

WASA's 2009

# LEGISLATIVE REPORT



A publication of the Washington Association of School Administrators

This report (with links) is available online at [www.wasa-oly.org](http://www.wasa-oly.org)

**May 2009**

## TABLE OF CONTENTS

2009 Session Overview.....	1
2009–11 Operating Budget K–12	
ESHB 1244 .....	4
Details—Changes to the 2009–11	
Operating Budget .....	6
School Construction in Capital	
Budget—ESHB 1216 (Sections	
5008–5017) .....	9
2009 Rate Sheet.....	11
ESHB 2261 – Basic Education Finance	
Reform Bill Summary .....	12
Education-Related Bills that	
Passed .....	15
Retirement/Health Legislation .....	28
Education-Related Bills that Died.....	34
Alliance of Educational Associations	
Report .....	44
WASA's Legislation and Finance	
Committee .....	46
WASA's 2009 Legislation Platform....	46

## Washington Association of School Administrators

825 Fifth Avenue SE  
Olympia WA 98501

Web: <http://www.wasa-oly.org>

Tel: 360-943-5717

Toll free: 800-859-9272 • Fax: 360-352-2043

## 2009 Session Overview

As the 61st Washington State Legislature drew to a close on April 26, 2009, there was one thing that everyone agreed on—it was the worst session anyone could remember. The national and state economic situation worsened with each forecast, leaving lawmakers a \$9.3 billion hole to fill as they struggled to write a balanced operating budget for 2009–11. Every segment of state government was cut drastically—even with one-time federal stimulus dollars filling some of the gaps.

K–12 education was no exception. School administrators followed the budget discussions closely—trying to assess what the cuts would mean to their districts and schools, realizing that the budget cuts would be passed along to them. With the May 15 RIF notice deadline always in sight, the various budget proposals were analyzed, questions about the use of stimulus dollars remained unanswered, and nothing had been decided until two days before the scheduled date for sine die.

The 2009–11 Operating Budget finally passed on April 25, cutting \$1.4 billion from K–12 programs that were funded in the previous biennium. No COLAs were provided (I-732). The other school initiative passed by the people in 2000, I-728, (the Student Achievement Fund), was reduced from \$458 per FTE to \$131 in SY 10 and \$99 in SY 11. Stimulus dollars were used to backfill state reductions, but precise information about how to use and report these funds was still not available from the federal education office, leaving school dis-

tricts with the difficult job of making their program and staff decisions as best they could given the uncertainty of the budget details provided.

## LEVY LID/LEVY EQUALIZATION

A two-hour debate on ESHB 1776 erupted in the House on sine die. The very controversial bill relating to levy lids and levy equalization was tabled and the House went into caucus. The bill had passed the Senate and was sent to the House for concurrence. In one of the more dramatic conclusions to a regular session in recent memory, the House reconvened shortly after midnight without taking action on the bill and the legislature adjourned sine die. Everyone was left up in the air wondering if they would be coming back for a special session. If ESHB 1776 had passed, the bill would have changed the 2007 law that required the legislature to fund local effort assistance (LEA) at 100 percent and would have allowed the legislature to reduce LEA by \$60M for the 2010–11 calendar years; would have removed a 2011 sunset clause to make permanent a provision which currently allows districts to calculate their levy base using the amounts they should have received for I-728 and I-732 before the state reduced those amounts; would have increased the levy lid by 4% but not to exceed 35% through 2011; would have authorized districts to ask for a second levy in the middle of their two to four year levy cycle if the legislature approved a higher levy lid; and, would have further defined the “base” for I-728 and I-732.



## 2009 SESSION OVERVIEW, CONTINUED

Governor Gregoire had announced earlier in the session that she supported increasing the levy lid by 4% and shortly after she said that she was considering calling the legislature back to address that bill and two other bills that did not pass. On May 7, the Governor sent a letter to lawmakers saying that since agreement could not be reached on the topics to be considered, a special session would not be called. However, a few days later, as results of the April revenue report were announced showing that revenues continued to drop, the Governor said that a special session may be called later this year.

The levy lid/levy equalization issue is of special significance to WASA members. We have fought for years to make the state accountable for fully funding basic education and levy equalization is a part of this struggle. WASA's position is that the levy lid cannot be increased without a commensurate increase in levy equalization. This topic will no doubt continue to be discussed during the interim. You are encouraged to review the April 27, 2009 edition of *This Week in Olympia*, [www.wasa-oly.org](http://www.wasa-oly.org), where you can review WASA's position, background information, and the history of levy lid/levy equalization.

### BASIC EDUCATION FINANCE REFORM

Throughout the session, the attention of many legislators and everyone in the education community was focused on the bills that were introduced to redefine basic education and to establish a new system of fully and fairly funding that definition. Legislators who served on the two year Basic Education Finance Task Force introduced SB 5444/HB 1410. The Full Funding Coalition (WSSDA, WASA, AWSP, WEA, and PSEW) bills, SB 5607/HB 1817, were introduced the next week. A variety of other bills were then introduced in an attempt to reach consensus among all of the interested parties. Even though three different workgroups were formed during the four month period, con-

sensus among the groups was never reached. The bill that did pass (ESHB 2261) was supported by the League of Education Voters, the WSPTA, the Partnership for Learning, the Puget Sound Superintendent Coalition, the State Board of Education, and the Office of the Superintendent of Public Instruction. A summary prepared by Senate staff of the final bill, ESHB 2261, is provided on page 12.

ESHB 2261 identifies transportation to and from school, early learning for at-risk children, all day kindergarten, increased instructional hours (1080), more credits to graduate (CORE 24), and gifted education as basic education and a prototypical school model of funding is to be developed and implemented between now and 2018, but there is no new funding for schools and no plan to get more funding. A number of stakeholder "workgroups" are established, but the "oversight" Council established in the bill is made up entirely of legislators (eight) and state agencies (Governor, OSPI, SBE, PESB, and DEL). Since it doesn't appear likely that the state will have emerged from the current budget shortfall for at least the next two biennia, it will be a challenge for both the state and local districts to meet the expectations put forth in this legislation.

(Note: The Governor vetoed provisions relating to at-risk early learning and gifted. See page 22.)

### UNFUNDED MANDATES

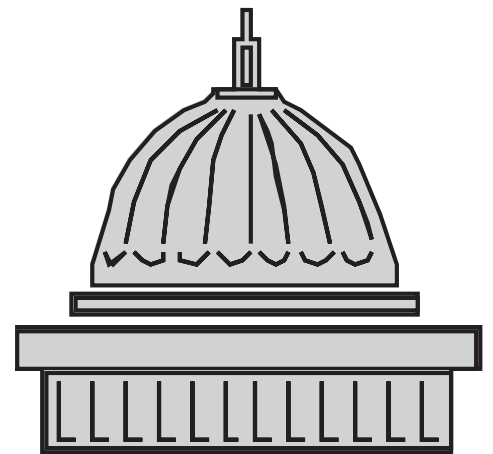
Four bills were introduced this session in an effort to reduce or eliminate unfunded mandates. Over one hundred and fifty statutes were targeted to be repealed, suspended, or amended. Only one bill survived and within that bill most of the changes that were made simply allow OSPI or school districts to provide some notifications or publications online instead of in hardcopy. As in previous years, the bills went from committee to committee and from floor to floor, where legislative sponsors and advocates of the original bills testified to

the importance of each requirement and were—for the most part—successful in keeping the various laws "on the books." A separate bill, which removes the requirement that schools do scoliosis screening, actually passed. Supported by the medical community because this screening is inappropriate in the school setting, it took four years to get the repeal through the legislative process.

### BILLS, BILLS, AND MORE BILLS

Over two hundred bills relating to K-12 were introduced this session. Sixty-four passed. Two sections of this report provide you with summaries of bills that passed (page 15) and bills that died (page 34). While we were obviously not successful in persuading legislators to call a moratorium on passing any new bills, we were successful in stopping or amending most of those that would have created more unfunded mandates for schools. Some bills of particular interest to school administrators are described below.

Districts serving children of military families in transition will want to pay special attention to SSB 5248. The bill authorizes Washington State to join the Interstate Compact for Education Opportunity for Military Children and is intended to facilitate the movement of students of military families between states by standardizing procedures relating to educational records,





immunizations, kindergarten and first grade entrance age, program and course placement, tuition, residency, extracurricular activities, and graduation. A State Council is created to coordinate participation and compliance with the Compact.

Five districts will be allowed to apply to the SBE for waivers to operate a flexible school year calendar under SHB 1292.

SSB 5410 establishes an Office of Online Learning at OSPI. Districts offering online learning will be required to have policies in place by August 2010 and beginning in 2011–12 state funds will only be allocated for multi-district providers that are approved.

Students graduating through the class of 2012 are no longer required to continue taking the Math WASL annually (HB 1562) and changes are made to Math EOC assessments in ESSB 5414.

Districts planning to run levies and bonds in 2010 (and beyond) should note that ESHB 1018 eliminates the March special election date, changes the February date from the first to the second Tuesday, retains the fourth Tuesday in April, and reserves the third Tuesday in May for tax levies that failed previously in that calendar year and new bond issues. This last provision expires in 2011. The bill also delinks the presidential primary and changes the submission date of resolutions from 52 days prior to the election date to 45.

A complete report on retirement and health benefits legislation can be found on pages 28–34.

## HEALTH AND SAFETY RULES

Last year, the Department of Health and the State Board of Health unveiled a proposal for new environmental and health safety rules for schools after working on the issue for at least five years. School districts had been represented on the various workgroups and, for the most part, were in general agreement with the rules. However,

when it became apparent that cost estimates ranging in the millions of dollars were going to become the responsibility of schools and school districts, legislators were asked to intervene. They did so by including the following language in the operating budget:

DOH and SBOH are prohibited from implementing any new or amended rules pertaining to primary and secondary school facilities until the rules and a final construction estimate have been presented to the legislature and the legislature has formally funded implementation of the rules through the omnibus appropriations statute.

## SCHOOL CONSTRUCTION

The School Construction Assistance Program receives \$689.7M in the 2009–11 Capital Budget which covers all projects currently in the pipeline for state match. The estimated area cost allowance for FY 2010 is \$174.26 and \$180.17 for FY 2011. Skills centers receive \$26.8M. In addition, \$3M was set aside for small repairs, and \$16.9M for energy and operational cost savings and infrastructure improvements. The approved uses for capital funds were expanded through the passage of ESHB 1619.

## NO NEW TAXES

A number of new tax ideas were brought forward in an effort to help close the budget gap. Everything from a “half millionaire” income tax to taxes on intangible property, a modest increase in the sales tax, and higher “sin” taxes (alcohol, tobacco, candy) were put on the table. None of them was given serious consideration since a variety of polls showed that Washington citizens would most likely vote down any tax measure sent to them in November.

## THE LAWSUIT

Washington State educators have much to be proud of. Classroom based assess-

ments, WASLs, SAT, NAEP, and AP data demonstrate improved student achievement consistently over the past decade and a half. This was accomplished because we reinvented how we deliver educational programs in our classrooms, schools, and districts. Curriculum realignment, advanced technology, mentoring, coaching, professional development, and professional learning communities all played a part. What is remarkable is that we did this when neither the state nor the federal government provided adequate resources to cover the mandates that were imposed let alone the innovations and system design changes that were needed to address our large and diverse student population. It is appalling that Washington is forty-fifth in the nation in per student funding and that the state has fostered the unfair and inequitable overreliance on local levies to cover the cost of basic education in our state. A lawsuit brought against the state by the Network for Excellence in Washington Schools (NEWS) is scheduled to go before the judge this September.

<http://www.waschoolexcellence.org>

## SINE DIE

One of the hardest things we have to do is to pay our final respects to good friends. Over the past two weeks, we have lost Tom Kelly, former superintendent of the North Mason School District and Roger Lehnert, superintendent of the Ferndale School District. We want to offer their families, loved ones, and colleagues our sincere condolences, and to express our deep gratitude to Tom and Roger who were exemplary leaders for our schools. Their integrity, strength of character, and goodness of heart will continue to be an inspiration for us as we face the difficult challenges ahead knowing that they personified the commitment and dedication to students that we—as school administrators—all share.

**Barbara L. Mertens, Ed.D.**  
Assistant Executive Director for  
Government Relations



# 2009–11 Operating Budget K–12 ESHB 1244

The 2009–11 state operating budget passed the 61st Washington State Legislature on April 25, 2009. The \$29.3 billion budget provides \$15.1 billion for K–12 education.

The details provided on the next two pages show changes to the 2007–09 K–12 budget. If a program is not listed, it is being carried forward at the funding level provided in the last biennial budget. A rate sheet showing changes from 2008–09 to 2009–10 is provided on page 11.

More budget information is available at the following links:

- 2009–10 Operating Budget ESHB 1244  
<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=1244&year=2009>
- Legislative Evaluation Accountability Program (LEAP)  
<http://leap.leg.wa.gov/leap/budget/detail/proposals.asp>
- OSPI Conference Final Budget  
<http://www.k12.wa.us/LegisGov/2009documents/ConferenceFinalBudgetApril30-09-Final.ppt>
- OSPI Pivot Tables  
<http://www.k12.wa.us/SAFS/Misc/BudPrep09/Pivot%202009-11Web.xls>
- OSPI Federal Stimulus  
<http://www.k12.wa.us/Communications/StimulusPackage/default.aspx>
- ESD 113 Simulated F-203 Excel Sheets  
<http://sfs.esd113.k12.wa.us/sites/schools/Shared%20Documents/Forms/AllItems.aspx>
- ESD 113 Simulated F-203 Training Video  
<http://esd113.schoolwires.net/vc>

2009–11 Operating Budget K–12 ESHB 1244  
2007–08 Spending Level  
2009–11 Carryforward Level  
2009–11 Maintenance Level

## Dollars in Thousands

State Funds  
\$13,621,900  
\$14,252,079  
\$15,130,400

### A. LARGER ITEMS

1.	Reduce Student Achievement Program	\$ -600,001
2.	Suspend Initiative 732 COLA	-352,616
3.	Pension Rate Adjustments	-339,435
4.	Reduce Levy Equalization	-60,292
5.	Professional Development Changes	-39,736
6.	Remove Learning Improvement Days	-35,668
7.	National Board Prog at Current Bonus Level	-4,621
8.	Health Benefits	44,188

### B. SMALLER ITEMS

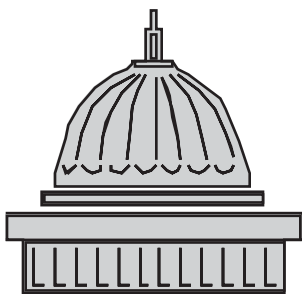
1.	WASL Changes	-8,454
2.	Library Services	-8,000
3.	LASER	-5,000
4.	Math and Science Professional Coaches	-3,855
5.	Building Bridges Grants	-3,650
6.	Math Helping Corps	-3,528
7.	Administrative Reduction	-3,222
8.	21st Century After School Programs	-3,000
9.	Segmented Math	-2,828
10.	Pacific Science Center	-2,448
11.	Halt K–3 Demonstration Projects	-2,062
12.	Focused Assistance to Schools	-2,000
13.	Alternate Routes	-1,716
14.	School Safety Plans	-1,600
15.	ELL Pilot Project	-1,368
16.	Paraprofessional Training	-1,096
17.	Graduation without a Certificate	-1,072
18.	Math/Science Standards Review	-1,030
19.	State Agency Compensation (OSPI)	-1,030
20.	Accountability Institutes	-1,000
21.	Principal Assessment/Mentorships	-976
22.	Anti-bias Training	-650
23.	Local Farms and Healthy Kids	-600
24.	Diagnostic Testing	-500
25.	Washington Achievers Scholar	-500
26.	Non-violence Leadership Training	-442
27.	After School Math Programs	-400
28.	Leadership Academy	-400
29.	Administrator Internships	-350
30.	FIRST Robotics	-300

*Continued on next page.*



## 2009–11 OPERATING BUDGET K–12 ESHB 1244, CONTINUED

31.	Dyslexia Pilot Project	-298
32.	Civil Liberties Education	-292
33.	Reading Diagnostic Assessments	-250
34.	Legislative Youth Advisory Council	-228
35.	Center for Improvement of Student Learning	-216
36.	Classified Staff Training	-200
37.	Four Day Week Pilot	-154
38.	LEAP Bilingual Pilot	-150
39.	Discontinued Studies/Sex Education	-148
40.	Second Grade Reading Assessment	-140
41.	Mentoring Advanced Placement	-140
42.	Bremerton Lighthouse Program	-130
43.	World War II Oral History Project	-100
44.	Staff Recognition Award	-84
45.	Internet Safety	-80
46.	Civics Education	-72
47.	Cispus	-62
48.	Incarcerated Family Programs	-62
49.	Youth Suicide Prevention	-60
50.	College Bound Scholarship Coord.	-54
51.	Compana Quetzal	-50
52.	Choice Transportation	-10
53.	Financial Literacy	50
54.	Project Citizen	50
55.	Assessments and Curricula	70
56.	Military Compact	89
57.	Student Achievement Gap	102
58.	PESB/OSPI Reorganization	176
59.	Adjust K–4 Allocation	760
60.	Apportionment and Financial Systems	839
61.	Online Learning	1,400
62.	Career and Technical Education for Middle School	1,458
63.	State Education System	1,868
64.	Comprehensive Educational Data System	2,520
65.	Conditional Funding National Board Bonus	3,000



### Sine Die

Literally translated from the Latin, sine die means “without a day,” meaning there are no days left. Washington’s Constitution limits the legislative session to 105 days in odd-numbered years and 60 days in even-numbered years. The Governor may call the legislature back for special sessions to complete unfinished business. Sine die traditionally refers to the last day of session.



# Details—Changes to the 2009–11 Operating Budget

## A. LARGER ITEMS

1. **Reduce Student Achievement Program**  
*-\$600.001M*  
 \$131/student in SY 10, and \$99/student in SY 11
2. **Suspend Initiative 732 COLA**  
*-\$352.616M*  
 No COLA funded for 09–11 (4.2% & .0%—final March CPI)
3. **Pension Rate Adjustments**  
*-\$339.435M*  
 Actuarial pension change for K–12 system
4. **Reduce Levy Equalization**  
*-\$60.292M*  
 Straight proration of levy equalization at approximately 84.5%
5. **Professional Development Changes**  
*-\$39.736M*  
 Eliminate Math and Science LID days/training initiated in 2007–09 budget
6. **Remove Learning Improvement Days**  
*-\$35.668M*  
 Remove 1 LID day (about \$189 on the first step of the salary guide)
7. **National Board Prog at Current Bonus Level**  
*-\$4.621M*  
 Break-out of National Board related COLA/Pension costs in final budget
8. **Health Benefits**  
*\$44.188M*  
 Rates: \$745 per employee per month in FY 10 and \$768 in FY 11

## B. SMALLER ITEMS

1. **WASL Changes**  
*-\$8.454M*  
 Shorten state tests with fewer open response items, other efficiencies

2. **Library Services**  
*-\$8M*  
 Eliminates \$4/student allocation for library-related costs
3. **LASER**  
*-\$5M*  
 Leadership and Assistance for Science Education Reform (LASER) at Pacific Science Center
4. **Math & Science Professional Coaches**  
*-\$3.855M*  
 Eliminate Math & Science coaches program
5. **Building Bridges Grants**  
*-\$3.65M*  
 75% reduction: Drop-out prevention through community collaboratives
6. **Math Helping Corps**  
*-\$3.528M*  
 Technical assistance in math to schools via a coach/mentor
7. **Administrative Reduction**  
*-\$3.222M*  
 OSPI Administrative Reduction
8. **21st Century After School Programs**  
*-\$3M*  
 Extended day/extended year instructional activities
9. **Segmented Math**  
*-\$2.828M*  
 Discontinued: Assessment broke out math WASL into pieces (algebra, geometry, etc.)
10. **Pacific Science Center**  
*-\$2.448M*  
 Core Pacific Science Center funding eliminated. (LASER continue at lower amount in separate item)

11. **Halt K–3 Demonstration Projects**  
*-\$2.062M*  
 Discontinued: Pilot of K–3 Best Practices in 4 Locations in the state
12. **Focused Assistance to Schools**  
*-\$2M*  
 Technical assistance for districts/schools not meeting AYP; increase in fed \$ via ARRA
13. **Alternate Routes**  
*-\$1.716M*  
 20% reduction: Alternate route at PESB—recruits teachers in shortage areas
14. **School Safety Plans**  
*-\$1.6M*  
 Discontinued: School planning grants for comprehensive school safety plans and drills
15. **ELL Pilot Project**  
*-\$1.368M*  
 English language learner pilot project—piloting curriculum and professional development models
16. **Paraprofessional Training**  
*-\$1.096M*  
 Regional coordination of instructional aide training
17. **Graduation without a Certificate**  
*-\$1.072M*  
 HB 1562: Eliminates requirement to continue taking math test after initial failure.
18. **Math/Science Standards Review**  
*-\$1.03M*  
 Math/science curriculum review—OSPI testing alignment with standards
19. **State Agency Compensation (OSPI)**  
*-\$1.03M*  
 Pension and health benefit rate changes for state agency staff (OSPI)



## DETAILS—CHANGES TO THE 2009–11 OPERATING BUDGET, CONTINUED

- 20. Accountability Institutes**  
*-\$1M*  
 Conference-style professional development seminars covering a broad range of issues
- 21. Principal Assessment/Mentorships**  
*-\$.976M*  
 Principal Support Program—mentoring principals in their first 3 years
- 22. Anti-bias Training**  
*-\$.65M*  
 Anti-bias training: Programs in Federal Way, Renton, Nooksak, and Burlington-Edison
- 23. Local Farms and Healthy Kids**  
*-\$.6M*  
 50% reduction: Fresh fruits/vegetable snack pilots in school districts
- 24. Diagnostic Testing**  
*-\$.5M*  
 Diagnostic testing allocation to districts; \$4.4 million remains
- 25. Washington Achievers Scholarship**  
*-\$.5M*  
 25% reduction; mentorship to low-income students via College Success Foundation
- 26. Non-violence Leadership Training**  
*-\$.442M*  
 Remaining: \$100k Institute for Community Leadership—nonviolence training
- 27. After School Math Programs**  
*-\$.4M*  
 Math instruction in after school programs in King County area
- 28. Leadership Academy**  
*-\$.4M*  
 Academy for school administrators (\$1.6 million remains + Gates funding)
- 29. Administrator Internships**  
*-\$.35M*  
 Washington State Education Leadership Intern Program—release time for administrator mentorship
- 30. FIRST Robotics**  
*-\$.3M*  
 \$ eliminated; however, proviso adds as allowable use for career/technical education grants
- 31. Dyslexia Pilot Project**  
*-\$.298M*  
 \$ for implementing findings of pilots (reading instruction for dyslexic students)
- 32. Civil Liberties Education**  
*-\$.292M*  
 Discontinued: Grants for educational materials on World War II exclusion/detention
- 33. Reading Diagnostic Assessments**  
*-\$.25M*  
 Training in reading instructional models and aligned assessments
- 34. Legislative Youth Advisory Council**  
*-\$.228M*  
 Discontinued: Program facilitates youth involvement in the legislative process
- 35. Center for Improvement of Student Learning**  
*-\$.216M*  
 Center for Improvement of Student Learning at OSPI
- 36. Classified Staff Training**  
*-\$.2M*  
 Discontinued: Classified-instructional assistants training
- 37. Four Day Week Pilot**  
*-\$.154M*  
 HB 1292: Pilots for 4 day week schedule (savings in food service; transportation)
- 38. LEAP Bilingual Pilot**  
*-\$.15M*  
 50% reduction: Recruitment program for bilingual teachers
- 39. Discontinued Studies/Sex Education**  
*-\$.148M*  
 a) PESB math/science teacher shortage study, and b) sex education curriculum administrative costs
- 40. Second Grade Reading Assessment**  
*-\$.14M*  
 Reading test for 2nd graders given orally to gauge literacy levels
- 41. Mentoring Advanced Placement**  
*-\$.14M*  
 Discontinued: Mentoring low-income kids in AP subjects in Southwest Washington districts
- 42. Bremerton Lighthouse Program**  
*-\$.13M*  
 Technical assistance in implementing full-day kindergarten programs
- 43. World War II Oral History Project**  
*-\$.1M*  
 67% reduction; \$50k for education materials regarding World War II impact on Americans
- 44. Staff Recognition Award**  
*-\$.084M*  
 Award recognizing staff in Washington schools
- 45. Internet Safety**  
*-\$.08M*  
 Discontinued: Funding for internet safety literature/flyers
- 46. Civics Education**  
*-\$.072M*  
 Discontinued: Grants for civics curriculum and professional development
- 47. Cispus**  
*-\$.062M*  
 Environmental Learning Center



## DETAILS—CHANGES TO THE 2009–11 OPERATING BUDGET, CONTINUED

### 48. Incarcerated Family Programs

-\$ .062M

Discontinued: Promotes contact between incarcerated parents and their children

### 49. Youth Suicide Prevention

-\$ .06M

30% reduction: Program raising awareness of causes of youth suicide

### 50. College Bound Scholarship Coord.

-\$ .054M

Discontinued: OSPI administrative component of College Bound Scholarship

### 51. Compana Quetzal

-\$ .05M

\$100k remains, Seattle-based organization serving Latino/a community

### 52. Choice Transportation

-\$ .01M

\$5k/year funding for transportation for choice program

### 53. Financial Literacy

\$.05M

EHB 1347: Financial Education Public-Private Partnership (Adds \$50k to base)

### 54. Project Citizen

\$.05M

NCSL & Center for Civic Education—engage middle school students in government service

### 55. Assessments and Curricula

\$.07M

ESSB 5414: (\$35k analysis of science as end-of-course, \$35k EOC reliability study)

### 56. Military Compact

\$.089M

SSB 5248: Interstate compact addressing needs of military children

### 57. Student Achievement Gap

\$.102M

2SSB 5973: Achievement gap committee staffing and convening costs

### 58. PESB/OSPI Reorganization

\$.176M

HB 2003: Reduce size of the PESB board; and \$ to assume certification office

### 59. Adjust K–4 Allocation

\$.76M

Eliminates “use it or lose it” for K–4 CIS staff \*Amd: exception for online programs

### 60. Apportionment and Financial Systems

\$.839M

Replaces school funding IT platform.

### 61. Online Learning

\$1.4M

SSB 5410: Approval process for online programs (using Digital Learning Commons staff)

### 62. Career and Technical Education for Middle School

\$1.458M

2SSB 5676: Funding for middle school CTE coursework

### 63. State Education System

\$1.868M

HB 2261: OSPI capacity costs for Basic Ed Bill (+\$1.1m in OFM, \$70k in LEAP)

### 64. Comprehensive Educational Data System

\$2.52M

Item is funded as part of Sections 202 and 203 of HB 2261 (Basic Education Bill)

### 65. Conditional Funding National Board Bonus

\$3M

Funded as proviso: \$2k advance for National Board application fees, repaid on 1st bonus

### School District Size Study ESHB 1244, Section 1 (8)

The Joint Legislative Audit and Review Committee shall conduct a study of the relationship between the cost of school districts and their enrollment size. The study shall be completed by June 2010 and shall include:

- (a) An analysis of how categories of costs vary related to size, including but not limited to facility costs, transportation costs, educational costs, and administrative costs;
- (b) A review of other factors that may impact costs, such as revenues available from local levies and other sources, geographic dispersion, demographics, level of services received from educational service districts, and whether districts operate a high school;
- (c) Case studies on the change in cost patterns occurring after school district consolidations and for school districts operating under state oversight condition specified in RCW 28A.505.110; and
- (d) A review of available research on nonfinancial benefits and impacts associated with school and school district size.

### Veto message from Governor Gregoire

Section 614(1), pages 186–187, Workforce Training and Education Coordinating Board

*This proviso attempts to direct the Governor’s discretionary Workforce Investment Act (WIA) funds to the Workforce Training and Education Coordinating Board to begin work on the Opportunity Internship Program. While I am committed to the success of this new effort, the Board does not control the federal WIA funds, and it is inappropriate to direct the Governor’s flexible pool in this manner. I will work with the Board to find a solution that will enable this important work to begin, but have vetoed Section 614(1).*



# School Construction in Capital Budget—ESHB 1216 (Sections 5008–5017)

Public Schools (Dollars in Thousands)	
2007–09 School Construction Assistance Grant Program	\$ 137,267
2009–11 School Construction Assistance Grant Program	689,733
Apple Awards	250
Capital Project Administration	3,337
Health, Safety, and Small Repair Grants	20,000
North Central Technical Skills Center	4,007
Northeast King County Skills Center	9,049
Pierce County Skills Center	10,000
Tri-Tech Skills Center—Walla Walla Branch Campus	100
Vocational Skills Center Minor Capital Projects	3,694
<b>Total</b>	<b>\$ 877,437</b>

## Health, Safety, and Small Schools Repair (Sec 5011)

The appropriation in this section is subject to the following conditions and limitations:

- Up to \$3,000,000 of the appropriation is provided solely for nonrecurring costs associated with school facility repairs and renovations necessary for health and safety. The Office of the Superintendent of Public Instruction, after consulting with maintenance and operations administrators of school districts, shall develop criteria for providing funding for specific projects to stay within the appropriation level provided in this section. The criteria must include, but are not limited to, the following: (a) Limiting recipient district applications to one hundred thousand dollars per three-year period; (b) limiting districts eligible to receive the grant only once in any three-year period; and (c) requiring any district receiving funding provided in this section to demonstrate a consistent commitment to addressing school facilities needs.
- The appropriation is provided solely for energy operational cost savings and safety and health infrastructure improvements to school facilities initiated after July 1, 2009. The appropriation must be distributed using

the performance-based contracting method of delivering energy operational cost savings and safety and health infrastructure improvements to public facilities, unless the minimal cost or the immediacy of the project makes performance-based contracting impracticable. If the minimal cost or immediacy of the project makes performance-based contracting impracticable, the school district must receive a waiver from the Office of the Superintendent of Public Instruction in order to use the appropriation to address safety and health needs.

- The Superintendent of Public Instruction must report to the appropriate committees of the legislature and the Office of Financial Management on the timing and use of the funds by the end of each fiscal year, until the funds are fully expended.
- \$100,000 of the appropriation is provided solely to the Monroe public schools for retrofitting the Frank Wagner Elementary chimney.

## Section 222(1) ESHB 1244 (Operating Budget)

The Department of Health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law.

The Department of Health and the State Board of Health shall not implement any new or amended rules pertaining to primary and secondary school facilities until the rules and a final cost estimate have been presented to the legislature, and the legislature has formally funded implementation of the rules through the omnibus appropriations act or by statute. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the Office of Financial Management shall notify the legislative fiscal committees. As used in this subsection, “unrestricted federal moneys” includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

## Capital Project Administration (Sec 5012)

The Office of the Superintendent of Public Instruction shall:

- Develop a plan, in consultation with the Department of Natural Resources, to assist schools in regularly communicating with the Department of Natural Resources about options for school districts to acquire and lease state trust land;
- Continue to develop an asset preservation program;
- Conduct an analysis of the appropriate level for the state area cost allowance and the average square-foot



## SCHOOL CONSTRUCTION IN CAPITAL BUDGET—ESHB 1216 (SECTIONS 5008–5017), CONTINUED

space needs for use in the school construction funding formula. The Office of the Superintendent of Public Instruction shall provide recommendations regarding the appropriate levels for the area cost allowance and average square-foot space needs to the Joint Task Force on School Construction Funding by September 1, 2009; and

4. Convene a definitions work group on the joint use of public 20 school facilities. The work group must report its findings and recommendations to the appropriate committees of the legislature by January 1, 2010.

### 2009–11 School Construction Assistance Grant Program (Sec 5014)

1. The Office of the Superintendent of Public Instruction shall develop a tracking system to increase accuracy in predicting the timing of school district claims for reimbursement for school construction assistance grants. The Office of the Superintendent of Public Instruction shall also improve its communication with school districts regarding the status of grant projects and create requirements regarding the timing of reimbursement claims. The Office of the Superintendent of Public Instruction shall submit a report on the progress of the new tracking and communication system to the appropriate committees of the legislature by November 15, 2009. The report must include a list of school district capital projects receiving state funding and each project's anticipated final reimbursement date.
2. In calculating square foot eligibility for state assistance grants, kindergarten student headcount shall not be reduced by fifty percent.

### Apple Awards (Sec 5015)

The appropriation in this section is subject to the following conditions and limitations: Grants of \$25,000 may be awarded to public elementary schools whose students propose capital projects on school property or on other public property in the community, city, or county in which the school is located. The program must be administered by the Office of the Superintendent of Public Instruction which shall determine competitive criteria for awarding the grants. \$125,000 of the appropriation is available for five awards of \$25,000 each in the 2009–10 school year and \$125,000 of the appropriation for five awards of \$25,000 each in the 2010–11 school year. The funds must be used exclusively for capital projects as proposed by the students in the schools and approved by the district's school board.

### Joint Legislative Task Force (Sec 5017)

1. The Joint Legislative Task Force on School Construction Funding, established in the 2007–09 capital budget, is continued to explore the following:
  - (a) Changing the state funding assistance ratio used in the school construction assistance grant program formula;
  - (b) methods to accommodate specialized program space or unique building circumstances (such as all-day kindergarten and science labs); and
  - (c) ways to account for regional cost differences in the school construction assistance grant program formula.
2. (a) The task force shall consist of six members, including one member from each major caucus from the House of Representatives, appointed by the Speaker of the House of Representatives, and one member from each major caucus from the Senate, appointed by the President of the Senate. The President of the Senate and the Speaker of the House of Representatives jointly shall appoint

two members representing large and small school districts.

3. Staff support for the task force must be provided by the Senate Committee Services and the House of Representatives Office of Program Research.
4. The task force must conduct its work without incurring travel, per diem, or other costs.
5. The task force must report its findings and recommendations to the appropriate committees of the legislature by January 1, 2010.

### Diesel School Bus Projects (Sec. 3033)

Up to \$5,380,000 of the re-appropriation is provided solely for clean diesel school bus projects for local school districts, that the department may use for the purposes of RCW 28A.160.205.





## ESHB 2261 – The Basic Education Finance Reform Bill Summary

Prepared by Senate staff

<p><b>Expanded Definition of Basic Education</b></p>	<p>An expanded program of basic education and the funding to support it is phased in according to a schedule adopted by the Legislature but fully implemented by 2018.</p> <p><u>Including:</u></p> <ul style="list-style-type: none"> <li>• <b>Increased instructional hours – 1000 - 1080</b>, according to an implementation schedule adopted by the Legislature.</li> <li>• Opportunity to complete <b>24 credits</b> high school graduation (<i>subject to Legislative phase-in</i>)</li> <li>• <b>Transportation to &amp; from school</b> (<i>using new funding formula based on predicted costs phased in beginning 2013</i>)</li> <li>• <b>All-day Kindergarten</b> (<i>continue to phase-in highest poverty schools first</i>)</li> <li>• <b>Highly Capable</b> (<i>at current 2.314% of student enrollment</i>) Vetoed (Section 709)</li> <li>• Early Learning <ul style="list-style-type: none"> <li>- <b>Intent</b> to establish program for at-risk children as basic education.</li> <li>- Creates a <b>work group</b> to develop program, as a Washington Head Start program, &amp; report to Quality Education Council.</li> </ul> </li> </ul> <p><b>Full implementation by 2018.</b></p>
<p><b>Prototypical Schools Funding Formula</b></p>	<ul style="list-style-type: none"> <li>• For allocation purposes only.</li> <li>• Based on staff and non-staff costs to support instruction and operations in prototypical schools, including enhancements for highly capable, CTE, AP &amp; IB, LAP, Bilingual, and special education.</li> <li>• Creates a Funding Workgroup to recommend details of formula.</li> </ul>
<p><b>Transportation to and from school</b></p>	<ul style="list-style-type: none"> <li>• <b>No later than September 1, 2013</b>, begin phasing-in the new funding formula &amp; current funding based on the radius mile is discontinued.</li> <li>• A new student transportation allocation formula is based on the average predicted costs to school districts.</li> <li>• <b>Beginning September 1, 2013</b>, OSPI must report to the Legislature on the efficiency of school district transportation operations.</li> <li>• <b>Beginning December 1, 2013</b>, OSPI makes quarterly updates to the Legislature on the new formula.</li> </ul>
<p><b>Quality Education Council (QEC)</b></p>	<p><b>Creates the Quality Education Council</b></p> <ul style="list-style-type: none"> <li>• Membership: <ul style="list-style-type: none"> <li>- 8 legislators (<i>4 House/4 Senate</i>)</li> <li>- 5 educational agency representatives (<i>Office of the Governor, OSPI, SBE, PESB, &amp; DEL</i>)</li> </ul> </li> <li>• Purpose: <b>To recommend &amp; inform the ongoing implementation by the Legislature of an evolving program of basic education &amp; financing.</b> <ul style="list-style-type: none"> <li>- Develop strategic recommendations based on scientific evidence &amp; update every 4 years.</li> <li>- Identify measurable goals &amp; priorities for a 10-year period for the educational system, including ongoing strategies to eliminate the achievement gap &amp; reduce dropout rates.</li> <li>- Consider the OSPI capacity report.</li> </ul> </li> <li>• Initial report: <b>By Jan. 1, 2010, to include recommendations on:</b> <ul style="list-style-type: none"> <li>- Resolving issues requiring legislative action during the 2010 session</li> <li>- A statewide teacher mentoring &amp; support system</li> <li>- An early learning program for at-risk children (<b>EL Workgroup reports to QEC by Sept. 1, 2010</b>)</li> <li>- An implementation schedule for concurrent phase-in of changes to the basic education program &amp; the funding to support the changes</li> <li>- A phase-in of the new transportation formula (<b>beginning no later than Sept. 1, 2013</b>)</li> </ul> </li> </ul> <p><b>Does not expire.</b></p>



<p><b>Working Groups</b></p>	<p><b>Funding Working Group</b></p> <ul style="list-style-type: none"> <li>• <u>Convened by:</u> OFM with OSPI</li> <li>• <u>Members:</u> LEAP, district financial managers, WASBO, WEA, WASA, AWSP, WSSDA, PSE, &amp; other interested stakeholders with expertise in education finance</li> <li>• <u>Purpose:</u> <ul style="list-style-type: none"> <li>- <b>Develop details of funding formulas</b></li> <li>- <b>Recommend implementation schedule for phase-in of increases in program &amp; funding</b></li> <li>- <b>Examine possible sources of revenue to support increases</b></li> </ul> </li> <li>• <u>Report:</u> To the Legislature by <b>December 1, 2009</b></li> </ul> <hr/> <p><b>Early Learning Work Group (Section 115)</b></p> <ul style="list-style-type: none"> <li>• <u>Convened by:</u> OSPI with DEL</li> <li>• <u>Members:</u> Head Start &amp; ECAEP providers, school districts, Three-by-Five, &amp; other stakeholders with expertise in early learning.</li> <li>• <u>Purpose:</u> Develop the basic education program for early learning, including recommendations for <ul style="list-style-type: none"> <li>- A statewide WA Head Start program</li> <li>- Student eligibility criteria &amp; parameters &amp; minimum standards for the program</li> <li>- Options for service delivery system</li> <li>- Options for shared governance between OSPI &amp; DEL</li> <li>- Continued development of a statewide Kindergarten assessment</li> </ul> </li> <li>• <u>Reports:</u> To the QEC by <b>September 1, 2010; September 1, 2011; and September 1, 2012.</b></li> </ul> <hr/> <p><b>Levy &amp; Levy Equalization Working Group – Beginning July, 2010</b></p> <ul style="list-style-type: none"> <li>• <u>Convened by:</u> OFM with OSPI</li> <li>• <u>Purpose:</u> <b>Develop a new system of supplemental school funding</b> through local levies &amp; levy equalization &amp; recommend, <ul style="list-style-type: none"> <li>- A phase-in to ensure no district suffers a decrease in funding from one school year to the next due to the new system of supplemental funding</li> </ul> </li> <li>• <u>Members:</u> Dept. of Revenue, LEAP, district financial managers, WASBO, WEA, WASA, AWSP, WSSDA PSE, &amp; other interested stakeholders with expertise in education finance</li> <li>• <u>Report:</u> To the Legislature by <b>December 1, 2011</b></li> </ul> <hr/> <p><b>Compensation Working Group – Beginning July 1, 2011</b></p> <ul style="list-style-type: none"> <li>• <u>Convened by:</u> OFM</li> <li>• <u>Purpose:</u> <b>Recommend the details of an enhanced salary allocation model that aligns educator development &amp; certification with compensation</b>, including recommendations on: <ul style="list-style-type: none"> <li>- A concurrent implementation schedule</li> <li>- How to reduce the number of tiers within the existing salary allocation model</li> <li>- How to account for regions of the state where it <i>may</i> be difficult to recruit &amp; retain teachers</li> <li>- The role of and types of bonuses available</li> <li>- Ways to accomplish salary equalization over a set number of years</li> <li>- Cost estimates for the recommendations including a recognition that staff on the existing salary allocation model would have the option to grandfather permanently to the existing schedule</li> <li>- AND Conduct a comparative labor market analysis of school employee salaries &amp; other compensation</li> </ul> </li> <li>• <u>Members:</u> Dept. of Personnel, PESB, OSPI, WEA, WASA, AWSP, WASA, WSSDA, PSE, &amp; other interested stakeholders with appropriate expertise in compensation related matters.</li> <li>• <u>Reports:</u> To the Legislature by <b>December 1, 2012</b>, including whether additional work is necessary.</li> </ul>
------------------------------	---



<p><b>Data</b></p>	<p><b>The K–12 Data Governance Group is established in OSPI:</b></p> <p><u>Purpose:</u> To assist in the design &amp; implementation of a data improvement system for financial, student, &amp; educator data. Including</p> <ul style="list-style-type: none"> <li>- Identifying critical research &amp; policy questions</li> <li>- Identifying reports &amp; other information that should be made available on the Internet</li> <li>- Creating a comprehensive needs requirement document</li> <li>- Conducting a gap analysis</li> <li>- Focusing on financial &amp; cost data necessary to support the new K–12 financial models &amp; funding formulas</li> <li>- Defining the operating rules and governance structure for K–12 data collections</li> </ul> <p>• Districts that can meet the requirements must report the data. Legislative funding will establish which data subset is required.</p> <p><u>Reports:</u> By OSPI to Legislature by <b>November 15, 2009, and September 1, 2010.</b></p> <ul style="list-style-type: none"> <li>• SBE must work with the Education Data Center in OFM to determine the feasibility of using the prototypical school funding allocation model as a tool for both allocating and reporting expenditures.</li> </ul>
<p><b>Accountability</b></p>	<p><u>Intent</u></p> <ul style="list-style-type: none"> <li>• State &amp; school districts share accountability for achieving state educational standards &amp; supporting continuous school improvement.</li> </ul> <p><u>SBE accountability work to continue:</u></p> <ul style="list-style-type: none"> <li>• Develop an Accountability Index to identify schools &amp; districts for recognition &amp; additional state support.</li> <li>• Develop a proposal for voluntary state support &amp; assistance for schools &amp; school districts accommodating capacity limitations of the system. <b>Changes that have a fiscal impact take effect only if formally authorized by the Legislature.</b></li> <li>• <b>By December 1, 2009.</b> Develop proposal and timeline for implementation a system for schools &amp; districts that do not improve through voluntary support system, which <b>takes effect only if formally authorized by the Legislature.</b> The proposal must include: <ul style="list-style-type: none"> <li>- An academic performance audit using peer review teams of educators;</li> <li>- A requirement for the local school board to develop and implement a corrective action plan taking into account the audit findings;</li> <li>- When the school board's plan is approved by the SBE then the plan becomes binding on the school district;</li> <li>- OSPI monitors the school district progress.</li> </ul> </li> <li>• SBE with OSPI must seek federal approval of the accountability index and the state system of support, assistance, and intervention.</li> </ul>
<p><b>Teacher Standards &amp; Certification</b></p> <p><i>NOTE: In 2009, the PESB membership was reduced from 20 to 12 Governor appointees &amp; SPI. A majority of the members must be active practitioners.</i></p>	<p><b>By January 1, 2010, PESB must:</b></p> <ul style="list-style-type: none"> <li>• Adopt performance standards for effective teaching, including to the extent possible, cultural competency standards.</li> <li>• Adopt a definition of master teacher that includes teachers with National Board certification.</li> <li>• Update Legislature on the status of implementing the ProCert assessments already in development.</li> <li>• Recommend a proposal for a classroom-based means of evaluating student-teacher effectiveness during the student-teaching field experience, which includes multiple measures of performance.</li> <li>• Recommend length of time a residency certificate is valid. PESB must consult with WEA, WASA, AWSP, &amp; WSSDA and include stakeholder comments with the recommendation</li> </ul> <p><b>No earlier than September 1, 2011,</b> begin awarding the Professional Certificate based on a minimum of 2 years of successful teaching experience as defined by the PESB</p> <p><b>Beginning January 1, 2011,</b> teacher prep programs will be required to demonstrate how the program produces effective teachers.</p>



# Education-Related Bills That Passed—Short Titles

A brief summary, the link to each bill and, if the Governor signed the bill, its codification numbers are provided.

(Example: *C 413 L 09 - Chapter 413 Laws of 2009.*)

## House Bills That Passed

ESHB 1018	.....	Modifying When a Special Election May be Held
SHB 1110	.....	Prohibiting Advertising and Marketing to Students Receiving Home-Based Instruction and Their Parents
HB 1113	.....	Financing the School Construction Assistance Grant Program
HB 1155	.....	Concerning Billing for Medical Services Provided Through Special Education Programs
HB 1156	.....	Creating a Preference in the Alternative Route Certification Program for Veterans and National Guard Members
HB 1196	.....	Increasing the Dollar Limit for Small Works Roster Projects
HB 1197	.....	Regarding Alternative Public Works Contracting Procedures
ESHB 1216	.....	Capital Budget 2009–11
ESHB 1244	.....	Operating Budget 2007–09 & 2009–11
HB 1264	.....	Regarding the Creation and Registration of Entities Formed by Public Agencies
ESHB 1272	.....	Concerning State General Obligation Bonds and Related Accounts
HB 1288	.....	Exempting the Annual Parental Declaration of Intent to Home School from the Public Disclosure Act
SHB 1292	.....	Authorizing Waivers from the One Hundred Eighty-Day School Year Requirement in Order to Operate under a Flexible Calendar
SHB 1319	.....	Prohibiting School District Employees from Using Public Assets for Private Gain
HB 1322	.....	Repealing Scoliosis Screening in Schools
SHB 1347	.....	Regarding Financial Education
2SHB 1355	.....	Establishing the Opportunity Internship Program for High School Students
EHB 1385	.....	Modifying Provisions Relating to Sexual Misconduct by School Employees
ESHB 1553	.....	Addressing Claims for Damages against the State and Local Governmental Entities
HB 1562	.....	Changing the Requirements for Graduating Without a Certificate of Academic Achievement or a Certificate of Individual Achievement
ESHB 1619	.....	Concerning the Use of Capital Projects Funds by School Districts
HB 1675	.....	Changing the Work Experience Provisions of the Alternative Route Partnership Grant Program

## House Bills That Passed, continued

ESHB 1694	.....	Supplemental Operating Budget
ESHB 1741	.....	Expanding the List of Crimes that Require Dismissal or Certificate Revocation for School Employees
ESHB 1758	.....	Expanding Options for Students to Earn High School Diplomas
SHB 1793	.....	Addressing Alternative Student Transportation
EHB 1824	.....	Requiring the Adoption of Policies for the Management of Concussion and Head Injury in Youth Sports
HB 1852	.....	Modifying provisions Relating to Record Checks Using Fingerprints
HB 1878	.....	Authorizing the Transfer of Accumulated Leave of Employees of the State School for the Blind and the School for the Deaf
E2SHB 1879	.....	Providing for the Delivery of Educational Services to Children Who Are Deaf and Hard of Hearing
SHB 1943	.....	Requiring Recommendations for Preparation and Professional Development for the Early Learning and School-Age Program Workforce
ESHB 1978	.....	Concerning Economic Stimulus Transportation Funding and Appropriations
EHB 1986	.....	Authorizing a Peer Mentoring Pilot Program at Western Washington University and a Community or Technical College
SHB 2003	.....	Changing Professional Educator Standards Board Provisions
ESHB 2072	.....	Concerning Transportation for Persons with Special Transportation Needs
SHB 2095	.....	Clarifying the Permitting, Training, and Licensing Process for Driver Training Schools
2SHB 2119	.....	Expanding Dual Credit Opportunities
HB 2132	.....	Regarding Instruction in Civics
ESHB 2261	.....	Concerning the State’s Education System (Partial Veto)
SHB 2343	.....	Achieving Savings in Education Programs
SHB 2356	.....	Revising Student Achievement Fund Allocations
SHB 2363	.....	Temporarily Suspending Cost-of-Living Increases for Educational Employees



## EDUCATION-RELATED BILLS THAT PASSED—SHORT TITLES, CONTINUED

### Senate Bills That Passed

- SSB 5043..... Convening a Workgroup to Develop a Single, Coordinated Student Access Portal for College Information
- SB 5071 ..... Designating the Olympic Marmot the Official Endemic Mammal of the State of Washington
- SSB 5229..... Regarding the Legislative Youth Advisory Council
- SSB 5248..... Enacting the Interstate Compact on Educational Opportunity for Military Children
- ESSB 5263..... Prohibiting Devices in Schools that are Designed to Administer to a Person or an Animal an Electric Shock, Charge, or Impulse
- SSB 5327..... Making Technical Corrections to Election Provisions
- SSB 5410..... Regarding Online Learning
- SB 5414 ..... Regarding Statewide Assessments and Curricula (Partial Veto)
- SB 5487 ..... Changing the Notification Date for Nonrenewal of a Certificated Employee’s Contract
- SSB 5551..... Regarding Recess Periods for Elementary School Students
- SB 5580 ..... Concerning School Impact Fees
- ESSB 5601..... Regulating Speech-Language Pathology Assistants
- 2SSB 5676..... Providing for Career and Technical Education Opportunities for Middle School Students
- SSB 5738..... Requiring the Office of the Superintendent of Public Instruction to Review Annual School District Compliance Reports
- SSB 5881..... Changing Provisions Involving Truancy
- ESSB 5889..... Providing Flexibility in the Education System
- ESSB 5967..... Prohibiting Unfair Practices in Public Community Athletics Programs by Prohibiting Discrimination on the Basis of Sex
- 2SSB 5973..... Closing the Achievement Gap in K–12 Schools
- SB 5980 ..... Renaming Components of the Formula for Allotment of Appropriations for School Plant Facilities
- SSB 6016..... Regarding Educator Training to Enhance Skills of Students with Dyslexia
- ESB 6166..... Concerning the Sale of Timber from State Trust Lands
- SB 6168 ..... Reducing Costs in State Elementary and Secondary Education Programs



# Education-Related Bills That Passed—Summaries

## **ESHB 1018—Modifying When a Special Election May be Held**

(Appleton/Herrera) C 413 L 09

The February special election date changes from the first Tuesday of the month to the second Tuesday of the month. The March date is eliminated. The second date is the fourth Tuesday in April. A special election may be held on the third Tuesday in May for tax levies that failed previously in that calendar year and for new bond issues only. After 2011, the May special election date is eliminated. The deadline for when a resolution calling for a special election must be presented to the county auditor changes from 52 days to 45 days prior to the election date. The link between the presidential primary and the special election dates is eliminated.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=1018&year=2009>

## **SHB 1110—Prohibiting Advertising and Marketing to Students Receiving Home-Based Instruction and Their Parents**

(Sullivan/Liias) C 190 L 09

Prohibits school districts from disseminating unsolicited information regarding learning programs to students and their parents who have filed a declaration of intent regarding home-based instruction. Excepts from the prohibition general mailings sent to all district households and materials provided in response to a parental request.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=1110&year=2009>

## **HB 1113—Financing School Construction Assistance Grant Programs.**

(Driscoll/Warnick) C 6 L 09

Authorizes the State Finance Committee to issue general obligation bonds to finance school construction assistance grants.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=1113&year=2009>

## **HB 1155—Concerning Billing for Medical Services Provided Through Special Education Programs**

(Hinkle/Green) C 73 L 09

Repeals statutes related to billing Medicaid and private insurers for eligible medical services provided through special education programs.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=1155&year=2009>

## **HB 1156—Creating a Preference in the Alternative Route Certification Program for Veterans and National Guard Members**

(Anderson/Sullivan) C 192 L 09

Applicants for alternative route programs who are eligible veterans or National Guard members, and who otherwise meet the entry requirements for the program for which application is made, are given preference in admission and for scholarships.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=1156&year=2009>

## **HB 1196—Increasing the Dollar Limit for Small Works Roster Projects**

(Haigh/Kristiansen) C 74 L 09

The maximum dollar amount allowed for use of a small works roster process is raised from \$200,000 to \$300,000, and the dollar amount requiring notification of all contractors on the roster is changed from between \$100,000 and \$200,000 to between \$150,000 and \$300,000.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=1196&year=2009>

## **HB 1197—Regarding Alternative Public Works Contracting Procedures**

(Haigh/Kristiansen) C 75 L 09

Requires the Capital Projects Advisory Review Board to develop guidelines for the review and approval of design-build

demonstration projects that include operations and maintenance services. Allows for 10 design-build projects with a total project cost between \$2 and \$10 million. Allows for two design-build projects that include procurement of operations and maintenance services for a period longer than three years. Requires public bid openings for the general contractor/construction manager contracting method. Expands the use of job order contracting.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=1197&year=2009>

## **ESHB 1216—Capital Budget 2009–11 (Dunshee/Warnick)**

See pages 9–10. C 497 L 09

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=1216&year=2009>

## **ESHB 1244—Operating Budget 2007–09 & 2009–11 (Linville/Alexander)**

See pages 4–8. C 564 L 09

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=1244&year=2009>

## **HB 1264—Regarding the Creation and Registration of Entities Formed by Public Agencies**

(Springer/Rodne) C 202 L 09

Various business entity statutes are amended to allow governmental entities to serve as a registered agent of the business entity. The provision of the Interlocal Cooperation Act that allows public agencies to enter into joint agreements and create a separate legal entity to carry out the purposes of the agreement (RCW 39.34.030) is reenacted without amendment.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=1264&year=2009>



## EDUCATION-RELATED BILLS THAT PASSED—SUMMARIES, CONTINUED

### ESHB 1272—Concerning State General Obligation Bonds and Related Accounts

(Dunshee/White)

C 498 L 09

The State Finance Committee is authorized to issue state general obligation bonds to finance \$2.219 billion in projects in the 2009 Supplemental and 2009–11 Capital Budgets, and \$1.95 billion for the State Route number 520 corridor projects. The State Treasurer is required to withdraw from state general revenues the amounts necessary to make the principal and interest payments on the bonds and to deposit these amounts into the Bond Retirement Account.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=1272&year=2009>

### HB 1288—Exempting the Annual Parental Declaration of Intent to Home School from the Public Disclosure Act

(Upthegrove/McCune)

C 191 L 09

The annual declaration of intent to provide home-based instruction filed by a parent shall not be subject to public disclosure.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=1288&year=2009>

### SHB 1292—Authorizing Waivers from the One Hundred Eighty-Day School Year Requirement in Order to Operate under a Flexible Calendar

(Newhouse/Chandler)

C 543 L 09

Allows the SBE to grant up to 5 waivers for up to 3 years (two with districts under 150 FTE and three to districts between 150–500 FTE) to adopt a flexible calendar school year. The SBE is to use empirical evidence to evaluate the impact on student learning each year and determine by 2013 whether or not to continue the program. Districts must maintain 1000 hours of instructional time and meet the following criteria:

- a. A proposed calendar for the school day and school year that demonstrates how the instructional hour requirement will be maintained;
- b. An explanation and estimate of the economies and efficiencies to be gained from compressing the instructional hours into fewer than one hundred eighty days;
- c. An explanation of how monetary savings from the proposal will be redirected to support student learning;
- d. A summary of comments received at one or more public hearings on the proposal and how concerns will be addressed;
- e. An explanation of the impact on students who rely upon free and reduced-price school child nutrition services and the impact on the ability of the child nutrition program to operate an economically independent program;
- f. An explanation of the impact on the ability to recruit and retain employees in education support positions;
- g. An explanation of the impact on students whose parents work during the missed school day; and
- h. Other information that the State Board of Education may request to assure that the proposed flexible calendar will not adversely affect student learning.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=1292&year=2009>

### SHB 1319—Prohibiting School District Employees from Using Public Assets for Private Gain

(Sullivan/Anderson)

C 224 L 09

Prohibits school district employees from using school district property under their official control, direction, or custody, without authorization, for their own, or another's, private benefit or gain. Authorizes school district boards of directors to adopt

policies providing exceptions for occasional use, of de minimis cost and value, if the activity does not result in interference with the proper performance of public duties. Directs the Office of the Superintendent of Public Instruction to adopt disciplinary guidelines for violations.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=1319&year=2009>

### HB 1322—Repealing Scoliosis Screening in Schools

(Green/Morrell)

C 41 L 09

Repeals the requirement that students in public schools be screened for scoliosis. (The first unfunded mandate to be repealed in years.)

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=1322&year=2009>

### SHB 1347—Regarding Financial Education

(Santos/Roach)

C 443 L 09

Reconstitutes the Financial Literacy Public-Private Partnership as the Financial Education Public-Private Partnership, including new members and responsibilities for improving financial education in public schools through communicating standards, reviewing curriculum, and promoting professional development. Authorizes the Office of the Superintendent of Public Instruction and the Financial Education Public-Private Partnership to implement demonstration projects if funds are provided.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=1347&year=2009>

### 2SHB 1355—Establishing the Opportunity Internship Program for High School Students

(Probst/Quall)

C 238 L 09

Creates the Opportunity Internship Program to provide incentives for local



## EDUCATION-RELATED BILLS THAT PASSED—SUMMARIES, CONTINUED

consortia to build educational and employment pipelines for low income high school students in high demand occupations in targeted industries. Offers outreach, internships, pre-apprenticeships, counseling, and up to one year of financial aid through the State Need Grant, and the promise of a job interview if the student completes a postsecondary program of study. Provides a \$2,000 payment to a consortium for each program graduate who completes a postsecondary program of study and obtains and retains employment in a high demand occupation for at least six months.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=1355&year=2009>

### **EHB 1385—Modifying Provisions Relating to Sexual Misconduct by School Employees**

(Haler/Van De Wege) C 324 L 09

Sexual misconduct in the first degree by a school employee is defined as sexual intercourse with a registered student of the same school who is at least 16 years old, but not more than 21, if the employee is 60 months older than the student and in the second degree if there is sexual contact.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=1385&year=2009>

### **ESHB 1553—Addressing Claims for Damages against the State and Local Governmental Entities**

(Takkol/Goodman) C 433 L 09

Amends procedures applicable to claims filed against local governments and the state, including requiring the claim to be presented on a standard tort claim form. Provides that substantial compliance with the procedural requirements of the claim filing statutes is satisfactory. Allows an action to be commenced in court within five days after the expiration of the 60-day period in the claim filing statute. Provides that claims involving health care are governed by the medical malpractice statutes.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=1553&year=2009>

### **HB 1562—Changing the Requirements for Graduating Without a Certificate of Academic Achievement or a Certificate of Individual Achievement**

(Liias/Priest) C 17 L 09

Allows students (through the class of 2012) to graduate without having to take the WASL math annually until they graduate. Students must take the Math WASL the first time and they must take two math credits after their sophomore year if they do not pass it. (One credit after their junior year for the class of 2008—making this retroactive to the 2008 graduating class.)

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=1562&year=2009>

### **ESHB 1619—Expanding the Use of Capital Projects Funds**

(Whitel/Kenney) C 460 L 09

Authorizes capital projects funds to include the useful life of the facility or system beyond its original planned useful life such as major repairs, exterior painting of facilities, replacement and refurbishment of roofing, exterior walls, windows, heating and ventilation systems, floor covering in classrooms and public or common areas and electrical and plumbing systems, major equipment repair, painting of facilities, and other major preventative maintenance purposes. However, to the extent the funds are used for the purpose under this subsection (2)(g), the school district shall transfer to the district's general fund the portion of the capital projects fund used for this purpose. The Office of the Superintendent of Public Instruction shall develop accounting guidelines for these transfers in accordance with Internal Revenue Service regulations. Based on the district's most recent two-year history of general fund maintenance expenditures, funds used for this purpose may not replace routine annual preventive

maintenance expenditures made from the district's general fund.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=1619&year=2009>

### **HB 1675—Work Experience Eligibility for Alternative Route**

(Sells/Anderson) C 166 L 09

Changes the requirement of three years of successful student interaction to one year for candidates in the partnership grants alternative routes programs and eliminates the requirement of five years experience in the workforce.

<http://dhr.leg.wa.gov/bills/summary/default.aspx?Bill=1675&year=2009>

### **ESHB 1694—Supplemental Operating Budget**

(Linville/Moeller) C 4 L 09

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=1694&year=2009>

### **ESHB 1741—Expanding the List of Crimes that Require Dismissal or Certificate Revocation for School Employees**

(Darneille/Quall) C 396 L 09

Provides for the immediate termination of classified employees pleading guilty or having been convicted of specified felony charges (including incest, kidnapping, assault, and robbery). District contracts must prohibit employees of contractors from working at public schools if they have contact with children during employment under the same conditions. Any person whose certificate or permit is subject to revocation due to a guilty plea or conviction of the specified felony charges if that person has contact with children during employment is terminated. The district may recover salary or compensation paid to those employees during the period in which the employee was placed on administrative leave. The person does not have to be a dis-



## EDUCATION-RELATED BILLS THAT PASSED—SUMMARIES, CONTINUED

trict employee in order to file a complaint. Mandatory revocation applies to convictions or guilty pleas that occur on or after the effective date of this act. A certificate obtained by fraudulent means is subject to revocation. Prosecutors must notify the Washington State Patrol of guilty pleas and convictions and the WSP must provide the list to OSPI. School superintendents and administrators are permitted to file complaints with the OSPI regarding certificated individuals, regardless of whether the certificated individual is employed by the complainant. Superintendents must notify OSPI upon termination of a certificated employee occurring under the provisions of this act.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=1741&year=2009>

### **ESHB 1758—Expanding Options for Students to Earn High School Diplomas**

(Quall/Hope) C 524 L 09

Authorizes community or technical colleges to issue a high school diploma or certificate to:

1. An individual who satisfactorily meets the requirements for high school completion shall be awarded a diploma from the college, subject to rules adopted by the Superintendent of Public Instruction and the State Board of Education.
2. An individual enrolled through the option established under RCW 8 28A.600.310 through 28A.600.400 who satisfactorily completes an associate degree, including an associate of arts degree, associate of science degree, associate of technology degree, or associate in applied science degree, shall be awarded a diploma from the college upon written request from the student.
3. An individual, twenty-one years or older, who enrolls in a community or technical college for the purpose of obtaining an associate degree and who

satisfactorily completes an associate degree, including an associate of arts degree, associate of science degree, associate of technology degree, or associate in applied science degree, shall be awarded a diploma from the college upon written request from the student. Individuals under this subsection are not eligible for funding provided under chapter 28A.150 RCW.

School districts must include the college high school diploma options in their general information under RCW 288.50.535.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=1758&year=2009>

### **SHB 1793—Addressing Alternative Student Transportation**

(Williams/Goodman) C 392 L 09

Establishes a program within the WSDOT to enable and encourage children to walk and bicycle to school; to make bicycling and walking to school safer and more appealing; and to facilitate the planning, development, and implementation of projects and activities that improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity of schools.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=1793&year=2009>

### **EHB 1824—Requiring the Adoption of Policies for the Management of Concussion and Head Injury in Youth Sports**

(Rodne/Quall) C 475 L 09

School districts must require a statement of compliance from private non-profit youth programs with respect to policies for the management of concussion and head injuries in youth sports and work with WIAA to develop guidelines and inform coaches, athletes, and parents of the dangers of concussions and head injuries. Youth athletes and parents must annually sign and return a form prior to practice or competition.

If an athlete is suspected of sustaining a concussion or head injury, he/she must be removed from practice or the game and cannot return without a written clearance to play from a licensed health care provider, who may be a volunteer.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=1824&year=2009>

### **HB 1852—Modifying Provisions Relating to Record Checks Using Fingerprints**

(Appleton/Hinkle) C 170 L 09

The requirement that the WSP charges only incremental fees for school district and educational service district employees is eliminated. All school employees and contractors must pay the same fee for a fingerprint-based criminal background check. Currently fee would increase from \$50.25 to \$60.25.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=1852&year=2009>

### **HB 1878—Authorizing the Transfer of Accumulated Leave of Employees of the State School for the Blind and the School for the Deaf**

(Jacks/Driscoll) C 47 L 09

The transfer of accumulated leave of K–12 and ESD employees to and from the Washington State School for the Blind and School for the Deaf is authorized.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=1878&year=2009>

### **E2SHB 1879—Providing for the Delivery of Educational Services to Children Who Are Deaf and Hard of Hearing**

(Jacks/Kagi) C 381 L 09

Establishes the Washington State Center for Childhood Deafness and Hearing Loss to provide statewide leadership in the regional delivery of education services to students who are deaf or hard of hearing. Requires development of a plan for the



## EDUCATION-RELATED BILLS THAT PASSED—SUMMARIES, CONTINUED

implementation of two demonstration projects for regionally-based deaf education programs providing services in the full range of communication modalities.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=1879&year=2009>

### **SHB 1943—Requiring Recommendations for Preparation and Professional Development for the Early Learning and School-Age Program Workforce**

(Kagi/Goodman) C 406 L 09

Directs the Professional Development Consortium convened by the Department of Early Learning to develop recommendations for a statewide system of preparation and continuing professional development for the early learning and school-age program workforce. Requires a status update in September 2009, and a report with final recommendations to the legislature and the Governor by December 2010.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=1943&year=2009>

### **ESHB 1978—Concerning Economic Stimulus Transportation Funding and Appropriations**

(Clibborn/Liias) C 8 L 09

Provides authority to the Washington State Department of Transportation to spend up to \$341.4 million in federal funding provided through the federal American Recovery and Reinvestment Act (ARRA) signed on February 17, 2009. Updates the \$7.4 billion 2007–09 Transportation Budget, reducing current spending by over \$600 million while adding ARRA authority of \$341 million, to a final biennial level of \$7.1 billion.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=1978&year=2009>

### **EHB 1986—Authorizing a Peer Mentoring Pilot Program at Western Washington University and a Community or Technical College**

(Hasegawa/Anderson) C 446 L 09

Western Washington University must establish a mentoring pilot project in partnership with a community or technical college identified by the State Board for Community and Technical Colleges. The goals of the mentoring program include: (1) encourage elementary students to complete high school and pursue college; (2) provide positive role models; and (3) develop a model that is scalable. The pilot project must be implemented within existing resources. In establishing the pilot project, institutions must: recruit college students to serve as mentors and identify an elementary school or schools; develop a curriculum to train mentors; solicit grants, awards, and gifts; develop appropriate outcome measures; provide community outreach and publicity of the program; and submit two reports to the legislature. The first preliminary report is due by December 1, 2010, and the final report is due December 1, 2011.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=1986&year=2009>

### **SHB 2003—Changing Professional Educator Standards Board Provisions**

(Orwall/Sullivan) C 531 L 09

Tasks the Professional Educator Standards Board (PESB) with developing, maintaining, and coordinating certain measures related to educator preparation programs. Reduces the number of Governor-appointed members to the PESB from 20 to 12 and alters the membership criteria. Increases the term of the PESB chair from one year to two years, subject to a term limit that is expanded from two consecutive years to four consecutive years. Allows the PESB to create informal advisory groups. Deletes statutory provisions which

allow a right of appeal to the PESB following certificate revocation.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=2003&year=2009>

### **ESHB 2072—Concerning Transportation for Persons with Special Transportation Needs**

(Wallace/Clibborn) C 515 L 09

Strengthens the role of the Agency Council on Coordinated Transportation (ACCT) statewide, and reauthorizes the ACCT until June 30, 2011. Creates two pilot projects in two regions for the purpose of testing cost sharing and cost-saving opportunities. Creates a workgroup to address inconsistent federal definitions and reporting requirements. Creates a workgroup to consider implementation of certain recommendations in the 2009 report on special needs transportation. Directs the Office of Superintendent of Public Instruction to track additional expenditures related to transporting homeless students. Directs the ACCT to, in cooperation with the Department of Social and Health Services and the Washington State Patrol, make progress toward the goal of establishing a single clearinghouse for driver background checks.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=2072&year=2009>

### **SHB 2095—Clarifying the Permitting, Training, and Licensing Process for Driver Training Schools**

(Orwall/Finn) C 101 L 09

Increases the membership of the driver instructors' advisory committee from five members to seven and eliminates members' ability to be reimbursed for travel expenses. Extends the validity of an instructors' license from one year to two and eliminates the requirement for a requalification examination every five years. Limits background check requirements to individuals who have regularly scheduled, unsupervised



## EDUCATION-RELATED BILLS THAT PASSED—SUMMARIES, CONTINUED

contact with students. Requires an applicant for a driver instructor's license to have no drug or alcohol related violations in the previous three years and permanently disqualifies applicants with two or more such violations.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=2095&year=2009>

### 2SHB 2119—Expanding Dual Credit Opportunities

(Wallace/Carlyle) C 450 L 09

Dual credit College in the High School programs are placed into statute and rules will be adopted for programs and reporting. Community colleges may charge Running Start students fees. Long term funding proposals for Running Start must be developed by OSPI, HECB, and higher education institutions.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=2119&year=2009>

### HB 2132—Regarding Instruction in Civics

(Quall/Anderson) C 223 L 09

States that the purpose of a high school diploma is to declare that a student is ready for success in post-secondary education, gainful employment, and citizenship, and is equipped with the skills to be a lifelong learner. Requires that if the State Board of Education increases graduation requirements in social studies, at least one-half credit of the requirement must be in civics.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=2132&year=2009>

### ESHB 2261—Concerning the State's Education System

(Sullivan/Priest) C 548 L 09

Redefines basic education to include: increased instructional hours (from 1,000 to 1,080) according to an implementation schedule adopted by the legislature; twenty-four credits to graduate from high

school—phased in; transportation using a new formula—phased in; all day kindergarten—phased in; highly capable; and early learning—phased in. Full implementation is to be in place by 2018. A prototypical school funding model is proposed. A permanent Quality Education Council made up of 8 legislators and the state education agencies (OSPI, SBE, PESB, DOEL) is established to provide oversight. Workgroups will do the actual work: Local Levies and LEA; Funding Formulas; Compensation; and, Early Learning. A K–12 data governance group is established at OFM. The details of tasks that must be investigated in order to identify how student learning will be improved before additional funding is provided. These data are intended to provide transparency. The SBE will continue its work to make schools and districts accountable through an index, progressive levels of support, targeted assistance, recognition, and state intervention. The Professional Educators Standards Board will adopt performance standards for effective teaching and recommend other modifications for educator certification. Revenue is not addressed. (See page 12 for more information.)

### Veto message from Governor Gregoire

*I have approved, except for Sections 115 and 709, Engrossed Substitute House Bill 2261 entitled:*

*“AN ACT Relating to education.”*

*In this legislation a number of programs and formulae are to be developed to expand our state's definition of basic education.*

*Section 115 initiates the development of an early learning program for at-risk three- and four-year olds. The bill indicates that this program is to become part of the definition of basic education. If early childhood education is to become part of our definition of basic education it cannot be made available only to at-risk children. I am deeply and personally committed to providing quality early learning programs for all of our children and will*

*continue to work to develop an early learning program worthy of our earliest learners. I am asking Superintendent of Public Instruction Randy Dorn and Department of Early Learning Director Betty Hyde to work together to bring a proposal forward that ensures all Washington children have the benefit of early childhood education.*

*One of the several tasks in Engrossed Substitute House Bill 2261 is the creation of funding formulas to support the program components of a new definition of basic education and to develop a timeline for the implementation of the funding formulas along with programmatic changes. Section 709 requires the state to provide a safety net of resources for students identified by school districts as meeting local requirements for participation in a highly capable program, but for which the allocation does not provide enough support.*

*Section 709 is not necessary because Section 708 of the bill makes it clear that the highly capable program is not intended to be an entitlement to individual students. This section also has two troubling features: First, local school districts make the determination as to the qualifications for their highly capable programs and the types of programs offered, and by this language locally defined costs are forwarded to the state for payment without regard to other basic education program or other funding needs. Second, the state is required to provide a highly capable program safety net.*

*As the basic education definition evolves in this legislation, the timeline for implementation of various programs and formulae is left to the Quality Education Council. This specific provision makes the highly capable program the first task for funding, in essence prioritizing this program over all other aspects of basic education funding under consideration. Much work is left to be done to establish standards, guidelines, and definitions for what constitutes a highly capable program and what the funding level should be for such a program.*



## EDUCATION-RELATED BILLS THAT PASSED—SUMMARIES, CONTINUED

*For these reasons I am vetoing Sections 115 and 709 of Engrossed Substitute House Bill 2261. With the exception of Sections 115 and 709, Engrossed Substitute House Bill 2261 is approved.*

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=2261&year=2009>

### **SHB 2343—Achieving Savings in Education Programs**

(Haigh) C 539 L 09

Limits the implementation of certain statutes making them “subject to the availability of amounts appropriated” including: diagnostic assessments, classified staff training, conditional scholarships, certain professional development programs, coordination for career and technical student organizations, and national board certification bonuses.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=2343&year=2009>

### **SHB 2356—Revising Student Achievement Fund Allocations**

(Haigh) C 541 L 09

Amends the disbursements from the Student Achievement Fund to adjust the per student rates by the implicit price deflator as published by the Federal Bureau of Labor Statistics. For 2009–11 the amount is specified in the operating budget. For 2011–12, AND THEREAFTER, the allocations will be equal to what would have been if allocations had not been reduced in 2009–11.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=2356&year=2009>

### **SHB 2363—Temporarily Suspending Cost-of-Living Increases for Educational Employees**

(Linville) C 573 L 09

Existing statute is amended to allow for the temporary suspension of cost-of-living

increases for school-district employees during school years 2009–10 and 2010–11 and of academic employees of community and technical college districts and classified employees of technical colleges during fiscal years 2010 and 2011. Beginning in the 2011–13 biennium, and thereafter, the legislature must provide, on an expedited basis and to the extent financially feasible, additional cost-of-living allocations necessary to regain the level of funding that would have been achieved without the suspension.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=2363&year=2009>

### **SSB 5043—Convening a Workgroup to Develop a Single, Coordinated Student Access Portal for College Information**

(Kilmer/Kauffman) C 23 L 09

The HECB convenes a workgroup to develop a plan to create a one-stop, web-based portal for students and families planning, preparing, and applying for, as well as those attending, postsecondary education. The purpose of the portal is to provide comprehensive information and applications regarding financial, academic, and career planning. The workgroup investigates similar ongoing efforts in other states including what information and services are typically offered, what planning stages and budgets are associated with portals, and whether the states’ efforts are increasing postsecondary participation. The portal must be student-centered and must not presuppose a sophisticated understanding of postsecondary education. The portal must utilize existing infrastructure whenever possible. The final report of the workgroup along with proposed enabling legislative and administrative solutions is due to the legislature by December 1, 2009. (See Senate staff summary on page 12.)

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=5043&year=2009>

### **SB 5071—Designating the Olympic Marmot the Official Endemic Mammal of the State of Washington**

(Jacobsen) C 464 L 09

Each year students in Washington’s schools use the legislative process to introduce legislation promoting the designation of various species of vegetation, insects, or animals as “official” state “mascots.” This year the 5th grade students at Wedgewood Elementary in Seattle successfully promoted the designation of the Olympic Marmot as Washington’s official state endemic mammal.

The Olympic Marmot lives only in the alpine zone of the Olympic National Park. They are very smart mammals. They live in groups that include one male, two adult females, and offspring. They are highly social animals and may live in groups of over a dozen animals. Gregarious bonds are made between animals in a family. Their hibernation lasts three to nine months. They move in underground tunnels that connect their burrows. They identify each other by touching noses and smelling cheeks. The Olympic Marmot is a unique species found only in the Olympic Peninsula. It is one of 14 different species worldwide with six of the 14 found in North America. The population has decreased over time due to habitat changes associated with climate change and an increase in known predators. It is important for Washington citizens to be aware of this rare and unique animal. The work of these elementary students is an example of environmental education using science learning through reporting and observing.

The orca is the official marine mammal; the willow goldfinch, the official bird; the common green darner dragonfly, the official insect; the steelhead trout, the official fish; the chorus frog, the official amphibian; the woolly mammoth, the official fossil.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=5071&year=2009>



## EDUCATION-RELATED BILLS THAT PASSED—SUMMARIES, CONTINUED

### SSB 5229—Regarding the Legislative Youth Advisory Council

(McAuliffe/Hobbs) C 410 L 09

Eliminates the expiration of the Legislative Youth Advisory Council.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=5229&year=2009>

### SSB 5248—Enacting the Interstate Compact on Educational Opportunity for Military Children

(Hobbs/King) C 380 L 09

The Compact is enacted with the changes recommended by the task force. The Compact and the corresponding state law changes apply only to children from military families in transition. The stated purpose of the Compact is to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents. The provisions of the Compact that are consistent with state law are not summarized but include special education services, exit exams, use of national norm-referenced achievement tests, and alternative testing. The provisions of the Compact requiring changes to state law or changes to the Compact as recommended by the task force are extensive. To conserve space, they can be accessed here.

[http://www.wasa-oly.org/AM/Template.cfm?Section=Publications\\_and\\_Papers\\_Current&Template=/CM/ContentDisplay.cfm&ContentID=4059](http://www.wasa-oly.org/AM/Template.cfm?Section=Publications_and_Papers_Current&Template=/CM/ContentDisplay.cfm&ContentID=4059)

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=5248&year=2009>

### ESSB 5263—Prohibiting Devices in Schools that are Designed to Administer to a Person or an Animal an Electric Shock, Charge, or Impulse

(Hargrove/Brandland) C 453 L 09

Stun guns or portable devices used to provide electric shock, charge, or impulse are

added to the list of items that are deemed unlawful for students to carry onto or possess on school premises, school provided transportation, or areas used exclusively by schools. Mental health professionals who conduct evaluations of those who violate the prohibitions contained in this bill and who are at least 12 and not more than 21 years of age are not required to be the county-designated mental health professional, but rather are required to be the designated mental health professional. A school security officer who is not a commissioned law enforcement officer may not possess a stun gun or other electric shock device on school property unless the person has successfully completed training in the use of the device that is equivalent to the training received by commissioned law enforcement officers.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=5263&year=2009>

### SSB 5327—Making Technical Corrections to Election Provisions

(Oemig/Swecker) C 107 L 09

A first-class school district containing a first-class city located in a county with a population of 210,000 or more must hold school board elections on a biennial basis. School board members may be elected for six-year terms and serve until their successor is elected, qualified, and assumes office. If the school board reduces the length of terms from six years to four years, the reduction in the length of the term must not affect the term of office of any incumbent school board member without that person's consent. In addition, a provision must be made to appropriately stagger future elections. These provisions apply retroactively to July 1, 2004. The declaration of candidacy filing period for city and town elective positions must be between 45 and 60 days prior to the primary election at which the initial elected officials are nominated. Any candidate may withdraw his or her declaration at any time within five days after the

last day allowed for filing a declaration of candidacy.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=5327&year=2009>

### SSB 5410—Regarding Online Learning

(Oemig/Morton) C 542 L 09

Places into statute a series of definitions relating specifically to online learning. OSPI and the SBE must develop and implement approval criteria and a process for approving online learning by December, 2009. The criteria must include accreditation through NAAS or other accreditation programs and other criteria as specified in this act. An Office of Online Learning is established at OSPI and must hire staff from the Digital Learning Commons. OSPI must provide model policies and procedures to school districts by February, 2010. School districts must adopt policies by August, 2010. OSPI must conduct a review of online courses and programs offered in 2008–09 to create a baseline of data. The report is due January, 2011.

1. Beginning with the 2011–12 school year, school districts may claim state basic education funding, to the extent otherwise allowed by state law, for students enrolled in online courses or programs only if the online courses or programs are:

(a) Offered by a multidistrict online provider approved under section 3 of this act by the Superintendent of Public Instruction;

(b) Offered by a school district online learning program if the program serves students who reside within the geographic boundaries of the school district, including school district programs in which fewer than ten percent of the program's students reside outside the school district's geographic boundaries; or



## EDUCATION-RELATED BILLS THAT PASSED—SUMMARIES, CONTINUED

(c) Offered by a regional online learning program where courses are jointly developed and offered by two or more school districts or an educational service district through an interdistrict cooperative program agreement.

2. Criteria shall be established by the Superintendent of Public Instruction to allow online courses that have not been approved by the Superintendent of Public Instruction to be eligible for state funding if the course is in a subject matter in which no courses have been approved and, if it is a high school course, the course meets Washington high school graduation requirements.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=5410&year=2009>

### **SB 5414—Regarding Statewide Assessments and Curricula**

(McAuliffe/King) C 310 L 09

The intent of this legislation is to redesign the current statewide system to include multiple measures, improve data collection, include many data points for accountability purposes, be instructionally supportive, provide rapid feedback, link student growth with instructional elements, provide tests appropriate to all student skill levels, include cultural competency, inform parents, link analysis to student characteristics, adapt to technological advances, and engage students. In addition, a WASL-type assessment is needed as a systems check and classroom based assessments are needed to inform decision-making. Professional development is recognized as a big component.

Removes provisions that require students to pass the mathematics and science WASL for graduation purposes after the State Board of Education (SBE) makes a determination that the assessment is sufficiently reliable and valid, and requiring the SBE to adopt such a determination by September

1st of the freshman year of the graduating class to which the requirement would apply.

Requires the Superintendent of Public Instruction to include, in an implementation plan, strategies to ensure students have the opportunity to learn both the new science and math standards (instead of only the science standards). Removes a requirement that the plan include development of instructional models to help teachers. Includes in the plan an assessment of the feasibility of the current timelines for students to demonstrate they have met the standards on the high school assessments. Clarifies that the OSPI should recommend rather than determine whether science should be assessed with an end-of-course assessment. Replaces two sequences of end-of-course assessments in high school mathematics (Algebra I and Geometry as well as Integrated Mathematics I and II) with one sequence of end-of-course assessments: An assessment for the first year of high school mathematics including standards common to Algebra I and Integrated Mathematics I, and an assessment for the second year of high school mathematics including standards common to Geometry and Integrated Mathematics II.

### **Veto message from Governor Gregoire**

*Section 4 [of ESSB 5414], in part, requires the Office of the Superintendent of Public Instruction, in consultation with the State Board of Education, to develop an implementation plan, including an assessment of the feasibility of implementing the current timelines for students to demonstrate that they have met state mathematics and science standards in high school assessments. These timelines are critical components of our statewide effort to ensure that our students are ready for the 21st century. Now is not the time to indicate any lack of resolve in our commitment to our students by revisiting or adjusting those standards. For these reasons, I have vetoed Section 4 of Engrossed Substitute Senate Bill 5414.*

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=5414&year=2009>

### **SB 5487—Changing the Notification Date for Nonrenewal of a Certificated Employee's Contract**

(Brandland) C 57 L 09

Notice of nonrenewal or transfer of certificated employees must be provided by June 15 if the Omnibus Appropriations Act has not passed the legislature by May 15.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=5487&year=2009>

### **SSB 5551—Regarding Recess Periods for Elementary School Students**

(Franklin/Keiser) C 182 L 09

By December 1, 2009, the Office of the Superintendent of Public Instruction, with the statewide Parent-Teacher Organization, must conduct and report to the legislature the results of a survey of elementary schools regarding the availability and perceptions of the importance of recess. The survey must include specific questions provided but the survey is not limited to the provided questions.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=5551&year=2009>

### **SB 5580—Concerning School Impact Fees**

(Pridemore/Brandland) C 263 L 09

Expenditure or encumbrance provisions for certain impact fees are modified. School impact fees must be expended or encumbered within ten years of receipt, rather than six years, unless there exists an extraordinary or compelling reason for fees to be held longer than ten years. Extraordinary or compelling reasons must be identified in written findings by the governing body of the county, city, or town. The Office of the Superintendent of Public Instruction must develop criteria for extending the use



## EDUCATION-RELATED BILLS THAT PASSED—SUMMARIES, CONTINUED

of school impact fees from six to ten years. The extension also requires an evaluation of each respective school board on the appropriateness of the extension.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=5580&year=2009>

### ESSB 5601—Regulating Speech-Language Pathology Assistants

(Franklin) C 301 L 09

The designation of certified SLP assistant can only be used by a certified SLP assistant. Minimum qualifications include an associate degree or a bachelor degree or certificate of proficiency from a speech-language pathology assistant program approved by the Board of Hearing and Speech (BHS). As an alternative, within one year of this act's enactment, requirements for certification as an SLP assistant may be met by submitting a competency checklist to BHS and by being employed under the supervision of an SLP for a minimum of 600 hours within the last three years.

The Secretary of DOH has authority to discipline SLP assistants. An SLP assistant may only perform tasks delegated by an SLP and must follow the individualized education program and treatment plan. BHS is given authority to develop rules which outline tasks permitted under the direct and indirect supervision of an SLP. SLP assistants are not permitted to diagnose, evaluate, or provide clinical interpretation. The Superintendent of Public Instruction is required to report to DOH (1) complaints and disciplinary actions taken against certified educational staff associates providing SLP services in schools; and (2) complaints received against certified SLP assistants.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=5601&year=2009>

### 2SSB 5676—Providing for Career and Technical Education Opportunities for Middle School Students

(McAuliffe/Rockefeller) C 212 L 09

The limitation is removed that a middle school offering career and technical education receives an enhanced funding allocation only within funds appropriated for this purpose. The CTE program must be in science, technology, engineering, or mathematics (STEM) to qualify for the enhancement. Middle schools offering qualifying programs are to be funded at the same level as a high school offering a similar program. In the event funding is not provided in the 2009–11 omnibus operating budget, the act is null and void.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=5676&year=2009>

### SSB 5738—Requiring the Office of the Superintendent of Public Instruction to Review Annual School District Compliance Reports

(King/McAuliffe) C 317 L 09

Within existing resources, OSPI must review all annual compliance reports required of school districts. OSPI must make recommendations about which reports should be (1) Discontinued; (2) Integrated into CEDARS; or (3) Maintained in their current form.

OSPI must also recommend which federal reporting requirements may be used to meet state reporting requirements in order to avoid duplication of reports. By December 1, 2009, OSPI must provide a final report on the status of the annual compliance reports to the legislature.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=5738&year=2009>

### SSB 5881—Changing Provisions Involving Truancy

(McAuliffe/Hargrove) C 266 L 09

If the child or parent is not fluent in English, it is the preferred practice to provide a notice of a child's unexcused absence, or a notice of a truancy hearing, in a language in which the parent, parents, or guardian is fluent. A truancy petition must state whether the child and parent are fluent in English, and whether there is an existing individualized education program for the child. If the child is in a special education program, or has a diagnosed mental disorder, the court must inquire as to what efforts the school district has made to assist the child in attending school. If a child is not provided with counsel at a truancy hearing, the court must conduct a colloquy on the record advising the child and parents of the child's rights before entering a truancy order.

Detention as a sanction for truancy must be limited to seven days. A warrant of arrest relating to truancy must not be served on a child inside a school during school hours in a place where other students are present. The legislature encourages the use of community truancy boards and other diversion units which are effective in promoting school attendance and preventing the need for more intrusive court intervention. The time that a community truancy board has to respond to a truancy referral is shortened to 20 days. An agreement with a community truancy board does not have to be sent back to court for approval unless the child or parent has not complied with the agreement.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=5881&year=2009>

### ESSB 5889—Providing Flexibility in the Education System

(Hobbs/McAuliffe) C 556 L 09

The laws in Title 28A RCW relating to information, notice and reporting require-



## EDUCATION-RELATED BILLS THAT PASSED—SUMMARIES, CONTINUED

ments, and curriculum and assessment mandates that are repealed, suspended, or amended can be accessed here.

[http://www.wasa-oly.org/AM/Template.cfm?Section=Publications\\_and\\_Papers\\_Current&Template=/CM/ContentDisplay.cfm&ContentID=4061](http://www.wasa-oly.org/AM/Template.cfm?Section=Publications_and_Papers_Current&Template=/CM/ContentDisplay.cfm&ContentID=4061)

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=5889&year=2009>

### **ESSB 5967—Prohibiting Unfair Practices in Public Community Athletics Programs by Prohibiting Discrimination on the Basis of Sex**

*(Kohl-Welles/Fairley)* C 467 L 09

No city, town, county, or district may discriminate against any person in a community athletics program on the basis of sex. “Community athletics program” means any athletic program that is organized for the purposes of training for and engaging in athletic activity and competition that is in any way operated, conducted, administered, or supported by local governments and districts, other than those created solely for the students of a school. A third party receiving a lease or permit for a community athletics program from one of these entities or from a school district also may not discriminate against any person on the basis of sex in the operation, conduct, or administration of the program.

The nondiscrimination policy must be adopted by January 1, 2010, and must be published and disseminated. At a minimum, it should be included in any publication that contains information about the program or information about obtaining a permit to operate a program. The policy must also be published on the appropriate entity’s website.

School districts issuing permission to a third party for the operation of a community athletics program on its facilities must also follow these requirements, but may use and modify existing school policies to the extent possible. School districts are not

required to monitor compliance, investigate complaints, or otherwise enforce school district policies as to third parties using school district facilities. Every entity covered by this act must publish the name, office address, and office telephone number of any employee responsible for carrying out compliance with this act.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=5967&year=2009>

### **2SSB 5973—Closing the Achievement Gap in K–12 Schools**

*(Kauffman/McAuliffe)* C 468 L 09

An Achievement Gap Oversight and Accountability Committee is created to synthesize findings and recommendations from the 2008 studies into an implementation plan, and recommend policies and strategies in specified areas to the Office of the Superintendent of Public Instruction (OSPI), Professional Educator Standards Board (PESB), and the State Board of Education to close the achievement gap.

[http://www.wasa-oly.org/AM/Template.cfm?Section=Publications\\_and\\_Papers\\_Current&Template=/CM/ContentDisplay.cfm&ContentID=4063](http://www.wasa-oly.org/AM/Template.cfm?Section=Publications_and_Papers_Current&Template=/CM/ContentDisplay.cfm&ContentID=4063)

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=5973&year=2009>

### **SB 5980—Renaming Components of the Formula for Allotment of Appropriations for School Plant Facilities**

*(Oemig/Brandland)* C 129 L 09

The following elements of the state funding formula are renamed in affected statutes: “State matching funds” to “State funding assistance;” “State matching percentage” to “State funding assistance percentage;” “Percentage of state assistance” to “State funding assistance percentage;” “State assistance” to “State funding assistance;” (School district) “matching requirement” to (School district) “local requirement for state funding assistance;” and (School dis-

trict) “matching funds” to (School district) “local funds.”

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=5980&year=2009>

### **SSB 6016—Regarding Educator Training to Enhance Skills of Students with Dyslexia**

*(Benton/McAuliffe)* C 546 L 09

The legislature intends to sustain the work of the dyslexia pilot projects and expand the implementation to a level of statewide support. Within available resources, OSPI must develop an educator training program to enhance the academic skills of students with dyslexia by implementing the findings of the dyslexia pilot program. The training program must be posted on the website of OSPI and may be regionally delivered through the Educational Service Districts (ESDs). Beginning September 1, 2009, the ESDs must annually report to OSPI the number of individuals who participate in the ESD training. OSPI must report that information to the legislative education committees. OSPI must develop a dyslexia handbook to be used as a reference for teachers and parents of students with dyslexia. The handbook must be modeled after other state dyslexia handbooks. OSPI must post the handbook on its website.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=6016&year=2009>

### **ESB 6166—Concerning the Sale of Timber from State Trust Lands**

*(Hargrove/Ranker)* C 418 L 09

The DNR is given the authority to directly contract for the harvest of up to 20 percent of the total annual volume of timber offered for sale from state forest lands. When establishing a final appraisal value for a sale, the DNR must base this amount on current market prices. The account balance may not exceed \$5 million at the end of each calendar year. Monies in excess of \$5 million must be disbursed to the trust



## EDUCATION-RELATED BILLS THAT PASSED—SUMMARIES, CONTINUED

beneficiaries in accordance with existing procedures. The DNR must report to the legislature by December 1, 2013, on the effectiveness of the 20 percent contract harvesting program. The report must include a comparison of the revenues generated compared to other sale processes and must provide recommendations regarding the contract harvesting program and the contract harvest volume limit.

To the extent possible under current law, the DNR is directed to consider requests from purchasers for timber sale extensions and to provide flexibility in timber sale contract administration to mitigate against the potential for contract default. By December 1, 2009, the DNR must report to the legislature on the status of existing contracts, contract extensions, contract defaults, and must provide a timber market forecast for 2010 and 2011.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=6166&year=2009>

### **SB 6168—Reducing Costs in State Elementary and Secondary Education Programs**

*(Tom/Prentice) C 578 L 09*

The following Revised Code of Washington (RCW) statutes are amended to allow the associated programs to be implemented contingent on the availability of funds:

28A.415.380—Mathematics and Science Instructional Coach Program;

28A.320.190—Extended Learning Opportunities Program, English-language learners;

28A.415.340—Leadership Academy;

28A.300.515—Statewide coordination for Science, Technology, Engineering, and Math (STEM Office);

28A.630.035—Civics education;

28A.300.130—Center for the Improvement of Student Learning;

28A.245.060—Director of skill centers;

28A.625.020—Employee Award Program;

28A.300.520—Incarcerated family contacts; and

28A.320.125—School safety plans.

### **Veto message from Governor Gregoire**

*I have approved, except for Sections 3, 4, and 8, Senate Bill 6168 entitled:*

*“AN ACT Relating to reducing costs in state elementary and secondary education programs.”*

*Sections 3 and 4 refer to the availability of funds as the determinate for whether these important programs are implemented. Because all programs are dependent on legislative appropriations, the addition of this language has no substantive effect. I am concerned, however, that future budget writers might erroneously conclude that these programs are in a different status than other programs and consider not funding them solely because of the addition of this new language. As a result, I have vetoed Sections 3 and 4 of Senate Bill 6168.*

*Section 8 of Senate Bill 6168 amends RCW 28A.625.020, Office of Superintendent of Public Instruction annual recognition program. RCW 28A.625.020 is also repealed by Section 20(6) of Senate Bill 5889 which I signed earlier today. Therefore, I am not approving Section 8 of Senate Bill 6168 to correct a potential double amendment and conflicting policy.*

*For these reasons, I have vetoed Sections 3, 4, and 8 of Senate Bill 6168.*

*With the exception of Sections 3, 4, and 8, Senate Bill 6168 is approved.*

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=6168&year=2009>



# Retirement/Health Legislation

## Retirement Bills that Passed

- PSHB 1244.....2009–11 Operating Budget
- HB 1548 .....Interruptive Military Service
- HB 1551 .....Military Death Benefits
- E2SHB 2245 .....PEBB Eligibility
- ESSB 5238.....Retiree Mailing by DRS
- SB 5303 .....PERS to SERS Auto-Transfer
- SB 5305 .....DRS Technical Corrections
- SB 5315 .....Survivors of PERS 1 Inactive
- E2SSB 5688.....Domestic Partners
- SB 6157 .....Calculating Compensation
- SB 6161 .....Pension Actuarial Funding

## Health Care Bills that Passed

- SSB 5725.....Organ Transplants
- SSB 5945.....WA Health Partnership Plan
- SSB 6158.....Family Leave Act

*John Kvamme, Consultant for Retirement/Health Legislation*

This legislative session for retirement issues was significantly impacted by the overall economy downturn just as most areas of state program funding within the session. Retirement issues of significance to our members were, in most cases, not even given a hearing. The 2008 interim action of the Select Committee on Pension Policy (SCPP) limited its recommendation to a list of ten bills that could impact some K–12 employees. These issues had little or no fiscal impact other than Department of Retirement (DRS) cost to manage. Of these bills only five were passed and sent to the Governor.

One SCPP recommended issue, SB 5306/ HB 1549, Disability Benefits Study, did not pass the session, however was included in the final budget. The study of Plan 2 & 3 disability benefits is to be conducted by the Washington State Institute for Public Policy with a \$51,000 contract.

We helped to initiate bills such as Plan 2 & 3 Postretirement Employment (SB 5490/ HB 1602), Plan 2 Access to the PEBB (SB 5489/HB 1601), and Plan 3 Vesting (HB 1600), however they did not receive SCPP support because of their cost, thus died early in session.

No provision regarding early retirement appeared in the session. Some state agency employees could be given furloughs, shortened hours or voluntary leave; however those provisions in the budget don't appear to impact K–12 employees.

The Select Committee on Pension Policy was on the suspension list in the earlier versions of the Senate budget and in ESB 5995, the Governor's bill to eliminate or suspend boards and commissions. The final action of the House stripped SCPP off the list together with many others keeping the action of the SCPP intact.

The budget cuts **\$429.5 million** of pension funds by making several changes to pension actuarial funding that are found in SB 6161. Changes include reduction of the assumed rate of salary growth from 4.25% to 4%; delay of the adoption of new mortality tables until the 2011–13 fiscal biennium; and suspension of contribution rate minimums for the 2009–11 fiscal biennium. The major change is the delay in the funding of the TRS & PERS Plan 1 unfunded liability (UAAL). Instead of the 2024 target date for the full funding of Plan 1, SB 6161 amortizes the amount over a rolling 10 year period.

The share of health benefit cost paid by the employees is to remain at 12% of the total cost for the biennium. The increase in the cost of the health benefit package between inflation and changes to the benefits package is projected to be 5% per year. This does not necessarily pertain to most K–12 employees that purchase insurance through their school district's private insurance brokers.

Employee health benefits are changed from the 2008–09 allocation of \$732 to \$745 in 2009–10 and then to \$768 in 2010–11. The remittance or carve-out moves from \$60.40 to \$59.59 in 2009–10 and then to \$64.90 in 2010–11. The retiree subsidy is set at \$182.89 per month for both calendar years of the biennium.

The budget includes the study of health benefits similar to 2SSB 5491, but the study is conducted or contracted by the State Actuary (\$735,000) and the due

Contribution Rates:			
Employer/Employee	TRS	PERS	SERS
Employer Rate	5.98%	5.13%	5.27%
Employee Rate	3.36%	3.89%	3.14%

\*These rates do not include the 0.16 DRS administrative cost.  
 \*\*The employer rates are for Plans 1, 2 and 3. The employee rates are for Plan 2.



## RETIREMENT/HEALTH LEGISLATION, CONTINUED

date for the results of the study is pushed out to December 15, 2010. The study encompasses all employers connected with the DRS including K-12 and cities and counties. The study is to conduct a comparison of the actuarial value of health benefits provided to employees and the cost of those benefits to employees and employers. Employers shall provide data similar to what was requested in 2SSB 5491. Our association supported SB 5491 which, in its original form, would have examined the possibility of bringing all K-12 employees into the PEBB health benefit plans by 2010.

E2SHB 2245, regarding PEBB eligibility, is a Health Care Authority (HCA) recommended bill that mainly deals with eligibility criteria for higher ed and part time employees, however it also changes the collection from participating districts from a calendar year to a school fiscal year. It also strikes the requirement that K-12 and ESD employees pay at least the same employee premiums by plan and family size as state employees pay.

### RETIREMENT BILLS THAT PASSED—SUMMARIES

#### **PSHB 1244—2009-11 Operating Budget (Conference): (See information in the session overview article.)**

*C 564 L 09*

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=1244&year=2009>

#### **HB 1548—Interruptive Military Service**

*(Bailey)*

*C 205 L 09*

Allows up to five years of free service credit for interruptive military service that is during a “period of war” as defined in RCW 41.04.005. Employers will still be required to pay the employer contributions on the service. Provides for refunds to members who have already made payments for such service. In the case of a military death, the survivor would also be relieved of paying the member cost for interruptive military service credit.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=1548&year=2009>

#### **HB 1551—Military Death Benefits**

*(Conway)*

*C 226 L 09*

Provides an unreduced joint and survivor annuity to qualifying survivors of members of all systems and plans who leave public employment due to service in the National Guard or Military Reserves and die while serving honorably during a period of war.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=1551&year=2009>

#### **E2SHB 2245—PEBB Eligibility**

*(Cody)*

*C 537 L 09*

A portion of the changes in this bill include modifications to the requirements in PEBB programs for K-12 school districts and ESDs. The Health Care Authority would collect from participating K-12 districts and ESDs in accordance with the school

district fiscal year. It strikes the requirement that K-12 and ESD employees pay at least the same employee premiums by plan and family size as state employees pay. There are eligibility changes in the bill that impact higher education and part time employees.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=2245&year=2009>

#### **ESSB 5238—Retiree Mailing by DRS**

*(Keiser)*

*C 30 L 09*

Gives authorization to DRS to assist with mailing information to retiree members of the state retirement systems. Provides that only organizations that exclusively provide representation or services to retirees qualify.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=5238&year=2009>

#### **SB 5303—PERS to SERS Auto-Transfer**

*(Hobbs)*

*C 209 L 09*

Discontinues the automatic transfer of prior PERS Plan 2 service to SERS Plan 2 upon SERS eligible employment. Also creates a three-month window for Plan 2 members auto-transferred after September 1, 2001, who had no prior education experience in PERS to restore their transferred service to PERS Plan 2.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=5303&year=2009>

#### **SB 5305—DRS Technical Corrections**

*(Schoesler)*

*C 110 L 09*

Repeals two obsolete sections of the TRS 1 statute.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=5305&year=2009>



## RETIREMENT/HEALTH LEGISLATION, CONTINUED

### **SB 5315—Survivors of PERS 1 Inactive**

(Schoesler)

C 111 L 09

Provides the same optional survivor annuity for inactive members of PERS Plan 1 who die prior to retirement as is provided for active members of PERS Plan 1 who die prior to retirement.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=5315&year=2009>

### **E2SSB 5688—Domestic Partners**

(Murray)

C 521 L 09

Expands the rights and responsibilities of state registered domestic partners. Includes changes within the HCA and DRS related RCW.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=5688&year=2009>

### **SB 6157—Calculating Compensation**

(Prentice)

C 430 L 09

DRS is directed to include in a member's salary for the purpose of calculating final average compensation any compensation that is foregone by the member during the 2009–11 biennium as a result of reduced work hours, voluntary leave without pay, or temporary furloughs, provided that the reduced compensation is part of the employer's efforts to reduce expenditures.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=6157&year=2009>

### **SB 6161— Pension Actuarial Funding**

(Prentice)

C 561 L 09

For actuarial purposes the salary growth assumption is reduced from 4.25% to 4%. The adoption of revised mortality tables and the minimum contribution rates are delayed until after 2009–11. The amortization of unfunded liability (UAAL) of Plan 1 rates are newly set for each system (PERS & SERS at 1.25% and TRS at 2.04% for the 2009–11 biennium). Instead of the

2024 target the Plan 1 UAAL is revised so that contributions are set at the level required to amortize the amount over a rolling 10-year period, subject to minimum contribution rates of 5.25% of pay in PERS, SERS, and PSERS and 8% of pay in TRS after 2009–11.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=6161&year=2009>

## HEALTH CARE BILLS THAT PASSED—SUMMARIES

### **SSB 5725— Organ Transplants**

(Keiser)

C 487 L 09

Health benefit plans that provide coverage for organ transplants after January 1, 2010 may not permit a separate lifetime limit on transplants.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=5725&year=2009>

### **SSB 5945—WA Health Partnership Plan**

(Keiser)

C 545 L 09

Provides opportunity for Washington State to be both a partner with, and a model for, the federal government in its health care reform efforts. The bill keeps alive efforts of the 2007 Blue Ribbon Commission on Health Care Costs and Access and the Apple Health for Kids Efforts and other elements that have been initiated in this area.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=5945&year=2009>

### **SSB 6158—Family Leave Act**

(Keiser)

C 544 L 09

Delays the start of the Family Leave Act for three years until October 1, 2012.

<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=6158&year=2009>



## RETIREMENT/HEALTH LEGISLATION, CONTINUED

### Retirement Bills that Died

HB 1497 .....	Boards and Commissions
HB 1541 .....	Past Part-Time SERS
HB 1543 .....	Lowers Actuarial Salary Increase Assumption
HB 1544 .....	OSA Request Legislation
EHB 1547 .....	\$150,000 Death Benefits
HB 1599 .....	Rule of 85
HB 1600 .....	Plan 3 Vesting
HB 1722 .....	Default Change for PERS 2 & 3 Membership
HB 2143 .....	Reinstating Limited Postretirement Employment
SB 5489/HB 1601....	Plan 2 Access to PEBB
SB 5490/HB 1602....	Plan 2 & 3 Postretirement Employment
SSB 5588.....	Boards and Commissions
SSB 5930.....	PEBB Premium Costs
SB 6045 .....	Defined Contribution Retirement System
SB 6046 .....	Preserving Fully Funded Status of Retirement Plans

### Health Bills that Died

HB 1609 .....	Family Leave Act
HB 1870 .....	Employee Health Care
HB 1892 .....	Health Care Financing
SHB 1940.....	K-12/ESDs Required into HCA
HB 1958 .....	Health Care Authority Ombudsman
SB 5306/HB 1549....	Disability Benefits Study
2SSB 5491.....	K-12/ESD Employees Required Into HCA
SB 5515/HB 1842....	K-12 Basic Benefit Additions
SB 5679 .....	Family and Medical Leave
SB 5898 .....	Health Care Council
SB 5947 .....	Washington Health Care System Reform
SSB 6052.....	Surgical Treatment of Morbid Obesity

## RETIREMENT/HEALTH BILLS THAT DIED—SUMMARY

### HB 1497—Boards and Commissions

*(Hunter)*

Repeals the acts that support the Employee Retirement Benefit Board (ERBB) and the Select Committee on Pension Policy (SCPP).

### HB 1541/SB 5302—Past Part-Time SERS Service

*(Seaquist/Kilmer)*

Grants a window for certain Plan 2 or 3 SERS members to apply for half-time credit for work that was at least half-time for an educational employer prior to September 1, 1987.

### HB 1543—Lowered Actuarial Salary Increase Assumption

*(Crouse)*

Lowers the statutory general salary increase assumption from 4.50% to 4.25% for all retirement plans except LEOFF Plan 2.

### HB 1544—OSA Request Legislation

*(Crouse)*

Clarifies how the Office of State Actuary studies salary growth, and codifies current practices relating to recommendations of the State Actuary following an actuarial experience study.

### EHB 1547—\$150,000 Death Benefit

*(Bailey)*

Increases the death benefit from \$150,000 to \$175,000. A death benefit is provided to survivors of public employees who die as a result of duty-related injury or illness.

### HB 1599—Rule of 85

*(Sullivan)*

Provides for earlier retirement for TRS, SERS, and PERS Plan 2 & 3 members. If a member's combined years of service and age reach 85 the member is eligible to retire.

### HB 1600—Plan 3 Vesting

*(Sullivan)*

Takes away the requirement of twelve service credit months after attaining age forty-four for vesting in Plan 3. Makes vesting available after five years of service like other retirement plans.

### HB 1609—Family Leave Act

*(Dickerson)*

Expands the Family Leave Policy to give benefits to those caring for sick parents or other family members (child, spouse, domestic partner, or parent of the member). The Family Leave Program was suspended this fall by the Governor. This bill, which modifies the Family Leave Policy, would go to the vote of the public as mandated in Initiative 960 since it would be increasing the payroll tax.



## RETIREMENT/HEALTH LEGISLATION, CONTINUED

### **HB 1722—Default Change for PERS 2 & 3 Membership**

*(Crouse)*

Changes the default retirement plan for new members of PERS who do not select a plan upon hire from Plan 3 to Plan 2.

### **HB 1870—Employee Health Care**

*(Condotta)*

Authorizes public employees to receive the monthly value of their health care benefit in a pretax account for the purchase of a “core benefit plan” (HAS) beginning January 1, 2010.

### **HB 1892—Health Care Financing**

*(Appleton)*

Establishes a single financing entity called the Washington health security trust to provide coverage for a set of health services for all residents.

### **SHB 1940—K–12/ESDs Required into HCA**

*(Bailey)*

Requires that school district and ESD employees’ basic benefits be determined and administered by the State Health Care Authority by September 1, 2012. School districts/ESDs may contractually agree with the HCA to benefits eligibility criteria which differs from that determined by the PEBB.

### **HB 1958—Health Care Authority Ombudsman**

*(Cody)*

Establishes the office of the health care authority ombudsman within the Office of the Insurance Commissioner. This position researches and responds to PEBB subscriber’s calls and complaints; ensures that PEBB and HCA staff are responsive; and monitors the quality control of services.

### **HB 2143—Reinstating Limited Postretirement Employment**

*(Cox)*

Reinstates the availability of limited (432 hours rather than 867 hours) public post-retirement employment for TRS, SERS, and PERS Plan 2 & 3 members who take advantage of the new early retirement.

### **SB 5306/HB 1549—Disability Benefits Study**

*(Schoesler/Conway)*

Directs the Washington State Institute for Public Policy, with the assistance of the Office of the State Actuary, to study options for addressing the needs of TRS, PERS, and SERS Plan 2 & 3 members for adequate disability benefit coverage.

### **SB 5489/HB 1601—Plan 2 Access to PEBB**

*(Keiser/Cody)*

Allows Plan 2 members of TRS, SERS, and PERS access to the Public Employee Benefit Board (PEBB) health plans upon separation from service (deciding to not start their pension) at age 55 with at least 20 years of service.

### **SB 5490/HB 1602—Plan 2 & 3 Postretirement Employment**

*(Fraser/Conway)*

Strikes out the restriction, included in EHB 2391, from the 2007 session gain-sharing trade-off bill, regarding Plan 2 and 3 postretirement employment. This issue, added in a House amendment, forbids Plan 2 and 3 members that take advantage of the new alternate early retirement provisions in the bill to participate in any postretirement public employment until reaching the age of 65. This includes such areas as substitute teaching, working in higher education and other part time public employment. For these retirees it

takes away the 867 hours a year of public employment formerly allowed in these two plans. This bill would reinstate these 867 hours for these retirees.

### **2SSB 5491—K–12/ESD Employees Required Into HCA**

*(Brandland)*

The HCA shall develop a strategy for reducing the cost of providing health benefits for K–12 employees. The HCA shall make a report to the Governor and legislative fiscal committees by December 15, 2009 regarding recommendations for the funding and procurement of health benefits for K–12 employees. It shall include an analysis of the possibility of centralizing the health benefits for K–12 employees by the HCA. The HCA must allow interested parties to provide comments and suggestions related to the strategy. By July 30, 2009 school districts are to provide the HCA with data regarding present employee health benefit coverage for each employee pooling group.

### **Veto message from Governor Gregoire**

Section 105(5), page 6, Office of the State Actuary, Health Benefits Study

*The Legislature provided \$735,000 for the State Actuary to conduct an actuarial study comparing the cost of providing health benefits to employees of the Washington State retirement systems and the cost paid by employees and employers for those benefits. The study cannot be completed with the funding provided, nor is it an authorized use of the Health Care Authority Administrative Account. For these reasons, I have vetoed Section 105(5).*

*I recognize that this approach was intended to reflect the intentions of Second Substitute Senate Bill 5491, which did not pass. This measure would have required the Health Care Authority to develop a strategy to reduce the cost of providing health benefits for K–12 employees. This is an appropriate goal and I*



## RETIREMENT/HEALTH LEGISLATION, CONTINUED

*will work with the Legislature and the Office of the Superintendent of Public Instruction on this goal.*

### **SB 5515/HB 1842—K–12 Basic Benefit Additions**

*(Parlette/Condotta)*

Adds health reimbursement arrangements (HRAs) and health savings accounts (HCAs) to K–12 basic benefit options available for collective bargaining.

### **SSB 5588— Boards and Commissions**

*(Pridemore)*

Suspends the Select Committee on Pension Policies (SCPP) among 158 boards suspended until June 1, 2011.

### **SB 5679— Family and Medical Leave**

*(Keiser)*

Somewhat similar to HB 1609. It also requires each employer, for each individual, to pay a premium of two cents per hour worked, up to a maximum of forty hours per week, to the Employment Security Department to be deposited in the family and medical leave insurance account. Each employer may deduct from the pay of each individual the full amount that the employer is required to pay for the individual.

### **SB 5898—Health Care Council**

*(Pflug)*

Creates the Washington State apple health community care council within DSHS. Finds that it is necessary to temporarily adjust the state share of spending on other health benefit programs, including the state employee, school employee, and retiree benefits.

### **SSB 5930—PEBB Premium Costs**

*(Prentice)*

After December 31, 2009, unless otherwise provided by law or contract, the PEBB shall authorize premium contributions for an employee and the employee's dependents that average 15% of the total premium cost. The present percentage is 12%.

### **SB 5947— Washington Health Care System Reform**

*(Pflug)*

Apple health is created as a not-for-profit corporation to facilitate the availability and enrollment in private health insurance plans. Coverage through apple health begins January 1, 2011. State employees, higher education employees, school district employees, and Basic Health Plan enrollees transition into Apple Health effective January 1, 2011.

### **SB 6045—Defined Contribution Retirement System**

*(Zarelli)*

Requires the State Actuary to develop a bill draft that would implement a mandatory defined contribution retirement system for new TRS, SERS, and PERS members.

### **SB 6046 Preserving Fully Funded Status of Retirement Plans**

*(Zarelli)*

Directs the SIB through investment policies and procedures to preserve the fully funded status of certain state retirement plans.

### **SSB 6052—Surgical Treatment of Morbid Obesity**

*(Pflug)*

Encourages all health plans after December 31, 2009 to follow the evidence-based standard of care and coverage practices for treatment of morbid obesity.



# Education-Related Bills That Died—Short Titles

Even though these bills died, we include them in our legislative report for a number of reasons. First, an enormous amount of time is spent either fighting for—or against—the bills. Second, the content of the bills gives you a good idea of what the legislators who sponsor the legislation will support. And, third, these issues tend to be revisited in subsequent years. To avoid repetition, some bills are not listed here if a companion bill passed or the companion to the bill listed here also died. Short summaries of selected bills are provided on page 36. Retirement and Health Benefit Bills are on page 31. You can access any of the bills at <http://apps.leg.wa.gov/billinfo/>.

## House Bills That Died

- HB 1023.....Changing Educational Associates’ Service Credit Provisions for Nonschool Employment
- HB 1027.....Eliminating the State Property Tax Levy
- SHB 1162.....Providing for Social Emotional Learning in Public Schools
- SHB 1282.....Creating a School-Based Influenza Vaccination Pilot Program
- HB 1383.....Equalizing School District Salary Allocations
- HB 1410.....Creating a Comprehensive System of Public Education Programs, Finance, and Accountability
- SHB 1418.....Establishing a Statewide Dropout Reengagement System
- HB 1427.....Creating a Pilot Program Using Automated School Bus Stop Signal Cameras
- HB 1558.....Regarding Enrollment Calculations for Certain K–12 Programs
- E2SHB 1618.....Concerning Community and Surplus Schools
- 2SHB 1646.....Making Adjustments Pertaining to the High School Washington Assessment of Student Learning in Mathematics and Science
- HB 1657.....Prioritizing Basic Education Expenditures within the State Appropriations Process
- HB 1757.....Establishing a Small School District Contingency Fund
- 2SHB 1762.....Increasing Parental and Community Involvement in Public Education
- SHB 1774.....Excluding Certain State Forest Land Revenues from the Basic Education Allocation
- ESHB 1776.....Changing School Levy Provisions
- SHB 1813.....Regarding Establishing and Meeting Graduation and Reengagement Goals
- HB 1817.....Attaining a World Class K–12 Educational System
- ESHB 1889.....Regarding Paraeducator Tutor Certification
- 2SHB 1944.....Regarding the Development and Field Testing of a Statewide Kindergarten Assessment Process
- SHB 1969.....Promoting Predictable Funding for School Districts that Provide Residential Education

## House Bills That Died, continued

- SHB 1971.....Authorizing Certain School Districts and Educational Service Districts to Designate a District Treasurer
- HB 1975.....Concerning School Impact Fees
- HB 2000.....Providing a Coordinated Approach to Creating an Adequate Supply of Well-Qualified Mathematics and Science Teachers
- SHB 2015.....Enhancing Antiharassment Strategies in Public Schools
- HB 2041.....Concerning Student Transportation Funding
- HB 2058.....Providing an Annual Sales and Use Tax Holiday to Assist Families with Educational Supplies
- HB 2070.....Regarding Adoption of School Environmental Health and Safety Rules
- 2SHB 2113.....Regarding Placements of Students in Residential Habilitation Centers
- HB 2142.....Renaming Components of the Formula for Allotment of Appropriations for School Plant Facilities
- SHB 2147.....Closing the Achievement Gap in Order to Provide All Students an Excellent and Equitable Education
- 2SHB 2167.....Providing Flexibility in the Education System
- HB 2244.....Regarding a Comprehensive Restructuring of Education Finance and Programs
- HB 2251.....Concerning Leases of Facilities by School Districts
- HB 2276.....Establishing a School Construction Safety Net Grant Program
- HJM 4002.....Requesting Reauthorization of the No Child Left Behind Act to Include Health and Fitness
- HJR 4203.....Amending the Constitution to Prioritize Basic Education Expenditures within the State Appropriations Process



## EDUCATION-RELATED BILLS THAT DIED—SHORT TITLES, CONTINUED

### Senate Bills That Died

SB 5175 .....	Changing the Washington College Promise Scholarship Program
2SSB 5176.....	Creating a Bi-State Partnership for Teachers of Children with Visual Impairments
SB 5201 .....	Concerning Billing for Medical Services Provided Through Special Education Programs
SSB 5232.....	Protecting Enrolled School Students from Sexual Misconduct by School Employees
SSB 5260.....	Requiring a Collaborative Review of Incentive Programs to Motivate Students to Pursue Postsecondary Education
SSB 5361.....	Feeding Hungry Children through School Breakfast and Lunch Programs and Summer Food Service Programs
SB 5378 .....	Regarding Accreditation of Digital Learning Programs
SSB 5379.....	Concerning Equity in School District Salary Allocations

### Senate Bills That Died, continued

SB 5593 .....	Regarding Career and Technical Student Organizations
2SSB 5624.....	Restricting the Use of Mechanical Restraints and Chemical Sprays for Discipline in Public Schools
SB 5694 .....	Modifying Provisions Relating to Record Checks Using Fingerprints
ESB 5714.....	Providing Conditional Funding for Teachers to Pursue National Board for Professional Teaching Standards Certification
SSB 5721.....	Changing School Levy Provisions
SB 5743 .....	Addressing Alternative Student Transportation
SSB 5801.....	Regarding Basic Education Allocations for Tribal Schools
SSB 5879.....	Concerning Entrepreneurial Education and Training
ESSB 5880.....	Providing Flexibility in the Education System
ESSB 5890.....	Providing Flexibility in the Education System
SSB 5924.....	Changing Running Start Provisions
SSB 5958.....	Regarding Vision Screening for Public School Students

## Education-Related Bills That Died—Summaries

### HB 1023—Changing Educational Associates’ Service Credit Provisions for Nonschool Employment

*(Sullivan/Williams)*

Increases the limit to five years of non-school service when calculating years of service for occupational therapists, physical therapists, speech-language pathologists, audiologists, nurses, social workers, counselors, and psychologists regulated under Title 18 RCW.

### HB 1027—Eliminating the State Property Tax Levy

*(Armstrong/Pearson)*

Eliminates the state property tax levy. Provides that the act applies to taxes levied for collection in 2010 and thereafter.

### SHB 1162—Providing for Social Emotional Learning in Public Schools

*(Dickerson/Quall)*

Finds that basic education instruction in public schools in Washington State should include not only instruction in core academic skills, but also core social emotional learning skills. Creates the social emotional learning public-private partnership account. Directs the Office of the Superintendent of Public Instruction, to the extent funds are available in the account, to promote and encourage incorporation of social emotional learning into basic education instruction in public schools.

### SHB 1282—Creating a School-Based Influenza Vaccination Pilot Program

*(White/Rodne)*

*(Companion Bill: SB 5372)*

Requires the Department of Health and the Office of the Superintendent of Public Instruction to jointly establish a school-based influenza vaccination pilot program in one urban school district and one rural school district. Directs the Department of Health to convene a working group to plan the school-based influenza vaccination pilot program. Expires July 1, 2011.



## EDUCATION-RELATED BILLS THAT DIED—SUMMARIES, CONTINUED

### **HB 1383—Equalizing School District Salary Allocations**

*(Miloscia/Priest)*  
*(Companion Bill: SB 5379)*

Declares an intent to begin a six-year process, beginning with the 2009–10 school year, to equalize the salary allocations to school districts for state-funded staff pursuant to state basic education appropriation sections of the biennial budget. By the 2014–15 school year, the salary allocation amounts received by school districts for certificated instructional staff, classified staff, and certificated administrative staff shall be the same. Requires a district's levy base, for levy collections in calendar years 2010–15, in addition to certain other allocations, to include the difference between the salary allocations received in the prior school year and salary allocation amounts that would have been received if the provisions of section 1 of the act had been in effect for each respective school year, reduced by the additional allocations actually received pursuant to section 1 of the act.

### **HB 1410—Creating a Comprehensive System of Public Education Programs, Finance, and Accountability**

*(Sullivan/Priest)*  
*(Companion Bill: SB 5444)*

Creates a comprehensive system of public education programs, finance, and accountability.

### **SHB 1418—Establishing a Statewide Dropout Reengagement System**

*(Kagi/Priest)*  
*(Companion Bill: SB 5618)*

Creates a statewide dropout reengagement system to provide appropriate educational opportunities and access to services for students aged sixteen to twenty-one who have dropped out of high school or are not accumulating sufficient credits to reasonably complete a high school diploma in a public school before the age of twenty-one. Directs

the Office of the Superintendent of Public Instruction to: (1) Develop statewide model contracts and interlocal agreements for the dropout reengagement system; (2) Allocate the basic education allocation generated under RCW 28A.150.260 and the student achievement fund allocation under RCW 28A.505.220 for each annual average full-time equivalent eligible student enrolled in a dropout reengagement program directly to the educational service district that has an agreement with the school district, rather than to the school district; and (3) Provide information on its website that describes high quality dropout reengagement programs to provide guidance to school districts that choose to offer programs directly or through a separate contract or interlocal agreement. Requires every educational service district board to oversee the dropout reengagement system in its district and fulfill the responsibilities described in statewide model contracts and interlocal agreements. Encourages workforce development councils to develop strategies for leveraging available workforce investment funding designated for youth with funding for dropout reengagement programs, participate in offering programs and services, and work with the educational service districts.

### **HB 1427—Creating a Pilot Program Using Automated School Bus Stop Signal Cameras**

*(Hunt/Johnson)*

Directs the Office of the Superintendent of Public Instruction, in conjunction with two school districts located west of the crest of the Cascade mountains, two school districts located east of the crest of the Cascade mountains, and appropriate local legislative authorities, to establish an automated school bus stop signal pilot program to evaluate the frequency of violations of RCW 46.61.370 and the deterrent effect of automated school bus stop signal cameras. Expires the pilot program on December 1, 2011. Provides penalties.

### **HB 1558—Regarding Enrollment Calculations for Certain K–12 Programs**

*(Haigh/Finn)*

Clarifies provisions regarding enrollment calculations for certain K–12 programs based on a three-year average of annual enrollment.

### **E2SHB 1618—Concerning Community and Surplus Schools**

*(White/Nelson)*

Creates the community schools program in the Department of Community, Trade, and Economic Development to: (1) Provide capital grant funds for the development of community schools and convert empty school buildings into community facilities; (2) Improve the coordination, availability, and effectiveness of services for children and families; (3) Help children come to school ready to learn every day; (4) Enable families to participate in the education of their children; (5) Enable more efficient use of federal, state, local, and private sector resources that serve children and families; (6) Enable the use of and improve access to surplus schools for community purposes; and (7) Assist school districts with the conversion of surplus schools from illiquid assets to liquid capital funds. Requires the Superintendent of Public Instruction, in conducting studies and surveys for securing information on applications by school districts for state assistance in providing school plant facilities, to include in the studies and surveys an inventory of school district facilities jointly used, or that could potentially be used for other community purposes, including detail on cooperative partnerships. Adds a null and void clause. This act will take effect only if specific funding is provided by June 30, 2009, in the omnibus appropriations act or the capital appropriations act.



## EDUCATION-RELATED BILLS THAT DIED—SUMMARIES, CONTINUED

### **2SHB 1646—Making Adjustments Pertaining to the High School Washington Assessment of Student Learning in Mathematics and Science**

*(Sullivan/Priest)*

Makes adjustments to the high school Washington Assessment of Student Learning in Mathematics and Science. Requires the Office of the Superintendent of Public Instruction, in consultation with the State Board of Education and the Professional Educator Standards Board, to identify strategies and develop an implementation plan intended to assure that all students have the opportunity to learn the new mathematics and science standards. Requires the Office of the Superintendent of Public Instruction to: (1) In consultation with the State Board of Education, recommend whether to use a comprehensive assessment or end-of-course assessments for the high school assessment for students to demonstrate that they have achieved proficiency on the state science standards; and (2) Identify the costs for developing and implementing end-of-course assessments in science. Eliminates the expiration of RCW 28A.655.0611 (graduation without certificate of academic achievement or certificate of individual achievement).

### **HB 1657—Prioritizing Basic Education Expenditures within the State Appropriations Process**

*(Anderson/Priest)*

Declares an intent to require that all appropriations for K–12 basic education, together with appropriations for other K–12 education programs, be enacted into law before the legislature takes executive action on other omnibus appropriations legislation.

### **HB 1757—Establishing a Small School District Contingency Fund**

*(Haigh/Haler)*

Creates the small school district contingency fund program to provide assistance in the form of a loan to small school districts facing a short-term and temporary shortfall in budgeted operating funds due to an unforeseen circumstance that is outside the control of the school district board of directors. Creates the small school district contingency fund account for the purposes of making short-term loans to small school districts.

### **2SHB 1762—Increasing Parental and Community Involvement in Public Education**

*(Santos/Kenney)*

Declares an intent to increase public awareness of the importance of parental and community involvement in education and foster mutually respectful interactions in an atmosphere of collaboration and cooperation. Requires school districts to inform students and their parents or guardians of certain rights that they have. Requires the education ombudsman to report to the legislature regarding whether school districts have implemented those rights.

### **SHB 1774—Excluding Certain State Forest Land Revenues from the Basic Education Allocation**

*(Haigh/Armstrong)*  
*(Companion Bill: SB 5722)*

Excludes certain state forest land revenues from the basic education allocation.

### **ESHB 1776—Changing School Levy Provisions**

*(Ericks/Haigh)*  
*(Companion Bill: SB 5721)*

Changes the requirement that, after 2007, local effort assistance must be funded at

100% to allow the legislature to reduce LEA for the 2010–11 calendar years; removes a 2011 sunset clause, making permanent the current provision which allows districts to calculate the amount they would have received for I-728 and I-732 if the state had not reduced the amount; authorizes districts to ask for an additional approval of a levy (during the two to four years already approved) if the legislature enacts legislation permitting a higher levy; increases the maximum levy percentage by 4% not to exceed 35% for levies passed between 2009 and 2012 (per SB 6138 which also did not pass); defines the Initiative 728 and 732 “base”; suspends 21st century grant funding for 2009–11; and, includes an emergency clause.

### **SHB 1813—Regarding Establishing and Meeting Graduation and Reengagement Goals**

*(Hunt/Probst)*  
*(Companion Bill: SB 5449)*

Declares it is the goal of the state that by 2020: (1) Ninety-five percent of students must graduate from high school in four years; and (2) Sixty percent of youth who have dropped out of school must be reengaged in education and be college and work ready. Directs the Office of the Superintendent of Public Instruction to establish a state-level Building Bridges Advisory Committee. Requires the State Board of Education to: (1) Establish annual graduation rate targets for schools and school districts in order to meet the graduation rate goal; (2) Establish annual targets for youth who have dropped out of school in order to meet the reengagement goal; and (3) In consultation with the Office of the Superintendent of Public Instruction and the Building Bridges Advisory Committee, make recommendations to the legislature on a focused assistance program and incentives for school districts to improve their high school graduation rate. Directs the Workforce Training and Education Coordinating Board to provide advice to



## EDUCATION-RELATED BILLS THAT DIED—SUMMARIES, CONTINUED

the Building Bridges Advisory Committee on how best to reengage older youth who have dropped out of school and help them become college and work ready. Requires the Workforce Training and Education Coordinating Board, the State Board for Community and Technical Colleges, the Employment Security Department, the Department of Community, Trade, and Economic Development, the Department of Health, the Department of Social and Health Services, and the Family Policy Council to collaborate with other state agencies and organizations to meet state graduation rate goals and help reduce the dropout rate, in accordance with the act.

### **HB 1817—Attaining a World Class K–12 Educational System**

*(Hunt/Cox)*

Declares that the purpose of the act is to establish a new funding system for the state's public schools. Over the next six years the state will provide adequate resources for school districts to maintain educational programs that give all students the opportunity to meet the state's educational standards. The new system will be more transparent and will allow greater flexibility to districts to determine which educational programs best meet the needs of their students. Districts will have more flexibility in spending state funds but will be held accountable to meet designated performance outcomes for all of their students. School districts and schools that do not meet designated performance outcomes will receive progressive levels of support and assistance with less flexibility as they work to improve their student outcomes. Creates the permanent commission for quality education in Washington to oversee the new system and make recommendations to the legislature each year on the funding needed to meet the state's definition of basic education and to review and update the definition of basic education as needed. Directs the Office of the Superintendent of Public Instruction to provide staff and maintain webpages for the commission. Creates the full funding of basic education account.

### **ESHB 1889—Regarding Paraeducator Tutor Certification**

*(Sullivan/Priest)*  
*(Companion Bill: SB 5918)*

Requires the Superintendent of Public Instruction to: (1) Adopt rules establishing voluntary paraeducator tutor certification; (2) Develop paraeducator tutor certification standards, a certification process, and certification requirements; and (3) Develop a proposal to provide incentives for individuals to pursue paraeducator tutor certification.

### **2SHB 1944—Regarding the Development and Field Testing of a Statewide Kindergarten Assessment Process**

*(Kagi/Walsh)*

Requires the Department of Early Learning and the Office of the Superintendent of Public Instruction, jointly and in collaboration with the Early Learning Advisory Council, to convene a workgroup to develop a statewide kindergarten assessment process to be field tested and made available to school districts. Requires the kindergarten assessment process to be: (1) Uniform across the state; and (2) Field tested in selected schools and districts representing culturally diverse populations during the 2010–11 school year. Requires the Office of the Superintendent of Public Instruction to encourage all school districts to implement a uniform kindergarten assessment process.

### **SHB 1969—Promoting Predictable Funding for School Districts that Provide Residential Education**

*(Haigh/Appleton)*

Requires the Superintendent of Public Instruction to: (1) Submit to each regular session of the legislature during an odd-numbered year a budget request for residential education; and (2) Allocate funding appropriated by the legislature for residential education to the school dis-

tricts and educational service districts that are required to conduct a program under chapter 28A.190 RCW (residential education programs) and under RCW 13.04.145 (educational program for juveniles in detention facilities).

### **SHB 1971—Authorizing Certain School Districts and Educational Service Districts to Designate a District Treasurer**

*(Hunter/Carlyle)*  
*(Companion Bill: SB 5828)*

Authorizes the board of directors of a school district and the board of directors of an educational service district to designate by resolution an employee of the district or some other person having experience in financial or fiscal matters to act as the district treasurer, including an employee of another school district or an educational service district through an interlocal agreement under chapter 39.34 RCW.

### **HB 1975—Concerning School Impact Fees**

*(Santos/Williams)*  
*(Companion Bill: SB 5580 - Passed)*

Requires the Office of the Superintendent of Public Instruction to develop criteria for extending the use of school impact fees from six to ten years. This extension must require an evaluation for each respective school board of the appropriateness of the extension.

### **HB 2000—Providing a Coordinated Approach to Creating an Adequate Supply of Well-Qualified Mathematics and Science Teachers**

*(Priest/Wallace)*

Requires the Washington Professional Educator Standards Board to serve as the lead agency in a coordinated approach with school districts, institutions of higher education, the Office of the Superintendent of Public Instruction, local and national



## EDUCATION-RELATED BILLS THAT DIED—SUMMARIES, CONTINUED

nonprofit organizations, and the business community to create an adequate supply of well-qualified mathematics and science teachers for Washington's public schools.

### **SHB 2015—Enhancing Antiharassment Strategies in Public Schools**

*(Liias/Uptegrove)*

Declares an intent to expand the tools, information, and strategies that can be used to combat harassment, intimidation, and bullying of students, and increase awareness of the need for respectful learning communities in all public schools. Directs the Superintendent of Public Instruction, in consultation with representatives of parents, school personnel, the Office of the Education Ombudsman, and other interested parties, to provide to the education committees of the legislature a revised and updated model harassment, intimidation, and bullying prevention policy and procedure. Directs the Office of the Education Ombudsman to serve as the lead agency to provide resources and tools to parents and families about public school antiharassment policies and strategies.

### **HB 2041—Concerning Student Transportation Funding**

*(Finn/Cox)*

*(Companion Bill: SB 5914)*

Finds that: (1) The current student transportation funding formula is outdated and does not adequately address the costs incurred by school districts in transporting students; and (2) An appropriate new formula based on reliable data from a uniform reporting system used by all districts, providing incentives for efficient use of state resources, and maintaining local school district control over operational decisions within the transportation program has been developed under a contract with the office of financial management. Declares an intent to respond to the findings of the 2006 Pupil Transportation Funding Study by the Joint Legislative Audit and

Review Committee by providing additional payments to districts to mitigate funding discrepancies identified by the study, until such time as the new funding formula can be implemented in a thoughtful and deliberative manner no later than the 2011–12 school year. Requires the Superintendent of Public Instruction to: (1) Ensure that the allocation formula results in adequate appropriation for low enrollment districts, non-high districts, districts involved in cooperative transportation agreements, and cooperative special transportation services operated by educational service districts; (2) Encourage efficient use of state resources by providing a linear programming process that compares school district transportation operations; and (3) Implement the new distribution formula for allocating state funds to school districts for transportation of students to and from school, beginning with the 2011–12 school year.

### **HB 2058—Providing an Annual Sales and Use Tax Holiday to Assist Families with Educational Supplies**

*(Hope/Kristiansen)*

Assists families with educational supplies, purchased on the second adjacent Saturday and Sunday of August of each year, by providing an annual sales and use tax holiday.

### **HB 2070—Regarding Adoption of School Environmental Health and Safety Rules**

*(Sullivan/Dammeier)*

*(Companion Bill: SB 5779)*

Recognizes that the legislature cannot practically implement the State Board of Health's proposed school environmental health and safety rules without an extended phase-in period in light of other budget constraints.

### **2SHB 2113—Regarding Placements of Students in Residential Habilitation Centers**

*(Kagi/Chase)*

Requires the Office of the Superintendent of Public Instruction to provide residential habilitation center impact assistance for actual costs associated with educational services provided to students who are residents of the centers to the extent that those costs exceed funding otherwise provided to serve these students. Requires the Department of Social and Health Services, no later than twenty-four hours after it becomes known to the department that a person between the ages of three and twenty-one will be placed into a residential habilitation center, to provide notice of the placement to the superintendent of the school district in which the residential habilitation center is located.

### **HB 2142—Renaming Components of the Formula for Allotment of Appropriations for School Plant Facilities**

*(Roach/Santos)*

*(Companion Bill: SB 5980 - Passed)*

Adopts more accurate and descriptive names for the components of the state funding formula for the allotment of appropriations for school plant facilities, as recommended by the Joint Legislative Task Force on School Construction Funding, to promote clarity and transparency in the funding formula.

### **SHB 2147—Closing the Achievement Gap in Order to Provide All Students an Excellent and Equitable Education**

*(Liias/Pettigrew)*

*(Companion Bill: SB 5973 - Passed)*

Establishes the achievement gap oversight and advisory committee within the Office of the Superintendent of Public Instruction to oversee and assure timely and complete implementation of the recommendations from the achievement gap reports commis-



## EDUCATION-RELATED BILLS THAT DIED—SUMMARIES, CONTINUED

sioned by the legislature in 2008, to advise the Superintendent of Public Instruction, the Professional Educator Standards Board, and the State Board of Education on effective measures to close the achievement gap, to foster public accountability for achieving excellence and equity in public education, and to promote a greater sense of urgency and priority for doing so. Requires the Office of the Superintendent of Public Instruction, within existing resources, to design and create a phased-in implementation plan for up to three innovation academies intended to be implemented beginning in the 2011–12 school year, in areas with high concentrations of students who statistically lag behind in achievement.

### **2SHB 2167—Providing Flexibility in the Education System**

*(Maxwell/Priest)*  
*(Companion Bill: SB 5889 - Passed)*

Provides flexibility in the education system to reduce costs.

### **HB 2244—Regarding a Comprehensive Restructuring of Education Finance and Programs**

*(Haigh)*

Establishes a basic education steering committee to monitor and oversee the development of a new definition of the program of basic education, including the funding formulas and systems of educator compensation, school and district accountability, and data necessary to support the implementation of that program. Directs the Office of Financial Management and the Superintendent of Public Instruction to convene a basic education program and funding working group to recommend a program of basic education and funding formulas to support that program, along with a concurrent implementation schedule. Directs the Office of Financial Management and the Professional Educator Standards Board to convene an effective teaching and compensation working group

to recommend a compensation system that provides support for effective teaching and recruitment and retention of high quality staff, including any changes to teacher certification and professional development necessary to align with the system and to recommend a schedule for implementing the new compensation system to assure that no educator experiences any reduction in compensation as a result of the new system. Directs the Superintendent of Public Instruction and the Department of Early Learning to convene an early learning working group to recommend a program of early learning for at-risk children, along with a program delivery and governance structure and funding model. Directs the State Board of Education to continue development of a comprehensive school and school district accountability system, including identifying the resources and support mechanisms necessary to implement the system. Directs the Office of Financial Management and the Superintendent of Public Instruction to convene a local finance working group to develop options for a new system of supplemental school funding through local school levies and local effort assistance. Directs the Superintendent of Public Instruction and the Education Research and Data Center to convene a data working group to create a needs requirement document detailing the specific information and technical capacity needed for comprehensive education data systems and to develop a proposal for a data governance structure and identify the costs of implementing the data systems.

### **HB 2251—Concerning Leases of Facilities by School Districts**

*(Sullivan/Priest)*

Provides additional options and flexibility to school districts in the operation of their programs through the securing of necessary facilities by the use of leases and through additional funding options for school facility leases.

### **HB 2276—Establishing a School Construction Safety Net Grant Program**

*(Short/Quall)*

Requires the Superintendent of Public Instruction to adopt rules to implement a school construction safety net grant program to assist school districts that do not meet the existing grant program requirements under RCW 28A.525.162. Provides that the act is null and void if appropriations are not approved.

### **HJM 4002—Requesting Reauthorization of the No Child Left Behind Act to Include Health and Fitness**

*(Sullivan/Simpson)*

Petitions the President and Congress to make a positive change in the reauthorization of the No Child Left Behind Act to include health and fitness, including physical education, as a core academic subject area, to be taught by highly-qualified teachers.

### **HJR 4203—Amending the Constitution to Prioritize Basic Education Expenditures within the State Appropriations Process**

*(Anderson/Priest)*

Proposes an amendment to the state Constitution to prioritize basic education expenditures within the state appropriations process.

### **SB 5175—Changing the Washington College Promise Scholarship Program**

*(Shin/Fairley)*

Declares an intent to strengthen economic opportunities of high achieving Washington youth from low-income and middle-income families through the Washington Promise Scholarship Program.



## EDUCATION-RELATED BILLS THAT DIED—SUMMARIES, CONTINUED

### **2SSB 5176—Creating a Bi-State Partnership for Teachers of Children with Visual Impairments**

*(Shin/Kastama)*  
*(Companion Bill: HB 2181)*

Finds that: (1) Washington needs to provide additional resources for the preparation of teachers for children with blindness and visual impairments; (2) Portland State University has a nationally recognized program for teachers of children with visual impairments; and (3) A collaborative partnership between Portland State University and Washington State University Vancouver would help address the critical need for teachers of the blind and visually impaired in Washington. Directs Washington State University, to the extent that state funds are appropriated or that private or federal funds are available for this specific purpose, to establish the position of vision impairments/orientation and mobility coordinator to be housed at Washington State University Vancouver. Authorizes Washington State University to solicit, accept, receive, and administer federal funds or private funds, in trust or otherwise, and contract with foundations or with for-profit or nonprofit organizations to support the purposes of the act.

### **SB 5201—Concerning Billing for Medical Services Provided through Special Education Programs**

*(Franklin/Keiser)*  
*(Companion Bill: HB 1155 - Passed)*

Repeals statutes related to billing Medicaid and private insurers for eligible medical services provided through special education programs.

### **SSB 5232—Protecting Enrolled School Students from Sexual Misconduct by School Employees**

*(Delvin/Holmquist)*  
*(Companion Bill: HB 1013)*

Protects registered school students from sexual misconduct by school employees.

### **SSB 5260—Requiring a Collaborative Review of Incentive Programs to Motivate Students to Pursue Postsecondary Education**

*(McAuliffe/Fraser)*  
*(Companion Bill: HB 1341)*

Eliminates the use of statewide assessments as a requirement for high school graduation. Motivates students through incentives to pursue postsecondary education. Directs the Office of the Superintendent of Public Instruction, the Higher Education Coordinating Board, and the State Board for Community and Technical Colleges to: (1) Use existing staff and resources to collaboratively conduct a review of incentive programs in other states; and (2) Make a joint report to the legislature detailing the programs that were reviewed and making recommendations for incentive programs that the state should consider for spending any savings realized by the state by eliminating the assessment.

### **SSB 5361—Feeding Hungry Children through School Breakfast and Lunch Programs and Summer Food Service Programs**

*(McDermott/Swecker)*  
*(Companion Bill: HB 1416)*

Requires funds, subject to appropriation, to be allocated to school districts sufficient to eliminate the copayment for breakfast for all students qualifying for reduced-price lunch and to eliminate the copayment for lunch for any students in grades kindergarten through three that qualify for reduced price lunch. Directs the Superintendent of Public Instruction: (1) To the extent funds

are appropriated, to eliminate the copayment for lunch for any students in grades preschool through five that qualify for reduced-price lunch; (2) To the extent funds are appropriated, to provide state support for summer food service programs; and (3) To conduct two cycles of grant awards per school year, with a fall cycle of grants of up to twenty thousand dollars to build local capacity to provide summer food service programs and a spring cycle of grants of up to five thousand dollars for expenses related to providing outreach and for planning and administrative tasks associated with initiating a new program.

### **SB 5378—Regarding Accreditation of Digital Learning Programs**

*(Eide)*

Requires state-funded public schools or public school programs whose primary purpose is to provide digital learning programs to receive accreditation through the Northwest Association of Accredited Schools, a national accreditation program, or an accreditation program listed by the Office of the Superintendent of Public Instruction with the endorsement of the Washington Coalition for Online Learning.

### **SSB 5379—Concerning Equity in School District Salary Allocations**

*(Eide/McAuliffe)*  
*(Companion Bill: HB 1383)*

Declares an intent to begin a six-year process, beginning with the 2009–10 school year, to equalize the salary allocations to school districts for state-funded staff pursuant to state basic education appropriation sections of the biennial budget. By the 2014–15 school year, the salary allocation amounts received by school districts for certificated instructional staff, classified staff, and certificated administrative staff shall be the same. Requires a district's levy base, for levy collections in calendar years 2010–15, in addition to certain other allocations, to include the difference between



## EDUCATION-RELATED BILLS THAT DIED—SUMMARIES, CONTINUED

the salary allocation amounts that would have been received if the provisions of section 1 of the act had been in effect for each respective school year and the salary allocations received in the prior school year, reduced by the additional allocations actually received pursuant to section 1 of the act.

### **SB 5593—Regarding Career and Technical Student Organizations**

*(McAuliffe/King)*  
*(Companion Bill: HB 1697)*

Revises provisions regarding career and technical student organizations.

### **2SSB 5624—Restricting the Use of Mechanical Restraints and Chemical Sprays for Discipline in Public Schools**

*(Kauffman/Keiser)*

Limits the use of physical force, mechanical restraints, and chemical sprays for discipline in public schools. Requires each school district to: (1) Establish a written policy regarding the use of physical force, mechanical restraints, and chemical sprays on students by school employees; and (2) Report annually to the Office of the Superintendent of Public Instruction the total number of instances when physical force, mechanical restraint, or chemical spray was used.

### **SB 5694—Modifying Provisions Relating to Record Checks Using Fingerprints**

*(McAuliffe/Oemig)*  
*(Companion Bill: HB 1852 - Passed)*

Modifies provisions regarding record checks using fingerprints.

### **ESB 5714—Providing Conditional Funding for Teachers to Pursue National Board for Professional Teaching Standards Certification**

*(Tom/Jarrett)*

Provides for a conditional advance on the financial bonus available to National Board for Professional Teaching Standards (NBPTS) certified instructional staff.

### **SSB 5721—Changing School Levy Provisions**

*(Tom/Hobbs)*  
*(Companion Bill: HB 1776)*

Revises school levy provisions. Recognizes that school districts request voter approval for two-year through four-year levies based on their projected levy capacities at the time that the levies are submitted to the voters. Declares an intent to permit school districts with voter-approved maintenance and operation levies to seek an additional approval from the voters, if subsequently enacted legislation would permit a higher levy. Delays the current sunset provision for the inclusion of the difference between funding that would be provided under Initiatives 728 and 732 and the amounts actually funded by the legislature.

### **SB 5743—Addressing Alternative Student Transportation**

*(Jarrett/McDermott)*  
*(Companion Bill: HB 1793 - Passed)*

Establishes a safe routes to school program within the Department of Transportation. Requires the Department of Transportation to administer a competitive grant program for the safe routes to school program. Creates a statewide advisory committee within the Department of Transportation to create and refine grant criteria and review and recommend grant applications to the department for the grant program. Requires the Department of Transportation to: (1) Fund an ongoing state center to provide information, resources, outreach,

training, and program evaluation support to grantees awarded grants under the grant program; (2) Contract with a nonprofit or a consortium of nonprofits that demonstrate an expertise in alternative transportation programs and policies, including implementation of the safe routes to school program; and (3) Coordinate evaluation methods and findings with those of the National Center for Safe Routes to School in order to standardize program evaluation, measure Washington's progress to that of other states, and learn from safe routes to school programs across the country. Provides funding for the safe routes to school program from various sources.

### **SSB 5801—Regarding Basic Education Allocations for Tribal Schools**

*(Kauffman/Jarrett)*  
*(Companion Bill: HB 1890)*

Requires federally recognized Indian tribes providing K–12 education that elect to receive funding directly from the Superintendent of Public Instruction to report their student full-time equivalent served to the Superintendent of Public Instruction. Requires the Office of the Superintendent of Public Instruction to: (1) Provide funding directly to the tribal schools using the state average basic education and vocational education rates as used in the Running Start funding for community and technical colleges; (2) Enter into an agreement with a serving tribe before any allocation of basic education moneys are paid directly to the serving tribe; and (3) Meet with the tribes in accordance with the centennial accord and on a government-to-government basis to develop a long-term proposal for the Washington State public education system and tribal schools.



## EDUCATION-RELATED BILLS THAT DIED—SUMMARIES, CONTINUED

### **SSB 5879—Concerning Entrepreneurial Education and Training**

*(Kastama/Shin)*

Directs the Economic Development Commission, in conjunction with the Workforce Training and Education Coordinating Board, to: (1) Establish and maintain an inventory of the entrepreneurial and innovation education, training, and technical assistance services and programs available in the state; (2) Evaluate the extent to which existing entrepreneurial and innovation training and technical assistance programs in the state are effective and represent a consistent, integrated approach to meeting the needs of start-up and existing entrepreneurs; (3) Identify policies to reduce administrative and other barriers to efficient delivery and coordination of entrepreneurial assistance; (4) Distribute awards for excellence in entrepreneurial training and assistance; (5) Distribute awards for excellence in innovation training; and (6) Report to the Governor, the Workforce Training and Education Coordinating Board, and appropriate legislative committees its recommendations for statutory changes necessary to enhance operational efficiencies or enhance coordination related to entrepreneurial and innovation education, training, and assistance.

### **ESSB 5880—Providing Flexibility in the Education System**

*(McAuliffe/Oemig)*

Repeals, modifies, or suspends for two years certain laws related to task forces, awards, and policies required of the Office of the Superintendent of Public Instruction and school districts. Imposes certain requirements only to the extent funds are available. Prohibits mandatory training on certain topics or allows training to be provided online. Makes membership in the Washington State School Directors' Association optional for school board members.

### **ESSB 5890—Providing Flexibility in the Education System**

*(McDermott/McAuliffe)*

Repeals, modifies, or suspends for two years certain laws related to policies, commemorative programs, and activities required from the Office of the Superintendent of Public Instruction and school districts.

### **SSB 5924—Changing Running Start Provisions**

*(McAuliffe/Oemig)*

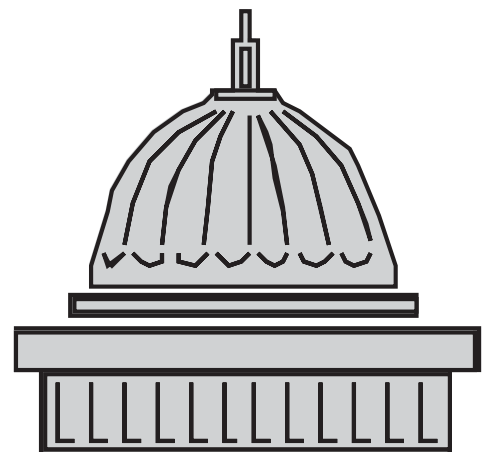
*(Companion Bill: HB 1915)*

Requires the State Board for Community and Technical Colleges, in collaboration with the Office of the Superintendent of Public Instruction and the Higher Education Coordinating Board, to develop long-term funding proposals to support Running Start that may include but not be limited to student tuition and performance funding.

### **SSB 5958—Regarding Vision Screening for Public School Students**

*(Oemig)*

Authorizes additional visual screening for public school students who exhibit a striking behavior or discipline change, or a sudden drop in academic performance to determine whether the change in behavior, discipline, or grades is due to visual impairment.





# Alliance of Educational Associations

## END OF SESSION REPORT 2009

Mitch Denning, Ed.D., Consultant  
Alliance of Educational Associations  
(AEA) Members:

- WA School Business Officials Association (WASBO)
- WA Association of Maintenance and Operations Administrators (WAMOA)
- WA School Nutrition Association (WSNA)

AEA was generally pleased with the legislature's response to our 2009 priorities considering the huge financial shortfall which faced the state during the 2009 legislative session. Although AEA didn't get everything that they wanted, primarily due to these fiscal challenges, both House and Senate were fairly supportive and showed a willingness to work with AEA to help the three associations. AEA appreciates the fact that during the last six years the associations have been able to build excellent relationships with an increasing number of legislators, and during this time all three associations have continued to gain professional stature with the legislative members. AEA has positioned itself well to continue their quest for sound educational policy and full funding of K-12 basic education.

With the 2007 Legislature **eliminating the reduced price lunch co-pay** for K-3 students, WSNA felt strongly that the 2009 Legislature would finish the job and eliminate the copay for pre-K and 4-12 students, especially with the impetus of two policy bills, SHB 1416 and SSB 5361, championed by Rep. Pat Sullivan and Sen. Joe McDermott, respectively. Due to the financial shortfall, the bills died in their respective Ways and Means Committees, but did pass out of their education committees. WSNA is quite appreciative that the final conference budget continued to fund school nutrition at the current levels, including the elimination of K-12 reduced price breakfast copay and the K-3 reduced

price lunch copay. In a word, WSNA will be back next year to continue the quest to feed hungry kids.

WASBO made tremendous strides this session in weighing in on key K-12 issues. They took the lead in providing financial information to the **Joint Task Force on Basic Education Finance** throughout the 2008 interim. When the **basic education funding** bills were introduced in January (HB 1418/SB 5444; HB 1817/SB 5607), AEA had concerns about the lack of two-way accountability, revenue sources, and length of time for implementation. After these bills died, AEA supported the new SHB 2261 but had similar concerns about the new SB 6048. Finally, when the final SHB 2261 was passed by the legislature, we still had concerns about the lack of funding sources, no K-12 staff on the Quality Education Council and not funding the current definition of basic education before adding early learning, highly capable, and all-day kindergarten to the definition. Nonetheless, WASBO is part of the local funding and funding formulas workgroups, and is interested in providing input to the compensation workgroup, all established by SHB 2261. AEA will continue to work with the legislature until basic education is fully funded.

WASBO supported 2SSB 5941, **comprehensive school data system**, as they are the primary K-12 group involved with all three types of data requested by the legislature, including educator, student, and fiscal data. Working directly with Sen. Eric Oemig, the bill's prime sponsor, WASBO has positioned itself well to be part of the implementation of the contents of the bill now in the final SHB 2261. WASBO was an active participant in the data feasibility longitudinal student data study recently completed by OSPI.

Further, WASBO provided excellent technical assistance to WASA on 2SSB 5941, **K-12/ ESDs health benefits to the Health Care Authority**, in an attempt to help the legislature make a final decision

on the bill. However, the bill didn't pass, but a study involving the State Actuary and HCA was included in the final operating budget language. Once again, WASBO has positioned itself well to provide information to the State Actuary and HCA as their study begins during the 2009 interim.

WAMOA had an active session as they saw several bills that AEA supported move positively through the legislative process. In the adopted 2009-11 capital budget, the **School Repair Grant Program** continues for its third biennia. Since 2005, a total of 75 school districts have received grants up to \$100,000 for needed health and safety projects. WAMOA will again work with OSPI and WASBO in the administration of the \$3M funded in 2009-11.

Also, WAMOA and WASBO are ready to assist OSPI in administering the \$16.9M energy expenditure authorized in the new capital budget. Entitled the **energy operational cost savings safety and health infrastructure improvement program**, OSPI is currently determining whether or not a grant process will be created to expend the funds which must be based on performance-contracting.

AEA was pleased that the final operating budget language states that the Department of Health and the State Board of Health can't implement the new **school environmental health and safety rule** until the rule and final cost estimate have been given to the legislature, and the legislature has funded the implementation process. WAMOA and WASBO have been working with the State Board of Health since 2002 in the development of the new and revised health and safety rule.

WAMOA and WASBO were also pleased that SSB 5580, **school impact fees**, passed, as now school districts have between six and ten years to spend revenues from impact fees which help fund school construction projects. This extension of time provides greater flexibility for school districts.



Finally, WAMOA worked hard with members of the House Capital Budget Committee on SHB 1619, **capital projects levies**, and their work paid off with the bill's passage. School districts are now allowed to run two- to six- year capital levies which in their ballot title can include preventative maintenance and major equipment repair which extend the useful life of school buildings. Also added is language that prohibits districts from supplanting projects that would be part of routine maintenance paid for from the General Fund. The school business officials will be involved with transferring monies from the Capital Project Fund to the General Fund to pay for these capital projects.

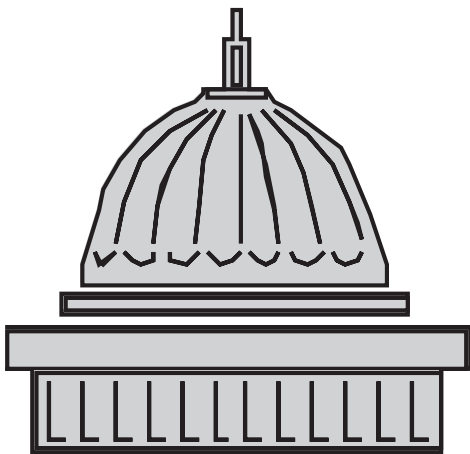
At press time, we understand the Governor will not be calling a **special session** in May. There is a current "hole" in the 2009–11 operating budget of \$60M due to the planned reduction of **levy equalization** if SHB 1776 would have passed the legislature in the form passed by the Senate on April 26. Because SHB 1776 has not passed the legislature, levy equalization will not be reduced by \$60M, and the current artificial portion of the levy base for "full-funding" of I-728 and I-732 remains until the language sunsets in 2011. Also, any increase in the levy base, per current law, results in an increase of levy equalization.

AEA fought hard during the session for fair and equitable cuts to school districts. We

are pleased that, to this point, SHB 1776 in its amended form did not pass, as it would have changed the 2007 law stating that levy equalization must be funded at 100%. Most likely, this and related discussions are far from over. At the same time, AEA strongly supports the full funding of basic education so that local levies don't have to bear the cost of the state's paramount duty.

The annual **AEA Day on the Hill** helped our cause immensely as 37 members participated and made 77 legislative contacts on February 18.

Overall, AEA watched well over 100 bills but only zeroed in on 41 of them. Twenty-four of the 28 bills we supported or significantly watched actually passed, and only two of the 13 bills we opposed passed. It was a challenging but productive session!





# WASA's 2009 Legislative Platform

## Washington Association of School Administrators

WASA is a statewide organization representing 1,605 active and retired public school superintendents and administrators.

### 2008-09 Legislation and Finance Committee

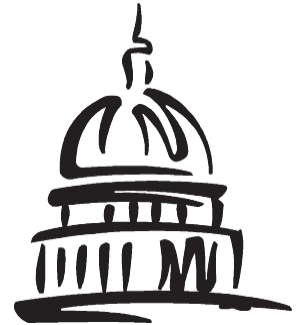
- Region 101..... Doug Asbjornsen, Reardan
- Region 105..... Rick Cole, Sunnyside
- Region 108..... Patty Page, Coupeville (Chair)
- Region 109..... Ken Hoover, Monroe
- Region 110..... Susan Smith Leland, Highline
- Region 111..... Frank Hewins, Franklin Pierce
- Region 112..... Mark Mansell, La Center  
Mike Nerland, Camas
- Region 113..... Mike Morris, South Bend
- Region 114..... David McVicker, Central Kitsap
- Region 123 ..... Rich Carter, Walla Walla
- Region 171..... Jim Busey, Lake Chelan  
Rob Clark, Cascade
- Small Schools..... Sergio Hernandez, Freeman  
Desiree Gould, Skykomish
- IPAC ..... Kathy Shoop, Northwest ESD
- Principals..... Jeanne Smart, Seattle
- BPAC ..... Bill Tilton, ESD 105
- Sp. Education ..... Candace Baker, Evergreen
- Superintendents.... Jane Gutting, ESD 105
- ESDs..... Jerry Jenkins, Northwest ESD
- Federal Liaison.....Garn Christensen, Eastmont  
Rick Gantman, Mount Baker
- At-Large..... Steve Nielsen, Puget Sound ESD  
Jim Kowalkowski, Davenport  
Rural Education Center
- Staff ..... Barbara Mertens  
Joan Schiendelman
- Consultants..... John Kvamme (Retirement)  
Mitch Denning (AEA)  
Jim Shoemake (AESD)

Washington Association of School Administrators  
825 Fifth Avenue SE  
Olympia, WA 98501

www.wasa-oly.org  
Tel. 360-943-5717; 1-800-859-9272  
Fax 360-352-2043  
E-mail [bmertens@wasa-oly.org](mailto:bmertens@wasa-oly.org)

*WASA believes that the commitment of resources to the education and welfare of the children of Washington State is an investment in the quality of our future.*

*We believe that effective school leaders initiate and manage change resulting in a system of K-12 education in which all students receive a quality education.*



## Fully Fund Our Public Schools

- We support the report and recommendations of the Full Funding Coalition as presented to the Joint Task Force on Basic Education Finance on June 10, 2008, and are committed to work collaboratively with the legislature to implement a new system of finance for K-12 schools that is sustainable, predictable, fairly allocated, and fully funded by 2015.
- We support the elimination of all mandates that are not necessary to ensure a quality twenty-first century education for students and the full funding of those that are.
- We support legislation that will improve retirement and health benefits for school employees and retirees.

Approved by the Legislation and Finance Committee—June 29, 2008  
Adopted by the WASA Board of Directors—August 13, 2008  
Amended by the Legislation and Finance Committee - February 2, 2009

---

It is the paramount duty of the state to make ample provision for the education of all children residing within its borders . . . The Legislature shall provide for a general and uniform system of public schools.

Constitution of the State of  
Washington Article IX - Education

---



**Washington Association of  
School Administrators**  
825 Fifth Avenue SE  
Olympia WA 98501

PRESORTED STANDARD  
US POSTAGE PAID  
OLYMPIA WA  
PERMIT NO 16