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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

In this third week of the 2021 Legislative Session, legislative Committees continued to roll through full agendas with public hearings—as new bills continue to be introduced—and much executive action as the session starts to heat up. Both the full House and Senate are also starting to pass bills from their own Chamber. As of today, only twelve bills have been adopted by their original house (eight from the House; four from the Senate); however, you can consider this a kind of pre-season, as House and Senate Leadership and rank-and-file legislators get in the groove of maneuvering through cumbersome remote Floor sessions.

The major news of this week was the formal introduction of an **“early action” pandemic relief package** to quickly appropriate a portion of the federal stimulus funding Washington received following Congressional adoption of the **Coronavirus Response and Relief Supplemental Appropriations Act** (CRRSA) in December. Unveiled last Friday by Democratic budget-writers in the House and Senate, the full package is comprised of five bills (plus three opposite house companion bills); however, the most impactful piece—and the one which directly supports K–12 education—is **HB 1368/SB 5344**.

HB 1368/SB 5344 allocates \$2.2 billion in federal stimulus funds across state government. The funding is distributed for a broad range of COVID-19 responses: from contact tracing and outbreak response to vaccine distribution and testing; from financial assistance for small businesses and families to uninsured COVID care and disaster cash assistance; and from grants for childcare providers and rate enhancements for long-term care providers to undocumented student relief grants. K–12 education also receives a significant influx of federal funds.

December's CRRSA included a second round of Elementary and Secondary School Emergency Relief (ESSER) funding. (The Coronavirus Aid, Relief, and Economic Security Act (the CARES Act), adopted last March, provided K–12 Education with \$13.5 billion in the first round of ESSER funding; Washington received \$216 million.) ESSER II funds for K–12 Education total \$54.3 billion, with Washington's share totaling \$825 million. Ten percent (\$82.3 million) is reserved at the state level (that is, OSPI), with the remaining ninety percent (\$742 million) being provided to school districts through Title I.

One of the largest appropriations in HB 1368/SB 5044 is for K–12 education. The package appropriates \$668 million to school districts. As outlined in the legislation, the funds are provided to assist districts to reopen for in-person instruction and to address student academic and well-being needs that are anticipated due to school closures and extended

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time in remote learning due to the pandemic. More details are available in Monday's [Special Edition TWIO](#); however, in short, two major school district requirements are included in the bill. School districts will be required to adopt updated district reopening plans and submit them to OSPI by March 1. Specific required components are outlined in the bill. Additionally, school districts must adopt an academic and student recovery plan to address learning loss. These plans will be required to be submitted to OSPI by June 1. Again, specific required components are outlined in the bill.

As an “early action” package, there is some urgency among legislators (and citizens) in driving available federal funds out to quickly to address Washington’s community and economic recovery. Although the bills were not officially introduced until Monday, as soon as the relief package was unveiled, a public hearing on HB 1368 was scheduled for Tuesday afternoon in the House Appropriations Committee. Even before the hearing, it was clear the legislation was going to be “fast-tracked” through the process. When Tuesday’s public hearing was announced, it was also announced the bill would be on the Committee’s executive action agenda on Thursday.

Two days ago, the Senate Ways & Means Committee scheduled a public hearing on its version of the legislation, SB 5344, as well as HB 1368, to be held next Tuesday. Except for two minor amendments (described below) HB 1368 is identical to SB 5344. The assumption is they have scheduled both bills as a backup, just in case, for some reason, the House fails to adopt HB 1368. Assuming the House does adopt their bill by Monday, as anticipated, SB 5344 will likely be removed from the agenda. Another signal that this will happen is the executive session calendar. The Senate Ways & Means Committee has scheduled HB 1368 for executive action next Thursday, but SB 5344 is not on the agenda.

At Tuesday’s public hearing in the House Appropriations Committee, WASA expressed our appreciation for quickly moving to appropriate the new round of federal funds to school districts; however, we signed in as “Other.” While we felt it was important to stay positive about a bill that: (1) was going to quickly be adopted with or without our support; and (2) appropriated \$668 million to schools—we also felt it was important to express our concerns about the bill.

First, the \$668 million appropriation is appreciated. Most of Washington’s education associations include a plank in their Legislative Platforms advocating for the prompt appropriation of any federal relief dedicated to K–12. This includes [WASA’s 2021 Legislative Platform](#) and is a part of the [School Funding Coalition’s priorities](#). The Democrat’s relief package quickly provides K–12’s federal relief; however, the full allocation is NOT provided. CRRSA dedicated \$742 million in ESSER II funds to K–12 in Washington, but this package falls short by providing only \$668 million. Additionally, OSPI is set to receive \$82.3 million in ESSER II funds, yet this package provides the agency with ZERO appropriation.

Second, the first round of ESSER funds was driven out to school districts using the Title I methodology; the same is true for ESSER II funds. This is probably appropriate; however, by not providing supplemental state funds (as Superintendent Reykdal suggested in his [“Budget Stabilization” plan](#)—see also last week’s *TWIO*, [Week 2, January 22](#)), districts with little-to-no Title I enrollment are left behind, even though these districts have enrollment declines, pupil transportation funding issues, and increased expenses to deal with COVID-19—just like Title I districts.

We did not think these were going to be compelling enough arguments for legislators to put the brakes on and dramatically amend a fast-tracked bill—one that already has been agreed upon by House and Senate Democratic budget-writers and Leadership—however, it was an opportunity to highlight our ongoing concerns about school district funding. Remember, the session is not over when this bill is adopted in a week or two. The Legislature still needs to adopt a 2021 Supplemental Operating Budget and a new

two-year 2021–23 Operating Budget (among other things). You just cannot pass up an opening to highlight our priorities.

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Along with the specific ESSER II funding (part of it, anyway) being provided, there is also funding outside of K–12 that is intended to positively impact school districts. The bill creates a new COVID-19 Public Health Response Account which is controlled by the Department of Health Secretary. The Account is a repository for legislative appropriations and grants to address COVID-19 and HB 1368/SB 5044 provide significant funds to the Account for vaccine distribution, contact tracing, diagnostic testing, and other priorities to support responses to COVID-19. Proviso language provides conditions and limitations regarding the uses of funds within the Account. Two stipulations stand out regarding vaccinations, testing, and contact tracing. Regarding the administration of vaccines, the Department of Health must “focus on identifying persons for vaccination, prioritizing hard-to-reach communities, making the vaccine accessible, and *providing support to schools for safe reopening* [emphasis added].” Regarding testing and contact tracing, the Department of Health must “provide equitable access, prioritize hard-to-reach communities, and *provide support and resources to facilitate the safe reopening of schools* [emphasis added] while minimizing community spread of the virus.”

Given the current dispute involving the governor, the Department of Health, and the education community about vaccinating school employees, it seems as though the Legislature has made its position known. It will be interesting to see if they try to intervene via legislation to force a change in the current [vaccination schedule](#). Individual legislators and groups of legislators (including the [four Caucus leads on the two Education Committees](#)) have expressed their opinion about moving educators up the ladder, but to this point they have not tried to force their hand by adopting legislation. OSPI and education associations (including WASA, WSSDA, AWSP, and WASBO) have also attempted to get education employees moved up the line.

Earlier this week, Governor Inslee was asked in a press availability about adjusting the current the vaccine phasing schedule to accommodate more school staff. He did not specifically say he would not support a change; however, he emphatically responded that research indicates it is “relatively safe” to get back into schools, even if teachers are not vaccinated. He went on to say, “The fear of this is understandable, but it’s not backed up by our experience. Our experience shows us we can operate a school safely, and we are doing it all across our state today.” Of course, the unions have a different stance and attacked the governor for being “disrespectful” of teachers.

Returning to the pandemic relief package, HB 1368 was moved to executive action in the House Appropriations Committee last night. While it was assumed there would be no amendments (we understood there was an agreement between the two houses to adopt a “clean” bill) four amendments were on the table. One Republican-sponsored amendment was defeated, and one Democrat-sponsored amendment was withdrawn. The remaining two amendments were sponsored by Majority Democrats. These amendments were relatively minor, and both passed with little discussion or controversy. One of the adopted amendments adjusted the language in the K–12 section. [Amendment 186](#) adds one word—solely—clarifying the federal appropriation (\$668 million) provided to OSPI must be distributed to school districts. The amended language says the ESSER funds are “provided solely for allocations” to school districts.

After adopting the amendments, the bill was brought forward for final debate, which was anticlimactic. One Republican spoke out against the bill, although his argument against was fairly tepid. In fact, the first thing he said was that he was voting against the bill because it did not go far enough. This was from Representative Drew Stokesbary (R-Auburn) who introduced his own [pandemic relief plan, HB 1334](#). His bill would have appropriated \$3.9 billion, using \$1.8 billion in federal relief funds and another \$2.1 billion from the Budget Stabilization Account and other untapped federal resources.

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\$1.5 billion would have been appropriated to school districts, providing the full \$742 million in ESSER II funds dedicated to K–12, and the full \$82 million reserved for OSPI, along with state funding. In addition to the level of funding, a major difference between the Stokesbary plan and the Democratic plan is that only one-half of the ESSER II funds would be initially provided to districts. Only when a district reopened for in-person instruction in all grades would the second half of the ESSER II funds be released to the district.

Ultimately, the slightly amended HB 1368 was adopted by the Appropriations Committee with a vote of 25–8. All 19 Democratic members voted “aye,” along with six Republicans. Eight Republicans voted “nay,” with one member voting “nay, without recommendation.”

The bill now advances to the House Rules Committee and will await action by the full House. It is our understanding the House will take up HB 1368 on Monday.

Committee Action

As noted above, most Committees continue to have full agendas, with both public hearings and executive action. On Tuesday morning, the House Education Committee held a hearing on a returning issue, lead in drinking water in schools. [HB 1139](#), like previous iterations of this bill, would require schools built or with plumbing replaced before 2016 to have drinking water outlets tested for lead contamination. Additionally, results of those tests would have to be publicized. If tests results showed lead concentrations that exceed five parts per billion, the district would have to adopt an action plan. Certainly, we want to have safe drinking water in our schools, however, the level of lead “contamination” that would trigger action is significantly lower than the federal threshold. Additionally, there is a concern that if schools that are five years old and there is lead present, there may be an issue with water coming into the school building, rather than a problem within the school—yet we have no control over the water that is pumped into schools. Our major concern, as it has been in years past, is the potentially dramatic costs to replace fixtures. The sponsor continues to reject our concerns about costs, believing that a minor appropriation provided to OSPI in the Capital Budget would provide more than enough support to districts to accomplish remediation.

Unfortunately, the longer this bill lingers, the further it advances. HB 1139 is scheduled for executive action next Thursday, February 4.

On Tuesday afternoon, the House Appropriations Committee held a public hearing on [HB 1266](#), regarding education salary allocations. The *McCleary* “solution” adopted in 2017 completely overhauled the educator compensation system that had been in place for 30 years. The long-standing Salary Allocation Model and the Staff Mix were both scrapped and replaced with a system that funded school districts based on statewide average salaries. In an attempt to provide an equitable system, legislators also adopted a new regionalization system. In 2018, in an awkward attempt to “replace” the Staff Mix, the Legislature adopted a new “experience factor.”

Understanding that the new salary structure would have to be reviewed—to ensure it was working—and regularly updated (beyond the required inflationary adjustments), legislators established a required regular review and rebasing of salary allocations. The first rebasing must be done by the 2023 Legislature, then every four years after. While we supported the regular review, the Legislature never established a process to accomplish the requirement. HB 1266 establishes the K–12 Basic Education Compensation Advisory Committee, comprised of legislators and education stakeholders, to provide recommendations regarding compensation updates. The Committee has to provide recommendations to the Legislature by September 1, 2022. The bill has been scheduled for executive action on Monday, February 1.

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Coupled with HB 1266 is a bill to provide for adjustments to the current, static experience factors. Currently, in order to receive the four percent experience factor, your district's teachers must have above average years of service AND above average education attainment. Legislators specifically required both measures to be attained, simply because changing that "And" to an "Or" increased the cost to the state. [HB 1419](#) revises the experience factor and does two basic things. First, it essentially changes the current "And" to an "Or" with additional changes. If a district has above average years of service, the district would receive a three percent experience factor. If a district has above average education attainment, they would receive a one percent bump. If the district was above average in both measures, they would receive the current four percent bump. Second, the bill allows for changes in a district's circumstances. Under the current system, if you get the experience factor, you keep it regardless of staff movement and conversely, if you do not meet the criteria to be eligible for the experience factor, you are locked out regardless of future movement. Under HB 1419, if your district falls below the above average measure, you do not automatically lose the bump; it is phased out, so the district has a soft landing. HB 1419 has not yet been scheduled for a hearing—and originally was not going to be introduced until next year due to other legislative priorities and the cost of the bill. With the introduction of HB 1266, a changing financial condition of state, and the potential of another big federal boost in revenue, it was determined the time was ripe to introduce now. If the bill is not acted upon, it will be in the queue for next session.

In the last few weeks, we have talked a lot about federal stimulus funding, mostly ESSER funds provided to schools. On Tuesday afternoon, the Senate Ways & Means Committee held a work session to receive an update on federal stimulus funding for COVID relief (ironically, this review was held at the same time the House was hearing the "early action" pandemic relief package—which is mostly funded with federal stimulus funds). If you want more detailed—and broader—information on federal stimulus funds than we provide here, you are encouraged to review presentation materials provided to the Committee. Committee staff provided a [high-level review of federal stimulus funds](#), followed by Department of Health staff reviewing [CARES Act funding](#) and a second set of information from DOH reviewing [current allocations to address COVID-19 health issues](#).

On Wednesday morning, the Senate Early Learning & K–12 Education Committee took executive action on several bills, including [SB 5147](#), to establish pilot programs addressing alternative school calendars. The original bill would have required OSPI to establish two pilot programs: one for districts to extend the number of instructional days in a school year to 210 days; and one for districts to provide 180 instructional days over the course of the entire calendar year (that is a "balanced calendar"). Each pilot was limited to 50 districts and the bill specified that to be eligible, a district had to have an enrollment of at least 500 students and have a majority of students that qualified for the federal Free and Reduced-price Meals program.

A substitute version of the bill was introduced and adopted. The new version of the bill reduces the scope—and the cost. The 210-day school year pilot is eliminated. The remaining balanced school year pilot is limited to 30, rather than 50, districts. The enrollment requirement is also changed. We argued that the pilots be open to small school districts, but the revised bill maintains the minimum level of 500 students but caps the maximum enrollment at 10,000 students. The original bill also provided some additional funding for districts as an incentive to participate. That incentive was changed, reducing the original funding multiplier from 0.2 to 0.1. It is unclear if this bill has legs; however, there is a growing conversation about balanced calendars. It is on the list of major priorities from Superintendent Reykdal—and it is one of the potential elements in a student recovery plan, required by the Democrat's pandemic relief plan, HB 1368/SB 5044.

On Thursday, the Senate Ways & Means Committee held a public hearing on two priority bills. [SB 5128](#) is the pupil transportation bill that we have discussed multiple times. It

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still is not a perfect bill; however, it received a make-over when it was adopted by the Senate Early Learning & K–12 Education Committee. Multiple districts were on-hand today to express the need of preserving pupil transportation funding. We appreciate you taking the time—and those of you who did not participate in the hearing, we trust that you are connecting with your legislators directly, by e-mail, or by phone.

Specifically, SB 5128 provides for an alternative student transportation allocation formula and allows schools to use buses for expanded transportation services (a similar list of services that were allowed following a proclamation by the governor last year) when a school district is providing remote instruction. The alternative formula may not provide sufficient funding to some districts, so the bill also provides for additional funding if a district exceeds their allocation amount due to providing expanded services. Finally, when the pandemic is over, OSPI is allowed to use student transportation data from the last reporting period in which the school district provided full in-person instruction to calculate transportation allocations. This final piece is a temporary fix; however, it is hoped this will provide the necessary funding to salvage district transportation programs.

As a side note, remember that SB 5128 is a major piece of the funding puzzle, but the complementary component is the enrollment stabilization piece. We had hoped we would have had an enrollment stabilization bill introduced by now, but plans went awry when legislators started to focus on the federal stimulus funds. The “early action” on federal funds is positive, and something we have requested; however, legislative focus on the pandemic relief package forced a shift away from our two major funding issues. Fortunately, a pupil transportation fix, via SB 5128, was already on the tracks, so it continues to move. The introduction of the enrollment stability bill, however, got caught up in the whirlwind of the relief package. A bill IS ready to be introduced and now that the “early action” bills have started to move, there should be a window to get the enrollment bill in play.

Regardless of a bill or not, continuing to communicate with your legislators about the urgency of shoring up enrollment and preserving pupil transportation funds remains the key target.

Yesterday, the Senate Ways & Means Committee heard another significant bill (significant because of its major, negative ramifications) regarding transportation. The bill a returning issue—but returning like a bad penny. [SB 5326](#) would prohibit school districts from contracting with private pupil transportation services unless the company provided health and retirement benefit contributions to their employees equivalent to those received by school employees. Two years ago, we were able to bottle this bill up in Committee after it passed the House. Last year, the bill passed the House, then moved out of both the Senate Early Learning & K–12 Education Committee and the Senate Ways & Means Committee. The bill was on the Senate Floor Calendar on the last day to adopt opposite house bills and it missed moving to the Floor by about 15 minutes. If it made it to the Senate Floor last year, it had a good chance of passage. Now a very similar bill to those bills from the last two years is starting in the Senate. If we cannot block this bill in the Senate, we will not give up, but there are heavy odds the bill will fly through the House.

We appreciate the number of school administrators that stepped up for the hearing yesterday, especially given that it was added to the agenda late. We also know a number of districts submitted comments or letters to the Committee. Every touch helps—and I would encourage you to keep it up, and nudge your colleagues.

For those of you who have not been following the issue, the concerns are simple. First, private transportation company already can provide additional health and/or retirement benefits to their employees. They choose not to because, they are expensive, they are not required to do so, and they probably do not need to in order to hire their employees.

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If this bill were to pass, that is great for those employees, but it is almost guaranteed the companies would not eat the increased costs—they would simply pass them off to districts. We are also concerned about the “slippery slope” issue—Even if your district does not contract for pupil transportation, there is a huge concern the Legislature won’t stop with bus services. Which contractors or vendors would be next? Food services? Special Education?

Certainly, school administrators want employees to have good benefits and good retirement plans. If the Legislature thinks this is a good policy, however, they should pay for it. Adoption of this bill would turn into an untenable unfunded mandate. Finally, if the Legislature wants to adopt this bill, NOW is the worst time to do it. Pupil transportation is already in chaos due to the pandemic (which is why the bill heard before this one (SB 5128) is so important).

Time to Engage

We appreciate the increased level of engagement we have seen during first three weeks of session. Stepping up on the “early action” bill this week and jumping on SB 5326 yesterday in Ways & Means was important. Providing testimony on bills and presenting your “story” is valuable and helpful.

While we encourage you to keep it up, we would also encourage you to step it up. Participating in Committee hearings is easier than it has even been, which means more people, including school administrators, are signing in than they ever have before. The downside is the more people sign up, the less time you have to present. In communicating, it is always a plus to have an elevator speech; however, many of the complex issues in education cannot be addressed in the 60–90 seconds you may have in Committee—especially if Committee members are distracted (which, quite honestly, they often are; if they are distracted in a Committee room, imagine how distracted they may be sitting in their kitchen at home).

Because of the show that public hearings are, much of the public believes THAT is where the power lays. Unfortunately, often times it is JUST a show. The real influence comes from building relationships with legislators and communicating with them personally—whether that be by phone, Zoom, e-mail, or even text. Ongoing communication (not a one-time shot) is key to building those relationships and establishing your credibility. Legislators need to view you as the “go-to” person when it comes to education issues. This takes time and energy and is more difficult than jumping on Zoom for 60 seconds of fame in a Committee hearing.

Don’t misunderstand, school administrators need to continue to sign in for hearings, whether to provide oral testimony, provide written comments, or even stating your position, with no oral or written comments. Numbers can be important, especially for the major and/or priority issues (legislators DO notice—and educators often get criticized for lacking in presence, compared to other groups that may be following the issue du jour). And remember, if you let someone else speak up for you, they may not have the same information, the same experience, or the same position as you. If you want YOUR “story” to be told, YOU have to tell it.

We don’t mean to preach about this; however, there are issues of major importance on the table—and if school administrators don’t step up, there is every reason to believe we could lose. If we show up and put up a good fight, we may not win—but if you sit on your hands and do nothing, it is all but guaranteed we will lose.

If nothing else, I encourage you at least to drop a quick e-mail this next week to your legislators. Encourage them to support SB 5128, or express your concerns about the Legislature withholding a portion of ESSER funds that are dedicated to K–12, or mention your progress in getting students back in your schools—and ask for what you need

now. After you hit the send button, pat yourself on the back, then write a note reminding yourself to do it again.

Thanks for all you do.

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AEA

By Mitch Denning

On Tuesday, WAMOA testified on [HB 1139, lead in school drinking water](#), in the House Education Committee. Doug Vanderleest, Director, Maintenance and Operations, Franklin Pierce SD, WAMOA legislative chair, and I testified in opposition to this bill. Doug shared that lead in school water testing of 15 parts per billion (PPB) is the federal EPA standard, and is an acceptable WA State standard. In addition, he stated that the mandate in the bill for schools to test at five PPB leaves little variance, besides being an unfunded mandate.

After the public hearing on HB 1139, Doug and I met virtually with 22 members of the House Capital Budget Committee and the Senate Ways & Means Committee. We explained WAMOA's 2021 leg priorities in terms of HB 1080 and SB 5083, the Governor's proposed 2021–23 Capital Budget. We also invited the members to consider participating in a WAMOA-facilitated school tour of schools in their legislative district during the 2021 interim. A number of them showed an interest in doing this.

On Wednesday, four WSNA members and I met virtually with 18 of our Meals for Kids champions from all four caucuses, discussing WSNA's 2021 two short-range priorities. The first priority is for the Legislature to maintain OSPI's biennial funding in the Governor's proposed Operating Budget of \$14.4 million. For the second priority, a child nutrition director shared from her district's perspective how the effects of COVID-19 have reduced their SY 2020–21 department revenue.

In addition, based on surveys from statewide districts, and focusing only on PPE equipment, specifically masks and gloves, our WSNA team shared our funding proposal with the champions who sit on the House Appropriations Committee and the Senate Ways & Means Committee. By the end of the day on Wednesday, Sen. Lisa Wellman (D-Mercer Island), chair of the Senate Early Learning & K–12 Education Committee, and a member of the Senate Ways & Means Committee, had accepted our funding proposal. Our WSNA team is currently work with the Senator in gathering background information. Once the background information is complete, our understanding is that her office will submit our proposal for possible funding in this current school year.

On Thursday, WSNA submitted written testimony in support of [SSB 5128, student transportation funding during an emergency](#), which was heard in the Senate Ways & Means Committee. I would like to share two school nutrition directors' written testimony in their own words, as they express their true sentiment about this issue.

Kim Elkins, Director, Child Nutrition Services, Mead SD, states that in her district of about 10,000 FTE who is serving a slightly remote student body, this bill “would offer them flexibility. According to Mead’s transportation supervisor, the district will be running a deficit regardless of the 70 percent or 80 percent guarantee because they’re running all bus routes, but only one-third of the students are riding the buses. However, their expenses are the same price since it takes the same amount of drivers. This bill provides flexibility for districts in different situations.”

Jan Campbell-Adams, Director, Child Nutrition Services, Auburn SD, states that her district of about 17,000 FTE “has used transportation drivers and vehicles to deliver meals since March 2020. Approximately one-third of the meals they serve are on these

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mobile routes, totaling about 160,000 meals just in October through December 2020. These students would not have been served without the support of their transportation department. For Auburn, it's a "win-win" as this effort provides work for the transportation staff, additional hours for child nutrition staff, and needed meals for students that would not have access otherwise."

Finally, on Friday, WAMOA testified in support of [SB 5202](#), **establishing a school district depreciation subfund for preventative maintenance**, in the Senate Early Learning & K–12 Education Committee. The bill would allow districts to deposit up to two percent of their general fund annually in this subfund for preventative maintenance and emergency facility needs.

Pensions/Health Benefits

By Fred Yancey – The Nexus Group

Health, Pension, and Other Benefit Issues

"It is my ambition to say in ten sentences what others say in a whole book."

Friedrich Nietzsche

Hearings are being held every day and the challenge is to communicate one's position within the one minute typically given to testify. Because of the limited time given for public testimony, constant phone and email correspondence with legislators remains critical this session.

Retirement Related Proposals

[HB 1032](#): Concerning early retirement options for members of the teachers' retirement system and school employees' retirement system Plans 2 and 3.

Sponsors: Harris, Stonier, Dolan, Boehnke, Leavitt, OrtizSelf, Callan, Riccelli, Santos, Bergquist

The bill proposes reducing early retirement penalties for older school employees in order to help protect vulnerable older teachers and classified employees from health Covid-19 related health risks. It is currently before the House Appropriations Committee awaiting a hearing.

[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 pensions will not be reduced as a result of compensation reductions that are part of a public employer's expenditure reduction efforts during the 2019–21 and 2021–23 fiscal biennia. It also provides that the pension benefit of an employee covered by a pension system that is administered by the Department of Retirement Systems is not reduced as a result of participation in an unemployment insurance shared work program.

The point being that an employee's retirement calculations based on time served and salary should not be reduced due to mandatory furloughs.

This bill is scheduled for Executive Session before the Senate Ways & Means Committee on January 28.

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

Sponsors: Braun, Dozier, King, Wilson, J.

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The title makes this very clear. It is really aimed at those get hired at a later age and have no wish or intent to vest in the retirement system.

This bill has been referred to the Senate Ways & Means Committee and is awaiting a hearing.

School Employees' Benefits Board (SEBB)

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

Sponsor: Robinson

By Request: Health Care Authority (HCA)

SB 5322: HCA-requested legislation. The proposed legislation makes it clear that members who are dual-eligible for both PEBB and SEBB must choose to receive their health benefits (medical, dental, and vision) from either the PEBB or SEBB program. 6189(4) could have been read to allow dual-eligible members to pick and choose which program to get each component of health benefits from, which would have been very difficult to administer and would likely have caused confusion for members.

The Senate Ways & Means Committee held a public hearing on January 28.

SB 5326: Concerning health and pension benefits for school bus drivers employed by private nongovernmental entities.

Sponsors: Robinson, Cleveland, Wilson, C., Conway, Das, Wellman, Hasegawa, Hunt, Lijas, Saldana, Nguyen, Nobles

This bill is basically a reintroduction of a bill offered last session to guarantee health insurance (SEBB) and pension contributions for providers of school district transportation services.

Obviously, any private provider will pass the costs of these employee benefits to the district. This would be (surprise, surprise) an unfunded mandate.

The Senate Ways & Means Committee held a public hearing on this bill on January 28.

There was a mix of "Pro" and "Con" testimony. Superintendents, WASA, and WSSDA testified in opposition. Union members testified to the need for these benefits. The "Con" testimony agreed that all people deserve adequate health and pension benefits. However, this proposal would add an unfunded cost to districts. (Staff indicated the employer cost would be \$1,000/month for health; and 8.05 percent for pension costs.) Superintendents testified that districts were already suffering losses due to the pandemic and unfunded SEBB costs for existing district employees. If passed, the projected additional costs for Nine Mile Falls SD would be \$200,000+; Newport SD would be \$297,000+. A number of persons signed up without testifying and the "Pro" "Con" was mixed.

This bill will likely pass the committee given the large number of Democrat sponsors.

Also, health related is: **SB 5254**, concerning the use of protective devices and equipment during a public health emergency. This bill requires an employer that requires its employees or contractors to wear personal protective equipment (PPE) during a public health emergency to provide the PPE at no cost to the employee. It has been scheduled for Executive Session on February 3 before the Senate Labor Committee.

As an aside, both the PEBB and SEBB boards held all day retreat meetings this last week. A separate report has been submitted covering those meetings.

Other Bills

There remain a large number of bills proposed primarily dealing with expanding various employee benefits and qualifications. They address such areas as unemployment

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compensation, family and medical leave, and workmen's compensation. These proposals may or may not apply to school districts.

SSB 5061: Concerning unemployment insurance. This bill would increase the minimum weekly benefit for unemployed workers, starting later this year. It also would lower rates used to calculate unemployment insurance taxes paid by employers to prevent their tax bills from soaring.

This bill has passed the Senate 42–7 and has been sent to the House.

The Paid Family Medical Leave (PFML) legislation passed in 2017 was an agreement between Washington's employers and workers.

Two bills (**HB 1073** and **SB 5097**) in the 2021 virtual legislative session are proposing changes.

- Lowering employees' eligibility for benefits from having to work 820 hours or more to just earning \$1,000 in the qualifying period.
- Expanding the "family member" definition to include non-blood related individuals whose close association is the equivalent of a family member.
- Removing the exemption for small businesses (less than 50 employees) from job restoration and health benefit coverage mandates.
- Lowering the eligibility for job restoration rights from having to work 12 months for an employer to merely 90 days.

Both bills have had public hearings. HB 1073 has been scheduled for Executive Session on February 5.

SB 5115: An act relating to establishing health emergency labor standards. This bill is quite comprehensive regarding worker safety and workers' compensation standards. For more detail, review the [bill report](#).

This bill had a public hearing before the Senate Labor Committee on January 18 and has yet to be scheduled for Executive Session.



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

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
HB 1016	Juneteenth	H Appropriations	Morgan
HB 1023	Predesign requirements	H Cap Budget	Steele
HB 1024	Sunshine committee/juveniles	H State Govt & Tribal	Springer
HB 1028	Residency teacher cert.	H Education	Bergquist
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 State Govt & Elections	Pollet
HB 1065	Epidemic, pandemic vaccines	H HC/Wellness	Eslick
HB 1066	Ed. service district boards	H Education	Stonier
HB 1067	State dinosaur	H Exec Action	Morgan
HB 1073	Paid leave coverage	H Labor & Workplace	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
HB 1085	Students w/seizure disorders	H Education	Kloba
HB 1087	Family/med leave continuity	H LAWSDP	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
HB 1113 (SB 5153)	School attendance	H Education	Ortiz-Self
EHB 1121	Graduation reqs/emergency	H Amended	Santos
EHB 1131	Private schools/waiver	H Passed 3rd	Rude
HB 1139	Lead in drinking water	H Education	Pollet
HB 1149	Public health education	H Education	Pollet

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

HB 1354	Suicide review teams	H Children, Youth	Mosbrucker
HB 1356	Native American names, etc.	H Education	Lekanoff
HB 1358	State school levies	H Finance	Orcutt
HB 1363	Secondary trauma/K-12	H Education	Ortiz-Self
HB 1365	Schools/computers & devices	H Education	Gregerson
HB 1366	In-person instruction	H Education	Caldier
HB 1367 (SB 5343)	Medicaid appropriations	H Appropriations	Ormsby
HB 1368 (SB 5344)	Federal funding/COVID-19	H Appropriations	Ormsby
HB 1370	Early learning fac. grants	H Cap Budget	Callan
HB 1371	State property tax levies	H Finance	Sutherland
HB 1373	Behavioral health/students	H Education	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 Education	Vick
HB 1415	Skill center class size	H Appropriations	Paul
HJR 4200	School district bonds	H Education	Stonier
HJR 4203	2/3rd vote for tax increases	H Finance	Sutherland
SSB 5013	Local redistricting deadline	S Passed 3rd	Hunt
SB 5017	School district procurement	S EL/K-12	Wellman
SB 5021	Retirement benefits/furlough	S Ways & Means	Hunt
SSB 5030	School counseling programs	S Rules 2	Mullet
SB 5037	School opening metrics	S EL/K-12	Braun
SB 5043	School employee housing	S EL/K-12	Salomon
ESSB 5044	Schools/equity training	S Passed 3rd	Das
ESSB 5061 (HB 1098)	Unemployment insurance	H 2nd Reading	Keiser
SB 5070 (HB 1273)	Menstrual products/schools	S EL/K-12	Rivers
SSB 5080	Youth ed. programming funds	S Rules 2	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
SB 5096	Capital gains tax	S Ways & Means	Robinson
SB 5097	Paid leave coverage	S Labor, Comm & Tribal Affairs	Robinson

SB 5105	Office of equity task force	S State Govt & Elections	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
SB 5115	Health emergency/labor	S Labor, Comm & Tribal Affairs	Keiser
SSB 5128	Student transportation funds	S Ways & Means	Wellman
SB 5129	Vapor & tobacco/minors	S Human Svcs, Reentry & Rehab	Saldaña
SB 5130	Personnel files & discipline	S Labor, Comm & Tribal Affairs	Kuderer
SB 5144	COVID-19 vaccine, declining	S Health & Long	Ericksen
SSB 5147	Alternative school calendars	S Ways & Means	Hawkins
SB 5151	Foster care & child care	S Ways & Means	Wilson
SB 5153 (HB 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 2	Wellman
SB 5162	Unanticipated revenue	S Ways & Means	Rolfes
SB 5171	Unemployment insurance	S Ways & Means	Wilson
SB 5181	Low-income school districts	S EL/K-12	Honeyford
SB 5184	K-12 foster care contact	S Rules 2	Nobles
SB 5197	Unemp. contributions/wages	S Labor, Comm & Tribal Affairs	Schoesler
SB 5200	Scholarships/tax credit	S EL/K-12	Schoesler
SB 5202	School depreciation subfunds	S EL/K-12	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 & LT Care	Dhingra
SB 5211 (HB 1189)	Tax increment financing	S Business, Fin. Service & Trade	Frockt
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	S EL/K-12	Liias
SB 5249	Mastery-based learning	S EL/K-12	Wellman
SB 5252	School consultation/tribes	S EL/K-12	Wellman
SB 5254	Protective devices/health	S Labor, Comm & Tribal Affairs	Salomon
SB 5257	School levy exemption	S EL/K-12	Fortunato
SB 5264	Chinese American history	S State Govt & Elections	Wagoner

SB 5265	Bridge year pilot program	S EL/K-12	Hunt
SB 5274 (HB 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.	S EL/K-12	Wellman
SB 5322	SEBB & PEBB dual enrollment	S Ways & Means	Robinson
SB 5326	School bus driver benefits	S Ways & Means	Robinson
SB 5327	Youth safety tip line	S Behavioral Health & LT Care	Brown
SB 5334	Levy authorization info.	S EL/K-12	Dozier
SB 5340	School board director qualif	S EL/K-12	Salomon
SB 5343 (HB 1367)	Medicaid appropriations	S Ways & Means	Rolfes
SB 5344 (HB 1368)	Federal funding/COVID-19	S Ways & Means	Rolfes
SB 5352	Retirement System opt-out	S Ways & Means	Braun
SB 5357	Capital broadband program	S Ways & Means	Honeyford
SB 5359	Motor vehicle sales tax	S Ways & Means	Braun
SB 5366 (HB 1103)	Building materials	S State Govt & Elections	Stanford
SB 5374	Students Study/negative communism	S EL/K-12	Honeyford
SB 5376	Gov's office on Education ombuds	S EL/K-12	Wilson
SCR 8400	Special legislative session	S State Govt & Elections	Ericksen