



TWIO

This Week In Olympia

March 19, 2021

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About TWIO

This Week in Olympia (TWIO) is published by WASA in support of our members and members of our partners in WASBO, WSPA, and AEA.

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This Week in Review

This week, legislators continued to spend most of their time in Committees, working through the many remaining bills from the opposite house. Next week is the last week for bills to move out of their opposite house policy committee. Bills not passed out of opposite house policy committees by next Friday, March 26, will be considered dead. Bills with fiscal implications have until the following week, Friday, April 2, to move out of their opposite house budget committees and remain alive.

One of the major pieces of legislative news occurred on Wednesday, with the release of the quarterly Revenue Forecast. As expected, there was positive news—and perhaps positive enough it will complicate budget-writers' job to craft 2021 Supplemental and 2021–23 Operating Budgets. More on that later in this newsletter. First, we will review bills of importance moving through Committees.

On Monday, the Senate Early Learning & K–12 Education Committee heard [HB 1139](#), regarding lead in school drinking water. As we have noted before, this bill has taken a wild ride with multiple changes as it has moved through the process. Admittedly, the bill has become significantly better; however, that should not be mistaken to be read as the bill becoming “good legislation.” One positive amendment that was adopted addresses the possibility that lead contamination may be coming from outside the school and not from the plumbing or fixtures within a school. Of course, school districts have no control over this situation; the amended language clarifies that if testing reveals that the public water system is a significant contributor to elevated lead levels, the school district is not financially responsible for remediating the elevated lead levels.

On its face, this is a positive recognition that school districts are not responsible for a problem that is outside of its control. Unfortunately, parents likely will not care who is responsible if there is lead contamination in their kids' drinking water and they will likely demand the school district to remediate. How reasonable is it for school administrators to admit there is a lead problem, but raise their hands and say it is not their responsibility? The new language requires the school district to communicate with the public water system and request a plan for reducing lead contamination; however, there is no specific requirement the public water system solve the problem—which ultimately makes the school district responsible (at least in the eyes of their constituents).

After much effort, the legislation also finally includes a “null and void” clause, which requires specific funding to be provided in the Operating Budget to fund the bill. If the funding is not provided, the bill becomes invalid. Again, another positive situation—

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WASA Legislative Report Podcast



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except that supporting legislators continue to point to the funding provided to OSPI in the Capital Budget to provide for remediation. The total pot of money for this issue in the 2019–21 Capital Budget was approximately \$3.0 million. First, most of this funding is provided for other programs and any remaining funding can be used to address lead contamination. We have not seen a 2021–23 Capital Budget yet, however, it is likely the funding would be similar to the last budget. Even if the entire \$3.0 million appropriation was provided for lead remediation (which it isn't), that would not be enough to sufficiently address the situation. To put that funding in context, understand that just one district, Tacoma, in the last few years has spent over \$1.0 million to replace fixtures in school buildings to remediate their lead problem.

The major amendment that we continue to push for is the specific definition of “elevated lead levels.” Currently, the bill defines elevated lead levels in school drinking water to mean “5 parts per billion” even though the current national standard adopted by the Environmental Protection Agency is “15 parts per billion.” If this amendment (which currently sits in the Senate Early Learning & K–12 Education Committee and is ready to be introduced) were to pass, it would be a significant step to address the school community’s continued opposition of the bill. (Update: no such luck, this amendment was withdrawn before the Committee adopted the bill.)

The Committee also heard [HB 1365](#), providing computers and devices to students and staff. The intent of the original version of the bill was to advance a goal of universal 1:1, providing one learning device to each student. While this might be beneficial and the “right thing to do,” the bill was horribly—and prohibitively—expensive. Throughout the course of its journey through the legislative process, the bill has become much more narrowly focused. The current bill, heard on Monday—and adopted on Wednesday—requires each ESD to provide technology consultation, procurement, and training to local public schools, in consultation with teacher-librarians. Additionally, OSPI is required to develop and administer a technology grant program (subject to appropriations) to attain a universal one-to-one student-to-learning-device ratio, expand technical support and training of school staff, and develop capacity to assist students and their families with accessing and using technology to support student learning.

HB 1365 awaits action by the Senate Ways & Means Committee.

Also, on Monday, the Senate Early Learning & K–12 Education Committee took executive action. [HB 1356](#), one of the many equity bills introduced and discussed this session was heard last week and adopted on Monday. The bill would prohibit school districts’ inappropriate use of Native American names, symbols, or images as mascots, logos, or team names, except in limited circumstances. Prior to being adopted by the Committee, an amendment was adopted that would require OSPI to create a grant program to provide support to schools that incur costs as a result of repealing currently used names, logos, etc. Grant funds could be used to cover costs resulting from the replacement or redesign of items and materials that display Native American names, symbols, or images, including, but not limited to: uniforms and equipment used by a team, band, cheer squad, or other extracurricular activities; school signage, including reader boards and score boards; floor designs in gymnasiums or other flooring or surfaces; school letterhead and other office supplies; school spirit store supplies and items; and school web pages.

HB 1356 is scheduled to be heard in the Senate Ways & Means Committee on Monday, March 22.

The above were some of the key bills heard this week; however, other bills were also addressed. The Senate Early Learning & K–12 Education Committee also heard:

- [HB 1028](#)—modifying requirements regarding residency teacher certification, including repealing edTPA. The bill is scheduled for executive action today.

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- **[HB 1113](#)**—modifying current truancy provisions. The bill is scheduled for executive action on March 24.
- **[HB 1162](#)**—reducing the number of credits required for high school graduation from 24 to 20, applying the revised credit requirements to the Class of 2021 and subsequent classes. Additionally, establishes an additional graduation pathway option to enable students to meet graduation pathway requirements by completing a performance exhibition. The bill is scheduled for executive action today; however, even if it moves out of Committee, it faces an uphill battle in the Senate.
- **[HB 1176](#)**—limiting the ability of a school district to withhold the grades and transcript of a student who is responsible for damaging or losing property. The bill is scheduled for executive action on March 22.
- **[HB 1214](#)**—creating a category of safety and security staff for public schools and specifying requirements for staff agreements, data collection, and training. The bill is tentatively scheduled for executive action today.
- **[HB 1273](#)**—requiring school districts to make menstrual hygiene products available to no cost by the beginning of the 2022–23 school year. The bill is scheduled for executive action today.
- **[HB 1302](#)**—allowing students in the ninth grade to participate in College in the High School programs. The bill was adopted by the Committee on Wednesday and awaits action in the Senate Rules Committee.
- **[HB 1363](#)**—providing resources to address secondary traumatic stress in the K–12 workforce. The bill was adopted by the Committee on Wednesday and awaits action by the full Senate.
- **[HB 1426](#)**—specifying minimum continuing education requirements for administrator and teacher certificate renewals that focus on equity-based school and classroom practices. The bill is tentatively scheduled for executive action today.
- **[HB 1484](#)**—repealing provisions directing the operation and use of the first responder building mapping information system for schools. The bill is scheduled for executive action on March 22.

The House Education Committee also took action—both public hearings and executive action—on a number of bills this week:

- **[SB 5030](#)**—requiring school districts to develop a written plan for a comprehensive school counseling program, including requiring counselors to spend at least 80 percent of their work time providing direct and indirect services to benefit students. The bill was heard last week and adopted by the Committee yesterday. Attempts were made to exempt small schools from the bill’s provisions, but the amendments failed. The bill awaits action by the full House.
- **[SB 5202](#)**—requiring school districts to establish a depreciation subfund within their general fund; and allowing districts to annually deposit up to two percent of their general fund into the depreciation subfund for emergency facility needs and preventative maintenance. The bill was heard last week and was scheduled for executive action yesterday, but was not acted upon. It is unclear if it will be given another opportunity for executive action or not.
- **[SB 5242](#)**—requiring OSPI to: establish a grant program for supporting media literacy and digital citizenship; and convene two regional conferences on the subject of media literacy and digital citizenship. The bill was heard this morning and is scheduled for executive action on March 25.

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- [SB 5249](#)—requiring the Mastery-Based Learning Work Group to develop a Washington State profile of a high school graduate, in consultation with the Educational Opportunity Gap Oversight and Accountability Committee; and directing the SBE to develop recommendations relating to the profile of a graduate and to perform a survey on graduation pathways. The bill was heard last week and scheduled for executive action yesterday; however, no action was taken. It has not yet been rescheduled for executive action.
- [SB 5265](#)—requiring OSPI to administer a Bridge Year pilot program, allowing students in the Classes of 2021 and 2022 an additional year to take courses at the student’s high school, an institution of higher education, or a combination. It would also allow Bridge Year students to participate in Running Start and take College in the High School courses. The bill was heard this morning and is scheduled for executive action on March 25.

Education Funding Update

WASA continues to work with legislators (and our association colleagues) to advocate for action to provide enrollment stabilization and pupil transportation funding. Remember, [HB 1476](#), originally introduced to provide state enrollment stabilization funding to address enrollment declines (both general apportionment and multiple enrollment-based programs), has been narrowed significantly. The current version of the bill only addresses the support of school district levy capacity. The bill would codify changes to levy formulas for Calendar Years 2022 and 2023, requiring 2019–20 School Year enrollment to be used in place of 2020–21 or 2021–22 for each year 2019–20 enrollment is greater. For those districts that calculate levy lids using per-pupil funding, this issue is critical—and WASA will continue to support the bill. It has been scheduled for a public hearing in the Senate Ways & Means Committee on Monday, March 22, at 4 p.m. It has also already been tentatively scheduled for executive action on Thursday, March 25.

While we will continue to support HB 1476, the discussion of enrollment stabilization has shifted to the Operating Budget. We continue to specifically ask for proviso language similar to the original HB 1476, which would provide enrollment stabilization funds to districts if enrollment declines resulted in less funding in the 2020–21 and 2021–22 school years, than the district received in 2019–20 school year. In addition to providing stabilization for general apportionment, school districts also require stabilization funding for education programs that are funded based on enrollment, including Alternative Learning Experience (ALE) programs, special education, the Transitional Bilingual Instructional Program (TBIP), the Learning Assistance Program (LAP), highly capable programs, Career and Technical Education (CTE), Skills Centers, dropout reengagement programs, institutional education, and Local Effort Assistance (LEA or “levy equalization”). Asking for this support and the specific language has become a regular, ongoing conversation. **We encourage you to continue to engage, urging your legislators to support this request.** Budget-writers and Leadership are the key decision-makers, but if they continue to hear from school administrators and enough rank-and-file legislators, it will harden their resolve to lock this language in the budget.

We believe House budget-writers are on-board and prepared to include this language in their budget. Support in the Senate, however, appears to be a bit squishier—and they are scheduled to release their budget proposal first. If the required language is in the House budget, but not in the Senate budget all is not lost; however, it will be much easier and provide us with much more confidence if the language is in both budgets from the start. This is just another reason it is critical to get to your legislators, especially senators at this point.

Unfortunately, it continues to appear extremely likely that any state enrollment stabilization funding we can secure will be a secondary funding source. With significant resources provided to K–12 by the federal government by way of ESSER II funds in

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December—and now an even larger chunk of money coming from ESSER III, as adopted recently in the American Rescue Plan, legislators are insistent about using those federal funds before they have to dip into state funds (never mind the fact the American Rescue Plan provides the state with \$4.3 billion and state revenues continue to exceed previous expectations—more on that later). We have fought this all along the way, but we are fighting an uphill battle. Even though this specific language was removed from HB 1476 when it was narrowed to specifically address levy capacity, it is assumed this language will return with stabilization funding provisions in the budget.

The second part of the education funding package is [SB 5128](#). SB 5128, intended to shore up school district pupil transportation funding, both for the remainder of this school year, as well as providing sufficient resources in the 2021–22 school year, has morphed and transformed every stop it has made in its journey through the legislative process. We have talked at length in the last two *TWIOs* ([Week 8](#) and [Week 9](#)) about the various facelifts the bill has received, so we will not rehash those points.

In short, the original version of the bill would have established a new “alternative” transportation funding formula, providing 70 percent of a district’s transportation allocations, while also providing for a “safety net” allocation. Next, that 70 percent allocation was increased to 80 percent—but only for districts that provided at least half their students in-person instruction. At the next step, the new transportation formula and its “safety net” was completely removed, being replaced with a new Public Schools Emergency Transportation Relief Account, which would have received a \$100 million appropriation. Similar to HB 1476, districts would not have been able to access funds in this new Relief Account until they expended their federal resources to backfill any transportation losses. If a district still had a transportation funding hole after using federal ESSER funds, then they could seek funding from the Relief Account. Before the bill passed the full Senate, additional amendments were adopted. One of them further limited access to the Relief Account by prohibiting districts from receiving Relief Account expenditures if the district did not offer in-person instruction to a sufficient number of students (as defined in the bill).

As the bill landed in the House, we were very concerned about the current version of the bill; however, we strongly support the original underlying intent of providing funding to shore up districts’ transportation programs, both for the remainder of this year and into the next school year. SB 5128 received a public hearing in the House Education Committee on Tuesday—because of our support for the underlying intent of the bill, most members of the education community testified in favor of the bill, while expressing some of the key concerns of the current version of the bill (a few signed in as “other,” but there was little outright opposition).

Yesterday, the bill was moved to executive action. Again, there was another opportunity to completely overhaul the bill. A [striking amendment](#) was introduced and adopted which stripped out the Public Schools Emergency Transportation Relief Account—along with the \$100 million appropriation—leaving a very slim-downed bill. SB 5128 as it currently stands (now in the House Appropriations Committee): Authorizes school districts to use transportation funding for expanded services to students (similar to the list of additional services provided for in [Governor Inslee’s proclamation](#) last August), in addition to current “to-and-from” services. Specifically, districts may use transportation allocations for: delivery of educational services, including the transportation of materials, hardware, and other supports that assist students in accessing remote instruction, internet connectivity, or the curriculum; delivery of meals to students; and the transportation of students to and from learning centers or other public or private agencies where educational and support services are being provided to students. An amendment was adopted, adjusting the striking amendment, allowing the transportation of students to and from interscholastic and extracurricular activities. Language also clarifies that districts are still allowed to use transportation allocations to pay for fixed transportation

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costs, such as school bus maintenance and basic administrative, regulatory, safety, or operational expenses.

The flexibility provided to use transportation allocations for additional services is appropriate and appreciated. The new version of the bill, however, does not have ANY language to: temporarily suspend the current ridership criteria (which are used to calculate transportation allocations), providing assurances that transportation allocations will be sufficient for the current school year; or provide a mechanism to calculate transportation allocations for the 2021–22 school year, ensuring that current low ridership does not undercut allocations next year.

This new bill deals specifically with some of the underlying policy issues that need to be addressed in this current emergency and, if there is ever a similar emergency, will have to be addressed again. The funding issues, however, (similar to HB 1476) will be moved into the budget. We continue to work with budget-writers to make sure the necessary provisions are included in the forthcoming budgets. **Here is another opportunity for YOU to step up and engage with budget-writers and your local legislators.** We are fairly confident the appropriate language will be in the budget(s), but we certainly cannot simply sit back and twiddle our thumbs, assuming it will happen.

It should also be noted that when the necessary language to shore up transportation funding is added to the budget, it is highly likely there will be language similar to the provisions regarding enrollment stabilization that will call for districts to backfill transportation losses with federal funds before they can access any additional state funds. Again, not language we are happy about, but legislators see the huge “windfall” from Congress going to K–12 and do not see a need to provide state funding.

Budget Update

On Wednesday, the [Economic & Revenue Forecast Council](#) released its quarterly [Revenue Forecast](#). Following a positive [Economic Review](#) on March 3 and after four months of revenue collections above projections in November, it was presumed the forecast would be positive. Ultimately, the results of the forecast were beyond just positive. Just ten months ago (in June), the state was staring into the mouth of an estimated \$8.8 billion hole (in the remainder of the 2019–21 biennium and the upcoming 2021–23 biennium combined). As the pandemic wreaked havoc on our economy, it was feared that shortfall would grow and only the most optimistic among us believed it would actually shrink. But that is what happened.

Revenues in September came in above projections, halving that huge shortfall to about \$4.3 billion. In November, revenues continued to come in at a faster clip than anticipated, leaving a projected hole of just over \$3.3 billion. Then, as the economy started to open up and people were buying houses and cars, the federal government was doling out stimulus checks and unemployment started to stabilize, state revenues continued to come in above projections. In fact, current revenues nearly match the historical peak reached in January of last year. When the Revenue Forecast was rolled out earlier this week, revenues in the remaining months of 2019–21 and the 2021–23 biennium were projected to almost match the revenue assumptions adopted in last February, just prior to the pandemic hitting. The projected shortfall in June was \$8.8 billion, while the current projected shortfall is approximately \$58 million (\$356 million in the red for the remainder of 2019–21 and in the black by \$298 million in 2021–23; this is all funds combined). Given a \$55+ billion two-year budget, \$58 million is almost “budget dust.”

While the forecast provided a truckload of good news, it should be noted—before anyone starts shooting off fireworks and blowing up balloons—that there are still signs of our economy being fairly “soft.” There is certainly a reason for optimism; however, our situation remains fairly tenuous. Some concerns: Washington exports continue to decline

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(down for the ninth consecutive quarter); growth in employment is below projections in November; personal income is above November's assumptions, although that is mostly due to unexpected federal stimulus checks—as those checks diminish, then disappear, personal income growth is expected to drop below November's estimates; while the economy is starting to open back up, business remains weak for restaurants, bars, arts and entertainment, and travel-related businesses; and although citizens are being vaccinated at a fairly fast rate, there remain concerns about more contagious COVID-19 variants, which could increase cases and hospitalizations, slow economic reopening, reduce consumer confidence and spending, and reduce employment.

Skipping over the caveats in the previous paragraph, Washington's budget situation is essentially back to the future—starting in February 2020, plus more. Forecasted revenues (for all funds subject to the 4-year budget outlook) are expected to increase by \$1.340 billion in the current 2019–21 biennium, and \$1.949 billion in the 2021–23 biennium (in building the four-year budget, revenues are projected to increase \$1.899 billion in the 2023–25 biennium). In addition to more revenue, projected reserves are also expected to dramatically increase. Prior to the March forecast, total reserves were expected to be around \$5.7 billion (2019–21 and 2021–23). Following the forecast, that projection has jumped to about \$9.5 billion (again, 2019–21 and 2021–23).

All this is good news, of course. However, for budget-writers sometimes having “too much” money is more difficult than not having enough money. And, remember, you have to add all of this good state revenue news onto the \$4.3 billion in direct aid the state will be receiving from the federal government. That does not include all of the additional federal revenues the state will collect for COVID-19 testing, unemployment benefits, and Medicaid (just to name a few items). As a bit of evidence that these additional revenues are complicating things, it was originally expected that legislative budgets would be released early next week, but we quickly started hearing conflicting reports about when budgets would actually be released. Original conversations indicated that budgets could be released a week or more later than normal.

The Senate Ways & Means Committee, however, has scheduled a public hearing on its proposal next Friday, March 26. We expect their budget to be released by Friday, although we are hearing they may unveil the package on Thursday, March 25. Additionally, while the opposite house usually waits a week to unveil its proposal, we are hearing rumblings that the House may release its own plan next Friday—with a potential public hearing on Saturday. At this point it is unclear if that means the two proposals will be similar, or if the House just wants to accelerate its release (understanding it will be a difficult process with an unexpected excess of revenue). Regardless, be looking for a special edition of *TWIO* after we have a chance to analyze the budget(s).

One final note on budgets. We understand that budget-writers and Leadership are meeting with their lawyers, with the governor's budget office (OFM), and their federal counterparts to discuss how much funding Washington will be receiving from the American Rescue Plan (above and beyond the \$4.3 billion appropriated directly to the state and the \$1.85 billion dedicated to K–12), and to determine the specific parameters around the funding received. The Senate Ways & Means Committee is holding a work session this afternoon, March 19, 2:30 p.m., to review the American Rescue Plan. It will be interesting to see if they have more questions than answers at this point.

Because of the complications of the federal money, there is starting to be talk—strictly rumors and speculation at this point—that the Legislature may adopt a 2021 Supplemental Operating Budget, and a 2021–23 Operating Budget (along with Capital and Transportation Budgets), without appropriating any of the federal funds and adjourn the session either on-time (April 25) or near on-time, then return later in the spring or summer for a Special Session to specifically appropriate the federal funds. Again, this is just some of the talk around town. If this ends up being their plan, we will be pushing

them to promptly appropriate the K–12 funds before they leave town. Language in the American Rescue Plan requires ESSER III funds to be appropriated to local school districts “in an expedited and timely manner” and “not later than 60 days after the receipt” of the funds. Not that the Legislature has ever disregarded a federal directive, but...

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Odds & Ends

- ◇ In last week’s *TWIO* ([Week 9, March 12](#)), we provided some extensive detail about the funds being provided to K–12 education in the American Rescue Plan, including education funds that fall outside of the \$123 billion specifically dedicated to school districts and state education agencies. One major item we failed to mention was \$7.1 billion provided for an Emergency Connectivity Fund. This funding, which will likely be implemented similar to the federal E-Rate program, is designed to support remote and in-school access for both students and staff. Under the law, the funding will allow local school districts to purchase eligible equipment (including Wi-Fi hotspots; Modems; Routers; Devices that combine a modem and router; and Connected devices) to help close the “homework gap.” Funding will be available until September 30, 2030.
- ◇ Last Friday, Governor Inslee held a press conference to announce his intention to issue an Emergency Proclamation on school reopening. On Monday, Inslee signed [Emergency Proclamation 21-05](#), addressing Children’s Mental Health Crisis. The Proclamation specifically prohibits all public-school districts from failing to offer all K–12 students the opportunity to engage in both remote/on-line instruction and on-campus/in-person instruction. Additionally, school districts are prohibited from offering or continuing to offer a remote/online instruction option without also offering an on-campus/in-person instruction option.

The Proclamation orders:

- o By April 5, 2021, all elementary grade students (K–5 or K–6, depending on the district) to be provided with an opportunity to engage in a hybrid model of instruction;
- o By April 19, 2021, all remaining K–12 students to be provided with an opportunity to engage in a hybrid model of instruction. School districts are allowed to stagger/phase-in grades to achieve this requirement by April 19, 2021; and
- o By April 19, 2021, all school districts to offer at least 30 percent of average weekly instructional hours as on-campus, in-person instruction for all K–12 students who wish to attend in-person.

In addition, the Proclamation declares:

- o Under no circumstances may a student be offered less than two days (which may be partial days) of on-campus, in-person instruction per week;
- o All school districts must continue to work to exceed the 30 percent minimum instructional hours, and must reach the school’s maximum capacity and maximum frequency of on-campus, in-person instruction that the school can provide, when all health and safety recommendations and requirements are applied, as soon as possible; and
- o If a school district currently provides a hybrid instruction model that deviates from the parameters specified above, OSPI may approve the schedule of any such school district operating unique hybrid learning models that meets the intent of the prohibitions in this order.

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- ◇ The current 6-foot physical distancing requirement in schools continues to be discussed. It is expected that today, the [CDC will revise its guidance for schools](#), lowering the required 6-foot physical distancing to 3-feet.

Yesterday, during Governor Inslee’s regular COVID-19 media availability, a journalist specifically asked the governor if he was going to follow the CDC and adjust the 6-foot physical distancing threshold for schools in Washington. Inslee indicated that he was unaware of the CDC’s pending announcement. He noted that he was interested in what the CDC had to say on the matter and Washington would continue to discuss the issue, but would also continue to “follow the science.” Health Secretary Shah spoke up and stated that DOH is watching the CDC closely, but also noted he was unaware they were expected to make an announcement. Shah said DOH would review the decision and would always “error on the side of public safety and protection.” Shah also noted the he will be reviewing the “reason” or rationale for making the decision.

For months, DOH and the governor have indicated they will be following the lead of the CDC, but it seemed that Shah was hedging his bets a bit by specifically indicating that he will be reviewing the “reason” CDC is making a change. It will be interesting to see if the 6-foot physical distance requirement for schools in Washington is reduced and if it is, when the decision will be made, and further, what other criteria may be a part of the decision. (Update: the guidance is [here](#).)

- ◇ Finally, we just want to say ‘Thank You’ to all of our members that participated in the WASA/WSSDA/WASBO Legislative Conference “Week on the Hill.” The turnout was larger than during our “normal” face-to-face Conference meetings and all indications are that most of your legislator meetings were productive. If you gathered any intelligence from those meetings, please contact Dan Steele and/or Marissa Rathbone; any insights from your meetings will help us as we continue to navigate through the legislative process. Also, if you haven’t done so, yet, please remember to send a thank you note or e-mail to the legislators (and staff) you met with. It’s the polite thing to do—but is also an excuse to provide any additional information you may have missed out in providing and/or to reiterate something you discussed.

AEA

By Mitch Denning

[SHB 1342](#), elimination of the reduced-price lunch copay for grades PreK and 4–12, moved out of the Senate Early Learning & K–12 Committee last Friday. All nine senators voted in favor in passing the bill as is. It would enable reduced-price students in grades PreK and 4–12, to continue to eat for free when they return to school in the fall, and throughout the rest of their school careers. Presently, these students are eating for free due to the USDA waiver which expires September 30, 2021. On Monday, March 22, the bill will be heard in the Senate Ways & Means Committee, and WSNA will be testifying PRO.

[SHB 1139](#), taking actions to address lead in drinking water, was heard this past Monday in the Senate Early Learning & K–12 Committee, and is scheduled for executive session today. WAMOA testified CON as we do not support the lowering of the level of lead contamination in school drinking water from 15 PPB to 5 PPB, and do not believe the \$3 million in the OSPI proposed capital budget will fund the remediation projects in elementary schools across the state at 5 PPB. WAMOA was joined by several school districts and WSSDA who testified as OTHER, primarily due to the underfunding of the bill.

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On March 12, a revised fiscal note was received which places the cost of statewide K–6 remediation at \$4.1 million for the 2021–23 biennium. WAMOA still believes that the bill is underfunded.

Here are bills have passed their respective houses which WAMOA and WSNA are watching or supporting.

SB 5202, **allowing school districts to establish a depreciation subfund with their general fund budget for preventative maintenance and facility emergencies**, was heard on March 12, in the House Education Committee; WAMOA testified PRO. It was scheduled for executive session yesterday, but no action was taken.

SSB 5030, **comprehensive school counseling programs**, which refines duties of school counselors during a time where student needs are fairly significant, moved out of the House Education Committee yesterday with several amendments. It allows comprehensive school counseling programs to be implemented by Educational Staff Associations (ESAs). It requires OSPI to implement guidance for implementation of said policies and requires school districts to adopt transition plans for said programs.

SSB 5181, **providing school districts with low-income communities flexibility in financing school facilities**, would allow districts to finance their capital projects by utilizing federal tax credit programs. It was heard in House Education on March 12 and is scheduled for executive session on March 23.

SHB 1363, **secondary trauma in the K–12 workforce**, requires OSPI to publish resources for K–12 staff which deal with this significant issue. It also requires WSSDA to develop and update a model policy. It moved out the Senate Early Learning & K–12 Committee on Wednesday and is now in the Senate Rules Committee.

ESHB 1214, **K–12 school safety and security services by classified staff and contractors**, would create the category of safety and security staff in K–12 schools, and provide requirements for agreements, data collection and training for ESDs, school districts and charter schools. It was heard today in the Senate Early Learning & K–12 Committee and is scheduled for executive session on March 22.

E2SHB 1365, **procuring appropriate computers for students and instructional staff**, would direct OSPI to develop a grant program to attain a universal 1:1 student to learning device ratio, expand technical training of school and district staff, and develop district-based capacity to assist students and their families to access technology to support their students' learning. On Wednesday, it moved out of the Senate Early Learning & K–12 Committee and is now in the Senate Ways & Means Committee.

2SSB 5265, **creation of a bridge year pilot program**, would direct OSPI to administer a bridge year pilot program that allows students in the graduating classes of 2021 and 2022 an additional year to take courses at the student's high school, an institution of higher learning, or a combination. It was heard today in the House Education Committee and is scheduled for executive session on March 25.

ESSB 5357, **capital broadband investment acceleration program**, sponsored by Sen. Jim Honeyford, was heard on Tuesday in the House Capital Budget Committee. It would provide grants to increase the broadband access in unserved areas of the state. It is scheduled for executive session on March 23.

Pensions/Health Benefits

By Fred Yancey – The Nexus Group

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“And the beat goes on...”
Sonny Bono

continued

Public hearing and Executive Sessions continued this week as legislators dealt with various bills received from the opposite chamber. In fact, it appears that committees have sped up bills passing from Executive Sessions. This pattern will continue until the deadlines come and go for bills to have cleared policy, (March 26) and fiscal (April 2) committees.

Meanwhile, here is a summary of what is still in obvious play.

Retirement Related Proposals

SB 5021: Concerning the effect of expenditure reduction efforts on retirement benefits for public employees, including those participating in the shared work program.

This bill provides that specified public pension and retirement calculations will not be reduced as a result of state mandated furloughs.

(Executive action was taken by the House Appropriations Committee on March 15.)

ESSB 5115: Establishing health emergency labor standards.

(Executive action is scheduled before the House Labor Committee on March 17.)

SB 5352: Allowing new government employees the option of opting out of retirement system membership if the employee is age 60 or older when first hired or when the employee's employer opts into retirement plan participation.

(A public hearing was held on March 18 before the House Appropriations Committee.)

SB 5367: Directing the department of retirement systems to create rules regarding automatic refunds of retirement contributions in the retirement systems listed in RCW 41.50.030.

(Executive action was taken by the House Appropriations Committee on March 15.)

SB 5453: Concerning Plans 1 and 2 of the state retirement systems. This bill by Senator Schoesler was introduced on February 12, and assigned to the Senate Ways & Means Committee. Although no hearing to date has been set, this bill is NTIB.

Because of the sentiment of leading legislators regarding the unfunded liability issue, WSSRA (WA State School Retirees' Association.) is advocating that because of the soon to be influx of federal dollars, legislators should consider meeting two needs; (a) Use some budget stabilization dollars (BSA) to decrease the unfunded liability of Plan 1, in lieu of SB 5453 proposal, and (b) fund a COLA for Plan 1 members. (\$35 million biennial cost).

School Employees' Benefits Board (SEBB)

SB 5322: Prohibiting dual enrollment between School Employees' Benefits Board and Public Employees' Benefits Board programs (PEBB).

(Executive action was scheduled on March 15 before the House Appropriations Committee.)

Other Bills

There are a number of bills proposed that deal with expanding various employee benefits and qualifications. They address such areas as unemployment compensation, family and

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medical leave, and workmen's compensation. These proposals may or may not apply to school districts and represent potential added costs to a district's operations.

Two bills ([E2SHB 1073](#) and [ESSB 5097](#)) in the 2021 virtual legislative session are proposing changes.

[E2SHB 1073](#): Expands coverage of the paid family and medical leave program. (Executive action was taken on March 17 before the Senate Labor Committee.)

[ESSB 5097](#): Expands coverage of the paid family and medical leave program. (Executive action schedule today before the House Labor Committee.)

(NEW) [2SHB 1076](#): Allowing whistleblowers to bring actions on behalf of the state for violations of workplace protections.

Aggrieved persons, whistleblowers, or their designated representative: An entity, known as a relator, may bring a qui tam action as a relator for any relief the specified state agency may seek, including penalties and damages, subject to the same conditions and limitations that apply to the agency for the following laws and associated rules: the Minimum Wage Act, the Wage Payment Act, and wage rebate and prevailing wage laws; • • WISHA; • health care facility employee overtime laws; • WLAD; • the Gender Equal Pay and Advancement Opportunities Act; • farm labor contractor laws; • IWA; and • the retaliation provisions in the bill.

The [bill report](#) summarizing public testimony is worth reading. Industry representatives were opposed to this bill as it could lead to an increase in suits against business school districts. It passed the Senate 53–44.

(Scheduled for Executive action on March 18 before the Senate Labor Committee.)

[ESHB 1214](#): Creates the category of safety and security staff for kindergarten through grade 12 public schools. • Provides requirements for safety and security staff agreements, data collection, and training, for educational service districts, school districts, and charter schools.

(Public hearing today before the Senate Early Learning & K–12 Committee.)

[SHB 1363](#): Addressing secondary trauma in the K–12 workforce.

(Executive action scheduled on March 17 before the Senate Early Learning & K–12 Committee.)

[SHB 1492](#): Concerning extended benefits in the unemployment insurance system.

(Assigned to the House Labor Committee. Not yet scheduled.)

[SSB 5425](#): Concerning extended benefits in the unemployment insurance system.

(Scheduled for Executive action for today before the House Labor Committee.)

[SSB 5254](#): Concerning the use of protective devices and equipment during a public health emergency.

(Scheduled for Executive action for today before the House Labor Committee.)



Legislative Resources

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

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

3:30–5:15 p.m.
House Appropriations
House Hearing Room A

4–6 p.m.
Senate Ways & Means
Senate Hearing Room 4

Tuesdays

8–10 a.m.
House Education
House Hearing Room A

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

3:30–5:15 p.m.
House Appropriations
House Hearing Room A

4–6 p.m.
Senate Ways & Means
Senate Hearing Room 4

Wednesdays

10:30 a.m.–12:30 p.m.
Senate Early Learning & K–12
Senate Hearing Room 1

Thursdays

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

3:30–5:15 p.m.
House Appropriations
House Hearing Room A

4–6 p.m.
Senate Ways & Means
Senate Hearing Room 4

Fridays

8–10 a.m.
Senate Early Learning & K–12
Senate Hearing Room 1

10–11 a.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>

Legislative Schedules
<http://www.leg.wa.gov/legislature/pages/calendar.aspx>

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

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

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

Session Cut-off Calendar

January 11, 2021
First Day of Session.

February 15, 2021
Last day to read in committee reports in house of origin, except House fiscal, Senate Ways & Means, and Transportation committees.

February 22, 2021
Last day to read in committee reports from House fiscal, Senate Ways & Means, and Transportation committees in house of origin.

March 9, 2021
Last day to consider bills in house of origin (5 p.m.).

March 26, 2021
Last day to read in committee reports from opposite house, except House fiscal, Senate Ways & Means, and Transportation committees.

April 2, 2021
Last day to read in opposite house committee reports from House fiscal, Senate Ways & Means, and Transportation committees.

April 11, 2021*
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).

April 25, 2021
Last day allowed for regular session under state constitution.

*After the 91st 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](#).

Bill #	Title	Status	Sponsor
HB 1006	Immunization, declining	H HC/Wellness	Klippert
HB 1010	Motor vehicle sales tax	H Appropriations	MacEwen
SHB 1016	Juneteenth	S State Govt & Elections	Morgan
HB 1023	Predesign requirements	S Ways & Means	Steele
HB 1024	Sunshine committee/juveniles	H State Govt & Tribal Rel.	Springer
2SHB 1028	Residency teacher cert.	S EL/K-12	Bergquist
HB 1029	Emergency orders and rules	H State Govt & Tribal Rel.	Walsh
HB 1032	TRS & SERS early retirement	H Appropriations	Harris
HB 1039	Bicycle & pedestrian travel	H Transportation	McCaslin
HB 1040	Retired school empl. health	H Appropriations	Dolan
ESHB 1056	Public meetings/emergencies	S Rules 2	Pollet
HB 1065	Epidemic, pandemic vaccines	H HC/Wellness	Eslick
HB 1066	Ed. service district boards	H Education	Stonier
HB 1067	State dinosaur	H Rules C	Morgan
E2SHB 1073	Paid leave coverage	S Ways & Means	Berry
HB 1077	Federal Way school district	H Appropriations	Johnson
HB 1079	Charter schools time frame	H Education	Dolan
HB 1080 (SB 5083)	Capital Budget 2021-23	H Cap Budget	Tharinger
HB 1081 (SB 5084)	State gen. obligation bonds	H Cap Budget	Tharinger
SHB 1085	Students w/seizure disorders	S EL/K-12	Kloba
HB 1087	Family/med leave continuity	S Rules 2	Berry
HB 1093 (SB 5091)	Operating Budget, 2nd supp.	H Appropriations	Ormsby
HB 1094 (SB 5092)	Operating Budget 2021-23	H Appropriations	Ormsby
HB 1098 (ESSB 5061)	Unemployment insurance	H Labor & Workplace	Sells
ESHB 1113 (SB 5153)	School attendance	S EL/K-12	Ortiz-Self
EHB 1121	Graduation reqs/emergency	Del to Gov	Santos
EHB 1131	Private schools/waiver	Del to Gov	Rude
E2SHB 1139	Lead in drinking water	S EL/K-12	Pollet
HB 1149	Public health education	H Education	Pollet

SHB 1153	Language access in schools	H Appropriations	Orwall
SHB 1156	Local elections	H Rules C	Harris-Talley
SHB 1162	High school graduation	S EL/K-12	Stonier
ESHB 1176	Student fines and fees	S EL/K-12	Paul
HB 1180	Public testimony	H Local Govt	Kraft
HB 1182 (SB 5209)	Crisis response services	H HC/Wellness	Orwall
ESHB 1189 (2SSB 5211)	Tax increment financing	S Business, Fin. Serv & Trade	Duerr
HB 1195 (SB 5443)	Charter school time frame	H Education	Dolan
SHB 1208	Learning assistance program	S Rules 2	Santos
HB 1212	Repair of electronics	H ConsPro&Bus	Gregerson
ESHB 1214	K-12 safety & security serv.	S EL/K-12	Senn
HB 1215	K-12 education scholarships	H Education	Kraft
SHB 1225	School-based health centers	S Health & Long Term Care	Stonier
HB 1226	School district elections	H Education	Stonier
SHB 1264 (SB 5274)	Equity impact statement	H Appropriations	Thai
HB 1270	Leadership skills grant prg.	H Appropriations	Young
ESHB 1273 (SB 5070)	Menstrual products/schools	S EL/K-12	Berg
E2SHB 1295	Institutional ed./release	S Ways & Means	Callan
SHB 1302	College in the high school	S Rules 2	Berg
HB 1305	Right to refuse vaccines	H HC/Wellness	Kraft
SHB 1306	School boards/bond training	H Rules C	Sells
HB 1308	Apprenticeship utilization	H Cap Budget	Riccelli
SHB 1309	Levy certification dates	S Rules 2	Eslick
HB 1317	Right to refuse/health	H HC/Wellness	Young
HB 1321 (SB 5114)	Reopening/public health	H HC/Wellness	MacEwen
ESHB 1329	Public meetings	S State Govt & Elections	Wicks
SHB 1331	Early learning impact fees	S Housing & Local Gov.	Harris-Talley
HB 1334	Appropriations/COVID-19	H Appropriations	Stokesbary
ESHB 1336	Public telecomm. service	S Environment, Energy & Tech.	Hansen
HB 1338	School resources/COVID-19	H Civil R & Judiciary	Harris
SHB 1340	Pandemic task force	H Appropriations	Lovick
EHB 1342	Reduced-price lunch copays	S Ways & Means	Berg
HB 1343	Unemployment ins./employers	H Labor & Workplace	Hoff

2SHB 1354	Suicide review teams	H Rules C	Mosbrucker
SHB 1356	Native American names, etc.	S Ways & Means	Lekanoff
HB 1358	State school levies	H Finance	Orcutt
SHB 1363	Secondary trauma/K–12	S Rules 2	Ortiz-Self
E2SHB 1365	Schools/computers & devices	S Ways & Means	Gregerson
SHB 1366	In-person instruction	H Rules C	Caldier
HB 1367 (SB 5343)	Medicaid appropriations	C 5 L 21	Ormsby
ESHB 1368 (SB 5344)	Federal funding/COVID-19	C 3 L 21	Ormsby
ESHB 1370	Early learning fac. grants	S Ways & Means	Callan
HB 1371	State property tax levies	H Finance	Sutherland
SHB 1373	Behavioral health/students	S EL/K–12	Callan
HB 1390	Athletic scholarship funding	H Coll & Workforce Dev	Walsh
HB 1396	US history & gov/high school	H Education	Dufault
HB 1404	Highly capable student prgs.	H Appropriations	Vick
ESHB 1410	Home foreclosure/taxes	S Ways & Means	Volz
HB 1415	Skill center class size	H Appropriations	Paul
HB 1419	Certificated staff/factors	H Appropriations	Dolan
HB 1420	School empl/COVID-19 vaccine	H HC/Wellness	MacEwen
HB 1422	Sexual health ed./dates	H Education	MacEwen
ESHB 1426	K–12 continuing ed./equity	S EL/K–12	Santos
HB 1440	Small wireless facilities	H Comm & Economic Dev	Boehnke
HB 1442	Epidemic preparedness	H HC/Wellness	Chase
HB 1450	School computers/device tax	H Education	Gregerson
SHB 1451	ECEAP entitlement date	H Appropriations	Sullivan
HB 1452	Physical education credit	H Education	Mosbrucker
SHB 1453	Voters' pamphlets	H Rules R	Bergquist
ESHB 1457	Broadband/limited highways	S Transportation	Wylie
2SHB 1460	Telecommunications access	H Rules C	Gregerson
HB 1466	Outdoor education	H Appropriations	Rule
ESHB 1476	Enrollment declines/OSPI	S Ways & Means	Dolan
HB 1481	School employees/firearms	H Civil R & Judiciary	Chase
SHB 1484	Building mapping system	S EL/K–12	Dolan
HB 1500	School district audits	H Appropriations	Sullivan

HB 1519	Levy shifts/court rulings	H Finance	Paul
HB 1536	Regional apprenticeship prgs	H Education	
HB 1544	Ag., food, nat. resource ed.	H Education	Klippert
HB 1553 (SB 5473)	“Open safe, open now” plan	H State Govt & Tribal Aff.	MacEwen
HB 1555	Freedom in education	H Education	Chase
HB 1556	School athletics/eligibility	H Education	Chase
HJR 4200	School district bonds	H Education	Stonier
HJR 4203	2/3rd vote for tax increases	H Finance	Sutherland
HJR 4206	K–12 education funding	H Appropriations	Chase
SSB 5013	Local redistricting deadline	H Rules R	Hunt
SB 5017	School district procurement	H Cap Budget	Wellman
SB 5021	Retirement benefits/furlough	H Rules R	Hunt
SSB 5030	School counseling programs	H Education	Mullet
SB 5037	School opening metrics	S EL/K–12	Braun
SB 5043	School employee housing	H Education	Salomon
ESSB 5044	Schools/equity training	H Education	Das
ESSB 5061 (HB 1098)	Unemployment insurance	C 2 L 21	Keiser
SB 5070 (ESHB 1273)	Menstrual products/schools	S EL/K–12	Rivers
SSB 5080	Youth ed. programming funds	H Rules R	Carlyle
SB 5083 (HB 1080)	Capital Budget 2021–23	S Ways & Means	Frockt
SB 5084 (HB 1081)	State gen. obligation bonds	S Ways & Means	Frockt
SB 5091 (HB 1093)	Operating Budget, 2nd supp.	S Ways & Means	Rolfes
SB 5092 (HB 1094)	Operating Budget 2021–23	S Ways & Means	Rolfes
ESSB 5096	Capital gains tax	H Finance	Robinson
ESSB 5097	Paid leave coverage	H Labor & Workplace	Robinson
SSB 5105	Office of equity task force	S Ways & Means	Hasegawa
SB 5110	Telecommunications companies	S Environment, Energy & Tech.	Ericksen
SB 5111	Public employee independence	S State Govt & Elections	Ericksen
SB 5114 (HB 1321)	Reopening/public health	S State Govt & Elections	Braun
ESSB 5115	Health emergency/labor	H Labor & Workplace	Keiser
E2SSB 5128	Student transportation funds	H Education	Wellman
SSB 5129	Vapor & tobacco/minors	S Rules X	Saldaña
SSB 5130	Personnel files & discipline	S Rules X	Kuderer

SB 5144	COVID-19 vaccine, declining	S Health & Long Term Care	Ericksen
2SSB 5147	Learning stabilization, etc.	S 2nd Reading	Hawkins
SSB 5151	Foster care & child care	H CYFDPA	Wilson
SB 5153 (ESHB 1113)	School attendance	S EL/K-12	Wilson
SB 5156	Budget stabilization approps	S Ways & Means	Rolfes
SB 5161	Teaching tribal history, etc	S Rules X	Wellman
SB 5162	Unanticipated revenue	S Ways & Means	Rolfes
SB 5171	Unemployment insurance	S Ways & Means	Wilson
SSB 5181	Low-income school districts	H Education	Honeyford
SB 5184	K-12 foster care contact	H Education	Nobles
SB 5197	Unemp. contributions/wages	S Labor, Comm & Tribal Aff.	Schoesler
SB 5200	Scholarships/tax credit	S EL/K-12	Schoesler
SB 5202	School depreciation subfunds	H Education	Schoesler
SB 5205	K-12 education vouchers	S EL/K-12	Schoesler
SB 5208	Public records fees/approval	S State Govt & Elections	Wilson
SB 5209 (HB 1182)	Crisis response services	S Behavioral Health Care	Dhingra
2SSB 5211 (ESHB 1189)	Tax increment financing	S Rules X	Frocket
SB 5216	Tax preferences	S Ways & Means	Carlyle
SB 5223	Motor vehicles sales tax use	S Ways & Means	Fortunato
SB 5242	Media literacy & digital cit	H Education	Lias
SSB 5249	Mastery-based learning	H Education	Wellman
SB 5252	School consultation/tribes	S EL/K-12	Wellman
SSB 5254	Protective devices/health	H Labor & Workplace	Salomon
SB 5257	School levy exemption	S EL/K-12	Fortunato
SB 5264	Chinese American history	S Rules X	Wagoner
2SSB 5265	Bridge year pilot program	H Education	Hunt
SB 5274 (SHB 1264)	Equity impact statement	S State Govt & Elections	Hasegawa
SB 5277	Early achievers prg/suspend	S EL/K-12	Short
SB 5289	Senior citizens/prop. taxes	S Ways & Means	Fortunato
SB 5299	Computer science/HS grad.	H Education	Wellman
SB 5322	SEBB & PEBB dual enrollment	H Rules R	Robinson
SSB 5326	School bus driver benefits	S Rules X	Robinson
2SSB 5327	Youth safety tip line	H Children, Youth & Family	Brown

SB 5334	Levy authorization info.	S EL/K–12	Dozier
SSB 5340	School board director qualif	S Rules X	Salomon
SB 5343 (HB 1367)	Medicaid appropriations	S Ways & Means	Rolfes
SB 5344 (ESHB 1368)	Federal funding/COVID-19	S Ways & Means	Rolfes
SB 5352	Retirement system opt-out	H Appropriations	Braun
ESSB 5357	Capital broadband program	H Cap Budget	Honeyford
SB 5359	Motor vehicle sales tax	S Ways & Means	Braun
SB 5366 (SHB 1103)	Building materials	S State Govt & Elections	Stanford
SB 5374	Political systems/K–12 study	S EL/K–12	Honeyford
SSB 5376	Education ombuds awareness	H Education	Wilson
2SSB 5383	Public telecomm. services	H Comm & Economic Dev	Wellman
SB 5386	School district elections	S Ways & Means	Randall
SB 5389	Computer science teaching	S Ways & Means	Wellman
ESSB 5439	Broadband/state highways	H Transportation	Saldaña
SB 5442	Superintendent salaries	S EL/K–12	Van De Wege
SB 5443 (HB 1195)	Charter school time frame	S EL/K–12	Mullet
SB 5449	Motor vehicle sales tax	S Ways & Means	King
SB 5450	Native American names, etc.	S EL/K–12	Ericksen
SB 5451	Operating Budget	S Ways & Means	Wilson
SB 5453	Retirement Plans 1 & 2	S Ways & Means	Schoesler
SB 5464	In-person learning option	S EL/K–12	Wilson
SB 5466	Sales tax/transp. projects	S Ways & Means	Fortunato
SB 5473 (HB 1553)	“Open safe, open now” plan	S State Govt & Elections	Brown
SJR 8204	School district bond voting	S Ways & Means	Randall
SJR 8207	Revenue for highway purposes	S Transportation	Fortunato
SJR 8208	Car purchase taxes	S Ways & Means	Fortunato
SCR 8400	Special legislative session	S State Govt & Elections	Ericksen