



Special Edition: Senate & House Release 2021–23 Budget Proposals

On March 17, the [Economic & Revenue Forecast Council](#) released its quarterly [Revenue Forecast](#). The March forecast (February forecast in short sessions) is the forecast which legislative budget-writers use to finalize budget proposals—and this usually triggers the release of initial legislative budget proposals. Although perhaps a couple of days later than normal, this was true in this session.

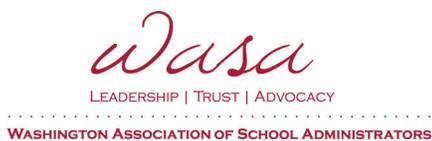
Each biennium, the Senate and House alternate as the first body to initiate the legislative budget process. During the 67th Biennial Session, it is the Senate’s “turn” to release budgets first. House budget-writers, however, were ready to release budgets and introduced them almost concurrently with the Senate last week. On Monday, budget-writers in both the Senate and House introduced 2021–23 Transportation Budgets (and 2021 Supplemental Budgets). Leaders wasted little time acting on the bills, with both proposals being heard in their respective Transportation Committees on Tuesday. Even though these budgets were released first, it is likely the final Transportation Budget may be adopted last because each proposal is linked with other potentially controversial legislation.

On Wednesday, the House jumped in front of the Senate and introduced their 2021–23 Capital Construction Budget (and a 2021 Supplemental Budget), even though the public hearing on the proposal was not scheduled until today. In fact, the package was released somewhat quietly. The budget and accompanying documents were posted on the Legislature’s budget page at the previously announced time, but there was no press conference or other fanfare. Shortly after the official release, however, budget-writers did disseminate a press release.

On Thursday, the Senate unveiled its 2021–23 Capital Construction Budget and its 2021–23 Operating Budget (along with 2021 Supplemental proposals). Just a few hours after release, the Senate Ways & Means Committee held a public hearing on its Capital proposal. The Committee adopted the proposal on Saturday. On Thursday, the Operating Budget package was heard in the Senate Ways & Means Committee and is scheduled for executive action later today.

Finally, the House budget-writers released the sixth legislative budget of the week, their 2021–23 Operating Budget (and 2021 Supplemental Budget), on Friday afternoon. The House Appropriations Committee held a public hearing on the proposal Saturday and is set to take executive action in Committee this afternoon (at the same time as the Senate moves its budget).

In terms of process, each budget proposal is introduced as a Proposed Substitute (a “striking amendment” that completely replaces original language) to the bills used to introduce Governor Inslee’s budget proposals. Like all legislation, each budget has to pass both houses in the exact same form, so after each budget passes both houses, they will



About TWIO

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go through a reconciliation process prior to adoption of final, agreed upon compromise budgets. Even though the Legislature has a standard procedure for addressing bills (including the budgets) that have differences between the houses, often times there are some variations to the regular process. (For information on the Legislature’s reconciliation process, please see this Friday’s Week 12 *TWIO*.) For example, both Operating Budgets are set to pass out of their own house by the end of this week. It would not be surprising if the Senate moved its budget first and when the House brought its budget to the House Floor, it overlaid its budget on top of the Senate budget, adopting a striking amendment to the Senate bill.

Below are details of the budgets introduced last week. This is not a comprehensive review of each budget, but covers many of the major education-related details. For full details, including texts of the bills, complete agency details, and summaries, go to the [Washington State Fiscal Information](#) website.

Operating Budgets

The Senate Operating Budget proposal, [Proposed Substitute SB 5092](#) would reduce the 2019–21 Operating Budget (via the 2021 Supplemental Operating Budget, which is embedded in PSSB 5092) to \$52.68 billion (from \$53.70 billion, as adopted last year). The 2021–23 Operating Budget would increase substantially to a total of \$59.22 billion. As required by law, the proposal would balance over four years and leave a total of \$179 million in reserve (plus another \$1.13 billion in the Budget Stabilization Account (BSA or “rainy day” account) for a total of \$1.30 billion) in 2023–25. The budget utilizes increased revenues projected in the March forecast, imposes a new Capital Gains Tax ([SB 5096](#)) and drains the BSA in 2019–21 (adding \$1.80 billion to the Senate’s available revenues).

A note about the Capital Gains Tax—if adopted, it is expected to raise \$576 million in Fiscal Year 2023, raising \$6.3 billion over ten years. The bill directs proceeds from the tax, as follows: the first \$350 million each Fiscal Year must be deposited into the Education Legacy Trust Account; the next \$100 million each Fiscal Year must be deposited in the state’s General Fund; and the remainder each Fiscal Year must be deposited into a new Taxpayer Fairness Account. The Senate’s main budget-writer, Senator Christine Rolfes (D-Bainbridge Island) has stated revenues will be used to fund “child care and the new Taxpayer Fairness Account.” The 2021–23 Operating Budget, however, does not “book” any revenues from the new tax. Instead, the budget provides: (1) \$122,000 to the Attorney General’s Office to defend the bill in an expected lawsuit; and (2) \$6.7 million to the Department of Revenue to take the necessary steps to implement and administer the new tax.

The Senate’s budget would also leverage substantial federal revenues, appropriating \$884.7 million in the 2021 Supplemental Operating Budget and \$7.58 billion in 2021–23. It should be noted that this includes the \$2.8 billion in federal allocations that were previously adopted by the Legislature in the “early action” Pandemic Relief package ([ESHB 1368](#) and [HB 1367](#)); these funds are reappropriated in the Senate’s budget proposal.

As a general rule, the Senate is a more conservative body than the House; however, that “rule” is shifting. Even though the Democratic numerical majority is the same in 2021 as it was in the last two sessions, there are new members, which has made the body more progressive, as evidenced by the Senate’s budget (and adoption of some legislation—such as the Capital Gains Tax—which has been held up in recent years due to a number of moderate Democrats), which increases overall spending by nearly \$7.0 billion.

While budget discussions were far from the public eye (budget development has become less and less transparent in the last several years and this session’s forced “remote” activity has driven the budget even further underground), most observers were assuming

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the House budget would spend more than the Senate budget. Most observers were surprised when the House Operating Budget proposal was unveiled with a smaller increase than the Senate. **Proposed Substitute HB 1094**, would reduce spending in the 2021 Supplemental Operating Budget from \$53.70 billion to \$52.31 billion (compared to the Senate's \$52.68 billion) and would increase spending in 2021–23 to \$58.31 billion (compared to the Senate's \$59.22 billion).

Like the Senate, the House budget would impose a Capital Gains Tax and drain the BSA. (NOTE: The House would appropriate the same \$6.7 million to the Department of Revenue to implement the new Capital Gains Tax, but does not include funding to the Attorney General's Office to defend an assumed lawsuit, if the bill passes.) The House's proposal would balance over four years, leaving \$199 million in reserve (plus another \$1.1 billion in the BSA, for a total of \$1.32 billion) in 2023–25. This is slightly more than would be left in the Senate budget.

Although the House would drain \$1.8 billion from the BSA, like the Senate, the funding is appropriated to a new "Washington Rescue Plan Transition Account." Funding in the Account could be used to respond "to the impacts of the COVID-19 pandemic including those related to education, human services, health care, and the economy. In addition, the Legislature may appropriate from the account to continue activities begun with, or augmented with, COVID-19 related federal funding. Expenditures from the Account are not made in either the 2021 Supplemental Budget or the 2021–23 Operating Budget; however, there is a transfer into the Account of \$305 million from the General Fund in the 2021 Supplemental Budget.

Upon releasing the House's budget package, Representative Pat Sullivan (D-Covington), House Majority Leader, noted that they are holding this funding in reserve "in case it is needed." These funds could have been used if necessary in the future if they remained in the BSA; however, if the economy continues to improve, it is likely a difficult to achieve three-fifths majority vote of both houses would be necessary to access the funds. Under the law, accessing BSA funds only requires a simple majority vote if employment growth is forecast to be less than one percent, which is the case currently. Again, if the economy continues to improve, employment growth is likely to exceed one percent growth—triggering the three-fifths vote requirement. By moving these funds to the new Transition Account, the funds can be appropriated with a simple majority vote, regardless of projected employment growth.

Also, like the Senate, the House budget leverages substantial federal revenues; however, the House accounts for the funding somewhat differently and appropriates \$6.4 billion in its 2021 Supplemental Operating Budget, with early action pandemic legislation (expending \$2.8 billion) not assumed in the overall federal revenues.

Major K–12 Education Items

Federal ESSER Grants—Senate/House: \$1.74 billion

Both the Senate and House budgets provide \$1.74 billion for federal ESSER subgrants to school districts. This total is comprised of \$1.67 billion of ESSER III funds (American Rescue Plan, March 2021) and the remaining \$74.2 million of ESSER II funds (Coronavirus Response and Relief Supplemental Appropriations Act, December 2020) that remained on the table when ESHB 1368 was adopted, providing school districts with \$668 million. As required by federal law, these subgrants will be allocated to school districts using the federal Title I, Part A funding formulas. Allowable uses are defined in federal law—including a requirement that at least \$333.5 million (20 percent) of the ESSER III subgrants be used to address student learning loss. These federal funds are provided in the 2021 Supplemental Operating Budgets and are reappropriated again in the 2021–23 Operating Budget, to ensure funding is available next biennium, if the funds have not been expended in Fiscal Year 2021.

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Pupil Transportation Stabilization—Senate: \$358.0 million/House: -0-

The Senate budget provides funding (\$299.1 million in the 2021 Supplemental Budget and \$58.9 million in the 2021–23 Budget) to implement [SB 5128](#) (pupil transportation funds), providing emergency funding to assist school districts in addressing lower pupil transportation payments for the 2020–21 school year. (NOTE: This funding includes \$1.5 million [\$1.2 million in FY 2021 and \$338,000 in FY 2022] for public charter schools.)

While funding is in the Senate budget proposal, adoption of SB 5128 to secure necessary policy changes that continue to provide school districts with the flexibility to use transportation funds for extended services (delivery of meals, learning materials, and devices or other technology solutions; transporting students to and from learning centers or other agencies where educational and support services are provided; and transporting students to and from interscholastic and extracurricular activities) remains important. The bill currently sits in the House Rules Committee and while this issue will be a part of budget negotiations now, moving this bill quickly out of the House can only help our cause. **Promptly connecting with your legislators, especially if they are in the House—particularly if they are in Leadership or sit on the Rules Committee—could give SB 5128 a needed boost.**

The House budget provides a mechanism to support pupil transportation stabilization; however, their approach is different than the Senate’s effort. This is discussed below.

School Funding Stabilization—Senate: \$190.7 million/House: -0-

The Senate budget provides funding to supplement federal funding to assist in stabilizing school district budgets negatively impacted by COVID-related enrollment declines. One-time funding is provided to ensure school districts receive at least \$1,500 per pupil for COVID-19 relief funding when combined with federal ESSER funds. The enrollment calculation to determine funding levels will use a district’s 2019–20 FTE student enrollments. In simple terms, if a district receives federal funds that equal less than \$1,500 per student, the state will provide a supplement up to that \$1,500 per student level. Proviso language in the budget requires school districts, prior to receiving stabilization funds, to submit an academic and student well-being recovery plan to OSPI—as required by ESHB 1368, the Pandemic Relief package adopted earlier this session. Additionally, districts must report progress on implementing the plan in a manner identified by OSPI.

While this was not exactly what we have been advocacy on behalf of throughout this session, it appears this funding will at least “smooth” allocations to provide a more equitable distribution of federal dollars, especially for those districts that have either little Title I enrollment or do not participate in Title I.

It is unclear, however, if this funding will be enough to cover the many enrollment-based programs that will be underfunded due to enrollment declines. We continue to support [HB 1476](#), which provides for certainty in school districts’ levy capacity—and we continue to advocate for language contained in the original HB 1476 which provided for enrollment stability, as well as stable funding for those enrollment-based programs. (By the way, HB 1476 appeared to have stalled in the Senate Ways & Means Committee last week; however, it has been rescheduled for executive action tomorrow, Tuesday, March 30.)

The House budget provides for enrollment stabilization in a different manner than the Senate. This is discussed below.

Enrollment/Transportation Stabilization—Senate: -0-/House: \$53.0 million

As noted above, the Senate provides for enrollment stabilization and pupil transportation stabilization, but uses a different approach than the House.

The House budget provides federal ESSER funds for enrollment and pupil transportation stabilization. Both the 2021 Supplemental Operating Budget and the 2021–23 Operating Budget provide funding (\$15.7 million and \$34.3 million, respectively) from OSPI’s

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portion of ESSER funds to school districts that do not receive sufficient ESSER funds to offset reductions to state revenues due to drops in enrollments from the 2019–20 school year and bus ridership. Proviso language also specifies \$600,000 of this appropriation is for school districts that do not receive ESSER relief funds because they do not participate in Title I.

Proviso language in the budget clarifies that the calculation of school district enrollment stabilization includes general apportionment, calculated by total annual average FTE enrollment in grades K–12, including Alternative Learning Experience (ALE) enrollment, as well as the many programs that receive enrollment-based funding. Those programs include: special education, the Transitional Bilingual Instruction Program (TBIP), Institutional Education programs, Highly Capable Students, dropout reengagement programs, the Learning Assistance Program (LAP), Career and Technical Education (CTE), and Skills Centers. Stabilization funding will also be provided to increase 2022 and 2023 calendar years' Local Effort Assistance (LEA or "levy equalization") allocations to an amount calculated using 2019–20 annual average enrollment values if 2019–20 school year enrollment is greater than 2020–21 or 2021–22 school year enrollment. This language was lifted straight from the original HB 1476 we have been supporting all session—and language legislators committed to embedding in the budget when they amended HB 1476, reducing the bill to only address levy capacity.

Additionally, another \$3.0 million in the 2021 Supplemental Budget is provided from OSPI's portion of ESSER funds to stabilize enrollment in Institutional Education (IE) by funding IE programs at 2019–20 enrollment levels if greater than 2020–21 enrollment.

Learning Loss—Senate: \$264.0 million/House: \$152.9 million

Both the Senate and House budgets provide federal ESSER funding for activities relating to learning loss; however, amounts and directed activities are different. The Senate provides OSPI \$264.0 million in one-time funding for:

- **Accelerated Learning (\$200.0 million)**
 Funding is provided for learning recovery and acceleration to address student learning loss. Funds can be used for:
 - One-time contracts for classified, certificated, or administrative staff who will provide tiered academic and social-emotional supports to students most impacted by the disruption of in-person learning;
 - Professional learning for educators focused on learning recovery and acceleration, including assessing student learning and social-emotional needs, transitioning to standards-based curricula and grading, adopting competency or mastery-based options specifically for credit retrieval purposes, and family and student engagement strategies;
 - Procuring assessment or data systems that provide actionable just-in-time data regarding student progress throughout the school year; and
 - Direct supports to students to improve school engagement and accelerate learning.
- **Community Learning Centers (\$18.5 million)**
 Funding is provided for the Community Learning Center program to specifically support afterschool programs.
- **Summer Reengagement (\$17.8 million)**
 Funding is provided for the establishment of a summer reengagement grant program for the purpose of assisting school districts in facilitating a week-long program in schools for students to reengage in learning, physical activity, and social interaction.
- **Outdoor Education (\$18.0 million)**
 Funding is provided for entities and organizations to provide outdoor learning experiences for K–12 youth beginning in July of 2021 for summer

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enrichment and reengagement activities and also to continue the outdoor educational opportunities into the school year.

- **Bridge Year Pilot (\$9.7 million)**

Funding is provided to implement [SB 5265](#) (Bridge Year Pilot) to address learning loss. OSPI, in consultation with other agencies, would be required to track and report on the combined full time equivalent experience of students participating in the Bridge Year Pilot program, including course load analyses at both the high school and community and technical college system.

The House provides OSPI \$152.9 million in one-time funding for:

- **Learning Loss (\$105.9 million)**

Funding is provided for activities addressing student learning loss. The budget bill nor the House's agency detail provide any specific elements that are required or prohibited.

- **Afterschool Programs (\$18.5 million)**

Funding is provided to support evidence-based comprehensive afterschool programs.

- **Summer Enrichment Programs (\$18.5 million)**

Funding is provided to support evidence-based summer enrichment programs.

- **Outdoor School (\$10.0 million)**

One-time funding is provided for OSPI to contract with the Washington School Principals' Education Foundation to support pandemic-related learning loss through outdoor learning and overnight camp experiences.

ESSER Set Asides—Senate: -0-/House: \$71.8 million

The House budget appropriates ESSER funding to OSPI for a number of grant programs (most of which were embedded in [SB 5147](#), which is technically dead, having failed to pass the Senate):

- **Community-Based Organizations (\$17.0 million)**

Funds are provided to OSPI to administer a grant program for Community-Based Organizations to collaborate with school districts to support learning recovery and acceleration.

- **Dual Language Programs (\$12.0 million)**

Funds are provided for grants to school districts to expand the number of dual language classrooms in early grades and professional development to accelerate literacy gains in early grades, especially for English learners.

- **Balanced School Calendars (\$10.0 million)**

Funds are provided for grants to support planning and start-up costs for school district pilots that adopt balanced school calendars.

- **Small School Assistance (\$6.9 million)**

Funds are provided to OSPI for grants to small school districts located in urban and suburban areas, including public charter schools.

- **High School Success Pilots (\$6.0 million)**

Funds are provided to expand High School Success pilot programs for students in need of additional supports to stay on-track to graduate.

- **Career & Technical Education (\$6.0 million)**

Funds are provided to support grants to school districts to expand Career and Technical Education graduation pathway options, including career-connected learning opportunities.

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- **OSPI Administration (\$9.3 million)**

Funds are provided to OSPI for administrative costs related to the management of federal funds provided for COVID-19 response and other emergency needs.

- **Summer Meals (\$4.0 million)**

Funds are provided to OSPI for grants for supplies, equipment, staffing, and services to increase access to summer meals in the 2021–22 school year, or summer prior to the start of the school year.

- **Other Items (\$600,000)**

IDEA Funding—Senate: \$57.3 million/House: \$53.0 million

The American Rescue Plan (ARP) provided \$3.03 billion to states to increase funding for the federal Individual with Disabilities Education Act. Both the Senate and House budgets provide an additional \$53 million in federal funding to the current federal appropriations for special education.

Language in the House budget clarifies that the \$53.0 million has been provided to increase the federal appropriation to the special education program.

The Senate budget uses the majority of the increased federal appropriation (\$48.7 million) to provide for additional special education safety net awards. The Senate also uses IDEA Part B allocations provided to support students qualifying for special education preschool services (\$4.3 million).

Special Education Transition—Senate/House: \$24.0 million

Both the Senate and House provide \$24.0 million to support the extension of transition services for students with disabilities who turned 21 during the 2019–20 or 2020–21 school years and did not graduate with a regular diploma. The Senate provides this funding using federal funds, while the House provides funding from the state’s General Fund.

Homelessness—Senate: -0-/House: \$12.0 million

The American Rescue Plan provided \$800 million for states to “identify homeless children and youth and provide homeless children and youth with: wrap-around services in light of the challenges of COVID–19; and assistance needed to enable homeless children and youth to attend school and participate fully in school activities.” The House budget includes \$12.0 million of one-time funding for these purposes. The Senate does not utilize this federal funding.

Emergency Food Reimbursement—Senate/House: \$14.2 million

Both the Senate and House provide \$14.2 million in state matching money for federal child nutrition programs. Proviso language in both budgets state the funding may support the Meals for Kids program through:

- Elimination of breakfast copays for eligible public school students and lunch copays for eligible public school students in grades K–3 who are eligible for reduced-price lunch;
- Assistance to school districts and authorized public and private nonprofit organizations for supporting summer food service programs, and initiating new summer food service programs in low-income areas;
- Reimbursements to school districts for school breakfasts served to students eligible for free and reduced-price lunch; and
- Assistance to school districts in initiating and expanding school breakfast programs.

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Additional Learning Days—Senate: -0-/House: \$278.1 million

The House budget provides funding for staff salaries, benefits, and transportation allocations to support five additional school days in the 2021–22 school year. Proviso language notes the provision of five additional school days are required and provides an allowance for school districts to use federal funds provided for COVID-19 response and local funds for any other costs associated with providing additional days. Language also clarifies this funding is outside the state’s program of basic education.

The Senate budget does not fund or call for additional school days.

Counselors in High Poverty Schools—Senate: \$32.8 million/House: \$52.5 million

The Senate budget provides funding necessary to allocate an additional 0.5 FTE counselor per prototypical school for all high-poverty elementary schools, beginning in the 2022–23 school year. The additional funding is in addition to the funding already provided in the Prototypical School Funding Model.

The House budget also provides funding for additional counselors beginning in the 2022–23 school year; however, the House’s funding would add an additional 0.5 FTE counselor per prototypical school for ALL high-poverty schools—elementary, middle school, and high school, not just elementary schools. The additional funding is in addition to the funding already provided in the Prototypical School Funding Model.

Educational Technology—Senate: \$8.0 million/House: \$56.9 million

The House budget provides funding to implement [HB 1365](#) (school computers & devices) and additional funding to support broadband connectivity. OSPI is provided with \$19.7 million for grants to assist districts in acquiring and supporting learning devices for staff and staff to set up procurement vehicles, as required in HB 1365. Proviso language requires OSPI to prioritize grants to reduce technology equity gaps. ESDs are provided \$4.3 million to provide technology consultation, procurement, and training, as required by HB 1365. Additional funding (\$28.4 million) is provided to increase materials, supplies, and operating costs (MSOC) by \$35 per pupil for technology beginning in the 2022–23 school year to support broadband internet connectivity needs for families.

The Senate budget provides \$8.0 million to provide broadband internet connections through agreements with internet providers to qualifying students for the 2021–22 and the 2022–23 school years. As defined in the budget, a “qualifying student”: must not have current internet connectivity in their home; and must be able to demonstrate they are eligible for free or reduced-price meals.

The Senate does not provide funding for devices or to implement HB 1365.

Running Start—Senate: -0-/House: \$47.9 million

Funding in the House budget is provided to eliminate the current 1.2 FTE enrollment limit for Running Start students. Funding is based on estimated enrollment increases due to removing the enrollment limit.

The Senate budget maintains the current 1.2 FTE Running Start enrollment limit.

Paraeducator Training—Senate/House: \$14.8 million

Both the Senate and House budgets provided necessary funding for two days of training in the Paraeducator Certificate Program in Fiscal Year 2023 and two days each year thereafter. Funding is also provided to create online training for paraeducators on community, family, and student engagement.

Special Education Professional Development—Senate: \$12.0 million/House: -0-

The Senate budget provides funding to continue the Inclusionary Practices Project (IPP) into Years three and four. WASA was one of the grant recipients in the initial phase of IPP and has been working with OSPI in planning for the next two years of the Project. The

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funding will continue to support professional development in inclusionary practices for classroom teachers. The primary form of support to public school classroom teachers has been and will continue to be for mentors who are experts in best practices for inclusive education, differentiated instruction, and individualized instruction. Proviso language continues to require funding for mentors to be prioritized to the public schools with the highest percentage of students with individualized education programs (IEPs) aged three through 21 who spend the least amount of time in general education classrooms.

The House budget does not include funding to continue IPP.

Educational Service Districts—Senate: \$2.5 million/House: \$16.0 million

The House budget provides additional funding for ESDs. \$10.9 million is provided to the School Nurse Corps to support one day per week of nursing services for all second-class school districts (less than 2,000 students). \$1.9 million is provided to increase staffing at the Regional Safety Centers to 2.5 FTE Certificated Instructional Staff per ESD, along with additional allocations for classified and administrative staff and non-staff costs. ESDs also receive \$3.0 million in stabilization funding in Fiscal Year 2021 to address COVID-19 impacts.

The Senate budget provides \$2.5 million to provide for one additional FTE at each ESD for comprehensive safety coordination, less than provided by the House. The Senate budget does not provide additional funding for the School Nurse Corp or funding stabilization.

Lunch Copays—Senate: -0-/House: \$8.9 million

The House budget provides \$8.9 million to implement [HB 1342](#) (lunch copays), which eliminates school lunch copays for students in prekindergarten through twelfth grades who are eligible for reduced-price meals. This funding expands the current copay coverage of students in grades K–3.

The Senate budget does not provide this additional support.

Institutional Education—Senate: -0-/House: \$4.5 million

The House budget provides funding to support differentiated instruction to meet unique student needs. Current funding is expanded to 45 percent of enrollment and includes instruction for students with individualized development plans. Additional funding is provided for allocations for one Educational Advocate to be provided to each institutional education program with more than 40 students enrolled in addition to federally funded Educational Advocate positions. Funding is also provided to increase materials, supplies, and operating costs (MSOC) and professional learning allocations. Finally, funding is provided to implement reforms required in [HB 1295](#) (institutional education).

The Senate budget makes no changes in funding for institutional education programs.

Additional Notes of Interest

SEBB Rate Adjustment—Senate: (\$10.5 million)/House: (\$9.9 million)

State funding is adjusted for changes in the School Employees' Benefits Board (SEBB) insurance funding rate. The per employee per month rate of \$1,000 in Fiscal Year 2021 is decreased to \$968 for the 2021–22 school year, and increased to \$1,032 for the 2022–23 school year.

Although both the Senate and House make the same rate adjustment, the savings differ, presumably because of the method of calculating employees. Obviously, the two houses agree on the rate change; negotiating on the final savings should be a simple conversation, compared to the major differences found between the two budgets.

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TRS 1 Unfunded Liability—Senate: \$800 million/House: -0-

The Senate Budget provides \$800 million for the Teachers' Retirement System (TRS) Plan I Fund to reduce the unfunded actuarial accrued liability of the fund. Because TRS Plan I is less than 100 percent funded, employer contribution rates are higher than they otherwise would be, as contributions must cover the unfunded actuarial accrued liability. Providing this money, to draw down the unfunded liability, will save the state (and school districts) money in the long run. Proviso language in the budget notes this funding is for expenditure on June 30, 2023—and states the Legislature's intent to appropriate additional general fund revenues into the account on June 30, 2025. [SB 5453](#) would have accomplished this by merging TRS I with the Law Enforcement Officers' & Fire Fighters' Plan I retirement system, but LEOFF members rejected the idea and the bill never went anywhere. With unexpected revenues on the table, Senate budget-writers apparently believed the time was ripe to spend some of those "excess" revenues now, in order to save money later.

The House does not include this funding in its budget.

Salary Allocations

The 2021–23 Operating Budgets provide funding for statewide minimum salary allocations, as required by law. For the 2020–21 school year, the 2019–21 budget provided for minimum salary allocations for Certificated Instructional Staff, Certificated Administrative Staff, and Classified Staff at these levels: \$67,917, \$100,815, and \$48,722, respectively. Both the Senate and House budgets include the following minimum statewide salary allocations for the 2021–22 school year for CIS, CAS, and CLS: \$68,937, \$102,237, and \$49,453, respectively. For the 2022–23 school year CIS, CAS, and CLS allocations are: \$70,040, \$103,964, and \$50,244, respectively.

Inflationary Factor

The two budgets also provide for the annual inflationary factor—the Implicit Price Deflator or IPD. Unfortunately, the Senate and the House differ on the appropriate IPD. The Senate budget includes a 2.0 percent IPD for the 2021–22 school year and a 1.5 percent IPD for the 2022–23 school year. The House budget, however, uses the same 2.0 percent IPD for the 2021–22 school year, but a 1.6 IPD for the 2022–23 school year. This is just another area that will need to be negotiated.

Capital Budgets

House Proposal

Traditionally, Capital Construction Budgets are among the most non-partisan bills addressed during the session. One of the reasons is that in order to fund the budget, a bond bill must also be passed. Technically, the Legislature does not have to use bonds to fund the Capital Budget; however, half the proposed projects would fall off the table without that funding source. In other words, in order to adopt a Capital Budget that can have any real impact, a bond bill has to pass. What makes this a bi-partisan or non-partisan affair is that to pass a bond bill, the Legislature needs a 60 percent supermajority approval from both the House and Senate. That means, even with healthy Democratic majorities in both houses, a bond bill (and therefore the Capital Budget) is dead in the water if Republicans do not support the package.

While it seldom happens with the Operating Budget, often times Majority party budget-writers will meet with Minority party representatives as the Capital Budget is being crafted. When the 2021–23 Capital Budget (and the 2021 Supplemental Capital Budget) was released by the House last Wednesday, it was clear that the plan was a bi-partisan package. The budget documents even noted both the Capital Budget Chair's and the Committee's Ranking Minority member's name.

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Introduced as a [Proposed Substitute of HB 1080](#)—and the necessary bond bill, a [Proposed Substitute of HB 1081](#)—the House’s Capital Budget reduces reappropriations/appropriations in the 2021 Supplemental Budget by \$35.2 million. Overall, the 2021–23 Capital Budget would fund \$5.7 billion in construction projects. \$3.55 billion of the total is financed with General Obligation bonds. The remaining \$2.14 billion consists of \$589 million in federal stimulus funds, \$273 million in Model Toxic Control Accounts, \$236 million in alternative financing authorizations, and \$1.04 billion in other funds. Approximately \$176 million in bond capacity is reserved for a 2022 Supplemental Capital Budget.

The federal American Rescue Plan included \$189 million for capital projects; this proposal uses these funds to carry out critical capital projects directly enabling work, education, and health monitoring, including remote options, in response to the COVID-19 pandemic. An additional \$400 million from the Coronavirus State Fiscal Recovery Fund is appropriated, making necessary investments in water, sewer, or broadband infrastructure. \$155 million of these funds are set aside for grants and loans to improve and expand broadband access to unserved and underserved communities across the state.

The \$155 million for broadband is provided for grants and loans to improve and expand broadband access to unserved and underserved communities across the state through the following programs:

- \$75 million is provided for loans and grants to be competitively awarded by the Public Works Board to promote expanding access to broadband service in unserved areas of the state;
- \$50 million is provided to the Washington State Broadband Office to administer the new Capital Broadband Investment Acceleration Program, a grant program to provide matching funds to eligible local entities to leverage federal broadband infrastructure program funding; and
- \$30 million is provided for loans and grants to be awarded on a first come, first served basis by the Community Economic Revitalization Board (CERB) to finance infrastructure projects to provide high-speed, open-access broadband services to rural, underserved communities.

The Capital funds for broadband are not provided to school districts, however, if local governments secure grants to expand broadband service in underserved areas of the state, school districts (and our students and families) will benefit.

Specifically for K–12 education, the House Capital Budget provides \$969.9 million. The majority of this appropriation is for the School Construction Assistance Program (SCAP). SCAP receives \$781.7 million; \$755.1 million of the appropriation comes from state General Obligation bonds and \$26.6 million comes from the Common School Construction Account (CSCA). An additional \$68.7 million from state General Obligation bonds is swapped with CSCA to fund obligations for 2017–19 projects and to assist with the CSCA’s solvency.

Additional K–12 investments:

Seismic Retrofits—\$65.1 million

\$2.0 million of the overall appropriation will be used for school seismic safety retrofit planning grants to school districts. OSPI is required to prioritize planning grants for school districts with the most significant building deficiencies and the greatest seismic risks as determined by the most recent geological data and building engineering assessments, beginning with facilities classified as very high risk.

\$63.1 million of the appropriation is provided for school seismic safety retrofit grants to school districts for seismic retrofits and seismic safety related improvements of school

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buildings used for the instruction of students in kindergarten through 12th grade. OSPI must prioritize school seismic safety retrofit grants for school districts with the most significant building deficiencies and the greatest seismic risks as determined by the school seismic safety retrofit planning grants, beginning with facilities classified as very high risk.

In the development of school seismic safety retrofit projects, OSPI must give consideration to the following:

- Prioritizing improvements of school buildings used for the instruction of students in kindergarten through 12th grade;
- The financial capacity of low property value school districts in the sizing of grant awards; and
- Facilities' seismic needs in light of the useful life of the facilities.

Small School Modernization Program—\$19.5 million

\$4.6 million of the State Building Construction Account and \$12.0 million of the federal Coronavirus Capital Projects Account are provided for modernization grants for small school districts with total enrollments of 1,000 students or less with significant building system deficiencies and limited financial capacity as approved by OSPI's Small District Modernization Grant Advisory Committee.

\$950,000 is provided for planning grants for small school districts interested in seeking modernization grants. Planning grants may not exceed \$50,000 per district. Another \$2.0 million is provided for planning grants and modernization grants to state tribal compact schools.

The funding appropriated is provided for projects approved by the Legislature, as identified in [LEAP Capital Document No. OSPI-1-HB-2021](#), developed March 1, 2021.

Healthy Kids-Healthy Schools—\$6.6 million

\$3.6 million is provided under the Health Kids-Healthy Schools program for the remediation of lead. Appropriations are provided for grants to school districts, charter schools, and state-tribal education compact schools for the replacement of lead-contaminated pipes, drinking water fixtures, and the purchase of water filters, including the labor costs of remediation design, installation, and construction.

The amount provided to charter schools and state-tribal education compact schools for lead remediation costs may not exceed \$100,000 and must be provided from the State Building Construction Account.

\$128,000 of the appropriation is provided for OSPI to enter into a contract to study, estimate, and provide future common and charter school lead-contaminated drinking water remediation and mitigation costs associated with complying with codified lead remediation standards for these schools.

OSPI must consult with stakeholders and legislative fiscal staff regarding the development of the study and the development of a request for proposal to comply with the study requirement. The results of this study, including cost estimates, must be provided to the governor and the Legislature by November 1, 2021.

NOTE: [HB 1139](#) (lead in schools) is still alive in the Senate Ways & Means Committee—and is scheduled for a public hearing on Thursday, April 1. We should not make any assumptions, but including a requirement that OSPI conduct a study on lead remediation costs in the House Capital Budget could indicate the bill may be in trouble. We will continue to watch this one closely.

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Another \$3.0 million is provided under the Health Kids-Healthy Schools program for student physical health and nutrition. OSPI is required to develop criteria for funding specific projects that are consistent with the Healthiest Next Generation priorities. The criteria must include at least the following:

- Districts may apply for grants, but no single district may receive more than \$200,000 of the appropriation for grants awarded;
- Any district receiving funding provided under this program must demonstrate a consistent commitment to addressing school facilities' needs; and
- Applicants with a high percentage of students who are eligible and enrolled in the free and reduced-price meals program may be prioritized.

The appropriation under this program is provided for grants to school districts for the purchase of equipment or to make repairs to existing equipment that is related to improving:

- Children's physical health, and may include, but is not limited to, fitness playground equipment, covered play areas, and physical education equipment or related structures or renovation; and
- Children's nutrition, and may include, but is not limited to, garden related structures and greenhouses to provide students access to fresh produce, and kitchen equipment or upgrades.

School District Health & Safety—\$7.2 million

\$2.0 million is provided for emergency repair grants to address unexpected and imminent health and safety hazards at K–12 public schools, including Skills Centers, that will impact the day-to-day operations of the school facility. For emergency repair grants an emergency declaration must be signed by the school district board of directors and submitted to OSPI for consideration. Grants of emergency repair moneys must be conditioned upon the written commitment and plan of the school district board of directors to repay the grant with any insurance payments or other judgments that may be awarded, if applicable.

\$4.2 million is provided for urgent repair grants to address non-recurring urgent small repair projects at K–12 public schools, excluding Skills Centers, that could impact the health and safety of students and staff if not completed. OSPI, after consulting with Maintenance and Operations administrators of school districts, is required to develop criteria and assurances for providing funding for specific projects through a competitive grant program. The criteria and assurances must include at least the following:

- Limiting school districts to one grant, not to exceed \$200,000, per three-year period;
- Prioritizing applications based on limited school district financial resources for the project; and
- Requiring any district receiving funding to demonstrate a consistent commitment to addressing school facility needs.

Grants may be used for: Repair or replacement of failing building systems, abatement of potentially hazardous materials, and safety-related structural improvements.

\$1.0 million is provided for equal access grants for facility repairs and alterations at K–12 public schools, including Skills Centers, to improve compliance with the Americans with Disabilities Act and Individuals with Disabilities Education Act. OSPI must develop criteria and assurances for providing funding for specific projects through a competitive grant program. The criteria must include at least the following:

- Limiting districts to one grant, not to exceed \$100,000, per three-year period;

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- Prioritizing applications based on limited school district financial resources for the project; and
- Requiring recipient districts to demonstrate a consistent commitment to addressing school facility needs.

Career and Preparation Launch Grants—\$2.0 million

Funding for Career and Preparation Launch Grants is subject to the following conditions and limitations:

- The appropriation is provided for OSPI to provide competitive grants to school districts to purchase and install Career and Technical Education equipment that expands Career-Connected Learning and work-integrated learning opportunities; and
- OSPI, after consulting with school districts and the Workforce Training and Education Coordinating Board, must develop criteria and assurances for providing funding and outcomes for specific projects through a competitive grant program to stay within the appropriation level provided consistent with the following priorities.

The criteria must include at least the following:

- Districts or schools must demonstrate that the request provides necessary equipment to deliver Career and Technical Education; and
- Applicants with a high percentage of students who are eligible and enrolled in the free and reduced-price meals program must be prioritized.

Skills Centers—\$14.5 million

\$14.5 million is provided to fund the following Skills Center projects:

- \$9.8 million for modernization of the Evergreen Building at the Pierce County Skills Center;
- \$3.4 million for minor works projects at Skills Centers;
- \$1.0 million for a major electrical improvement project at the Puget Sound Skills Center; and
- \$300,000 for a predesign for a replacement and expansion of the Seattle Public Schools Skills Center at Rainier Beach High School.

Capital Programs Administration—\$4.3 million

OSPI is provided with \$4.3 million for administration of the Capital Projects Program.

Green Schools—\$300,000

Funding is provided for a contract with a statewide Community-Based Organization with experience planning and developing green stormwater infrastructure and related educational programs on public school properties. The organization that is awarded the contract must use geographic analysis to identify green stormwater infrastructure project locations based on the opportunity to reduce stormwater runoff.

To qualify for a project, schools must be eligible for financial assistance under Title I and the contracted organization must prioritize schools with high percentages of students eligible for the free and reduced-price meals program that also serve diverse student populations.

Stormwater infrastructure projects should aim to:

- Provide equity of opportunity in high-need communities; and
- Engage students in conjunction with K–12 STEM education programs aligned with the Washington state science and learning standards.

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Early Learning Facilities-School District Grants—\$4.7 million

Funding is provided to the Department of Commerce for early learning facilities grants for [nine school district projects](#).

Senate Proposal

The Senate's Capital Construction Budget proposal, very much like the House's proposal, is a bi-partisan effort. And while there are certainly differences between the two proposals, they are very much aligned in many ways.

One big difference between the two proposals is the overall size. The Senate 2021 Supplemental Capital Budget and 2021–23 Capital Budget, introduced as a [Proposed Substitute to SB 5083](#), is a massive \$6.2 billion package, which, if adopted would be the largest capital construction budget in state history. The 2021 Supplemental Budget reduces reappropriations and 2019–21 appropriations by \$37.2 million. The overall 2021–23 appropriation includes \$3.93 billion in General Obligation bonds ([SB 5084](#)).

Like the House Budget, broadband access is a priority in the Senate's package. \$440 million (including \$390 million in federal stimulus funding and \$50 million in bond proceeds) are provided to the Statewide Broadband Office to expand broadband to rural and unserved areas of the state.

For K–12 education, the Senate Capital Budget provides \$947.6 million (\$907.4 million in bond proceeds and \$40.2 million in other funds). The majority is appropriated to the School Construction Assistance Program (SCAP). \$837.3 million (\$812 million in bond proceeds) is provided for SCAP. \$781.7 million is appropriated for 36 construction and renovation projects in 29 school districts; and another \$55.6 million is provided to fund prior obligations.

Additional K–12 investments:

Seismic Retrofits—\$3.2 million

\$3.2 million is provided for school seismic safety retrofit grants to school districts for seismic retrofits and seismic safety related improvements of school buildings used for the instruction of students in kindergarten through 12th grade. OSPI is required to prioritize school seismic safety retrofit grants for school districts with the most significant building deficiencies and the greatest seismic risks as determined by the school seismic safety retrofit planning grants, beginning with facilities classified as very high risk.

In the development of school seismic safety retrofit projects, OSPI must give consideration to the following:

- Prioritizing improvements of school buildings used for the instruction of students in kindergarten through 12th grade;
- The financial capacity of low property value school districts in the sizing of grant awards; and
- Facilities' seismic needs in light of the useful life of the facilities.

Small School Modernization Program—\$47.2 million

The Senate provides \$47.2 million for modernization grants for small school districts.

\$3.0 million of the overall appropriation is provided for a modernization grant to the Mount Adams School District to complete the replacement of Harrah Elementary School.

\$38.9 million of the appropriation is provided for modernization grants for small school districts with total enrollments of 1,000 students or less with significant building system deficiencies and limited financial capacity as approved by OSPI's Small District Modernization Grant Advisory Committee. OSPI was required to submit a list of small

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school district modernization projects, as prioritized by the Advisory Committee, to the legislature by January 15, 2021.

Funds for this program may be awarded only to projects approved by the Legislature, as identified in [LEAP capital document No. 2021-24](#), developed March 15, 2021.

\$1.1 million is provided for planning grants for small school districts with enrollments of 1,000 students or less interested in seeking modernization grants. Planning grants may not exceed \$50,000 per district. Another \$4.2 million is provided for planning grants and modernization grants to state tribal compact schools. OSPI was required to submit a prioritized list of state tribal compact school modernization projects to the Legislature by January 15, 2021. Funds may be awarded only to projects approved by the Legislature, as identified in [LEAP capital document No. 2021-44](#), developed March 15, 2021.

Healthy Kids-Healthy Schools—\$3.0 million

The Senate budget provides less than half the House's proposed appropriation for Healthy Kids-Healthy Schools; however, much of the requirements are similar.

OSPI is required to develop criteria for providing funding for specific projects that are consistent with the Healthiest Next Generation priorities. The criteria must include at least the following:

- Districts may apply for grants, but no single district may receive more than \$200,000 of the appropriation;
- Any district receiving funding under this program must demonstrate a consistent commitment to addressing school facilities' needs; and
- Applicants with a high percentage of students who are eligible and enrolled in the free and reduced-price meals program may be prioritized.

The remaining portion of the appropriation may be used:

- For the replacement of lead-contaminated pipes and drinking water fixtures; or
- To purchase equipment or make repairs to existing equipment that is related to improving:
 - Children's physical health, and may include, but is not limited to, fitness playground equipment, covered play areas, and physical education equipment or related structures or renovation; and
 - Children's nutrition, and may include, but is not limited to, garden related structures and greenhouses to provide students access to fresh produce, and kitchen equipment or upgrades.

School District Health & Safety—\$10.0 million

\$3.0 million is provided for emergency repair grants to address unexpected and imminent health and safety hazards at K–12 public schools, including Skills Centers, that will impact the day-to-day operations of the school facility. For emergency repair grants, an emergency declaration must be signed by the school district board of directors and submitted to OSPI for consideration. Grants of emergency repair moneys must be conditioned upon the written commitment and plan of the school district board of directors to repay the grant with any insurance payments or other judgments that may be awarded, if applicable.

- \$7.0 million is provided for health and safety and equal access grants to address non-recurring urgent small repair projects and projects that improve compliance with the Americans with Disabilities Act and Individuals with Disabilities Education Act. OSPI must develop criteria and assurances for providing funding for specific projects through a competitive grant program. The criteria must include at least the following:

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- Limiting school districts to one grant, not to exceed \$200,000, per three-year period;
- Prioritizing applications based on limited school district financial resources for the project; and
- Requiring any district receiving funding provided to demonstrate a consistent commitment to addressing school facility needs.

Career and Preparation Launch Grants—\$3.0 million

Funding for Career and Preparation Launch Grants is subject to the following conditions and limitations:

- The appropriation is provided for OSPI to provide competitive grants to school districts to purchase and install Career and Technical Education equipment that expands Career-Connected Learning and work-integrated learning opportunities;
- OSPI, after consulting with school districts and the Workforce Training and Education Coordinating Board, must develop criteria and assurances for providing funding and outcomes for specific projects through a competitive grant program to stay within the appropriation level provided consistent with the following priorities.

The criteria must include at least the following:

- Districts or schools must demonstrate that the request provides necessary equipment to deliver Career and Technical Education; and
- Applicants with a high percentage of students who are eligible and enrolled in the free and reduced-price meals program must be prioritized.

Distressed Schools—\$11.0 million

Funding is provided to a series of school district projects:

- \$9.0 million for a 12-classroom addition at Green Lake Elementary School in Seattle School District;
- \$940,000 for the Healthy Schools pilot to reduce exposure to air pollution and improve air quality in schools;
- \$772,000 for a school-based health center at Spanaway Middle School; and
- \$257,000 for creating environmentally friendly and accessible restrooms at the new camp Waskowitz.

Skills Centers—\$14.2 million

\$14.2 million is provided to fund the following Skills Center projects:

- \$9.8 million for modernization of the Evergreen Building at the Pierce County Skills Center;
- \$3.0 million for minor works projects at Skills Centers;
- \$1.0 million for a major electrical improvement project at the Puget Sound Skills Center; and
- \$300,000 for a predesign for a replacement and expansion of the Seattle Public Schools Skills Center at Rainier Beach High School.

Capital Programs Administration—\$4.0 million

OSPI is provided with \$4.0 million for administration of the Capital Projects Program.

Agricultural Science in Schools Grant—\$2.0 million

Funding is provided for an agricultural science in schools grant to the FFA Foundation.

Transportation Budgets

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The Transportation Budget provides appropriations for state transportation agencies, road projects, and programs for the 2021–23 fiscal biennium (and the Supplemental Transportation Budget makes necessary adjustments for the remainder of the current biennium). Other than the positive indirect impact provided by safe roads—and a boost to the state’s economy—K–12 education is not greatly affected by this budget. There are, however, some minor funding for education-related issues. More importantly, the Transportation Budget is one of the final puzzle pieces to necessary to wrap up the Legislature’s business—and sometimes can become part of behind-the-scenes horse-trading if key priorities are lacking votes.

Gas tax revenues, even before the pandemic, were in decline—and the latest transportation revenue forecast projected a \$1.1 billion drop in revenues over the next four years. Last Monday, Senator Steve Hobbs (D-Lake Stevens) released his proposal, a [Proposed Substitute SB 5165](#). His transportation package includes \$9.4 billion in appropriation authority in the 2021 Supplemental Transportation Budget and \$10.9 billion in appropriation authority in the 2021–23 Transportation Budget. It relies on federal funds and bond proceeds. In order to find additional needed revenues, Hobbs has been negotiating with his Senate colleagues on [SB 5162](#), the so-called “cap and invest” bill that would address climate change by taxing carbon. Most of the revenue would go to transportation. (This is a classic example of that “horse-trading.” An ultimate deal on transportation funding could eventually be tied to pricing carbon to generate revenue.)

The Senate Transportation Budget uses approximately \$1.0 billion from the federal American Rescue Plan (ARP) to fill gaps. \$600 million would be used to backfill pandemic related revenue losses. The remaining \$400 million would be used for water infrastructure investments to remove salmon culverts. (Washington State lost a federal court case a few years ago which requires the removal of hundreds of fish barriers. The total legal obligation is about \$3.1 billion.) Unfortunately, the US Department of Treasury has not yet issued guidance on the use of ARP funds and there are questions about whether “water infrastructure” includes the removal of fish culverts. Another \$143 million from the federal stimulus package adopted December is also slated to go to culvert removal.

For K–12 education, the Senate would provide \$31.7 million for the Safe Routes to Schools program, to fund new projects.

Also, last Monday, Representative Jake Fey (D-Tacoma) released his Transportation Budget, a [Proposed Substitute HB 1135](#). Fey’s transportation package includes \$9.5 billion in appropriation authority in the 2021 Supplemental Transportation Budget and \$10.9 billion in appropriation authority in the 2021–23 Transportation Budget. Given the same fiscal concerns as the Senate budget, the House budget is designed to invest in green transportation initiatives, major construction projects and policy reforms that will boost equity and opportunity.

The House Transportation Budget also utilizes \$1.0 billion from the recently adopted federal American Rescue Plan. Similar to the Senate, a portion of these federal funds are slated to be used to backfill accounts that supported services affected by COVID-19 pandemic-related revenue losses and a portion of the funding will be used to address fish passage barrier removals. Additionally, federal funds would be used to address ferry operating needs. \$726 million would be provided to fully fund fish culvert removal, as proposed by the Department of Transportation, fully complying with the federal injunction (like the Senate, assuming these funds are allowed to be used in this way). Funds would also be provided to complete inventories of culverts for cities and counties.

For K–12 education, the House would provide \$38.3 million for the Safe Routes to Schools program, to fund new projects. Funding would also be provided for a study

related to the Washington State Department of Transportation's role in broadband service expansion efforts. While not specifically related to schools, the state's effort to expand broadband service—in this case installing broadband infrastructure under or along state highways—will provide more connectivity access to schools and families. A report with findings and recommendations would be due to the Legislature by January 1, 2022.

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Dan Steele, Government Relations dstele@wasa-oly.org
Washington Association of School Administrators 825 Fifth Ave SE | Olympia, WA 98501
P: 800.859.9272 360.489.3642 | F: 360.352.2043 | www.wasa-oly.org