whom the peace officer uses such force, and the actions of the peace officer. A peace officer must use reasonable care when

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determining whether to use physical force and when using any physical force against another person. To that end, a peace officer must: when possible, exhaust available and appropriate de-escalation tactics prior to using any physical force; when using physical force, use the least amount of physical force necessary to overcome resistance under the circumstances, which includes a consideration of the characteristics and conditions of the person for the purposes of determining whether to use force against that person and, if force is necessary, determining the appropriate and least amount of force possible to effect a lawful purpose; terminate the use of physical force as soon as the necessity for such force ends; when possible, use available and appropriate less lethal alternatives before using deadly force; and make less lethal alternatives issued to the officer reasonably available for his or her use. Examples of de-escalation tactics, as well as the types of characteristics and conditions an officer must consider when determining the appropriate amount of force, are included. A peace officer may not use any force tactics prohibited by applicable departmental policy, the bill, or otherwise by law, except to protect his or her life or the life of another person from an imminent threat. Agencies and political subdivisions may adopt policies or standards with additional requirements for de-escalation and greater restrictions on the use of physical and deadly force than those provided in the bill. By July 1, 2022, the Attorney General must develop and publish model policies on use of force and de-escalation tactics consistent with the standard. By September 31, 2022, all law enforcement agencies must adopt the model policy or otherwise adopt policies consistent with the standard. Law enforcement agencies must provide copies of policies and additional information to the Attorney General, including any future modifications. The Attorney General must publish annual reports on agencies' policies. Basic training and mandatory violence de-escalation training through the CJTC must be consistent with the standard for use of physical force and the model policy established by the Attorney General. In addition, the CJTC must submit semiannual reports to the Legislature and Governor on the implementation and compliance with violence de-escalation training requirements, including data on compliance by agencies and officers.

State Oversight/Accountability of Peace Officers, SB 5051, Effective July 25, 2021

When conducting a background investigation of an applicant for the position of peace officer, reserve officer, or corrections officer, an employing agency must check any national decertification index, commission records, and all disciplinary records by any previous law enforcement or correctional employer, including complaints or investigations of misconduct and the reason for separation from employment. Law enforcement or correctional agencies that previously employed the applicant must disclose employment information within 30 days of receiving a written request from the employing agency conducting the background investigation. Complaints or investigations of misconduct must be disclosed regardless of the result of the investigation. For any applicant who has served as a peace officer, the employing agency must also inquire of the local prosecuting authority as to whether the officer is on any potential impeachment disclosure lists. An employing agency must inquire as to whether the applicant has any affiliations with extremist organizations and the applicant must consent to or facilitate a review of the officer's social media accounts. At the conclusion of the background check, the employing agency must certify to the commission that the agency has completed the background check, no information has been found that would disqualify the applicant from certification, and the applicant is suitable for employment as a peace officer or corrections officer. The mandatory release of personnel and disciplinary information to the employing agency and commission may not be delayed, limited, or precluded by any agreement or contract between the officer, or the officer's union, and the entity responsible for the records or information. The CJTC must deny or revoke certification of a peace officer or corrections officer if the applicant or officer: has been convicted of a felony, a gross misdemeanor domestic violence offense, a sex offense, or offense with sexual motivation and the offense was not disclosed at the

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time of the application or the officer was a certified peace officer or corrections officer at the time of the offense and the offense was not one for which the officer was granted a pardon or was adjudicated as a juvenile and the record sealed; has been found by a court to have engaged in the use of force which resulted in death or serious injury and the use of force violated the law; •has been found by a court to have witnessed another officer's use of excessive force and was in a position to intervene and failed to do so or failed to report the excessive force in accordance with policy or procedure; has been found by a court to have made knowingly misleading, deceptive, untrue or fraudulent representations in the practice of being a peace officer or corrections officer; or is prohibited from possessing weapons by state or federal law or by permanent court order entered after a hearing. The CJTC may deny, suspend, or revoke certification or require remedial training of a peace officer or corrections officer if the applicant or officer: failed to timely meet all training requirements; was previously issued a certificate through administrative error; knowingly falsified or omitted material information on an application to the employer or for training or certification to the commission; interfered with an investigation or action for denial or revocation of certification by making false statements, failing to report information as required by law or policy, or tampering with evidence or intimidating a witness; engaged in a use of force that could reasonably be expected to cause injury and the use of force violated law or policy; committed sexual harassment as defined by state law; through fraud or misrepresentation used the position of peace officer or corrections officer for personal gain; engaged in conduct involving prejudice or discrimination against a person; on or off duty, committed a felony; engaged in a pattern of acts showing an intentional or reckless disregard for the rights of others; engaged in unsafe practices involving firearms, weapons, or vehicles indicating a willful disregard for the safety of persons or property; engaged in conduct indicating an inability to meet the ethical and professional standards required of an officer or undermining public trust in the criminal justice system; has been suspended or discharged, or resigned or retired in lieu of discharge, for any conduct listed in the section; or has voluntarily surrendered the person's certification as a peace officer or corrections officer. In addition to the sanctions of denial, suspension, or revocation of certification, the CJTC may reprimand, require mandatory retraining, and place an officer on probation up to two years. In determining the appropriate penalty or sanction, the CJTC must consider the findings and conclusions of any underlying disciplinary proceeding and the employing agency bears any responsibility. A peace officer or corrections officer certification may be suspended pending a decertification hearing. Any of the grounds for denial, suspension, or revocation of certification of a peace officer may be grounds for denial, suspension, or revocation of certification of a reserve officer to the same extent as a peace officer. A person whose certification is mandatorily denied or revoked is not eligible for recertification at any time. Time frames and instances in which an employing agency must notify the CJTC as to a peace officer or corrections officer's status and misconduct are specified. An employing agency must notify the CJTC within 15 days of: separation of the officer from the employing agency for any reason and must include the reasons for separation if the officer's resignation or retirement was in lieu of termination; •learning of any occurrence of death or serious injury caused by the use of force by an officer or any time the officer has been charged with a crime; or any initial disciplinary decision by the agency for alleged behavior or conduct that might lead to decertification. When an officer resigns or retires for misconduct prior to an investigation or disciplinary proceedings, the employing agency shall proceed to conduct the investigation and provide all relevant information to the CJTC as if the officer were still employed by the agency. Upon receipt of notification, the CJTC may suspend an officer's certification pending proceedings with the employing agency, initiate decertification upon conclusion of investigation or disciplinary proceedings, separately pursue revocation of certification, or wait until all disciplinary proceedings are final before pursuing decertification. An

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employing agency may not enter into any agreement or contract, with an officer or union, not to report conduct, delay reporting, or preclude disclosure in exchange for allowing an officer to resign or retire or that allows the agency to destroy or remove any personnel record for ten years after the officer ceases to be employed with the agency. The CJTC may impose a civil penalty not to exceed \$10,000 for the failure by an officer or employing agency to timely and accurately report information as required. Any individual, including commission staff, member of the commission, peace officer, or duly authorized representative of a law enforcement agency may submit a written complaint to the commission stating that an officer's certificate should be denied, suspended, or revoked, and specifying the grounds for the complaint. The CJTC has sole discretion whether to investigate a complaint, but all complaints must be resolved with a written determination.

Consistent with the procedure for disciplinary hearings for the Washington State Patrol, the chief administrative law judge shall designate an administrative law judge with subject matter expertise to serve as the presiding officer over a five-member panel in any decertification hearing. The panel for peace officer or tribal police officer certification shall consist of a police chief or sheriff from a law enforcement agency, one peace officer or tribal police officer, a civilian member of the CJTC, a member of the public, and person with expertise in police accountability. The panel for corrections officer certification shall consist of the head of a city or county correctional agency, a corrections officer, a civilian member of the CJTC, a member of the public, and person with expertise in police accountability. The judge shall make all necessary rulings in the course of the hearing and shall issue a recommendation but is not entitled to vote. The standard of proof in any action before the commission is a preponderance of the evidence. The hearings, but not the deliberations of the hearings panel, are open to the public. Summary records of hearing dispositions must be made available on an annual basis on a public website. Personnel records for any peace officer or corrections officer must be retained for the duration of the officer's employment and a minimum of 10 years thereafter. Such records include all misconduct and equal employment opportunity complaints, progressive discipline imposed, and any other disciplinary appeals and litigation records. All files, papers, and other information obtained by the CJTC as part of an initial background investigation are confidential and exempt from public disclosure unless those records become part of the record in a suspension or decertification matter. The CJTC must maintain a publicly searchable database including the names of officers, employing agencies, conduct investigated, certification denied, notices from law enforcement or correctional agencies as to the reasons for separation or disciplinary action, decertification or suspension actions pursued, and final disposition. Such records must be maintained in the database 30 years after final disposition of each incident. Any decertification must be reported to the national decertification index. No later than December 1, 2022, the CJTC must submit a written report to the Governor and the appropriate committees of the Legislature detailing progress of implementation of this act. Definitions of criminal justice personnel, law enforcement personnel, peace officer, and corrections officer are streamlined. Definitions of reserve officer and tribal officer are adopted. To the extent that the processes are parallel, provisions addressing peace officers and corrections officers are consolidated. Individual provisions addressing corrections officers are repealed.

Peace Officer's Duty to Intervene, SB 5066, Effective July 25, 2021

An identifiable on-duty peace officer who witnesses another peace officer engaging or attempting to engage in the use of excessive force against another person must intervene when in a position to do so to end the excessive use of force. The peace officer must render aid to any person injured as a result of the use of force at the earliest safe opportunity. Excessive force is defined as force that exceeds the force permitted by law or policy of the witnessing officer's agency. An identifiable on-duty peace officer who witnesses wrongdoing committed by another peace officer or who has a good faith belief that another officer has committed wrongdoing, must report that wrongdoing to

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the witnessing officer's supervisor or in accordance with the witnessing agency's policies and procedures for reporting. Wrongdoing is defined as conduct that is contrary to law or contrary to the policies of the witnessing officer's agency, provided that the conduct is not de minimis or technical in nature. A member of a law enforcement agency may not discipline or retaliate against a peace officer for intervening in good faith or for reporting wrongdoing in good faith as required by this section. A law enforcement agency must report any disciplinary action for the failure to intervene or report wrongdoing to the CJTC to determine whether the officer's conduct may be grounds for suspension or revocation of certification. For purposes of this section, peace officer refers to a general authority peace officer. By December 1, 2021, the CJTC, in consultation with the Washington State Patrol, the Washington Association of Sheriffs and Police Chiefs, and organizations representing state and local law enforcement officers must develop a written model policy on the duty to intervene. By June 1, 2022, all law enforcement agencies must adopt and implement a written duty to intervene policy consistent with the model policy. No later than January 31, 2022, the CJTC must incorporate training on the duty to intervene in the basic law enforcement training curriculum. Peace officers who completed basic law enforcement training prior to January 31, 2022 must receive training no later than December 31, 2023.

Law Enforcement Data Collection, SB 5259, Effective July 25, 2021

The AGO must engage in a competitive procurement process to contract with a Washington private or public institution of higher education to implement the statewide use of force data program. Advisory group members may participate in the development of the request for proposal and the review and evaluation of responsive bidders but may not participate or bid in the competitive procurement. The contracted institution of higher education must provide appropriate training to its staff, including training on racial equity issues. The Office of the Attorney General (AGO) must establish an advisory group to assist with the design, development, and implementation of a statewide use of force data program. The advisory group must contain: at least three representatives from local nongovernmental organizations or advocacy groups with a focus on or expertise in the use and role of data as it relates to interactions between law enforcement and the community; at least three representatives from law enforcement agencies or organizations representing the interests of law enforcement in interacting with and utilizing program data; and at least one representative from the private or public sector with experience in data collection programs. An advisory group member whose participation in the advisory group may be hampered by financial hardship may apply for a stipend in an amount not to exceed \$100 for each day the member attends an official meeting of the advisory group or performs duties approved by the AGO. The advisory group must submit recommendations to the AGO by April 1, 2022, on the following subjects: how to prioritize the implementation of the reporting, collection, and publication of use of force data reports; additional data to be collected on interactions between law enforcement officers and the public; practices for law enforcement agencies to collect and report data; practices for the public to report relevant information, including correcting misreported data; and practices for public, law enforcement, and academic access and use of program data that must include, at a minimum: (1) public online access to deidentified raw or refined data using an established open data standard; (2) public online access to dashboards that summarize and analyze data; (3) interactive data visualization tools designed for law enforcement agencies and other entities; (4) the ability to extract data in order to standardize data across multiple agencies; (5) protection and removal of all personally identifiable information; (6) semiannual reports published on the website and submitted to the Legislature and Governor by June 1st and December 1st of each year; (7) quality improvement, including periodical input from stakeholders; (8) analytical dashboards with individual officer details for use as a risk management tool; (9) agency level comparative dashboards; and (10) incorporation of available historical data to identify long-term patterns. The

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AGO must review and approve or reject the recommendations, with consideration for the following: available funding; prioritizing the implementation of the reporting, collection, and publication of use of force data reports; the public's interest in transparent, expedient access to information; and the institutional operations and demands of law enforcement. The AGO may not approve any recommendation that would disclose information that would jeopardize an active criminal investigation, confidential informant, or intelligence information. The advisory group may revise any rejected recommendations for reconsideration by the AGO. The provision creating the advisory group expires on January 1, 2023. Each general or limited authority law enforcement agency must report each incident where an officer employed by the agency used force and any of the following occurred: a fatality in connection with the use of force; great bodily harm in connection with the use of force; substantial bodily harm in connection with the use of force; or an officer: (1) discharged a firearm at or in the direction of a person; (2) pointed a firearm at a person; (3) used a chokehold or vascular neck restraint; (4) used an electronic control weapon against a person; (5) used oleoresin capsicum spray against a person; (6) discharged a less lethal shotgun or other impact munitions at or in the direction of a person; (7) struck a person using an impact weapon or instrument; (8) used any part of their body to physically strike a person; (9) used a vehicle to intentionally strike a person or vehicle; or (10) deployed or had control of a canine that bites a person. Each agency must submit the reports on its officers' use of force no later than three months after the AGO determines the statewide use of force data program can accept reports. Reports must be submitted in accordance with the requirements of the statewide use of force data program and include: the date, time, and location of the incident; the name of the officer's employer; the type of force used by the officer; the type of injury sustained by the person the officer's force was used against; the type of injury sustained by the officer, if any; whether the person was armed or unarmed; whether the person was believed to be armed; the type of weapon the person possessed, if any; the age, gender, race, and ethnicity of the person and the officer, if known; the name of the officer, if known; the person's tribal affiliation, if applicable and known; whether the person exhibited any signs of a potential mental health condition or substance use; the officer's years of service; the reason for the initial contact between the officer and the person; whether any minors were present, if known; the name of the entity conducting an independent investigation of the incident, if applicable; whether dashboard or body worn camera footage was recorded for the incident; the number of officers and suspects who were present when force was used; and any additional data required by the statewide use of data program.

Student Affairs

Students Experiencing Homelessness Pilot Program, [HB 1166](#), Effective July 25, 2021

In 2019, the Legislature established four pilot programs at the community and technical colleges (CTCs), two on each side of the Cascade Mountains, and a pilot program each at Eastern Washington University and Western Washington University. The pilot programs were set up to provide certain amenities to students experiencing homelessness and to students who were in foster care when they graduated high school. Amenities provided in the pilot programs include the following: access to laundry facilities, storage, locker rooms and showers, and technology; reduced-price meals or meal plans; access to short-term housing or housing assistance, especially during seasonal breaks; and case management services. By December 1, 2023, the pilot programs must provide a joint report to the Legislature. The pilot programs expire July 1, 2023.

The pilot program is expanded in HB 1166 to include: two additional programs at the four-year institutions, one on each side of the Cascade Mountains; and four additional pilot programs at the

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CTCs, with no less than four located outside the Puget Sound region. The pilot program's expiration date is extended to July 1, 2024.

Closed Captioning Public Accommodation, [SB 5027](#), Effective July 25, 2021

Any person owning or managing a place of public accommodation with a closed captioned television in a public area must activate the closed captioned programming. Exemptions apply for television sets that are incapable of displaying closed captioning or where the place of public accommodation is otherwise exempt under state or federal law. Limited exemptions are authorized for up to 50 percent of TVs in public areas where the TVs clearly display they do not have volume or are on mute. If multiple TVs are displayed for sale, at least one must display closed captioned programming. Language option displays are limited to the language of the audio program, or the default option where a TV displays only one language. Language display must be in white text color with a black background and in a style and size that is readable to people with low vision. Closed captioning may be deactivated at the request of a person who has a visual impairment. Violators are subject to fines up to \$75 and up to \$150 for subsequent violations. Written notice of the violation must be provided, and a violator must be given an opportunity to cure the violation prior to being subject to a fine. If the person demonstrates compliance with the requirement within 30 days of delivery of the notice, the initial violation must be dismissed. A violation of this law is a violation of WLAD. The Human Rights Commission must prepare an educational pamphlet advising employers and employees of their duty and liability. The pamphlet should be available online. Employers must provide employees with training on this law. A "public area" means any part of a place of public accommodation that is open to the general public.

Teacher Preparation

edTPA, [HB 1028](#), Effective May 5, 2021

Requirements related to the edTPA, including the requirement that candidates for residency teacher certification pass the edTPA, are repealed. The PESB may not adopt rules requiring that candidates for residency teacher certification take or pass a uniform, statewide performance assessment of teaching effectiveness. Before a PESB-approved teacher preparation program may recommend a candidate for residency teacher certification, the candidate must meet or exceed the knowledge, skills, performance, and competencies adopted by the PESB. Immediately upon the effective date of the bill and until September 1, 2022, all PESB-approved teacher preparation programs must attempt to notify and recommend for residency teacher certification each person who, during the 2019-20, 2020-21, or 2021-22 academic years, met all statutory and program requirements except for completion of the edTPA. In addition, upon request, all PESB-approved teacher preparation programs may recommend for residency teacher certification any person who was required to pass the edTPA as a prerequisite to residency teacher certification, provided that the person met all other statutory and program requirements in effect at the time of enrollment in the teacher preparation program. The description of the measures that all PESB-approved teacher preparation programs use to demonstrate how the program produces effective teachers is revised from "measures established in statute" to "multiple measures of the knowledge, skills, performance, and competencies." Each PESB-approved teacher preparation program must publish, and provide to candidates prior to admission, a list of program completion requirements.

DEI Professional Learning, [SB 5044](#), Effective May 5, 2021

WSSDA must develop cultural competency, diversity, equity, and inclusion (CCDEI) standards for school director governance and post it on its website at no cost. PESB must develop or update CCDEI standards of practice for preparation, continuing education, and other training of school

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district staff and post it on its website. WSSDA and PESB must collaborate to compare and align CCDEI standards. EOGOAC must, and the Office of Equity may, review the CCDEI standards. References to cultural competency standards are updated to refer to the CCDEI standards. Diversity, equity, and inclusion are defined as follows: diversity describes the presence of similarities and differences within a given setting, collective, or group based on multiple factors including race and ethnicity, gender identity, sexual orientation, disability status, age, educational status, religion, geography, primary language, culture, and other characteristics and experiences; equity includes developing, strengthening, and supporting procedural and outcome fairness in systems, procedures, and resource distribution mechanisms to create equitable opportunities for all individuals, and also includes eliminating barriers that prevent the full participation of individuals and groups; and inclusion describes intentional efforts and consistent sets of actions to create and sustain a sense of respect, belonging, safety, and attention to individual needs and backgrounds that ensure full access to engagement and participation in available activities and opportunities.