

2016 LEGISLATIVE REPORT

A PUBLICATION OF THE WASHINGTON ASSOCIATION OF SCHOOL ADMINISTRATORS

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2016 Session Overview

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2015: A Refresher

Last year, during the 2015 Legislative Session, the Legislature adopted a \$38.8 billion 2015–17 Operating Budget. That two-year budget (which runs from July 1, 2015 to June 30, 2017) made major investments in early learning, and reduced student tuition at Washington’s public colleges and universities, while also restoring funding for many health and human services programs that were reduced during the recession. The budget also provided cost-of-living adjustments to teachers and a general wage increase to state employees. For K–12 education, \$2.9 billion was appropriated, including \$1.3 billion that was funneled directly into basic education to inch towards fully funding the state’s constitutional paramount duty—and complying with the Supreme Court’s orders in the *McCleary v. State* education funding case.

Overwhelmingly adopted in a bi-partisan fashion, legislators in both houses and both parties applauded their own efforts in adopting a “historic” and “fabulous” budget. Legislators congratulated themselves for successes on the policy front as well. In a post-session review, Senate Majority Leader Mark Schoesler (R-Ritzville) boasted: “What we accomplished ought to be counted as a splendid success for the people of Washington.” And it only took a grueling 176 days of a scheduled 105-day session to reach the finish line.

As we described in last year’s End of Session Review, the Legislature did accomplish some positive—and historic—things; however, they also failed to accomplish multiple high priority requirements. Most of those failures occurred in K–12 education, as noted below.

Funding. While the Legislature provided a \$1.3 billion enhancement in *McCleary*-related basic education funding, that investment is less than the recommendations from the Legislature’s own Joint Task Force on Education Funding and is substantially less than the level of funding the state promised during the *McCleary* trial.

Compensation/Levy Reform. The Legislature has been under the gun to address the continuing unconstitutional underfunding of educator compensation—which is forcing the ongoing unconstitutional overreliance on local levies, yet the issue was soundly ignored for most of the session. By the time legislators began to

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address potential solutions, it was too late to craft and take action on legislation to appropriately tackle the problem. There was broad agreement among legislators (and a public promise to the Court in 2014's "Show Cause" hearing) that 2015 was the crucial year for a "grand agreement," but that turned out to be a fantasy. Bi-partisan legislation (SB 6130) was finally introduced in early June; however, the sponsors flatly stated that, while there would be a public hearing on the bill, there was no intention to otherwise act on the bill in 2015.

McCleary Plan. Twice the Supreme Court ordered the Legislature to submit "a complete plan for fully implementing its program of basic education for each school year between now and the 2017–18 school year." The 2013 Legislature essentially ignored the order. In 2014, legislators said they tried to adopt a plan, but it proved to be too difficult. They then tried to excuse away the lack of action. On September 11, 2014, Justices unanimously found the Legislature to be in Contempt of Court; however, they delayed issuing any sanctions, accepting the state's promise to comply in 2015. Of course, the 2015 Legislature failed to act. In responding to the Court, legislators essentially argued they knew better than the Court and to comply with its orders was not worth the time.

2016: A Time for Action (?)

All of this action (or more accurately, the failure to act), set the stage for the 2016 Session. The second year of the 64th Biennial Session was a supplemental "short" session, limited to 60 days. Traditionally, short sessions are focused on policy issues and minor updates or corrections to the two-year budget. Heading into session, it was necessary for the Legislature to accomplish three things: Fine-tune the 2015–17 Operating Budget; adopt a *McCleary* funding plan; and adopt legislation and/or budget language to positively address the unconstitutional underfunding of educator compensation and the resultant unconstitutional overreliance on local levies.

Operating Budget. In addition to making necessary adjustments in the underlying 2015–17 Operating Budget to account for mandatory Maintenance Level changes—both increases in program expenses as well as decreases in required costs—legislators generally agreed upon a few essential budget items, including: funding for emergencies and unanticipated costs, such as last summer's wildfires; and necessary funding to address recent lawsuits regarding health care and mental health. (Note that K–12 was not on most legislators' short-lists, as there was a widespread belief that "they got theirs" last year.)

Of course, legislators had a laundry list of other items for which they sought funding. But, just like any parent has to tell their kids when walking down the toy aisle, there is a difference between "need" and "want." Just like kids, however, the line between need and want can blur for legislators. The need/want conflict, in simple terms, is one of the reasons budget-writers reached an impasse in negotiations, forcing a Special Session to complete the 2016 Supplemental

Operating Budget. For complete details on the conflicts—and final results—of the budget, see the Operating Budget section later in this report.

McCleary Plan. The Supreme Court has twice explicitly ordered the Legislature to adopt a “complete plan” addressing how they intend to meet their constitutional obligation to fully fund basic education by the 2017–18 school year. As noted above, in September 2014 the Court found the Legislature to be in Contempt of Court. While they delayed the imposition of any sanctions, they put the Legislature on notice by bluntly stating if the Legislature failed to comply with the Court’s orders by the end of the 2015 Session, thus purging the contempt, “the Court will reconvene to impose sanctions and other remedial measures as necessary.”

In 2015, several bills were introduced to address the necessary plan; however, no action was taken. Rather than hide behind excuses for their lack of action (as they did in 2014), they took a different tack and tried to explain why a plan was unnecessary. In the 2015 *McCleary* compliance report to the Court, the Attorney General made the case the Legislature was making significant progress towards full funding of education and (quite arrogantly) stated, “The 2015 Legislature’s actions move the state closer to ultimate constitutional compliance than any written plan would have done, and continuing to demand a plan at this point would serve no useful purpose.”

The Court rejected this line of thinking and on August 13, 2015, issued another order. Justices stated that they have “repeatedly ordered” the Legislature to provide a funding plan and the Legislature has “repeatedly failed to do so, offering various explanations why.” Continuing, they said following the end of the 2015 Session and multiple Special Sessions, the Legislature “still has offered no plan for achieving full constitutional compliance by the deadline the Legislature itself adopted.” Given this repeated lack of action, the Court immediately imposed a \$100,000 per day penalty for each day the Legislature remained in violation of the Court’s orders.

The order went on to say that the penalty would be abated if a Special Session was called and it resulted in achieving full compliance (that is, the required plan was adopted). Understanding they had no power or authority to force the Legislature back into session, Justices encouraged Governor Inslee to call a Special Session. Inslee declined to do so. Instead, he announced he would be convening a *McCleary* Workgroup, comprised of two members from each of the four legislative political caucuses. He charged this Workgroup with coming up with the required plan.

The Workgroup met (behind-closed-doors) in the fall and just prior to the convening of the 2016 Session, it was announced they had found “common ground” to address the Court’s request for a plan. Stakeholders were delighted that a plan would finally be put forward; however, some of that positive emotion was quelled when the legislation containing the proposed “plan” was introduced. Upon review, the bills (HB 2366/SB 6195) required further study and did not really

establish any specific plan. Throughout session, the bills were mockingly referred to as “a plan to plan.”

In an effort to be positive, WASA provided support for both bills in public testimony, but used the opportunity to express our disappointment that the bills continued to punt on any real solution. We argued that we had seen multiple workgroups, task forces, and studies and it was past time for action and these bills simply postponed (until at least 2017) any solution.

Ultimately, E2SSB 6195 was adopted by both houses and signed by the governor. The bill continues Governor Inslee’s *McCleary* Workgroup, reconstituted as the Education Funding Task Force, and charges them with providing a series of recommendations. To assist the work of the Task Force, an independent consultant will be hired to collect and analyze data regarding school staff compensation. For further details, please see E2SSB 6195, Bills Passed, later in this report.

Compensation/Levy Reform. In a case of *déjà vu*, the need to address the state’s underfunding of educator compensation, coupled with the forced overreliance on local levies, was back on the front burner. Or, at least it should have been. In 2014, the State’s attorney, representing the Legislature during the Supreme Court’s “Show Cause” hearing (to determine whether the Legislature should be held in Contempt of Court), in arguing against a contempt finding clearly and boldly told the Court that all the Legislature needed was time. He argued that the Court already had legislators’ attention and legislators knew that 2015 was THE year for the necessary “grand bargain” to solve the education funding problem. As noted above, the Legislature dropped the ball in 2015, so the issue should have been among the highest priorities of 2016.

“A day late and a dollar short” was difficult to swallow, but that would have been much better than what really happened. As session began—before session began, in fact—legislators started saying the short, 60–day session simply did not offer enough time to solve the compensation/levy problem, so we would have to wait until 2017. This was the loud and clear message from the governor’s office and leadership in all four political caucuses. (It is ironic that *doing nothing* to positively address compliance with the constitutional paramount duty was on a very short list of issues legislators in both parties would agree upon in 2016.)

If there is any silver lining to this disappointing turn of events (although it is a very dull silver lining), it is that the 2016 Legislature made a commitment to tackle the issue next session—with a clear deadline. Language in the *McCleary* plan bill (E2SSB 6195) includes a stand-alone, one sentence section that reads:

Legislative action shall be taken by the end of the 2017 session to eliminate school district dependency on local levies for implementation of the state’s program of basic education.

While this is positive (and maybe just half-a-smidge better than nothing), there is not anything specifically binding legislators to take this action. In fact, legislators

already committed to solving these problems in ESHB 2261 (2009) and SHB 2776 (2010) and in multiple briefs and testimony to the Supreme Court, so the commitment is not new and is certainly less-than-bold. The Court is the ultimate hammer in this situation, but thus far multiple blunt orders, a Contempt of Court finding, and the imposition of sanctions have not moved the Legislature to action. Will this one-sentence commitment cause them to finally act? Time will tell.

Other Issues

Levy Cliff. When it became clear the doors were closed (and locked and nailed shut) to any action on compensation/levy reform, WASA shifted our focus to another issue that is closely linked: the Levy Cliff.

During the so-called Great Recession, legislators knew they would be unable to provide the kind of budgetary support that school districts were asking for—and badly needed. “Helpful” legislators decided the best way to financially assist school districts was to provide them with additional levy authority and allow them to collect additional levy dollars from their own voters. (By the way, at the same time, the ever-helpful Legislature was providing additional taxing authority to cities and counties; and giving colleges and universities local tuition-setting authority. You have to admit this was really clever. If a constituent called their legislator to complain that their property taxes have gone up, their local sales taxes have increased, and their child’s tuition was escalating, the legislator could easily say, “Don’t blame me! Talk with your School Board of Directors; talk with your City Council and County Commission; and talk with your Board of Regents/ Trustees.” It’s no wonder most people don’t trust politicians.)

In 2010, legislation (SHB 2893) was adopted to increase school district levy lids by four percent, and state funding for Local Effort Assistance (LEA or “levy equalization”) by two percent. Those increases, however, are temporary and are set to expire January 1, 2018. When the additional levy authority and LEA funding expires (along with “ghost” revenues that have artificially inflated levy bases), school districts are scheduled to collectively lose nearly a half billion dollars in local levy capacity and LEA funding.

Throughout the course of the session, WASA, alongside WASBO and other education associations, strongly supported legislation to temporarily extend the sunset of the levy lid and LEA increases—or other provisions that would hold school district budgets harmless—until the Legislature meets the full cost of basic education employee compensation and addresses levy reform. If local levy capacity and LEA funding is decreased without a corresponding increase in state funding, many school districts will be forced over the “levy cliff” and will have difficulty meeting financial obligations, forcing deep budget cuts and substantial employee layoffs.

Legislators that opposed bills to postpone these sunset dates attempted to blame school districts for the problem. They pointedly asked questions like, “You knew the sunset was coming—why haven’t you prepared for it?” These questions were

maddening because the fact is the Legislature is well-behind schedule to fulfill their funding commitments to schools and their lack of action is what will push districts over the cliff. It is important to note the sunset date included in SHB 2893 was not arbitrary. ESHB 2261, the education finance reform bill, was adopted in 2009. That bill (and its subsequent partner, SHB 2776, adopted in 2010) outlined a commitment to fully fund basic education by 2018. Had the Legislature been on track to meet this deadline, the reduction of levy lids and LEA scheduled in 2018 by SHB 2893 would have had little impact on most school districts. With the influx of funding from the state, most districts would have either not gone over the cliff or there would have been a more manageable, negligible cliff.

This is another situation wherein we sit under darkening clouds—yet, there is another (again somewhat dull) silver lining. The Legislature provided another commitment to educators. Through language in the 2016 Supplemental Operating Budget the Legislature makes a commitment to address the overreliance on levies. In an effort to “facilitate budget and personnel planning by local school districts” and to “minimize any disruption to that planning,” budget language requires the Education Funding Task Force (established in the *McCleary* plan bill, E2SSB 6195) by April 1, 2017 to either: (a) Determine that the Legislature will meet its obligation to provide for compensation reform and eliminate school districts’ overreliance on local levies by April 30, 2017; or (b) Introduce legislation to address the levy cliff by extending current state levy policy for at least one calendar year, with the objective of enacting such legislation by April 30, 2017.

This is positive, but similar to the commitment provided in E2SSB 6195 discussed above, it may only be slightly better than nothing. And like the other commitment, there is not anything specifically binding legislators to take this action. It sure makes you feel good though, doesn’t it?

Charter Schools. It is not worth taking much time to discuss charter schools in this report; however, legislators certainly thought it was important. Regardless of your opinion of charter schools, the biggest heartburn about the issue was legislators falling all over themselves to adopt legislation for 800-1,000 kids, while they turned their backs on over one million kids in “regular” public schools.

Legislation, E2SSB 6194, was able to get over the hump and be adopted by both houses. For details on the bill, see Bills Passed later in this report. In short, the bill reenacts charter school laws and makes a series of amendments in an attempt to address the Supreme Court’s ruling that declared Initiative 1240 to be unconstitutional. It does not seem as though legislators read or understood the Court’s decision, however. The Court clearly said schools that are not accountable to or overseen by locally elected school board members are not eligible to receive Common School Funds. What that appears to mean, however, is that NO school may receive ANY “public” money, unless that school is accountable to the local voters through a locally elected school board. If that is true, E2SSB 6194 will fail to pass constitutional muster. This is not simply a hypothetical question with no

Editor's Note:

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A special thank you to our WASBO colleagues, WASBO Executive Director Nancy Moffatt and participants in the WASBO/WASA Local Funding Workgroup. Much work remains to be done, but our joint efforts raised the visibility of the approaching levy cliff and pushed the issue to the forefront during this session.

Additional thanks go to my WASA staff colleagues for their support, in particular Sheila Chard for her faithful service, always positive and helpful attitude, good humor and never-ending support.

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final answer; WASA has joined a coalition to again challenge the constitutional validity of the bill, so we will eventually have an answer to the question of legality.

Teacher Shortage. As session began, many legislators refused to believe there was truly a teacher or substitute teacher shortage. As session progressed, however, most legislators faced the truth of the matter (although some still were reluctant to do anything about it). Ultimately, there were at least ten bills that addressed the teacher and/or substitute teacher shortage problem with either narrow, specific solutions or more broad-based approaches. In the end, one bill with multiple strategies was adopted. E2SSB 6455 (with more detail in Bills Passed, later in this report):

- Requires the development and implementation of a comprehensive, statewide initiative to increase the number of qualified individuals who apply for teaching positions in Washington, including recruiting activities and creating statewide recruitment and hiring services;
- Requires that certain out-of-state teachers be issued a Washington professional certificate;
- Provides that certain early retired teachers may work as substitute teachers for up to 867 hours per year without a suspension of their pension benefits. Employing districts are required to compensate the district's substitute teachers at a rate that is at least 85 percent of the full daily state rate (which is approximately \$130);
- Expands Alternative Route to Teacher Certification programs;
- Requires districts to report the number of teachers they plan to hire in the following year;
- Increases teacher mentoring support; and
- Adds financial aid programs for individuals wishing to teach in subject or geographic shortage areas or Title I schools.

This bill will not completely solve the problem; however, it lays the groundwork for future work. Additional legislation will likely be needed in 2017.

Next Steps

Advocacy is a year-round effort and the end of the Legislative Session should not mean the end of school administrators' advocacy activities. Advocacy does not have to be hard—or intimidating. Contact your legislators now (and often) and continue to build good relationships with them. Establish trust and credibility so they will come to you for information and advice.

Give legislators a tour of your schools. Meet with them for coffee. Invite them to a meeting of your Board. Help legislators to understand the complexities of public education and your needs. As you begin to implement your districts' budgets, explain to legislators what obstacles you continue to face. Many of them do not understand your frustrations—and many of them will be perplexed why

a multi-billion dollar increase in basic education funding over the last four years hasn't solved your problems.

A simple—and effective—way to build those relationships is through activities related to the Focus on Education month in November. With the 2016–17 school year rapidly approaching, NOW is the time to begin planning your activities. Use this as an opportunity to showcase your schools' and your students' successes to the community—and to your legislators. Consult with colleagues in your region and/or visit WASA's [Focus on Education webpage](#) (in process of being updated) for ideas about how to make this a successful event or series of events.

Also, remember this is an election year; all 98 House seats and about half the Senate seats will be up for election this fall. Think about your education priorities and be prepared to voice your opinion and concerns during the election season. You deserve to know if legislative incumbents and challengers alike will support or oppose your priorities.

Finally, as we get closer to 2018, the Legislature's deadline for full compliance with the paramount duty (and fulfillment of the Supreme Court's orders), the path will continue to be bumpy—and storm clouds are on the horizon. The road so far has been difficult, but we have a long way to go. School administrators must remain vigilant—and ramp up their advocacy activities. We hope that you will join with WASA—and our education association colleagues—as we raise our collective voices in unison to fight for our public schools!

2016 Supplemental Operating Budget: 2ESHB 2376

On Monday, January 11, 2016, the Legislature convened its second year of the 64th Biennial Session. During the “short” session, limited to 60 days, policymakers traditionally focus on policy issues while the two-year budget (adopted in the first year of the biennium) is fine-tuned.

While the 2015 Legislature provided a \$1.3 billion basic education enhancement in the 2015–17 Operating Budget, legislators completely dropped the ball on making any progress in dealing with the final steps to comply with the Supreme Court’s *McCleary* orders. Still outstanding was the need to adopt measures to: implement and fund an updated educator compensation system; and implement a funding solution that lessens local school districts’ overreliance on levies. Even though 2016 was a “supplemental” year, the *McCleary* deadline is rapidly approaching and compensation/levy reform should have been a major (perhaps singular) focus of both budget and policy discussions. Unfortunately, legislators decided early on that they would be unable to solve these problems this year. In fact, well-before the session convened, Governor Inslee and leaders in all four political caucuses unanimously agreed that they would not even attempt to address these issues in 2016, saying that the necessary solutions were simply too complicated to be addressed in a short, 60-day session. (Perhaps if they had properly addressed the issues in last year’s record-long 176-day session, the problems would not still be hanging over their heads.)

Evidence that *McCleary* was on the back-burner first came with the release of Governor Inslee’s required 2016 Supplemental Operating Budget request in mid-December. His “modest” budget would have provided approximately \$520 million in additional spending beyond the \$38.8 billion appropriated in the 2015–17 budget adopted last June. Major investments included: funding for wildfire-related costs; mental health adjustments; and a series of enhancements across state government to cover mandatory Maintenance Level spending. K–12 education would have received an increase of about \$9.0 million—\$7.0 million of which was mandatory Maintenance Level spending.

Inslee did propose additional K–12 spending to address the teacher recruitment and retention problem. The funding, however, was technically outside of the Operating Budget; Inslee proposed the elimination of four current tax “loopholes” with the resultant revenues being dedicated to fund the package. The proposal would have boosted beginning teacher pay to \$40,000 per year (a raise of \$4,300 in the 2016–17 school year) and provided a minimum one percent salary adjustment for all other teachers, classified staff, and administrative staff beginning in the 2016–17 school year. These salary increases, along with a proposed expansion of the Beginning Educator Support Team (BEST) mentoring program, would have cost \$85 million in the 2016–17 school year.

The House budget, the first legislative proposal out of the gate, proposed \$219 million in mandatory Maintenance Level spending and a net increase of \$248 million in policy decisions for a spending total of \$467 million. Included in the overall spending increase was proposed funding for K–12 compensation enhancements (\$98.5 million). Similar to the governor’s plan, the House would have provided a funding source for these enhancements: the elimination of six tax loopholes. The total spending increase was smaller than even the governor’s proposed spending level; however, the House also proposed spending an additional \$318 million from the difficult-to-access Budget Stabilization Account (BSA). To access money in the BSA (or “Rainy Day Account”), a supermajority of both houses must approve of the move.

Senate budget-writers wasted no time in responding to the House’s proposal, unveiling their own package two days after the House release. The Senate proposed an increase of just \$49 million, significantly less than the House’s (or the governor’s) spending level. The \$49 million enhancement came from a net increase in Maintenance Level spending of \$168 million and a net decrease in policy spending of \$119 million. Under the plan, K–12 education would have received a net increase of \$8.1 million; however, the bulk of that increase (\$6.2 million) would have gone towards funding of charter schools. There were no additional resources proposed by the Senate; only currently available revenues would have been utilized.

With two legislative budgets on the table, the differences were stark. The total increase in overall spending was significantly different (\$466 million in the House versus the Senate's \$49 million). The source of revenue was significantly different. The House utilized \$318 million in BSA funds, along with another \$120 million from the closure of six tax loopholes. The Senate kept their hands out of the BSA and there were no efforts to raise additional revenue (at least via tax increases or tax exemption eliminations). Even the calculations of Maintenance Level costs were dramatically different. Maintenance Level figures usually get hammered out behind-the-scenes early on in session, so when budgets are revealed, those expected costs are very similar in each budget. Not so this year. The House included \$219 million to cover mandatory costs, while the Senate provided \$168 million. And K–12 Maintenance Level funding was head-scratchingly different: the House provided a \$43.1 million increase, but the Senate actually had a \$9.5 million reduction in Maintenance costs.

In addition to these drastically different pieces that frame any budget proposal, the two houses did not see eye-to-eye on the four-year balanced budget. Remember, the Legislature is required to adopt a balanced budget, but the budget must also be projected to balance in the following biennium. In order to find some additional maneuverability in spending, the House attempted to manipulate the calculation of the four-year budget Outlook by not showing the expected spending on K–3 class size reductions in 2017–19. They argued that *McCleary*-related spending is specifically excluded from the Outlook. The Senate protested and argued that the Outlook does include Maintenance Level spending for *McCleary* (including MSOC, all-day kindergarten and K–3 class size). This was a voluntary decision made in the last budget Outlook. Senate budget-writers cranked up their public relations machine and accused House budget-writers of not living up to their commitment to fully fund basic education. Ironically, while House budget-writers were being bashed for manipulating a budgetary calculation, Senate budget-writers included an actual \$52 million cut in K–3 class size spending, based on “demonstrated actual” class sizes. (Of course, some districts were not using this funding simply because they lacked the necessary facility space. Instead of penalizing school districts by clawing back operating funds, the Legislature should be enhancing capital funds—see

Capital Budget section in this report.) Ultimately, the “savings” was reduced to \$17.4 million.

Given the split control of the Legislature and the major philosophic differences in the budget proposals, negotiations quickly stalled and legislators were unable to adopt a budget before the 60-day deadline arrived. The governor quickly called the Legislature back into Special Session and budget-writers continued to negotiate while rank-and-file members were sent home.

In a surprise move, the Senate immediately released a second budget proposal. Even though both sides had agreed to not “negotiate in public,” this second budget from the Senate was clearly their effort to publicly show that they were willing to move, while the House was stubbornly sticking to their original proposal. Certainly, the Senate’s “offer” moved closer to the House proposal; however, the fundamental building blocks of the proposal remained unchanged: spending was increased, albeit by a fraction of what the House proposed; and the Senate remained firmly in opposition to spending BSA funds or increasing any revenue.

Because budget negotiations were underground (except for the Senate’s budget unveiling stunt), it was hard to decipher the real sticking points between the houses. It did become clear, however, that K–12 education was in the thick of the disagreement as usual. There were two specific issues in which the houses were at odds. The House continued to press for: \$98 million to address the teacher recruitment and retention issue by increasing beginning teacher salaries (along with an across-the-board salary increase for other educators) and providing mentoring support; and a one-year extension of current levy rules to address the approaching levy cliff.

The final budget includes some token funding to address the teacher shortage: \$3.5 million to expand the BEST mentoring program and \$1.8 million to support professional development for classroom paraeducators. Proposals to assist districts to cope with the levy cliff were rejected. The final budget does include a “commitment” to address the overreliance on levies, with a plan to either reach a solution by the end of April 2017, or postpone the levy cliff by the end of April 2017.

In the end, the final, adopted budget increased spending above the underlying 2015–17 budget by \$191 million. This is an increase of \$203 million in mandatory Maintenance Level costs and a \$13 million net decrease in policy level spending (this is from \$248 million in policy adds and \$260 million in policy “savings” for a net reduction in policy spending). There is a net increase of \$105 million in revenue; however, there are no tax loophole closures or other tax increases. Finally, negotiators agreed to spend \$190 million in one-time funding from the Budget Stabilization Account to address last summer’s wildfires.

Governor Inslee signed the budget, as you would expect. Before signing it though, he did veto several provisions. Most of the decisions were relatively minor; however, one particular veto threw the four-year balanced budget out of whack and has Senate Republicans up in arms. In the last few budgets, legislators have siphoned money from the Public Works Assistance Account (PWAA) to fill holes in the Operating Budget. The underlying 2015–17 budget included a proviso stating that \$75 million of future loan repayments would be allocated from the PWAA for basic education in 2017–19. The final, compromise 2016 Supplemental Operating Budget amended that language by clarifying the Legislature intended to stop authorizing new loans in 2017–19 and all expected repayments—a total of \$227.4 million (an additional \$154.4 million on top of the current \$75 million)—would go to support basic education.

The governor vetoed this new language, which means the original \$75 million stays in place, not the higher \$227.4 million, even though budget-writers had already baked in this additional \$154.4 million into the 2017–19 Outlook. By removing this \$154.4 million from 2017–19, the previously balanced four-year budget is no longer balanced. It is interesting to note that prior to the adoption of the four-year balanced budget law, the governor was required to introduce a balanced budget, but the Legislature was not specifically required to adopt a balanced budget (although that was standard practice). Following the adoption of the four-year balanced budget requirement, the Legislature is now required to adopt a budget that balances not just in the current biennium, but also in the subsequent biennium. The governor, however, is not required to sign a four-year balanced budget. So, with all of the debate surrounding the four-year balanced budget Outlook during budget

negotiations, all it took was a stroke of Governor Inslee’s veto pen to wreck all of those plans.

Full details of the K–12 portion of the budget as adopted by the 2016 Legislature and signed by Governor Inslee follow.

For additional budget information, please use the following links:

- 2016 Supplemental Operating Budget: [2ESHB 2376](#)
- Legislative Evaluation & Accountability Program (LEAP) Committee: [Budget Overview](#) and [Agency Detail](#)
- OSPI [Pivot Table](#)
- OSPI Budget Driver Summary: [John Jenft Rate Sheet](#)
- OSPI Budget Updates: [School Apportionment & Financial Services](#)
- OSPI [Levy Cliff Impact Analysis](#) (February 12, 2016)

BUDGET DETAILS: K–12 ENHANCEMENTS

Recruit and Retain K–12 Staff – \$5.3 million

Funding requested by Governor Inslee and contained in the original House budget to provide for beginning teacher salary increases and additional across-the-board increases for other educators was rejected in the final budget agreement. Additional funding intended to recruit and retain K–12 staff, as requested by the governor, is provided, however. \$3.5 million is provided to expand the existing Beginning Educator Support Team (BEST) program at OSPI. The program provides grants to school districts to provide an enhanced level of support and professional development for new teachers. Funding may be used to provide statewide professional development opportunities for mentors and beginning educators.

Additionally, \$1.75 million is provided to support professional development for state-funded classroom paraeducators. This training must be provided in the 2016–17 school year.

Charter Schools – \$3.9 million

On September 4, 2015, the Washington Supreme Court ruled the charter school laws enacted by Initiative 1240 were unconstitutional. The decision took effect December 9, 2015, making charter school laws void. E2SSB 6194 reenacts and amends charter school laws, declaring charter schools to be “public schools outside the common school system,” and requires that funding for these non-common schools come from the Washington Opportunity Pathways Account (funded by lottery revenues).

General Fund appropriations provided for charter schools in the underlying 2015–17 Operating Budget is eliminated throughout the K–12 section of the budget. New funding, from the Washington Opportunity Pathways Account, is provided to support charter schools as enacted by E2SSB 6194.

The eliminated General Fund appropriations for charter schools (\$6.5 million) and the new funding from the Washington Opportunity Pathways Account for charter schools (\$10.2 million) results in a net increase of \$3.7 million. The enhancement is expected to provide for: additional K–12 enrollments for charter schools that became private schools as a result of the Supreme

Court decision; and expected enrollment increases for charter schools in school year 2016–17. An additional \$217,000, also from the Washington Opportunity Pathways Account, is provided to continue the operations of the Washington State Charter School Commission. Including the Commission funding, the 2016 Supplemental Operating Budget provides a net increase of \$3.9 million for charter schools.

Homeless Student Stability – \$2.0 million

\$1.0 million is provided to OSPI to implement a competitive grant program to evaluate and award grants to school districts to pilot increased identification of homeless students and the capacity to provide support, as established in 3SHB 1682. The process must complement any similar federal grant program or programs in order to minimize agency overhead and administrative costs for OSPI and school districts.

Another \$1.0 million is provided to the Department of Commerce to specifically implement Section 3 of 3SHB 1682, which requires the Department, in consultation with OSPI, to administer a grant program that links homeless students and their families with stable housing located in the homeless student’s school district.

Teacher Shortage – \$1.8 million

The 2016 Supplemental Operating Budget provides funding to multiple agencies to implement E2SSB 6455:

- \$500,000 is provided to OSPI to support Section 1 of the bill, implementing a statewide initiative to increase the number of qualified individuals who apply for teaching positions in Washington, including creation of a website providing useful information to individuals who are interested in teaching and incorporating certificated positions into the Employment Security Department’s existing web-based depository for job applications;
- \$90,000 is provided to the Department of Retirement Systems to address issues related to early retired teachers returning as substitutes;
- The Washington Student Achievement Council is provided with total of \$1.1 million to be divided as follows: \$468,000 is for the Teacher Shortage Conditional Grant Program; \$468,000 is for the Student Teaching Residency Grant Program;

and \$208,000 is for the development and implementation of the Teacher Shortage Conditional Grant Program and the Student Teaching Residency Grant Program; and

- The Washington State Institute for Public Policy (via The Evergreen State College) is provided with \$16,000 to review the effect of the out-of-state teacher professional certification provisions and report to the Legislature, with information on: the extent to which advanced level teacher certificates from other states compare to the Washington professional certificate; the extent to which United States federal or state-issued advanced level teacher certificates that allow individuals to teach internationally compare to the Washington professional certificate; and whether these provisions have increased the number of professional certifications issued to individuals from out-of-state.

Foster Youth Educational Outcomes – \$1.5 million

The 2013–15 Operating Budget provided funding to the Children and Family Services division of the Department of Social and Health Services (Children’s Administration) to provide individualized education services and monitor and support dependent students in an effort to improve their educational outcomes. The funding was for a contract with a nonprofit entity to establish a demonstration site in a school district in Western Washington. The underlying 2015–17 Operating Budget provided Maintenance Level funding for the existing demonstration site and an additional \$1.0 million to establish a second demonstration site. The 2015–17 budget required the Children’s Administration, in collaboration with OSPI and the contracted nongovernmental entity or entities, to select a second demonstration site that included a school district or group of school districts with a significant number of dependent students.

The 2016 Supplemental Operating Budget transfers \$1.5 million from the Children’s Administration to OSPI and puts OSPI in the lead. Proviso language requires the Children’s Administration to contract with OSPI, which in turn must contract with a nongovernmental entity or entities for demonstration sites to improve the educational

outcomes of students who are dependent, pursuant to 4SHB 1999.

\$446,000 of the appropriation is provided for the demonstration site required by the 2013–15 Operating Budget. The remaining \$1.0 million is provided for the second demonstration site called for in the underlying 2015–17 Operating Budget. The second demonstration site must include a school district or group of school districts with a significant number of dependent students. OSPI, in collaboration with the Children’s Administration and the contracted nongovernmental entity or entities, is required to select the second demonstration site for implementation after July 1, 2016.

Educational Opportunity Gap – \$1.2 million

Funding is provided to implement 4SHB 1541, including: a report on the outcomes of youth in the juvenile justice system; development of cultural competence training for all school staff; collection of student data disaggregated by sub-racial and sub-ethnic categories; posting and disaggregation of racial and ethnic data related to teachers and their average length of service; establishment of the Washington Integrated Student Supports Protocol (WISSP) to promote the success of students by coordinating academic and non-academic supports; and creation of a work group to determine how to implement WISSP.

Truancy Reduction – \$1.1 million

The 2016 Supplemental Operating Budget provides funding to multiple agencies to implement 2SHB 2449:

- \$350,000 is provided to OSPI to: implement a grant program to provide training for members of therapeutic truancy boards; disseminate truancy board best practices to all school districts; and provide staff support for the Educational Opportunity Gap Oversight and Accountability Committee to review and make recommendations to the Legislature regarding cultural competence training truancy board members should receive;
- \$714,000 is provided to the Department of Commerce for ten crisis residential center beds as provided in 2SHB 2449; and
- The Washington State Institute for Public Policy (via The Evergreen State College) is provided with \$48,000 to evaluate the effectiveness of 2SHB 2449

in achieving certain expressed outcomes: increased access to community truancy boards and other intervention programs; increased quantity and quality of truancy intervention and prevention efforts in the community; reduction in the number of truancy petitions that result in further proceedings by juvenile courts, other than dismissal of the petition, after the initial stay and diversion to a community truancy board; reduction in the number of truancy petitions that result in a civil contempt proceeding or detention order; and increased school attendance.

Washington Achievers Scholars – \$580,000

Funding is provided to expand the Washington State Achievers Scholarship and Washington Higher Education Readiness Program to an additional school district, beginning in the 2016–17 school year. The funding must be used to: support community involvement officers that recruit, train, and match community volunteer mentors with students selected as Achievers Scholars; and to identify and reduce barriers to college for low-income and underserved middle and high school students. Expanded funding is sufficient to increase the number of students served by approximately 170.

Education Funding Task Force – \$519,000

\$19,000 is provided to OSPI to fund the collection and reporting of school district data as required under the *McCleary* plan bill, E2SSB 6195.

An additional \$500,000 is appropriated within E2SSB 6195 to the Washington State Institute for Public Policy (via The Evergreen State College) to contract with independent consulting services to analyze school district data and provide information to the Education Funding Task Force established by E2SSB 6195.

School Safety – \$302,000

Funding is provided to OSPI (\$276,000) to implement ESB 6620, which requires the agency to: hold annual school safety summits; and develop an online social and emotional training module for educators. Educational Service Districts are also allowed to implement a regional school safety and security program.

An additional \$26,000 is provided to the Washington State Institute for Public Policy (via The Evergreen State

College) to evaluate how Washington and other states have addressed the funding of school safety and security programs.

Dual Credit IB – \$205,000

Funding is provided in Fiscal Year 2017 for grants to high schools with existing dual credit International Baccalaureate programs and enrollments of seventy percent or more students eligible for free or reduced-price meals.

Summer Internship Program – \$100,000

Funding is provided for a Skilled Workforce Development High School Summer Internship Pilot Project. OSPI must select two Seattle School District high schools to participate. The two chosen high schools will select ten students per school, who have completed their junior year, to participate in a five-and-a-half week summer internship. The selected high schools must partner with the Port of Seattle and manufacturing and maritime employers who are committed to fostering the development of local youth into a skilled workforce. Expenditure of the provided funding for each school district is contingent on the receipt by the school district of a fifty percent match in funding from non-state sources.

Since Time Immemorial Program – \$41,000

Funding is provided on a one-time basis in Fiscal Year 2017 to implement the Since Time Immemorial Program, supporting instructional programs focused on Native history, culture and government, including: website updates to accommodate video content and online teaching tools; and training for classroom certificated instructional staff.

BUDGET DETAILS: K–12 REDUCTIONS OR “SAVINGS”

Academic Acceleration – (\$205,000)

The Fiscal Year 2016 appropriation for the Academic Acceleration Program, enacted by the Legislature in 2013, is reduced by \$205,000, which is equal to the grant amounts that are expected to be recovered at the end of the Fiscal Year.

Quality Education Council – (\$160,000)

Funding is reduced for OSPI staff support of the Quality Education Council (QEC), reflecting the elimination of the QEC, pursuant to HB 2360.

BUDGET DETAILS: STATE AGENCY ADJUSTMENTS

(The budget makes a series of funding adjustments for all state agencies, including OSPI. While OSPI's share of the funding enhancements are minimal, the total adjustments impact the overall funding level of the K–12 portion of the budget; agency adjustments result in an increase of \$201,000.)

Data Processing Revolving Account—\$127,000

The Data Processing Revolving Account was eliminated in the 2015 Session. The deficit that remained in the account was transferred to the Statewide Information Technology Systems Development Revolving Account. The cost to remove the deficit is being allocated to all state funds and accounts.

OFM Central Services—\$48,000

Agency budgets are adjusted to update each agency's allocated share of charges for the Office of Financial Management (OFM) budget, accounting, and forecasting activities in the 2015–2017 biennium.

Note: The 2016 Supplemental Operating Budget reduced the Office of Financial Management's (OFM) budget level by \$14.6 million with the expectation that budgeting, accounting, and forecasting services at OFM would be funded from a new central service charge allocated to state agencies, including OSPI. Prior to signing the budget, Governor Inslee vetoed the OFM budget reduction. He expressed concerns that charging agencies for OFM services "could create the perception of unfairness, as agencies would likely receive services disproportionate to the amounts they would be charged."

Inslee stated that vetoing this line item does not fully restore the expenditure authority for OFM to continue providing its current level of services. Therefore, "OFM will bill agencies only for the difference between the original cost of providing these services and the amount of funding restored by the veto."

CTS Central Services—\$20,000

Agency budgets are adjusted to update each agency's allocated share of charges and to align with anticipated billing levels from the Consolidated Technology Services (CTS) in the 2015–17 biennium, which includes additional

funding for network capacity planning and Secure Access Washington.

DES Central Services—\$6,000

Agency budgets are adjusted to update each agency's allocated share of charges and to align with anticipated billing levels from the Department of Enterprise Services (DES) in the 2015–17 biennium, including the expectation that agencies that choose to use DES personnel, recruitment and training services will pay higher fees for those services.

ADDITIONAL DETAILS

K–3 Class Size Reduction

SHB 2776 (2010) established new funding formulas for basic education programs, including requiring class sizes of 17 students for grades kindergarten through three by the 2017–18 school year. Although SHB 2776 specifies that enhanced funding for class size reduction is for "allocation purposes only," the underlying 2015–17 Operating Budget included a provision that school districts receive funding to the extent of, and in proportion to, the school district's "demonstrated actual weighted average class size for grades kindergarten through three." The 2016 Supplemental Operating Budget makes a Maintenance Level adjustment—a reduction of \$17.4 million—to reflect school district K–3 class size compliance. The original Senate budget proposal included a K–3 class size "savings" of \$52.0 million.

MSOC Reporting

The Senate proposed budget language that would have specifically prohibited school districts from using Maintenance, Supplies, and Operating Costs (MSOC) allocations for employee compensation. That language was removed; however, the final 2016 Supplemental Operating Budget includes proviso language that requires school districts to disclose the intended use of MSOC funding with the apparent intention that MSOC allocations not be used for compensation.

Budget language requires all school districts, as part of their budget development process, to disclose the amount of MSOC funding it will receive and the amount it proposes to spend on materials, supplies, and operating costs. If the funding received is more than proposed to be spent on MSOC-related issues, the district must specify the use of

the additional funds and “how this use will improve student achievement.”

Local Effort Assistance

The 2016 Legislature made no policy changes regarding Local Effort Assistance (LEA or “levy equalization”); however, the 2016 Supplemental Operating Budget does provide a Maintenance Level increase of \$23.6 million (for a biennial total of \$766.4 million). This is based on projections of adjusted assessed value as provided by OSPI.

Compensation/Levy Reform

The 2016 Legislature failed to adopt legislation or budget language to prevent or delay the approaching “levy cliff” due to levy lid and Local Effort Assistance increases scheduled to sunset on January 1, 2018. The 2016 Supplemental Operating Budget, however, does express the Legislature’s commitment to address the overreliance on levies. Proviso language “confirms” the Legislature’s “obligation...to provide state funding in the 2017 Legislative Session for competitive compensation to recruit and retain competent common school staff and administrators, while eliminating school district dependency on local levies for implementation of the state’s program of basic education.”

In an effort to “facilitate budget and personnel planning by local school districts” and to “minimize any disruption to that planning,” budget language requires the Education Funding Task Force (established in the *McCleary* plan bill, E2SSB 6195) by April 1, 2017 to either: (a) Determine that the Legislature will meet its obligation to provide for compensation reform and eliminate school districts’ overreliance on local levies by April 30, 2017; or (b) Introduce legislation to address the levy cliff by extending current state levy policy for at least one calendar year, with the objective of enacting such legislation by April 30, 2017.

Assessment Inventory Tool

Legislation (SB 6552) was introduced that would have required OSPI to provide school districts with an assessment inventory tool. While this bill was not adopted, proviso language adopted in the 2016 Supplemental Operating Budget requires similar action.

OSPI is directed to obtain an existing student assessment inventory tool that is free and openly licensed and distribute

the tool to every school district. Each school district is required to use the student assessment inventory tool to identify all state-level and district-level assessments that are required of students.

The assessments identified must not include assessments used to determine eligibility for any categorical program, including the Transitional Bilingual Instruction Program, the Learning Assistance Program, the Highly Capable program, Special Education, or any formative or diagnostic assessments used solely to inform teacher instructional practices. Each district must report to OSPI by October 15, 2016 the amount of student time that is spent taking each assessment identified. By December 15, 2016, OSPI must summarize the information reported by the school districts and provide a report to the Legislature.

No additional funding was provided for these specific tasks.

National Board Bonus

The Legislature provides a bonus to all eligible K–12 public teachers certified by the National Board for Professional Teaching Standards. Bonuses were paid in July 2015 from funds provided in the underlying 2015–17 Operating Budget; however, the appropriation was not sufficient to cover all bonus payments to schools. The 2016 Supplemental Operating Budget provides a Maintenance Level increase of \$8.1 million to cover shortfalls in Fiscal Year 2016 and provide for projected increases in the number of National Board-certified teachers in Fiscal Year 2017.

Youth Mental Health Services

The Joint Legislative Audit and Review Committee (JLARC) is provided with \$60,000 to implement E2SHB 2439. The bill requires JLARC to conduct an inventory of the mental health service models available to students in schools, school districts, and ESDs. Another \$668,000 is provided to the Health Care Authority to report to the Legislature on the status of access to behavioral health services for children and youth, as required by E2SHB 2439.

Pension Merger

Late-arriving legislation, SB 6668, would have merged the assets, liabilities, and membership of the Law Enforcement Officers’ and Fire Fighters’ Retirement System Plan 1 (LEOFF 1) with the Teachers’ Retirement System Plan 1 (TRS 1). The bill, introduced along with the Senate budget

proposal, was expected to save the state \$75 million in the current biennium and an expected additional savings of \$243.8 million in the 2017–19 biennium due to changes in TRS 1 employer contributions. The bill failed to be adopted; however, the 2016 Supplemental Operating Budget includes proviso language requiring the issue to be studied.

Budget language directs the Select Committee on Pension Policy (SCPP) to study SB 6668 during the 2016 legislative interim and report on the tax, legal, fiscal, policy, and administrative implications. SCPP is required to submit a report to the Legislature by January 9, 2017.

No additional funding is provided to develop or conduct the study.

Salary Deferral

\$308,000 is provided to the Department of Retirement Services (DRS) for the administrative costs to implement ESSB 5435. The bill requires new public employees to be automatically enrolled in the Washington State Deferred Compensation Program unless they elect to waive participation. Under the bill, DRS is also authorized to offer a money-purchase retirement savings plan.

Racial Impact Statements

Legislation (HB 2076/SB 5752) was introduced this session to require the Caseload Forecast Council to establish a procedure for producing racial impact statements on the effect proposed legislation would have on racial and ethnic minorities, including how legislation would impact the racial and ethnic composition of the criminal and juvenile justice systems. These bills failed to pass; however, a similar requirement is included in the final 2016 Supplemental Operating Budget.

Proviso language directs the Caseload Forecast Council, in cooperation with a series of agencies and boards—including the Washington Student Achievement Council, the Department of Early Learning, and the State Board of Education—to develop recommendations for procedures and tools which will enable them to provide cost-effective racial and ethnic impact statements to legislative bills affecting criminal justice, human services, and education caseloads forecasted by the Council (education caseloads were not a part of the impact statements required by HB 2076/SB 5752). The recommendations for the racial and ethnic impact statements must be able to identify the

positive and negative impacts on communities as a result of proposed or adopted legislation.

The Caseload Forecast Council is required to submit a report to the Legislature by December 31, 2016. The report must: outline recommendations for procedures and tools necessary to provide racial and ethnic impact statements to criminal justice, human services, and education caseloads; and outline implementation cost estimates and potential funding sources.

No additional funding is provided to develop or conduct the study.

Charter School Enrollment

Proviso language requires the Caseload Forecast Council, during the remainder of the 2015–17 biennium, to provide a separate forecast of enrollment for charter schools (as implemented in E2SSB 6194), in addition to the current caseload forecasts it provides for common school enrollment.

No additional funding is provided for this expanded duty.

Career and College-Ready Lighthouse Program

The Workforce Training and Education Coordinating Board is provided with \$75,000 to develop a plan for a Career and College-Ready Lighthouse Program that is representative of the different geographies and industries throughout the state. The plan is required to provide students the opportunity to: explore and understand career opportunities through applied learning; engage with industry mentors; and plan for career and college success. The plan must also include: work-integrated and career-related strategies that increase college and career readiness of students statewide; specify where and how the Board will utilize mentor school districts; and identify the needs of school districts to provide career and college ready opportunities.

To assist with the development of the required plan, the Board must convene an advisory committee, comprised of: individuals from the public and private sector with expertise in career and technical education and work-integrated training; school counselors; representatives of labor unions; representatives from professional technical organizations; representatives from career and technical colleges; and individuals from business and industry. The plan must be submitted to the Legislature by January 1, 2017.

Education Construction Fund

The Legislature established the Education Construction Fund exclusively to provide appropriations for common school construction or higher education construction. Proviso language in the 2016 Supplemental Operating Budget expands this by allowing funding to be used for “maintenance and operations at Community and Technical Colleges” during the 2015–17 biennium.

Public Works Assistance Account- VETOED

The Legislature established the Public Works Assistance Account to provide loans and give financial guarantees to local governments for public works projects. For several years, the Legislature has been siphoning money from the Public Works Assistance Account into the General Fund or dedicated accounts to backfill holes in the Operating Budget.

The underlying 2015–17 Operating Budget included proviso language allowing the Legislature during the 2015–17 biennium to transfer from the Public Works Assistance Account to the General Fund “such amounts as specified by the Legislature.” Language also provided the Legislature’s intention in 2017–19 to allocate \$75 million from future loan repayments paid into the Public Works Assistance Account to support basic education.

As adopted, the 2016 Supplemental Operating Budget amended the Legislature’s intention to allocate \$75 million from future loan repayments in 2017–19. The new language stated that during the 2017–19 biennium, the Legislature intended to “not authorize new loans” from the Public Works Assistance Account. Further, the Legislature intended to allocate the expected-to-be-available \$227,367,000 from the Public Works Assistance Account to support basic education. The expected transfer was already “booked” in the four-year balanced budget Outlook for 2017–19.

Prior to signing the budget, however, Governor Inslee vetoed this section. In his veto message Inslee noted that use of funding in the Public Works Assistance Account next biennium “is a decision for the next Legislature.” Further, he stated that there is a “clear need for future public infrastructure improvement throughout the state.”

2016 Supplemental Capital Constuction Budget: ESHB 2380

With little available capacity remaining under the constitutional (and statutory) debt limit—and a heavy emphasis on the Operating Budget—capital construction issues were a sideshow to other higher priority activities in 2016. Nevertheless, construction was a focus for many legislators, with K–12 construction, in particular, being a major priority.

WASA, along with many of the other education associations, advocated for three major issues within the construction realm. In the 2016 Supplemental Capital Construction Budget and/or in policy legislation, we sought: enhancements to the state’s antiquated funding formulas for K–12 construction; a significant increase in capital funds to specifically accommodate all-day kindergarten and K–3 class size reduction; and a constitutional amendment authorizing school bond issues to be approved with a simple majority. While construction took the backseat to other “priority” issues and there were disappointments surrounding our K–12 capital requests, there were some successes.

Construction Formulas. In recent years, the Legislature has done an admirable job of creatively finding additional resources for K–12 school construction, especially given the continuing decline in revenues from trust lands and limited capacity for state bonds. In the last decade or more, the Legislature has consistently provided “full funding” of the School Construction Assistance Program (SCAP). Resources provided in each biennial budget (as well as interim supplemental budgets) have been enough to cover all of the anticipated requests for K–12 construction assistance; it has been quite some time since school districts had to be put on a waiting list for funding.

In the underlying 2015–17 Capital Construction Budget enough SCAP funding was provided to “fully fund” expected school construction requests. As described below, the 2016 Supplemental Capital Construction Budget provides an enhancement (\$34.8 million) to cover additional anticipated requests for the remainder of the biennium. Unfortunately, this “full funding” continues to fall well short of school district needs because SCAP formulas are outdated and do not reflect school district education

specifications or actual school construction costs. The Student Space Allocation needs to at least meet national averages and the Construction Cost Allocation needs to reflect actual construction costs. Updating these formulas has been a long-time advocacy goal for WASA and the rest of the education community, but has again been essentially ignored by this Legislature.

Positively, the 2016 Supplemental Capital Budget provides for a School Construction Technical Work Group. The Work Group (described more fully below) will review a series of K–12 construction issues, including issues surrounding SCAP. The Work Group is supposed to be a precursor to anticipated legislative work on school construction next year. Wishy-washy proviso language states the Legislature “intends to consider forming a Joint Legislative Task Force on School Construction in 2017.” (So, they plan on thinking about it? I’m sure they definitely will. Maybe.) Even if the results of the Work Group is persuasive, showing the need for enhancements and updates to funding formulas and other construction issues, it appears the Legislature will not be prepared to act until at least the 2018 session, after its Task Force meets and provides results and recommendations.

Enhanced Investment. Two of the major components of the new basic education funding system (established in ESHB 2261 in 2009 and SHB 2776 in 2010—and reiterated in Supreme Court orders in the *McCleary* education funding case) are state-funded all-day kindergarten and significant reductions in K–3 class sizes. The Legislature has begun funding these two components; however, many districts across the state have had to turn down some (or all) of the funding provided because they simply do not have the facility space to accommodate these important policies. (As noted in the Operating Budget section of this report, the final budget reduces \$17.4 million in class size funding because many districts were unable to reduce class sizes sufficiently enough to retain the funding. An earlier budget proposed to claw back \$52.0 million.)

The Supreme Court has clarified that enhanced funding of all-day kindergarten and class size reduction is essential, but “the state must account for the actual costs to schools

of providing these components of basic education,” noting that the duty to amply fund education “must be borne by the state, not local districts.” As such, it is also vital that school districts receive an influx in capital funds for additional space to accommodate all-day kindergarten and a drastic reduction in K–3 class sizes. In his budget request last year, Superintendent Dorn asked for almost \$2.0 billion just to fund additional classrooms for all-day kindergarten and K–3 classes.

Legislators responded by adopting 2ESSB 6080 and establishing a new K–3 Class Size Reduction Construction Pilot Grant Program. The underlying 2015–17 Capital Budget provided \$200.0 million for the grant program. Positive, to be sure, but a far cry from the \$2.0 billion need. This session, even with limited available funds, the Legislature took another step and provided a \$34.5 million enhancement to the grant program. Still a long way to go, but another positive step—and a step that shows a growing recognition of the problem.

Simple Majority. Even if the Legislature steps up and provides a significant influx of funding for school construction, it is expected that a local contribution will still be required to access most state construction assistance. Given that expectation and the growing school facility needs across the state, WASA and most of the education community have urged the Legislature to advance a constitutional amendment to the people authorizing school district bond issues to be approved with a simple majority vote. Last year HJR 4210 (and its necessary implementing bill, HB 1941) was introduced, but only received a courtesy hearing in the House Education Committee. Apparently the bill is still not ready primetime, as this session the legislation once again was only given a courtesy hearing (after cut-off no less). Even though simple majority did not move very far, it is hoped the issue got a bit of a jumpstart and will have some momentum heading into the next session.

Following are more specific details of the final 2016 Supplemental Capital Budget.

FINAL CAPITAL BUDGET

The 2015–17 Capital Budget was a \$3.93 billion construction package that left little available bonding

capacity in 2016. As adopted, the 2016 Supplemental Capital Budget uses nearly the full amount of the remaining \$89.4 million in bond availability in 2015–17 (leaving \$78,000 “in the bank”), plus another \$423,000 in available capacity due to previous bond authorizations. In total, the 2016 Capital Budget almost exhausts the available bonding capacity, authorizing \$89.7 million in bonds, and adds another \$80.1 million in other funds, for a total of \$169.8 million in new appropriations. Included is \$76.0 million for K–12 education construction.

\$34.8 million of the K–12 total is provided for the School Construction Assistance Program (SCAP). SCAP funding is comprised of: \$3.6 million from state General Obligation bonds; and \$31.2 million from the Common School Construction Account, utilizing revenue from timber sales, leases, and other earnings from state trust lands. (Note: An additional \$150,000 Maintenance Level re-appropriation from 2013–15 is also added.) While this SCAP enhancement is expected to “fully fund” the anticipated requests for K–12 construction for the remainder of the biennium, those requests—and the resultant funding—will continue to be inadequate. Because the Capital Budget does not amend outdated funding formulas for the Construction Cost Allowance or the Student Space Allocation, state construction assistance does not reflect real school district education specifications, nor does it recognize actual school construction costs.

K–12 EDUCATION DETAILS

- The underlying 2015–17 Capital Budget provided \$200.0 million to fund a new K–3 Class Size Reduction Construction Pilot Grant Program, as established by 2ESSB 6080 (2015). The 2016 Supplemental Capital Budget provides \$34.5 million of additional funding for the grant program to support all-day kindergarten and K–3 class size reductions.
- The underlying 2015–17 Capital Budget included various provisos related to expenditures of SCAP funding. One proviso required OSPI to expedite the allocation and distribution of SCAP funds for distressed schools, STEM pilot projects, or Skills Centers. Language specified that, for purposes of determining state funding assistance, eligible

area must be calculated as follows: eligible area for STEM pilot projects is 1,440 square feet per science lab or classroom combination, or both; and 1,040 square feet per science classroom. Total eligible area per STEM pilot project must not exceed 15,840 square feet. Additional language added in the 2016 Supplemental Capital Budget clarifies that the total eligible area of all STEM pilot projects receiving expedited allocations of SCAP must not exceed 36,880 square feet.

- OSPI is provided with an additional \$350,000 (beyond the original appropriated \$2.9 million) for administration of the Capital Projects Program.
- The underlying 2015–17 Capital Budget established a new STEM Pilot Program and provided OSPI with \$12.5 million to provide STEM grants to school districts. The 2016 Supplemental Capital Budget includes new language that makes several changes to the pilot program:
 - Grants to eligible school districts must be for projects that involve either: (1) construction of new lab or classroom additions at existing facilities; or (2) modernization of labs or classrooms at existing facilities.
 - Original language required at least one grant award to be made to a school district located in Southwest Washington. New language clarifies that Southwest Washington award recipients must currently offer curriculum using equipment called Real-Time PCR and a scanning electron microscope to build partnerships with academia and industry leaders to develop in-depth research projects.
 - New language specifies that OSPI must award “no less than six and no more than eight” grants using the appropriated funds.
 - Original language specified that each school district is limited to one grant award. New language clarifies the award may be used for more than one school facility within a recipient district.
- The underlying 2015–17 Capital Budget provided the Washington State University Extension Energy Office with \$1.6 million to complete the collection, input and verification of data of public school facilities into the Inventory and Condition of Schools system administered and maintained by OSPI. The 2016 Supplemental Capital Budget appropriates an additional \$786,000 (for a total of \$2.3 million). New language also clarifies that if the funding provided is insufficient to carry out all the tasks identified, the WSU Extension Energy Office must prioritize the tasks to ensure the required data collection is completed first. Further language authorizes the WSU Extension Energy Office to enter into an interagency agreement with OPSI for additional funding to carry out the tasks identified in the budget.
- The underlying 2015–17 Capital Budget provided the Office of Financial Management with \$5.0 million for the Emergency Repair Pool for K–12 Public Schools. The 2016 Supplemental Capital Budget provides an additional \$1.2 million (from the State Building Construction Account; the original \$5.0 million appropriation was from the Common School Construction Account). The additional funding is directed to be spent on three specific K–12 projects:
 - Minor works repairs at the West Sound Skills Center (\$1.0 million);
 - A boiler for the Oakesdale School (\$103,000); and
 - A roof for the Oakesdale School (\$113,000).
- The Office of Financial Management (OFM) is provided with \$125,000 to undertake a Cost-Effective K–3 Classrooms Assessment. Proviso language requires OFM to “analyze cost-effective options for the procurement of high quality, sustainably built, energy efficient, and healthy classroom space to address the need for K–3 classrooms statewide.” The analysis is to include the potential for use of advanced sustainable materials and innovative design, production, and procurement processes. OFM is allowed to contract with one or more consultants to assist with the analysis. This required analysis is somewhat linked with a pilot project that OFM must establish on cross laminated timber. OFM is provided with another \$125,000 for a review of cross laminated timber (CLT):

- o \$75,000 of the appropriation is provided for a grant to the Washington State University College of Engineering and Architecture. WSU must prepare a review and summary of available engineering test results and other evidence demonstrating the performance of cross laminated timber and other regionally sourced sustainable or renewable materials in building construction. The review must emphasize results and evidence that are relevant to the consideration of building code amendments that allow for greater use of CLT in construction (including school construction). The report must be submitted to the State Building Code Council and the Legislature by December 1, 2016.
- o \$50,000 of the appropriation is provided for a grant to the Department of Commerce to assist prospective CLT manufacturers in evaluating the potential CLT market and determine necessary investments to manufacture CLT.
- The Department of Enterprise Services (DES) is provided with \$5.5 million to purchase modular classrooms to support reduced K–3 class sizes in: Seattle School District; Mount Vernon School District; Sequim School District; Wapato School District; and Toppenish School District. The selected school districts will receive up to four modular classrooms each. The modular classrooms may be constructed of cross laminated timber as part of a pilot program encouraging the use of CLT or other mass timber products (as discussed above). DES must conduct a request for qualifications process for selecting the modular classroom builders and among the scoring criteria will be the innovative use, percent, and regional sourcing of CLT. DES is required to report the results of the competition including cost, CLT use, and any improvement that can be made, to the Legislature. Finally, language clarifies that the selected school districts will still be eligible for the K–3 Class Size Reduction Construction Pilot Grant Program, as established by 2ESSB 6080 (2015). Additional language in a separate section specifically declares that, for the 2015–17

biennium, the procurement for services related to modular classrooms may be expedited.

- The Department of Commerce is provided with an enhancement of \$11.4 million for Local & Community Projects across the state. Included are two education-related projects: \$300,000 for the Pasco Early Learning Center; and \$30,000 for the South Kitsap High School NJROTC.
- The 2016 Supplemental Capital Budget also provides for a School Construction Technical Work Group. The Work Group is to consist of legislative staff, in consultation with OSPI and the Citizen Advisory Panel and Technical Advisory Group. The Work Group is a precursor to anticipated legislative efforts on school construction. Budget language states the Legislature “intends to consider forming a Joint Legislative Task Force on School Construction in 2017.”

The Work Group must monitor the progress and status of other activities in 2016, including:

- o The status of implementing 2015’s 2ESSB 6080 (K–3 Class Size Reduction);
- o The findings and results of the verification of K–12 building condition and classroom counts, as performed by the WSU Energy Office;
- o The findings and results from work by ESD 112, regarding variations in cost of construction; and
- o The status of implementing capital grants for STEM.

Based on the findings and results of work underway, the Work Group must compile key elements and identify issues for the Legislature to consider to improve how state assistance is provided to school districts to design, build, and maintain public schools. Among the elements that could be identified include:

- o Education specifications recognized by the state for effective and efficient school design and construction for the purpose of providing guidance to school districts when designing school construction projects;

- o A capital asset model for K–12 school construction that considers space and usage needs to calculate construction assistance;
- o Transparency when districts are proposing local bond issues and capital levies for school construction;
- o Equity in allocating grants for school construction; and
- o An alternative process for projecting enrollment growth.

The Technical Work Group must provide an initial report to the Legislature during the 2016 interim Legislative Committee Assembly and a final report by January 15, 2017.

Education-Related Bills That Passed—Titles

During the 2016 Legislative Session, over 2,000 bills, resolutions, and memorials were introduced—for a total of almost 4,500 pieces of legislation introduced during the two-year session. Of those, just almost 300 were adopted by the 2016 Legislature. In 2016, WASA staff monitored over 300 bills, resolutions, and memorials that had a direct or potentially indirect impact on K–12 education. Ultimately, 29 education-related bills of importance were adopted.

Following is a description of those education-related bills that survived the legislative journey and were adopted. The description shows the bill's prime sponsor and notes the session law chapter number.

EHB 1003.....	Disaster recovery	HB 2624.....	Election errors
HB 1345.....	Professional learning	SHB 2985.....	Educational space inventory
2SHB 1408.....	Family Engagement Coordinators	ESHB 2988.....	BSA expenditures
4SHB 1541.....	Educational opportunity gap	ESSB 5435.....	Salary deferral
3SHB 1682.....	Homeless students	SB 6171.....	OPMA violations
4SHB 1999.....	Foster youth	E2SSB 6194.....	Charter schools
HB 2023.....	Nonrenewal notice	E2SSB 6195.....	<i>McCleary</i> funding plan
HB 2360.....	Quality Education Council	SB 6245.....	Visual screening
2ESHB 2376.....	Supplemental Operating Budget	SSB 6273.....	Technology safety
ESHB 2380.....	Supplemental Capital Budget	ESSB 6293.....	Student volunteers
E2SHB 2439.....	Youth mental health services	SB 6371.....	Early learning agencies
2SHB 2449.....	Truancy reduction	E2SSB 6455.....	Teacher shortage
HB 2476.....	180-day school year waivers	SB 6475.....	PEBB health coverage
ESHB 2524.....	Supplemental Transportation Budget	ESB 6620.....	School safety
HB 2597.....	Sexual abuse plans		

Education-Related Bills That Passed

EHB 1003—Disaster recovery

(Representative Hawkins)

C36 L16

This bill was inspired by the impact to school districts following the devastating wild fires in Central Washington during the past two summers. As adopted, EHB 1003 directs the Washington State School Directors' Association to develop a model policy addressing the restoration of the safe learning environment disrupted by natural disaster impacts to school district infrastructures. As WSSDA develops the policy, they can consult with stakeholders, including OSPI, the Washington Emergency Management Division of the State Military Department (EMD), risk management entities that work with school districts, nonprofit experts in disaster recovery, ESDs, and school districts affected by natural disasters.

The model policy is required to:

- take into consideration any guidance on infrastructure recovery developed by the Federal Emergency Management Agency and the EMD;
- include an infrastructure recovery checklist that a school impacted by a natural disaster can use to restore its essential physical and organizational structures, services, and facilities;
- list the offices or divisions of state agencies that school districts may contact for assistance with infrastructure recovery after a natural disaster;
- list examples of state and federal emergency funding sources for which school districts impacted by a natural disaster have qualified; and
- include a model continuity of operations plan for use by school districts.

After it is developed, WSSDA must distribute the new model policy to school districts by August 31, 2017, with encouragement to adopt the model policy and review the district's current Safe School Plan.

HB 1345—Professional learning

(Representative Lytton)

C77 L16

Research has shown that general professional development for teachers such as workshops, seminars, and conferences does not have a positive benefit-to-cost ratio in terms of improving student achievement; however, research has indicated that professional development focused on improving teaching in a specific academic content area such as mathematics, reading, or science does show benefits. HB 1345 provides a specific, statutory definition of "professional learning" and encourages school districts to establish targeted, sustained, relevant professional learning opportunities that meet the definition and are aligned to state and district goals.

The bill defines the term "professional learning" as a comprehensive, sustained, job-embedded, and collaborative approach to improving teachers' and principals' effectiveness in raising student achievement. Also, professional learning:

- fosters collective responsibility for improved student performance and must comprise learning that is aligned with student learning needs, educator development needs, and school district or state improvement goals;
- maintains the improvement of teachers' and school leaders' effectiveness in assisting all students to meet the state learning standards as its primary focus;
- is an ongoing process that is measurable by multiple indicators and includes learning experiences that support the acquisition and transfer of learning, knowledge, and skills into the classroom and daily practice; and
- incorporates differentiated, coherent, sustained, and evidence-based strategies that improve educator effectiveness and student achievement.

Professional learning should also include the work of established collaborative teams of teachers, school leaders, and other administrative, instructional, and education

services staff members, who commit to working together on an ongoing basis to accomplish common goals and who are engaged in a continuous cycle of professional improvement focused on:

- identifying learning needs using multiple sources of data;
- defining a clear set of learning goals;
- continuously assessing, through reflection, observation, and sustained support, the effectiveness of the professional learning in achieving learning goals, improving teaching, and assisting all students in meeting state academic learning standards;
- using formative and summative measures; and
- realizing the three primary purposes for professional learning: (1) individual improvement aligned with individual goals; (2) school and team improvement aligned with school and team improvement; and (3) program implementation aligned with state, district, and school improvement goals and initiatives.

While the Legislature has continued to neglect funding for professional development, this bill and its clarifying definitions are intended to help taxpayers and legislators to better understand what the state is buying when the Legislature starts funding professional learning.

2SHB 1408—Family Engagement Coordinators

(Representative Ortiz-Self)

C79 L16

Family Engagement Coordinator (also referred to as “Parent and Family Engagement Coordinator,” or “Parent Involvement Coordinator”) is a staff position included in the new Prototypical School Funding Model and funding was allocated for the position in the 2013–15 and 2015–17 Operating Budgets. The Legislature found that, despite the apparent recognition of the critical importance of the position, there is no single definition of the term/position, nor is there a model or framework for the staff position.

2SHB 1408 directs the Office of the Education Ombuds (OEO), within the Office of the Governor, to work together with the Educational Opportunity Gap Oversight and

Accountability Committee (EOGOAC) to develop and recommend to the Legislature: a definition for the term “Family Engagement Coordinator” as well as a model or framework for such a staff position. In developing the model or framework for the staff position, the OEO and the EOGOAC must collaborate with: OSPI, the Washington Education Association, the Public School Employees of Washington, the Washington School Counselors’ Association, the Association of Washington School Principals, and the Washington State School Directors’ Association.

The required recommendations must be provided to the Legislature by December 1, 2016.

4SHB 1541—Educational opportunity gap

(Representative Santos)

C72 L16

In 2009, the Legislature established the Educational Opportunity Gap Oversight and Accountability Committee (EOGOAC) to recommend policies and strategies to close the achievement gap. The EOGOAC has six legislative members, representatives of the Office of Education Ombuds (OEO) and OSPI, and five members representing the state ethnic commissions and federally recognized tribes.

Since the creation of the EOGOAC, multiple bills have been introduced to implement the Committee’s recommendations. Legislation adopted in 2013 made many changes to laws regarding student discipline. In 2015, legislation required data on students from military families be collected according to federal guidelines, including further disaggregation of race and ethnicity. Other recommendations and their accompanying bills have had varying success.

In its 2015 report to the Legislature, the EOGOAC made the following recommendations:

- reduce the length of time students of color are excluded from school due to suspension and expulsion, and provide student support for reengagement plans;
- enhance the cultural competence of current and future educators and classified staff;

- endorse all educators in English Language Learner (ELL) and second language acquisition;
- account for the Transitional Bilingual Instruction Program (TBIP) for instructional services provided to ELL students;
- analyze the opportunity gap through deeper disaggregation of student demographic data;
- invest in the recruitment, hiring, and retention of educators of color;
- incorporate integrated student services (ISS) and family engagement; and
- strengthen student transitions.

4SHB 1541 is comprehensive legislation to implement many of the EOGOAC's 2015 recommendations. In its attempt to close the educational opportunity gap, the bill addresses multiple issues.

Student Discipline. Laws regarding student discipline, amended in 2013, are further updated. New language explicitly prohibits school districts from suspending the provision of educational services to a student as a disciplinary action. Students may be excluded from classrooms or instructional or activity areas for the period of suspension or expulsion, but districts must provide students with an opportunity to receive educational services during that time. If educational services are provided in an alternate setting, the alternate setting should be “comparable, equitable, and appropriate” to the regular education services a student would have received without the exclusionary discipline. School districts are also prohibited from using long-term suspension or expulsion as a form of “discretionary discipline” (that is, disciplinary action taken by a district for student behavior that violates the rules of student conduct). The law lists a series of specific exceptions, including firearms possession, certain violent offenses, sex offenses, and crimes related to assault, kidnapping, harassment, and arson. Except for violation of the prohibition against firearms on school premises, districts are encouraged to consider alternative actions before using long-term suspension or expulsion for other violations listed. Possession of a telecommunication device and violation of dress and grooming codes are removed from the previous list of discretionary violations that, if performed two or more times within a three-year period,

may result in long-term suspension or expulsion. In the limited circumstances where disciplinary action involves a suspension or expulsion for more than ten days, the end date must be no more than the length of an academic term, rather than “one calendar year” as was previously the case.

After a student is suspended or expelled, the district must—rather than should—convene a reengagement meeting with the student and family. Families must have access to, provide meaningful input on, and have the opportunity to participate in, a culturally sensitive and culturally responsive reengagement plan.

WSSDA is required to create and publicly post model school district discipline policies and procedures by December 1, 2016, and update the policies as necessary.

School districts must:

- adopt and enforce discipline policies and procedures consistent with the WSSDA model policy by the beginning of the 2017–18 school year;
- annually disseminate discipline policies to the community;
- use disaggregated student-level data to monitor the impact of the school district's discipline policies and procedures; and
- periodically review and update their discipline rules, policies, and procedures in consultation with school district staff, students, families, and the community.

OSPI is required to develop a training program to support the implementation of discipline policies and procedures, and school districts are strongly encouraged to train school and district staff on the discipline policies and procedures.

The Education Data and Research Center (ERDC) is required to prepare a regular report on the educational and workforce outcomes of youth in the juvenile justice system. A change is made in the law to allow the Administrative Office of the Courts to share data with the ERDC. The Department of Social and Health Services is added to the list of agencies that must work with the ERDC.

Cultural Competence. WSSDA is required, in consultation with OSPI, the Professional Educator Standards Board, the Teacher/Principal Evaluation Program Steering Committee, and the EOGOAC, to develop a plan for the creation and

delivery of cultural competency training for school board members and superintendents. OSPI is required to develop cultural competency training for teachers, administrators, and principals. Professional development required of principals and administrators who have evaluation responsibilities must be aligned to cultural competence standards, focus on multicultural education and principals of English language acquisition, and include best practices to implement tribal history and culture curriculum.

Required Action Districts, districts with schools that receive the federal School Improvement Grant, and districts with schools identified by OSPI as priority or focus are “strongly encouraged” to provide cultural competence professional development and training.

English Language Learner Instruction and Accountability.

All classroom teachers in the TBIP must hold an endorsement in bilingual education or ELL by the 2019–20 school year. At the beginning of each school year, OSPI must identify schools in the top five percent of schools with the highest percent growth in ELL students during the previous two years and strongly encourage districts with identified schools to provide cultural competence professional development and training. Subject to funding, OSPI must provide districts with assistance and support related to the TBIP.

Disaggregated Data. Beginning in the 2017–18 school year, OSPI must collect, and school districts must submit, student data using federal race and ethnicity reporting guidelines, including subracial and subethnic categories. The K–12 Data Governance Group is required to develop protocols and guidance for this data collection, and OSPI must incorporate training on best practices for collecting data on racial and ethnic categories into other data-related training. OSPI must also convene a task force to review the US Department of Education’s guidelines to clarify why collection of race and ethnicity data is important and how students and families can help administrators properly identify them. By August 1, 2016, OSPI, in cooperation with the K–12 Data Governance Group, the Education Data and Research Center, and the State Board of Education, must adopt a rule that the only student data that should not be reported for public reporting and accountability is data where the school or district has fewer than ten students in a grade level or student subgroup.

Recruitment and Retention. OSPI must, to the extent data is available, post on the Internet the percentage of classroom teachers per school district and per school, and the average length of service of these teachers, disaggregated by race and ethnicity for student-level data.

Transitions. The Department of Early Learning, in collaboration with OSPI, is required to create a community information and involvement plan to inform home-based, tribal, and family early learning providers about the Early Achievers program.

Integrated Student Services and Family Engagement.

Subject to funding, the Washington Integrated Student Supports Protocol (WISSP) is established at the Center for the Improvement of Student Learning within the OSPI. The purpose of WISSP is to promote the success of students by coordinating academic and non-academic supports to reduce barriers to academic achievement and educational attainment.

A framework is provided for WISSP, including needs assessments, integration and coordination, community partnerships, and a requirement that WISSP be data-driven. The framework must facilitate the ability of any academic or nonacademic provider to support the needs of at-risk students, including: out-of-school providers, social workers, mental health counselors, physicians, dentists, speech therapists, and audiologists. Subject to funding, OSPI must create a work group to determine how to best implement the framework and report to the Legislature by October 1, 2016 and 2017.

Learning Assistance Program. The requirement that expenditure of funds from the Learning Assistance Program (LAP) be consistent with certain academic achievement and accountability provisions is removed. The local school board, rather than OSPI, must approve in an open meeting any community-based organization or local agency before LAP funds may be expended.

Funding. The 2016 Supplemental Operating Budget provided \$1.2 million to implement this bill. The funding is to be used for: a report on the outcomes of youth in the juvenile justice system; development of cultural competence training for all school staff; collection of student data disaggregated by sub-racial and sub-ethnic categories; posting and disaggregation of racial and ethnic data related to teachers and their average

length of service; establishment of the Washington Integrated Student Supports Protocol to promote the success of students by coordinating academic and non-academic supports; and creation of a work group to determine how to implement WISSP.

3SHB 1682—Homeless students

(Representative Fey)

C157 L16

According to a 2015 report from OSPI, between the 2008–09 school year and the 2013–14 school year, the state experienced a 56 percent increase in the number of enrolled homeless students reported by school districts. During the 2013–14 school year, 32,494 students were identified as homeless. There was a heavy focus on homelessness in the 2016 Legislature.

3SHB 1682 addresses the issue of student homelessness with several strategies. Subject to funds appropriated, OSPI is directed to create a competitive grant process to evaluate and award state-funded grants to school districts to pilot increased identification of homeless students and the capacity of the districts to provide support, which may include homeless education liaisons. The process must complement any similar federal grant program or programs in order to minimize agency overhead and administrative costs for OSPI and school districts. Districts may access both federal and state money to identify and support homeless students. Award criteria for the grants must be based on demonstrated need and may consider the number or overall percentage, or both, of homeless children and youths enrolled in preschool, elementary, and secondary school in the district and the ability of the district to meet these needs.

The bill also establishes a housing grant program. Subject to funds appropriated, the Department of Commerce, in consultation with OSPI, is charged with administering a grant program that links homeless students, their families, and unaccompanied homeless students with stable housing located in the homeless student's school district. OSPI may award grants of up to \$100,000 per school to school districts partnered with eligible organizations. Total awards may not exceed \$500,000 per school district and may not exceed fifteen school districts per school year. In determining which school districts receive grants, preference must be given to

districts with a demonstrated commitment of partnership and history with eligible organizations, including a local government, local housing authority, Regional Support Network, nonprofit community or neighborhood-based organization, federally recognized Indian tribe within the state, or regional or statewide nonprofit housing assistance organization. Beneficiaries of funds from the grant program must be from very low-income households. Applications for the grant program must include contractual agreements between the housing providers and the school districts defining the responsibilities and commitments of each party to identify, house, and support students. Eligible activities for assistance include, but are not limited to: rental assistance, including security deposits, utilities, and moving expenses; transportation assistance, including gasoline for vehicles and bus passes; emergency shelter; and housing stability case management. Grantee school districts must compile and report information to the Department of Commerce, which in turn must report to the Legislature the findings of the grantee, the housing stability of the homeless families, the academic performance of the grantee population, and any related policy recommendations. Data on all grant program participants must be entered into and tracked through the Department of Commerce's Homeless Client Management Information System.

The bill requires OSPI's current data collection and reporting requirements on homeless students to be expanded to include the number of identified homeless students of color. When reporting the number of identified unaccompanied homeless students, OSPI must also include the number for each district and report the information on the Washington State Report Card website.

Finally, language from separate legislation was amended onto this bill dealing with health care consent of homeless students. The bill authorizes a school nurse, school counselor, or homeless student liaison to provide consent for health care for a homeless student under the following conditions: consent is necessary for nonemergency outpatient primary care services; the patient meets the definition of a "homeless child or youth" under the federal McKinney-Vento Homeless Assistance Act; and the patient is not under the supervision or control of a parent, custodian, or legal guardian. Language clarifies that a person consenting care and the person's employing school are not

liable for any care or payment for care, and must provide written notice of his or her exemption from liability to the person providing care.

The 2016 Supplemental Operating Budget provides the necessary funding to implement this bill. \$1.0 million is provided to OSPI to implement the competitive grant program and another \$1.0 million is provided to the Department of Commerce to administer the grant program linking homeless students and their families with stable housing located in the homeless student's school district.

4SHB 1999—Foster youth

(Representative Carlyle)

C71 L16

Legislation was adopted in 2012 which required the Department of Social and Health Services (DSHS) to contract with at least one nongovernmental entity that has demonstrated success in working with foster care youth in improving educational outcomes. The nongovernmental entity was required to: administer a program of educational coordination for foster youth in Washington from birth through twelfth grade; engage in a public-private partnership with DSHS; raise a portion of the funds needed for service delivery, administration, and evaluation; provide services to support individual youth upon a referral by a social worker with DSHS or nongovernmental agency; be co-located in the offices of DSHS to provide timely consultation and in-service training; and report outcomes to DSHS twice per year.

The 2013–15 Operating Budget provided funding for the Children's Administration (within DSHS) to contract with a nongovernmental entity to improve educational outcomes of dependent students by providing individualized education services and monitoring and supporting the completion of educational milestones, remediation needs, and special education needs of these students. The 2015–17 Operating Budget provided funding for a second demonstration site to be implemented no earlier than July 1, 2016.

4SHB 1999 continues the programs implemented for dependent youth in 2012, 2013, and 2015; however, the legislation alters who is in charge of those programs. Under the bill, DSHS is required to contract with OSPI, which in turn must contract with a nongovernmental entity to administer a program of education coordinator for dependent

youth. The current demonstration program to improve educational outcomes for foster youth is maintained and expanded to include a second site. The second site must be implemented after July 1, 2016. The agency contracting with the nongovernmental agency for this purpose is changed from DSHS to OSPI and the resulting contract must be outcome-driven. The nongovernmental agency must engage in a public-private partnership with OSPI and is responsible for raising a portion of the funds needed for service delivery, administration, and evaluation. The contracted entity is required to semi-annually report outcomes of the program to OSPI and DSHS, beginning December 1, 2016.

A Supplemental Education Transition Planning Program (SETuP), a part of the Passport to College Promise Scholarship Program (established in 2007), is moved from DSHS to the Washington Student Achievement Council (WSAC). The required WSAC contract with a nongovernmental agency must be outcome-driven with a stated goal of improving the graduation rates and postsecondary plan initiation of eligible youth by two percent per year over five school years starting with the 2015–16 school year. The SETuP program must include:

- consultation with schools and DSHS social workers to develop educational plans for and with participating youth;
- age-specific developmental and logistical tasks to be accomplished for high school and postsecondary success;
- facilitation of youth participation with appropriate school and local resources that may assist in educational access and success; and
- coordination with youth, caregivers, schools, and social workers to support youth progress in the educational system.

The contracted entity is required to semi-annually report outcomes of the program to DSHS and WSAC.

DSHS, WSAC, and OSPI are required to enter into a Memoranda of Understanding that: facilitate student referral, data and information exchange, agency roles and responsibilities, and cooperation and collaboration among state agencies and nongovernmental agencies; and initiate the transfer of responsibilities from DSHS to OSPI for the program of education coordination and demonstration sites

described above and from DSHS to WSAC for the SETuP program. By November 1, 2016, and twice a year thereafter, DSHS, WSAC, and OSPI must report to the governor and the Legislature regarding these programs and educational outcomes of foster youth. DSHS, WSAC, and OSPI, in consultation with the nongovernmental entities, are also required to submit a report by November 1, 2018, to the governor and the Legislature regarding whether the transfer of programs from DSHS has resulted in better coordinated services for youth.

The 2016 Supplemental Operating Budget transfers \$1.5 million from DSHS to OSPI in order to contract with the nongovernmental entity for demonstration sites to improve the educational outcomes of students who are dependent, as required under the bill. \$446,000 of the appropriation is provided for the demonstration site required by the 2013–15 Operating Budget. The remaining \$1.0 million is provided for the second demonstration site.

HB 2023—Nonrenewal notice

(Representative Parker)

C85 L16

Current law required employing school districts and ESDs to notify certificated staff in writing on or before May 15 if the district or ESD determined that their employment contract should not be renewed for the coming year. (While some local collective bargaining agreements require an earlier notice, state law stipulated a May 15 deadline.) There was one exception to the May 15 notification deadline. If the state Operating Budget had not been adopted by the Legislature by May 15, the employing district had until June 15 to provide the required notice of contract nonrenewal.

Similar notice requirements existed for certificated employees in administrative positions that may be transferred to subordinate positions. A certificated employee that is working in a qualifying administrative position may be transferred; however, the district must provide notification by May 15—or by June 15 if the state Operating Budget was not adopted by the Legislature by May 15.

HB 2023 changes the deadline for notices of nonrenewal. Under provisions of the bill, school districts have until June 15, rather than May 15, to send contract nonrenewal notices to certificated employees, including transfer notices to administrators being transferred to a subordinate certificated

position, if the state Operating Budget has not passed the Legislature by the end of the regular legislative session. ESDs also have until June 15, rather than May 15, to send contract nonrenewal notices to certificated employees if the state Operating Budget has not passed the Legislature by the end of the regular legislative session.

The bill contained an emergency clause, making the bill effective immediately upon the governor's signature. Because the 2016 Supplemental Operating Budget was adopted after the adjournment of the Legislature's regular session, the nonrenewal notice for this year is June 15 (unless local collective bargaining agreements require an earlier notice).

HB 2360—Quality Education Council

(Representative Lytton)

C162 L16

In 2009, as basic education finance reform was being hotly debated, WASA and a coalition of other education associations engaged in the discussions and brought forward our own recommendations. One of those recommendations was to create an ongoing entity to provide oversight of a new basic education funding system. The idea was to have a set of educators and other education finance experts guide the process and provide the necessary oversight. When ESHB 2261 was adopted, a new, ongoing Quality Education Council (QEC) was created to recommend and inform the ongoing implementation of an evolving definition of basic education and financing. Unfortunately, our recommendation for an oversight group comprised of education experts was rejected. Instead, the QEC was comprised of 13 members: eight legislators and five agency representatives. With a majority of members representing the Legislature, many of its discussions became “political.” Each year, legislation was introduced with a series of recommendations from the QEC; however, most of those recommendations were rejected—and many were never seriously considered by the full Legislature. Eventually, legislators became frustrated and moved to significantly weaken the Council. First, legislation was adopted to restrict Council meetings by authorizing them to meet no more than four days per year. Later there were attempts to transfer QEC tasks to OSPI and the State Board of Education. Ultimately, members from each caucus saw the efforts of the QEC as futile and banded together to jettison the Council.

HB 2360 (adopted with no dissenting votes in either house) eliminates the Quality Education Council. Additionally, numerous statutes referencing the QEC are modified to delete the reference. OSPI provided staff support for the QEC; the 2016 Supplemental Operating Budget includes a \$160,000 reduction at OSPI to reflect the elimination of the QEC.

The bill also eliminates the Funding Formula Technical Working Group, established to provide recommendations to implement the new prototypical school funding model called for by ESHB 2261. In 2010, SHB 2776 extended the life of the Working Group, requiring it to be periodically convened to provide advice and technical assistance to OSPI and the QEC.

2ESHB 2376—Supplemental Operating Budget

(Representative Dunshee, by request of Governor Inslee)

C36 L16 E1 – Partial Veto

This is the 2016 Supplemental Operating Budget, which makes adjustments to the 2015–17 Operating Budget adopted last session. For details, see the budget section earlier in this report.

ESHB 2380—Supplemental Capital Budget

(Representative Tharinger, by request Office of Financial Management)

C35 L16 E1 – Partial Veto

This is the 2016 Supplemental Capital Budget, which makes adjustments to the 2015–17 Capital Budget adopted last session. For details, see the budget section earlier in this report.

E2SHB 2439—Youth mental health services

(Representative Kagi)

C96 L16

Mental health issues were a hot topic in the 2016 session. E2SHB 2439 is intended to increase access to adequate and appropriate mental health services, with a focus on children and youth.

The bill establishes the Children’s Mental Health Work Group to identify barriers to access of mental health services for children and families, and to advise the Legislature on statewide mental health services for this population with

a particular focus on children ages birth to five. The Work Group is comprised of representatives from state and tribal governments, agencies (including representatives of the Department of Early Learning and OSPI), and nonprofit and for-profit entities.

The Work Group is charged with reviewing barriers that exist to identifying and treating mental health issues in children. By December 1, 2016, the Work Group must submit a report to the Legislature with findings and recommendations. At a minimum, the Work Group must:

- Review and recommend developmentally, culturally, and linguistically appropriate assessment tools and diagnostic approaches that managed care plans and behavioral health organizations should use as the mechanism to establish eligibility for services;
- Identify and review billing issues related to serving the parent or caregiver and the billing issues related to services that are appropriate for serving children;
- Evaluate and identify barriers to billing and payment for behavioral health services provided within primary care settings in an effort to promote and increase the use of behavioral health professionals within primary care settings;
- Review workforce issues related to serving children and families;
- Recommend strategies for increasing workforce diversity and the number of professionals qualified to provide children’s mental health services;
- Review and make recommendations on the development and adoption of standards for training and endorsement of professionals to become qualified to provide mental health services to children birth to five and their parents or caregivers;
- Analyze, in consultation with the Department of Early Learning, the Health Care Authority, and the Department of Social and Health Services, existing and potential mental health supports for child care providers to reduce expulsions of children in child care and preschool; and
- Identify outreach strategies that will successfully disseminate information to parents, providers, schools, and other individuals who work with children and youth on the mental health services

offered through the health care plans, including referrals to parenting programs, community providers, and behavioral health organizations.

The bill also requires the Health Care Authority (HCA) and the Department of Social and Health Services, beginning December 1, 2017, to report annually to the Legislature on the status of access to behavioral health services for children and youth. The annual report must include specified data components broken down by age, gender, and race and ethnicity. The 2016 Supplemental Operating Budget provides HCA with \$668,000 to complete this required report.

The remainder of the bill addresses mental health services available at schools. First, the Joint Legislative Audit and Review Committee (JLARC) must conduct an inventory of the mental health service models available to students through schools, districts, and ESDs, and report its findings to the Legislature by October 31, 2016. JLARC is required to perform the inventory using data that is already collected by schools, school districts, and ESDs. Additionally, JLARC must not collect or review student-level data and must not include student-level data in the report. JLARC has been appropriated \$60,000 in the 2016 Supplemental Operating Budget to conduct this inventory.

Next, Forefront, housed at the University of Washington, is required to convene a one-day, in-person training for student support staff from ESDs in order to increase their capacity to assist schools in responding to concerns about suicide. Additionally, Forefront is required to provide supports to ESDs on a monthly basis via videoconferencing and to assess the feasibility of developing a multiyear, statewide rollout of a comprehensive school suicide prevention model implemented with the support of public-private partnerships. Finally, Forefront must report its recommendations to the Legislature by December 15, 2017.

While funding was provided in the budget for the work required by JLARC and HCA, no specific funding was provided for Forefront to complete its tasks. The bill included a “null and void” clause,” which deletes any requirements that are not specifically funded in the budget. Forefront’s required training and the mandated ongoing relationship with ESDs is eliminated.

2SHB 2449—Truancy reduction

(Representative Orwall)

C205 L16—Partial Veto

2SHB 2449 is a comprehensive overhaul of current laws and school district requirements related to school attendance and truancy.

Duties of Schools and School Districts. Schools are currently required to provide information to students and parents about compulsory education requirements at least annually. This bill requires schools to also provide information about:

- the benefits of regular school attendance, the potential effects of excessive absenteeism on academic achievement, and graduation and dropout rates;
- the school’s expectations of parents and guardians to ensure regular school attendance;
- the resources available to assist the child and parents and guardians;
- the role and responsibilities of the school; and
- the consequences of truancy.

This information must be provided before, or at the time of, enrollment of the child at a new school and at the beginning of each school year and parents must acknowledge review of the information. If the school ordinarily communicates most other information to parents online, this information may be provided online unless a parent or guardian specifically requests that it be provided in written form. Schools must make reasonable efforts to enable parents to request and receive the information in a language in which they are fluent.

OSPI is required to: develop a template that schools may use to satisfy the new notice requirements; and post the information on the OSPI website.

Excused Absences. 2SHB 2449 implements new requirements with respect to excused absences by elementary students. If an elementary student has five or more excused absences in a single month during the current school year, or ten or more excused absences in the current school year, the district must schedule a conference with the parent and child at a time reasonably convenient for all for the purpose of identifying the barriers to regular attendance,

as well as the supports and resources that may be made available to the family so that the child is able to regularly attend school. Conference participants must include at least one school district employee such as a nurse, counselor, social worker, community human services provider, or teacher in most circumstances. If a regularly scheduled parent-teacher conference day is to take place within 30 days of the absences, the district may schedule the conference on that day. The conference requirement does not apply in the event of excused absences for which prior notice has been given to the school or a doctor's note has been provided and an academic plan is put in place so that the child does not fall behind.

Unexcused Absences. The bill makes changes with respect to school district responsibilities in the event of unexcused absences. Steps that a school must take to eliminate or reduce a child's absences must be data-informed, include the use of the Washington Assessment of the Risks and Needs of Students (WARNS) and, where appropriate, provide an available approved best practice or research-based intervention, or both, consistent with the WARNS. When a child transfers school districts during the school year, the sending school must provide to the receiving school a copy of any WARNS together with a history of interventions provided to the child, and the written acknowledgement of receipt of attendance and truancy information by the parent.

Community Truancy Boards. The current law definition of a "community truancy board" (CTB) is revised by this bill. A CTB means a board "established pursuant to a Memorandum of Understanding between a juvenile court and a school district and composed of members of the local community in which the child attends school." All members of a CTB must receive training regarding the identification of barriers to school attendance, the use of assessments such as the WARNS to identify the specific needs of individual children, trauma-informed approaches to discipline, evidence-based treatments that have been found effective in supporting at-risk youth and their families, and the specific services and treatment available in the particular school, court, community, and elsewhere. New duties of a CTB include connecting students and their families with community services, culturally appropriate promising practices, and evidence-based services such as functional family therapy, multi-systemic therapy, and aggression replacement training,

or recommending to the juvenile court that a juvenile be referred to a HOPE center or Crisis Residential Center.

By the beginning of the 2017–18 school year, juvenile courts are required to establish, through a Memoranda of Understanding (MOU) with each school district within their respective counties, a coordinated and collaborative approach to address truancy. For a school district that is located in more than one county, the MOU must be with the juvenile court in the county that acts as the school district's treasurer. In most cases, the establishment and operation of a CTB pursuant to an MOU with the court is required. School districts with fewer than 200 students, however, may utilize a CTB or address truancy through other coordinated means of intervention aimed at identifying barriers to attendance and connecting students and their families with services such as those provided by a CTB. These smaller school districts may work cooperatively with other districts or the ESD. All school districts must designate, and identify to the local juvenile court, a person or persons to coordinate district efforts to address excessive absenteeism and truancy.

Courts and school districts are encouraged to emulate the successful efforts made by other districts and courts across the state that have worked together and led the way with CTBs, by creating strong community-wide partnerships and leveraging existing dollars.

Learning Assistance Program. As adopted, 2SHB 2449 required that, in addition to prioritizing the Learning Assistance Program (LAP) on the reading assistance needs of students in kindergarten through fourth grade, schools must also focus LAP on students for whom a conference is required under the new provisions relating to unexcused absences in elementary school and those who are the subject of a truancy petition, in order to increase regular school attendance and eliminate truancy. Up to two percent of a district's LAP allocation would have been allowed to be used to address excessive absenteeism and truancy. Prior to signing the bill, however, Governor Inslee vetoed the provisions regarding LAP. In his veto message, Inslee argued that before LAP funds are rededicated, "we need evidence that prioritizing the reduction of absenteeism over early reading readiness and acquisition is a more effective means to promote academic achievement for low-income students."

Community Truancy Board Grants. Subject to funds appropriated, OSPI is charged with allocating grant funds to CTBs that may be used to supplement existing funds in order to pay for training for board members or the provision of services and evidence-based treatment, as well as culturally appropriate promising practices, to children and their families. ESDs may provide the training.

Truancy Petitions. If a CTB or other coordinated means of intervention is in place pursuant to an MOU, the court shall initially stay the petition and refer the child and the child's parent to a CTB or other coordinated means of intervention. The CTB must provide to the court a description of the intervention and prevention efforts to be employed to substantially reduce the child's unexcused absences, along with a timeline for completion. If the CTB fails to reach an agreement or there is noncompliance, the CTB must return the case to the court, the stay shall be lifted, and the juvenile court shall schedule a hearing to consider the petition. If no CTB or coordinated means of intervention is in place pursuant to an MOU between the court and the district, upon filing of the petition the court shall schedule a hearing at which to consider it. At the hearing on the petition, in addition to the authority to order a child to attend school, change school, or submit to testing for alcohol or controlled substances, a court is authorized to order the child to submit to a substance abuse assessment or mental health evaluation or other diagnostic evaluation and adhere to the recommendations, at no expense to the school, if the court finds on the record that such evaluation is appropriate to the circumstances and behavior of the child and will facilitate compliance with the mandatory attendance law. Additionally, the court may order the child to submit to a temporary placement in a CRC or HOPE center if the court determines there is an immediate health and safety concern or family conflict needing mediation. In the event that a child is ordered detained for contempt of court for failure to adhere to a court order, preference is expressed that the child serve detention in a secure CRC near the child's home rather than a juvenile detention facility.

Crisis Residential Centers and HOPE Beds. Subject to funds appropriated for the purpose, the Department of Social and Health Services must incrementally increase the number of available HOPE beds by at least 17 beds in Fiscal Years 2017, 2018, and 2019, so that 75 beds are established and

operated throughout the state by July 1, 2019, and thereafter incrementally increase the number beyond 75. Risky behavior, as that term is used in the law regarding eligibility for placement in a HOPE center, includes truancy. Subject to funds appropriated for the purpose, the capacity of CRCs must be increased incrementally by no fewer than 10 beds per fiscal year through 2019 in order to accommodate truant students found in contempt of a court order to attend school. The additional capacity must be distributed around the state based upon need, and to the extent feasible shall be geographically situated to expand the use of CRCs so they are available for use by all courts for housing truant youth.

Additional Provisions.

- OSPI is required to develop recommendations on how mandatory school attendance and truancy amelioration provisions should be applied to online schools. OSPI must provide the recommendations to the Legislature by November 1, 2016.
- The Educational Opportunity Gap Oversight and Accountability Committee is charged with conducting a review and making recommendations to the Legislature regarding: the cultural competence training that CTB board members and others should receive; best practices for supporting and facilitating parent and community outreach; and the cultural relevance of the assessments employed and treatments and tools provided to children and families.
- By January 1, 2021, the Washington State Institute for Public Policy is directed to evaluate the effectiveness of this new law in achieving certain expressed outcomes: increased access to CTBs and other intervention programs; increased quantity and quality of truancy intervention and prevention efforts in the community; reduction in the number of truancy petitions that result in further proceedings by juvenile courts, other than dismissal of the petition, after the initial stay and diversion to a CTB; reduction in the number of truancy petitions that result in a civil contempt proceeding or detention order; and increased school attendance. Prior to the provision of a final report, the Institute is to submit, by January 1, 2018, an initial report scoping the methodology to be used. This initial report

must identify any data gaps that could hinder the Institute's ability to conduct its review.

- Juvenile courts are required to transmit data to the Administrative Office of the Courts in order that accurate tracking can be done with respect to the extent to which courts order youth into a secure detention facility for the violation of a court order related to a truancy, at-risk youth, or child in need of services petition. A statewide report must be submitted to the Legislature by March 1, 2017, and annually thereafter.

The 2016 Supplemental Operating Budget appropriates \$1.1 million to implement this bill. The following is provided:

- \$350,000 to OSPI to: implement a grant program to provide training for members of community truancy boards; disseminate truancy board best practices to all school districts; and provide staff support for the Educational Opportunity Gap Oversight and Accountability Committee to review and make recommendations to the Legislature regarding cultural competence training truancy board members should receive;
- \$714,000 to the Department of Commerce for ten crisis residential center beds as provided in the bill; and
- \$48,000 to the Washington State Institute for Public Policy to evaluate the effectiveness of 2SHB 2449 in achieving certain expressed outcomes as outlined in the bill.

HB 2476—180-day school year waivers

(Representative Johnson)

C99 L16

The 2009 Legislature created a pilot program authorizing the State Board of Education to grant waivers from the 180-day school year calendar to enable small school districts to operate on a flexible school calendar. The school districts, however, were still required to meet the minimum number of instructional hours required by law. The waivers were limited to two waivers for small school districts with fewer than 150 students and three waivers for school districts with 151–500 students. The waivers could be granted for up to three years. The pilot program was scheduled to sunset August 31, 2014.

The 2014 Legislature adopted legislation that extended the State Board of Education's authority to grant a limited number of small school districts a waiver to the 180-school day to operate on a flexible school calendar through August 31, 2017. Under the bill, the waivers remained limited to five school districts. In addition to other waiver application requirements, districts were required to explain the impact of the waiver on employees in education support positions. The requirement that school districts granted these waivers must continue to provide the minimum instructional hour offerings was maintained.

As adopted, HB 2476 preserves the authority of the State Board to grant waivers to school districts from the 180-day minimum school year requirement. The authority has no expiration date. Technical amendments clarify that: (1) the waivers may be effective for up to three years and may be renewed for subsequent periods of three or fewer years; and (2) the Board authority to grant waivers is limited to "five or fewer" school districts and two of the waivers must continue to be reserved for districts with less than 150 students.

The bill also eliminates a current law provision that specified all 180-day school year waivers granted to school districts by the SBE will expire on August 31, 2017.

ESHB 2524—Supplemental Transportation Budget

(Representative Clibborn, by request Office of Financial Management)

C14 L16

This is the 2016 Supplemental Transportation Budget, which makes adjustments to the 2015–17 Transportation Budget adopted last session. The bill increases appropriations for the 2015–17 fiscal biennium by \$477 million.

As is normal, K–12 education is not greatly affected by this budget; however, there are enhancements to the Safe Routes to School Grant Program. \$9.7 million is provided for newly selected Safes Routes to Schools projects across the state, increasing the overall 2015–17 appropriation to \$33.7 million.

Proviso language similar to what was adopted in last year's "current law" Transportation Budget is added in the Supplemental Transportation Budget which provides the Department of Transportation (DOT) some discretion in selecting projects. The language allows DOT to "consider

the special situations facing high-need areas, as defined by schools or project areas” in which the percentage of the children eligible to receive Free and Reduced-Price Lunch is equal to, or greater than, the state average, when evaluating project proposals against established funding criteria while ensuring continued compliance with federal eligibility requirements.

HB 2597—Sexual abuse plans

(Representative Orwall)

C48 L16

In 2013, legislation was adopted to require school districts to adopt a plan for the recognition, initial screening, and response to emotional or behavioral distress in students, including but not limited to, indicators of possible substance abuse, violence, and youth suicide. School districts are required to annually provide the plan, which must satisfy a series of minimum content requirements, to all district staff.

HB 2597 modifies the provisions governing the plan for the recognition, initial screening, and response to emotional or behavioral distress in students that school districts must adopt. In addition to recognizing, screening, and responding to emotional or behavioral distress in students for possible substance abuse, violence, and youth suicide, the plan must also include provisions for indicators of possible sexual abuse.

The minimum content requirements that a plan must satisfy are modified to specify that the plans must address:

- protocols and procedures for communication with parents and guardians, including specific parental notification requirements for alleged sexual misconduct by a school employee;
- how the district will provide support to students and staff after allegations of sexual abuse;
- how staff should respond when allegations of sexual contact or abuse are made against a staff member, a volunteer, or a parent, guardian, or family member of the student, including how staff should interact with parents, law enforcement, and child protective services; and
- how the district will provide to certificated and classified staff the training on the obligation to report physical abuse or sexual misconduct to the appropriate school administrator.

HB 2624—Election errors

(Representatives S. Hunt, by request of Secretary of State)

C130 L16

Current law allows candidates’ election outcomes to be challenged. While case law has addressed challenges to state and local ballot measures, there are no statutory provisions similar to the challenge of candidate elections. HB 2624 clarifies in statute the process to challenge ballot measures, consistent with what the courts have already provided for.

The bill explicitly clarifies that challenges to state and local ballot measures are authorized. The timeframes for a challenge to the outcome of an election measure are the same as a challenge to the certification of a candidate election. If a court determines that the results of a ballot measure are reversed, the court must declare a change in the election result.

Language specifies that improper conduct in the proceedings of county canvassing boards does not automatically invalidate an election result unless the improper conduct led to a candidate being declared elected when he or she did not have the highest number of votes or reversed the outcome of a ballot measures. Illegal votes do not automatically invalidate an election or the passage of a ballot measure unless the number of illegal votes, when taken away from the winning result, would result in that candidate or ballot measure having fewer votes than an opposing candidate or would result in the measure’s outcome being reversed.

SHB 2985—Educational space inventory

(Representative Riccelli)

C159 L16

The School Construction Assistance Program (SCAP), administered by OSPI, provides school districts with financial assistance to expand and modernize school facilities. The state allocates funding to districts based on a set of educational space (Student Space Allocation) and construction cost standards (Construction Cost Allowance) adopted by the Legislature and a statutory funding assistance percentage based on the relative wealth of the district.

OSPI maintains an educational space inventory of all school facilities for purposes of determining district eligibility for state funding assistance of school construction. Current law requires OSPI to exclude from the inventory those spaces

that have been constructed for educational and community activities from grants received from other public or private entities. OSPI also adopts rules for removing instructional space from the inventory under certain circumstances such as school building demolitions or sales or long-term leases of school buildings. School facilities replaced by new construction in lieu of modernization are also removed from the inventory of educational space and must not be used for district instructional purposes and will not be eligible for future state funding assistance.

SHB 2985 excludes space in school districts, vacated by new construction in lieu of modernization, and either: (1) used for purposes of supporting all-day kindergarten or reduced class sizes in kindergarten through third grade; or (2) the district is experiencing a special school housing burden due to enrollment growth and failed bond elections within the prior five years, from the inventory of educational space for the purpose of calculating state assistance for school construction. Amendments were added before final adoption that require these spaces to meet safety standards for public school facilities. The exclusion applies for state assistance for new construction awarded from July 1, 2016, through June 30, 2021.

ESHB 2988—BSA expenditures

(Representative Dunshee)

C34 L16 E1

In 2007, the voters ratified a constitutional amendment that created the Budget Stabilization Account (BSA). Each year, the State Treasurer must deposit one percent of General Fund revenues into the constitutionally created BSA. In general, appropriations from the BSA require a three-fifths majority in each chamber of the Legislature, but in the case of a catastrophic event or low employment growth, the Legislature may appropriate from the BSA with a constitutional majority vote of each chamber.

As originally introduced alongside the House Democrats' 2016 Supplemental Operating Budget proposal, HB 2988 would have used the Budget Stabilization Account as a funding source for a series of "critical investments." In addition to proposed spending increases in the underlying 2015–17 Operating Budget from General Fund revenues, \$318 million would have been appropriated from the BSA for higher than expected wildfire costs (\$190 million), increases

in Local Effort Assistance costs (\$91 million); and for homeless services (\$37 million). Senate Republicans rejected the maneuver; however, following budget negotiations on a final, compromise 2016 Supplemental Operating Budget, there was an agreement to tap the BSA for some one-time expenditures.

As ultimately adopted, ESHB 2988 appropriates a total of \$189.5 million from the Budget Stabilization Account for Fiscal Year 2016 for fire suppression and mobilization. The sum of \$155.0 million is appropriated from the BSA to the Department of Natural Resources and \$155,000 is appropriated from the BSA to the Washington Department of Fish and Wildlife for those agencies' fire suppression costs in the 2015 fire season. Bill language clarifies the agencies may not retain any portion of the appropriations for their indirect or administrative costs. The bill also appropriates another \$34.4 million from the BSA to the Washington State Patrol for fire service mobilization costs.

The bill also provides a legislative finding that 2015 wildfires constituted a catastrophic event that resulted in a state of emergency. This allowed the BSA funds to be expended with a simple majority vote of both houses of the Legislature.

ESSB 5435—Salary deferral

(Senator Bailey)

C112 L16

The Washington State Deferred Compensation Program (DCP) is a supplemental tax-deferred savings program under section 457 of the federal Internal Revenue Code offered to state employees and to the employees of local governments that elect to participate in the program. ESSB 5435 requires that, beginning no later than January 1, 2017, persons newly hired by the state on a full-time basis, must be enrolled in the DCP unless the employee elects to waive participation. Persons who participate in the plan without selecting a deferral amount or investment option must contribute three percent of pay which must be invested in a default option selected by Washington State Investment Board. Also beginning no later than January 1, 2017, any county, municipality, or other political subdivision offering the state Deferred Compensation Program may choose to administer the plan with the same opt-out feature for new employees.

The Department of Retirement Services is also authorized to offer a money-purchase retirement savings plan under section 401(a) of the federal Internal Revenue Code.

The 2016 Supplemental Operating Budget provides \$308,000 to the Department of Retirement Services to implement this bill.

SB 6171—OPMA violations

(Senator Roach, by request of Attorney General)

C58 L16

The Open Public Meetings Act (OPMA) requires all meetings of the governing body of a public agency, including school boards of directors, to be open to the public; however, there are specific exemptions to this requirement. Current law provides that a public official who knowingly attends a meeting held in violation of the OPMA can be subject to a civil penalty of \$100.

SB 6171 increases the penalty for a public official who knowingly attends a meeting held in violation of the OPMA to \$500 for the first violation, and \$1,000 for each successive violation. Requested by the Attorney General, it is noted that the penalty for a violation of the OPMA has not been increased since it was enacted over 40 years ago. This increase, which is reflective of inflation, is intended to improve the deterrent effect of the penalty and ensure public officials are following the law.

E2SSB 6194—Charter schools

(Senator Litzow)

C241 L16

In November 2012, Washington State voters approved Initiative 1240, which established a process for creating and operating a limited number of publicly funded charter schools that operate independently of an elected school district board of directors as well as most state laws and school district policies. A coalition of education groups and others filed suit in King County Superior Court, arguing that the Initiative was unconstitutional. The Court ruled that pieces of the Initiative were unconstitutional, but allowed the remainder of the law to stand—and allowed charter schools to continue. The decision was appealed to the Washington State Supreme Court. On September 4, 2015, the Court ruled the charter school law to be unconstitutional and invalidated the entire Initiative.

E2SSB 6194 reenacts and amends Initiative 1240. The Initiative is largely intact. Two major changes were made in an effort to comport with the Court’s decision: (1) Under provisions of the bill, charter schools are designated as “schools which are not common schools” which operate separately from the common school system; and (2) Charter school funding comes from the Washington Opportunity Pathways Account, which is funded with lottery revenues, rather than the General Fund.

Charter schools continue to be exempt from most state laws and rules that apply to other schools and school boards. Charters may offer, tuition-free, any program or course of study that a non-charter public school may offer, including one or more K–12 grades. Charters continue to be managed and operated by a Charter School Board of Directors and governed by the terms of a renewable five-year charter contract.

The authorizing process is essentially unchanged. An authorizer must annually solicit applications to establish a charter school. An applicant submits an application that contains specified information to an authorizer and an authorizer must evaluate and approve or deny the charter application. Authorizers must give preference to applications for charter schools that are designed to enroll and serve at-risk student populations but nothing limits a charter school to serving a substantial portion of at-risk students. If the application is approved then the authorizer and the Charter School Board must execute a five-year charter contract that contains specified components, including a student performance framework and targets. Authorizers must provide an opportunity for previously established charter schools to execute new contracts with the “same or substantially the same terms and duration.”

A charter school applicant must be a nonprofit corporation and applicants are prohibited from being a sectarian or religious organization.

The Washington State Charter School Commission and a school district board of directors that has received approval by the State Board of Education (SBE) continue to be the only legal authorizers. Authorizer duties continue to include approving and monitoring its authorized charter schools and taking corrective actions; imposing sanctions; and revoking, renewing or non-renewing a charter.

To try to provide for additional accountability and required oversight of charter schools, two new members were added to the previously nine-member Commission. Now comprised of eleven members, the Commission includes the Superintendent of Public Instruction and the chair of the State Board of Education. Other appointees to the Commission must continue to represent various geographic areas of the state and must possess relevant experience and expertise and “have a commitment to charter schooling.” Further accountability amendments were added late in the process which require all Commission members and all Charter School Board members to file personal financial affairs statements with the Public Disclosure Commission to limit any potential conflicts of interest.

Previous limits on the number of charter schools included in I-1240 remain: a maximum of 40 charter schools may be established over a five-year period; however, the start of the five-year period is adjusted to coincide with the adoption of this bill. The five-year period begins immediately upon the signature of the legislation by the governor. As before, no more than eight charter schools may be established in a single year. It is clarified that schools established on or before December 1, 2015 do not count against the annual cap. “Conversion schools” are no longer allowed under the legislation.

Charter School Boards continue to have the same power and duties as in I-1240. An additional requirement, however, is the duty to advise families of new, ongoing, and prospective students of any ongoing litigation challenging the constitutionality of charter schools or that may require charter schools to cease operations. Another new duty is the requirement to contract for independent performance audits after the second year following the first school year of full operation and every three years thereafter. The performance audit must be conducted in accordance with United States General Accounting Office Government Auditing Standards.

As before, a charter school board may not levy taxes, issue tax-backed bonds, or acquire property by eminent domain. This new law also clarifies that charter schools are no longer eligible for local school district levy funds. Additionally, charter schools continue to be eligible for state funding for school construction; however, it is clarified that those funds may not come from the Common School Construction Fund. A charter school may purchase or lease facilities or property

from a school district at fair market value and may rent from a public or private entity at fair market rent. Public libraries, community service organizations, museums, performing arts venues, theaters, and public or private colleges and universities may provide space to charter schools within their facilities. A purchase, lease, or continued rent free use of facilities requires a negotiated agreement with mutual consideration.

New in this bill is the provision that a charter school may participate in state- or district-sponsored interscholastic programs to the same extent as other public schools and they may charge for extracurricular events and activities in the same manner as other public schools. The Washington Interscholastic Activities Association (WIAA) rules apply to any proposal by a charter school to regulate the conduct of interschool athletic activities or other interschool extracurricular activities and the eligibility of a charter school student to participate in interscholastic activities. The WIAA rules adopted must provide that a student attending a charter school may only participate in interscholastic activities offered by the student’s resident school district unless approved by a nonresident school district or the WIAA; and that a charter school must pay the full cost, minus any student participation fee, for any student who participates in interscholastic activities.

The bill specifically provides that nothing in the act entitles a charter school to retroactive payments for services provided after December 1, 2015 and before the execution of new contract.

The 2016 Supplemental Operating Budget appropriates \$3.9 million—from the Washington Opportunity Pathways Account—to fund E2SSB 6194. The budget eliminates General Fund appropriations for charter schools (\$6.5 million) provided in the underlying 2015–17 budget and the new funding from Washington Opportunity Pathways Account for charter schools (\$10.2 million) results in a net increase of \$3.7 million. An additional \$217,000, also from the Washington Opportunity Pathways Account, is provided to continue the operations of the Washington State Charter School Commission.

Governor Inslee declined to sign this bill and allowed it to become law without his signature. In a message to the Secretary of State he expressed his concerns about charter

schools; however, he also noted that he did not wish to close schools.

E2SSB 6195—*McCleary* funding plan

(Senator Rivers)

C3 L16

In January 2012, the Supreme Court, in its historic *McCleary v State* decision, found that the State had failed to meet its paramount constitutional duty to amply fund the costs of basic education. The Court retained jurisdiction in the case “to monitor implementation of the reforms under ESHB 2261 (2009), and more generally, the State’s compliance with its paramount duty.” As part of the retained jurisdiction, the Court ordered the State (i.e., the Legislature) to provide annual compliance reports summarizing its actions taken toward implementing reforms initiated by ESHB 2261 and achieving compliance with the paramount duty.

While the Legislature has made progress in moving towards fully funding of basic education, there remain questions about whether their progress has been “steady and measurable.” In 2012 and 2014, the Court ordered the state to present a “complete plan for fully implementing its program of basic education for each school year between now and the 2017–18 school year.” After the Legislature failed to comply with the second order, the Court summoned the State to appear before the Court to address why they should not be held in contempt for violating the Court’s orders. A “show cause” hearing was held on September 3, 2014, wherein the State promised that the Legislature would comply in the upcoming 2015 Session and urged the Court not to issue any sanctions. On September 11, Justices unanimously found the Legislature to be in contempt; however, they accepted the State’s promise about compliance in 2015 and delayed issuing any sanctions.

Although several bills were introduced in 2015 to address the required plan, there was no positive action taken. Following the session, rather than to ignore the Court’s order (which they did in 2013), or provide a series of excuses why they were unable to comply (which they did in 2014), the State attempted to explain why the required plan was unnecessary.

The Court rejected the Legislature’s rationale and issued sanctions on August 13. The Court imposed a \$100,000 per day “remedial penalty.” The penalty, rather than being

paid to the Court, is to be set aside by the Legislature in a segregated account for the benefit of basic education. Lacking the power to force the Legislature to act, the Court encouraged Governor Inslee to call a special session to address the issue. Inslee decline to take that action. Instead, he convened a “*McCleary* Workgroup” to craft the required plan.

Just prior to the convening of the 2016 Session companion legislation was introduced in both houses to implement the Workgroup’s proposed funding plan. Even though the bills appeared to be ready to be fast-tracked through the process, the bills went through a series of fits and starts because of mostly partisan political wrangling. Ultimately, E2SSB 6195 was agreed to by both houses, was adopted and sent to the governor. It was the first bill adopted by Legislature in 2016.

As adopted, E2SSB 6195 expresses the Legislature’s commitment to: funding its program of basic education; eliminating school district dependency on local levies for implementation of the state’s program of basic education; and providing state funding for competitive salaries and benefits that are sufficient to hire and retain competent certificated instructional staff, administrators, and classified staff. The bill states the Legislature’s findings that the lack of transparency regarding school districts’ use of local levy funds limits the Legislature’s ability to make informed decisions about educator compensation and declares that data and analysis on the source of compensation funding, duties, uses or categories for which compensation is paid above the state’s allocation is necessary to inform the Legislature’s decisions.

E2SSB 6195 creates a new Education Funding Task Force (EFTF), intended to continue the work of the Governor’s interim *McCleary* Workgroup. The Task Force is comprised of eight legislators, two members from each of the four political caucuses. The governor or the governor’s designee will also serve on the Task Force as a non-voting member to serve as a facilitator. The bill specifies that meetings of the Task Force are required to comply with legislative rules for committee meetings and procedures (including proper notice and time for public comment).

The Task Force must make a series of recommendations, as described below. All recommendations of the Task Force require an affirmative vote of at least five of its members.

Adopted recommendations and any supporting legislation must be submitted to the Legislature by January 9, 2017.

The Task Force is charged with:

- Reviewing compensation and labor market data and analysis in order to make recommendations for compensation that is sufficient to hire and retain the staff funded under the Prototypical School Funding Model and an associated salary allocation model. Compensation recommendations must indicate whether:
 - A system for future salary adjustments should be incorporated into the salary allocation model and if so, the method for providing the adjustment; and
 - A local labor market adjustment formula should be incorporated into the salary allocation model and if so, the method for providing the adjustment. Consideration must be given to rural and remote districts and districts with economic and distressing factors that affect recruitment and retention.
- Reviewing available information to determine whether additional state legislation is needed to help school districts to support state-funded all-day kindergarten and class size reduction in kindergarten through third grade.
- Reviewing the Professional Educator Standards Board report on teacher shortages and making recommendations for improving or expanding existing educator recruitment and retention programs.

The Task Force must also make recommendations regarding:

- local M&O levies and Local Effort Assistance;
- local school district collective bargaining;
- the distinction between basic education and local enrichment services;
- required district reporting, accounting, and transparency of data and expenditures;
- the provision and funding of school employee health benefits; and
- sources of state revenue to support the state's statutory program of basic education.

To assist the work of the Task Force, the Washington State Institute for Public Policy, in consultation with Task Force members, must contract with independent consultants to collect and analyze school staff compensation and labor market data. \$500,000 is appropriated in the bill (and supported by the 2016 Supplemental Operating Budget) to contract for independent consulting services. OSPI and school districts are required to provide the necessary data to the consultant, to the Institute, to the Office of Financial Management, and the Task Force. The 2016 Supplemental Operating Budget provides OSPI with \$19,000 to assist with the collection and reporting of school district data as required.

The consultant is required to provide an interim report to the Task Force by September 1, 2016, and a final report by November 15, 2016.

Finally, language is included in the bill which commits the Legislature to action. As adopted, the Legislature is required to take action by the end of the 2017 session to eliminate school district dependency on local levies for implementation of the state's program of basic education.

SB 6245—Visual screening

(Senator Litzow)

C219 L16

Current law requires every board of school directors to provide for and require screening for the visual and auditory acuity of all children attending schools in their districts. Auditory and visual screening must be made in accordance with procedures and standards adopted by the State Board of Health. Under Board of Health rules, schools must conduct auditory and visual screening of children in kindergarten and grades one, two, three, five, and seven as well as any child showing symptoms of possible loss in auditory or visual acuity referred to the district by parents, guardians, or school staff. Under current Board of Health rules, students are required to be screened for distance central vision acuity using a Snellen test chart, but near vision screening is not required.

SB 6245 amends current law and requires every board of school directors to provide for and require visual screening that includes both distance and near vision screening. Even though it is anticipated the equipment to provide these

exams is expensive—and potentially cost-prohibitive—neither the bill nor the 2016 Supplemental Operating Budget provides any funding assistance to school districts.

SSB 6273—Technology safety

(Senator Liias)

C59 L16

The Legislature has determined that as technology becomes more prevalent, students must learn how to safely, ethically, responsibly and effectively use technology. SSB 6273 requires OSPI, by December 1, 2016, to develop best practices and recommendations for instruction in digital citizenship, internet safety, and media literacy. Those best practices and recommendations must include instruction that provides guidance about thoughtful, safe, and strategic uses of online and other media resources, and education on how to apply critical thinking skills when consuming and producing information. OSPI is required to report to the Legislature on strategies to implement the best practices and recommendations statewide. The best practices and recommendations must be developed by OSPI in consultation with an advisory committee it is to convene. The advisory committee must include representatives from WSSDA; experts in digital citizenship, internet safety, and media literacy; teacher-librarians; and other stakeholders including parent associations, educators, and administrators. Recommendations produced by the advisory committee may include, but are not limited to:

- revisions to the state learning standards for educational technology;
- revisions to WSSDA’s model policy and procedure;
- school district processes necessary to develop customized district policies and procedures;
- best practices, resources, and models for instruction in digital citizenship, internet safety, and media literacy; and
- strategies to support school districts in local implementation of OSPI’s best practices and recommendations.

Beginning in the 2017–18 school year, school districts must annually review their policy and procedures on electronic resources and internet safety. In reviewing and amending the policy and procedures, a school district must:

- involve a representation of students, parents or guardians, teachers, teacher-librarians, other school employees, administrators, and community representatives with experience or expertise in digital citizenship, media literacy, and internet safety issues;
- consider customizing WSSDA’s model policy and procedures on electronic resources and internet safety;
- consider existing school district resources; and
- consider best practices, resources, and models for instruction in digital citizenship, internet safety, and media literacy, including methods to involve parents.

ESSB 6293—Student volunteers

(Senator Braun)

C62 L16

Volunteers who perform assigned work or authorized duties for the state or state agencies are considered employees for the purposes of receiving industrial insurance medical aid benefits. Current law allows student volunteers to be provided medical aid benefit coverage at the option of their employer. To qualify for the benefits: (1) the employer must have given notice of their intent to provide coverage, for all of their volunteers, to L&I prior to an any injury or occupational disease; (2) the student must be enrolled and participating in a program authorized by a public school offering programming for any grades K–12; and (3) the student must perform the duties for the employer without pay. All L&I premiums or assessments due for the student volunteers’ medical aid benefits are paid by the employer who has registered and accepted the services of the volunteers.

ESSB 6293 expands the definition of “student volunteer” by adding students enrolled in a private school or a state public or private institution of higher education. This change has no impact on the current law allowing public K–12 students to volunteer.

The bill also makes changes to how employers may elect to pay volunteer premiums, for those employers that elect to do so—this change could have an impact on K–12 student volunteers.

An employer may annually elect to pay L&I volunteer premiums and assessments for 100 hours of service for each volunteer, student volunteer, and unpaid student, instead of tracking the actual number of hours of service for each volunteer. If an employer selects this option, they are required to use the method for the entire calendar year.

SB 6371—Early learning agencies

(Senator Litzow, by request of Department of Early Learning)
C231 L16

The Department of Early Learning (DEL) oversees child care licensing for school-age children, which includes programs that operate before and after school, during the summer, and over holiday breaks. School-age child care currently serves children beginning at age five until they reach their twelfth birthday.

Requested by DEL, SB 6371 modifies the definition of “agency” to exempt school-age programs from licensing by the DEL if they: (1) are operated by schools, including boarding schools; (2) are engaged primarily in education; (3) operate on a definite school year schedule; (4) follow a stated academic curriculum; and (5) accept only school-age children. The current requirement that these programs cannot accept custody of children in order to be license exempt is removed.

E2SSB 6455—Teacher shortage

(Senator Dammeier)
C233 L16

As the 2016 Legislature convened, many legislators were reticent to accept the reality of a growing teacher and substitute teacher shortage. As the session progressed, more and more legislators recognized the problem and moved to provide solutions. Ultimately, more than ten bills with varying strategies were introduced to tackle the issue. E2SSB 6455, as finally adopted, includes a number of pieces from other legislation.

Teacher Recruitment. Subject to appropriation, OSPI is required, in partnership with ESDs and school districts, to develop and implement a comprehensive, statewide initiative to increase the number of qualified individuals who apply for teaching positions in Washington. The recruitment initiative activities must include:

- implementing a recruitment campaign that targets individuals with certificates who are not employed as teachers, such as undergraduate college students who have not chosen a major; out-of-state teachers; military personnel and their spouses; and other individuals who may be interested in teaching in our public schools;
- developing, in partnership with the Employment Security Department, a central web-based depository that allows teachers to apply for jobs in multiple school districts, and school districts to have access to a broader pool of applicants, with priority to smaller school districts;
- creating or enhancing an existing website that provides job-related information to individuals who are interested in teaching in Washington; and
- taking other actions to increase the number of qualified individuals who apply for teaching positions in Washington.

OSPI is required to assess the efficiency of the web-based application depository, after soliciting feedback from small districts. By December 1, 2019, OSPI must report to the Legislature on whether the requirement for the application depository should be continued, modified, or terminated.

Subject to a specific appropriation, the Workforce Training and Education Coordinating Board, in collaboration with the Professional Educator Standards Board (PESB), must work with appropriate public agencies, school districts and ESDs, and other parties to disseminate information designed to increase recruitment into teacher preparation programs. The information must be disseminated statewide using existing channels.

Subject to a specific appropriation, PESB must create and administer the Recruitment Specialists Grant program to provide funds to PESB-approved teacher preparation programs to hire, or contract with, recruitment specialists that focus on recruitment of individuals who are from a traditionally underrepresented group among teachers in Washington when compared to the common school population.

Professional Certification for Out-of-State Teachers. PESB is required to develop a method to compare the rigor of the Washington professional certificate process with the advanced level teacher certification process of other states, and with United States federal or state teacher certification processes that allow individuals to teach internationally. Out-of-state teachers with at least five years of successful teaching experience must be given the state professional certificate if they have: a certificate from the National Board for Professional Teaching Standards; an advanced level teaching certificate from another state that is determined to be comparable to the Washington professional certificate; or a United States federally issued or state-issued advanced level teacher certificate that allows the individual to teach internationally that has been determined to be comparable to the Washington professional certificate.

By September 1, 2020, the Washington State Institute for Public Policy must review the effect of the out-of-state teacher professional certification provisions and report to the Legislature, with information on: the extent to which advanced level teacher certificates from other states compare to the Washington professional certificate; the extent to which United States federal or state-issued advanced level teacher certificates that allow individuals to teach internationally compare to the Washington professional certificate; and whether these provisions have increased the number of professional certifications issued to individuals from out-of-state.

Retired Teachers. Until August 1, 2020, teachers who have retired under alternate early retirement provisions may be employed without a suspension of benefits for up to 867 hours per school year, provided that: the retired teacher reenters employment more than one calendar month after his or her accrual date and after the effective date of this bill; is employed exclusively as a substitute teacher; and the employing district compensates the district's substitute teachers at a rate that is at least 85 percent of the full daily state rate. (Note: if a school district uses at least one early retired teacher as a substitute, the requirement that all of the district's substitutes must be compensated at a rate of at least 85 percent of the state's daily allocation (approximately \$130) is triggered. If a district does not use any early retired teachers, the district may continue to pay substitutes whatever they choose.)

School districts must report to OSPI, and OSPI must post on its website, the number of substitute teachers hired per school year, the number hired under the new postretirement provisions, the full daily compensation rate per substitute teacher, and the reason for hiring the substitute teacher.

Alternative Route Programs. Subject to a specific appropriation, PESB must convene meetings between school districts that do not have alternative route programs and the nearest PESB-approved teacher preparation program to determine whether the districts and institutions can partner to operate an alternative route program. Subject to a specific appropriation, public institutions with PESB-approved teacher preparation programs that do not have an alternative route program must submit proposals to PESB to offer such programs by September 1, 2016. If approved, the institutions must implement an alternative route program according to a timeline suggested by the PESB. By July 1, 2018, institutions of higher education with an alternative route program must develop a plan describing how the institution will partner with school districts in the general geographic region of the school, or where its programs are offered, regarding placement of resident teachers. The plans must be developed in collaboration with districts desiring to partner with the institutions, and may include use of unexpended federal or state funds to support residencies and mentoring for students who are likely to continue teaching in the district in which they have a supervised student teaching residency. The plans must be updated at least biennially.

Mentoring Teachers. A mentor is an educator who has achieved appropriate training in assisting, coaching, and advising beginning teachers or student teaching residents as defined by OSPI, such as a National Board certification or other specialized training. Candidates in alternative route programs are offered support through the Beginning Educator Support Team (BEST) program. Funds are prioritized to school districts with a large influx of beginning teachers. The BEST program must have a goal to provide beginning teachers from underrepresented populations with a mentor who has strong ties to underrepresented populations. OSPI must notify districts about the BEST program and encourage them to apply for program funds. In Fiscal Year 2017, OSPI must collaborate with PESB and PESB-approved teacher preparation programs to develop mentor training program goals and make the mentor training goals available on its website. Once developed, OSPI is

encouraged to use the mentorship training goals to develop professional development curricula.

Conditional Scholarship Programs. Elementary and early childhood endorsements are added to the list of endorsements eligible for the Educator Retooling Conditional Scholarship. Bilingual education, elementary education, computer science education, and early childhood education are added to the list of qualifying endorsements for the purposes of the Pipeline for Paraeducators Conditional Scholarship.

Teacher Hiring Reports. By June 15th of each year, school districts are required to report to OSPI the number of classroom teachers hired in the previous school year, and the number of teachers the district projects will be hired in the following school year. The report must be disaggregated by content area.

Teacher Shortage Conditional Grant. Subject to a specific appropriation, the Teacher Shortage Conditional Grant program is established within the Future Teachers Conditional Scholarship and Loan Repayment Program. The purpose of the program is to encourage individuals to become teachers by providing financial aid to individuals enrolled in professional educator standards-approved teacher preparation programs. The Washington Student Achievement Council (WSAC) must develop and adopt rules to administer the program. As part of its rule-making process, WSAC must collaborate with PESB, the Washington State School Directors' Association, and PESB-approved teacher preparation programs to develop a framework for the conditional grant program, including eligibility requirements, contractual obligations, conditional grant amounts, and loan repayment requirements. In developing the eligibility requirements, WSAC must consider:

- whether the individual has a financial need, is a first-generation college student, or is from a traditionally underrepresented group among teachers in Washington;
- whether the individual is completing an alternative route program;
- whether the individual plans to obtain an endorsement in a subject shortage area;
- the characteristic of any geographic shortage area that the individual plans to teach in; and

- whether a school district has committed to offering the individual employment once the individual obtains a Residency Certificate.

In developing the contractual obligations, WSAC must consider requiring the individual to: obtain a Residency Certificate; teach in an endorsement shortage area; and commit to teach for five school years in an approved education program with a need for a teacher with such an endorsement at the time of hire. In developing the conditional grant award amounts, WSAC must consider whether the individual is: enrolled in a public or private institution of higher education; a resident; in a baccalaureate or post-baccalaureate program; or in an alternative route program. In addition, the award amounts must not result in a reduction of the individual's federal or state grant aid, including Pell Grants, State Need Grants, College Bound Scholarships, or Opportunity Scholarships. By November 1, 2018, and November 1, 2020, WSAC must submit reports to the Legislature that: recommend whether the conditional grant program should be continued, modified, or terminated; and include information about the recipients of the grants under this program.

Teacher Endorsement and Certification Help Pilot Project. The Teacher Endorsement and Certification Help (TEACH) pilot project is created to develop an expandable program that provides grants to teachers taking basic skills and content tests for teacher certification. The creation of the program is dependent upon funds being specifically appropriated by the Legislature for its establishment. Authorization for the project expires June 30, 2021. WSAC, after consultation with PESB, is charged with developing and adopting rules by August 1, 2016 to administer the TEACH pilot project. The rules must satisfy specified requirements including establishing grant application and financial need verification processes. To qualify for financial assistance under the TEACH pilot project, an applicant must: be enrolled in, have applied to, or have completed a PESB-approved teacher preparation program; show a financial need, as demonstrated by the student's eligibility to receive the State Need Grant; and register for an endorsement competency test in endorsement shortage areas. Grant funds awarded under the TEACH pilot project must be awarded beginning September 1, 2016, to cover the costs of basic skills and content tests required for teacher certification. In awarding funds, WASC must prioritize grant awards first, to applicants

registered for competency tests in endorsement shortage areas and second, to applicants with the greatest financial need. WASC is required to scale the number of TEACH pilot project grant awards to the amount of appropriated funds. WSAC, in collaboration with PESB, must submit a preliminary report to the Legislature by December 31, 2018, that details the effectiveness and costs of the TEACH pilot project. The preliminary report must comply with specific requirements, including comparing the numbers and demographic information of students taking and passing tests in the endorsement shortage areas before and after implementation of the TEACH pilot project. A final report that details the effectiveness and costs of the TEACH pilot project and includes a recommendation as to whether the pilot project should be modified, continued, or expanded is due to the Legislature by December 31, 2020.

Residency Grant. Subject to a specific appropriation, WSAC must administer a Student Teaching Residency Grant program to provide additional funds to individuals completing residencies at public schools in Washington. To qualify for the grant, recipients must be enrolled in a PESB-approved teacher preparation program, be completing or about to start a student teaching residency at a Title I school, and demonstrate financial need as defined by WSAC and consistent with the income criteria required to receive the State Need Grant.

Tuition Waivers. Public school classified staff are added to the list of state employees that are eligible for tuition waivers at public four-year and two-year institutions of higher education. Institutions are authorized, at their discretion, to waive all or a portion of the tuition and services and activities fees. Language clarifies that in order to be eligible for the waivers, coursework taken by the classified staff member must be relevant to their work assignment.

The 2016 Supplemental Operating Budget provides \$1.8 million, divided among multiple agencies, to implement E2SSB 6455:

- \$500,000 is provided to OSPI to implement a statewide initiative to increase the number of qualified individuals who apply for teaching positions in Washington;
- \$90,000 is provided to the Department of Retirement Systems to address issues related to early retired teachers returning as substitutes;

- The Washington Student Achievement Council is provided with total of \$1.1 million to be divided as follows: \$468,000 is for the Teacher Shortage Conditional Grant Program; \$468,000 is for the Student Teaching Residency Grant Program; and \$208,000 is for the development and implementation of the Teacher Shortage Conditional Grant Program and the Student Teaching Residency Grant Program; and
- The Washington State Institute for Public Policy is provided with \$16,000 to review the effect of the out-of-state teacher professional certification provisions and report to the Legislature.

SB 6475—PEBB health coverage

(Senator Dansel)

C67 L16

The Washington State Health Care Authority (HCA) administers benefits plans, forms benefits contracts, develops participation rules, and through the Public Employees' Benefit Board (PEBB) approves schedules of rates and premiums for active employees and retired participants. The PEBB program primarily covers employees and retirees of state agencies and state higher education institutions, and the retirees of school districts and ESDs. Active employees and pre-Medicare retirees participate in a single medical risk pool, so that the cost of claims, insurance, and risk are shared amongst all employers and employees that participate. Retirees eligible for Medicare participate in a separate risk pool; however, Medicare absorbs the majority of medical expenses for this group, and other insurance costs are limited by a maximum per person retiree cost established in the state Operating Budget. Subject to the approval of HCA, PEBB may also cover employees of a county, municipality, or other political subdivision of the state, as well as employees of a tribal government, and the Washington Health Benefit Exchange.

SB 6475 allows counties and political subdivisions with fewer than 5000 employees to join the PEBB health care program upon completion of an application to contract for coverage with HCA. Because there is expected to be an increased cost of benefits for the state and for state employees, HCA is authorized to develop a rate surcharge applicable to participating counties, municipalities, other political subdivisions, and tribal governments.

ESB 6620—School safety

(Senator McAuliffe)

C240 L16

Spearheaded by the ESDs, ESB 6620 addresses school safety and security programs. First, the Washington State Institute for Public Policy must complete an evaluation of how Washington and other states have addressed the funding of school safety and security programs. The Institute is required to submit a report to the Legislature, the governor, and OSPI by December 1, 2017.

Next, subject to funds being appropriated, OSPI and the School Safety Advisory Committee must hold annual school safety summits. Each annual summit must focus on establishing and monitoring the progress of a statewide plan for funding cost-effective methods for school safety that meet local needs. Other areas of focus may include planning and implementation of school safety planning efforts, training of school safety professionals, and integrating mental health and security measures. Summit participants, including two legislators representing each of the four political caucuses and a representative from the governor's office, must be appointed no later than August 1, 2016. Other summit participants may include representatives from OSPI, the Department of Health, ESDs, educational associations, emergency management, law enforcement, fire departments, parent organizations, and student organizations. Staff support for the annual summit must be provided by OSPI and the School Safety Advisory Committee.

Additionally, by September 1, 2017, OSPI is directed to create and maintain an online social and emotional training module for educators, administrators, and other school district staff. The training module must be based on the recommendations required to be submitted by OSPI's Social Emotional Learning Benchmarks Workgroup (established in the 2015–17 Operating Budget), which are due October 1, 2016. The module must promote students' self-awareness, self-management, social-awareness, relationships, and responsible decision making.

Finally, subject to funds appropriated, the bill allows ESDs to implement a regional school safety and security program modeled after ESD 105's Regional School Safety and Security Center. The program should include the following components:

- establishment of a network of school safety coordinators for the ESDs, which must focus on prevention planning, intervention, mitigation, crisis response, and community recovery regarding emergency incidents in schools;
- collaboration with ESD 105 to adopt its model for a Regional School Safety and Security Center;
- creation of technology-based systems that enable more efficient and effective communication between schools and emergency response entities, including local law enforcement, local fire departments, and state and federal responders;
- provision of technology support to improve communication and data management between schools and emergency response entities;
- ongoing training of school personnel and emergency responders to establish a system for preventative identification, intervention strategies, and management of risk behaviors;
- developing a professional development program to train school personnel as first responders until the arrival of emergency responders; and
- building a collaborative relationship between ESDs participating in the program, OSPI, and the School Safety Advisory Committee.

The 2016 Supplemental Operating Budget provides OSPI with \$276,000 to support: the annual school safety summits; to develop an online social and emotional training module; and to allow ESDs to implement a regional school safety and security program. Additionally, \$26,000 is provided to the Washington State Institute for Public Policy to complete the evaluation required by the bill.

Education-Related Bills That Died—Titles

While WASA’s main focus this session was on the Operating Budget and *McCleary*-related issues (including the levy cliff and compensation/levy reform), we actively tracked and acted on a significant number of other bills that had either direct or potentially indirect impacts on K–12 education.

Remember, 2016 is the second year of the Legislature’s 64th Biennial Session. Bills that died at the end of the first year of the Legislature’s biennial session are carried over and automatically reintroduced in the Legislature’s second-year session. The following list includes all of the education-related bills we followed from 2016 which ultimately failed to be adopted; however, bills introduced in 2015 are only included if any action was taken on the bill during the 2016 session.

HB 1236.....	College Bound Scholarship	HB 2389.....	School-age child care
HB 1295/SB 5437.....	Breakfast After the Bell	HB 2392/SB 6507.....	Pesticide exposure
HB 1420.....	School siting	HB 2396.....	Homeless youth
HB 1666.....	Student assessments	HB 2409.....	Special needs students
HB 1745/SB 5668.....	Voting Rights Act	HB 2415/SB 6453.....	Worksite learning
HB 1770/SB 5496.....	Teacher certification	HB 2429.....	Student assessment results
HB 1790/SB 5765.....	Nurse supervision	HB 2451.....	Postsecondary/K–12 partnerships
HB 1804/SB 5495.....	Professional Growth Plans	HB 2472/SB 6241.....	Educator compensation
HB 1855.....	Local graduation requirements	HB 2479.....	Tax preferences
HB 1867.....	Teacher evaluations	HB 2490/HB 2829.....	Public employee bargaining
HB 1900.....	Student mental health	HB 2513.....	Truant students
HB 1983.....	Teacher financial assistance	HB 2537/SB 5944.....	State spending
HB 2076/SB 5752.....	Racial impact statements	HB 2547.....	Synthetic turf
HB 2148.....	Financial audits	HB 2556.....	Certificate of Academic Achievement
HB 2183.....	Sexual abuse prevention	HB 2573/SB 6332.....	Teacher shortage
HB 2214/HB 3001.....	High school assessments	HB 2576.....	Public Records Act
HB 2254.....	Social media safety	HB 2586.....	School siting
HB 2295/SB 6292.....	Federal forest revenues	HB 2607.....	Integrated student services
HB 2306/SB 6190.....	School names	HB 2608.....	Student and teacher data
HB 2324.....	Educational interpreters	HB 2609.....	Cultural competence
HB 2325/SB 6515.....	Hunting education	HB 2639.....	School buses
HB 2361/HB 2698/SB 6353.....	Levy cliff delay	HB 2643.....	School district procedures
HB 2373/SB 6432.....	Student mental health	HB 2646.....	Default retirement system
HB 2377.....	Schools siting	HB 2657.....	Teacher years of service
HB 2381.....	School counselors	HB 2664.....	Physical Education
HB 2382.....	Alternative teacher certification	HB 2665.....	Tax preferences

HB 2666.....	Tax expenditure transparency	HJR 4210/HB 1941	Simple majority for bonds
HB 2669.....	Physical Education	HJR 4212.....	Paramount duty
HB 2670/SB 6458/SB 6476.....	Assessment system	HJR 4216/HB 2947	OSPI/SBE elimination
HB 2690/SB 6368.....	Academic support pilot	SB 5415.....	Professional development
HB 2714/HB 2862.....	Unfunded mandates	SB 5675/HB 1783.....	Dual language instruction
HB 2727.....	Teacher retention	SB 5915/HB 2830.....	Fiscal notes
HB 2728.....	Reading coaches	SB 5930/SB 6588/HB 1996.....	Music education
HB 2729.....	School choice	SB 6097.....	Future Teachers Conditional Scholarship
HB 2734/SB 6640.....	Science assessment	SB 6163.....	Charter schools
HB 2742.....	School library materials	SB 6182.....	High school assessment delay
HB 2743.....	High school diploma	SB 6183.....	Levy cliff delay
HB 2779.....	Competitive bidding	SB 6189.....	Native American curriculum
HB 2782.....	Gender segregated facilities	SB 6230.....	Warrantless searches
HB 2822.....	Initiative 200	SB 6232.....	Civics education
HB 2823.....	School violence reporting	SB 6233.....	Student newspapers
HB 2833.....	Educational grant program	SB 6243.....	Student mental health
HB 2837.....	Class Size Task Force	SB 6244.....	Educational opportunity gap
HB 2851/SB 6529.....	School director compensation	SB 6291.....	Weighted GPAs
HB 2855.....	TRS military service credit	SB 6298.....	Homeless student stability
HB 2868/HB 2989/SB 6661.....	CTE MSOC	SB 6340/HB 2707.....	Voter preregistration
HB 2881.....	Teacher shortage	SB 6393/HB 2722.....	Small works roster
HB 2889.....	School director absences	SB 6407.....	Recess requirement
HB 2902.....	Charter school tax credit	SB 6408.....	Paraeducators
HB 2941.....	School bathrooms	SB 6426.....	School siting
HB 2945.....	Growth Management Act	SB 6429.....	School start times
HB 2948.....	Career and college readiness	SB 6431.....	K–12 leave costs
HB 2963.....	High school exam payment	SB 6443/HB 2935.....	Gender-segregated facilities
HB 2964.....	Lunch co-pays	SB 6460.....	Assessment opt-out
HB 2965.....	School accountability	SB 6469.....	Cursive writing
HB 2968.....	Kindergarten/K–3 class size	SB 6473/HB 2919.....	College readiness assessment
HB 2978.....	School choice	SB 6497.....	Truancy reduction
HB 2995.....	Four-year balanced budget	SB 6512.....	State Need Grant
HB 2996.....	Teacher recruitment and retention	SB 6516.....	Month of the Kindergartener
HB 3007.....	First Amendment rights	SB 6540.....	Synthetic turf
HB 3009.....	Instructional hours definition	SB 6548/HB 2589.....	Gender-segregated facilities

SB 6549..... Early retired teachers
SB 6552..... Assessment inventory tool
SB 6643..... Tolls for school buses
SB 6663..... Voting Rights Act
SB 6665..... Broadcasters tax
SB 6667.....2016 Supplemental Operating Budget
SB 6668..... Pension merger
SJR 8213..... Four-year balanced budget

Education-Related Bills That Died

“Somebody loves each bill filed in the state Legislature. Sometimes it’s hard to see why.”

~ Peter Callaghan (former Columnist, Tacoma News Tribune)

HB 1236—College Bound Scholarship

(Representative Ortiz-Self)

Would have authorized a school administrator or counselor to witness a student’s College Bound Scholarship pledge, if the student’s parent or guardian was unavailable.

HB 1295—Breakfast After the Bell

(Representative Hudgins)

and SB 5437

(Senator Litzow)

Would have required high-needs schools to offer school breakfast after the beginning of the school day, called Breakfast After the Bell.

HB 1420—School siting

(Representative Wilcox)

Would have required Pierce County to permit the siting of schools outside of Urban Growth Areas designated under the Growth Management Act.

HB 1666—Student assessments

(Representative Magendanz)

Would have made the results on statewide student assessments available as norm-referenced results and as student growth percentiles.

HB 1745—Voting Rights Act

(Representative Moscoso)

and SB 5668

(Senator Habib)

Would have created a state-level Voting Rights Act to protect the equal opportunity to participate in elections for minority groups. Would have created a cause of action, authorizing courts to order appropriate remedies for a violation of the Act, including redistricting cities, counties, school districts, and other political subdivisions.

HB 1770—Teacher certification

(Representative Bergquist, by request of Professional Educator Standards Board)

and SB 5496

(Senator Litzow, by request of Professional Educator Standards Board)

Would have repealed the current statute that describes the design of each of the alternative route programs in detail, and instead would have provided the Professional Educator Standards Board with expected outcomes for alternative route programs and rulemaking authority with respect to program design.

HB 1790—Nurse supervision

(Representative Springer)

and SB 5765

(Senator Jayapal)

Would have stipulated that only a registered nurse or advanced registered nurse practitioner may supervise, direct, or evaluate a licensed nurse working in a school setting with respect to the practice of nursing.

HB 1804—Professional Growth Plans

(Representative Springer, by request of Professional Educator Standards Board)

and SB 5495

(Senator Litzow, by request of Professional Educator Standards Board)

Would have added Professional Growth Plans in educator license renewals to the list of employment and licensing information that is exempt from public inspection and copying.

HB 1855—Local graduation requirements

(Representative Caldier)

Would have required school districts to waive local graduation requirements for students who are at-risk youth or children in need of services if the student has attended three or more high schools and is ineligible to graduate.

HB 1867—Teacher evaluations

(Representative Bergquist)

Would have allowed classroom teachers who have received a rating of Level 3 or above in their last comprehensive summative evaluation to undergo a comprehensive summative evaluation less often than other teachers.

HB 1900—Student mental health

(Representative Ortiz-Self)

Would have specified that the primary role of school counselors, social workers, and psychologists is to focus on student mental health, work with at-risk and marginalized students, perform risk assessments, and collaborate with mental health professionals, in addition to the counselors' work developing and delivering guidance curriculum and psychologists' work delivering testing.

HB 1983—Teacher financial assistance

(Representative Pollet)

Would have created the Teacher Endorsement and Certification Help (TEACH) pilot project to provide financial assistance for teachers taking basic skills and content tests for teacher certification programs.

HB 2076—Racial impact statements

(Representative Sawyer)

and SB 5752

(Senator Hasegawa)

Would have required the Caseload Forecast Council to establish a procedure for producing racial impact statements on the effect proposed legislation would have on racial and ethnic minorities, including how legislation would impact the racial and ethnic composition of the criminal and juvenile justice systems. While these bills failed to pass, the 2016 Supplemental Operating Budget directs the Council to produce these new impact statements.

HB 2148—Financial audits

(Representative Chandler)

Would have authorized local governments to request a private financial audit, in lieu of one by the State Auditor.

Additionally, would have allowed state agencies and local governments to appeal the results of any audit.

HB 2183—Sexual abuse prevention

(Representative McCabe)

Would have established a task force to create and implement a curriculum for the prevention of sexual abuse for students from kindergarten through twelfth grade.

HB 2214—High school assessments

(Representative Reykdal, by request of Superintendent of Public Instruction)

and HB 3001

(Representative Reykdal)

Would have eliminated a series of state assessments in order to transition to the new SBAC tests. Additionally, would have eliminated: most of the current alternative assessment options; and the Biology End-of-Course exam.

HB 2254—Social media safety

(Representative Manweller)

Would have required OSPI to develop a social media safety model curriculum. Every school year, school districts would have had to make available to all students at least one age-appropriate educational program, class, or activity designed to teach social media safety.

HB 2295—Federal forest revenues

(Representative Rossetti)

and SB 6292

(Senator Braun)

Would have permanently eliminated the reduction in state basic education funding that occurs in counties with federal forest lands.

HB 2306—School names

(Representative Sawyer)

and SB 6190

(Senator McCoy)

Would have prohibited public schools from using the term "redskins" for any school club, organization, or athletic team name, mascot, or nickname.

HB 2324—Educational interpreters

(Representative Van De Wege)

Would have: authorized the parent or guardian of a child who is deaf, deaf-blind, or hard of hearing to request a specific sign language or sign system in the child's Individualized Education Program (IEP); and required school districts to give priority to a request for a specific sign language or sign system to be used in an IEP.

HB 2325—Hunting education

(Representative Muri)

and SB 6515

(Senator O'Ban)

Would have required OSPI to develop an elective firearms safety and hunter education course for high school students.

HB 2361, HB 2698—Levy cliff delay

(Representative Lytton)

and SB 6353

(Senator Rivers)

Would have delayed for one year (from calendar year 2018 to calendar year 2019): the scheduled reduction of school districts' levy authority and state-funding for Local Effort Assistance; and the scheduled elimination of "ghost" revenues in levy bases.

HB 2373—Student mental health

(Representative Senn)

and SB 6432

(Senator Litzow)

Would have required ESDs to serve as a convener, trainer, and mentor for school district staff on social and emotional learning and required ESDs to offer training on social and emotional learning. Additionally, the Joint Legislative Audit and Review Committee would have been required to conduct an inventory of the mental health service models available to students in schools, school districts, and ESDs and report its findings.

HB 2377—Schools siting

(Representative Taylor)

Would have modified the Growth Management Act to specify that all education facilities, not just state education facilities, are essential public facilities for purposes of siting schools under local comprehensive plans and development regulations.

HB 2381—School counselors

(Representative Ortiz-Self)

Would have directed the Professional Educator Standards Board to convene a task force on school counselors, psychologists, and social workers.

HB 2382—Alternative teacher certification

(Representative Magendanz)

Would have required the Workforce Training and Education Coordinating Board and the Professional Educator Standards Board to develop and disseminate information designed to increase recruitment into teacher preparation programs, including alternative route programs.

HB 2389—School-age child care

(Representative Kagi)

Would have modified the definition of "school-age child" to include children through 12 years of age for the purposes of school-age child care.

HB 2392—Pesticide exposure

(Representative Ortiz-Self)

and SB 6507

(Senator Chase)

Would have required pesticide users to provide specific notice of intended pesticide applications, including to persons who own, manage, or control any property adjacent to the property of intended pesticide application, such as a teacher or employer of persons on the property.

HB 2396—Homeless youth

(Representative McBride)

Would have authorized school nurses, counselors, and homeless student liaisons to provide consent for homeless, unaccompanied youth under the federal McKinney-Vento Homeless Assistance Act to receive nonemergency, outpatient, primary care services. While this bill failed to pass, similar language was amended onto a bill that was adopted: 35HB 1682.

HB 2409—Special needs students

(Representative Orwall)

Would have clarified that school districts have a duty to provide a free appropriate public education to students with disabilities under the requirements of the federal Rehabilitation Act of 1973, section 504 and would have required districts to notify the parent or guardian of each enrolling student of the procedural safeguards used by the district to identify, evaluate, and place a child who needs, or is believed to need, accommodations or related services.

HB 2415—Worksite learning

(Representative Pike)

and SB 6453

(Senator Cleveland)

Would have created an Instructional Worksite Learning Pilot Project to expand traditional and nontraditional instructional worksite learning opportunities for students by incentivizing high growth, advanced industry companies in southwest Washington to start or grow instructional worksite learning programs.

HB 2429—Student assessment results

(Representative Caldier)

Would have required OSPI to develop and implement a process for ensuring that school districts are able to provide students and their parents or guardians with the results of statewide high school assessments by a certain date.

HB 2451—Postsecondary/K–12 partnerships

(Representative Stambaugh)

Would have required the Washington Campus Compact to develop a statewide program to map, track, and improve partnerships between postsecondary educational institutions and K–12 schools.

HB 2472—Educator compensation

(Representative Santos, by request of Governor Inslee)

and SB 6241

(Senator Billig, by request of Governor Inslee)

To help combat teacher shortages, this bill would have increased beginning teacher salary allocations to \$40,000 and increased salary allocations for all other teachers, certificated administrative staff, and classified staff by one percent. Would have also provided for the expansion of the Beginning Educator Support Team (BEST) program. Required expenditures would have been supported by revenues resulting from the elimination of a series of tax preferences (as proposed in HB 2479).

HB 2479—Tax preferences

(Representative Lytton, by request of Office of Financial Management)

Would have narrowed or eliminated a series of tax preferences to fund Governor Inslee's proposed educator salary increases (introduced as HB 2472/SB 6241).

HB 2490—Public employee bargaining

(Representative Manweller)

and HB 2829

(Representative Chandler)

Would have required all collective bargaining sessions with employee organizations involving contract negotiations to be open to the public.

HB 2513—Truant students

(Representative Klippert)

Would have encouraged courts to require that children subject to truancy petitions complete and submit all required assignments in all of his or her classes.

HB 2537—State spending

(Representative Stokesbary)

and SB 5944

(Senator Hill)

Would have required every new statutory state spending program to include an expiration date that is no more than ten years from the effective date of the spending program.

HB 2547—Synthetic turf

(Representative Pollet)

Would have required the Department of Ecology to certify that synthetic turf materials are not a hazard to public health prior to installation or replacement at recreational facilities (which are presumed to include public school fields).

HB 2556—Certificate of Academic Achievement

(Representative S. Hunt)

Would have eliminated the Certificate of Academic Achievement as a requirement for high school graduation.

HB 2573—Teacher shortage

(Representative Santos, by request of Superintendent of Public Instruction)

and SB 6332

(Senator Litzow, by request of Superintendent of Public Instruction)

These bills, requested by Superintendent Dorn, included a comprehensive package of strategies to address the teacher and substitute teacher shortage problem. While these bills failed to pass, many of the individual strategies were incorporated into E2SSB 6455 prior to passage.

HB 2576—Public Records Act

(Representative McBride)

Would have authorized local governments, including school districts, to adopt procedures limiting the number of hours it devoted to responding to public records requests, and to adopt procedures to prioritize records requests. Additionally, would have established the Public Records Commission to assist local governments and requestors to resolve disputes by: voluntary arbitration; voluntary mediation; or adjudicative proceeding.

HB 2586—School siting

(Representative Reykdal)

Would have required counties planning under the Growth Management Act to allow school districts to site common schools outside of Urban Growth Areas (UGAs) for a period of ten years when certain criteria are met. Would have also required counties and school districts to work together to incorporate a capital facilities plan for each school district into the county's comprehensive plan. The Joint Legislative Audit and Review Committee would have also been required to conduct a review of the impacts of schools sited outside of UGAs and report to the Legislature in 2024.

HB 2607—Integrated student services

(Representative Magendanz)

Would have coordinated and consolidated the delivery of various academic and nonacademic programs and services—such as expanded learning opportunities, mental health, medical screening, and access to food and housing—through a new Washington Integrated Student Supports Protocol. The Protocol would have been established to reduce barriers to academic achievement and educational attainment by weaving together existing public and private resources needed to support student success in school.

HB 2608—Student and teacher data

(Representative Magendanz)

Would have required OSPI to collect all student-level data using the United States Department of Education's (ED) 2007 Race and Ethnicity Reporting Guidelines, including the subracial and subethnic categories within those guidelines, with modifications as outlined in the bill. In addition to current teacher data that must already be reported, OSPI would have also been required to report the percentage of classroom teachers per school district and per school and the average length of service of classroom teachers per school district and per school, disaggregated by race and ethnicity under ED's Guidelines as modified by the bill.

HB 2609—Cultural competence

(Representative Magendanz)

Would have required WSSDA to develop a plan for the creation and delivery of cultural competency training for school directors and superintendents. Additionally, would have required OSPI to develop a content outline for professional development and training in cultural competence for school staff.

HB 2639—School buses

(Representative McCabe)

Would have required OSPI to conduct a study to analyze the costs and benefits of requiring school buses purchased after December 2017 to be equipped with seat belts, safety harnesses, or other approved restraint systems for all passengers.

HB 2643—School district procedures

(Representative Short)

Would have required school boards to comply with the Open Public Meetings Act's notice requirements before adopting a school district policy or a procedure to implement a policy.

HB 2646—Default retirement system

(Representative Ormsby)

For new members entering the Public Employees' Retirement System, Teachers' Retirement System, or School Employees' Retirement System Plan 2 or Plan 3, the default plan for members failing to designate a plan would have changed from Plan 3 to Plan 2.

HB 2657—Teacher years of service

(Representative Stokesbary)

Would have allowed experience at a private school to be counted under the years of service calculation for classroom teachers.

HB 2664—Physical Education

(Representative Cody)

Would have eliminated current provisions that allow: students in grades one through eight to be excused from

PE instruction because of participation in directed athletics; and high school students to be excused from PE because of participation in directed athletics, military science and tactics, employment, or for other good cause.

HB 2665—Tax preferences

(Representative Santos)

Would have required all current or future tax preferences to expire at the end of each biennium unless the state Operating Budget explicitly appropriated funds to continue the tax preference.

HB 2666—Tax expenditure transparency

(Representative Santos)

Would have required the governor's budget request and budget forecasts to clearly state a baseline revenue estimate that excludes the impact of any current tax preferences and a revenue adjustment that includes the estimated impact of current tax preferences.

HB 2669—Physical Education

(Representative Riccelli)

Would have extended the PE requirements for first through eighth grade students to kindergarten students. Would have also required school districts to submit an annual report verifying compliance with PE instructional requirements.

HB 2670—Assessment system

(Representative Young)

and SB 6458

(Senator Chase)

and SB 6476

(Senator Roach)

Would have eliminated non-federally required tests, removed the graduation requirement from statewide tests, allowed opting out of standardized tests with no repercussion to students, and created a more balanced assessment system to support and empower meaningful student learning.

HB 2690—Academic support pilot

(Representative Sells)

and SB 6368

(Senator Hobbs)

Would have created an after-school learning lab pilot project to provide middle and junior high school students with strategic and intentional academic support beyond the traditional school day to promote accountability and responsibility.

HB 2714 and HB 2862—Unfunded mandates

(Representative Rossetti)

Would have required the Legislature to appropriate funds identified as necessary to implement legislation where a school district fiscal note is required. Additionally, would have clarified the Legislature may not rely on local levy funds or federal funds as a funding resource if the legislation mandates any requirements that are a component of basic education.

HB 2727—Teacher retention

(Representative Stokesbary)

Would have addressed the opportunity gap and the statewide teacher shortfall by providing additional compensation in the form of college loan forgiveness and annual bonuses to teachers who work in challenging, high poverty schools.

HB 2728—Reading coaches

(Representative Stokesbary)

Would have established the Reading to Ensure Academic Development (READ) Grant Program to improve early elementary student literacy and close the opportunity gap.

HB 2729—School choice

(Representative Stokesbary)

Would have required each school to annually publish a school performance report and deliver the report to each parent with children enrolled in the school and make the report available to the community served by the school. OSPI would have been required to provide any student that attended a school that received an “F” grade or three

consecutive “D” grades the opportunity to enroll in a higher performing common school.

HB 2734—Science assessment

(Representative McCaslin)

and SB 6640

(Senator Mullet)

Would have eliminated the requirement that students meet standard on the statewide high school science assessment in order to earn the Certificate of Academic Achievement. Would have also eliminated a provision requiring OSPI to implement a two-year transition period for transferring from the Biology End-of-Course assessment currently used as the statewide high school science assessment to a more comprehensive science assessment adopted by OSPI.

HB 2742—School library materials

(Representative Reykdal)

For purposes of funding Maintenance, Supplies, and Operating Costs, “library materials” would have been moved from a part of “other supplies” and instead have been included with “curriculum and textbooks.”

HB 2743—High school diploma

(Representative Reykdal)

Would have required high school equivalency certificates issued by the State Board for Community and Technical Colleges and OSPI to be issued as a Washington State high school diploma.

HB 2779—Competitive bidding

(Representative Kilduff)

Would have clarified current law making school district bidding procedures and criteria consistent with bidding criteria used by counties, cities, and the state’s public works contracts.

HB 2782—Gender segregated facilities

(Representative Klippert)

Would have preempted Washington Human Rights Commission rules by prohibiting: any person who possesses male anatomy or male DNA to enter or use a facility that has been segregated by gender for the private

use of those who possess female anatomy or female DNA; and any person who possesses female anatomy or female DNA to enter or use a facility that has been segregated by gender for the private use of those who possess male anatomy or male DNA.

HB 2822—Initiative 200

(Representative Santos)

Would have repealed Initiative 200, adopted in 1998, which prohibits discrimination or preferential treatment in public education, employment, or contracting based on specified factors, including race and sex.

HB 2823—School violence reporting

(Representative Parker)

Would have established the Students Protecting Students Program within OSPI to provide students and the community with the means to report information anonymously concerning unsafe, potentially harmful, dangerous, violent or criminal activities, or the threat of these activities.

HB 2833—Educational grant program

(Representative Young)

Would have established a competitive educational grant program to promote confidence, public speaking, and leadership skills in students.

HB 2837—Class Size Task Force

(Representative Farrell)

Would have established the Legislative Task Force on Common School Class Size in School Districts with More Than 45,000 Students to review discrepancies between, and barriers to better aligning, class sizes established in statutory allocation provisions for school districts, and actual class sizes in schools of districts with more than 45,000 students.

HB 2851—School director compensation

(Representative Frame)

and SB 6259

(Senator Carlyle)

Would have increased the maximum allowable compensation for school directors in districts enrolling twenty thousand or more students.

HB 2855—TRS military service credit

(Representative Sells)

For purposes of calculating pension benefits, this bill would have entitled members of the Teachers' Retirement System Plans 2 and 3 to a limited amount of retirement service credit for prior military service.

HB 2868, HB 2989—CTE MSOC

(Representative Reykdal)

and SB 6661

(Senator Rolfes)

Would have provided for enhanced funding of Materials, Supplies, and Operating Costs for: exploratory Career and Technical Education courses in grades seven through twelve; preparatory Career and Technical Education courses for students in grades seven through twelve; and preparatory Career and Technical Education courses in grades eleven and twelve offered through a Skills Center.

HB 2881—Teacher shortage

(Representative Pollet)

Would have implemented multiple strategies to increase training, recruitment, and retention of educators to address the teacher shortage crisis and enable Washington to lower class sizes.

HB 2889—School director absences

(Representative Short)

Would have required school district boards of directors to use available electronic remote access to allow a member who will be unable to attend a regular meeting because of a temporary absence resulting from travel for work, duties as an elected or appointed official, or military service, to participate in the meeting.

HB 2902—Charter school tax credit

(Representative Hargrove)

Would have provided funding for state charter schools by creating a Business & Occupation tax credit to provide an incentive for businesses to donate revenue to a charter school fund.

HB 2941—School bathrooms

(Representative Short)

Would have required schools to provide toilets and restroom facilities for each sex to be used separately by each sex. Additionally, would have specifically clarified this statutory provision supersedes any rules or guidelines adopted pursuant to Chapter 49.60 RCW (laws against discrimination).

HB 2945—Growth Management Act

(Representative Appleton)

Would have created the Legislative Task Force on the Growth Management Act to review the Growth Management Act (GMA) and provide recommendations, if any, for modifications of GMA that will help ensure that Washington's land use practices align with the needs of current and future residents of the state. Among other things, the Task Force would have been required to review issues regarding school siting.

HB 2948—Career and college readiness

(Representative Santos)

Would have created the Career and College-Ready Lighthouse Pilot Project to provide an opportunity for students to explore and understand a wide range of career opportunities through applied learning; engage with industry mentors; and plan for career and college success. Four pilot schools would have been required to implement a Science, Technology, Engineering, and Mathematics curriculum that can be delivered in the context of employment opportunities in one or more industry clusters. While this bill failed to pass, funding is provided in the 2016 Supplemental Operating Budget to develop a plan for a similar program.

HB 2963—High school exam payment

(Representative Moscoso)

Would have required public high school students to receive \$500 in vouchers to be used towards examination fees and exam reporting fees for end-of-course high school examinations that have a cost to students, including Advanced Placement exams.

HB 2964—Lunch co-pays

(Representative Gregerson)

Would have eliminated lunch co-pays for students who qualify for reduced-price lunches under the National School Lunch Program.

HB 2965—School accountability

(Representative Magendanz)

Would have required school districts to provide separate accounting of state, federal, and local revenues and expenditures, and also separate accounting of basic education and non-basic education expenditures. Additionally, would have required various adjustments to school district budgeting, including production of a four-year budget projection.

HB 2968—Kindergarten/K–3 class size

(Representative Tharinger)

Would have appropriated half of the one percent of General Fund revenues transferred annually to the Budget Stabilization Account to the Education Construction Fund. This would have provided \$186.6 million from the Budget Stabilization Account and a total of \$1.0 billion in Fiscal Years 2016–2025 to help finance school facilities that support state-funded, all-day kindergarten and K–3 class size reduction. HB 2995 (not adopted) would have allowed for this transfer to take place without negatively impacting the required four-year balanced budget calculation.

HB 2978—School choice

(Representative Stokesbary)

Would have required OSPI to provide any student that attended a “low performing school” the opportunity to enroll in a higher performing common school.

HB 2995—Four-year balanced budget

(Representative Dunshee)

Would have revised the current four-year balanced budget process to allow one-half of the regular annual transfer of General Fund revenues to the Budget Stabilization Account to be considered as resources in determining whether the Operating Budget is balanced in the ensuing fiscal biennium. This would have allowed those resources to be utilized for school construction pursuant to HB 2968 (not adopted).

HB 2996—Teacher recruitment and retention

(Representative Lytton)

Would have narrowed or eliminated six current tax preferences (or “loopholes”). The resultant revenues would have been required to be deposited in the Education Legacy Trust Account to fund the House’s teacher retention and recruitment proposal, consisting of a beginning teacher salary increase, a minor across-the-board salary increase for other educators, and an expansion of mentoring assistance.

HB 3007—First Amendment rights

(Representative Young)

Stemming from the controversy in the Bremerton School District last fall, this bill would have clarified that immediately after a school sports activity is completed, any grounds of the school open to the public after the school day has ended or on a weekend day, including an outdoor sports field, is a designated public forum where all individuals, including school sports coaches, student team players, fans, parents, and others may safely assemble to talk with other individuals, including praying with one another.

HB 3009—Instructional hours definition

(Representative Hudgins)

Would have expanded the definition of “instructional hours” to specify that the period of time designated for student participation in a morning meal food program is considered part of instructional time as long as students are provided the opportunity to engage in educational activity concurrently with the consumption of food, and the

provision of food allows the regular instructional program to continue functioning. This bill was introduced as a moderate first-step rather than a full implementation of “Breakfast After the Bell” (HB 1295/SB 5437, not adopted).

HJR 4210—Simple majority for bonds

(Representative Gregerson)

and HB 1941

(Representative Gregerson)

This constitutional amendment (and its necessary implementing bill, HB 1941) would have permitted the passage of local school district bond issues with a simple majority approval of voters, if the issue was on the ballot during a general election.

HJR 4212—Paramount duty

(Representative Klippert)

This constitutional amendment would have made the ample provision for the public safety of Washington State citizens the paramount duty of the state.

HJR 4216—OSPI/SBE elimination

(Representative Sullivan)

and HB 2947

(Representative Sullivan)

This constitutional amendment (and its necessary implementing bill, HB 2947) would have eliminated OSPI. HB 2947 also would have eliminated the State Board of Education and established a new state Department of Education to replace OSPI and SBE.

SB 5415—Professional development

(Senator McAuliffe)

Would have added “professional learning day” to the definition of basic education and would have required the Legislature to annually provide additional time and resources for content-specific professional learning days for each state-funded certificated instructional staff, paraeducator, and school building-based administrator.

SB 5675—Dual language instruction

(Senator Roach)

and HB 1783

(Representative Ortiz-Self)

Would have expanded dual language and bilingual instruction for early learners through secondary students by establishing: the K–12 Dual Language Expansion Grant Program; the Dual Language Teacher Pipeline Scholarship Program; and the Early Learning Bilingual and Dual Language Grant Program.

SB 5915—Fiscal notes

(Senator Brown)

and HB 2830

(Representative Chandler)

Would have required legislative fiscal notes dealing with corrections, child welfare, and mental health issues to include an estimate of impacts on expenditures of other state and local government programs, and a return on investment as a result of the legislation.

SB 5930, SB 6588—Music education

(Senator Chase)

and HB 1996

(Representative Ortiz-Self)

Would have required school districts to phase-in the opportunity for elementary students to receive an average of at least 100 minutes per week of instruction in music.

SB 6097—Future Teachers' Conditional Scholarship

(Senator Ranker)

Would have modified the Future Teachers' Conditional Scholarship and Loan Repayment Program to increase the number of K–3 teachers.

SB 6163—Charter schools

(Senator Billig)

Would have amended I-1240's charter school provisions to address the Supreme Court's ruling which declared charter schools to be unconstitutional. The bill would have eliminated independent charter schools and authorized only local school districts to create District Charter Schools

within the district. The authorizing school district would have retained governance authority over the school.

SB 6182—High school assessment delay

(Senator McAuliffe)

Would have delayed the requirement that students obtain a Certificate of Academic Achievement until the graduating class of 2022. By 2020, OSPI would have had to determine whether the statewide assessments must be used as a graduation requirement for the graduating class of 2022 and beyond or whether other educational reforms and increased resources implemented in Washington have proven to be effective in improving student achievement without the need for a high stakes high school graduation requirement.

SB 6183—Levy cliff delay

(Senator McAuliffe)

Would have continued the current statutory policy on local levy lids (28 percent) and Local Effort Assistance (14 percent) until 2020. Between 2021 and 2024, the levy lid would have been phased down by one percent per year (to 24 percent) and LEA would have been phased down by 0.5 percent per year (to 12 percent).

SB 6189—Native American curriculum

(Senator McCoy)

Would have required teacher preparation programs to integrate Native American curriculum developed by OSPI into existing Pacific Northwest history and government requirements.

SB 6230—Warrantless searches

(Senator O'Ban)

Would have added school resource officers and local police school liaison officers as persons who may search students and student's possessions, containers, and lockers if they have reasonable grounds to suspect evidence of a violation of school rules or laws.

SB 6232—Civics education

(Senator Fain)

Would have eliminated the current Business and Occupation tax deductions for campaign-related contributions. The additional revenue from the eliminated deduction would have been appropriated to: the Secretary of State to contract for the development and implementation of a civics curricular program for middle, secondary, postsecondary students, and adult groups that promote competent and responsible participation in local and state government; and the Public Disclosure Commission to develop and improve compliance systems and investigations.

SB 6233—Student newspapers

(Senator Fain)

Would have explicitly clarified that public high school students have the right to exercise freedom of speech and of the press in school-sponsored media. Would have also clarified that student editors of school-sponsored media are responsible for determining the news, opinion, feature, and advertising content of the media. Under provisions of the bill, any student or others could have filed suit if they believed their First Amendment rights were being suppressed.

SB 6243—Student mental health

(Senator Litzow)

Would have required ESDs to work with Forefront (at the University of Washington) to develop a training program for educators and parents to develop students' social and emotional skills to help prevent youth suicide. OSPI also would have been required to create and maintain an online social and emotional training module for educators, administrators, and other school district staff.

SB 6244—Educational opportunity gap

(Senator Litzow)

Would have implemented a series of strategies to close the educational opportunity gap, including: collecting and reporting disaggregated student data; amending student discipline law and prohibiting certain types of suspensions and expulsions; and providing student loan

debt forgiveness and bonuses to teachers in challenging, high-poverty schools. This bill was introduced as option to a previously introduced bill to address the educational opportunity gap. That bill, 4SHB 1541, was adopted and amended to include many of the provisions included in this bill.

SB 6291—Weighted GPAs

(Senator Braun)

Would have authorized the use of weighted grade point averages for accelerated courses. Additionally, would have established a Legislative Task Force on Weighted Grade Point Average Systems to review issues related to weighted GPA systems and make recommendations to the Legislature.

SB 6298—Homeless student stability

(Senator Frockt)

Would have required: OSPI to create a competitive grant process to evaluate and award state-funded three-year grants to school districts to increase identification of homeless students and the capacity of the districts to provide support for homeless students; and the Department of Commerce, in consultation with OSPI, to develop and administer a competitive grant program to provide educational stability for homeless students by promoting housing stability. While this bill failed to pass, funding is provided in the 2016 Supplemental Operating Budget to establish similar grant programs.

SB 6340—Voter preregistration

(Senator Fain, by request of Secretary of State)

and HB 2707

(Representative Bergquist, by request of Secretary of State)

Would have allowed 17 year olds to preregister to vote. County Auditors would have also been required to coordinate an annual event in senior high school social studies or history classes that encourages voter registration or preregistration.

SB 6393—Small works roster

(Senator Warnick)

and HB 2722

(Representative Kochmar)

Would have allowed state agencies and local governments, including school districts, to use uniform small works rosters to award contracts for construction, building, renovation, remodeling, alteration, repair, or improvement of real property with an estimated cost of \$500,000 or less (rather than the current limit of \$300,000). Additionally, for projects estimated to cost less than \$150,000 (increased from the current limit of \$35,000), a state agency or local government would have been allowed to award contracts using the limited public works process.

SB 6407—Recess requirement

(Senator Fain)

Would have required public schools to provide a daily recess period of at least thirty minutes for students in grades kindergarten through five.

SB 6408—Paraeducators

(Senator Hill)

Would have implemented recommendations from the Paraeducator Standards Work Group, including: the adoption of performance standards for paraeducator professional development and credentialing; and the development of a uniform and externally administered professional-level certification assessment for paraeducators.

SB 6426—School siting

(Senator Conway)

Would have required each city and county (with the exception of King County) fully planning under the Growth Management Act to amend its existing process for siting essential public facilities to include schools that will be sited outside Urban Growth Areas.

SB 6429—School start times

(Senator McAuliffe)

Beginning in the 2016–17 school year, would have required all public schools to start one hour later than the time they started in the 2015–16 school year.

SB 6431—K–12 leave costs

(Senator Mullet)

Would have required the Joint Legislative and Audit Review Committee to conduct an analysis of the costs and impacts associated with implementing and maintaining a state funded maternity and paternity leave program for K–12 certificated classroom teachers. With assistance from the Washington State Institute for Public Policy, the analysis would have been required to include the impact of maternity and paternity leave on increasing teacher recruitment and retention.

SB 6443—Gender-segregated facilities

(Senator Ericksen)

and HB 2935

(Representative Van Werven)

Would have required the Washington Human Rights Commission to repeal its recently adopted rules regarding gender-segregated facilities and would have prohibited the Commission from initiating any rule-making procedure that involves the subject of gender-segregated facilities in the future.

SB 6460—Assessment opt-out

(Senator Chase)

Would have given parents and guardians an unrestricted right to excuse their children from taking statewide assessments.

SB 6469—Cursive writing

(Senator Roach)

Would have required cursive writing to be taught in public schools.

SB 6473—College readiness assessment

(Senator Baumgartner)

and HB 2919

(Representative Riccelli)

Would have created a pilot program allowing the use of a nationally recognized college readiness assessment to earn a Certificate of Academic Achievement for high school graduation purposes and for federal and state accountability purposes.

SB 6497—Truancy reduction

(Senator Hargrove)

Would have enacted the Keeping Kids in School Act, making a variety of changes and additions to practices and requirements related to school attendance and truancy. While this bill failed to pass, many of its provisions were incorporated into a similar bill, 2SHB 2449, which was adopted.

SB 6512—State Need Grant

(Senator Baumgartner)

Would have required at least 25 percent of State Need Grant funding to be awarded to students pursuing degrees in Science, Technology, Engineering, and Mathematics (STEM) subjects.

SB 6516—Month of the Kindergartener

(Senator Fraser)

Each month of September would have been declared the Month of the Kindergartener, and each elementary school would have been encouraged to determine a method to celebrate new kindergarteners as they begin their life in education.

SB 6540—Synthetic turf

(Senator Chase)

Would have required the Department of Ecology, in consultation with the Department of Health, to conduct a study to analyze the potential adverse health impacts of synthetic turf. Additionally, would have required specific conditions to be met before a public or private school or local government could install a new field or playground surface made of synthetic turf.

SB 6548—Gender-segregated facilities

(Senator Warnick)

and HB 2589

(Representative G. Hunt)

Would have preempted Washington Human Rights Commission rules by allowing public or private entities to prohibit a person to access a facility segregated by gender—such as a bathroom, restroom, toilet, shower, locker room, or sauna—if the person is preoperative, nonoperative, or otherwise has genitalia of a different gender from that for which the facility is segregated.

SB 6549—Early retired teachers

(Senator Conway)

Would have temporarily allowed early retired teachers to serve as substitute teachers for up to 630 hours per year without impacting their pension benefits.

SB 6552—Assessment inventory tool

(Senator McAuliffe)

Would have required OSPI to provide school districts with an assessment inventory tool to assist educators and the community to understand the purpose of the assessments, find gaps and redundancies, identify lack of alignment between standards and assessments, identify low-quality assessments, illuminate the resources spent on assessment, highlight which assessments provide information that is useful to teachers and students and which assessments do not, determine whether the assessments provide the information necessary for its specific purpose, and identify any assessments that are duplicative or unnecessary. While this bill failed to pass, the 2016 Supplemental Operating Budget includes proviso language directing OSPI to provide a similar assessment tool.

SB 6643—Tolls for school buses

(Senator Bailey)

Would have required the Washington State Transportation Commission to provide an exemption from all tolled facilities for school buses, regardless of whether the school bus is traveling on a regularly scheduled route.

SB 6663—Voting Rights Act

(Senator Miloscia)

Would have established a state-level Voting Rights Act to promote equal voting opportunity in certain political subdivisions by authorizing district-based elections, requiring redistricting and new elections in certain circumstances, and establishing a cause of action to redress lack of voter opportunity.

SB 6665—Broadcasters tax

(Senator Braun)

Would have changed television broadcast taxation provisions. Currently, national broadcast companies are refusing to pay Business & Occupation taxes on advertising income. To provide them an incentive to pay those back taxes, this bill would have: waived all penalties if taxes due were paid by October 1, 2016; and provided for a permanent reduction of the required tax rate in the future (from 2.2 percent to 1.1 percent).

SB 6667—2016 Supplemental Operating Budget

(Senator Braun)

This was the Senate Republican's second Supplemental Operating Budget proposal unveiled immediately after the Regular Session adjourned without action on a budget. It was an effort to break the budget impasse by displaying the Senate's apparent willingness to compromise, seeking a response from House Democrats. House budget-writers refused to respond in-kind, accusing the Senate of breaking a pledge to not "negotiate in public."

SB 6668—Pension merger

(Senator Hill)

Would have merged the assets, liabilities, and membership of the Law Enforcement Officers' and Fire Fighters' Retirement System Plan 1 (LEOFF Plan 1) with the Teachers' Retirement System Plan 1 (TRS Plan 1). Under the bill, TRS 1 employer contributions, currently 6.23 percent and scheduled to increase to 7.2 percent in 2018, would have been reduced to 4.24 percent, saving the state \$75 million in the current biennium and an expected

additional savings of \$243.8 million in the 2017–19 biennium. The Senate "booked" this savings in their original Supplemental Operating Budget proposal. While the bill failed to pass, the 2016 Supplemental Operating Budget directs the Select Committee on Pension Policy to study the issue.

SJR 8213—Four-year balanced budget

(Senator Hill)

This constitutional amendment would have placed the state's current statutory requirement to adopt a four-year balanced budget in the constitution.

Health Care, Pensions, Financials, and Other Issues

Fred Yancey/Scott Nelson – The Nexus Group

SUBSTITUTE TEACHERS/RETIREEES

A negotiated and agreed revision of **SB 6455** dealing with many teacher shortage issues including increasing the pool of certificated substitutes, passed both Houses and was signed by the Governor April 5, 2016.

One section deals with retiree/substitute teachers who retired using the 2008 Early Retirement Factors. That section will sunset August 1, 2020. Early retirees would be allowed to work 867 hours per calendar year as substitute teachers. The employing school district must compensate said retiree and all other district substitute teachers at 85 percent of the full daily amount allocated by the state to the district for substitute teacher compensation. (Approximately \$130/day of the current \$152 allocation). The proviso will be in effect from July 1, 2016, until June 30, 2020.

A new section was added to Chapter 28A.300 RCW that reads as follows: (1) By October 1st of each year, a school district must report to the office of the superintendent of public instruction: (a) The number of substitute teachers hired per school year; (b) The number of substitute teachers hired under Section 5 of this act per school year; (c) The full daily compensation rate per substitute teacher; and (d) The reason for hiring the substitute teacher. (2) By January 1st of each year, OSPI must post on its website the information identified in subsection (1) of this section.

A word of caution: The \$130/day fee would only come into play if a district hired an early retiree. Some districts are considering not hiring those retirees because these districts currently pay less per day per substitute teacher. Should districts make this decision, and legislators discover this tactic, those same legislators may use those decisions against making further candidate openings or even against increasing the number of allowed hours. Retirees, as well, may be displeased and let that be known.

INSURANCE STUDY

The proviso directing the Public Employees Benefits Board to explore the feasibility of transferring retirees from a

Medicare supplement plan to a group Medicare advantage PPO did not survive in the final budget.

PENSION MERGER

The original Senate budget had a controversial proposal and a resulting bill dealing with the unfunded liability status of TRS Plans I. **SB 6668** would have merged the assets, liabilities and membership of the Law Enforcement Officers' and Fire Fighters' Retirement System Plan 1 (LEOFF Plan 1) with the Teachers' Retirement System Plan 1 (TRS Plan 1). If the LEOFF Plan 1 and TRS Plan 1 merger was approved the unfunded liability of TRS 1 would decrease and employers would pay a reduced amount toward funding the retirement plans. This bill did not pass. However, a proviso in the adopted budget directs the Select Committee on Pension Policy (SCPP) to study this issue and report on the tax, legal, fiscal, policy, and administrative implications. Due January 9, 2017.

DEFERRED COMPENSATION

ESSB 5435 expands participation in the Washington State Deferred Compensation Program (WSDCP). Beginning January 1, 2017, all full-time persons newly employed shall be enrolled in the state deferred compensation plan unless the employee affirmatively elects to waive participation in the plan. Persons who participate in the plan without having selected a deferral amount or investment option shall contribute three percent of taxable compensation to their plan account. Funds will be invested by the State Investment Board unless directed otherwise.

DRS has the option to establish a new fund (401-A) entitled the "money-purchase retirement savings principal account". As mentioned in previously written updates, this proposal can be seen as the first step in justifying the elimination of the current defined benefit, (DB), pension plans available to school employees. Republican legislators, primarily, wish to eliminate DB plans in favor of putting the sole responsibility and cost for retirement on the employee through a defined contribution, (DC), model. Signed by the Governor March 31, 2016.

WHAT WILL THE FUTURE HOLD?

Many policy bills proposed during both the long and short sessions failed to advance. However, the key themes represented by them will likely be re-introduced through new legislation during the 2017 Session(s). See selected bill review for proposals that addressed many of these areas.

Key themes will focus on:

1. Efforts to increase the state's minimum wage for all employees to \$15/hour.
2. Funding and providing sick and safe leave for all employees in the state.
3. Fundamentally changing the state's current pension system into a defined contribution model (401-K). Senator Braun, the vice-chair of the Senate Ways & Means Committee, is now the leading advocate of making these changes.
4. Merging of the LEOFF 1 and TRS 1 pension funds.
5. Lowering the health care insurance benefit for school Medicare retirees.
6. Addressing the need to increase the pool for qualified teacher job applicants.
7. Moving to a state-wide collective bargaining contract for all K–12 employees.
8. Adopting a state-wide consolidated health care insurance model for K–12 employees.

SELECTED FINANCIALS

ESHB 2376 State Budget

Below are selected financial figures from the adopted Supplemental 2015–2017 Budget:

	<u>2015–2016</u>	<u>2016–2017</u>
Fringe Benefit Allocation	21.42% 22.72%	21.42% Allocated Certificated 22.72% Allocated Classified
Insurance Health Benefit	\$780.00	\$780.00
Medicare Insurance Subsidy for Retirees	\$150.00	\$150.00
Retirement Contributions		
• TRS		13.13%
• PERS		11.18%
• SERS		11.58%
(Note: These rates are subject to change. The budget directed in Section 922 that growth in the system membership will be 1.25 percent which according to the Department of Retirement Systems is likely to reduce the contribution percentage by a yet unknown amount.)		
Substitute Rate (4 subs/classroom teacher unit)	\$151.86	\$151.86
Health Care Carve-out	\$65.25	\$64.39

“Deja Vu All Over Again” Yogi Berra

During and previous to the 2015 ‘long’ session and the ‘shorter’ 2016 one, there were numerous proposed bills that did not significantly advance, yet are likely to return during the next session. They represent concerns that are likely to re-emerge during the 2017 session(s).

Selected Bill Action During 2015–2017 Legislative Session

The intent: Efforts to increase the state’s minimum wage for all employees to \$15/hour.

The bills:

HB 1355—Increasing minimum hourly wage to twelve dollars over four years.

This bill passed the House (51/46) in the 2015 Session and made no further movement.

SB 6087—Increasing minimum hourly wage.

This bill was introduced in the 2015 Session and made no movement. It was heard during the 2016 Session but never made it out of committee. It would have moved to a state-wide minimum wage of \$12/hour by January, 2020. It also mandated employers providing for the provision of accrued sick leave for employees.

The intent: Funding and providing sick and safe leave for all employees in the state.

The bills:

HB 1355/SB 5285—Increasing minimum hourly wage to twelve dollars over four years.

This bill passed the House during the 2015 Session (51/46) and although the Senate held a committee hearing on the bill, it made no further movement during either the 2015 and 2016 Session(s). See SB 6087 above.

HB 1356/SB 5306—Establishing minimum standards for sick and safe leave from employment.

This bill passed the House in 2015 (51/46) and although the Senate held a committee hearing on the bill, it made no further movement during either the 2015 and 2016 Session(s).

This bill would have required employers with more than four full-time equivalent employees to provide paid leave to employees for: (1) specified medical reasons relating to the employee’s or a family member’s health; (2) reasons permitted under existing law requiring unpaid leave for purposes related to domestic violence, sexual assault, and

stalking; or (3) closure of the employee’s place of business or child’s school or place of care due to specified public health emergencies.

The intent: Making changes in the current retirement/pension system.

The bills:

HB 2646—Plan membership default provisions in the public employees’ retirement system, the teachers’ retirement system, and the school employees’ retirement system.

This bill was introduced and heard during the 2016 Session. It would have changed the present retirement default provision. Currently, if a new employee does not select a pension plan, then he/she is automatically placed into Plan 3 (a hybrid DB/DC plan). This bill would have changed the default to Plan 2 (a sole DB plan). It was placed on the “X” file where it died.

HB 1542/SB 5473—Retirement benefits at earlier ages in the Plans 2 and 3 of the public employees’ retirement system, the teachers’ retirement system, and the school employees’ retirement system.

Any member who is at least age fifty-five and for whom the sum of the number of years of the member’s age and the number of years of the member’s service credit equals eighty-five or more shall be eligible to retire with full benefits.

This bill was introduced in the 2015 Session and carried over but saw no action/hearings during either session.

SB 6005—Establishing the state average annual wage as the maximum compensation to be used for calculating state retirement benefits.

This bill had a hearing in the Senate Ways & Means Committee during the 2015 Session but no further action was taken.

If passed, the average final compensation used to calculate retirement benefit may not exceed the state average wage for the prior calendar year. In 2013 that wage was \$52,635. In other words, the highest pension paid would have been using the 2013 figure 60 percent of that amount. (\$31,581).

SB 6076—Garnishing public pensions to pay for the costs of incarceration of a public employee convicted of a felony for misconduct associated with such person’s service as a public employee.

This bill was introduced in the 2015 Session and carried over into the 2016 Session but saw no action/hearings during either.

SB 6077—Authorizing the forfeiture of the pension of a public employee convicted of a felony for misconduct associated with such person’s service as a public employee.

This bill was introduced during the 2015 Session and had one hearing in the Senate with no further action/hearings during either session.

The intent: Restore the PERS and TRS Plan 1 COLAS.

The bills:

HB 2138/SB 6017—Providing cost-of-living adjustments for Plan 1 retirees of the teachers’ retirement system and public employees’ retirement system.

This bill was introduced in the 2015 Session and carried over into the 2016 Session but saw no action/hearings during either.

Re: Pensions, in general: Republican Senators want to fundamentally change the state’s current pension system into a defined contribution model (DC) analogous to 401-K plans. Senator Braun, the vice-chair of the Senate Ways & Means Committee, is now the leading advocate of making these changes. Senators Bailey, Hill, and Schoesler are also key supporters.

The intent: Merging of the LEOFF 1 and TRS 1 pension funds.

The bill:

SB 6668—Merging the assets, liabilities, and membership of the law enforcement officers’ and firefighters’ retirement system Plan 1 with the teachers’ retirement system Plan 1 and establishing a funding policy for the merged plan.

This bill was introduced in the 2016 Session, passed the Senate Ways & Means Committee but made no further progress. However, there was budget proviso mentioned earlier that mandated a study be done by the SPP on this issue.

The intent: Lowering the health care insurance benefit for school Medicare retirees.

The proviso:

The Senate proposed in their budget, a proviso that made a significant cut from the present \$150 Medicare retiree health care benefit in their initial 2015–2017 budget (\$110). This was dropped in the final adopted budget; however, this benefit is at real risk of being eliminated if not reduced. Any savings affects real dollars that can and will be used to fund other areas of the budget. (Think *McCleary*)

The intent: Moving to a state-wide collective bargaining contract for all K–12 employees.

The bills:

SB 6130—Concerning the state’s constitutional basic education obligation, including reducing overreliance on local levies.

This bill was introduced in the 2015 Session and had a hearing in the Senate but made no further progress in that or the 2016 Session. This bill could be considered the first draft of a comprehensive solution to meeting the Supreme Court’s *McCleary* mandate. It is a very complex bill that attempts to outline moves to a statewide collective bargaining model as a means to manage the financing of K–12 basic education.

It is extremely likely that a variation of this bill will emerge during the 2017 session.

The intent: Adopting a state-wide consolidated health care insurance model for K–12 employees.

The bills:

SSB 5940—Concerning public school employees’ insurance benefits.

Although this bill passed, (House 53/45; Senate 25/20) and was signed into law July 11, 2012, its provisions to study and make recommendations on the advantages and disadvantages of consolidating health benefits has been done and was before the legislature. It was delivered on June 1, 2015. There was proposed legislation in the 2015 Session

(See below) but no further action in the 2016 Session(s). However, the legislature will likely revisit this issue in 2017 as part of a solution to full funding of school districts.

SB 5976—Establishing a consolidated purchasing system for public school employees.

This bill was introduced during the 2015 Session. It never advanced beyond Senate Rules Committee. However, this bill is an outgrowth of SSB 5940 and sought to establish a School Employees' Benefit Board (SEEB). Beginning January 1, 2017, all school districts would have been required to participate in the SEEB program and all health benefits would have been merged into a single, community-rated risk pool separate from the risk pool for PEEB health benefits.

The legislature will likely revisit this issue in 2017 as part of a solution to full funding of school districts as part of the total compensation/benefit package for K–12 employees.

Alliance of Educational Associations

Mitch Denning, Ph.D., AEA Consultant
AEA is an affiliate of WASA

Alliance of Educational Associations, comprised of Washington Association of School Business Officials (WASBO), Washington Association of Maintenance and Operation Administrators (WAMOA), and Washington School Nutrition Association (WSNA), felt somewhat positive about the Legislature’s response to our 2016 priorities, yet clearly left one important issue still undone. This report will review the Operating and Capital Budgets for 2016–17, key bills which implement the budgets, and a handful of bills that AEA supported, opposed, or watched with key interest that have been signed by the Governor. It will also address that one undone issue – **levy reform**.

Before discussing the budget and major AEA bills, we’ll review the **current McCleary timeline**. On April 18, the Governor signed the Operating and Capital Budgets. The State will file their brief on what they accomplished toward the Court’s *McCleary* expectations within 30 days after the Governor signs the Supplemental Budget, which would be about May 18. Then the NEWS group and *McCleary* family have 20 days to respond to the State’s brief, about June 8. Finally, the State then can respond to the NEWS response with 10 days, or about June 18. When the Court responds to all reports is yet to be determined. Also, the payment for the \$100,000 per day fine, now about \$25–30 million, was not included in the adopted Supplemental Operating Budget.

SHB 2376—2016–17 Supplemental Operating Budget, was passed by both Houses, and sent to the Governor on March 29. This budget increases total state spending by \$191 million through June 30, 2017. For K–12, there is an increase of \$17.222 million, which includes:

1. recruit and retain K–12 staff (\$5.3 million) for mentor teaching program and classified paraeducator professional development;
2. funding for charter schools by using \$3.9 million out of the Washington Opportunity Pathways Account (lottery funds);
3. E2SSB 6455, teacher shortage and certificated substitute teachers (\$1.8 million);

4. Washington Achievers Scholars Program (\$580,000);
5. SHB 1541, educational opportunity gap (\$1.2 million);
6. HB 1999, foster youth education outcomes (\$1.5 million);
7. HB 1682, homeless student stability (\$1 million);
8. Dual Credit International Baccalaureate (\$250,000);
9. Summer Internship Program (\$100,000);
10. HB 2449, truancy reduction (\$1.1 million);
11. Since Time Immemorial Native American History Program (\$41,000);
12. E2SSB 6195, education funding task force (\$19,000);
13. E2SSB 6620, school safety (\$276,000); and
14. Central Services changes for OSPI (\$201,000).

SHB 2380—2016–17 Supplemental Capital Budget, was passed by both Houses, and sent to the Governor also on March 29. A total of \$169.847 million is appropriated for state-approved capital expenditures, with \$89.743 million coming from the sale of bonds and the remaining \$80.104 million from other funds, including certificates of participation. OSPI’s Capital Budget is increased by \$69.757 million, and includes:

1. School Construction Assistance Program (SCAP) (2013–15) (\$150,000);
2. Capital Budget Administration (\$350,000);
3. SCAP (2015–17) (\$34.757 million) with total eligible area for all STEM projects not to exceed 36,680 SF; and
4. K–3 Class Size Reduction Grants (\$34.5 million).

OFM’s Capital Budget increases the Emergency School Repair Pool (\$1.216 million) for West Sound Skills Center, Bremerton (minor works repair), and Oakesdale SD (roof and boiler).

WSU's Capital Budget is increased by \$786,000 for WSU extension energy office to complete their Inventory and Condition of Schools Data collection.

Department of Enterprise Services' Capital Budget is increased by \$5.5 million for K–3 modular classrooms in (a) Seattle School District; (b) Mt. Vernon School District; (c) Sequim School District; (d) Wapato School District; and (e) Toppenish School District.

Finally in Section 6018 of SHB 2380, a **School Construction Technical Working Group (SCTWG)** is formed and composed of fiscal staff from House, Senate, and OFM, in consultation with OSPI and their Citizens Advisory Panel and Technical Advisory Group, to recommend modifications of the formula to fund K–3 classrooms; findings and results of WSU's K–12 building condition and classroom counts; findings and results of ESD 112's major causes for variations in cost of construction of schools and status of implementing STEM facility grants and how they interact with the SCAP. The SCTWG's final report is due to the Legislature by January 15, 2017.

SSB 6195—McCleary plan, passed both houses and was signed by the Governor on February 29, 2016. It creates the Education Funding Task Force (EFTF) to continue the work of the Governor's informal work group to review compensation and labor market data and analysis provided by a consultant, along with Professional Educator Standards Board's report on teacher shortages, and make recommendations to the Legislature on implementing a program of basic education, which is due to the Legislature by January 9, 2017. It requires the Washington State Institute for Public Policy (WSIPP) to contract an independent consultant to collect and analyze school staff compensation and labor market data, and requires OSPI to collect from school districts compensation data necessary to the consultant, WSIPP, OFM, and the EFTF. The consultant is to provide an interim report by September 1, 2016, and a final report by November 15, 2016. It also requires legislative action to be taken by the end of the 2017 legislative session to eliminate school district dependency on school levies for implementation of the state's program of basic education.

SHB 2698—Delaying the implementation of the levy cliff, did not pass the House and died in House Rules. It would

have delayed for one year to CY 2019, changes to the school district formula for calculating district's maximum M&O levy authority, including the four percentage point reduction in the levy lid from 28 percent to 24 percent, the elimination of the additional calculated amounts from the levy base known as "ghost money," and reducing the Local Effort Assistance, levy equalization rate, from 14 percent to 12 percent. As a result of this bill not passing, school districts face staff reductions and levy cuts during the 2016–17 school year, as levy planning takes place well in advance of the receipt of the local funds.

Rather than dealing with this critical issue, the Legislature added the following **budget proviso in Section 511 of SHB 2376**:

"The Legislature confirms its obligation, as expressly recognized in E2SSB 6195, *McCleary* plan, and signed by the Governor on February 29, to provide state funding in the 2017 legislative session for competitive compensation to recruit and retain competent public school staff and administrators, while eliminating the school district dependency on local levies for implementation of the State's program for basic education; in order to facilitate budget and personnel planning by districts for the 2017–18 school year, and to minimize any disruption to that planning, the Education Funding Task Force, established by E2SSB 6195, shall by April 1, 2017, either (a) determine that the Legislature will meet its obligation under this section and complete legislative action by April 30, 2017, or (b) introduce legislation that will extend the current state levy policy for at least one calendar year, with the objective of enacting such legislation by April 30, 2017." How this statement will play out for school districts remains to be seen, but one could assume that there may be proposed staff reductions and budget cuts considered by districts.

3SSB 6194—Charter schools, passed both houses and the Governor allowed it to become law on April 2, 2016 without his signature. The bill funds the existing nine charter schools for the remainder of the 2015–16 school year and the 2016–17 school year from the Washington Opportunities Pathway Account (lottery revenues). OSPI and the State Board of Education chair become members of the Washington State Charter Schools Commission (WSCSC), along with nine legislators, three who are appointed by the Governor, three by the President of the

Senate, and three by the Speaker of the House. Eight new charter schools and up to 40 in five years can open. Charter schools are authorized by the WSCSC or a school district as an authorizer through the SBE. OSPI is required to adopt rules for the distribution of funds for charter schools and compliance with federal education requirements. Performance auditing procedures are added. Charter schools are not eligible for levy funds, but can apply for school construction funds, but not through the Common School Construction Fund.

SSB 6455—Retirees as teacher substitutes, passed both houses and was signed by the Governor on April 1, 2016. The bill allows early retired teachers to work as substitutes only, up to 867 hours per school year without loss of pension benefits until August 1, 2020. It requires school districts who use early retirees as subs to pay all teacher substitutes at 85 percent of the state daily rate, approximately \$130 per day at the present time). However, school districts which don't hire these early retired teachers can pay all certificated substitutes at the regular school district rate. As it relates to the teacher shortage, the bill also expands plans of the Alternative Route Certification program, expands the Beginning Educator Support Team (BEST) program for mentors, expands the Education Retooling program, establishes the Teacher Shortage Conditional Grant program, creates the Teacher Endorsement and Certification Help (TEACH) pilot program, and adds provisions for increasing out-of-state teacher placement.

HB 2023—Non-renewal date for certificated staff, passed both houses and was signed by the Governor on March 31, 2016. Current law states that if the Legislature has not passed an Operating Budget by May 15, the date for notifying certificated staff of their nonrenewal for the coming school year is June 15. The new law eliminates the May 15 date, and says that if no operating budget is adopted by the end of the regular session, the notification date moves to June 15.

HB 1941—Simple majority for bonds, died in House Education, and would have allowed at the November election only, bonds to be passed by a simple majority of voters. Elections on all other dates would remain at a 60 percent majority passing rate.

HB 2985—SCAP eligibility, passed both houses and was signed by the Governor on April 1. It amends the current law to exclude space in a school district vacated by new construction in lieu of modernization, and, either, (1) used for purposes of supporting state-funded all day kindergarten or K–3 class size reduction, if the lack of school facilities warrant such as use or (2) the school district is experiencing a short-term special school housing burden due to enrollment growth and failed school construction bond elections within the last five years; this exclusion applies to state assistance for new construction awarded from July 1, 2016 through June 30, 2021. In addition, education specs with classrooms occupied by students must meet public school safety standards.

SHB 1295—Breakfast after the bell, died in Senate Ways & Means, but again for the third year, passed the House. The original bill which was a funded mandate for schools with a 70 percent or higher free/reduced lunch rate, was funded in the original House Operating Budget at \$2.6 million, and passed the House on January 27, 2016. However, as in the two previous years, it didn't make it out of Senate Ways & Means. Unfortunately, the committee did not accept a last minute effort by Senator Bruce Dammeier (R-Puyallup) to reduce the funding to \$500,000, and eliminate the mandate.

SHB 2964—Elimination of reduced price lunch copays for preschool and grades 4–12, passed the House, but did not move out of Senate Ways & Means. The original bill was funded at \$500,000 in the original House budget, moved out of Senate Early Learning & K–12, but did not receive a hearing in Senate Ways & Means. WSNA was going against a conservative philosophy of some Senate Republicans who believe that it's parents' responsibility to feed their children at home rather than the school doing it.

HB 3009—Counting classroom meals as instructional hours, was introduced late in the special session by Representatives Zack Hudgins (D-Tukwila) and Chad Magendanz (R-Issaquah). It would have allowed school districts to count as instructional hours, the simultaneous student consuming a school meal and receiving direct instruction under the supervision of the classroom teacher. Unfortunately, this bill died in House Rules.

HB 1562—Allergens posting, died for the second consecutive year, this session in House Rules, and if passed would have mandated that all allergen information in school menus be posted at all sites where food is served on the school campuses. Such a policy would have been an unfunded mandate for schools, and was not necessary as individual student's menu based on his/her allergies are already handled by the physician, parent, and school nutrition personnel.

AEA ASSOCIATIONS' INTERIM PLANS

WASBO

- Work with Education Funding Task Force on levy reform and full funding of *McCleary*;
- Continue to work with WASBO/WASA Local Funding Task Force to support the work of this Education Funding Task Force;
- Consult with Representative Mia Gregerson (D-SeaTac) on Simple Majority for Bonds.

WAMOA

- Work with Technical Advisory Committee on the School Construction Assistance Program and funding of K–3 class size facilities;
- Help plan seven legislators' visits to school facilities within their own legislative districts, along with OSPI and CEFPI.

WSNA

- Work with Representative Hudgins on Breakfast After the Bell, and possible school visits;
- Work with Representative Gregerson on Elimination of Reduced Price Copay for preschool and grades 4–12, and possible school visits;
- Help plan school visits for Representative Marcus Riccelli (D-Spokane).

ALLIANCE OF EDUCATIONAL ASSOCIATIONS

- Washington Association of Maintenance and Operations Administrators (WAMOA)
www.wamoa.org
- Washington Association of School Business Officials (WASBO)
www.wasbo.org
- Washington School Nutrition Association (WSNA)
www.washingtonsna.org

Mitchell Denning, Ed.D.

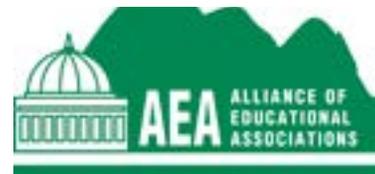
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WASA is a statewide organization representing 1,600 active and retired public school superintendents and administrators.

2016 LEGISLATIVE PLATFORM

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.

Comply with the Paramount Duty

WASA believes the Legislature should continue to be held accountable for complying with its “paramount duty” to provide ample funding for all K-12 children by implementing the new basic education finance system as adopted in both ESHB 2261 (2009) and SHB 2776 (2010). To ensure the new system is completely implemented—with full and equitable funding—by 2018, as consistently ordered by the Supreme Court in *McCleary v. State*, the Legislature must demonstrate steady progress towards compliance with the constitution.

Expand Available State Resources

The current state budget structure cannot accommodate the required—and needed—increases in basic education to comply with the Supreme Court’s *McCleary* decision, nor allow the state to address educator compensation or capital costs in a comprehensive way. WASA supports the enhancement of state revenues to ensure the Legislature is able to fully comply with the constitutional paramount duty with “regular and dependable” sources of funding and also prevent drastic reductions of other necessary government services—which would have significant direct and indirect impacts on K-12 education.

Ensure Competitive Public School Employee Compensation

WASA urges the Legislature to fully fund a competitive compensation system to ensure the state not only meets its responsibility to establish an equitable and ample allocation system, but maintains the present pension offerings and provides competitive benefits. Failure to address the state’s obligation to adequately fund educator salaries will continue to force an unconstitutional overreliance on local levies. The order of implementation is critical; current basic education labor costs must be funded first, before any potential reduction of local levies. Any proposal to fund compensation that simply “swaps” state and local property tax authority without providing new state funding will not work and cannot be supported.

Enhance School Construction Assistance

To fully comply with *McCleary*, a significant enhancement in school construction funding is required to ensure the state is amply funding the actual cost of constructing facilities necessary to reduce class sizes and implement full-day kindergarten. Understanding that a local contribution will likely still be required to access most state construction assistance, WASA also urges the Legislature to advance a constitutional amendment to the people authorizing school district bond issues to be approved with a simple majority vote.

It is the paramount duty of the state to make ample provision for the education of all children residing within its borders without distinction or preference on account of race, color, caste, or sex. (§ 1)

*The Legislature shall provide for a general and uniform system of public schools. (§ 2)
Constitution of the State of Washington Article IX - Education*

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