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## Week 1 - January 9–13, 2012

### This Week in Review

### About TWIO

*This Week in Olympia* is emailed to active WASA and AEA members each Friday during the Legislative Session and is posted on WASA's website at [www.wasa-oly.org/TWIO](http://www.wasa-oly.org/TWIO).

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Register now to attend the annual WASA/WSSDA/WASBO Legislative Conference, January 29–30, 2012, at the Red Lion Hotel and Capitol, Olympia. Register at [www.wasa-oly.org/2012LegConference](http://www.wasa-oly.org/2012LegConference).

On Monday, January 9, the 62nd Washington State Legislature convened its 2012 legislative session. The second year of a biennial session, known as the “short” session, limited to 60 days (odd-numbered “long” sessions are limited to 105 days), is normally focused on policy issues, while the state's two-year Operating Budget is fine-tuned. As the Legislature convenes, however, the state continues to face a budget crisis and there will be a heavy focus on budget matters.

The state's lingering budget woes, with a projected budget hole of \$2.0 billion (that is, expected revenues are anticipated to fall short of current expenses and necessary increases in mandatory expenditures) prompted Governor Gregoire to call legislators back to town for an “emergency” Special Session in late November to solve the budget problem. Prior to their return, Gregoire submitted her [2012 Supplemental Operating Budget](#). Her proposal would have enacted more than \$1.7 billion in spending cuts, reduced local government revenue sharing, made a series of budget transfers and left approximately \$600 million in reserve. K–12 education would have taken a \$370 million reduction, including a drastic reduction and restructuring of Local Effort Assistance (LEA or “levy equalization”) and a reduction of the school year from 180 days to 176 days.

Recognizing that her proposed cuts would do serious damage to the state's safety net and jeopardize our students' future, the governor also recommended a number of revenue enhancements to prevent cuts to critical services. Her central request to the Legislature was to allow the voters to decide whether to approve a temporary one-half cent increase in the state sales tax. If approved, the increase would raise \$494 million through June 30, 2013 and expire July 1, 2015. Gregoire would direct that additional funding to three specific areas: education investments (including the prevention of her proposed reduction of school days and her proposed reduction of Local Effort Assistance); public safety; and developmental disability and long-term care services.

Gregoire urged the Legislature to quickly adopt a plan to balance the budget during the Special Session, allowing policymakers to focus on policy issues, including job creation, during the Regular Session. Even with this plea, it became quickly apparent that adopting a complete budget solution before Christmas was doubtful. Ultimately, after 17 days, [legislators adopted an “early action” budget](#) saving \$479.7 million from a mix of policy level reductions, required maintenance level adjustments and budget transfers. Legislators viewed this as a “down payment” or a first step to closing the current

budget gap. Including an expected \$500–600 million reserve, legislators must find another \$1.5 billion in savings—or revenue—to balance the budget. This exercise is expected to consume most of the Legislature’s time and energy this session.

### **McCleary Decision Released**

On January 5, just a few days before the 2012 Legislature convened, the Washington State Supreme Court released its decision on *McCleary v. State of Washington*, the education funding lawsuit. In a monumental victory, the Court ruled unanimously to uphold King County Superior Court Judge John Erlick’s decision that the State of Washington is violating its constitutional paramount duty to amply fund the education of all K–12 students. The Court found that the Legislature “enacted a promising reform package” under HB 2261 (2009) and HB 2776 (2010)—legislation which redefined basic education, established the new prototypical school funding model and laid out a final implementation date of 2018. In a rare move, however, the Court decided to retain jurisdiction over the case to enforce its ruling and “help facilitate progress in the state’s plan to fully implement the reforms by 2018.” In a strongly worded opinion, Justice Debra Stephens wrote, “What we have learned from experience is that this Court cannot stand on the sidelines and hope the state meets its constitutional mandate to amply fund education.” She added, “This Court cannot idly stand by as the Legislature makes unfulfilled promises for reform.”

Judge Erlick understood the importance of his decision and specifically wrote it in layman’s terms, so the average person could read and understand the decision. If you have not read it, you should ([Judge Erlick’s ruling](#)). Justice Stephens used her opinion to lay out a comprehensive history of education funding in Washington State, so every reader could easily understand the state’s progress (or lack thereof) in meeting its constitutional paramount duty. This opinion is also an easy to read and important ruling. If you have not read it, you should ([Justice Stephens’ opinion](#)).

### **K–12 Funding Plan Proposed**

An important part of the Supreme Court’s ruling in *McCleary* is not just that the state must provide ample funding for basic education, but ample funding “must be accomplished by means of dependable and regular tax sources.” Rep. Ross Hunter (D-Medina), Chair of the House Ways & Means Committee, has developed a K–12 funding plan that would inject new funding (approximately \$1 billion) into basic education from a dependable and regular tax source, the state property tax. Hunter proposes to:

1. Create a revenue-neutral “swap” of local levies for the state Common School Levy (aka State Property Tax)—and use the new BEA model to drive out the new funding to schools;
2. Allow growth greater than the current 1% restriction on the Common School Levy;
3. Reset local levy caps at \$2500 per student; and
4. Make local levies reliable by making them permanent (with automatic adjustments for COLAs and enrollment growth).

Certainly the proposal is more complex than this (and there are some downsides to the plan), but Hunter has developed a potentially viable plan to enhance the state’s funding for basic education—at a time when a large portion of K–12 funding is potentially in jeopardy. The proposal is not yet complete, but it is sure to garner a significant amount of attention this session. School administrators are encouraged to have at least a general understanding of what Rep. Hunter is proposing so you can be prepared to engage with your local legislators—especially if this issue gains any traction. Hunter has created [a page on his website](#) dedicated to this proposal. Hunter has posted various information, including a PowerPoint slideshow, a summary of the proposal, draft legislation, and data tables which show impacts by school district. Hunter also presented his proposal this week to the State Board of Education. ESD 113 has made available [a video of the presentation](#), captured with Adobe Connect, so you can simultaneously view Rep. Hunter and his PowerPoint slides.

### **Charter Schools Return**

How ironic that today is Friday the 13th, as a set of new charter schools bills are introduced ([HB 2428/SB 6202](#)). Just like Jason Vorhees—the masked villain in a long string of campy “Friday the 13th” horror movies—somehow continues to live no matter what happens to him, charter schools somehow continue to rise from the ashes here in Washington. On Thursday, a group of legislators, including members from both houses and all four caucuses, held a press conference to unveil legislation to allow charter schools in the state, establishing a process for failing schools to be taken over by outside organizations. Under the bills, 50 charter schools would be allowed in the state, with no more than 10 new ones authorized each year. Each would be required to adopt a specific plan to serve educationally disadvantaged children. The charters would be monitored by, and be accountable to, the State Board of Education.

Even though charters have been repeatedly rejected by the voters (three times since 1996), legislators at the press conference argued that the time was right for charter schools in Washington. Interestingly, when asked why legislators were pursuing legislation instead of asking voters to approve charters, Sen. Rodney Tom (D-Medina), one of the co-sponsors and a key proponent of the Senate bill, said he is “not willing to risk defeat.” Hmm, is that an admission that he knows Washington’s citizens still do not support charter schools? Stay tuned.

### **AEA**

By Mitch Denning

AEA testified this week on HB 2184, changes to the School Construction Assistance Formula. The bill changes the formula to exclude non-resident Alternative Learning Experience students from projected enrollment which drives state construction assistance eligibility.

Our concern was that the proposed language was too broad in that it excluded all non-resident ALE students. At the same time, school districts are accepting out-of-district ALE students for enrollment in classroom-based

instruction, and we felt that these students should be counted as part of the projected enrollment. Both WASBO and WAMOA are working with OSPI school facilities staff and House Capital Budget staff to address the issue.

Along with WASA, WSNA, WAMOA and WASBO are pleased with the WA State Supreme Court's decision on the *McCleary* lawsuit. Our alliance supports full funding of basic education by 2018, and this decision helps frame our discussion in talking with legislators about the fulfillment of their Paramount Duty.

## Pensions and Health Benefits

By John Kvamme

In June 2011 a budget proviso called for the Health Care Authority (HCA) to develop a plan to implement a consolidated health benefits system for K–12 employees for the 2013–14 school year. That plan was released on December 16, 2011. We have participated in the plan advisory meetings during this past fall and winter and have reviewed the 150 page report and have worked to condense and understand all aspects of the final report. Legislative committee members from both WASA and AWSP have been sent copies of the [two page document](#) we developed that gives an overview of the plan.

During the week prior to the start of the legislature we were able to preview and give input on rough draft legislation concerning the consolidated K–12 health benefit system. On January 10th we met with the chair of the Senate Health and Long Term Care Committee, Senator Keiser, regarding possible language to be included in the Senate version of the legislation. The Senate bill will start in the Senate Health Long Term Care Committee and will most likely be sponsored by Senator Hobbs. In the House a work session was held on this same issue in the House Ways and Means Committee. We now anticipate that the chair of the House Health Care Committee, Representative Cody, will sponsor the House version of the bill.

On January 11th the Senate Health and Long Term Care Committee held a work session on

the consolidated K–12 health benefit issue. We participated in a panel together with PSE and WEA. WEA is taking a strong position opposed to the HCA plan whereas PSE is strongly supporting the plan, thus splitting the two unions.

According to next week's schedule there is no meeting action on this legislation. We anticipate that draft legislation will go to the Code Reviser's Office next week for work on a bill introduction version. We will continue to meet with individual legislators predominantly on this important issue.

At this point we have seen no other new pension or health benefit proposed legislation introduced this session. Seven bills from last session continue to be technically alive and we will be watching to see if any of them have opportunity to receive attention this session.

Pension and Health benefits Bill Watch details are available on the [WASA website](#).

## Committee Meeting Schedule

Legislative Committees Meetings are scheduled to be held at the following times but are subject to change.

Up-to-date meeting schedules and agendas are available on the [State Legislature website](#).

### Mondays

1:30–3:25 p.m.  
Senate Early Learning & K–12 Education  
Senate Hearing Room 1

3:30–5:30 p.m.  
House Ways & Means  
House Hearing Room A

Senate Ways & Means  
Senate Hearing Room 4

### Tuesdays

8–9:55 a.m.  
House Education Appropriations  
House Hearing Room A

1:30–3:25 p.m.  
House Education  
House Hearing Room A

3:30–5:30 p.m.  
House Ways & Means  
House Hearing Room A

Senate Ways & Means  
Senate Hearing Room 4

### Wednesdays

8–9:55 a.m.  
Senate Early Learning & K–12 Education  
Senate Hearing Room 1

3:30–5:30 p.m.  
House Ways & Means  
House Hearing Room A

Senate Ways & Means  
Senate Hearing Room 4

6–8:00 p.m.  
House Education Appropriations  
House Hearing Room A

### Thursdays

8–9:55 a.m.  
House Education  
House Hearing Room A

1:30–3:25 p.m.  
House Education Appropriations  
House Hearing Room A

Senate Early Learning & K–12 Education  
Senate Hearing Room 1

3:30–5:30 p.m.  
House Ways & Means  
House Hearing Room A

Senate Ways & Means  
Senate Hearing Room 4

### Fridays

1:30–3:25 p.m.  
House Education  
House Hearing Room A

## Useful Links

Washington State Government  
<http://www.access.wa.gov>

State Legislature  
<http://www.leg.wa.gov>

Senate  
<http://www.leg.wa.gov/Senate>

House of Representatives  
<http://www.leg.wa.gov/House>

Legislative Committees  
<http://www.leg.wa.gov/legislature/pages/committeelisting.aspx>

Office of the Governor  
<http://www.governor.wa.gov>

OSP  
<http://www.k12.wa.us>

TVW  
<http://www.tvw.org>

## Session Cutoff Calendar

**January 9, 2012**  
 First Day of Session.

**February 3, 2012**  
 Last day to read in committee reports in house of origin, except House fiscal, Senate Ways & Means, and Transportation committees.

**February 7, 2012**  
 Last day to read in committee reports from House fiscal, Senate Ways & Means, and Transportation committees.

**February 14, 2012**  
 Last day to consider bills in house of origin (5 p.m.).

**February 24, 2012**  
 Last day to read in committee reports from opposite house, except House fiscal, Senate Ways & Means, and Transportation committees.

**February 27, 2012**  
 Last day to read in opposite house committee reports from House fiscal, Senate Ways & Means, and Transportation committees.

**March 2, 2012\***  
 Last day to consider opposite house bills (5 p.m.) (except initiatives and alternatives to initiatives, budgets and matters necessary to implement budgets, differences between the houses, and matters incident to the interim and closing of the session).

**March 8, 2012**  
 Last day allowed for regular session under state constitution.

\*After the 54th day, only initiatives, alternatives to initiatives, budgets and matters necessary to implement budgets, messages pertaining to amendments, differences between the houses, and matters incident to the interim and closing of the session may be considered.

## Bill Watch

TWIO tracks critical education bills each week as they are introduced. Detailed bill information can be accessed by clicking on the bill number. The following is a list of the bills of highest interest to school administrators. A more comprehensive bill watch list is located on the [WASA website](#).

<b>Bill #</b>	<b>Title</b>	<b>Status</b>	<b>Prime</b>
<a href="#">HB 1139</a>	Public record disputes	H SGTribalAff	Armstrong
<a href="#">HB 1168</a>	Career & technical education	H Rules 3C	Liias
<a href="#">SHB 1251</a>	Budget reductions/education	H Ways & Means	Hunter
<a href="#">E2SHB 1443</a>	Education reforms	H Education	Maxwell
<a href="#">SHB 1470</a>	Access to K-12 campuses/info	H 2nd Reading	Bailey
<a href="#">HB 1491</a>	Early learning adv. council	H Erly Lrn/H Svc	Goodman
<a href="#">E2SHB 1593</a>	Principal certification	H Education	Carlyle
<a href="#">HB 1669</a>	Educational opportunity gap	H Rules 3C	Santos
<a href="#">SHB 1814</a>	School district levy base	H Ways & Means	Sullivan
<a href="#">SHB 1815</a>	School district levy base	H Ways & Means	Sullivan
<a href="#">ESHB 1849</a>	State education council	H Rules 3C	Haigh
<a href="#">HB 2044</a>	Scratch ticket machines	H SGTribalAff	Taylor
<a href="#">HB 2059</a>	Savings in education T.O.	H Ways & Means	Hunter
<a href="#">HB 2072</a>	Revenues/general fund	H Ways & Means	Hunter
<a href="#">SHB 2078</a>	K-3 class size reduction	H Rules 3C	Jenkins
<a href="#">HB 2084</a>	Evaluating budget decisions	H Ways & Means	Hasegawa
<a href="#">HB 2095</a>	Student and faculty meals	H Ways & Means	Probst
<a href="#">HB 2110</a>	Certificated school employees	H Education	Lytton
<a href="#">HB 2111</a>	Quality education council	H Ways & Means	Maxwell
<a href="#">HB 2184</a>	School construction assistance	H Cap Budget	Dunshee
<a href="#">HB 2189</a>	Vacation leave accrual rate	H SGTADP	Hunt
<a href="#">HB 2199</a>	School attendance requirement	H Education	Kelley
<a href="#">HB 2209</a>	Alt. learning experiences	H Education	Haigh
<a href="#">HB 2215</a>	School year waivers	H Education	Klippert
<a href="#">HB 2231</a>	State assessment requirements	H Education	McCoy
<a href="#">HB 2247</a>	School employees/medications	H HC/Wellness	Green
<a href="#">HB 2265</a>	Washington works payments	H Labor/Work Dev	Probst
<a href="#">HB 2268</a>	Financial literacy	H Education	Angel
<a href="#">HB 2294</a>	Cardiopulmonary resuscitation	H Education	Van De Wege
<a href="#">HB 2309</a>	Provisional school employees	H Education	Pettigrew
<a href="#">HB 2333</a>	Local school districts	H Education	Lytton
<a href="#">HB 2334</a>	Teacher and principal evaluations	H Education	Lytton
<a href="#">HB 2336</a>	Taxpayer-funded education materials	H Education Apps	Carlyle
<a href="#">HB 2337</a>	Open K-12 education resources	H Education Apps	Carlyle
<a href="#">HB 2377</a>	History & heritage education	H Education	McCune
<a href="#">HB 2380</a>	Goals of a basic education	H Education	McCune
<a href="#">HB 2381</a>	Instructional materials	H Education	McCune



<a href="#">HB 2406</a>	Closed executive session meetings	H SGTribalAff	Takko
<a href="#">HB 2411</a>	High school graduation requirements	H Education	Haigh
<a href="#">HB 2427</a>	Educator evaluation systems	H Education	Pettigrew
<a href="#">HB 2428</a>	School governing/alternative	H Education	Pettigrew
<a href="#">HB 2447</a>	High school credit	H Education	Dahlquist
<a href="#">HB 2448</a>	High-quality early learning	H Erly Lrn/H Svc	Goodman
<a href="#">HB 2451</a>	School workforce reductions	H Education	Ahern
<a href="#">SSB 5093</a>	Budget reductions/education	S Ways & Means	McAuliffe
<a href="#">SB 5094</a>	Operating budget 2011-2013	S Ways & Means	Murray
<a href="#">SB 5095</a>	Operating sup budget 2011	S Ways & Means	Murray
<a href="#">SSB 5189</a>	Access to K-12 campuses/info	S Rules X	Hobbs
<a href="#">SB 5467</a>	Capital budget 2011-2013	S Ways & Means	Kilmer
<a href="#">SB 5470</a>	Educational employees	S Ways & Means	Murray
<a href="#">SB 5471</a>	Student achievement fund	S Ways & Means	Murray
<a href="#">SB 5472</a>	School & educational service districts	S Ways & Means	Murray
<a href="#">SSB 5475</a>	Education funding	S EL/K-12	Murray
<a href="#">SB 5476</a>	School bus depreciation	S Ways & Means	Murray
<a href="#">SSB 5572</a>	Running start program	S Rules X	Kilmer
<a href="#">SSB 5639</a>	Education governance system	S Ways & Means	McAuliffe
<a href="#">SB 5651</a>	School district levy base	S Ways & Means	McAuliffe
<a href="#">SB 5652</a>	School district levy base	S Ways & Means	McAuliffe
<a href="#">SB 5829</a>	School district compensation	S Ways & Means	McAuliffe
<a href="#">SB 5872</a>	Evaluating budget decisions	S Ways & Means	Harper
<a href="#">SB 5881</a>	Additional cigarette tax	S Ways & Means	Kilmer
<a href="#">SSB 5883</a>	Operating sup budget 2011-13	S Rules 2	Murray
<a href="#">SB 5884</a>	Fiscal matters T.O.	S Ways & Means	Murray
<a href="#">SB 5895</a>	Education T.O.	S Ways & Means	Murray
<a href="#">SB 5896</a>	Education T.O.	S Ways & Means	Murray
<a href="#">SB 5901</a>	Revenue and taxation T.O.	S Ways & Means	Murray
<a href="#">SB 5902</a>	Revenue and taxation T.O.	S Ways & Means	Murray
<a href="#">SB 5904</a>	Revenue T.O.	S Ways & Means	Murray
<a href="#">SB 5905</a>	Prof. certificated teachers	S EL/K-12	Baxter
<a href="#">SB 5906</a>	Certif. classroom teachers	S EL/K-12	Baxter
<a href="#">SB 5914</a>	Teacher performance	S Ways & Means	Tom
<a href="#">SB 5918</a>	Scratch ticket machines	S Lab/Comm/CP	Delvin
<a href="#">ESSB 5924</a>	Running start program	S Rules X	Zarelli
<a href="#">SB 5930</a>		S Ways & Means	Zarelli
<a href="#">SB 5932</a>	Initiation fees & dues/tax	S Ways & Means	Kohl-Welles
<a href="#">SB 5940</a>	School employee benefits	S Ways & Means	Hobbs
<a href="#">SB 5949</a>	Property tax exemption/intangible	S Ways & Means	Chase
<a href="#">SB 5959</a>	K-12 educator employment	S Ways & Means	Tom
<a href="#">SB 6002</a>	School construction assistance	S Ways & Means	Kilmer
<a href="#">SB 6017</a>	Financial audits/local governments	S GovtOp & Elect	Ranker

<a href="#">SB 6020</a>	180-day school year waivers	S EL/K-12	Rolfes
<a href="#">SB 6038</a>	School building space/STEM	S EL/K-12	Delvin
<a href="#">SB 6040</a>	School construction assistance	S EL/K-12	McAuliffe
<a href="#">SB 6041</a>	Lighthouse school programs	S EL/K-12	McAuliffe
<a href="#">SB 6042</a>	Art work appropriations	S Ways & Means	Schoesler
<a href="#">SB 6050</a>	180-day school year waivers	S EL/K-12	Becker
<a href="#">SB 6058</a>	Single-sex classes	S EL/K-12	Regala
<a href="#">SB 6074</a>	Capital sup budget 2011-13	S Ways & Means	Kilmer
<a href="#">SB 6084</a>	Non-high school districts	S Ways & Means	Swecker
<a href="#">SB 6086</a>	Single-sex classes	S EL/K-12	Swecker
<a href="#">SB 6099</a>	School district levy elections	S EL/K-12	Rolfes
<a href="#">SB 6109</a>	Closed executive session meetings	S GovtOp & Elect	Pridemore
<a href="#">SB 6117</a>	Academic performance audits	S EL/K-12	McAuliffe
<a href="#">SB 6118</a>	Highly capable students	S EL/K-12	McAuliffe
<a href="#">SB 6119</a>	Career pathways act	S EL/K-12	McAuliffe
<a href="#">SB 6153</a>	School attendance	S HumServ/Corr	McAuliffe
<a href="#">SB 6174</a>	School employees/medications	S EL/K-12	Conway
<a href="#">SB 6177</a>	Certificated employee evaluations	S EL/K-12	McAuliffe
<a href="#">SB 6183</a>	Bids/schools purchasing food	S Ag/Water/RurEcD	Morton
<a href="#">SB 6202</a>	School governance/alternative	S EL/K-12	Tom
<a href="#">SB 6203</a>	Educator evaluation systems	S EL/K-12	Tom
<a href="#">SJR 8212</a>	Superintendent of public instruction	S EL/K-12	Tom
<a href="#">SSJR 8213</a>	Community redevelopment financing	S Ways & Means	Kilmer
<a href="#">SSJR 8215</a>	Debt reduction act of 2011	S Rules X	Kilmer

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The 2012 WASA Session Guide is now available! The Session Guide has been emailed to active members and is available on our website.



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