This Week in Review

The focus of legislators and advocates has largely shifted to budgets—and we will provide a comprehensive update below—however, legislation besides the six budgets also continue through the process. On Wednesday, April 3, another self-imposed cut-off deadline arrived. All bills must have been adopted by their opposite house policy committee by Wednesday in order to remain alive. Following this most recent cut-off date, the list of live bills was again reduced. A total of 2,900 bills, Resolutions, and Memorials have been introduced during this session. As of today, 636 bills remain viable.

The next cut-off date is Tuesday, April 9; all bills must be out of their opposite house fiscal committees by this day to continue living. The main fiscal committees—the House Appropriations Committee and the Senate Ways & Means Committee—have been meeting with long lists of public hearings and executive sessions. The House Appropriations Committee has 103 Senate bills (along with a handful of “Necessary to Implement the Budget” (NTIB) House bills) to be heard or acted upon. Sixty-four of those bills are scheduled to be heard this afternoon and tomorrow. Currently, only 24 of those bills are scheduled for executive action; however, the Committee’s final scheduled meeting of the session is on Monday, April 8. At this meeting, the Committee will likely have a lengthy list of bills to be acted upon.

In the Senate, the Ways & Means Committee currently holds 83 House bills (and a set of NTIB Senate bills). The Committee met this morning to hear 23 of those bills and is tentatively scheduled to meet tomorrow, but has not released an agenda, yet. This would be a rare Saturday meeting for the Ways & Means Committee. The House Appropriations Committee more-often-than-not holds a hearing on the Saturday (and occasionally on Sunday) before cut-off; however, the Senate seldom meets on a Saturday. Conspiracy theorists may believe the Committee would try and be sneaky and wait until an off-day to act on taxes or other unpopular issues; however, an already scheduled hearing on Monday, April 8, will be focused on hearing the Senate’s five bills that comprise its proposed 2019–21 revenue package.

After April 9, action will shift to the House and Senate Chambers as legislators attempt to adopt opposite house bills before the last self-imposed cut-off deadline of Wednesday, April 17 (5:00 p.m.). Between April 17 and the ultimate session
Budget Update

Last week, the House released and adopted their three budget proposals: a 2019–21 Operating Budget, a 2019–21 Capital Construction Budget, and a 2019–21 Transportation Budget. The House fast-tracked each of these budgets. The Operating Budget (HB 1109) passed the House Appropriations Committee on Wednesday, March 27 (for amendments, see TWIO, Week 11), and passed the full House on Friday, March 29 (for amendments, see Special Edition TWIO, April 1). The Capital Budget (HB 1102) passed the House Capital Budget Committee on Friday, March 29 (there were no amendments), and was adopted by the full House on Wednesday, April 3 (there were no amendments). The Transportation Budget (HB 1160)—which we have not discussed because it has little impact on K–12 education—was adopted by the House Transportation Committee on Wednesday, March 27, and passed the full House on Friday, March 29. (Note: the Transportation Budget includes: funding to provide for pedestrian safety/safe routes to schools; funding for the expansion of a pilot program for summer vacation transportation for certain students in the Highline, Tukwila, and Lake Washington school districts; and increases in pension contribution rates.)

The Senate followed suit last week, by introducing their own budget proposals. They too were fast-tracked. The Senate Ways & Means Committee took action on its Operating Budget (SB 5153) earlier this week, on Tuesday (although they ultimately adopted the budget after midnight on Wednesday morning). They quickly moved it to the Senate Floor and adopted their budget yesterday afternoon. Further details on the Senate’s Operating Budget are below.

On Monday, April 1, the Senate Ways & Means Committee adopted its Capital Budget (SB 5133). Thirty-nine amendments were introduced (along with 12 technical amendments); however only one amendment impacted the K–12 portion of the budget. The underlying budget provides $23.0 million for Small District Modernization Grants, as required by SB 5572 (which had a public hearing in the House Capital Budget Committee yesterday). Amendment 34, which was adopted by the Committee, sets aside $1.0 million of the appropriation for planning work, to prepare a prioritized list of district projects for consideration in the 2021–23 Capital Budget. The remaining $22.0 million is provided for the grant program. The Senate’s Capital Budget, as amended by the Ways & Means Committee, is on the Senate Second Reading Calendar and awaits action by the full Senate.

On Thursday, March 28, the Senate Transportation Committee passed its Transportation Budget (SB 5214). Yesterday, the full Senate adopted a striking amendment to the House’s Transportation Budget (that is, the Senate’s version of the budget is embodied in a substitute version of HB 1160, as adopted by the Senate.) (Note: The Senate-adopted budget includes similar funding for pedestrian safety/safe routes to schools. It does not: propose to expand the King County student summer transportation program; or provide for increases in pension contribution rates.)

Senate Operating Budget

Of more importance than the Capital Budget or the Transportation Budget is the Operating Budget. And, of course, there was much more activity to report on the Operating Budget. The Senate’s Operating Budget (SB 5153) was heard on Monday
and adopted by the Senate Ways & Means Committee on Tuesday (technically early Wednesday); however (similar to the Transportation Budget) the action that was taken was to adopt a striking amendment to the House’s Operating Budget (that is, the Senate’s version of the budget is embodied in a substitute version of HB 1109). The full Senate adopted an amended Operating Budget yesterday.

There were numerous amendments in Committee and on the Floor. In the Senate Ways & Means Committee, there were 116 amendments (plus one omnibus “technical amendment” that included simple corrections to 14 separate sections of the budget). Eighty of those amendments were adopted by the Committee. Thirty-three amendments were defeated, and another three amendments were withdrawn. The Committee opened its meeting at 3:30 p.m. on Tuesday and immediately broke for caucus to allow Committee members to privately review the amendments with their partisan colleagues. The Committee was not reconvened until 11:45 p.m.; however, there was little debate on the amendments (most of them received no debate at all), so even with over 100 amendments, the Committee moved fairly rapidly. Following the final approval of the amended new budget (at about 1:00 a.m.), Senator Christine Rolfes (D-Bainbridge Island), Chair of the Committee, announced that the Committee would continue and take executive action on SB 5313—the Senate’s levy/LEA bill. There were three versions on the table; however, a new fourth version was forthcoming. And amendments were introduced to this new fourth version.

The scuttlebutt was that the budget did not have enough votes to be adopted unless the levy/LEA bill moved. And, to complicate things further, there were not enough votes to adopt the new SB 5313 unless certain amendments were adopted. Sometimes it is difficult to see or understand the horse-trading that occurs in Olympia. In the wee hours of Wednesday, however, it was abundantly clear what was going on. We will discuss the action on SB 5313 below.

There were multiple Committee amendments to the budget that had K–12 impacts:

- **Amendment 3**: This amendment will allow school districts to use appropriated funds for petitions to Juvenile Court and to contract for services related to Community Truancy Boards. The amendment was adopted, but it has no fiscal impact.

- **Amendment 10**: This amendment would have provided funding to the State Auditor’s Office to conduct performance audits of Washington charter schools. The amendment, costing $300,000, failed.

- **Amendment 12**: This amendment, similar to Amendment 10, allows the State Auditor’s Office to use either accountability or performance audits to audit Washington charter schools. The amendment was adopted, but it has no fiscal impact; the Auditor must use existing resources.

- **Amendment 45**: This amendment would have rejected the School Employees’ Benefits Board Collective Bargaining Agreement; however, it would have provided funding for K–12 health care benefits at the same per employee per month level as state employees. The resultant savings of $258 million in 2019–21 would have been redirected to school districts as flexible state funding for purposes including: lowering class sizes; hiring additional counselors, nurses, social workers, psychologists, or other support staff; offering summer or additional instructional support time for students; and replacing or freeing up current local levy expenditures, including special education. The amendment failed. Because it would have redirected budget savings, there would have been no fiscal impact.

- **Amendment 64**: This amendment requires the Department of Children, Youth, and Families to establish a Work Group to address the needs of
foster youth to ensure a successful transition to adulthood. The Work Group is required to collaborate with OSPI, among others. The amendment was adopted and increases budget expenditures by $125,000.

- **Amendment 77**: The underlying budget provides OSPI funding ($600,000) for nonviolence and ethical leadership training provided by the Institute for Community Leadership. This amendment, which was adopted, increases the appropriation by $80,000.

- **Amendment 78**: This amendment would have provided funding to WSSDA to develop and disseminate training content to assist school directors and school districts to comply with their school district governance roles, including responsibilities for sustainable budgeting. The amendment, costing $250,000, failed.

- **Amendment 79**: This amendment will allow OSPI to conduct a pilot program in five school districts of a dropout early warning and intervention data system. The amendment was adopted and increases budget expenditures by $250,000.

- **Amendment 80**: This amendment would have provided funding to the Marysville School District to develop apprenticeship programs within the building and construction trades. The amendment, costing $1.5 million, failed.

- **Amendment 81**: This amendment would have required OSPI to contract with a statewide organization to integrate the state learning standards in English language arts, mathematics, civics, and science using the FieldSTEM model for outdoor field studies. The amendment, costing $500,000, failed.

- **Amendment 82**: This amendment changes the month that the annual status report that OSPI must produce related to budget provisos from September to November of each year; changes the timeframe that a recipient of a conditional loan has to receive certification from three years to five years; and removes a requirement that OSPI obtain and distribute an assessment tool to districts and that districts and OSPI report annually on the amount of time students spent taking each assessment. The amendment was adopted, but it has no fiscal impact.

- **Amendment 83**: The budget provides OSPI with $584,000 from the Washington Opportunity Pathways Account. This amendment provides the State Board of Education with $322,000 of this appropriation to provide assistance to charter schools. The amendment was adopted, but it has no fiscal impact.

- **Amendment 84**: This amendment creates a $30,000 travel grant for the winner of the We the People: The Citizen and the Constitution state competition, sponsored by the Nation Conference of State Legislatures. The amendment was adopted; however, the funding is provided as part of another appropriation and has no fiscal impact.

- **Amendment 85**: This amendment allows OSPI to require recipients of pass-through funds to align their reporting with the metrics of the Washington School Improvement Framework. The amendment was adopted, but it has no fiscal impact.

- **Amendment 86**: This amendment requires: school districts to report salary data after collective bargaining contracts are completed; and OSPI to summarize data for the Legislative Evaluation & Accountability Program Committee. The amendment was adopted, but it has no fiscal impact.


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continued

- **Amendment 87**: This amendment requires OSPI to update guidelines prohibiting discrimination in public schools to include religious accommodations. The amendment was adopted, but it has no fiscal impact.

- **Amendment 88**: This amendment requires OSPI to study and make recommendations for making dual credit opportunities cost-free for students. The amendment was adopted, but it has no fiscal impact.

- **Amendment 89**: This amendment adds proviso language under OSPI’s funding section of the budget, requiring $3.8 million of the General Fund appropriation to be used for universal highly capable screenings for students, implementing SB 5354.

- **Amendment 90**: This amendment would have ensured that school districts would not have their apportionment payments reduced by their state forest revenues in School Year 2020-21. The amendment, costing $10.3 million, failed.

- **Amendment 91**: This amendment delays ESDs’ required participation in the School Employees’ Benefits Board (SEBB) insurance program. It provides that ESDs have until June 30, 2021 to enroll employees in health care coverage under SEBB. The amendment was adopted and reduces the appropriation for ESDs that was provided for SEBB benefits ($200,000).

- **Amendment 92**: This amendment increases the state appropriation for the promotion of financial literacy of students. The amendment was adopted, increasing budget expenditures by $100,000.

- **Amendment 93**: The underlying budget provides $2.0 million for Career & Technical Education grants. This amendment merges an adjoining provision that requires $200,000 of the overall funding for statewide supervision activities for Career & Technical Education student leadership organizations into the same section. This technical amendment was adopted, but it has no fiscal impact.

- **Amendment 94**: The underlying budget includes a list of per pupil allocations. This amendment adds a “Total Per Pupil.” This technical amendment was adopted, but it has no fiscal impact.

- **Amendment 101**: This amendment would have provided funding ($200,000) to the University of Washington for Washington MESA (Mathematics Engineering Science Achievement) to continue the First Nations MESA program in the Yakima Valley. Washington MESA builds a pathway to college and careers in science, technology, engineering, and mathematics (STEM) for K–14 students who are underrepresented in STEM fields, including African American, Native American, Latino, and women students. The amendment was withdrawn.

After all of the amendments were dispensed with, the amended Senate Operating Budget (now HB 1109) was adopted. All 13 Democratic members of the Committee voted to support the new budget, while seven Republicans opposed. Two Republicans signed the report “without recommendation.” At that point, it was expected the Committee would adjourn; however, as already discussed, the Chair moved a new version of SB 5313—the levy/LEA bill—into the executive session. In addition to the newly crafted bill, there were also amendments; however, when Chair Rolfes asked the Committee staff to provide a briefing on the amendments, she was informed that the amendments were still being drafted and were not yet available, so the Committee went at ease.

At about 1:00 a.m., the new bill P2SSB 5313 (the fourth version of this bill) was brought forward. P2SSB 5313 would change the current levy lid from the lesser
of $1.50 per $1,000 of Assessed Value or $2,500 per pupil to: (a) the lesser of $2.50/$1,000AV or $2,500 per pupil for school districts with fewer than 40,000 FTE students; or (b) the lesser of $2.50/$1,000AV or $3,000 per pupil for school districts with 40,000 FTE students or more (read: Seattle School District). Additionally, “inflation” would be defined as changes in the Implicit Price Deflator (IPD), rather than the current Consumer Price Index (CPI). Local Effort Assistance (LEA) would be provided to school districts that do not generate an enrichment levy of at least $1,500 per student when levying at a rate of $1.50/$1,000AV. Districts eligible for LEA but do not levy $1.50 would receive LEA in proportion to the lesser of $1.50 or the school district’s actual levy. Like the new levy lid, inflation for LEA would be based on IPD, rather than CPI. (Levy estimates available here A, B, C.)

SB 5313 has had difficulty garnering the necessary votes to move from the Senate Ways & Means Committee—and it remained true when this bill was brought forward on Wednesday morning. Four amendments were introduced, as described below.

The Solar Yellow amendment was introduced by Senator John Braun (R-Centralia). It would have defined the duties and expectation of Certificated Instructional Staff—and was based on Proposed Substitute 5933, which we have discussed here before.

Some background: The original SB 5933 would have established a set of hours—divided into hours of instruction; worktime in the school building outside of instruction; and worktime out of the school building—that teachers were expected to work. This language was based on Superintendent Reykdal’s recommendations regarding the definition of a school day. We strongly opposed the language in the recommendations because it specifically called out that second area of teacher time (work in the school building beyond instruction time) as needing to be collectively bargained. We argued that this would not change the current situation in which school districts find themselves—and, in fact, it likely would be worse and make collective bargaining even more contentious and difficult. WASA and WSSDA provided Senator Mark Mullet (D-Issaquah), sponsor of SB 5933, with language that we have been trying to incorporate into the law for the last two years, which specifies the duties and expectations of teachers, treating them like professionals, rather than specifying a set number of hours they are expected to work. SB 5933 never received a hearing, so PSSB 5933 was never formally introduced. There was a work session on the bills and the issue, however, in the Senate Early Learning & K–12 Education Committee if you want to further understand the issue (see TVW recording).

The amendment was discussed by Committee members; however, it was—not surprisingly—rejected. As we have discussed this issue over the last two years, it is clear WEA despises our language (and OSPI is not a great fan, either).

The second amendment, also sponsored by Sen. Braun (Orbit Orange), would have required a school district’s 4-year budget plan to show a positive Ending Fund Balance at the end of each year. Additionally, it would have prohibited a school district from entering into a collective bargaining agreement if it would result in the district’s 4-year budget plan having a negative Ending Fund Balance in any of the four years. This amendment was also rejected.

The last two amendments were adopted—and it was clear these amendments were required for the underlying levy/LEA policy changes in SB 5313 to garner the necessary votes to be adopted. The third amendment (Terrestrial Teal), sponsored by Sen. Mullet, provides specific limits on supplemental contracts for teachers. The language states, until September 1, 2022, supplemental contracts for teacher salaries may be no higher than the average supplemental contract from the previous year. Beginning September 1, 2022 and thereafter, the language limits supplemental contracts to no more than 3 percent of the average basic education salary in the
district. Additionally, there is a “poison pill,” which states that if the provisions of the bill related to supplemental contracts do not go into effect, the remainder of the sections do not take effect. In other words, if the supplemental contract provisions are removed, the levy/LEA changes are invalidated.

While not supporting or opposing the increase of levy capacity this session, WASA has made it clear that specific, clear limits or controls need to be included in any bill that increases the levy lid to protect the additional dollars that could be collected. This amendment would provide those clear limits. We did have some concerns that the language might be too loose and would provide the ability for some union leaders to manipulate the language and avoid the limits intended. We had conversations with some of our lawyer colleagues who regularly bargain, and they provided us with some additional, tighter language, which we have provided to Sen. Mullet—and will keep in our back pocket if we see another avenue to insert this language.

The fourth amendment (Ivory), sponsored by Senator Guy Palumbo (D-Maltby), requires OSPI to distribute funding to charter schools based on the local enrichment levy collected by school districts. This funding would be phased in by 15 percent per year until 2026 when funding of the local enrichment levy would be matched at 100 percent. The language also clearly states that the funding is not part of the state’s statutory program of basic education and that charter schools may only use the funding to enrich basic education.

Of course, charter schools cannot access school district levy dollars, so this is a back-door way to achieve additional funds. Several senators were clearly opposed to this amendment (as they were with the teacher salary amendment); however, it was clear this was the price that needed to be paid to secure the votes to move the underlying bill from Committee.

The final vote on SB 5313 was interesting. All eight of the Republican members of the Committee opposed the bill, but were joined by Senator Bob Hasegawa (D-Beacon Hill). The remaining 13 Democratic members of the Committee supported the bill.

After a month-and-a-half waiting to move from the Ways & Means Committee, SB 5313 finally scaled that wall and into the Senate Rules Committee. But while this is not the end of the story, it is likely the end of SB 5313. WEA had a fit and immediately activated their members. Their message? Teacher salaries would be “reduced by $5,000” and “collective bargaining would be eliminated.” Feel free to take a moment to look up the definition of “hyperbole.” The Washington State Labor Council, AFL-CIO defended their WEA colleagues and stated the new SB 5313 would “functionally eliminate substantive collective bargaining rights for teachers.” Washington’s Paramount Duty jumped in the fray and denounced the “right-wing policies of people like Scott Walker” and claimed the adopted amendments were “right out of the Betsy DeVos agenda.” Even some legislators chimed in publicly. Senator Lisa Wellman (D-Mercer Island), Chair of the Early Learning & K–12 Education Committee, sent a letter to her colleagues noting that teachers’ concerns about pay cuts and collective bargaining restrictions are “accurate.”

All indications are that SB 5313 is dead. Whether it will be revived with a fifth or sixth or seventh version, or if senators will find another vehicle—or if they will wait for the House’s new bill to be sent across the Rotunda—is anybody’s guess right now. The betting window is open again.

While all this madness was occurring, the Senate yesterday moved HB 1109, the Senate’s amended version of the 2019–21 Operating Budget, to the Floor of the Senate. Once again, numerous amendments were introduced. Unlike in Committee, however, the majority of the amendments were from Republicans and most were
rejected. In total, there were 51 amendments introduced; only eight were accepted. Thirty-five of the amendments were defeated and another seven were withdrawn without action. As always, there were amendments that impacted K–12 Education:

**Amendment 498**: This amendment is almost identical to Amendment 45, submitted in Committee. If adopted, the School Employees' Benefits Board Collective Bargaining Agreement would have been rejected; however, it would have provided funding for K–12 health care benefits at the same per employee per month level as state employees. The resultant savings of $258 million in 2019–21 would have been redirected to school districts as flexible state funding for purposes including: lowering class sizes; hiring additional counselors, nurses, social workers, psychologists, or other support staff; offering summer or additional instructional support time for students; and replacing or freeing up current local levy expenditures, including special education. The amendment was withdrawn, in favor of a similar amendment, Amendment 467, described below.

**Amendment 459**: This amendment would have provided funding for a one-time three percent benefit increase to retirees from the Public Employees’ and Teachers’ Retirement System Plans 1, consistent with the provisions of SB 5400. Employer contribution rates would also have been increased to fund the benefit increases. The amendment, costing $45.4 million, failed.

**Amendment 495**: This amendment provides $389,000 to the Department of Enterprise Services for free-to-schools civic education tours on the capital campus. The amendment was adopted.

**Amendment 467**: This amendment would have rejected the School Employees' Benefits Board (SEBB) Collective Bargaining Agreement. Funding for health care for school employees would have been reduced by $258.2 million, based on health care allocations being set to state employees' funded rates of $972 per employee per month in Fiscal Year 2020 and $973 per employee per month in Fiscal Year 2021. The Benefit Allocation Factors (BAF), adopted in the SEBB Tentative Agreement, would have been eliminated and the BAF of 1.43 for Classified Staff would have been changed to 1.152. Funding for SEBB would have been consolidated within the Public Employees' Benefits Board and references to the School Employees' Insurance Account would have been changed to the Public Employees' and Retirees' Insurance Account. Additionally, some of the resultant savings from this amendment would have increased special education funding by $73.0 million. This amendment, which would have saved a total of $185.2 million, was defeated.

**Amendment 476**: This amendment would have provided funding for the Department of Health to evaluate the health conditions and risks of in-school dental clinics in Seattle School District. The amendment, costing $250,000 was not adopted.

**Amendment 478**: This amendment ensures school districts with state forest revenues do not have their apportionment reduced in School Year 2020–21. The amendment, increasing budget expenditures by $10.3 million, was adopted.

When the newly amended budget was moved to Third Reading and Final Passage, Sen. Braun, Ranking Minority Member of the Ways & Means Committee, was the first to speak on behalf of the Republicans. He reiterated his belief that Washington currently is in the best financial shape the state has seen in the 21st Century and expressed his concerns about the size of the budget about to be adopted. He closed his comments by stating, “The budget is spending more than we need, but the Senate budget balances over four years, it doesn’t rely on new revenue, and it spends less than the House budget.” He said, “For these reasons, I’ll be voting yes
on this budget.” Ultimately, the Senate amended budget was adopted with a vote of 31–17. All 28 Democrats were joined by Republican Senators Braun, Becker, and Walsh in supporting the budget. HB 1109 now returns to the House and budget negotiations can begin in earnest.

WASA Legislative Priorities Update

Special Education

The two key special education bills, SB 5091 and SB 5532, are in limbo. SB 5091, currently would increase the special education excess cost multiplier to 1.0 and remove federal dollars from the special education safety net. The bill, however, has stalled. The multiplier has been funded at 0.9925 in the House budget—and the same multiplier is contained in the recently released Proposed Substitute HB 2140. The House’s budget does not include any change related to the safety net. The Senate budget provides funding to implement SB 5091—both special education funded with a 1.0 multiplier and additional safety net funding due to the removal of federal funds.

The second bill, SB 5532, would: provide for specific special education topics in professional development; direct the Office of the Education Ombud to be the lead agency to provide training and information on special education; and direct OSPI to convene a special education advisory committee. The House Education Committee overhauled the bill and it now resides in the House Appropriations Committee. The Appropriations Committee has not yet scheduled SB 5532 for a public hearing or other action—and the House budget does not include funding to implement the bill. The Senate, however, provides funding to implement SB 5532.

Special education in general and these two bills specifically will be a point of budget negotiations between the House and Senate.

Levies/LEA

It seems the Legislature is far from having a resolution on the question of levy and LEA policies. SB 5313 continues on a wild ride (as discussed above) and the House’s plan has not taken much more than a test drive. A public proposal was not released until late last week. Contained in a Proposed Substitute HB 2140, the House proposes to change the current levy lid from the lesser of $2,500 per pupil or $1.50 per $1,000 of Assessed Value to: (a) 20 percent of the district’s state and federal levy base in the prior school year; or (b) the lesser of $3,000 per pupil or $1.50/$1,000AV. Local Effort Assistance would change from the current $1,500 per pupil to a new formula that equalizes districts up to 12 percent of the state and federal levy base in the prior year—if the district had more than 75 percent of students eligible for Free and Reduced-Priced Meals. Districts with less than 75 percent of students eligible for Free and Reduced-Priced Meals would be equalized up to 10 percent of the state and federal levy base. To receive full LEA, districts only have to levy up to a portion of the 10 percent levy rate, based on the difference between the district’s 10 percent levy base, minus the 10 percent levy rate as a ratio to the statewide average 10 percent rate. HB 2140 was heard on Monday and estimated district impacts were released for Calendar Year 2020 and Calendar Year 2021. The House’s levy/LEA plan is funded in their budget proposal and presumably has support to move. It is scheduled to be adopted by the House Appropriations Committee later this afternoon.

Regardless of the plan on the table, WASA will continue to press for controls on any new levy capacity. We have laid the groundwork to add language in the House; however, it is unlikely we will be successful there. If HB 2140 moves to the Senate, we will be prepared to push for specific limits.
School Employees' Benefits Board

Implementation of the School Employees' Benefits Board (SEBB) insurance program continues to be a hot topic. Both the House and Senate budgets “fully fund” the state implementation of the program, but at different levels, with different benefit rates. While these two budgets show an intention to accept the SEBB Collective Bargaining Agreement and implement the program, behind-the-scenes conversations about other options are increasing. As discussed above, there were options on the table to go a different way (via amendments on the budget in both the Senate Ways & Means Committee and on the Floor). While those other options were rejected, there are growing concerns among many legislators that the program will simply be too costly for the state and local school districts.

As the proposed budget amendments showed, there is a way to provide additional health benefits to school employee—in parity with state employees—without overly burdening either the state budget or local school district budgets. Options being discussed range from increasing the eligibility threshold above the current 630 hours, to rejecting the SEBB Tentative Agreement and ramping up funding for school employees, to rejecting the SEBB agreement and rolling school employees into the current Public Employees’ Benefits Board insurance program.

Normally when a program is found in all three budgets on the table (the governor’s budget request, the House proposed budget, and the Senate proposed budget), that program is usually considered to be locked in. The funding of SEBB, however, is a unique animal and as budget negotiations start to heat up, finding a way to either save money and/or shift funding to other priorities (like special education?) will be a part of in-depth conversations.

School administrators are encouraged to continue engaging with legislators to let them know what your projected costs will be to implement SEBB locally—and what you may be sacrificing, whether it be staff to consolidate positions to save money, or elimination of programs.

WASA Hold Harmless Proposal

Prior to the start to the 2019 Legislative Session, WASA formed a School Funding Committee, comprised of superintendents and school business officials, to analyze the financial impacts of the Legislature’s actions to address the McCleary decision, including EHB 2242 (2017), and E2SSB 6362 (2018). In late January, we began the roll-out of the Committee’s recommendations for the Legislature to consider regarding a “Hold Harmless” for those districts most severely impacted by the McCleary legislation. Our Committee’s analysis revealed that 93 school districts would have less funding for basic operations in the 2019–20 school year than in the 2017–18 school year and another 22 districts would receive negligible funding above the break-even point under the new legislation.

WASA proposed a short-term solution that would increase state funding to get these districts to a financial break-even point. It is important to emphasize this proposal is only a short-term solution that would minimize, not resolve, the budget challenges these 115 districts are facing. Like nearly all districts in our state, these districts will still be making expenditure reductions during the next two years in order to maintain their financial sustainability. In addition to a proposed increase in state funding to districts incurring losses in funding, the Committee also developed a recommendation to expand the state’s “experience factor” eligibility criteria to include school districts that exceed the statewide average for years of experience by 15 percent.

When WASA first rolled out this Hold Harmless proposal, we urged school administrators to engage in this conversation with your local legislators. It was hard...
to get much traction on the issue with legislators—most of them were sympathetic and generally understood the issue; however, the continuing response was, “We simply don’t have enough funding available to assist.” While the reception was a bit chilly in Olympia, we garnered a tremendous amount of support from the news media, from the Seattle Times and the Tacoma News Tribune to smaller, local circulation papers like The Daily World (Aberdeen) and the Columbia Basin Herald (Moses Lake).

As the session continued, however, school administrators and school directors continued the drumbeat on this issue, cracks started to show among legislators. And because of the local conversation, the polite nods and smiles finally turned into action. As we discussed in the April 1 Special Edition of TWIO, two amendments were introduced on the House Floor to amend the House Operating Budget proposal. The two amendments were virtually identical. The key difference is that one amendment would fund the program with General Fund resources, while the second amendment provided funding from the Budget Stabilization Account (BSA), using a portion of the “extraordinary revenue growth” that is scheduled to be transferred from the General Fund to the BSA. The second amendment was adopted. (It should be noted, this funding is contingent on adoption of an implementing bill, HB 2163.)

Embedded in the House budget is $58.4 million ($42.6 million in Fiscal Year 2020 and $15.8 million in Fiscal Year 2021) to fund this Hold Harmless. The language requires OSPI to provide Hold Harmless payments to districts in the 2019–20 and 2020–21 school years, based on general apportionment amounts in the 2018–19 and 2019–20 school years and levy and Local Effort Assistance (LEA) payments in the 2019 and 2020 calendar year, as compared to the 2017–18 school year general apportionment and the 2018 calendar year levy and LEA.

WASA’s original proposal would have provided 115 districts with a total of just over $100 million in hold harmless payment to get them to a financial break-even point (total funding request including an expansion of the current experience factor would have been approximately $123 million). You will note that the number of eligible districts is smaller and the total amount of Hold Harmless payments is less than we projected (see eligible districts and estimated impacts for 2019–20 and 2020–21). The reason is that WASA’s Committee calculations did not take into account increased K–12 education funding in the 2019–21 Operating Budget. The calculations completed by the House’s fiscal staff are based on the funding and policies contained in the House proposed budget. In other words, school districts would receive additional funds, under the House budget, in 2019–20 that is not accounted for in WASA’s projections. If the Senate included a similar Hold Harmless in their budget (which they don’t), the total funding would also be different, because the Senate provides a different level of K–12 funding than the House.

To date, we have not seen any specific proposal to adjust the current experience factor; however, there are key legislators who are working to craft an enhancement. With the Operating Budget being adopted by both houses, it will be difficult to add new spending; however, in the grand scheme, a fix would be a fairly minor enhancement (almost “budget dust”)—and with key legislators pushing the issue, we can hold out a bit of hope.
AEA
By Mitch Denning

Yesterday, 2SSB 5572, small school modernization grants, was heard in the House Capital Budget. We testified in support of this bill, as it (1) is the top priority of the 2018 Joint Legislative Task Force on Improving School Construction Funding; (2) would help meet the unique needs of small districts, under 1,000 FTE, who need a major facilities system upgrade but lack sufficient resources; (3) calls for $1 million for planning grant activities which gives small districts a chance to plan for how they can modernize their school facilities; and (4) is currently funded in both capital budgets.

SHB 1102, 2019–21 House Capital Budget, was approved by the House on Wednesday, 94–0, with the grant being funded at $20 million. On Monday, SSB 5134, 2019–21 Senate Capital Budget, passed out of Senate Ways & Means with the grant funded at $23 million.

AEA is watching the path of both Capital Budgets. SSB 5134 remains in Senate Rules. However, in Senate Ways & Means last night, SSB 5134 was put on top of the House budget (SHB 1102).

AEA is also watching the current status of the 2019–21 Operating Budgets. SSB 5153 was heard on Monday in Senate Ways & Means, and ESHB 1109 was amended and adopted by the Senate yesterday, 31–17, with three Republicans voting in favor. Now, the Senate budget (SB 5153) has been put on top of the House budget (HB 1109).

One would assume that the new SSB 5134 would go to the Senate floor for a vote. At the same time, it would appear that the Operating Budget (SB 5153) will head to closed door discussions, and possibly a conference committee.

AEA will continue to follow the circuitous path of these budget documents.
“No! No! No!” Was the constant refrain heard as the committees and floor debated numerous amendments to the budget proposals. Requests for spending totaled more than the amount either house was willing to spend or to make a priority. Concurrently, policy committees continued to hear and then move bills. All of which have been reported previously in greater detail.

Retirement Related Proposals

**SB 5360/ESHB 1308**—Changes the present retirement plan default for new hires from Plan 3 to Plan 2. SB 5360 passed the Senate, 39–9. ESHB 1308 passed the House 74–22. Both are in their respective Rules’ Committees awaiting further action. The only difference between the two bills is the date applicable to new employees. ESHB 1308 applies to any one hired after July 1, 2019; SB 5360 after July 1, 2020.

Substitute Options for Early Retirees

**E2SHB 1139**—Expands the current and future educator workforce supply has now been scheduled for a public hearing before the Senate Ways & Means Committee on April 5. This large bill has a section that would allow early certified and classified retirees to return to work for a limited time. WASA testified and asked that the exclusion of administrative positions be removed.

**SB 5400/HB 1390**—Requires beneficiaries who are receiving a monthly benefit from the PERS or TRS Plans 1 to receive a one-time three percent cost of living adjustment (COLA). HB 1390 had a public hearing in February and was unanimously voted out of the House Appropriations’ Committee and sent to Rules. This bill is considered a ‘trailer bill’. If the money is appropriated in the budget, this bill would then need to be passed. Hopefully, it will be moved to the floor calendar.

Note: The original House budget did not include a COLA. However, through extensive lobbying, a floor amendment sponsored by Representative Drew MacEwen (R) was adopted on a 94–0 vote. Representatives Leavitt and Kloba were the advocates and leaders within the Democratic caucus.

The Senate budget did not include a COLA, nor the increase in Medicare health insurance benefit. The House proposed an increase from $168 to $183. An amendment to grant a COLA sponsored by Senator Holy was defeated in the Senate. Senator Steve Conway, chair of the Select Committee on Pension Policy, spoke in opposition even though the SCPP recommended this COLA.

**SB 5350/HB 1413**—Authorizes an individual at the time of retirement, to purchase an optional actuarially equivalent life annuity benefit. SB 5350 passed the Senate 48–0. HB 1413 passed the House 90–7. Both are in their respective Rules’ Committees awaiting movement to the floor calendar.

School Employees’ Benefits Board (SEBB) Health Related Proposals

**HB 2096**—Asks for a 2-year delay in SEBB implementation for ESD’s. This proposal never moved out of Committee. However, an amendment to the budget was adopted by the Senate Ways & Means Committee. This change now must be approved in the House budget.
Regarding SEBB: As stated last week, this whole SEBB cost projection and process is all built on assumptions. There are few, if any, facts available. Until the plan is up and running on January 1, 2020, the real effects and costs will not be known. So, to repeat what a cynic might say, “It appears that one set of figures is as good as any other”. That is certainly the case here.

The Health Care Authority (HCA) projected SEBB costs at $750 million; the House Budgeted (ESHB 1109) $650.7 million. HCA projected a funding rate of $1,114 for FY 20 and $1,127 for FY 21. The House projected $1,079 in FY 2020 and $1,106 for FY 21. The House also proposed a reduced rate for July 1–December 31, 2019, of $971. Along comes the Senate (SB 5153). The Senate proposed a rate of $994 for 2020 and $1,056 for 2021. Excluding the addition of budgeted maintenance level dollars, the House budgets $443 million; the Senate $319 million. So, the figures are all over the place.

At this point, it just becomes like the theater of the absurd. All these figures are just thrown about as though they have some solid factual base behind them when point of fact, there is no real base. The only known is that districts will be on the fiscal hook for covering all the costs of offering this benefit. As was stated earlier, the state can use the supplemental budget process during the next shorter session to correct any errors made in the Legislature’s assumptions. These are appropriation/dollar errors made by the state, but districts still must pay whatever costs emerge.

Thursday, April 4, the Senate debated the budget. Two amendments proposed rejecting the SEBB collective bargaining agreement and directing the dollars elsewhere. Both failed, but if you are interested:

Republican Sen. Braun’s proposal which he withdrew.
Democrat Sen. Mullet’s proposal which was defeated.

Other Bills that may have Fiscal/HR Impacts for Districts

ESHB 1813—Incorporates the costs of employee health benefits into school district contracts for pupil transportation.

This bill passed the House 56–39. An amended version was moved out of Senate Early Learning & K–12 Education Committee. It will have a public hearing before the Senate Ways & Means Committee on April 5. WASA is opposed to this bill for the additional unfunded costs that will fall on districts.

2SHB 1087—Concerns long-term services and supports. It is scheduled for a public hearing before the Senate Ways & Means Committee, April 5. This bill is a major AARP want.

SHB 1399—Makes technical corrections requested by the Employment Security Department in the Family and Medical Leave Act passed last session. This bill passed the House 71–23 and the Senate 40–06 and has been sent to the Governor for action.

Caveats: At this point in the process, previous bills thought ‘dead’ may bob to the surface regardless of where they were earlier in the session.

The discussion of revenue and any resulting actions has just begun. Both proposed budgets include varying amounts of assumed revenues from changes in the present systems. Clearly, some revenue bills need to be passed. No easy feat. And if they are not passed, then both budgets need to make further cuts in their proposals. Even while holding the majority, it is clear that the Democratic caucus is split. One example is HB 2158 which would change some B & O taxes and impose taxes on some services among other things. Needless to say, there was a great deal of testimony opposed and in favor of making these changes. The net effect? The House Finance
Committee even with a Democrat majority has scheduled executive action on this bill twice and postponed action. The third try will on the 5th.

Keeping to the river metaphor, each proposal to raise dollars dams the river and slows the flow. Breaching these dams will not be easy.

P.S. Purely as an aside, two Republican budget amendments out of the 40+ were proposed that give a glimpse of how game playing occurs among these legislative adults. The Republican goal here was to either embarrass the Democrats or at least have them awkwardly defend something.

One amendment transferred $1.7 million dollars budgeted to the Department of Corrections to provide hot breakfasts for inmates. The R’s proposed transferring those dollars to the Meals on Wheels Program instead pitting seniors in need against convicts. “DOC couldn’t find existing money to provide hot breakfasts? Even hot oatmeal?” Statements like “That sure must be expensive oatmeal” and “Our seniors could benefit from this expansion” were heard. This was debated and then defeated on party lines.

The other amendment took $3.5 million dollars from the Governor’s biennial budget for security costs related to his executive protection unit and transferred those dollars to increase breast, cervical, and colon cancer screening. The R’s wanted the Governor’s Presidential Campaign Committee to reimburse the state for any campaign related travel and resulting security coverage pitting a run for President against increasing cancer screens. (Senator Ericksen cattily pointed out that Inslee’s campaign may not even have enough money to reimburse the state.) After an awkward debate, this was also defeated with a party line vote.

Such is Olympia.
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](http://www.leg.wa.gov/legislature/pages/committeelisting.aspx).

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

House Education
House Hearing Room A

3:30–5:30 p.m.
Senate Ways & Means
Senate Hearing Room 4

House Appropriations
House Hearing Room A

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

House Education
House Hearing Room A

3:30–5:30 p.m.
Senate Ways & Means
Senate Hearing Room 4

House Appropriations
House Hearing Room A

**Wednesdays**
3:30–5:30 p.m.
Senate Ways & Means
Senate Hearing Room 4

House Appropriations
House Hearing Room A

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

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

3:30–5:30 p.m.
Senate Ways & Means
Senate Hearing Room 4

House Appropriations
House Hearing Room A

**Useful Links**

Washington State Government
[http://www.access.wa.gov](http://www.access.wa.gov)

State Legislature
[http://www.leg.wa.gov](http://www.leg.wa.gov)

Senate
[http://www.leg.wa.gov/Senate](http://www.leg.wa.gov/Senate)

House of Representatives
[http://www.leg.wa.gov/House](http://www.leg.wa.gov/House)

Legislative Committees

Legislative Schedules

Office of the Governor
[http://www.governor.wa.gov](http://www.governor.wa.gov)

OSPI
[http://www.k12.wa.us](http://www.k12.wa.us)

TVW
[http://www.tvw.org](http://www.tvw.org)

Session Cut–off Calendar

**January 4, 2019**
First Day of Session.

**February 22, 2019**
Last day to read in committee reports in house of origin, except House fiscal, Senate Ways & Means, and Transportation committees.

**March 1, 2019**
Last day to read in committee reports from House fiscal, Senate Ways & Means, and Transportation committees in house of origin.

**March 13, 2019**
Last day to consider bills in house of origin (5 p.m.).

**April 3, 2019**
Last day to read in committee reports from opposite house, except House fiscal, Senate Ways & Means, and Transportation committees.

**April 9, 2019**
Last day to read in opposite house committee reports from House fiscal, Senate Ways & Means, and Transportation committees.

**April 17, 2019**
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 28, 2019**
Last day allowed for regular session under state constitution.

*After the 94th 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](#).

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