2021 Legislative Conference Wrap-up

On Sunday, over 350 school administrators, school directors, school business officials, and students participated in the annual WASA/WSSDA/WASBO Legislative Conference. This year’s Conference program was somewhat adjusted, given that we were forced to move to a “virtual” conference. The general response, however, was very positive. If you attended and have not yet submitted an evaluation, we would encourage you to provide your feedback; your input on what went right and how we can do better is valuable in helping us to craft future Conferences. The survey will be open until February 28.

The purpose of the Conference is to provide our collective members with the tools and resources to more effectively engage in the legislative process. The presentations from Superintendent Reykdal, our keynote speaker, students, and legislators formed a consistent message: continue to be active in the process and provide your legislators with your “stories.” Several notes hit home the point; just a few examples. Senator Brad Hawkins (R-East Wenatchee) reminded everyone to stay engaged through the entire session. He noted that in his time in the Legislature, education advocates are really engaged at the start of session when there is a flood of bills to discuss, but as the session progresses and certain bills die, they “take their foot off the gas.” He said when bills are being amended later in the session and when the budget begins to be crafted, “that is when you need to continue to be involved.” As a legislator, he said that he tries to pace himself to be prepared for the important final stages of the session, and he encouraged our members to do the same. Representative Sharon Santos (D-Seattle) reiterated how important it is for legislators to hear directly from educators “about the decisions that are being contemplated at the legislative level.” She also noted how important it is for educators to “tell your local story” and encouraged members to not just focus on the cost of bills, but “focus on the impact to your students.”

Later the focus of our keynote speaker, Dr. John Draper, was pointed directly at messaging and the need to “tell your story.” His message reiterated that “the gateway to the mind goes through the heart.” While having data to back you up is important, crafting a story with an emotional trigger will get legislators engaged. Draper encouraged members to always start with the kids and provide information about the issue on the table with a story or analogy to break through the “legislative fog.” One slide summed up the presentation: “Start with the students. Explain how the bill affects the kids. Make it specific and visual. Use NO jargon!”

Throughout the Conference, we had students discuss advocacy. As you might have expected, these students had powerful messages about “student voice” and being
engaged. If you missed the Conference and do not review any of the available materials, you are encouraged to at least take 15–20 minutes to check out these student videos. It will make you feel good about the work you do—and may give you a boost to jump into the process.

We closed the Conference with a discussion of this year’s Hot Topics, a short-list of shared priorities from our three associations. Those of you who are regular TWIO readers will see a consistent focus, especially on the education funding issues (with more, and some updated, information later in this TWIO). We encourage you to review these issues as you prepare to engage with your colleagues for the upcoming, “virtual” Week on the Hill, scheduled for March 15–19. Conference attendees should have received an invitation to the Regional Planning Meetings, which will be held the week prior, March 8–12. We encourage you to register to attend the planning meeting for your region. During the meetings, you will connect with your regional and/or caucus colleagues, discuss the Hot Topics, and coordinate with others about the logistics of speaking directly with your legislators. If you did not receive information about the Regional Planning Meetings, or if it got lost in your inbox, head to WSSDA’s “Get Ready for Week on the Hill” page. On this page, you can find additional information, as well as a place to register for the meetings. If you have questions, contact: onthehill@wssda.org.

While you wait for an opportunity to advocate alongside your colleagues, we encourage you not to simply sit on the sidelines. Use the Hot Topics to engage now—or connect with legislators about other issues of importance. As we heard on Sunday, it is important to stay engaged. Legislators are making critical decisions that will have an impact on your students, your schools, your budgets, your job—and they need to hear from you. You should also be aware, with the house of origin fiscal committee cut-off passed, and the updated Revenue Forecast set to be released in a few weeks (March 17), budget-writers have already begun to craft their 2021 Supplemental Operating Budget and a new, two-year 2021–23 Operating Budget. As we have discussed before, there is every reason to believe that budget writing will be driven further underground and be even less transparent than normal during this “virtual” session. If that is the case, it is absolutely critical that school administrators keep the heat on—especially about pupil transportation funding and enrollment stabilization (at a minimum)—and get those messages (and your “stories”) to legislators NOW, before they lock into decisions that may be unfavorable to schools.

Just a closing note on the Legislative Conference. Resources from the Conference, including Hot Topics (and the student videos) are available for your use at: www.wasa-oly.org/Leg21Resources.

This Week in Review

As noted above, this week brought the second of the Legislature’s self-imposed cut-off deadlines. Monday was the house of origin fiscal committee cut-off. All bills must have been passed out of their original house fiscal committee (House Appropriations, Capital Budget, Finance, and Transportation Committees and Senate Transportation and Ways & Means Committees) by Monday evening in order to remain alive. As always, budget bills and budget-related bills considered “Necessary to Implement the Budget” (NTIB) are exempt from most of these early cut-off dates.

To date, legislators have introduced around 1,100 bills this session. Prior to last week’s house of origin policy committee cut-off, Committees had adopted almost 500 bills, moving them directly to the House or Senate Rules Committee to await action by the full body, or onto their original house fiscal committee. Prior to Monday’s house of origin fiscal committee deadline, the Legislature’s six fiscal committees had adopted 260 bills. At this point, there are almost 400 (388) bills that are in their original house Rules Committee or have already passed out of their original house. That leaves about
240 bills that must be passed out of their original house by the next cut-off, March 9, to remain alive. These numbers, of course, do not include the budget bills, which have sat dormant in their original house fiscal committees since the first days of session, nor does it include the many bills that will eventually be tagged as “NTIB.”

As we have discussed before, these deadlines serve as an automatic weeding out process and allows (or forces, depending on your perspective) legislators to focus on priorities. It also provides clarity for advocates and constituents in determining legislator priorities. Additional cut-offs continue to arrive throughout the session, continuing to narrow legislators’ focus, until the penultimate cut-off on April 11. When that cut-off date arrives, there are two weeks remaining in the session and the only issues that can be addressed are budgets and budget-related bills, along with resolving differences in bills between the houses. Remember, in order to pass the Legislature, all bills must pass out of both houses in the exact same form—this concurrence process eats up a lot of time during that last stage of the session. We will talk more about this process when we get there. Also, remember that while legislative rules limit what can be addressed during those final two weeks, those rules can be waived and often we see dead bills rise from the ashes or new bills (which technically can’t be introduced at this point) quickly move through the process. For a student of government, this is a fascinating process; for an advocate, this is like a real-life house of mirrors and it can be difficult and frustrating to follow all the action.

On Monday, both the House Appropriations Committee and the Senate Ways & Means Committee had lengthy agendas and met for most of the day. Included on their agendas were bills of interest to school administrators. First, two bills that were acted upon on Friday, after we published last week’s TWIO, along with two bills expected to move, but died without action.

On Friday, the House Appropriations Committee moved HB 1476, the enrollment stabilization bill, to executive action. We had a bit of a heads up about what was likely to happen to this bill and we indicated the assumption in Friday’s TWIO, but obviously until the action occurs you cannot be entirely sure your intelligence gathering is correct. HB 1476 is one of our major priority bills that would provide enrollment stabilization funds to districts if enrollment declines resulted in less funding in the 2020–21 and 2021–22 school years, than the district received in 2019–20 school year. Unfortunately, ESSER II funds are part of the equation, so if a district lost funding, but their allocation of federal relief “backfills” that loss, they would not be eligible for state stabilization funds. We have fought this; however, legislators insist on using those federal funds before they have to dip into state funds. Just as a side note, this attitude will likely be more prevalent—and harder to break through—if Congress adopts President Biden’s $1.9 trillion American Rescue Plan, which includes $130 billion in K–12 funds (no state estimates have yet been provided; however, if $54 billion nationally resulted in $825 million in Washington, quick math indicates we could potentially see almost $2.0 billion coming to local schools).

In addition to providing stabilization for general apportionment, the bill would also require stabilization funding for education programs that are funded based on enrollment, including Alternative Learning Experience (ALE) programs, special education, the Transitional Bilingual Instructional Program (TBIP), the Learning Assistance Program (LAP), highly capable programs, Career and Technical Education (CTE), Skills Centers, dropout reengagement programs, and institutional education. Local Effort Assistance (LEA or “levy equalization”) for eligible districts is also negatively impacted by enrollment declines and, if a district utilizes the per-pupil funding model to calculate levy lids, declining enrollment will also lower a district’s maximum levy authority; stabilization funding would also be provided to ensure LEA and levy lids are not negatively impacted.
That’s how the original HB 1476 would have worked. We have discussed here multiple times, however, that this bill may not ultimately make it through the process and was likely to be addressed in the Operating Budget (the same thing goes for SB 5128, pupil transportation funding). Prior to being adopted by the House Appropriations Committee on Friday, the Committee passed a major amendment. The amendment did four things:

1. It stripped out all of the provisions requiring stabilization funding;
2. The amendment codifies changes to levy formulas that were in the underlying bill for the 2022 and 2023 Calendar Years, requiring 2019–20 School Year enrollment to be used in place of 2020–21 or 2021–22 for each year 2019–20 enrollment is greater;
3. Intent language was added, stating the Legislature intends to provide stabilization funding in the Operating Budget; and
4. The emergency clause was removed.

Some notes. First, it is important to know that we did not lose here. It was understood early on that this would likely be a budget issue. In fact, it was we who requested that a specific bill be introduced, so school administrators had something “real” and tangible that you could advocate for. Engaging with legislators and urging them to support a specific bill—black-and-white language with a number—is much easier than supporting a concept or an idea.

Second, because the dates for the levy provisions fell beyond the scope of the 2021 Supplemental Operating Budget, it was necessary to carry forward with a bill to address levy capacity. What this means is we have three issues on the table as opposed to two: support SB 5128 (pupil transportation); support HB 1476 (levy stabilization); and support enrollment stabilization in the state budget.

Third, the intent language is nice window dressing, but it does not establish a commitment. You might remember what happened with levies in 2017 and 2018. The 2017 so-called “McCleary solution” (EHB 2242) overhauled levies (along with the entire education funding structure); however, there was dissatisfaction among educators and legislators about the new levy policies. In 2018, legislators introduced legislation dubbed the “McCleary fix” bill (E2SSB 6362). One of the “fixes” was to be an adjustment(s) to the new levy structure. Addressing levies was complicated and controversial and legislators struggled to come to consensus on a plan. When the “McCleary fix” bill was adopted by the Senate Early Learning & K–12 Education Committee and later the Senate Ways & Means Committee, it included language stating, “the Legislature recognizes that modifications” to EHB 2242’s levy and LEA policies “are necessary.” The bill specifically clarified “It is the intent of the Legislature to take action to reform those policies in the 2018 legislative session.” We did not know how the reforms would look but could appreciate their willingness to continue discussions—that is, until that intent language was stripped out of the bill as it was proposed to the full Senate. In the end, there were NO changes to levy policy in 2018, regardless of the bold “intent.”

Understand that this is a different scenario, and the same result is highly unlikely. I mention the story, however, to remind you that it is incumbent upon us to ensure legislators follow through with their commitment (or “intent”). We cannot assume legislators will make good on their commitment if we do not keep the heat on and continue to remind them of the issue. This is one of those times where you have to “keep your foot on the gas.”

Fourth, let me address the “emergency clause.” Because levies are the only issue remaining in the bill, and the impact falls in the 2022 and 2023 Calendar Years, there is no “emergency” and there is no need to make this bill effective immediately upon the governor’s signature. If the language stayed in, Governor Inslee likely would have vetoed the section anyway.
The amended “levy only” bill is in the House Rules Committee awaiting action by the full House.

It looks like we are in a good position right now on this issue. But let me say again, we are going to have to keep our hands on this issue and continue to work it. Whatever engagement you have had on this issue, you should ramp up; if you have not been engaged, you are encouraged to jump in. Strange things have been known to happen in the thick of the session, especially if supporters have the attitude that the game is “done and won” and decide to step back. There’s plenty of time for iced tea on the porch after April 25th.

Also adopted by the House Appropriations Committee on Friday was HB 1139, regarding lead in school water. Remember, a striking amendment was adopted in the House Education Committee prior to moving to the Appropriations Committee. The bill still included onerous reporting requirements and potentially large unfunded costs. One major concern is the threshold of lead that triggers required actions. Lead levels exceeding 5 parts per billion found in fixtures trigger required actions; however, the federal EPA requires mediation at 15ppb. We have argued that the threshold is too low since the bill was first introduced; however, we have made no headway.

Prior to being adopted by the Appropriations Committee, three amendments were accepted. The first amendment made changes to private school provisions in the bill and did not impact public schools. A second amendment dealt with water coming into the school. One of the concerns we have with the bill is that it addresses lead contamination in school water; however, there are no provisions that address water coming into the school. If a school replaces pipes, fixtures, and filters and there is still lead in the water, it seems logical to believe the contamination is coming from outside the school building. This is another argument we made with no headway—until it hit the Appropriations Committee. The adopted amendment provides that, if testing reveals that the primary cause of lead contamination is the infrastructure operated by a public water system and not a school water system, the school district is not financially responsible for remediating elevated lead levels in drinking water that passes through that infrastructure. If this is the case, school districts still have obligations under the bill. They must communicate with the public water system regarding the primary cause of lead contamination and request from the public water system a plan for reducing the lead contamination. The third amendment tacks a “null and void” clause on the bill, which voids the bill if it is adopted without specific funding in the Operating Budget. We have requested this simple (but important) amendment since this issue was first introduced as legislation two years ago but had little success. The concern now is that, if the bill is adopted, sufficient funding is indeed placed in the budget. Many legislators have argued that the minor amount of money provided to OSPI for Healthy Kids, Healthy Schools grants would cover the need. The Legislature provided $3.3 million in 2019–21 for these grants that are intended to address numerous issues, one of which happens to be replacing lead-contaminated fixtures.

The bill awaits action by the full House in the House Rules Committee.

Two additional bills of importance were on the executive action agenda in the House Appropriations Committee but were never acted upon: HB 1266 and HB 1500. As we have discussed before, HB 1266 would have provided for a process to address the required rebasing of educator compensation and regionalization. In 2017’s “McCleary solution” (EHB 2242), the Legislature eliminated the state Salary Allocation Model and Staff Mix, replacing the system with compensation based on a statewide average allocation, along with regionalization factors (and, in 2018, an experience factor). EHB 2242 required a regular review and rebase of the new compensation system, beginning in 2023 and every four years thereafter. Although we advocated for a regular review—and won on that issue—the law was silent on the process to accomplish the review and rebase.
HB 1266 would establish a work group, comprised of legislators and stakeholders to undertake a review of compensation issues and forward recommendations in the fall of 2022 to the Legislature, so they can implement necessary changes in 2023.

The bill was on the Appropriations Committee executive action list multiple times; however, it was never acted upon. The bill appeared to have little controversy, with both management and labor supporting it, so it is unclear why it has not moved. Technically the bill is dead but could potentially be tagged as a budget-related bill (although there is no funding contemplated, so it likely falls outside the parameters to be an NTIB bill). Positively, if it does die this year, there is still time to adopt the bill and conduct the review in 2022—although the time available for the required review would be constricted.

The hope was that HB 1266 would be adopted as a package with HB 1419, which would have made adjustments to the current experience factors, but that bill was never even heard.

The second bill left hanging on the Appropriations Committee executive action list without being acted upon was HB 1500. This is another issue that was adopted as a part of the 2017 “McCleary solution.” With the change in the levy system, EHB 2242 required school districts’ regular audits to include a review of the use of enrichment levies. If the state auditor found that levy funds were being used inappropriately, the district would have an opportunity to cure the problem. If the auditor found the continued misuse of levy funds, however, the district would be reported to OSPI and OSPI would be required to reduce school district levy collections by the amount of the inappropriate expenditure. When EHB 2242 was adopted, OSPI and most of the education stakeholders asked the governor to veto these provisions, but they were maintained. OSPI continues to say they don’t believe they have the legal or constitutional authority to reduce a district’s levy collections—and even if they did, they don’t want to be put in this position. HB 1500 would have stripped these provisions out of the law.

Another issue that did not appear to be very controversial (although there were questions about accountability), several amendments were introduced to adjust the bill. It is our understanding the bill ended up being more controversial than anticipated and at least some Republicans were signaling they would oppose the bill. Apparently, Leadership did not want to make this a partisan issue, so they set the bill down. Although the bill is just “technically” dead, it is unlikely this bill will be revived until next session.

On Monday, as noted above, both the House Appropriations Committee and the Senate Ways & Means Committee held lengthy hearings, and while a handful of education-related bills were adopted, there are two key bills we will address here—one which you should keep your eye on, as it is turning into a potentially major issue of interest in all four Caucuses, as well as Governor Inslee and Superintendent Reykdal; and a second bill of potentially major concern.

The first bill to watch is SB 5147. As originally introduced, the 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”). As amended and adopted by the Senate Early Learning & K–12 Education Committee, the bill’s scope (and cost) was reduced. The 210-day school year pilot was eliminated, and the remaining balanced school year pilot was reduced from 50 pilot districts to 30.

The bill was heard in the Senate Ways & Means Committee and before it was moved to executive action it was overhauled. Sponsored by Senator Brad Hawkins (R-East Wenatchee), he worked with Senator Lisa Wellman (D-Mercer Island) to dramatically expand the scope of the bill. The Balanced Calendar grant continues to be in the bill;
however, other new major grant programs were also included. A Summer Reengagement grant program would be established to assist school districts in facilitating a week-long program for students to reengage in learning, physical activity, and social interaction prior to the start of the 2021–22 school year. The Additional Educational Opportunities grant program would also be established for the purpose of providing funds for accelerating learning to address learning loss. Districts receiving grants would have to provide five days of additional education opportunities in preparation for the 2021–22 school year. In funding the grant programs, OSPI would be encouraged to use funding disbursed under the federal 21st Century Community Learning Centers program. Finally, additional funding would be provided to assist school districts in providing up to three additional instructional days.

In the Senate, title amendments are also allowed. SB 5147 is changed from “An Act Relating to exploring alternative school calendars” to “An Act Relating to addressing learning stabilization, recovery, and acceleration.” The reason to keep an eye on this one is that learning recovery is THE hot issue in K–12 right now (probably second only to the reopening of schools for in-person instruction). Governor Inslee requested very little in the way of K–12 enhancements in his 2021–23 Operating Budget request; however, the centerpiece of his K–12 proposal was $400 million for Expanded Learning Opportunities “to improve educational outcomes for all students and to address learning loss and educational opportunity gaps”.

One of Superintendent Reykdal’s major, long-term policy priorities is implementing a Balanced Calendar to shrink summer learning loss. Reykdal also addressed the issue in a recent letter to legislative leaders urging them to provide financial assistance to school districts. As part of the letter, he outlined his priorities for using the $82 million in federal ESSER II funds that the Legislature has, thus far, withheld (along with $74 million of school district allocations). He said he would use $10 million of the total to “incentivize adoption of balanced calendars through planning grants and by covering start-up costs” for 30 school districts.

We likely will not see a Democratic budget proposal from legislative budget-writers for at least a few weeks, but we have seen the focus they placed on learning recovery. The Democratic Pandemic Relief Plan (HB 1368) included requirements for school districts to submit student learning recovery plans to OSPI by June 1—and balanced calendars are one of the potential elements in the plans.

While we do not have Democratic budget plans, Republicans in both houses introduced their own proposals. The Senate Republican budget does not single out learning loss directly; however, in funding provided to K–12, that is one of the “allowable” uses. The House Republicans, meanwhile, propose to inject $500 million ($350 million in FY 21; $150 million in FY 22/23) into the system for Accelerated Learning Opportunities “to expand learning opportunities and implement additional instruction based on an evaluation of student needs. Funding is to be used for additional support to address the impacts of school closures and extended remote learning.”

Federal pandemic relief funds in the form of ESSER I, ESSER II, and the proposed ESSER III, all include addressing learning loss as an allowable expenditure and a major focus.

Whether SB 5147 makes it across the finish line or not, it seems like a good bet to believe some type of legislation and/or budget language will address learning recovery issues. And it seems like a good idea to watch these issues closely.

Also, on Monday, the Senate Ways & Means Committee adopted a bill of potentially major concern. SB 5326 is a returning issue. The bill 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 started in the Senate.

For those of you who have not been following the issue, the concerns are simple. First, a 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. 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? Legislators have dismissed this argument, saying that all legislation is debated on its merits and there will be no slippery slope. Of course, when legislators open a door, they can certainly close it right back up; however, if the unions see this bill passed, legislators (especially if Democrats remain in charge) will be hard-pressed to keep the door closed when the next union comes knocking.

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.

The bill passed out of the Senate Early Learning & K–12 Education Committee and an amended bill was adopted by the Senate Ways & Means Committee on Monday. The sponsor of the bill, Senator June Robinson (D-Everett) introduced a striking amendment in an effort to appease opponents and believes the new bill addresses school district concerns. Positively, there is a provision that states a school district that experiences cost increases as a result of this bill “may be eligible for supplemental allocations of the amount of the increase less the amount reimbursed through the funding model.” Well, sort of positive. This is supposed to be throwing a bone to us, but the language clearly says a district “MAY” be eligible. Not very concrete.

The education community is trying a full court press to see if we can get this bill bottled up in the Senate Rules Committee. The first step was contacting the full Senate to express our concerns. Assuming we are unsuccessful in keeping the bill off the Floor, we are working with sympathetic senators, requesting they introduce a box full of amendments. Likely none of them would hang, however, given the cumbersome nature of this remote session, it could take a lot of time to run through a large set of amendments—and the longer this bill takes to move, the more bills get left behind. So Democratic Leadership would have to decide what is more important to them.

**AEA**

By Mitch Denning

WSNA continues to be pleased that **SHB 1342**, elimination of the reduced-price lunch copay for grades PreK and 4–12, passed the House on February 12, and now moves to the Senate Early Learning & K–12 Committee. In 2006, the Legislature eliminated the
reduced-price copay for K–12 breakfast, and the next year, eliminated the K–3 reduced-price lunch copay. Since 2008, WSNA has been working almost every session to urge the Legislature to finish their job with the elimination of the lunch copay. We hope this is the year, as it would really help low-income families and students at this critical time in our state.

Last Friday, SHB 1139, now titled, taking actions to address lead in drinking water, passed out of the House Appropriations Committee with three amendments which state that: (1) the school district is not financially responsible for lead found in water from a community water system, thus entering the school has already lead-contaminated water; (2) private schools are now exempted from the bill’s language; and (3) a null and void clause is added. The bill is now in the House Rules Committee.

Unfortunately, the requirement of lead at five PPB remains in the bill, and WAMOA continues to oppose this regulation as we favor the 15 PPB which is the federal EPA requirement. WAMOA appreciates the null and void clause, and is currently analyzing the bill’s latest fiscal note, to ensure there are no underfunded mandates.

On Monday, WSNA signed in PRO on SB 5371, funding public health services and healthy equity initiatives through a statewide sweetened beverage tax, in the Senate Health & Long Term Care Committee. Unfortunately, its public hearing was held on the fiscal committee cut-off day, and it did not move out of either its policy or fiscal committee by the end of Monday. The bill is technically dead.

Here are bills that have passed their respective houses so far this week which WAMOA and WSNA are watching or supporting.

SB 5202, allowing school districts to establish a depreciation subfund with their general fund budget for preventative maintenance and facility emergencies, sponsored by Sen. Mark Schoesler, passed the Senate on Wednesday by 44–4, and now goes to the House Education Committee. As reported in a previous TWIO, WAMOA testified PRO in the Senate Early Learning & K–12 Committee on the bill.

SSB 5030, comprehensive school counseling programs, sponsored by Sen. Mark Mullet, refines duties of school counselors during a time when student needs are fairly significant. AEA knows that our students need a lot of support coming back into in-person instruction. It passed the Senate on Wednesday, and now moves to the House Education Committee.

SSB 5181, providing school districts with low-income communities flexibility in financing school facilities, sponsored by Sen. Jim Honeyford, passed the Senate on February 18. This bill would allow districts who are not able to pass a bond issue to finance their capital projects through unique ways. These districts would be able to form partnerships with limited liability companies, and enter into leases, loans, and other arrangements with public and private entities, for the purpose of utilizing federal tax credit programs. It is now headed to the House Capital Budget Committee.

SHB 1363, secondary trauma in the K–12 workforce, sponsored by Rep. Lillian Ortiz-Self, requires OSPI to publish resources for K–12 staff which deal with this significant issue. It also requires WSSDA to develop and update a model policy, which includes establishing a district-wide workforce mental health committee. Finally, it requires school districts by beginning of SY 2021–22 to develop and implement said policies as are found in the bill. It passed yesterday in the House, and now moves to the Senate.

SHB 1391, prime contractor bidding submission requirements on public works contracts, sponsored by Rep. Keith Goehner, passed the House yesterday. The bill includes requirements for prime contractors on projects for public buildings over $1 million to submit current requirements, and now exempts prime contractors from
naming subcontractors for design-build and general contractor/construction manager requests for proposal. It now goes to the Senate.

**SB 5356**, prime contractor bidding submission requirements on public works contracts, sponsored by Sen. Shelly Short, passed the Senate as a companion bill to SHB 1391. The bill includes requirements for prime contractors on projects for public buildings over $1 million to submit current requirements. It now goes to the House Capital Budget Committee.

**SB 5017**, school district procurement requirements for personal service contracts for construction management, value engineering, constructability review, and building commissioning, sponsored by Sen. Lisa Wellman, modifies the list of school district purchases that require public notification and bidding to include construction work done by a contractor who meets the public works responsible bidder criteria, rather than “other work” generally, passed the Senate. It now goes to the House Capital Budget Committee.

**Pensions/Health Benefits**

By Fred Yancey – The Nexus Group

“Sturm und Drang?”

“Ah… I see that I’ll have to introduce you to the finer points of German literature. It means passionate turmoil—literally translated, ‘storm and stress.’”

Anonymous

Both Houses are focusing on ‘floor’ action. They have primarily voted to pass bills that have the support of both parties. Proposals that do not have such consent continue to be approved along party lines. And some bills such as those dealing with police and/or guns generate lively debate. Bills have to be out of their houses of origin by the end of the day on March 9. So, these floor debates will get even more spirited as the controversial bills come before the bodies.

After the March date, bills that failed to clear their house of origin are either still alive because they are deemed necessary to implement the budget, or they are ‘dead’. (Note: It is probably better to think of ‘dead’ bills as ‘zombie bills’ because they potentially could be resurrected.)

Here is a summary of what is still in obvious play. Please note that developments in the Legislature are sometimes spontaneous and unpredictable. This is especially true as deadlines near. This update is accurate when it was written.

**Retirement Related Proposals**

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

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

(Passed the Senate 29–20. Assigned to the House Appropriations Committee.)

**ESSB 5115**: Establishing health emergency labor standards. The bill: Creates an occupational disease presumption for frontline employees during a public health emergency for the purposes of workers’ compensation. • Requires employers to notify L&I when a certain percentage of their workforce becomes infected during a public health emergency. • Requires employers to provide written notice to employees on the premises and their union of potential exposure to the infectious or contagious disease
during a public health emergency. • Prohibits discrimination against an employee who is high risk for seeking accommodation that protects them from the disease or using all available leave options if no accommodation is reasonable.

The fiscal note, which may well be based on the original bill shows an increase in benefits paid of $90 million in '22; $98 million in '23, and $104 million in '24 in addition to the regular historical pattern of L&I benefits paid.

(Passed the Senate 48–1. Assigned to the House Labor Committee.)

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

(Senate Rules Committee.)

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

(Senate Rules Committee.)

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

**School Employees’ Benefits Board (SEBB)**

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

(Passed the Senate 48–0–1 and assigned to the House Appropriations Committee.)

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

This bill was moved to the Senate Rules Committee after the Senate Ways & Means Executive Session on February 22. Although a number of amendments were initially proposed, mostly by the R’s, most were withdrawn. A striker (substitute bill) was proposed and passed along party lines (14–11) with the exception of Democrat Mark Mullet voting against. As the prime sponsor, Senator Robinson stated, the underlying intention of the bill is that all additional district costs would be covered. “The intent is for districts to remain whole.” But she did object to the one R amendment that would have made this change in costs part of Basic Education.

Three items of note: A) First, the fiscal note had two statements that are concerning: “Non-zero but indeterminate cost and/or savings.” and “The assumptions outlined above would create total expenditures of approximately $14.5 million per school year. Since districts are currently playing (sic) contracted costs for the purposes of supplying health benefits to their employees, the fiscal impact of this bill is less than the $14.5 million shown above.” No one knows what this means, although how can the state budget to cover this expense if the cost is indeterminate? B) Private employees would have to meet the 630-hour eligibility requirement to get health benefits, and C) How does one insure (audit) that the private contractor is indeed paying the employee proper benefits?

(Senate Rules Committee.)

**Other Bills**

There are a number of bills proposed that deal with expanding various employee benefits and qualifications. They address such areas as unemployment compensation, family and medical leave, and workmen’s compensation. These proposals may or may not apply to school districts and represent potential added costs to a district’s operations.
Two bills (SHB 1073 and SSB 5097) in the 2021 virtual legislative session are proposing changes.

SHB 1073: Expands coverage of the paid family and medical leave program. It modifies the definition of “family member” for Paid Family and Medical Leave and provides temporary alternate eligibility for claims through June 30, 2022.

(House Rules Committee.)

SSB 5097: Expands coverage of the paid family and medical leave program. This bill, a) changes the definition of family member, b) modifies the requirements for certain employment protections upon return from leave, and c) modifies which employees are eligible for continuation of health benefits during leave.

(Senate Floor Calendar.)

SHB 1363: Addressing secondary trauma in the K–12 workforce. It is in House Rules Committee awaiting scheduling for floor action.

(Passed House 58–40.)

HB 1486: Concerning qualifications for unemployment insurance when an individual voluntarily leaves work.

(House Rules Committee.)

SHB 1492: Concerning extended benefits in the unemployment insurance system.

This bill: Allows claimants of unemployment insurance to be eligible for extended benefits regardless of whether their 52–week benefit year has expired. • Allows the state’s extended benefit program to “trigger on” without having to wait the 13 weeks between extended benefit periods, and • amends a job search provision, for the purposes of federal conformity, regarding denying extended benefits for failing to accept an offer of, or apply for, suitable work.

(Passed the House 94–2.)

SSB 5064: Concerning qualifications for unemployment insurance when an individual voluntarily leaves work.

(Senate floor calendar.)

SSB 5137: Suspending workers’ compensation cost-of-living adjustments for fiscal year 2022, changing the basis of certain future adjustments to the consumer price index, and capping the rate of increase for future adjustments.

(Senate floor calendar.)

SSB 5425: Concerning extended benefits in the unemployment insurance system. This bill, a) allows claimants to be eligible for unemployment insurance extended benefits regardless of whether their 52–week benefit year has expired, b) allows the state’s extended benefit program to “trigger on” without having to wait the 13 weeks between extended benefit periods, and c) amends a job search provision, for the purposes of federal conformity, regarding denying extended benefits for failing to accept an offer of, or apply for, suitable work.

(Senate Rules Committee.)
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

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.

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SB 5021 Retirement benefits/furlough H Appropriations Hunt
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SB 5084 (HB 1081) State gen. obligation bonds S Ways & Means Frockt
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