

# 2015 LEGISLATIVE REPORT

A PUBLICATION OF THE WASHINGTON ASSOCIATION OF SCHOOL ADMINISTRATORS

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## 2015 Session Overview

*Dan Steele, Assistant Executive Director, Government Relations, WASA*

The 2015 Legislative Session was one for the ages—in fact, it often felt as though the session would last for ages. Scheduled for 105 days, the first session of the 64th Biennial Legislature lasted for a record-breaking 176 days: the full Regular Session, two 30-day Special Sessions and part of a third Special Session. Adopting a 2015–17 Operating Budget, anticipated before the session convened to be a difficult task turned out to be a grueling game of chicken.

What complicated the budget puzzle was the continued divided control of the Legislature. Democrats continued to hold the majority in the House, albeit with a slim 51–47 lead (down from 55–43 during the 2013 and 2014 sessions). Republicans in the Senate were numerically outnumbered by Democrats in the last two years, but they controlled a newly formed Majority Coalition Caucus, comprised of Republicans and two dissident Democrats. Following the 2014 election, Republicans solidified their majority and took outright control of the Senate; including one of the previous dissident Democrats who continued to caucus with Republicans, the Coalition Caucus held a 26–23 majority.

The tension between the two houses was not simply “political.” There were significant philosophical differences between the two houses—major differences that were very apparent throughout the session, but in particular during budget negotiations. Democrats were vehemently opposed to drastically cutting government services to balance the budget and supported revenue enhancements as a budget solution. Republicans were just as violently opposed to increasing revenue to balance the budget. In short, the majority of the 2015 session was a debate about more revenue versus no more revenue.

The fight about revenue—or the need for more revenue—began well-before legislators arrived in Olympia. While economic forecasts predicted state revenue to rise, the state’s costs continued to escalate at a faster rate. The official budget estimates from the Office of Financial Management showed a projected shortfall (that is, the gap between anticipated revenues and expected expenditures) of over \$1.0 billion in the 2015–17 Operating Budget. And that projection failed to include most of the additional basic education enhancements necessary to comply with the Supreme Court’s orders in the *McCleary v. State* education funding case. This shortfall also failed to account for a required down payment to begin the implementation of the just-adopted class size

reduction initiative, I-1351. Including the *McCleary* enhancements and beginning to implement I-1351 swelled the “real” shortfall to over \$4.0 billion.

This budget scenario prompted Senator Andy Hill (R-Redmond), Chair of the Senate Ways & Means Committee, to release a “white paper” entitled: “**2015 Budget Preview: The Deficit Myth.**” In this piece, Hill argued that Washington, without any new revenue, could afford to continue all existing services, including increased caseloads and related costs, plus fund required enhancements and still come out in the black. He argued after funding current services (“maintenance level” spending), “the state is projected to have enough revenues to fully finance the next statutorily required *McCleary* enhancement, plus a salary increase for K–12 staff.” There were multiple fatal flaws to that argument. First, his view of *McCleary* was shortsighted. The “next required enhancement to *McCleary*” under SHB 2776 (2010) was to fully fund Maintenance, Supplies & Operating Costs, projected to be near \$750 million. Technically, this was the only statutory requirement this biennium. However, the Court’s *McCleary* decision is NOT simply an order to fund enhancements to SHB 2776. In fact, central to the *McCleary* decision is the full implementation of ESHB 2261 (2009), noted by the Court as a “promising reform package...which if fully funded, will remedy deficiencies in the K–12 funding system.” A budget limited to providing an MSOC enhancement alone would not meet the needs of school districts across the state. That type of narrow plan also would not address the major components of ESHB 2261 (2009) (read: educator compensation) and it would put the state even farther behind schedule to fully fund basic education by 2018.

Second, Hill’s estimate of “maintenance level” costs undercut true costs. For example, he considered the almost \$600 million expenditure to cover negotiated collective bargaining agreements with state employees to be an unrequired “policy enhancement.” While the CBAs were contingent upon legislative approval, it was clear this was a major priority for Governor Inslee and House Democrats and would be a major part of the budget process. Hill argued that the CBAs—and multiple other maintenance level issues—needed to be “evaluated and prioritized with existing expenditures.” That phrase could have more honestly stated “with existing revenues” because, from Day 1, the focus was more on restricting revenue growth, not limiting expenditure growth. (Obviously, those go hand-in-hand; however, the front-line attack was on the cost of programs and ideas, not the merit or lack thereof.)

Finally, Senator Hill argued that I-1351 was required by law, but he noted the Initiative was adopted without a funding source and “the Legislature will have to address this issue.” Clearly, his idea was to ignore or scuttle the Initiative, NOT advocate for a revenue source. The post-election debate about I-1351 was seldom about whether or not it was appropriate. The discussion centered almost exclusively on the Initiative’s price tag. (See the point made in the previous paragraph.) Interestingly, even though Hill acknowledged I-1351 was required by law, his **budget projections** displayed I-1351 as a stand-alone issue, not as a part of the projected maintenance level.

On the other side (the “pro-revenue” side, if you will), Hill’s counterpart, Representative Ross Hunter (D-Medina), Chair of the House Appropriations Committee, was also very vocal, from the beginning, about the 2015–17 Operating Budget. He countered Hill’s budget preview with his own entitled: “**Washington Budget 2015–17: High Degree of Difficulty.**” Hunter stated plainly, “Every dime of new revenue for the next biennium is already dedicated to existing programs.” On top of those maintenance level expenditures, there were additional spending needs (“about a billion dollars of expenditures”), along with required K–12 investments. This left two basic options: raise revenue or reduce other programs. In addition to noting that six years of budget reductions would make it difficult to continue cuts without negatively impacting the level of service (a moral issue), Hunter provided a reminder that there are other constraints on budget reductions (a legal issue) as well; about two-thirds of the state budget is either constitutionally or federally protected. This left a very narrow one-thirds section of the budget in which to cut. Those areas include corrections and higher education—areas difficult to reduce.

Hunter closed his budget preview by saying, “It’s a fantasy to believe that we can fulfill our obligation to fund K–12 education without making cuts to the rest of the budget that will be unacceptable to large parts of the population and both federal and state courts.” In simple terms, that leaves revenue as the only viable option.

And so, the 2015 Session convened, with revenue lines drawn in the sand before the game even began. In retrospect, it should not be surprising the Legislature took six months to adopt a budget. Perhaps we should be surprised the Legislature is not still in session.

Following a very drawn out and extremely contentious process, the Legislature did adopt a new, two-year Operating Budget—along with a new, two-year Capital Construction Budget and a long sought-after 16-year Transportation Budget and revenue package. As the dust has settled, legislators have gone to work applauding their own efforts. Words like “historic” and “fabulous” and “unprecedented” are bandied about as most legislators contort their bodies to pat themselves on the back for a job well done! Many have expressed their concerns that the session took much too long, but follow up that concern with a hearty, “but the results were well worth it.” Senate Majority Leader Mark Schoesler (R-Ritzville), expressed the sentiment of many of his colleagues (both Republicans and Democrats, representatives and senators), as he wrote in a post-session review: “The session this year wasn’t a pretty thing to watch, but in the end we got historic results. More than enough to outweigh the fact we stayed in Olympia far too long....and what we accomplished ought to be counted as a splendid success for the people of Washington.”

Admittedly, the 2015 Legislature did accomplish some positive—and historic—things:

- **Higher Education.** Not just a freeze on tuition, but an actual reduction in higher education tuition: a 15 percent reduction at the two research institutions; 20 percent at the three regional institutions and The Evergreen State College; and 5 percent at community and technical colleges.

- **Transportation.** A long-awaited highway construction program—the first in a decade—was put in place to shore up our bridges, relieve traffic congestion and maintain the competitiveness of our economy. The 16-year transportation plan will be funded by a new revenue package. (Many legislators, led by the Senate Republicans, drew a deep line in the sand against tax increases. When it came to transportation, however, those same Senate Republicans, took the lead in advocating for not only a major increase in the gas tax, but also major increases in a slew of transportation-related fees.)
- **Early Education.** “Landmark” legislation, the Early Start Act, was adopted to: provide parents with access to high quality early learning programs; set quality standards for early learning; and provide support to early learning educators in childcare and pre-school. The budget also includes an additional 1,600 slots in the state’s Early Childhood Education and Assistance Program.
- **Mental Health.** Legislation (and funding) was adopted to address a Supreme Court ruling which put the Legislature on notice for unconstitutionally keeping mentally ill people in shackles in emergency room hallways. A package of other bills was adopted to address a broad range of mental health issues.

Unfortunately, what the Legislature failed to do is just as, if not more, important than what they achieved. Many of those failures occurred in K–12 education. Most legislators will boast about the \$1.3 billion they provided to enhance basic education—an historic increase that raises the K–12 share of the overall budget to around 47 percent. No one can argue that this is not a significant and an historic increase in education funding; however, it becomes less positive when you put the action in context. The \$1.3 billion is less than what the Legislature’s own Joint Task Force on Education Funding recommended and it is substantially less than the level of K–12 funding the state promised during the *McCleary* trial. The closer we get to the 2018 funding deadline, the steeper and more difficult the ramp becomes to reach full compliance.

The second major failure was the inability to adopt K–12 compensation or levy reform. The Legislature has been under the gun to address the continuing unconstitutional underfunding of educator compensation—which is forcing the ongoing unconstitutional overreliance on local levies. WASA, along with our WASBO colleagues, prioritized this issue this session. The compensation issue was soundly ignored before session and during the early days of session. After continuing to press the issue, however, we finally started to see some cracks. By mid-February, budget-writers in both houses publicly stated they recognized that the Legislature needed to address the state’s underfunding of salaries—and clarified the urgency by noting it needed to be addressed THIS session. Talk is cheap, however.

In the waning days of the session, multiple plans were finally publicly released to tackle the issue; however, it was clear there was no consensus. Even though a group of key legislators had been meeting for weeks (months, really) on a bipartisan, bicameral basis,

when legislation was finally introduced, it was segregated. Senate Republicans released a comprehensive bill (SB 6109) and Senate Democrats released a package of bills (SB 6102, SB 6103 and SB 6104). House Democrats also introduced legislation, but rather attacking the issue directly, their bill (HB 2239) would set a schedule by which a series of specific decisions need to be made, as well establish a new Washington Education Funding Council to oversee the process. House Republicans, for their part, worked the issues behind-the-scenes with their House Democrat colleagues and their party colleagues in the Senate, but never released their own legislation.

Each bill received public hearings; however, as expected, the proposals were extremely complex and controversial and there was no effort to move the bills. A short time later, a bipartisan bill (SB 6130) was introduced in the Senate. The bill was a comprehensive measure that melded concepts from each caucus. Unfortunately, sponsors from both parties held a press conference upon releasing the bill and plainly stated that, while there would be public hearing on the bill that afternoon, there was no intention to otherwise act on the bill during this session. Legislators continue to tweak the bill and will be going on a “listening tour” this interim to seek input from educators, parents and other stakeholders in an effort to craft and adopt legislation in 2016—even though there was broad agreement (and a promise to the Court) that 2015 was the crucial year for a “grand agreement.”

There was a glimmer of hope that the Legislature would act on the compensation/levy conundrum. Instead, the Legislature compounded the problem. Legislators are proud of themselves for providing additional enhancements for all-day kindergarten and class size reduction and funding the required Initiative 732 COLA for educators (along with a one-time “bonus”). All positive actions, yet failing to positively address the unconstitutional underfunding of compensation or the unconstitutional overreliance on local levies actually exacerbates the current funding problem. Thanks.

Since September, the Legislature has been under the cloud of a contempt order from the Supreme Court. Twice the Court ordered (not suggested, not recommended, not requested, but specifically directed) the Legislature to submit “a complete plan for fully implementing its program of basic education for each school year between now and the 2017–18 school year.” In 2013, the Legislature’s required compliance report was silent on the Court’s directive to submit a report, so the Court ordered it again. In 2014, the Legislature clearly acknowledged its failure to comply with the Court’s 2012 and 2014 orders. In that report, they provided a series of excuses why they were unable to comply.

At that point, Justices, clearly frustrated with the Legislature’s lack of action, summoned the state to appear before the Court to address why they should not be held in contempt for violating the Court’s orders and why, if it is found in contempt, sanctions requested by the plaintiffs (Network for Excellence in Washington Schools—NEWS) should not be granted. Briefs were filed by both parties over the past summer and oral arguments were heard before the Court on September 3.

On September 11, Justices unanimously found the Legislature to be in contempt. The Court accepted the state's promise that the Legislature would comply in the upcoming 2015 Session, however, and delayed issuing any sanctions. The Court did put the Legislature on notice by bluntly stating if the Legislature fails to comply with the Court's orders by the end of the 2015 Session, thus purging the contempt, "the Court will reconvene to impose sanctions and other remedial measures as necessary."

The third major failure of the 2015 Legislature was its lack of action in responding to the Court's contempt order. Several bills were introduced addressing the necessary plan and there was much discussion about the issue; however, ultimately, no action was taken. Rather than hide behind more excuses in its 2015 report, the state took a different tack and tried to explain why a plan was unnecessary.

The Attorney General made the case the Legislature was making significant progress towards full funding of education and said, "The 2015 Legislature's actions move the state closer to ultimate constitutional compliance than any written plan would have done, and continuing to demand a plan at this point would serve no useful purpose."

Note the Legislature's progressing disdain (interestingly, that is another word for "contempt") for the Court's authority:

- In 2013, the Legislature was silent on the Court's Order, essentially ignoring its existence.
- In 2014, the Legislature said it tried to adopt a plan, but it was too difficult and tried to excuse away the lack of action.
- In 2015, the Legislature essentially argued they know better than the Court and to comply with its orders is not worth the time.

The Legislature continues to argue the contempt order should be dissolved—even though they are showing more contempt than they ever have before. The Court will have the next word. It is unclear when or how the Court will respond; however, it seems clear the Justices are becoming increasingly frustrated and impatient.

### **Next Steps**

Advocacy is a year-round effort and the end of the Legislative Session should not mean the end of school administrators' advocacy activities. Advocacy does not have to be hard—or intimidating. Contact your legislators now (and often) and continue to build good relationships with them. Establish trust and credibility so they will come to you for information and advice.

Give legislators a tour of your schools. Meet with them for coffee. Invite them to a meeting of your Board. Help legislators to understand the complexities of public education and your needs. As you begin to implement your districts' budgets, explain to legislators what obstacles you continue to face. Many of them do not understand your

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A special thank you to our WASBO colleagues, WASBO Executive Director Nancy Moffatt and participants in the WASBO/WASA Local Funding Workgroup. Even though much work remains to be done, our joint efforts pushed the compensation/levy reform issue to the forefront during this session.

Additional thanks go to my WASA staff colleagues for their support, in particular Sheila Chard for her faithful service, always positive and helpful attitude and never-ending support.

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frustrations—and many of them will be perplexed why a multi-billion dollar increase in basic education funding over the last three years hasn't solved your problems.

A simple—and effective—way to build those relationships is through activities related to the Focus on Education month in November. With the 2015–16 school year about to begin, NOW is the time to begin planning your activities. Use this as an opportunity to showcase your schools' and your students' successes to the community—and your legislators. Consult with colleagues in your region and/or visit WASA's **Focus of Education webpage** (in process of being updated) for ideas about how to make this a successful event or series of events.

The journey toward 2018, the Legislature's deadline for full compliance with the paramount duty (and fulfillment of the Supreme Court's Orders), will be an arduous one. The road so far has been difficult, but we have a long way to go. School administrators must remain vigilant—and ramp up their advocacy activities. The 2016 Legislative Session is less than six months away—and it's never too early to plan ahead.

## 2015 Legislative Session “By the Numbers”

\$1.4 billion	The total <i>McCleary</i> down payment recommended by the Legislature’s own Joint Task Force on Education Funding in 2013–15.
\$1.0 billion	The total (claimed) <i>McCleary</i> -related basic education enhancement provided in the 2013–15 Operating Budget.
\$3.3 billion	The total <i>McCleary</i> -related basic education enhancement in the second biennium, 2015–17, as recommended by the Legislature’s own Joint Task Force on Education Funding.
\$1.3 billion	The total <i>McCleary</i> -related basic education enhancement provided in the 2015–17 Operating Budget.
\$12,701	The amount of per pupil funding the state testified would be provided when “Full Funding” of basic education was achieved by the 2018 deadline (NOT including any capital or inflationary cost).
\$11,345	The approximate amount per pupil funding the state should be funding by Fiscal Year 2017—IF the State fulfilled its promise to the Supreme Court by making “steady, measurable progress” towards full funding of basic education.
\$9,024	The state’s actual projected per pupil funding in Fiscal Year 2017, following the adoption of the 2015–17 Operating Budget.
5,698	OSPI’s projected number of additional classrooms needed to fully implement all-day kindergarten and reduce K–3 class sizes. Superintendent Dorn requested \$1.98 billion to fund these additional classrooms.
2,000	Estimated number of additional classrooms that are anticipated to be funded in the 2015–17 Capital Budget, via 2ESSB 6080.
2,481	Number of Bills, Resolutions and Memorials introduced this session. This is an average of almost 17 bills per legislator.
363	Number of Bills adopted by the Legislature this session.
176	The total number of Legislative days in the 2015 Session: a full Regular Session, two 30-day Special Sessions, and part of a third Special Session. The number of days legislators actual worked was significantly less than this.
8	Number of Operating Budget proposals. Two from Governor Inslee; Two from House Democrats; and Four from Senate Republicans, including a one-month “contingency” budget. This does not include the numerous behind-the-scenes offers that were passed back-and-forth between the houses during budget negotiations.
1	Number of State Legislatures that have been held in Contempt of Court. September’s contempt ruling against Washington’s Legislature was the first time in state history—and the first time in the country. Sometimes being “first” is not a good thing.
0	Number of bills adopted to establish a complete funding plan for basic education and purge the Contempt Order.

## 2015–17 Operating Budget: ESSB 6052

Legislative sessions held in odd-numbered years are the “long” sessions (limited to 105 days), wherein the state’s two-year Operating Budget and Capital Construction Budget are written and approved.

It was clear from the beginning that the 2015–17 Operating Budget was going to be the focal point of the 2015 Session. It was equally clear that K–12 education and *McCleary* was going to be a major focus of the budget debate. All five corners (the four caucuses and the governor’s office) all conceded that a significant enhancement for basic education was a must. The debate centered on two questions: ‘What size of enhancement is significant enough?’ And ‘Where will the necessary revenues to fund that enhancement come from?’

In December, Governor Inslee submitted his required budget proposal. The center piece of his budget plan was his education funding package, consisting of a \$2.3 billion two-year investment for early learning (\$156 million), K–12 education (\$2.0 billion) and higher education (\$165 million). The bulk of Inslee’s proposed K–12 enhancement, nearly \$1.3 billion, was for *McCleary*-related basic enhancements. He proposed \$751.8 million to fully fund MSOC by the 2015–16 school year, as required by SHB 2776 (2010). He also proposed fully funding of SHB 2776’s required K–3 class size reduction (\$448.1 million) and state-funding all-day kindergarten (\$107.6 million) in the second year of the biennium (2016–17 school year)—one year ahead of schedule.

Conspicuous by its absence was Initiative 1351. The Initiative was adopted in November with a required \$2.0 billion down payment to begin implementation of K–12 class size reductions and staffing allocations in 2015–17. Other than a minor budget note which mentioned the intent to amend I-1351, the Initiative was a no-show in the governor’s budget. The governor didn’t find much disagreement in the Legislature. Both budget-writers openly discussed scaling back—or even repealing—the Initiative. Ultimately, the decision was to delay implementation for four years (EHB 2266). This gives the Legislature ample time to find the necessary revenues to implement...or more likely the necessary time to allow for the repeal or potential drastic amendment of the plan. (Within two years of an Initiative’s

adoption, a two-thirds vote of both houses is necessary to alter the law. After two years, it can be amended by a simple majority vote.)

Governor Inslee’s budget documents, followed up by his public comments, noted that his proposed \$1.3 billion basic education investment would “constitute full implementation of House Bill 2776.” While this was true, WASA tried to remind him (and legislators and anyone else who would listen) that full implementation of SHB 2776 did NOT fully fund education or fully comply with the Supreme Court’s orders in *McCleary*. During the past few years, the legislative focus has been on the “big four” issues in SHB 2776: full funding of pupil transportation; full funding of MSOC; full funding of K–3 class size reduction (down to 17 students per teacher); and state funding of all-day kindergarten across the state. Certainly, fully funding these issues is positive (and required); however, it is not the end of the line. ESHB 2261—including its required compensation enhancements—also needs to be fully implemented.

The initial read from the Senate Republican caucus was that the bare minimum was more than enough for K–12 in 2015–17. Senate Ways & Means Chair, Andy Hill (R-Redmond) fired his first salvo well-before session began to explain that there were only two required K–12 policy enhancements that were statutorily required in 2015–17: Initiative 732 COLAs and Maintenance, Supplies & Operating Costs (MSOC) in SHB 2776. Technically, that was true. A K–12 budget that was limited to providing a \$750 million MSOC enhancement and a \$230 million COLA, however, certainly would not meet the needs of school districts across the state—nor would it appease the Supreme Court, which has already criticized the Legislature for its lack of progress towards full funding of basic education. So, the initial informal proposal from Senate Republicans was just south of \$1.0 billion.

House Democrats, led by Representative Ross Hunter (D-Medina), House Appropriations Committee Chair, engaged in similar conversations about the need to fully implement SHB 2776. (MSOC funding at \$750 million was the common thread in each conversation—each of the caucus were set to comply with that requirement.) Early on, Hunter did not talk

specifics about what was needed, or what he would later be proposing; however, he mentioned, in broad terms, the need to make “a \$1.2 to \$2.0 billion new investment in K–12 education.”

What stymied the budget negotiations this session was not K–12 education. Although official budget proposals (besides Inslee’s required December request) were not released until the end of March, it quickly became clear that the five corners would be supporting a K–12 enhancement in the range of \$1.3–\$1.4 billion. Each legislative caucus started the discussion with the required \$750 million for MSOC and each discussed additional phase-in of K–3 class size reduction and all-day kindergarten. Although the specific details of the individual plans were somewhat different, in the grand scheme of things, they were very similar. All things being equal, coming to agreement on these items would be relatively easy.

Revenue was the question that separated the negotiators. House Democrats started the budget conversations with a \$1.5 billion tax package on the table. Senate Republicans consistently maintained that no new revenues were needed. Positive economic reports during the session bolstered the Republican position—as well as the inability of House Democrats to solidify behind a common revenue plan. As the session(s) continued on, the will to force a tax package weakened in the Democratic caucus until the bulk of their original requests were swept away.

Ultimately, the final 2015–17 Operating Budget provided a \$1.3 billion basic education enhancement, and a handful of token revenue enhancements were included. Over \$380 million was provided for I-732 COLAs and an additional “bonus” COLA for educators. In total, including maintenance level items, the K–12 budget increased by just under \$2.9 billion.

Certainly, this investment is positive. And, perhaps this is as much as could be expected—after all, \$1.3 to \$1.4 billion *McCleary* enhancement was virtually all but agreed upon very early in the session. It is frustrating, however, to hear from legislators (in all four caucuses), the governor, journalists, the general public and even some education stakeholders that this budget “fully funds basic education.” Stepping back to Senator Hill’s comments before session, an argument can certainly be made that the 2015–17 Operating Budget provides funding to “fully finance the next statutorily required *McCleary*

enhancement, plus a salary increase for K–12 staff.” In fact, it does this plus adds a “bonus” COLA for educators. This, however, does NOT fully fund basic education. It does NOT fully comply with *McCleary*. And it puts the state even farther behind schedule to meet its 2018 paramount duty obligation. This state investment will also turn out to be very expensive for school districts. The longer the Legislature forces local school districts to use local levies to fund a state obligation (that is, compensation), the more costly it will be.

Details of the K–12 portion of the budget as adopted by the 2015 Legislature and signed by Governor Inslee follow.

For additional budget information, please use the following links:

- 2015–17 Operating Budget: [ESSB 6052](#)
- Legislative Evaluation & Accountability Program (LEAP) Committee: [Budget Overview](#) and [Agency Detail](#)
- LEAP Documents: [Staff Mix](#) and [Salary Allocations](#)
- [OSPI Pivot Tables](#)
- OSPI Budget Driver Summary: [John Jenft Rate Sheet](#)
- OSPI Budget Updates: [School Apportionment & Financial Services](#)

## BUDGET DETAILS: K–12 ENHANCEMENTS

**Maintenance, Supplies, & Operating Costs—\$741.5 million**  
SHB 2776 (2010) and the *McCleary* decision require full funding of an enhanced formula for Maintenance, Supplies, & Operating Costs (MSOC) by the 2015–16 school year. Allocations for MSOC are increased for the 2015–16 and 2016–17 school years by \$741.5 million, fully funding this obligation. MSOC will continue to be adjusted annually for inflation in the future.

MSOC, as adopted in SHB 2776, encompasses seven components representing the non-staff costs of operating a school district. Per full-time equivalent student allocations for each of those individual components are enhanced in the 2015–16 and 2016–17 school years, as follows: Technology, from the current \$89.13 to \$127.17 in 2015–16 and \$129.33 in 2016–17; Utilities & Insurance, from \$242.17 to \$345.55 and \$351.43; Curriculum & Textbooks, from \$95.69 to \$136.54 and \$138.86; Other Supplies & Library Materials, from \$203.16 to \$289.88 and \$294.81; Instructional Professional Development for Certificated and Classified Staff, from \$14.80 to \$21.12 and \$21.47; Facilities Maintenance, from \$119.97 to \$171.19 and \$174.10; and Security & Central Office, from \$83.12 to \$118.60 and \$120.61.

The Operating Budget provides enhancements for each individual MSOC component; however, the funding continues to be for “allocation purposes only,” so the enhancements continue to provide districts flexibility in using the funds. The total funding increases from \$848.04 per full-time equivalent student provided in the current school year to \$1,210.05 per FTE student in the 2015–16 school year and \$1,230.62 in the 2016–17 school year.

Students in approved Skills Center programs generate per FTE student allocations of \$1,272.99 in the 2015–16 school year and \$1,294.63 for the 2016–17 school year. Students in approved exploratory and preparatory Career & Technical Education programs generate a per student allocation of \$1,431.65 in the 2015–16 school year and \$1,455.99 in the 2016–17 school year.

Additional per FTE student enhancements are provided for students in grades 9–12, as follows: Technology, \$36.57 in 2015–16 and \$37.19 in 2016–17; Curriculum & Textbooks, \$39.89 and \$40.57; Other Supplies & Library Materials, \$83.11 and \$84.53; and Instructional Professional Development for

Certificated and Classified Staff, \$6.65 and \$6.76. Additional per FTE student MSOC allocations for grade 9–12 students total \$166.22 in 2015–16 and \$169.05 in 2016–17.

### **Class Size Reduction—\$350.2 million**

SHB 2776 (2010) and the *McCleary* decision require average class sizes for grades K–3 to be reduced, beginning with schools with the highest percent of low-income students, until the class size for those grades is 17.00 students per classroom teacher in the 2017–18 school year.

The budget provides \$350.2 million to continue to phase in reduced class sizes in grades K–3, with the largest class size reductions occurring in early grades in the first year and then following the cohort of students who have already received the benefit of state-funded class size reduction in the second year. Priority is given to high-poverty elementary schools, as measured by those with the highest percentage of students eligible for the federal Free and Reduced-Price Lunch (FRPL) program.

Funded allocations for general education class sizes are targeted, as follows: Kindergarten class sizes are reduced to 22.00 students-per-teacher in school year 2015–16 and to 19.00 students-per-teacher in the 2016–17 school year; 23.00 and 21.00 in Grade 1; 24.00 and 22.00 in Grade 2; and 25.00 and 22.00 in Grade 3. Funded allocations for class sizes in high poverty schools (at which more than fifty percent of students are eligible for FRPL) are targeted, as follows: Kindergarten class sizes are reduced to 18.00 students-per-teacher in school year 2015–16 and to 17.00 students-per-teacher in the 2016–17 school year; 19.00 and 17.00 in Grade 1; 22.00 and 18.00 in Grade 2; and 24.00 and 21.00 in Grade 3. Class sizes in upper grades continue to be funded at previously funded levels in both general education and high poverty classes: 27.00 students-per-teacher in Grades 4–6 in both the 2015–16 and 2016–17 school years; 28.53 in Grades 7–8; and 28.74 in Grades 9–12.

Although SHB 2776 specifies that enhanced funding for class size reduction is for “allocation purposes only,” the Operating Budget requires allocations for class sizes to be provided in proportion to each school district’s “demonstrated actual weighted average class size for grades kindergarten through three.” Class size compliance will be calculated at a district-wide

level separately for high poverty schools and non-high poverty schools. The results of the compliance calculation will be two unique by district weighted average class sizes (high poverty and regular) to be used in the apportionment system. At a minimum, OSPI must provide allocations sufficient to fund a weighted average class size not to exceed 25.23 full-time equivalent students per teacher in grades K–3.

Additional reporting is also required. For the 2015–16 and 2016–17 school years, school districts must report to OSPI the monthly actual average district-wide class size across each grade level of K–3. OSPI, in turn, must report this information to the Legislature by September 30th of each year. This reporting requirement begins September 2015. OSPI will have to write rules on how and what to report.

Funding is provided to fully implement a class size of 17.00 for K–1 students in high poverty schools in the 2016–17 school year. It is anticipated that sufficient additional funding will be provided in the next biennial budget to fully implement a class size of 17.00 for grades K–3 in all schools by the 2017–18 school year, as required by current law.

#### **All-day Kindergarten—\$179.8 million**

SHB 2776 (2010) and the *McCleary* decision require statewide basic education funding of all-day kindergarten by the 2017–18 school year. The budget provides allocations sufficient to expand statewide voluntary all-day kindergarten programs, increasing from 43.75 percent of kindergarten enrollment in the 2014–15 school year to 71.88 percent in the 2015–16 school year. All-day kindergarten is fully implemented at 100 percent of kindergarten enrollment in the 2016–17 school year, one year ahead of the statutorily required deadline.

Until statewide all-day kindergarten is fully implemented, funding is provided first to those schools with the highest percentage of students eligible for the federal Free and Reduced-Price Lunch program. OSPI maintains a rank-order list of eligible schools, available on the [School Apportionment & Financial Services webpage](#).

#### **Federal Forest Revenues—\$7.7 million**

Under current law, timber revenues collected by school districts from most federal lands are deducted from the general apportionment allocations provided by the state. Congress

recently reauthorized the Secure Rural Schools and Community Self-Determination Act for two years, which provides federal funds to compensate the state and school districts for property that is not taxable. Under legislation adopted last year, the forest revenue “deduction” was partially eliminated; districts who have a prior year poverty percentage of 57 percent or more are allowed to keep up to \$70,000 of federal forest money.

The Operating Budget “overrides” current law by providing full general apportionment payments to school districts eligible for federal forest revenues. This one-time allocation allows school districts that receive federal forest revenues to retain those revenues—without a corresponding reduction in their general apportionment—during the 2015–17 biennium.

#### **Dual Credit—\$6.6 million**

Funding is provided to partially implement E2SHB 1546, eliminating the use of Running Start for courses offered in the high school, and creating subsidies and per credit fee limits for College in the High School classes for eligible 11th and 12th grade students. The bill established a prioritization of funding, as follows:

1. Current Running Start in the High School students for 2015–16 only;
2. Students whose high school or residence is more than 20 driving miles from a college offering a Running Start program;
3. Students attending schools receiving small high funding; and
4. Students eligible for Free and Reduced Price Lunch.

The subsidies enacted by E2SHB 1546 are “subject to appropriations.” While the 2015–17 Operating Budget provides \$6.6 million (\$2.9 million in Fiscal Year 2016 and \$3.8 million in Fiscal Year 2017), to implement the bill, the funding is only sufficient to assist students in the first priority in 2015–16 and students in the second priority in 2016–17. It is also likely that not all students in those two tiers will receive assistance.

#### **Teacher Mentoring—\$5.0 million**

Funding is provided to expand the number of teachers that may participate in the Beginning Educator Support Team (BEST) program. BEST provides grants to school districts and/or regional consortia to provide an enhanced level of support

and professional development for new teachers. The program provided by a district or regional consortia must include: a paid orientation; assignment of a qualified mentor; development of a professional growth plan for each beginning teacher aligned with professional certification; release time for mentors and new teachers to work together; and teacher observation time with accomplished peers. The funding provided may also be used to provide statewide professional development opportunities for mentor and beginning teachers.

#### **CTE Guidance Counselors—\$3.5 million**

Funding is provided to adjust the prototypical school funding formula staffing allocations in Career & Technical Education and Skills Centers programs for state-funded Education Staff Associates, correcting a formula error.

#### **School Turnaround Programs—\$3.2 million**

Sufficient funding is provided for grants to school districts identified as persistently lowest achieving and having been listed by OSPI as a Required Action District. Funds are also provided for staffing at OSPI for the implementation and continued administration of the program.

#### **College Success—\$2.9 million**

Washington Achievers Scholars supports community involvement officers in the recruitment, training, and matching of community volunteer mentors with students selected as Achievers Scholars, providing mentorship to low-income high school juniors and seniors through their freshman year of college. The College Bound Scholarship program provides annual college tuition and a book allowance for low-income Washington students. This budget provides funding to expand the Washington Achievers Scholars program within King and Pierce counties. Additionally, funding is provided to replace federal and private dollars that are no longer available to the College Bound Scholarship program.

#### **Kindergarten Readiness—\$2.8 million**

Funding is provided to continue the statewide administration of the Washington Kindergarten Inventory and Developing Skills (WaKIDS) and for one-time implementation and training grants for schools implementing the inventory for the first time in the 2015–17 biennium. This step assumes the expansion of state-funded full day kindergarten to 71.88 percent in the 2015–16

school year and full implementation in the 2016–17 school year (as noted above).

#### **Computer Science Grants—\$2.0 million**

Funding is provided for the Computer Science and Education Grant program to support: the training and credentialing of teachers in computer sciences; the provision and upgrading of technology needed to learn computer science; and Computer Science Frontiers Grants to introduce students to and engage them in computer science. In implementing the grant program, OSPI is directed to use the computer science learning standards that must be adopted as required in SHB 1813. Pursuant to SHB 1813, those standards must be developed by a nationally recognized computer science education organization.

Grants provided for the purpose of introducing students to computer science are intended to support innovative ways to introduce and engage students from historically underrepresented groups, including girls, low-income students, and minority students, to computer science and to inspire them to enter computer science careers. Grant funds are permitted to be expended only to the extent that they are equally matched by private sources for the program, including gifts, grants, or endowments.

#### **Microsoft IT Academy—\$2.0 million**

The budget provides funding to expand the statewide Information Technology (IT) Academy. The public-private partnership (with Microsoft) provides educational software, as well as IT certification and software training opportunities for students and staff in public schools. The additional funding will expand the Academy in middle schools.

#### **Math & Science Professional Development—\$1.4 million**

One-time funding is provided for professional development and coaching for state-funded math and science high school teachers. Training will be provided in the 2015–16 school year by the science and mathematics coordinators at each ESD. The professional development must include instructional strategies and curriculum-specific training to improve outcomes for the statewide high school mathematics assessment or the high school biology assessment. The professional development provided may be broken up into shorter timeframes over the course of more than one day, but the aggregate amount of

professional development provided must be one full work day. The funding provided is for state-funded units only.

#### **Project-Based Math & Science—\$1.0 million**

Funding is provided for OSPI to contract with a non-profit organization (Pacific Education Institute) to integrate the state learning standards in English language arts, math, and science with outdoor field studies and project-based and work-based learning opportunities aligned with the environmental, natural resource, and agricultural sectors.

#### **CTE Grants—\$800,000**

Funding is provided to increase Secondary Career & Technical Education grants. If equally matched by private donations, half of the appropriation must be used to support FIRST Robotics programs. A portion of the funding enhancement is provided to support statewide supervision activities for Career & Technical Education student leadership organizations.

#### **Building Bridges Grant Program—\$762,000**

Initiative 502, passed by voters in 2012, authorizes the regulation, sale, and taxation of marijuana for adults over the age of 21. Under provisions of the Initiative, a portion of the taxes collected on the sale of marijuana (up to three-tenths of one percent) must be used to fund grants to the Building Bridges program. The budget provides required funding from the Dedicated Marijuana Account to provide grants to Building Bridges, a statewide dropout prevention, intervention, and reengagement program.

#### **College Bound PSAT—\$652,000**

One-time funding is provided for the administration of the Preliminary Scholastic Aptitude Test (PSAT) to ninth and tenth grade participants in the College Bound program. OSPI is required to partner with a national non-profit organization that offers the aptitude test. The organization must provide: early and annual feedback on student progress; detailed performance feedback connected to Washington's standards, instruction, and assessments; access to state-of-the-art learning tools including free, personalized practice; access to college and career planning tools; personalized information packets to high-achieving, low-income students to increase the number of applications to public four-year institutions of higher education and independent, nonprofit baccalaureate degree-granting

institutions in Washington; and the opportunity for income eligible students to take the PSAT in eleventh grade at no cost, to take the Scholastic Aptitude Test (SAT) twice at no cost, and access to additional tools and score reports at no cost.

#### **Urban School Turnaround—\$600,000**

One-time funding is provided to continue the Urban School Turnaround Initiative and provide grants to each of the two schools in the Seattle School District that received grants under the original program. The purpose of these grants is to assist the schools in maintaining gains made as a result of work completed under the original program, while also phasing out state funding support of the program.

OSPI must allocate the funds provided to Seattle School District to be used exclusively in the selected schools. The district may not charge an overhead or indirect fee for the allocated funds or supplant other state, federal, or local funds in the selected schools. The district must use the funds for intensive supplemental instruction, services, and materials in the selected schools, including but not limited to: professional development for school staff; updated curriculum, materials, and technology; extended learning opportunities for students; reduced class size; summer enrichment activities; school-based health clinics; and other research-based initiatives to dramatically turn around the performance and close the achievement gap in the schools. Priorities for the expenditure of the funds are to be determined by the leadership and staff of each school.

#### **Dual Language Pilot—\$500,000**

One-time funding is provided to OSPI to implement a K–12 Dual Language Pilot Program to build and expand well-implemented, sustainable dual language programs and create state-level infrastructure dedicated to dual language instruction. The Pilot is intended to: create a dual language pipeline scholarship program; provide technical assistance and support of the expansion and implementation of dual language programs in school districts; and create a dual language grant program.

\$250,000 is provided for grants in each year of the biennium. OSPI must award grants to pairs of school districts for periods of two years. Each awarded pair must have one district with an established dual language program with a plan for expansion, and another district with the desire to implement a new dual

language program. Grant funds may be used for professional development, supplemental materials, training, administrative staffing of the program, site visits, recruiting bilingual teachers and instructional aides, program evaluation, and coaching.

#### **Civil Liberties Education—\$250,000**

Funding is provided to OSPI for grants for the Kip Tokuda Memorial Washington Civil Liberties Public Education Program. The purpose of the program is to fund public educational activities and development of educational materials focused on the events surrounding the exclusion, forced removal, and internment of civilians and permanent resident aliens of Japanese ancestry.

#### **AIM Community Grants—\$250,000**

Funding is provided for a pilot program for Academic, Innovation, and Mentoring (AIM) in five communities statewide. The grants will fund expanded learning opportunity grants to community-based organizations. The purpose of the program is to enable eligible neighborhood youth development entities to provide out-of-school programs for youth ages six to eighteen years of age that include educational services, mentoring and linkages to positive, pro-social leisure, and recreational activities. The programs must be designed for mentoring and academic enrichment which include at least two of the following three activity areas: (a) science, technology, engineering, and math (STEM); (b) homework support and high-yield learning opportunities; and (c) career exploration.

OSPI must submit a report to the Legislature outlining the programs established, target populations, and pre- and post-testing results. An interim report is due December 31, 2015 and a final report is due December 31, 2016.

#### **Computer Science Education—\$239,000**

Funding is provided to implement SHB 1813, computer science education. OSPI and the Professional Educator Standards Board (PESB) are directed to adopt computer science learning standards, and PESB is directed to develop a K–12 computer science endorsement.

#### **Social and Emotional Learning—\$215,000**

One-time funding is provided to OSPI to convene a Work Group to make recommendations on comprehensive benchmarks for developmentally appropriate interpersonal and decision-making

knowledge and skills of social and emotional learning for kindergarten through high school. The Work Group is directed to submit its recommendations to the Legislature by October 1, 2016.

#### **Institutional Education MSOC—\$174,000**

The funding rate for Maintenance, Supplies, & Operating Costs (MSOC) for institutional education programs is increased for curriculum and textbooks, technology, professional development, and 50 percent of other supplies and library materials. The remaining formula components are not increased, as facility operational costs for institutional programs are funded through the Department of Social and Health Services (DSHS) rather than the school districts. This step aligns institutional MSOC with the rates provided to general education students, with the exception of formula costs provided through DSHS.

This funding increases the 2015–16 Maintenance Level of \$341.01 per student FTE to \$429.77 per student FTE.

#### **Non-Violence Training—\$150,000**

Increased funding support is provided for school districts and schools to work with the Institute for Community Leadership to implement non-violence curriculum, training, and workshops.

#### **Special Education Ombuds—\$100,000**

The 2014 Supplemental Operating Budget included a transfer of the Special Education Ombuds duties and funding from OSPI to the Office of the Education Ombuds within the Office of the Governor. The proviso, however, was vetoed. Funding is provided in the 2015–17 Operating Budget to restore the position in OSPI.

#### **Children’s Music Foundation—\$50,000**

Funding is provided for OSPI to partner with a nonprofit organization providing music curriculum for kindergarten and first grade students and to establish a grant program that provides start-up costs and materials for integrated music curriculum that links together other core curriculum. Preference is to be given to Title 1 schools, Head Start programs, Early Childhood Education and Assistance Program sites, high poverty schools, schools with high mobility, and schools with low student achievement.

#### **Educational Opportunity for Military Children—\$32,000**

Enhanced funding is provided to continue support for the

Interstate Compact on Educational Opportunities for Military Children, as adopted in 2009.

## **BUDGET DETAILS: K–12 REDUCTIONS OR SAVINGS**

### **Initiative 1351—(\$2.0 billion)**

Initiative 1351, adopted by the voters in November, amended the state’s funding requirements for class size and staffing formulas, with a phase-in schedule estimated at \$2.0 billion for the 2015–17 biennium and full implementation (an additional \$2.7 billion) effective September 1, 2018. Budget-implementing legislation, EHB 2266, delays the implementation of I-1351. Initial funding will be required beginning in the 2019–21 biennium, with full implementation required by the end of the 2021–23 biennium. This deferral action (an amendment to an Initiative within two years of adoption which required a two-thirds approval of both houses) “saves” \$2.0 billion in the current biennium.

Signaling potential future amendments to basic education provisions, the Senate budget notes state: “The Legislature has the authority to set the program of basic education and intends to continue making changes to the program in those areas where emerging research and evidence demonstrate better and more efficient strategies are available to assist student success.”

### **Staff Mix—(\$35.7 million)**

The budget funds 5,000 additional certificated staff (1,901 FTEs in the 2015–16 school year and 3,137 FTEs in the 2016–17 school year) with the expansion of state-funded all-day kindergarten and reduced class sizes in grades K–3. The budget assumes, for the 2015–16 school year, approximately one-third of the new state-funded teachers will have zero years of experience and approximately one-half will have a master’s degree. For the 2016–17 school year, it is assumed that the new teachers added in the 2015–16 school year will have gained one year of experience and that approximately one-third of the teachers added for the 2016–17 school year will be new to teaching, having zero years of experience.

Staff mix, the state’s term for average years of experience and educational credits, is reduced to reflect these new hires in the K–12 system.

### **Local Effort Assistance—(\$20.5 million)**

State funding enhancements for MSOC, all-day kindergarten, and K–3 class size reduction expand school district levy

bases. This, in turn, increases local districts’ levy capacity and increases required state payments of Local Effort Assistance (LEA or “levy equalization”). The budget, however, adjusts the Per Pupil Inflation (PPI) to 4.27 percent in calendar year 2016 and is reduced to 1.09 percent in calendar year 2017. Historically, the PPI was a calculated value based on the amount of per pupil funding in the year the revenues are generated for the levy base and the year the levy will be actually collected. In the 2015–17 Operating Budget, the PPI is simply being used as a mechanism to control LEA costs—in essence freezing LEA. The adjusted PPI will allow school districts to collect, in aggregate, the same amount of local Maintenance & Operation levies in calendar year 2016 as they are currently collecting in calendar year 2015.

This budget also saves on LEA by complying with current law—which phases out the use of K–4 class size “ghost revenue” in the levy base for purposes of 2016 LEA calculations. The K–4 ghost revenue will remain in the levy base for purposes of calculating a district’s maximum levy authority until 2018, when all ghost revenues are scheduled to sunset (along with the four percent temporary levy lid increase and the two percent temporary increase in LEA enacted in 2010).

Together, the PPI adjustment and the elimination of the K–4 ghost revenue, provides for a \$20.5 million budget “savings.” Note, however, that due to Maintenance Level costs, there will be a net increase in state funding for LEA. Total LEA payments to eligible districts will increase from \$652.3 million to \$742.8 million in this budget.

### **Transportation Funding Adjustment—(\$1.3 million)**

During Fiscal Year 2014, funding was provided for a supplemental transportation funding adjustment to assist efficient school districts that had exceptional circumstances, such as geographic anomalies not accounted for in the expected cost model, in the transition to the new, fully funded, expected cost pupil transportation funding model. This budget eliminates the supplemental funding adjustment, “saving” \$1.3 million.

### **AP/IB Fees—(\$50,000)**

Funding for the state’s subsidy of Advanced Placement exam fees, International Baccalaureate class fees, and International Baccalaureate exam fees is reduced to align with the actual expected expenditures for the program.

## BUDGET DETAILS: COMPENSATION CHANGES

### Educator COLA—\$383.3 million

The final budget fully funds Cost of Living Adjustments for state-funded K–12 employees, as required by Initiative 732, but also provides an additional, temporary enhancement. The total provided COLA aligns with increases in state employee compensation pursuant to their recently negotiated collective bargaining agreements. \$231.0 million is provided to fund a 1.8 percent COLA for the 2015–16 school year and a 1.2 percent COLA for the 2016–17 school year.

An additional \$152.3 million is provided for a one-biennium additional salary increase of 1.2 percent for the 2015–16 school year and 0.6 percent in the 2016–17 school year. Taken together with the I-732 COLA, the total salary increase for these two school years is 3.0 percent and 1.8 percent. These COLA percentages are to be applied to base salary allocations for Certificated Instructional Staff, Certificated Administrative Staff, and Classified Staff. The additional salary increase is one-time and expires August 31, 2017. The additional COLA is provided to maintain parity with state employee salaries; however, it is a temporary enhancement while the state continues to review and revise state-funded salary allocations. It is assumed that a new compensation system will be ready to be implemented when this “bonus” COLA expires on August 31, 2017.

### Health Benefits—\$24.4 million

The budget increases the state-funded health benefit rate for state-funded certificated instructional staff and certificated administrative staff. The maintenance rate for insurance benefit allocations is \$768.00 per month. The additional funding will increase funded rates to \$780.00 per month, beginning in the 2015–16 school year.

A classified staff benefit factor has been funded since 1984, but was eliminated in the House’s first budget proposal. The final budget reinstates the “classified multiplier” of 1.152, which increases the health benefit rate for state-funded classified staff from the current \$884.74 per month to \$898.56 per month.

## ADDITIONAL DETAILS

### Biliteracy

Legislation adopted in 2014 established a new Washington State Seal of Biliteracy to recognize public high school graduates who

attain a high level of proficiency in speaking, reading, and writing in one or more world languages in addition to English. Proviso language is included in the 2015–17 Operating Budget requiring school districts to annually report to OSPI on: The annual number of graduating high school seniors within the district earning the Washington State Seal of Biliteracy; and the number of high school students earning competency-based high school credits for world languages by demonstrating proficiency in a language other than English. OSPI, then, is required to provide a summary report to the Legislature by December 1st of each year.

### Levy and LEA Expenditures

The budget included proviso language which would have required OSPI to create rules which would have required each school district to establish new accounting procedures identifying local levy and Local Effort Assistance (LEA or “levy equalization”) revenue and related expenditures separately from all other revenues and expenditures. The accounting system established for this purpose would have had to account for basic education and non-basic education expenditures. As part of the new rules, each school district would have been required, beginning with the 2016–17 school year, to report the expenditure of local levy and Local Effort Assistance revenue by activity and by object. School districts would have also been required to segregate local levy dollars in an account separate from the school district’s general fund. School districts would have also been required to report base compensation by job categories as defined by OSPI and by cell on the state salary schedule. Additional time-based and non-time-based compensation available to each job category, as well as the hours required to be worked by each category for base pay and additional compensation, would have been required to be reported. Finally, compensation for extra hours worked or extra workload would have been required to be included in the data reporting.

Prior to signing the budget, Governor Inslee eliminated this proviso. In his veto message, he stated: “The Superintendent estimated \$400,000 would be needed to implement this proviso, and no funding was provided. In addition, the new rules and systems must be in place by the 2016–17 school year, leaving no time for the Superintendent to test the system with pilot districts prior to implementation.”

The proposed segregation of levy/LEA funds and expenditures from other school district revenues and expenditures was a key part of the Compensation/Levy reform bills introduced in the Senate. Although none of those bills were adopted, it is understood that to fully comply with the Supreme Court's *McCleary* decision, this accounting division will eventually be necessary to ensure levy/LEA revenues are not unlawfully being used for basic education expenditures. Although this revision of school district accounting rules was viewed as premature, it is highly likely some type of similar requirement will be a part of any forthcoming Compensation/Levy reform solution.

### Enrollment Calculation

Proviso language is added to the 2015–17 Operating Budget altering the previous calculation of K–12 enrollment. Due to legislation adopted last year (SB 6552), which increased the minimum required instructional hours, student FTE enrollment must now be based on 1,027 hours, rather than 1,000 hours. Budget language requires OSPI to “align the agency rules defining a full-time equivalent student with the increase in the minimum instructional hours under RCW 28A.150.220, as amended by the Legislature in 2014.”

### Language Access

Through OSPI's Office of Equity and Civil Rights, \$5,000 is provided to the Washington State School Directors' Association (WSSDA) for the creation of a model policy and procedures for language access by limited-English proficient parents. WSSDA must consider any guidance materials created by the United States Department of Justice, the United States Department of Education, and OSPI, regarding how school districts can effectively assess their language access needs and how to develop appropriately tailored language access plans. The budget proviso details the issues the model policy and procedures must address.

Additional proviso language requires OSPI to address issues of language access for limited-English parents. OSPI must:

- Convene an advisory committee with representatives of parents, school administrators, school principals, classified and certificated staff, and other appropriate parties with an interest in language access for limited-English parents to develop sample materials for school districts to disseminate to both school employees and

parents regarding parents' rights under the model policy developed by WSSDA (described above) and the resources available to assist parents and guardians in accessing the services available to them. The sample materials must be developed by July 1, 2016;

- Maintain and have available upon request a list of school districts that have and have not adopted the WSSDA model policy;
- Adopt rules regarding school districts' communication of the language access policy and procedure to parents, students, employees, and volunteers; and
- Post on the agency website a listing of language access services providers available to school districts, including but not limited to, the telephonic, in-person, or video-remote interpreter services vendors on contract with the state of Washington, including contact information and training programs that are available to support school districts in preparing employees for how to access and effectively use an interpreter.

### Special Education Professional Development

Proviso language contained in Special Education Program section under OSPI clarifies that the funding provided “is sufficient for districts to provide school principals and lead special education teachers annual professional development on the best-practices for special education instruction and strategies for implementation.” School districts are required to annually submit a summary of professional development activities to OSPI.

### Science Assessment

Maintenance Level funding is provided to OSPI to continue the development and implementation of the state's assessment system. The 2015–17 Operating Budget adds a new proviso regarding the biology assessment, requiring OSPI to administer the biology Collection of Evidence. The language states: “To ensure that students are learning the state standards, prior to the collection of work samples being submitted to the state for evaluation, a classroom teacher or other educator must review the collection of work to determine whether the sample is likely to meet the minimum required score to meet the state standard.”

Additional proviso language contained in the Learning Assistance Program section of the budget specifically authorizes school districts, during the 2015–16 and 2016–17 school years, to use LAP funds to provide assistance to high school students who have not passed the state assessment in science.

The 2015–17 Operating Budget was adopted before SB 6145 was adopted in the final days of the session. SB 6145 delays, until the Class of 2017, the requirement that a student meet the state standard on the statewide science assessment in order to graduate. Presumably, if budget-writers had anticipated a delay in the science assessment would be implemented, these two provisos likely would have been eliminated—or at least modified.

### **National Board Teachers**

The 2015–17 Operating Budget includes Maintenance Level funding to continue to provide bonuses to teachers who are certified by the National Board for Professional Teaching Standards. The current bonus for eligible teachers (\$5,090 per year) is increased to \$5,151 in the 2015–16 school year and \$5,239 in the 2016–17 school year. Funding also continues to be provided for an additional bonus of \$5,000 for National Board certified teachers who teach in challenging (high-poverty) schools.

### **Public Records**

WASA, along with our partners in the Local Government Coalition, have strongly advocated for the ability to charge the “actual cost” of responding to requests filed under the Public Records Act, including electronic records. While our efforts have gained some traction, no legislation has been able to make it through the entire legislative process. The budget includes a proviso, however, that will hopefully boost the issue’s momentum. Budget language provides the Legislature’s recognition “that changing technology has resulted in requests for electronic copies of records without corresponding changes in how the Public Records Act allows for agencies to charge for those copies.”

The State Auditor is required, in consultation with the State Chief Information Officer and the Attorney General, to develop a methodology and conduct a study to establish an “accurate cost estimate for providing paper and electronic copies of records in response to requests under the Public Records Act.” As the

study is being developed and conducted, local government agencies must be consulted. A report with results of the study must be presented to the Legislature no later than March 1, 2016.

No funding is provided to develop or conduct the study.

### **Foster Child Educational Attainment**

The 2013–15 Operating Budget provided funding to the Children and Family Services division of the Department of Social and Health Services (DSHS) to provide individualized education services and monitor and support dependent students in an effort to improve their educational outcomes. The funding was for a contract with a nonprofit entity to establish a demonstration site in a school district in Western Washington.

The 2015–17 Operating Budget provides Maintenance Level funding for the existing demonstration site and an additional \$1.0 million to establish a second demonstration site. The Children’s Administration, in collaboration with OSPI and the contracted nongovernmental entity or entities, must select a second demonstration site that includes a school district or school districts with a significant number of dependent students. The demonstration sites must facilitate the educational progress and graduation of dependent youth by providing individualized education services and monitoring and supporting dependent youths’ remediation needs, special education needs, and completion of education milestones.

The contracts must be performance-based with a stated goal of improving the graduation rates of foster youth by two percent per year over five school year periods. The baseline for measurement for the existing site was established in the 2013–14 school year and remains applicable through the 2017–18 school year. The baseline for measurement for the second site must be established in the 2016–17 school year and remains applicable through the 2020–21 school year. A series of specific requirements for the demonstration sites and the contractors are outlined in the budget proviso.

The contractor(s) must report demonstration site outcomes to DSHS and OPSI by September 30, 2015, for the 2014–15 school year and by September 30, 2016, for the 2015–16 school year. An additional report must be provided to the Legislature by September 30, 2015, for the 2014–15 school year and by

September 30, 2016, for the 2015–16 school year. The report to the Legislature must include: the number of eligible youth referred by the Children’s Administration; the number of youth served; and the effectiveness of the demonstration sites in increasing graduation rates for dependent youth.

An additional budget proviso requires the Children’s Administration, OSPI and the Student Achievement Council to collaborate with the Office of the Attorney General, other governmental agencies, advocacy organizations, and others as needed to provide a report to the Legislature by December 1, 2015 regarding strategies to permit supplemental education transition planning for dependent youth to be administered by the Student Achievement Council and the demonstration sites (described above) to be administered by OSPI no later than June 30, 2016. The report must assess the feasibility of transitioning the programs and recommend strategies to resolve data and information sharing barriers through legislative policy and professional practice.

No additional funding is provided to complete this report.

### **Life Skills Training**

The budget allocates \$500,000 from the Dedicated Marijuana Account (not the General Fund) to the Alcohol and Substance Abuse Program within the Department of Social and Health Services. The funding is provided for a grant to OSPI to deliver life skills training to children and youth in schools that are in high needs communities.

### **Prevention Grants**

\$5.0 million is provided to the Alcohol and Substance Abuse Program within the Department of Social and Health Services for grants to community-based programs that provide substance abuse prevention services or activities to youth, including programs for school-based resource officers. The funding is allocated from the Dedicated Marijuana Account (not the General Fund).

### **School Health Rules**

As in previous biennial budgets, the 2015–17 Operating Budget includes proviso language explicitly prohibiting the Department of Health and the State Board of Health from implementing any new or amended rules pertaining to primary and secondary school facilities until the rules and a final cost estimate have

been presented to the Legislature and the Legislature has formally funded implementation of the rules through the state budget or statute.

The 2013–15 Operating Budget also included a proviso requiring the Joint Administrative Rules Review Committee (JARRC) to review the new or amended rules pertaining to primary and secondary school facilities. JARRC was required to determine whether: the rules are within the intent of the Legislature as expressed by the statute that the rule implements; the rule has been adopted in accordance with all applicable provisions of law; or that the agency is using a policy or interpretive statement in place of a rule. A report to the Legislature regarding the JARRC review and any recommendations the Committee deems advisable was also required.

Over the course of the past two years, JARRC met multiple times to discuss and review the proposed school health rules. The Committee adopted its required [report to the Legislature](#) on June 11, 2015. In its report, JARRC determined that: (1) the rules appear to be within the intent of the Legislature as expressed by the statute they implement; (2) the rules appear to have been adopted in accordance with all applicable provisions of law; and (3) the Board does not appear to be using a policy or interpretive statement in place of a rule. As required, a series of recommendations were also submitted. The possible options for addressing the rules range from legislative authorization to implement the rules, to requiring the withdrawal of the rules—and several potential actions between those extremes. Although the Committee presented multiple possible actions, no one option was specifically recommended.

The Board of Health adopted the new rules in August 2009; however, in compliance with budget directives, they have extended the effective date of the rules several times. Currently, the projected effective date of the new rules is July 1, 2017.

### **Healthiest Next Generation**

The budget provides one-time funding of \$246,000 for the Department of Health to support Washington’s Healthiest Next Generation efforts by partnering with OSPI, the Department of Early Learning and other public and private partners as deemed appropriate.

### High Achieving Students

\$98,000 is provided for Washington Student Achievement Council to design and implement a program that provides customized information about post-secondary education to high achieving, low-income high school students. Local school districts are to determine their own definition of “high achieving.” “Low-income” is defined by the Education Data Center.

For the purposes of designing, developing, and implementing the program, the Council is required to partner with a national entity that offers aptitude tests and must consult with institutions of higher education with a physical location in Washington. The Council is required to implement the program no later than fall 2016, giving consideration to spring mailings in order to capture early action decisions offered by higher education institutions.

The information packet for students must include at a minimum:

- a. Materials that help students to choose colleges;
- b. An application guidance booklet;
- c. Application fee waivers, if available, for four-year institutions of higher education and independent nonprofit baccalaureate degree-granting institutions in the state that enable students receiving a packet to apply without paying application fees;
- d. Information on college affordability and financial aid that includes information on the net cost of attendance for each four-year institution of higher education and each nonprofit baccalaureate degree-granting institution, and information on merit and need-based aid from federal, state, and institutional sources; and
- e. A personally addressed cover letter signed by the governor and the president of each four-year institution of higher education and nonprofit baccalaureate degree-granting institution in the state.

### Washington Award for Vocational Excellence

Current law requires the Workforce Training and Education Coordinating Board to annually grant the Washington Award for Vocational Excellence to selected students. Due to budget constraints, however, provision of the Award has been limited in recent years. The budget specifically precludes the Board from designating Award recipients or recognizing them in any way during the 2015–17 biennium.

### Charter Schools

The 2013–15 Operating Budget included language to establish a new Charter School Oversight Account within the State Treasury. All moneys received by the Commission are required to be deposited into the Account and may only be spent after appropriation. The 2015–17 Operating Budget officially shifts financial support for the Washington State Charter School Commission from the State General Fund to the Charter School Oversight Account. The budget transfer, based on projected revenues assuming a four percent oversight fee, reduces General Fund expenditures by \$498,000.

The Commission is also provided with a \$198,000 allocation (from the Oversight Account, not the General Fund) to hire additional staff for oversight, legal compliance and financial accountability for newly created charter schools.

In December 2013, Superior Court Judge Jean Rietschel upheld Initiative 1240, implementing public charter schools. As part of the decision, however, Judge Rietschel held the provisions of the Initiative which describe charter schools as “common schools” to be unconstitutional. The decision is on appeal to the Supreme Court. Oral arguments were heard in October 2014; however, a ruling has not yet been released. To comply with the Superior Court’s decision on I-1240, additional proviso language was added to the budget clarifying that appropriations provided through Part V of the budget (K–12 Education section) “shall not include state Common School Levy revenues.”

### BUDGET DETAILS: STATE AGENCY ADJUSTMENTS

(The budget makes a series of funding adjustments for all state agencies, including OSPI. While OSPI’s share of the funding enhancements or reductions are minimal, the total adjustments impact the overall funding level of the K–12 portion of the budget; agency adjustments result in a net increase of \$242,000.)

#### DES Central Services—\$83,000

Agency budgets are adjusted to update each agency’s allocated share of charges and to align with anticipated billing levels from the Department of Enterprise Services (DES) in the 2015–17 biennium, including changes to the enterprise systems fee, personnel services, and small agency financial services.

**Legal Services—\$61,000**

Agency budgets are adjusted to update each agency's allocated share of billing charges for agency legal services from the Office of the Attorney General.

**Administrative Hearings—\$48,000**

Agency budgets are adjusted to update each agency's allocated share of billing charges for the Office of Administrative Hearings.

**CTS Central Services—\$28,000**

Agency budgets are adjusted to update each agency's allocated share of charges from Consolidated Technology Services (CTS) to reflect an increase in business continuity/disaster recovery costs.

**Time, Leave, and Attendance System—\$20,000**

Agency budgets are adjusted to reflect each agency's allocated share of debt service in the 2015–17 biennium for the Certificate of Participation issued for the Time, Leave and Attendance system.

**Core Financial Systems Replacement—\$12,000**

Agency budgets are adjusted to align with anticipated billings from the Office of Financial Management in the 2015–17 biennium for core financial systems replacement planning through the One Washington project.

**Office of Chief Information Officer—\$10,000**

Agency budgets are adjusted to update each agency's allocated share of charges and to reflect increased billing levels for software subscriptions and office relocation.

**Archives/Records Management—\$2,000**

Funding is adjusted in agencies' budgets to reflect changes to rates related to archives and records management through the Secretary of State's Office.

**Self-Insurance Liability Premium—(\$11,000)**

Agency budgets are adjusted to reflect updated premium rates and a reduction in billings for the 2015–17 biennium.

**CTS Rate Adjustment—(\$8,000)**

Funding is reduced in agency budgets to reflect adjustments to various rates that the Consolidated Technology Services (CTS) charges agencies.

**Fleet Program Rate Reduction—(\$2,000)**

Agency budgets are adjusted to reflect reduced costs for the Department of Enterprise Services' (DES) fleet program.

**Audit Services—(\$1,000)**

Agency budgets are adjusted to update each agency's allocated share of charges from the State Auditor's Office.

# 2015–17 Capital Budget: 2EHB 1115

School construction funding continues to be a challenge, especially due to a continuing decline in revenues from trust lands. In recent years, the Legislature has done an admirable job of creatively finding additional resources for K–12 construction—and school construction was a capital budget priority again this year.

Although the Operating Budget and the Capital Construction Budget are separate issues, funded from (usually) different sources, the two budgets often become linked—either politically or financially. This session, for the first time in a long time, there was an effort to link education policy, Operating Budget funding and school facilities funding—in a positive way. Specifically, there was a concern that providing significant new resources to implement all-day kindergarten and K–3 class size reduction would fall flat if there was not adequate space to house those additional classes. In his budget request, Superintendent Dorn asked for almost \$2.0 billion just to fund additional classrooms for all-day kindergarten and K–3 classes. Although based off of data collected from school districts, this was never seriously considered. The discussion prompted some legislators to perk up, however.

Legislation was introduced early in the session (SB 5478) to establish grant programs to fund specialized STEM facilities and additional classroom space for state-funded all-day kindergarten. The bill was somewhat clunky and there were multiple technical concerns with how the bill would be implemented and, while it received a public hearing, it was not otherwise moved. Positively, it showed that some key legislators understood the significant need for school construction assistance beyond potential funding from School Construction Assistance Program.

The legislation continued to be reworked over the course of the session and ultimately was reintroduced as SB 6080, to establish a grant program specifically to provide state assistance to support all-day kindergarten and smaller K–3 classrooms. The bill continued to evolve and was eventually adopted and funded (\$200.0 million) in the Capital Budget. Certainly, this does not solve the problem; however, it is a very positive start.

Now if only we could get legislators to understand the current construction formulas are wholly inadequate....

## FINAL CAPITAL BUDGET

The 2015–17 Capital Budget provides \$3.93 billion in new appropriations, funded by \$2.24 billion in bonds and \$1.68 billion in other funds. This leaves a projected \$89.4 million in bond capacity for a 2016 Supplemental Capital Budget. Included is \$875.8 million for K–12 education construction.

\$611.1 million of the K–12 total is provided for the School Construction Assistance Program (SCAP). This will “fully fund” OSPI’s Maintenance Level request and is expected to fully fund the expected requests for K–12 construction in the biennium. While the SCAP allocation includes an increase in the Construction Cost Allowance (CCA)—from \$200.40 per square foot in Fiscal Year 2015 to \$206.76 in Fiscal Year 2016 and to \$213.23 in Fiscal Year 2017—this minor formula adjustment is significantly less than requested by OSPI and falls well short of adequately funding school districts’ actual costs. The SCAP allocation also fails to provide for any enhancement of the formula for the Student Space Allocation (SSA) to ensure funding adequately addresses current educational standards and space needs.

## K–12 EDUCATION DETAILS

- As noted above, \$611.1 million is provided for the **School Construction Assistance Program**. Several provisos are attached to this funding:
  - \$990,000 is set aside for the Spokane Valley Technical Skills Center to construct five science classrooms. Eligible area for the Skills Center must not exceed 5,400 square feet.
  - \$1.7 million is provided solely as a grant to constitute local funding available to the Tri-Tech Skills Center—East Growth in order to be eligible for SCAP funding.
  - \$675,000 is provided for study and survey grants. In calculating study and survey grants, for the 2015–17 biennium, OSPI must award no more than fifty percent of the dollar amount for the minimum grants and square footage allocations. School districts receiving these grants in the

2015–17 biennium must use data collected or validated by the Washington State University extension energy office for the inventory and condition of existing school facilities.

- o School districts receiving funding through the 2015–17 School Construction Assistance Grant Program are required to map the design of new facilities and remap the design of facilities to be remodeled.
- o OSPI is required to weight and prioritize SCAP grant requests that will provide facility capacity needs to reduce K–3 class sizes at high poverty schools before requests that will provide facility capacity needs to reduce K–3 sizes in remaining schools.
- \$200.0 million is provided to fund a new **K–3 Class Size Reduction Construction Pilot Grant Program**, as adopted in 2ESSB 6080 (see 2ESSB 6080, Bills Passed, for further details). OSPI is permitted to use a maximum of \$750,000 of the total allocation to administer the program. \$10.0 million of the allocation is set aside to provide additional state assistance for public school facilities necessary to support all-day kindergarten and K–3 class size reduction in the Seattle School District.
- \$29.3 million is provided for **Skills Centers**. Included is \$19.4 million for the Puget Sound Skills Center, \$8.2 million for the Spokane Area Professional-Technical Skills Center (NEWTECH), and \$1.7 million for the Tri-Tech Skills Center—East Growth.
- \$15.0 million is provided for **Distressed Schools**. Specifically, the funding must be used for: renovations of Magnolia and EC Hughes Elementary Schools in the Seattle School District (\$10.0 million); and replacement of the Marysville-Pilchuck High School Cafeteria in the Marysville School District (\$5.0 million).
- A new **STEM Pilot Program** is established. OSPI is allocated \$12.5 million to provide STEM grants to school districts. The grants will constitute the districts' local funding for purposes of eligibility for SCAP

funding. To be eligible for the grant, school districts must demonstrate they have lack of sufficient space for science classrooms and labs to enable students to meet statutory graduation requirements. Districts must also secure private donations of cash, like-kind or equipment of at least \$100,000 to be eligible. Each district is limited to one grant award of no more than \$4.0 million. Grants must be regionally distributed: at least one to school districts in Southwest Washington; at least one to school districts in the Puget Sound region; and at least two to school districts in Eastern Washington.

OSPI must develop grant criteria in consultation with the statewide STEM organization and the STEM Education Innovation Alliance; however, budget language stipulates the minimum criteria. \$200,000 of the total appropriation is provided for OSPI to contract with the statewide STEM organization to evaluate and prioritize grant applications.

Until the funds are fully expended, OSPI must annually report to the Legislature and the Office of Financial Management on the timing and use of the funds.

- \$5.0 million is provided for **Healthy Kids—Healthy Schools** grants. OSPI must consult with the school district maintenance and operations administrators along with the Department of Health to develop criteria for providing funding and outcomes consistent with the Healthiest Next Generation priorities. Districts or schools may apply for grants; however, no single district may receive more than \$200,000 of the appropriation. \$1.0 million of the total funding is specifically for the purchase and installation of water bottle filling stations. The remaining funding may be used to purchase equipment or make repairs and renovations related to improving children's health, such as: fitness playground equipment; covered play structures; gardens or greenhouses for fresh produce; and kitchen equipment upgrades.
- The Office of Financial Management is provided with \$5.0 million to continue an **Emergency Repair Pool for K–12 Public Schools**. The funding is provided

to address unexpected and imminent health and safety hazards at K–12 public schools—including Skill Centers—that will impact the day-to-day operations of the school facility. To be eligible for funds from the Emergency Repair Pool, an emergency declaration must be signed by the school district board of directors and the superintendent of public instruction, and submitted to the Office of Financial Management for consideration. The emergency declaration must include a description of the imminent health and safety hazard, the possible cause, the proposed scope of emergency repair work and related cost estimate, and identification of local funding to be applied to the project. If a grant recipient receives any insurance payments or other judgments to repair the facilities, the board of directors must use the proceeds to repay the grant.

- OSPI is provided with \$2.9 million for administration of the **Capital Projects Program**. OSPI is required to publish to its website—as well as report to the Office of Financial Management, the Legislature, and the Legislative Evaluation and Accountability Program Committee—a list of local school district projects submitted for school construction assistance within seven business days of the grant program deadline. The report must be updated within seven days following OSPI’s final grant award decisions. Prior versions of the report must be maintained on the website in order to monitor changes in estimates as the grant process progresses. Several specific elements of the projects must be in the report.

OSPI must further provide to the Office of Financial Management, the Legislature, and the Legislative Evaluation and Accountability Program Committee: Study and survey information beginning with grants awarded July 1, 2015, or later; and all available inventory and condition of schools data.

Additionally, OSPI must contract with the ESD 112 Construction Services Group to perform an analysis of school construction costs. The analysis must include a significant sample of new and modernization school construction projects completed over the past ten years, with costs adjusted for construction inflation. The

analysis must determine the major sources of variation in total school construction costs among different kinds of projects, districts, and regions. The analysis must estimate the cost difference due to variations in:

- The size of the project including the size per expected enrollment;
- Whether it is a new school or modernization project;
- Whether it is an elementary school, middle school, high school, or Skills Center;
- The extent of specialized higher cost facilities such as laboratories, shops, performing arts and indoor athletic facilities;
- Delivering specialized programs at Skill Centers, such as: dental and medical assisting, mechanical and engineering programs, first responder training, culinary programs, and cyber security;
- Site requirements;
- Durability of construction materials, finishes, building system components, and general life expectancy of the building; and
- Other design and construction features that may contribute to cost variations.

OSPI must prepare a report on the findings from this analysis and submit the report to the Legislature and the Office of Financial Management by September 1, 2016.

- Washington State University Extension Energy Office is provided with \$1.6 million to complete the collection, input and verification of data of public school facilities into the **Inventory and Condition of Schools System** administered and maintained by OSPI. The Legislature intends to use this information “in order to make informed decisions about K–12 school facility data collection processes and classroom capacity needs to fulfill current educational graduation requirements and class size ratios.” In what appears to be a slap to OSPI, the proviso continues: “These decisions are best made when based on accurate data collected in a thorough and consistent manner by professionals experienced in making such inventory and condition assessments for public institutions.”

The Extension Energy Office must report its progress to the Legislature no later than December 1, 2015. All work must be completed and a final report submitted no later than December 1, 2016.

- The Capital Budget creates a **Legislative Task Force on School Siting** to review school facility challenges created by enrollment increases and recent education reforms, including expansion of all-day kindergarten and small class sizes. A focus of the review will be issues of siting schools inside and outside of Urban Growth Boundaries (as established pursuant to the Growth Management Act). The complete scope of the Task Force’s work is outlined in the budget proviso.

The Task Force will be comprised of 18 members:

- o The Chair and Ranking Member of the Senate Government Operations & Security Committee;
  - o The Chair and Ranking Member of the Senate Early Learning & K–12 Education Committee;
  - o The Chair and Ranking Member of the House Local Government Committee;
  - o The Chair and Ranking Member of the House Education Committee;
  - o A member who represents environmental concerns related to school siting (appointed by the governor);
  - o A member who represents active transportation concerns (appointed by the governor);
  - o A member who represents the building industry (appointed by the governor);
  - o A representative of the Association of Washington Cities;
  - o A representative of the Washington State Association of Counties;
  - o Two representatives of school districts that serve students in rural areas and are experiencing difficulty finding suitable siting locations (appointed by WASA);
  - o Two representatives of school districts that serve students in urban areas and are experiencing difficulty finding suitable siting locations (appointed by WASA); and
- o A representative of the Washington State Association of County and Regional Planning Directors.

Working on a compressed timeline, Task Force members must be appointed by August 1, 2015 and must have a report to the Legislature by December 1, 2015. The report must include a summary of the Task Force’s discussions and any recommendations for the Legislature.

- Current law that addresses the formula for **state funding assistance** percentages for school district construction projects is adjusted by the 2015–17 Capital Budget. RCW 28A.525.166 establishes the formula to determine the amount of state funding assistance school districts are eligible to receive for construction projects. Additional state funding assistance may be provided, however, in extenuating circumstances, including a school housing emergency caused by a fire, the condemnation of a school building or a sudden, excessive increase in the school population. The 2015–17 Capital Budget makes further allowances for emergency situations.

For the 2015–17 biennium, schools determined to have a lack of sufficient space to provide science classrooms or labs, to meet the requirements of law, have a special housing burden condition considered an emergency. For the 2015-2017 biennium, school districts are entitled to additional percentage points for school construction projects that have a special housing burden condition only and have received private donations in the form of cash, in-kind, or equipment of more than one hundred thousand dollars. The additional percentage points are as follows: twenty percent of the percent of student enrollments eligible and enrolled in the Free and Reduced-Price Lunch program; ten additional percentage points for Second Class school districts; and ten additional percentage points for school districts with funding assistance percentages of more than fifty percent.

- The Department of Commerce is provided with \$130.2 million for **Local & Community Projects** across

the state. Four school-related projects are included: \$46,000 for heating upgrades at the Centerville K–8 School; \$300,000 to the City of Lynden for safe routes to schools, including the elimination of the Jim Kaemingk Senior Trail gap; \$125,000 for a parking lot at Kiona-Benton High School; and \$105,000 to assist Washington Green Schools, a nonprofit program that provides resources to public and private schools to create sustainable communities, including the certification of “green” schools.

- \$75.0 million is provided to the Department of Commerce out of the Housing Trust Fund to award loans and grants to **affordable housing projects** that will produce at least 1,900 homes and 500 seasonal beds. Part of this appropriation will fund 529 homes for homeless families with children. In evaluating these specific projects, consistent with EHB 1633, the Department must give preference to project applications involving collaborative partnerships between local school districts and either public housing authorities or nonprofit housing providers that help children of low-income families succeed in school.
- Funding is provided to the Department of Commerce for several **Energy Efficiency and Solar Grants**. Included is \$16.0 million for grants to be awarded in competitive rounds to local agencies, public higher education institutions, state agencies and school districts. The grants are intended to assist in funding operational cost savings improvements to facilities and related projects that result in energy and operational cost savings. For school district applicants, priority must be given to school districts that demonstrate improved health and safety through reduced exposure to polychlorinated biphenyl or replacing outdated heating systems that use oil or propane as fuel sources. Priority consideration must also be given to school district applicants that did not receive a grant award from appropriations provided in the 2013–15 Capital Budget.

An additional \$5.8 million is provided for grants to be awarded in competitive rounds to local agencies, public higher education institutions, state agencies and

school districts for projects that involve the purchase and installation of solar energy systems, including solar modules and inverters.

- \$225,000 is provided for **Resource Conservation Managers** in the Department of Enterprise Services to coordinate with state agencies and school districts to assess and adjust existing building systems and operations to optimize the efficiency in use of energy and other resources in state-owned facilities.
- The Department of Natural Resources (DNR) is provided with \$9.8 million for the **Trust Land Transfer** program. Under the program, DNR transfers from trust status certain lands considered to be of statewide significance and deemed appropriate for state parks, fish and wildlife habitat, community forest open space or similar purposes. As part of the program, property must be appraised and transferred at fair market value. By September 30, 2015, the portion of the funds that represent the estimated value of the timber on the transferred property must be deposited in the Common School Construction Account. For the current parcels considered, this is approximately \$7.8 million.
- \$500,000 is provided to the Department of Natural Resources (DNR) to contract with the Washington State Institute for Public Policy to research the potential costs, revenues and policy impacts of **transferring certain federal lands to state ownership**. By December 1, 2015, the Institute must submit a preliminary report, followed by a final report by December 1, 2016. Among other things, the report must present findings regarding the potential cost to the state and potential revenues, including investment income from the Permanent Common School Account.
- As part of the 2015 Supplemental Capital Budget, \$775,000 is provided to the La Conner School District for additional state assistance in replacing **La Conner Middle School**.

# Education-Related Bills That Passed—Titles

During the 2015 Legislative Session, almost 2,500 bills, resolutions and memorials were introduced. 362 bills were adopted and signed into law (one additional bill was adopted by the Legislature, but was vetoed by Governor Inslee). WASA staff monitored over 400 bills, resolutions, and memorials that had a direct or potentially indirect impact on K–12 education. Ultimately, 41 of those bills of importance were adopted. Following is a description of those education-related bills that survived the legislative journey and were adopted. The description shows the bill's prime sponsor and notes the session law chapter number.

SHB 1105 .....	2015 Supplemental Operating Budget	SSB 5163 .....	Students in military families
2EHB 1115.....	2015–17 Capital Budget	SSB 5202 .....	Financial education
ESHB 1166.....	Capital construction bonds	SSB 5294 .....	School library and technical programs
SHB 1240 .....	Student restraint/isolation	SSB 5348 .....	Joint utilization contracts
2ESHB 1299.....	2015–17 Transportation Budget	2SSB 5404 .....	Homeless Youth Act
ESHB 1424.....	Suicide prevention	ESB 5419 .....	Student privacy
2E2SHB 1491.....	Early Start Act	SSB 5433 .....	Tribal education
E2SHB 1546.....	Dual credit opportunities	SB 5638.....	State Need Grant eligibility
HB 1554.....	Public records	SSB 5679 .....	Special education transition services
ESHB 1570.....	Conditional scholarships	SSB 5721 .....	Expanded Learning Opportunities Council
EHB 1633 .....	Housing Trust Fund	ESSB 5803 .....	Third grade reading
SHB 1813 .....	Computer science education	SB 5805.....	Conflict resolution program
SHB 1919 .....	Special election deadline	2SSB 5851 .....	College Bound Scholarship
ESHB 2263.....	Cultural Access Programs	ESB 5923 .....	Impact fees deferral
EHB 2266 .....	Initiative 1351	2ESSB 5987 .....	Transportation revenue
EHB 2267 .....	State expenditure limit	2ESSB 5988.....	2015–17 Transportation Budget
EHB 2286 .....	Budget Stabilization Account	ESSB 5989.....	Transportation bonds
2SSB 5052 .....	Cannabis Patient Protection Act	ESSB 6052.....	2015–17 Operating Budget
ESSB 5083.....	Sudden cardiac arrest	2ESSB 6080.....	School construction financing
SB 5120.....	School district dissolutions	SB 6145.....	Science assessment delay
SB 5122.....	Precollege placement		

# Education-Related Bills That Passed

## **SHB 1105—2015 Supplemental Operating Budget**

(Representative Hunter, by request of Governor Inslee)

### **C3 L15**

This was adopted as an “early action” Supplemental Operating Budget to deal with a set of “emergency” issues in the 2013–15 Operating Budget; a second 2015 Supplemental Operating Budget was adopted as a part of ESSB 6052, the 2015–17 Operating Budget. As a result of this bill’s passage, the total funding in the 2013–15 Operating Budget was increased by \$217.9 million. Addressing these emergency issues early in the session removed a series of potential distractions and provided legislators with a clearer picture of exactly how much revenue would be available to the 2015–17 Operating Budget.

Funding was provided to address: a pair of lawsuits (regarding mental health treatment and in-home care workers); child abuse caseload increases that were significantly larger than expected; and natural disasters (including this past summer’s wildfires in Eastern Washington and the Oso landslide). There were no changes—positively or negatively—to the K–12 portion of the underlying budget.

## **2EHB 1115—2015–17 Capital Budget**

(Representative Dunshee, by request of Governor Inslee)

### **C3 L15 E3 – Partial Veto**

This is the 2015–17 Capital Construction Budget, along with a 2015 Supplemental Capital Budget. The budget authorizes \$3.93 billion in new capital projects, of which \$2.24 billion are financed with state General Obligation bonds. For details, see capital budget section earlier in this report.

## **ESHB 1166—Capital construction bonds**

(Representative Dunshee, by request of Governor Inslee)

### **C37 L15 E3**

This is the bill to authorize the issuance of state General Obligation bonds to support appropriations in the 2015–17 Capital Construction Budget (2EHB 1115). The State Finance Committee is authorized to issue General Obligation bonds to finance \$2.24 billion for capital construction projects and to pay issuance and bond sale expenses.

## **SHB 1240—Student restraint/isolation**

(Representative Pollet)

### **C206 L15**

In 2013, legislation was enacted that placed certain requirements on the restraint or isolation of special education students who have an Individualized Education Program (IEP) under the federal Individuals with Disabilities Education Improvement Act (IDEA) or a Section 504 plan under the federal Rehabilitation Act of 1973 and who are participating in school-sponsored instruction or activities.

SHB 1240 extends the requirements related to restraint or isolation of students with IEPs or Section 504 plans to be applicable to all students. An IEP or Section 504 plan may not include the use of restraint or isolation as a planned behavior intervention, unless a student’s individual needs require more specific advanced educational planning and the student’s parent or guardian agrees. All other plans may refer to the district’s policy on restraint or isolation. The bill clarifies that these requirements are not intended to limit the provision of a free appropriate public education under Part B of the IDEA or Section 504 of the Rehabilitation Act. The restraint or isolation of any student is permitted only when “reasonably necessary to control spontaneous behavior that poses an imminent likelihood of serious harm.” In other words: there must be evidence of a substantial risk that the student will inflict physical harm upon his or her own person, upon another, or upon the property of others; or the student has threatened the physical safety of another and has a history of one or more violent acts. When a student is placed in restraint or isolation, the student must be closely monitored to prevent harm to the student, and the restraint or isolation must be discontinued as soon as the likelihood of serious harm has dissipated.

All school districts must adopt a policy providing for the least amount of restraint or isolation appropriate to protect the safety of students and staff under such circumstances. Schools are required to follow-up after incidents of restraint or isolation: with the student and the parent or guardian, to review the appropriateness of the response; and with the staff member who administered the restraint or isolation, to review what training or

support the staff member needs to help the student avoid similar incidents. Schools are required to report incidents of restraint or isolation, including any recommendations for changing the nature or amount of resources available to the student and staff members in order to avoid further incidents.

Beginning January 1, 2016, and by January 1 annually, each district must summarize the written reports received by the schools and submit the summaries to OSPI. For each school, the district summary must include the number of individual incidents of restraint or isolation, the number of students involved in the incidents, the number of injuries to students and staff, and the types of restraint or isolation used. Within 90 days after receipt, OSPI must publish the data on its website. OSPI may use the data to investigate the training, practices, and other efforts used by schools and districts to reduce the use of restraint or isolation.

The bill also modifies definitions in current law. Excluding a student from his or her regular instructional area is no longer defined as “isolation.” Isolation does not include the voluntary use by a student of a quiet space for self-calming, or the temporary removal of a student from his or her regular instructional area to an unlocked area for purposes of carrying out an appropriate positive behavior intervention plan. The new definition of “restraint” includes the use of devices to restrict a student’s freedom of movement, but not the appropriate use of a prescribed medical, orthopedic, or therapeutic device when used as intended, such as to achieve proper body position, balance, or alignment or to permit a student to safely participate in activities. The new definition of “restraint device” excludes a seat harness used to safely transport students, and the term must not be construed as encouraging the use of these devices. Finally, for purposes of OSPI rules on special education eligibility criteria, the term “aversive interventions” is changed to “positive behavior interventions.”

## **2ESHB 1299—2015–17 Transportation Budget**

(Representative Clibborn, by request of Governor Inslee)

### **C10 L15 E1**

This is the “current law” 2015–17 Transportation Budget. It is a “bare bones” package that uses currently available resources

to continue road, bridge, and ferry projects. The \$7.6 billion spending plan is funded from past gas tax increases.

There are two fairly minor impacts to K–12 in this budget:

1. The Washington Traffic Safety Commission, within current resources, is required to examine the declining revenue going to the School Zone Safety Account with the goal of identifying factors contributing to the decline. The Commission must provide a report to the Legislature by December 31, 2015. The report must summarize the findings and provide recommendations designed to ensure that the account is receiving all amounts that should be deposited into the account.
2. \$24.0 million is provided to the Safe Routes to Schools Grant Program for newly selected Safe Routes to School projects. As part of the funding, the Department of Transportation must submit a report to the Legislature by December 1, 2015 and a follow-up report on December 1, 2016, on the status of projects funded as part of the Pedestrian Safety/Safe Routes to School Grant Program. The report (which has been required in previous transportation budgets) must list projects selected and a brief description of each project’s status.

## **ESHB 1424—Suicide prevention**

(Representative Orwall)

### **C249 L15**

Current law requires certain health professions to complete one-time training in suicide assessment, treatment, and management. This bill makes modifications to the timing and minimum standards of that training. Included are changes impacting some school employees.

Legislation adopted in 2013 requires school nurses, school social workers, school psychologists, and school counselors to complete training in youth suicide screening and referral as a condition for certification. The Professional Educator Standards Board (PESB) was required to adopt standards for the minimum content of the training in consultation with OSPI and the Department of Health (DOH). ESHB 1424 requires DOH, in developing a model list of training programs, to provide training standards to the PESB as they comply with the current

law mandating that minimum training standards to be developed and adopted. DOH may also provide technical assistance in the review and evaluation of education training programs.

## **2E2SHB 1491—Early Start Act**

(Representative Kagi)

### **C7 L15 E3**

2E2SHB 1491 is a comprehensive bill intended to improve quality in the early care and education system. While early learning is not a part of basic education, many legislators would like it to become a part of the state's paramount duty. While there are many indirect impacts to K–12 education in this bill, there are also several direct impacts, especially for those districts and ESDs which utilize Washington's preschool program, called the Early Childhood Education and Assistance Program (ECEAP).

ECEAP serves families at or below 110 percent of the federal poverty level. Although ECEAP prioritizes children who are 4 years old, children who are 3 years old are also eligible for the program. In addition to preschool programming, ECEAP provides family support and health services. The stated goal of the ECEAP is to help ensure children enter kindergarten ready to succeed. Approved ECEAPs receive state-funded support through the Department of Early Learning (DEL). Public or private nonsectarian organizations, including school districts, community and technical colleges, local governments, and nonprofit organizations, are eligible to participate as an ECEAP provider. In 2010, the funding program was implemented that allows for phased in implementation of ECEAP, with full statewide implementation to be achieved in the 2018–19 school year.

In 2013, an outline for the expansion of ECEAP through the 2013–15 biennium was enacted. The ECEAP expansion is subject to amounts appropriated, and required DEL to develop an ECEAP expansion plan by September 30, 2013. In addition, the Washington State Institute for Public Policy (WSIPP) was required to complete a meta-analysis and retrospective outcome evaluation of ECEAP. The meta-analysis was provided to the Legislature in January 2014 and the outcome evaluation was provided to the Legislature in December 2014. The outcome

evaluation found that ECEAP has a positive impact on third, fourth, and fifth grade test scores.

Under the bill, DEL is authorized to require all licensed or certified child care centers and homes, and early learning programs serving non-school age children and receiving state funds, to participate in the Early Achievers program, which provides a foundation of quality for the early care and education system in Washington. The stated objectives for the Early Achievers program include: improving short- and long-term educational outcomes for children; providing parents clear and accessible information on the quality of early learning programs; increasing school readiness; closing the disparities in access to quality care; providing professional development and coaching; and establishing a common set of expectations and standards that define, measure, and improve the quality of early learning.

By November 1, 2016, DEL is required to implement a single set of health and safety licensing standards for child care and preschool programs. DEL must streamline and eliminate duplication between the Early Achievers program standards and the newly developed health and safety standards. Private schools that operate early learning programs and do not receive state subsidy payments must be subject only to the health and safety licensing standards. Additionally, DEL must exempt before- and after-school programs that serve only school-age children and operate in the same facilities used by public or private schools from facility-based licensing standards.

An existing ECEAP provider must enroll in the Early Achievers program by October 1, 2015, and rate at a level 4 or higher by March 1, 2016. Effective October 1, 2015, a new ECEAP provider must enroll in the Early Achievers program within 30 days and rate at a level 4 or higher within 12 months of enrollment. If an ECEAP provider fails to rate at a level 4 or higher by the required deadline, the provider must complete remedial activities with DEL and rate at a level 4 or higher within six months. Beginning in the 2015–16 school year, DEL must prioritize ECEAP providers located in low-income neighborhoods within high-need geographical areas. Additionally, the full statewide implementation of ECEAP must be achieved by the 2020–21 school year.

**E2SHB 1546—Dual credit opportunities**

(Representative Reykdal, by request of Office of Financial Management)

**C202 L15**

There are multiple dual credit programs that allow high school students to earn postsecondary course credit while also earning credit toward high school graduation. Included are: Tech Prep; Advanced Placement (AP); College in the High School (CHS); Running Start (RS); International Baccalaureate (IB); Cambridge International; and Running Start for the Trades.

College in the High School programs provide college level courses in high schools for qualified students in grades eleven and twelve. Each CHS program is defined in a local contract between a high school and an institution of higher education. The teacher employed by the participating institution of higher education determines the number of credits and whether the course satisfies general or degree requirements when no comparable course is offered at the institution of higher education. The school district superintendent determines the number of credits for a course when no comparable course is offered by the school district.

Running Start students enroll in courses or programs offered by participating institutions of higher education. Students take Running Start courses on the campus of the institution of higher education and online; however, some institutions and school districts also offer a modified program called Running Start in the High School.

E2SHB 1546 explicitly defines College in the High School as a dual credit program located on a high school campus or in a high school environment in which a high school student is able to earn both high school and postsecondary credit by completing postsecondary level courses with a passing grade. Running Start courses and programs, on the other hand, must be open for registration to matriculated students at the participating institution of higher education and may not be a course consisting solely of high school students offered at a high school campus. This essentially eliminates the previously offered Running Start in the High School.

If provided in the state's operating budget, funding may be allocated for CHS at an amount per college credit. The maximum annual number of allocated credits per participating eleventh or twelfth grade students may not exceed ten credits. Any available funding is prioritized in the following order: (1) high schools that offered a Running Start in the High School program in the 2014–15 school year (this priority is only for the 2015–16 school year); (2) students whose residence, or the high school in which they are enrolled, is located 20 driving miles or more from the nearest eligible institution of higher education offering a Running Start program; and (3) high schools eligible for small school funding enhancement. Subject to appropriation, and only after these priorities areas, a subsidy may also be provided per college credit for eleventh and twelfth grade students who have been deemed eligible for Free and Reduced-Price Lunch and are enrolled in College in the High School. The maximum number of subsidized credits per participating student may not exceed five credits. Districts wishing to participate in the subsidy program must apply to OSPI by July 1 of each year and report the preliminary estimate of subsidy-eligible students and the total number of projected credit hours. OSPI must notify a district by September 1 of each year if the district's students will receive the subsidy. If more districts apply than funding is available, OSPI must prioritize applications according to OSPI-developed prioritization factors. Those factors must include the number of dual credit opportunities available for low-income students in the district. Under the new law, school districts must remit any allocations or subsidies received to the participating institution of higher education. Those students for whom the allocations and subsidies have been received are not required to pay for the credits. The minimum allocation and subsidy is \$65 per quarter credit. OSPI, the Washington Student Achievement Council (WSAC), the State Board for Community and Technical Colleges (SBCTC), and the public baccalaureate institutions must review funding levels for the program every four years, beginning in 2017, and recommend changes.

The bill makes students in tenth grade eligible for College in the High School; however, the allocations and subsidies are only applicable to students in the eleventh and twelfth grades. Participating school districts must provide general information about the CHS program to all students in grades nine through 12. OSPI must adopt rules for administration of College in the

High School. These rules must be jointly developed by OSPI, SBCTC, WSAC, and the public baccalaureate institutions; however, the Association of Washington School Principals must be consulted. The rules: must outline quality and eligibility standards that are informed by nationally recognized standards or models; must encourage the maximum use of the program; and may not narrow or limit enrollment options.

Under the Academic Acceleration Incentive Program, created in 2013, appropriated funds are allocated on a competitive basis as one-time grants for high schools to expand the availability of dual credit courses or as an incentive award to school districts for each student who earned dual credit in specified courses offered by a high school in the previous year. The funds can be used to support teacher training, curriculum, exam fees, and other costs of dual credit courses. As adopted in 2013, students enrolled in Running Start cannot generate an incentive award; however, this provision is eliminated in E2SHB 1546. Incentive award funds can now be used for textbook fees and for transportation for Running Start students to and from the institution of higher education.

By September 15, 2016, WSAC, in collaboration with SBCTC, OSPI, and the public baccalaureate institutions, must make recommendations to the Legislature for streamlining and improving dual credit programs. A particular focus of increasing participation of low-income students and students who are currently underrepresented in RS, AP, IB, and Cambridge International programs is required.

### **HB 1554—Public records**

(Representative Stambaugh)

#### **C47 L15**

The Public Records Act (PRA) requires state and local agencies to make their written records available to the public for inspection and copying upon request, unless the information fits into one of the various specific exemptions. HB 1554 explicitly clarifies that personal information of family members or guardians of a child enrolled in child care, early learning, parks and recreation, after-school or youth development programs is exempt from disclosure under the Public Records Act if it would result in the disclosure of the child's personal information.

### **ESHB 1570—Conditional scholarships**

(Representative Gregory, by request of Governor Inslee)

#### **C9 L15 E3**

Conditional scholarships are loans that are forgiven in whole or in part in exchange for service as a certificated teacher at a K–12 public school. The state forgives one year of loan obligation for every two years a recipient teaches in a Washington K–12 public school. Currently, the Retooling to Teach Mathematics and Sciences Conditional Scholarship Program requires a K–12 teacher, or certificated elementary educator who is not employed in a position requiring an elementary education certificate, to pursue an endorsement in math or science to be eligible for the program. The conditional scholarship amount is determined by the Washington Student Achievement Council, but may not exceed \$3,000 per year. The Professional Educator Standards Board (PESB) selects who will receive the scholarships.

Prior to this bill passing, SHB 1813 (computer science) was adopted and signed into law. It changed the name of the Retooling to Teach Mathematics and Sciences Conditional Scholarship Program to the Educator Retooling Conditional Scholarship Program and expanded the type of endorsements teachers and certain certificated elementary educators may pursue to qualify for the conditional scholarship program.

ESHB 1570 further expands flexibility in the newly renamed conditional scholarship program. The bill expands the definition of shortage area to include mathematics, science, special education, bilingual education, English language learner (ELL), computer science education, or environmental and sustainability education.

Current law specifies that veterans and National Guard members be given preference when selecting individuals to receive scholarships. This bill requires PESB to also give preference to teachers assigned to schools required under state or federal accountability measures to implement a plan for improvement, and to teachers assigned to schools whose enrollment of ELL students has increased an average of more than five percent per year over the previous three years.

**EHB 1633—Housing Trust Fund**

(Representative Zeiger)

**C155 L15**

The Housing Assistance Program, also known as the Housing Trust Fund, was established by the Legislature in 1987. Administered by the Department of Commerce, the Fund provides loans and grants for construction, acquisition, and rehabilitation of low-income multi-family and single-family housing. In awarding funds, Commerce must give preference to applicants based on a long list of criteria established in current law.

EHB 1633 adds a preference criterion for project applications that involve partnerships between school districts and public housing authorities or nonprofit housing providers that help children of low-income families succeed in school. To receive this preference, the local school district must provide an opportunity for community members to offer input on the proposed project at the first scheduled school board meeting following submission of the grant application.

**SHB 1813—Computer science education**

(Representative MacEwen)

**C3 L15 E1**

SHB 1813 is intended to expand computer science education in K–12. Under provisions of the bill, OSPI and the Professional Educator Standards Board (PESB) must adopt computer science learning standards developed by a nationally recognized computer science education organization. PESB must also develop standards for a K–12 computer science endorsement, which must facilitate dual endorsement in computer science and mathematics, science, or another related high-demand endorsement.

The bill also renames the Retooling to Teach Mathematics and Sciences Conditional Scholarship Program as the Educator Retooling Conditional Scholarship Program and expands the type of endorsements teachers and certain certificated elementary educators may pursue to qualify for the conditional scholarship program. Later in the session, ESHB 1570 was adopted, further expanding the flexibility in the newly renamed conditional scholarship program. That bill expanded the definition of shortage area to include mathematics, science,

special education, bilingual education, English language learner (ELL), computer science education, or environmental and sustainability education.

**SHB 1919—Special election deadline**

(Representative S. Hunt)

**C146 L15**

In addition to the November general election and the August primary election, Washington allows for two special elections: the second Tuesday in February and the fourth Tuesday in April. Current law required the governing body of a county, city, town, or district (including school districts) to call for a special election by presenting a resolution to the county auditor 45 days prior to the February or April special election.

SHB 1919 changes the deadline for local government governing bodies to call for a special election from 45 to 60 days before the February and April special election dates. Additionally, the bill changes the certification deadline from 14 days to 10 days after the election.

Local governments that have ballot measures included in a local voters' pamphlet are required to appoint a committee to prepare arguments advocating voters' approval of the measure and appoint a committee to prepare arguments advocating voters' rejection of the measure. Current law required these appointments to be made "45 days before the publication of the pamphlet." SHB 1919 clarifies the due date for the committee appointments by requiring them to be made no later than the ballot resolution deadline; that is, 45 days before the election.

**ESHB 2263—Cultural Access Programs**

(Representative Springer)

**C24 L15 E3**

ESHB 2263 authorizes counties or a group of contiguous counties to impose a sales and use tax or an additional property tax levy to fund Cultural Access Programs (CAP) run by cultural organizations providing programming or experiences for the general public. The primary purpose of the organization receiving funding must be the advancement or preservation of science or technology, the visual or performing arts, zoology, botany, anthropology, heritage, or natural history. The CAP funding must be used for a public benefit that generally relates

to increasing access, outreach, and opportunities to the public. A city may create a CAP if the county where the city is located either expressly forfeits its own option, or does not propose a choice to voters for creating a CAP before June 30, 2017. A city that creates a CAP shares the same authority as if created by the county.

Each CAP must include a public school Cultural Access Program component to increase student access to cultural programming and facilities. In a county with a population over 1.5 million, the public school CAP must include: transportation for students to attend at least one program annually; a centralized service for cultural organizations to coordinate opportunities for students; consolidation of student opportunities to increase cost efficiency; the development of tools to correlate activities with school curricula; and partnerships between schools and cultural organizations. A portion of any remaining resources should be used to encourage school districts and regional cultural organizations to enhance activities and programs.

At the conclusion of a CAP-funded project, the organization must report on the public benefit realized. The annual report on the public school Cultural Access Program must include data on how many students were served at each event type, grade level, school location, and percentage of students who participate in the Free and Reduced-Price Lunch programs.

### **EHB 2266—Initiative 1351**

(Representative Sullivan)

#### **C38 L15 E3**

Initiative 1351 was adopted by the voters in November's general election. The Initiative requires class size reductions in all grades, kindergarten through twelfth grade, and makes various changes to staffing formulas. As adopted, I-1351 requires funding to be phased-in with at least half the required spending to begin in the 2015–17 biennium and full implementation to be completed by the end of the 2017–19 biennium. The initial down payment required was just over \$2.0 billion.

EHB 2266 is a budget-implementing bill that delays the implementation of the Initiative for four years, "saving" the state over \$2.0 billion in the 2015–17 Operating Budget. Under the provisions of EHB 2266, implementation of the Initiative is

required to begin in the 2019–21 biennium, with full funding required by the end of the 2021–23 biennium.

Language in the Initiative declared the funding required to be provided as a part of basic education. The Supreme Court has noted that simply calling something basic education does not automatically make the program basic education. To provide the Legislature some cover, however, language was added to EHB 2266 to specifically provide a necessary "educational rationale" to amend the Initiative (the Supreme Court has stated firmly that basic education cannot be reduced simply for financial reasons, but may be reduced if there is a valid educational purpose). The bill states: "For two sets of educational reasons, the legislature finds that it is appropriate to delay implementation of Initiative No. 1351 for four years."

First, language notes that based on research, the greatest improvements in student outcomes can be achieved in the near-term by focusing the investment of state fiscal resources in the areas identified in ESHB 2261 (2009) and SHB 2776 (2010), which emphasize funding class size reduction in early grades.

Second, the bill notes that there are also "practical educational reasons" to temporarily defer implementation of the Initiative. Data from OSPI and the Professional Educator Standards Board indicate that Washington's teacher education programs are not estimated to produce sufficient teachers to achieve the class size reductions on the schedule established by the Initiative. Additionally, it is noted that the experience of other states indicates that the need to hire teachers quickly for rapid implementation of class size reductions may exacerbate recruiting difficulties for schools or districts that are at a relative disadvantage in attracting staff. Along with teacher recruiting difficulties, they note that implementing class size reduction requires time to plan and build new classrooms.

### **EHB 2267—State expenditure limit**

(Representative Hunter)

#### **C29 L15 E3**

In 1993, voters adopted Initiative 601, which established a state expenditure limit to restrict the amount that the state may spend from the State's General Fund (GF-S) each fiscal year. Since 1993, the I-601 spending limit has been amended multiple times and is not nearly as restrictive as it once was. The expenditure

limit for each year is the prior year's actual GF-S expenditures, adjusted for inflation as measured by a 10-year rolling average of personal income growth, and further adjusted for revenue and program transfers into and out of the GF-S.

In 2012, the Legislature enacted a four-year balanced budget requirement. Any additional spending in 2013–15 and 2015–17 necessary to comply with the *McCleary* education funding decision, however, was excluded from the requirement.

Now, as enhanced K–12 revenues have become part of the underlying budget, legislators are finding it difficult to comply with the *McCleary* ruling at the same time they restrict spending under I-601 and calculate future spending in the four-year budget outlook. EHB 2267 temporarily suspends the I-601 spending limit until the 2021–23 fiscal biennium—the biennia immediately following the deadline for the state's phase-in of full funding of basic education under ESHB 2261 (2009), SHB 2776 (2010) and the *McCleary* decision. Language in the bill states that it is necessary to establish (or re-establish) a limit on state expenditures “once the state has fully implemented its Article IX funding obligations.”

The bill also makes preparations for adjustments to the four-year balanced budget requirement. The Economic and Revenue Forecast Council, in consultation with the Expenditure Limit Committee, is required to prepare draft legislation for introduction in the 2016 legislative session that synchronizes the requirements of the state expenditure limit, the four-year balanced budget requirement, and the budget outlook process.

### **EHB 2286—Budget Stabilization Account**

(Representative Hunter)

#### **C2 L15 E3**

In 2007, the voters ratified a constitutional amendment that created a Budget Stabilization Account. Each year, the State Treasurer must deposit one percent of general state revenues into the Account. To access funding in the Budget Stabilization Account, a three-fifths majority in each house of the Legislature must approve of the spending. In the case of a catastrophic event or low employment growth, however, the Legislature may appropriate from the Account with a simple majority vote of each house.

In 2011, the voters ratified another constitutional amendment that required further deposits into the Budget Stabilization Account. In biennia in which the state experiences extraordinary revenue growth, an amount equivalent to three-quarters of the extraordinary revenue growth must be transferred to the Account. Extraordinary revenue growth is defined as the amount by which the percentage growth of general state revenues in that biennium exceeds by more than one-third the average percentage growth in general state revenues over the five previous biennia.

A necessary budget-implementing bill, EHB 2286 requires the State Treasurer to transfer into the State General Fund the entire Budget Stabilization Account deposit that is attributable to extraordinary revenue growth in the 2013–15, 2015–17, and 2017–19 fiscal biennia. For the 2013–15 biennium, this provides approximately \$37.9 million to fund the 2015–17 Operating Budget.

### **2SSB 5052—Cannabis Patient Protection Act**

(Senator Rivers)

#### **C70 L15 – Partial Veto**

This is a comprehensive bill that includes multiple amendments to current law regarding the regulation of medical marijuana. Buried in the middle of this omnibus bill is a major potential impact on schools.

Current statutes clarify that nothing in the law “requires any accommodation of any on-site medical use of marijuana in any place of employment, in any school bus or on any school grounds...”. 2SSB 5052 impacts this provision, however. Newly adopted language—Section 31(4)—states that a school may permit a minor who meets certain requirements “to consume marijuana on school grounds.” This use “must be in accordance with school policy relating to medication use on school grounds.”

Federal law explicitly prohibits the possession or use of marijuana (or other federally labeled illegal drugs) on school grounds. A potential penalty is the loss of federal Title I funding. OSPI is currently working with federal officials to determine whether the implementation of this state law will jeopardize a school's federal funding. Truly, we have entered uncharted waters. Be prepared.

**ESSB 5083—Sudden cardiac arrest**

(Senator McAuliffe)

**C26 L15**

ESSB 5083 is intended to make youth athletes, their families, and coaches aware of sudden cardiac arrest. Under provisions of the bill, the Washington Interscholastic Activities Association (WIAA) is required to work with member schools' board of directors, a nonprofit organization that educates communities about sudden cardiac arrest in youth athletes, and the University of Washington Medicine Center for Sports Cardiology to develop and make available an online pamphlet that provides youth athletes, their parents or guardians, and coaches with information about sudden cardiac arrest. The online pamphlet must include information on the nature, risk, symptoms and warning signs, prevention, and treatment of sudden cardiac arrest. The online pamphlet must be posted on OSPI's website. Annually, prior to participating in an interscholastic athletic activity, a sudden cardiac arrest form stating that the online pamphlet was reviewed must be signed by youth athletes and their parents or guardians and returned to the school.

WIAA is also required to work with member schools' board of directors, an organization that provides educational training for safe participation in athletic activity, and the University of Washington Medicine Center for Sports Cardiology to make available an existing online sudden cardiac arrest prevention program for coaches. Every three years, prior to coaching an interscholastic athletic activity, coaches must complete the online sudden cardiac arrest prevention program. Coaches must provide a certificate showing completion of the online sudden cardiac arrest prevention program to the school.

The bill also stipulates that school districts must require a private nonprofit youth program to provide a statement of compliance with policies for sudden cardiac arrest awareness, in order to maintain immunity from liability for injuries to youth participating in an activity offered by the program on school property.

**SB 5120—School district dissolutions**

(Senator Parlette)

**C82 L15**

Current law mandates that if a school district's enrollment drops below five students in kindergarten through eighth grade in

the prior school year, the ESD must report this information to the Regional Committee which must then dissolve the school district. SB 5120, modifies the criteria for the dissolution of a school district. As adopted, a school district's dissolution is triggered if the school district has an average enrollment of fewer than five students in kindergarten through eighth grade during the preceding three consecutive school years.

This bill was introduced to provide assistance to the Stehekin School District, which operates under a very unique set of circumstances.

**SB 5122—Precollege placement**

(Senator Kohl-Welles)

**C83 L15**

In 2013, the Legislature directed the State Board for Community and Technical Colleges (SBCTC) to encourage colleges to use multiple measures to determine whether a student must enroll in a precollege course. Last year, the six public baccalaureate institutions and SBCTC agreed to use the eleventh grade Smarter Balanced Assessment scores of Level Three or Four to enroll first-year college students who have been admitted into entry-level college math and English courses without further placement testing. The agreement applies to high school graduating classes of 2016 through 2018, and then will be renewed or modified. Colleges, universities, and high schools are also designing math and English language arts transition courses for high school seniors who did not score at a Level Three or above. Several high schools are already piloting the curriculum. Seniors who earn a B or above in the classes will also be able to bypass placement testing at many colleges.

SB 5122 essential puts current college and university practice into law. The public baccalaureate institutions may use multiple measures to determine whether a student must enroll in a precollege course including, but not limited to, placement tests, the SAT, high school transcripts, college transcripts, or initial class performance. These institutions must also post information about available options for course placement on their websites and in admissions materials. The Washington Student Achievement Council must encourage the use of multiple measures to determine precollege placement when setting minimum college admissions standards.

**SSB 5163—Students in military families**

(Senator Hobbs)

**C210 L15**

Washington serves approximately 32,000 military-connected students. OSPI, with the assistance of the K–12 Data Governance Group, has been charged with developing standards for the school data system and must develop a reporting format and instructions for school districts to collect and submit data on student demographics. This data must be disaggregated by distinct ethnic categories within racial subgroups but not by students from a military family.

SSB 5163 requires OSPI's reporting format and instructions for school districts to collect and submit data to include data on students from military families by the 2016–17 school year. A student from a military family is defined as a student with a parent or guardian who is either: (1) a member of the active duty United States armed forces; or (2) a member of the reserves of the United States armed forces or a member of the Washington National Guard.

Data must be collected and submitted separately for these two categories. The K–12 Data Governance Group is charged with developing best practice guidelines for the collection and regular updating of this data on students from military families. Collection and updating of this data must use the United States Department of Education 2007 Race and Ethnicity Reporting Guidelines, including the sub-racial and sub-ethnic categories within those guidelines, with the following modifications:

- further disaggregation of the Black category to differentiate students of African origin and students native to the United States with African ancestors;
- further disaggregation of countries of origin for Asian students;
- further disaggregation of the White category to include sub-ethnic categories for Eastern European nationalities that have significant populations in Washington; and
- for students who report as multiracial, collection of their racial and ethnic combination of categories.

OSPI must conduct an analysis of the average number of students from military families who are special education students statewide, by school district, and by school. However, to protect the privacy of students, the data from schools and districts that have fewer than ten students from military families who are special education students must not be reported. OSPI is required to submit a report with its analysis to the Legislature by December 31, 2017.

**SSB 5202—Financial education**

(Senator Mullet)

**C211 L15**

The Financial Education Public-Private Partnership is comprised of four legislators, four representatives from the financial services sector, four educators, one designee from the Department of Financial Institutions, and two representatives from OSPI. The current duties of the Partnership include the following:

- communicating financial education standards and strategies for improving financial education to school districts;
- reviewing and developing a procedure for endorsing financial education curriculum;
- identifying assessments and outcome measures that schools can use to determine whether students meet financial education standards; and
- monitoring and providing guidance for professional development.

SSB 5202 changes the composition of the Partnership by adding the State Treasurer or the State Treasurer's designee. The bill also clarifies that teachers who are members of the Partnership may be paid their travel expenses according to current law from funds available in the Partnership account. Funds from the Partnership account may also pay for a substitute teacher when member teachers attend official meetings of the Partnership. If the Partnership pays for these expenses, the school district must release a teacher to attend official Partnership meetings.

The Partnership is required to work with OSPI to integrate financial education skills and content knowledge into the state learning standards. Standards in K–12 personal finance

education developed by a national coalition for personal financial literacy that includes partners from business, finance, government, academia, education, and state affiliates are adopted as the state financial education learning standards. Online instructional materials and resources are added to the financial education curriculum that the Partnership reviews on an ongoing basis.

A previous requirement that the Partnership identify assessments and outcome measures for schools to determine whether students meet the financial education standards, or to create professional development that could lead to a certificate endorsement or other certification of competency is repealed.

OSPI is required, after consulting with the Partnership, to make available to all school districts a list of materials that align with the financial standards integrated into the state learning standards. The Partnership may seek federal and private funds to support school districts in providing access to the materials and related professional development for certificated teachers. Finally, school districts are required to provide high school students the opportunity to access the financial education standards and publicize the availability of these opportunities to students and their families.

### **SSB 5294—School library and technical programs**

(Senator McAuliffe)

#### **C27 L15**

SSB 5294 updates school library programs. The bill renames school library media programs as school library information and technology programs. Previously, school boards were required to provide for school libraries; this bill clarifies that school boards must provide “resources and materials” for the operation of school library information and technology programs.

The bill also clarifies the duties of teacher-librarians, which may include but are not limited to the following:

- integrate information and technology into curriculum and instruction;
- provide information management instruction to students and staff about how to effectively use emerging learning technologies for school and lifelong learning;

- help teachers and students efficiently and effectively access the highest quality information available while using information ethically;
- instruct students in digital citizenship, including how to be critical consumers of information;
- provide guidance about thoughtful and strategic use of online resources; and
- create a culture of reading in the school community by developing a diverse, student focused collection of library materials that ensures all students can find something of quality to read, and by facilitating school-wide reading initiatives while providing individual support to students.

### **SSB 5348—Joint utilization contracts**

(Senator Miloscia)

#### **C232 L15**

Under the Interlocal Cooperation Act, public agencies are authorized to contract with one another to provide services either through cooperative action or when one or more agencies pay another agency for a service. Any power, privilege, or authority held by a public agency may be exercised jointly with one or more other public agencies having the same power, privilege, or authority. A public agency, for purposes of interlocal agreements, includes any agency, political subdivision, or unit of local government.

SSB 5348 permits two or more public agencies to enter into a contract providing for the joint utilization of architectural or engineering services if the agency complies with the requirements for contracting for those services and the services provided to the other agency are related to the services the architectural or engineering firm is selected to perform. Any agreement providing for the joint utilization of architectural or engineering services must be executed for a scope of work specifically detailed in the agreement and must be entered into prior to commencement of procurement of the services.

**2SSB 5404—Homeless Youth Act**

(Senator O'Ban, by request of Governor Inslee)

**C69 L15**

This comprehensive bill on homeless youth creates an Office of Homeless Youth Prevention and Protection Programs within the Department of Commerce. The Office is made responsible for leading efforts to coordinate a spectrum of ongoing and future funding, policy and practice efforts related to homeless youth and improving the safety, health and welfare of homeless youth in Washington. The goal of the Office is to measurably decrease the number of homeless youth and young adults, identify the causes of youth homelessness, and measurably increase permanency rates among homeless youth caused by a youth's separation from family or legal guardian. The bill provides a wide range of tasks for the Office. One explicit task is the collection of data regarding homelessness, which includes a direct impact on OSPI.

Under current law, OSPI is required to provide a biennial report on data of homeless students. 2SSB 5404 expands the scope of the data collection to include both homeless students and unaccompanied homeless students. "Unaccompanied homeless student" is defined as a student who is not in the physical custody of a parent or guardian and is homeless under the definition provided in the bill. As defined by the bill, "homeless" means "without a fixed, regular, and adequate nighttime residence."

**ESB 5419—Student privacy**

(Senator Litzow)

**C277 L15**

The federal Family Educational Rights and Privacy Act (FERPA) and state laws give parents and students rights with respect to education records. Under FERPA, schools generally must have written consent from the parent, or student when the right has transferred, in order to release any personally identifiable information from a student's education record. There are exceptions, however, to this consent requirement.

Currently, there are no Washington or federal laws that limit the sharing of personal student information by other entities that provide services to schools and have access to personal student information.

ESB 5419 Establishes the Student User Privacy in Education Rights (SUPER) Act and addresses the obligations of school service providers with regard to transparency, choice and control and safeguards.

Under the new law, school service providers must take specified actions to protect the personal information of students. School service is defined as a website, mobile application, or online service that meets all three of the following criteria: is designed and marketed primarily for use in a K–12 school; is used at the direction of teachers or other employees of a K–12 school; and collects, maintains or uses student personal information.

Student personal information is defined in the bill as information collected through a school service that personally identifies an individual student or other information collected and maintained about an individual student that is linked to information that identifies an individual student. A school service does not include a website, mobile application or online service that is designed and marketed for use by individuals or entities generally, even if also marketed to a K–12 school.

School service providers must provide: (1) clear and easy to understand information about the types of student personal information they collect and about how they use and share the student personal information, and (2) prominent notice before making material changes to their privacy policies for school services. Where the school service is offered to an educational institution or teacher, this information and prominent notice may be provided to the educational institution or teacher.

School service providers must facilitate access to and correction of student personal information by students or their parent or guardian either directly or through the relevant educational institution or teacher. These specific requirements do not apply to the Education Data Center operating within the Office of Financial Management, but they do apply to any of its subcontractors.

School service providers must obtain consent before using student personal information in a manner that is materially inconsistent with the provider's privacy policy or school contract for the applicable school service in effect at the time of collection. Existing law regarding consent, including consent

from minors and employees on behalf of educational institutions, is not changed.

School service providers may collect, use, and share student personal information only for purposes authorized by the relevant educational institution or teacher, or with the consent of the student or the student's parent or guardian. School service providers are prohibited from:

- selling student personal information;
- using or sharing any student personal information for purposes of targeted advertising to students; or
- using student personal information to create a personal profile of a student other than for supporting purposes authorized by the relevant educational institution or teacher, or with the consent of the student or the student's parent or guardian.

The prohibition against selling student personal information does not apply to the purchase, merger, or other type of acquisition of a school service provider, or any assets of a school service provider by another entity, as long as the successor entity continues to be subject to the foregoing provisions with respect to previously acquired student personal information to the extent that the school service provider was regulated with regard to its acquisition of student personal information.

Targeted advertising means sending advertisements to a student where the advertisement is selected based on information obtained or inferred from that student's online behavior, usage of applications, or student personal information. It does not include: advertising to a student at an online location based upon that student's current visit to that location without the collection and retention of a student's online activities over time; or adaptive learning, personalized learning, or customized education.

The previous provisions do not apply to the use or disclosure of personal information by a school service provider to:

- protect the security or integrity of its website, mobile application or online service;
- ensure legal or regulatory compliance or to take precautions against liability;
- respond to or participate in judicial process;

- protect the safety of users or others on the website, mobile application or online service;
- investigate a matter related to public safety; or
- a subcontractor, if the school service provider:
  - contractually prohibits the subcontractor from using any student personal information for any purpose other than providing the contracted service to or on behalf of, the school service provider;
  - prohibits the subcontractor from disclosing any student personal information provided by the school service provider to subsequent third parties unless the disclosure is expressly permitted; and
  - requires the subcontractor to comply with the requirements.

School service providers must delete student personal information within a reasonable period of time if the relevant educational institution requests deletion of the data under the control of the educational institution unless: the school service provider has obtained student consent or the consent of the student's parent or guardian to retain information related to that student; or the student has transferred to another educational institution and that educational institution has requested that the school service provider retain information related to that student.

School service providers must maintain a comprehensive information security program that is reasonably designed to protect the security, privacy, confidentiality and integrity of student personal information. The information security program should make use of appropriate administrative, technological and physical safeguards.

Nothing in this new law is intended to prohibit the use of student personal information for purposes of:

- adaptive learning or personalized or customized education;
- maintaining, developing, supporting, improving or diagnosing the school service provider's website, mobile application, online service or application;
- providing recommendations for school, educational or employment purposes within a school service without the response being determined in whole or in part by payment or other consideration from a third party; or

- responding to a student's request for information or for feedback without the information or response being determined in whole or in part by payment or other consideration from a third party.

The SUPER Act must not be construed to:

- impose a duty upon a provider of an interactive computer service to review or enforce compliance by third-party content providers;
- apply to general audience Internet websites, general audience mobile applications, or general audience online services even if login credentials created for a school service provider's website, mobile application, or online service may be used to access those services;
- impede the ability of students to download, export or otherwise save or maintain their own student data or documents;
- limit Internet service providers from providing Internet connectivity to schools or students and their families;
- prohibit a school service provider from marketing educational products directly to parents so long as the marketing did not result from use of student personal information obtained by the school service provider through the provision of its website, mobile application or online service; or
- impose a duty on a school service provider of an electronic store, gateway, marketplace or other means of purchasing or downloading software or applications to review or enforce compliance on those applications or software.

Finally, these limitations and requirements only apply to contracts entered or renewed after the effective date of the act and are not retroactive. The act takes effect July 1, 2016.

### **SSB 5433—Tribal education**

(Senator Litzow)

#### **C198 L15**

In 2005, legislation was adopted to encourage OSPI to help school districts identify federally recognized Indian tribes within or near school districts and school districts were encouraged to: incorporate curricula about tribal history, culture, and government

of the nearest federally recognized tribe and work with tribes to develop such materials; collaborate with tribes to create materials, programs, and cultural exchanges; and collaborate with OSPI on curricular areas of tribal government and history that are statewide in nature.

In 2011, the Legislature directed OSPI to create the Office of Native Education (ONE). ONE was tasked with several duties including facilitating the development and implementation of curricula and instructional materials regarding native languages, culture and history, and the concept of tribal sovereignty. ONE posts curriculum and other resources for elementary, middle, and high schools on its website.

SSB 5433 changes the current encouragement to OSPI and school districts to develop and incorporate curricula about tribes to a specific directive. Under the bill, OSPI must help school districts identify federally recognized Indian tribes within or near school districts, and school districts must do the following: when reviewing or adopting social studies curriculum, incorporate curricula about tribal history, culture, and government of the nearest federally recognized tribe and work with tribes to develop such materials; collaborate with tribes to create materials, programs, and cultural exchanges; and collaborate with OSPI on curricular areas of tribal government and history that are statewide in nature.

School districts must meet the requirements of collaboration and incorporation about tribal history, culture, and government by using the curriculum developed and made available free of charge by OSPI; however, they may modify the curriculum in order to incorporate elements that have a regional focus or in order to incorporate the curriculum into existing curricular materials.

### **SB 5638—State Need Grant eligibility**

(Senator Hasegawa)

#### **C121 L15**

The State Need Grant (SNG) program was established in 1969 to support low-income students and offset the increase of tuition. In 2014–15, to be eligible, a student's family income cannot exceed 70 percent of the state's median family income, currently \$58,500 for a family of four. Awards are prorated by income categories and further prorated for part-time students: 75 percent for students taking nine to eleven credits, 50 percent for students taking six

to eight credits, and 25 percent for students taking three to five credits.

In 1990, the Legislature extended SNG eligibility to students enrolled at least half-time—six quarter credits or more. In 2005, the Legislature directed the former Higher Education Coordinating Board to develop a two-year pilot project to assess the need for and feasibility of allowing students enrolled for at least four quarter credits to be eligible for SNG. Under the pilot, students attending a participating school who enrolled for four or five credits were eligible to receive a grant as long as they met the other eligibility criteria for SNG. In 2007, the Legislature extended the part-time student pilot program to students enrolled for at least three quarter credits, or the semester equivalent. The pilot program expired on June 30, 2011.

SB 5638 modifies the requirements of the State Need Grant program to make the grant available to students enrolled or accepted for enrollment at a qualifying institution of higher education for at least three quarter credits, or the equivalent semester credits.

### **SSB 5679—Special education transition services**

(Senator McAuliffe)

#### **C217 L15**

Under state special education laws and the federal Individuals with Disabilities Education Act (IDEA), public school districts must provide a free and appropriate education for students with a disability. An appropriate education is specially designed instruction and related services to address the unique needs, abilities, and limitations of the student with a disability. Under IDEA, an Individualized Education Program (IEP) guides a student's learning while in a special education program. It describes the amount of time the student will spend receiving special education, any related services the student will receive, and the academic and behavioral goals and expectations for the year. The IEP is developed and revised annually by an IEP team, which includes the student's parent or guardian, one of the student's general education teachers, one special education teacher, a representative of the school district, someone who can interpret assessment results, and others who may have special knowledge or expertise. Under IDEA, transition services must be included in the IEP beginning at age 16, or earlier

if appropriate. The transition services must be designed to facilitate the student's movement from school to postsecondary activities including education, vocational education, integrated or supported employment, adult services, and independent living, as appropriate.

OSPI collects data on students receiving special education, which must be submitted annually to the U.S. Department of Education. Current state law requires OSPI to establish interagency agreements with the Department of Social and Health Services, the Department of Services for the Blind, and any other state agency that provides high school transition services for special education students in order to foster collaboration among the multiple agencies providing transition services.

SSB 5679, in an effort to remove barriers and obstacles for students with disabilities to access postsecondary settings, requires earlier transition planning. The agencies that provide transition services for special education students must do so as soon as educationally and developmentally appropriate. Transition planning must be based on educationally and developmentally appropriate transition assessments that outline the student's needs, strengths, preferences, and interests. Transition services include activities to assist the student reach postsecondary goals and courses of study to support the goals. Transition activities may include instruction, related services, community experience, employment and other adult living objectives, daily living skills, and functional vocational evaluation. As a student gets older, changes in the transition plan may be noted at the annual update of the student's IEP. A student with disabilities who has a High School and Beyond Plan may use that plan as the required transition plan.

To determine the postsecondary goals of the student, a discussion should take place with the student, the student's parents, and others, as needed. The goals must be measurable and based on transition assessments, when necessary. The goals must also be based on the student's needs, strengths, preferences, and interests.

**SSB 5721—Expanded Learning Opportunities Council**

(Senator Billig)

**C163 L15**

The 2014 Legislature established an Extended Learning Opportunities Council to advise the governor, the Legislature, and OSPI on a comprehensive extended learning opportunity system. The Council met six times and submitted its first annual report in 2014.

SSB 5721 expands the ELO Council to include a person selected by OSPI to represent low-income communities or communities of color; a person selected by the Educational Opportunity Gap Oversight and Accountability Committee; and a representative of the statewide association of public libraries. Other participants, agencies, organizations, or individuals may be invited to participate in the Council.

**ESSB 5803—Third grade reading**

(Senator Dammeier)

**C125 L15**

In 2013, legislation was adopted to create a process for school districts to follow when a student in third grade scores below basic (Level One) on the statewide English language arts (ELA) assessment. The bill required a meeting with the student's parent or guardian, teacher, and the school's principal before the end of the school year to discuss appropriate grade placement and recommended strategies to improve the student's reading skills. For the student to be placed in the fourth grade, the strategies discussed were to include a summer program or other options identified by the parents, teacher, and principal to prepare the student for fourth grade. School districts were required to obtain the parent's or guardian's consent regarding the grade placement and improvement strategy that must be implemented by the school district.

As school districts began to implement the law, it quickly became clear the current assessment timeline did not provide sufficient time for the required meeting before the end of the school year. Administrators worked with their legislators and prompted a change in the law. ESSB 5803 revises the process to address third-grade students reading below grade level. The previously required meeting with the student's parent or guardian, teacher, and the school's principal before the end of the school year

is eliminated. Instead, prior to the return of the results of the statewide student assessment in ELA, elementary schools must require meetings between teachers and parents of students in third grade who are reading below grade level or who, based on formative or diagnostic assessments and other indicators, are likely to score in the below-basic level on the assessment. At the meeting, the teacher must inform the parents of the reading improvement strategies that are available for the student before fourth grade and the district's grade placement policy for the following year. Schools that have regularly scheduled parent teacher conferences are allowed to use those conferences to comply with the meeting requirement. For students to be placed in fourth grade, the strategies provided by the school district must include a summer program or other options to meet the needs of the student.

If a third grade student scores below basic on the third grade statewide student assessment in ELA and no earlier meeting took place, then the principal must notify the student's parents or guardians of the following:

- the below-basic score;
- an explanation of the requirements on the school;
- the intensive improvement strategy options that are available;
- the school district's grade placement policy;
- contact information for a school district employee who can respond to questions and provide additional information; and
- a reasonable deadline for obtaining the parent's consent regarding the student's intensive improvement strategies that will be implemented and the student's grade placement.

If the school district does not receive a response from a parent by the deadline or a reasonable time thereafter, the principal must decide the student's grade placement for the following year along with the improvement strategies that will be implemented. If the principal and parent cannot agree on the appropriate grade placement and improvement strategies, the parent has the final say and their request will be honored.

**SB 5805—Conflict resolution program**

(Senator Rivers)

**C126 L15**

Current law requires OSPI and the Office of the Attorney General, in cooperation with the Washington State Bar Association, to develop a volunteer-based conflict resolution and mediation program for use in community groups such as neighborhood organizations and public schools. The program must use lawyers to train students who in turn become trainers and mediators for their peers in conflict resolution.

SB 5805 adds statewide dispute resolution organizations to the list of who may assist in developing the required volunteer-based conflict resolution and mediation program. Additionally, certificated mediators are allowed to be used to train students, rather than only lawyers.

**2SSB 5851—College Bound Scholarship**

(Senator Frockt)

**C244 L15**

In 2007, the Legislature created the College Bound Scholarship (CBS) program to provide a tuition scholarship program for low-income students. The scholarship is open to seventh and eighth graders who qualify for Free and Reduced-Price Lunch and sign a pledge to graduate from high school with a 2.0 grade point average or higher and no felony convictions. Students in foster care are automatically enrolled. At the time of high school graduation, eligible students must have a family income of 65 percent of the state median family income or below.

The scholarship award amounts are calculated as the difference between public institution tuition and required fees, less the value of any state-funded grant, scholarship, or waiver assistance the student receives, plus \$500 for books. All scholarship recipients are limited to no more than four full-time years' worth of scholarship awards and the scholarship award must be used within five years of receipt.

In 2014, the Legislature created a College Bound Scholarship Program Work Group to make recommendations to ensure the program is viable, productive, and effective. 2SSB 5851 implements the Work Group's unanimous recommendations to improve and enhance certain components of the program.

When determining College Bound Scholarship eligibility, the first quarter of Running Start grades must be excluded from the student's overall GPA if the student has less than a C average and has completed less than two quarters in the Running Start Program. The Office of Student Financial Assistance, which administers the program, must: work with other state agencies, law enforcement and the court system to verify that eligible students do not have felonies; notify tenth-grade College Bound Scholarship students and their families of the income requirements for scholarship eligibility; develop comprehensive social media outreach with grade-level specific information to keep students on track to graduate and leverage current tools such as the High School and Beyond Plan and the Washington Student Achievement Council's (WSAC) Ready Set Grad website; and collaborate with educational organizations to map and coordinate mentoring and advising resources across the state, within existing resources.

Beginning January 1, 2015, and at a minimum every year thereafter, WSAC and the colleges and universities must ensure that the data needed to analyze and evaluate the effectiveness of the College Bound Scholarship program is promptly transmitted to the Education Research and Data Center. Data reported must include at least the following:

- the number of students who sign up for the CBS program in seventh or eighth grade;
- the number of CBS students who graduate from high school;
- the number of CBS students who enroll in postsecondary education;
- persistence and completion rates of CBS recipients;
- CBS recipient GPA;
- the number of CBS recipients who did not remain eligible and why;
- CBS program costs; and
- impacts to the State Need Grant program

Finally, the Washington State Institute for Public Policy (WSIPP) is charged with completing an evaluation of the College Bound Scholarship program and must provide a report to the Legislature by December 1, 2018. The Institute's report must complement

studies on the program by the University of Washington or others. To the extent it is not duplicative, the report must evaluate education outcomes emphasizing degree completion rates at both secondary and postsecondary levels. The report must study specific aspects of the program, including: College Bound Scholarship recipient GPA; variance in remediation between Scholarship recipients and their peers; differences in persistence between Scholarship recipients and their peers; and the impact of ineligibility for the College Bound Scholarship program, for reasons such as moving to Washington after middle school or a change in family income.

### **ESB 5923—Impact fees deferral**

(Senator Brown)

#### **C241 L15**

Counties and cities that comprehensively plan under Washington's Growth Management Act (GMA) may impose impact fees on development activity as part of the financing of public facilities needed to serve new growth and development. Current law includes specific requirements and limitations that are placed on the imposition of impact fees. "Public facilities," within the context of impact fee statutes, are the following capital facilities that are owned or operated by government entities:

- public streets and roads;
- publicly owned parks, open space, and recreation facilities;
- school facilities; and
- fire protection facilities.

ESB 5923 requires counties, cities, and towns collecting impact fees to, by September 1, 2016, adopt and maintain a system for the deferred collection of impact fees for single-family detached and attached residential construction. Local governments utilizing the deferral system may withhold certification of final inspection or certificate of occupancy or equivalent certification, until the impact fees have been paid in full. The amount of impact fees that may be deferred must be determined by the fees in effect at the time the applicant applies for a deferral, and the maximum term of the deferral is 18 months from the date of building permit issuance. Additionally, local governments are authorized to collect reasonable administrative fees from permit applicants who are seeking to delay the payment of impact fees.

The deferral system must include a process by which an applicant for a building permit for a single-family detached or attached residence may request a deferral of the full impact fee payment. The deferral system also must include one or more of the following options:

- deferring collection of the impact fee payment until final inspection;
- deferring collection of the impact fee payment until certificate of occupancy or equivalent certification; or
- deferring collection of the impact fee payment until the time of closing of the first sale of the property occurring after the issuance of the applicable building permit.

Each applicant for a single-family residential construction permit is entitled to annually receive deferrals for the first 20 single-family residential construction building permits per county, city, or town. A local government, however, may elect to defer more than 20 of the building permits for an applicant.

Governance provisions for local governments choosing to annually defer more than 20 single-family residential construction building permits per applicant are established. If a local government collects impact fees on behalf of one or more school districts for which the collection of impact fees could be delayed, the local government must consult with the district or districts about the additional deferrals. A local government considering additional deferrals must give substantial weight to recommendations of applicable school districts regarding the number of additional deferrals, and must, if it disagrees with the recommendations, provide the district or districts with a written rationale for its decision.

If an impact fee is not paid in accordance with an authorized deferral, the local government may institute foreclosure proceedings in accordance with specific statutory provisions. If the local government does not institute foreclosure proceedings for unpaid school impact fees within 45 days of receiving notice from a school district requesting that the local government do so, the district may institute foreclosure proceedings with respect to the unpaid impact fees.

Upon receipt of final payment of all deferred impact fees for a property, the local government must execute a release of impact fee lien for the property. The extinguishment of an impact fee

lien by the foreclosure of a lien having priority does not affect the obligation to pay the deferred fees.

The bill exempts local governments with an impact fee deferral process on or before April 1, 2015, from the obligation to establish an impact fee deferral system, if the locally adopted deferral process delays all impact fees and remains in effect after September 1, 2016.

The Department of Commerce is required must prepare an annual report on the impact fee deferral process. The first report must be submitted to the Legislature by December 1, 2018. The report must include: the number of deferrals requested of and issued by counties, cities, and towns; the number of deferrals that were not fully and timely paid; and other information as deemed appropriate.

Further review is required by the Joint Legislative Audit and Review Committee (JLARC). JLARC must review the created impact fee deferral requirements and examine:

- the number of deferrals requested of and issued by counties, cities, and towns;
- the monetary amount of deferrals, by jurisdiction;
- whether the deferral process was efficiently administered; and
- the costs to counties, cities, and towns for collecting timely and delinquent fees.

A report from JLARC must be submitted to the Legislature by September 1, 2021. It must include an evaluation of whether the impact fee deferral process was effective in providing a locally administered process for the deferral and full payment of impact fees. JLARC must provide its collected data and associated materials to the Department of Commerce upon request.

### **2ESSB 5987—Transportation revenue**

(Senator King)

#### **C44 L15 E3**

This is the revenue bill to fund the “new law” 2015–17 Transportation Budget (2ESSB 5988) and future highway, bridge and road projects. Over the 16-year life of the package, an increase in the state gas tax of 11.9 cents is expected to raise \$6.18 billion. Although the public focus of this revenue package

was on the gas tax, 2ESSB 5987 also includes a series of other increases, including: vehicle weight fees; electric vehicle fees; driver-related fees (commercial driver’s licenses, enhanced drivers’ licenses and identicard fees); administrative and service fees on title and registration transactions; and a new studded tire fee. The additional fee increases are anticipated to raise \$5.34 billion.

Legislation (SB 5990) that would have diverted sales and use tax proceeds from the state General Fund to a new Connecting Washington Account for transportation projects was NOT adopted. 2ESSB 5987, however, provides for a direct transfer of \$518 million from the General Fund to transportation. The State Treasurer is required to make quarterly transfers over a 12-year period September 2019 to June 2031 from the General Fund to the Connecting Washington Account. The total transferred over twelve years would be \$518 million.

(Editor’s Note: During the session, many legislators were vehemently opposed to even the discussion of tax increases, yet a gas tax increase (and a slew of transportation-related fees) was overwhelmingly approved. Even more frustrating is that an 11.7 cent gas tax increase was essentially agreed upon by both houses early in the session; however, as final negotiations on a compromise plan moved behind-closed-doors, the result was support for an 11.9 cent tax increase. This was more clear evidence that legislators were not opposed to revenue enhancements; they were simply opposed to revenue enhancements that would support the General Fund ... out of which the state’s paramount duty, K–12 education, is funded.)

This bill includes one specific education-related impact. Driver’s license fees and fees for necessary exams, including for Commercial Driver’s Licenses, are increased. A required skills examination for a Commercial Driver’s License is increased from \$100 to \$250; however, the bill specifies that if the applicant’s primary use of the license is to drive a school bus, the scheduled increase does not apply.

### **2ESSB 5988—2015–17 Transportation Budget**

(Senator King)

#### **C43 L15 E3 – Partial Veto**

This is the “new law” 2015–17 Transportation Budget. The bill provides appropriations for state transportation agencies and

programs for the 2015–17 fiscal biennium, but also states the intent to provide appropriations to transportation, programs and activities as specified in agreed-upon LEAP documents through Fiscal Year 2031. Expenditures for the entire 16-year budget total \$16.09 billion, funded with \$11.52 billion in gas tax and fee increases (2ESSB 5987) and \$4.76 billion in bond proceeds (ESSB 5989).

Other than the positive indirect impact provided by safe roads and less congestion, K–12 education is not greatly affected by this budget. For the entire life of the transportation package (through Fiscal Year 2031), the Safe Routes to School Grant Program is appropriated \$56.0 million. For 2015–17, \$7.1 million is provided for newly selected safe routes to schools projects across the state. Proviso language requires the Department of Transportation (DOT) to consider the “special situations facing high-need areas, as defined by schools or project areas” in which the percentage of the children eligible to receive Free and Reduced-Price Lunch is equal to, or greater than, the state average as determined by the DOT, when evaluating project proposals against established funding criteria while ensuring continued compliance with federal eligibility requirements.

### **ESSB 5989—Transportation bonds**

(Senator King)

#### **C45 L15 E3**

This is the bill to authorize the issuance of state General Obligation bonds to support appropriations in the 2015–17 Transportation Budget (2ESSB 5988). The State Finance Committee is authorized to issue General Obligation bonds to finance \$5.3 billion for state transportation projects.

### **ESSB 6052—2015–17 Operating Budget**

(Senator Hill)

#### **C4 L15 E3 – Partial Veto**

This is the 2015–17 Operating Budget, along with a final 2013–15 Supplemental Operating Budget. For details, see budget section earlier in this report.

### **2ESSB 6080—School construction financing**

(Senator Dammeier)

#### **C41 L15 E3**

The Legislature enacted goals to fully fund all-day kindergarten and fund K–3 class size reductions to reach one teacher to 17 students by the 2017–18 school year. Even if the Legislature provides the necessary funding, however, many school districts will be unable to implement the required class size reductions and/or all-day kindergarten programs because of a shortage of classrooms. The Supreme Court in its continued jurisdiction of the *McCleary* education funding case has discussed the need for capital assistance. In its January 2014 Order, the Court noted OSPI’s estimates of necessary additional capital expenditures, and bluntly stated that enhanced funding for all-day kindergarten and class size reduction is “essential, but the state must account for the actual cost to schools of providing these components of basic education.” 2ESSB 6080 begins to address the need for additional school facilities funding in order to implement *McCleary*.

The bill creates a K–3 Class Size Reduction Construction Grant Pilot Program to help school districts expand the number of classrooms in support of the K–3 class size reduction objective. The pilot program will be administered by OSPI. K–3 class size reduction grants are determined by a four-step process:

- A verified count of necessary added classrooms in a district must be completed by the Washington State University Extension Energy Office (the 2015–17 Capital Budget provides funding to WSU to complete “the collection, input and verification” of school facilities data);
- If the number of needed classrooms is twelve or more, it is assumed that the added classrooms are provided by constructing a new school. If fewer than twelve classrooms are needed, it is assumed that the additional classrooms are provided with modular or portable classroom additions;
- The state grant amount must be calculated. If a new school is required, the cost is calculated at \$615,083 per added classroom. If modular or portable classroom additions are required, the cost is estimated at \$210,000 per classroom. These amounts are in 2014 dollars and are inflated based on inflation rates assumed in the School Construction Assistance Program (SCAP)

budget. The state match rate is the SCAP match rate plus 20 percent of the district's rate of Free and Reduced-Priced Lunch students; and

- The school district must be ready to proceed, and the Office of Financial Management (OFM) must confirm the grant calculations prepared by OSPI before K–3 class size reduction grants can be awarded.

Prioritization criteria is provided if applications for additional classrooms exceed the funding available for the pilot program. OSPI must annually report to OFM and the Legislature information about the grants, grantees, project statuses, and class size reductions due to the new classrooms. The pilot program expires July 1, 2017.

In anticipation of the development of permanent K–3 Class Size Reduction Construction Grant Program, OSPI, in consultation with stakeholders, OFM, and the Legislature, must provide recommendations for: an improved funding formula for calculating future K–3 class size reduction grants; a process for creating a single prioritized list for future K–3 class size reduction grants; and necessary statutory or administrative rule changes to ensure appropriate coordination between the K–3 class size reduction grants and the SCAP. OSPI must report its recommendations to OFM and the Legislature by December 1, 2015.

The 2015–17 Capital Budget provides \$200.0 million to fund the new pilot program. It is anticipated that this will assist in building approximately 2,000 new classrooms across the state.

### **SB 6145—Science assessment delay**

(Senator Fraser)

#### **C42 L15 E3**

In 2011, legislation directed that high school science be assessed using a Biology end-of-course (EOC) test. Beginning with the graduating class of 2008, Washington students have been required to meet the state standard on the assessment in reading and writing/English language arts to obtain a Certificate of Academic Achievement and graduate from high school. Meeting the standard in mathematics was first required with the class of 2013 and beginning with the graduating class of 2015, students were required to meet the standard on the Biology EOC.

It was calculated that about 2,000 students in the class of 2015 would be unable to graduate solely because of a failure to pass the Biology assessment or an alternative assessment. SB 6145 provides a short-term fix to allow these students to graduate this year and also allows the education system more time to implement the graduation requirement.

As adopted, the bill delays for two years the requirement that students meet the state standard on the statewide science assessment or an alternative in order to earn a Certificate of Academic Achievement and graduate from high school. Rather than beginning with the class of 2015, this requirement will begin with the class of 2017. Language in the bill clarifies that this change applies retroactively to students in the class of 2015, and prospectively beginning with students in the graduating class of 2016.

While there was an effort earlier in the session to streamline state assessments in preparation for the transition to Smart Balance Assessments—and save almost \$30.0 million in the process—that bill (HB 2214) was viewed by many as an unnecessary lowering of standards and was unable to garner the necessary support. SB 6145 was introduced at the eleventh hour as a short-term compromise. It is anticipated that HB 2214 or similar legislation will continue to be addressed next session.

# Education-Related Bills That Died—Titles

Almost 2,500 bills, resolutions and memorials were introduced in the 2015 session. Given the Legislature's divided power—with Republicans controlling the Senate and Democrats in charge of the House—the vast majority of those bills never had a chance to successfully navigate the legislative process. While WASA's main focus was on the Operating Budget and *McCleary*-related issues (including compensation and levy reform), we actively tracked and acted on a significant number of bills that had either direct or potentially indirect impacts on K–12 education. Following are the many bills we followed which ultimately failed to be adopted. Remember, 2015 is the first year of the Legislature's 64th Biennial Session. ALL of these bills will be automatically reintroduced in the Legislature's second-year session.

HB 1001 .....	Education budget	HB 1379 .....	Special election dates
HB 1003 .....	Disaster recovery	HB 1386 .....	School employee RIFs
HB 1008 .....	Data management	HB 1408 .....	Family Engagement Coordinators
HB 1031/HB 1081 .....	College in the High School	HB 1420 .....	School siting
HB 1050 .....	Annual leave payments	HB 1425 .....	Open Public Meetings Act
HB 1086 .....	Commercial use of public records	HB 1433 .....	Firearms in school zones
HB 1087 .....	Traffic safety cameras	HB 1444 .....	Property tax relief
HB 1120/SB 5548 .....	School bus driver immunity	HB 1445 .....	Computer science/world languages
HB 1121 .....	Financial education	HB 1455 .....	Prevailing wage
HB 1142 .....	Student parking fees	HB 1461 .....	Marijuana regulations
HB 1149 .....	Students of military families	HB 1462/SB 5390 .....	State/county investment pools
HB 1154 .....	Affordable College grants	HB 1483 .....	B&O deduction
HB 1164 .....	Student nutrition grants	HB 1484/SB 5699 .....	Capital gains tax
HB 1189 .....	Public records	HB 1497 .....	Seattle school board
HB 1230 .....	Interest arbitration	HB 1538/SB 5469 .....	Education employee COLAs
HB 1236 .....	College Bound Scholarship	HB 1541 .....	Educational opportunity gap
HB 1239/SB 5492 .....	Tax exemption accountability	HB 1542/SB 5473 .....	Rule of 85
HB 1242 .....	Educational employee strikes	HB 1562 .....	Allergen information
HB 1243 .....	Truancy provisions	HB 1568 .....	Dropout prevention
HB 1273/SB 5459 .....	Family and medical leave	HB 1583/SB 5927 .....	School construction
HB 1295/SB 5437 .....	Breakfast After the Bell	HB 1591 .....	High School and Beyond Plans
HB 1335 .....	Marijuana regulations	HB 1592/SB 5559 .....	Tuition waivers and state employees
HB 1345 .....	Professional learning	HB 1615/SB 5545 .....	Postretirement employment
HB 1349/SB 5678 .....	Public records	HB 1616/SB 5546 .....	Beginning teacher salaries
HB 1355/SB 5285 .....	Minimum wage	HB 1640 .....	School district waivers
HB 1356/SB 5306 .....	Sick and safe leave	HB 1642 .....	Youth substance abuse
HB 1363/SB 5327 .....	Graduation requirements	HB 1661/HB 1992 .....	Capital Budget resources
HB 1373 .....	Growth Management Act	HB 1665 .....	School director compensation

HB 1666 .....	Student assessments	HB 1999 .....	Foster youth
HB 1682/SB 5065 .....	Homeless students	HB 2009 .....	Child immunization
HB 1684/SB 5533 .....	Public records fees	HB 2023 .....	Nonrenewal notice
HB 1691 .....	Public Records Act claims	HB 2037 .....	Mental health assessments
HB 1703/SB 5520 .....	High school assessment system	HB 2100 .....	Childcare programs
HB 1711 .....	Low bids	HB 2117 .....	State Board of Education
HB 1714 .....	Achievement Index	HB 2138/SB 6017 .....	Plan 1 retiree COLA
HB 1737 .....	Retired teachers as substitutes	HB 2148 .....	Financial audits
HB 1745/SB 5668 .....	Voting Rights Act	HB 2149 .....	Safe school learning climate
HB 1774 .....	Labor unions	HB 2165 .....	Common Core
HB 1783/SB 5675 .....	Dual language instruction	HB 2167 .....	Assessment opt-out
HB 1785 .....	Certificate of Academic Achievement	HB 2183 .....	Sexual abuse prevention
HB 1790/SB 5765 .....	Nurse supervision	HB 2184 .....	Science assessment
HB 1795/SB 5690 .....	Learning Assistance Program	HB 2191 .....	Homeless student program
HB 1804/SB 5495 .....	Professional growth plans	HB 2214 .....	High school assessments
HB 1805 .....	“School day” definition	HB 2215 .....	State land purchases
HB 1812 .....	High-achieving high school students	HB 2219 .....	Balanced budget requirement
HB 1834 .....	Higher education facilities use	HB 2222 .....	Basic education funding
HB 1854 .....	Certificated instructional staff	HB 2224 .....	Excise tax system
HB 1855 .....	Local graduation requirements	HB 2239 .....	<i>McCleary</i> plan
HB 1860/HB 2048 .....	Seattle School District	HB 2248 .....	Special education students
HB 1862 .....	Professional development	HB 2254 .....	Social media safety
HB 1864 .....	High school graduation	HB 2255 .....	Property tax limit
HB 1865 .....	Visual screening	HB 2257 .....	Safe school plans
HB 1867 .....	Teacher evaluations	HB 2258 .....	Property tax limit
HB 1900 .....	Student mental health needs	HB 2269 .....	Excise tax system
HB 1902 .....	Spirits retail license tax	HB 2272 .....	<i>McCleary</i> plan
HB 1936 .....	Certificated employee contracts	HJR 4206/SJR 8200 .....	Tax increases
HB 1947 .....	Students with disabilities	HJR 4210/HB 1941 .....	Simple majority for bonds
HB 1950/SB 5825 .....	Science assessment	SB 5063/HB 1385 .....	Kids First Act
HB 1952 .....	School district territory	SB 5064/HB 1477 .....	Revenue forecast
HB 1971/SB 5791 .....	Charter schools	SB 5082 .....	Elementary school CTE
HB 1981 .....	Science education	SB 5093 .....	Nuclear Energy Education Program
HB 1982 .....	Student completion	SB 5102 .....	Services for rural schools
HB 1983 .....	Teacher financial assistance	SB 5110 .....	School siting
HB 1991/SB 5854 .....	Collective bargaining agreements	SB 5148 .....	Retired teachers as substitutes

SB 5179/HB 1283 .....	Paraeducators	SB 5745 .....	Truancy reform
SB 5190 .....	Public art	SB 5748/HB 2019 .....	Teacher/Principal Evaluation Project
SB 5229/HB 1492 .....	Technology literacy	SB 5749 .....	Student growth
SB 5252/HB 1974 .....	Regional safety centers	SB 5752/HB 2076 .....	Racial impact statements
SB 5286 .....	Higher education support	SB 5787/HB 2006 .....	Limited-English parents
SB 5291/HB 1528 .....	Epinephrine autoinjectors	SB 5807 .....	Professional development
SB 5303 .....	Washington AIM program	SB 5814/HB 1960 .....	Community Learning Centers
SB 5316 .....	Identifiable student information	SB 5837 .....	Lean management in schools
SB 5329/SB 6126 .....	Public employee bargaining	SB 5856 .....	College Bound Scholarship
SB 5334 .....	Basic education funding	SB 5859/HB 2161 .....	School construction funding
SB 5391 .....	Teacher certification	SB 5890 .....	Education employee salaries
SB 5392 .....	Quality Education Council	SB 5905 .....	Special education services
SB 5393 .....	School flexibility	SB 5907 .....	School technology
SB 5415 .....	Professional development	SB 5922 .....	Highly capable students
SB 5435 .....	Deferred compensation	SB 5930/HB 1996 .....	Music education
SB 5478 .....	School construction assistance	SB 5932 .....	Homeless youth prevention
SB 5496/HB 1770 .....	Teacher certification	SB 5941 .....	Substitute teachers
SB 5497/HB 1771 .....	Professional Educator Standards Board	SB 5942 .....	National Guard Youth Challenge
SB 5500 .....	Firearms at schools	SB 5944 .....	New state spending
SB 5506 .....	Sex abuse information	SB 5946 .....	Students with disabilities
SB 5517 .....	Sexual harassment prevention	SB 5966 .....	High school CTE
SB 5526 .....	Harassment, intimidation and bullying	SB 5967 .....	State Board of Education
SB 5544/HB 1614 .....	K–12 employee wages	SB 5970 .....	Public works contracts
SB 5602/1773 .....	Union representatives	SB 5975 .....	Driver's education
SB 5636 .....	GET Ready for College	SB 5976/HB 1937 .....	School employee insurance
SB 5637 .....	Student mentoring program	SB 5981 .....	State debt limitations
SB 5651 .....	Truant students	SB 5982 .....	Retirement age
SB 5657 .....	School day extension	SB 5990 .....	Taxes on transportation projects
SB 5667 .....	Fiscal notes	SB 6002 .....	Pest management in schools
SB 5688/HB 1760 .....	Social emotional learning	SB 6005 .....	Retirement benefits
SB 5715 .....	Fiscal impact of initiatives	SB 6014 .....	Public Records Act penalties
SB 5718/HB 1899 .....	Educational opportunity gap	SB 6016 .....	Interest arbitration
SB 5724 .....	Safe Routes to School	SB 6030 .....	High school assessments
SB 5736 .....	Lean management	SB 6035 .....	Public Works Assistance Account
SB 5737 .....	Lean management	SB 6040 .....	State assessment system
SB 5744 .....	School employee RIFs	SB 6051 .....	Contingency budget

SB 6059 .....	Education policy	SB 6109 .....	Compensation and levy reform
SB 6076 .....	Public pensions	SB 6111 .....	Intangible property taxation
SB 6077 .....	Public pensions	SB 6114.....	Tax reform
SB 6079 .....	Basic education funding	SB 6116.....	Teacher strikes
SB 6088 .....	Initiative 1351	SB 6122 .....	Statewide assessments
SB 6093 .....	Intangible property tax	SB 6130 .....	Compensation and levy reform
SB 6097 .....	Future Teachers Conditional Scholarship	SJM 8006 .....	Sexual abuse
SB 6102 .....	Capital gains tax	SJR 8202 .....	Income tax
SB 6103 .....	Levy reform	SJR 8206 .....	Capital gains tax
SB 6104 .....	Compensation and levy reform		

# Education-Related Bills That Died

## **HB 1001—Education budget**

(Representative MacEwen)

Would have required that all appropriations for K–12 basic education be enacted in legislation that is separate from the omnibus state budget no later than March 31 for biennial appropriations and February 15 for supplemental appropriations. Further, because “education is the state’s first obligation,” the full funding of these K–12 appropriations may not rely on changes to revenue laws to support the appropriations.

## **HB 1003—Disaster recovery**

(Representative Hawkins)

Would have required WSSDA to develop a model policy addressing the restoration of the safe learning environment that is disrupted by natural disaster impacts to the school district infrastructure.

## **HB 1008—Data management**

(Representative Smith)

Would have: authorized the State Auditor to conduct audits of state and local agency data management and storage practices; and required state agencies and local governments to report computer breaches to the State Auditor.

## **HB 1031—College in the High School**

(Representative Johnson)

### **and HB 1081**

(Representative Sullivan)

Would have expanded eligibility to participate in College in the High School programs to tenth graders.

## **HB 1050—Annual leave payments**

(Representative S. Hunt)

Would have delayed annual leave payments upon employment termination due to a Reduction in Force.

## **HB 1086—Commercial use of public records**

(Representative Moeller)

Would have allowed state agencies and local governments to assess a cost recovery fee for the actual cost of providing a public record if the request was primarily for a commercial purpose.

## **HB 1087—Traffic safety cameras**

(Representative Takko)

Would have required school zones in which automated traffic cameras are used to detect speed violations be marked with a sign and flashing beacon.

## **HB 1120—School bus driver immunity**

(Representative Wilcox)

### **and SB 5548**

(Senator Liias)

Would have granted immunity from civil or criminal liability to school bus drivers who take actions to save another person.

## **HB 1121—Financial education**

(Representative Parker)

Would have modified the duties and the composition of the Financial Education Public-Private Partnership. Would have also required OSPI to make financial education curriculum available to school districts, and would have required school districts to provide courses with this curriculum.

## **HB 1142—Student parking fees**

(Representative Wilcox)

Would have provided school districts with explicit authority to charge a fee for student parking. Further, would have allowed proceeds to be allocated to a school district’s Associated Student Body program fund, debt service fund, or capital project fund.

**HB 1149—Students of military families**

(Representative Muri)

Would have: required school districts to report data on students from military families; and charged OSPI with conducting an analysis of the average number of students from military families who are special education students.

**HB 1154—Affordable College grants**

(Representative Bergquist)

Would have created the Affordable College for Everyone Grant Contract program. Seventh and eighth graders could sign up for the program which would provide grants toward higher education tuition and books in exchange for an agreement that the students make contributions to the program, based on their ability to afford contributions, after completing or discontinuing their higher education.

**HB 1164—Student nutrition grants**

(Representative Riccelli)

Would have created a competitive Equipment Assistance Grant program to enhance student nutrition in public schools.

**HB 1189—Public records**

(Representative S. Hunt)

Would have eliminated the requirement to maintain a minimum number of office hours for purposes of the Public Records Act for local governments that customarily do not maintain office hours for a minimum of 30 hours per week. Also, would have extended the deadline for these local governments to respond to requests for public records.

**HB 1230—Interest arbitration**

(Representative Sells)

Would have authorized the Public Employment Relations Commission to order interest arbitration, as part of remedial orders, when there has been unfair labor practices.

**HB 1236—College Bound Scholarship**

(Representative Ortiz-Self)

Would have authorized a school administrator or counselor to witness a student's College Bound Scholarship pledge, if the student's parent or guardian is unavailable.

**HB 1239—Tax exemption accountability**

(Representative Pollet)

**and SB 5492**

(Senator Frockt)

In order to increase tax exemption transparency and accountability, would have required the state operating budget to include a tax expenditure budget detailing all discretionary state tax expenditures with an estimate of state revenue impacts.

**HB 1242—Educational employee strikes**

(Representative Muri)

Would have clarified the prohibition of educational employees from striking or refusing to perform official duties.

**HB 1243—Truancy provisions**

(Representative Muri)

Would have given discretion to school districts in filing truancy petitions.

**HB 1273—Family and medical leave**

(Representative Robinson)

**and SB 5459**

(Senator Keiser)

Would have allowed workers to care for family members with a serious health condition or to recover from their own serious health condition. To ensure adequate funding, all employers (including public employers) would have been required to pay a premium to the Employment Security Department.

**HB 1295—Breakfast After the Bell**

(Representative Hudgins)

**and SB 5437**

(Senator Litzow)

Would have required high-needs schools to offer school breakfast after the beginning of the school day, called Breakfast After the Bell. Would have also provided start-up grants of \$6,000 to each school implementing a program.

**HB 1335—Marijuana regulations**

(Representative Condotta)

Would have authorized cities, towns, and counties to reduce the current 1,000-foot buffer between recreational marijuana businesses and various entities, including schools, to 500 feet.

**HB 1345—Professional learning**

(Representative Lytton)

Would have defined “professional learning” as a comprehensive, sustained, job-embedded, and collaborative approach to improving teachers’ and principals’ effectiveness in raising student achievement.

**HB 1349—Public records**

(Representative S. Hunt)

**and SB 5678**

(Senator Pearson)

Would have required requesters obtaining the identity of employees or volunteers of a public agency through a public records request to swear an oath not to use the information for the purpose of obtaining information exempt from public disclosure for commercial purposes.

**HB 1355—Minimum wage**

(Representative Farrell)

**and SB 5285**

(Senator Jayapal)

Would have phased in over four years an increase in the minimum hourly wage to twelve dollars.

**HB 1356—Sick and safe leave**

(Representative Jenkins)

**and SB 5306**

(Senator Habib)

Would have required employees to be granted paid sick and safe leave.

**HB 1363—Graduation requirements**

(Representative S. Hunt)

**and SB 5327**

(Senator McCoy)

Would have eliminated the requirement to obtain a Certificate of Academic Achievement or Certificate of Individual Achievement to graduate from high school.

**HB 1373—Growth Management Act**

(Representative Taylor)

Would have repealed the Growth Management Act.

**HB 1379—Special election dates**

(Representative Shea)

Would have eliminated the February and April special election dates.

**HB 1386—School employee RIFs**

(Representative Magendanz)

Would have required the implementation of a new performance-based framework for Reductions in Force (RIFs) due to enrollment decline or revenue loss.

**HB 1408—Family Engagement Coordinators**

(Representative Ortiz-Self)

Would have required the Office of the Education Ombuds to recommend to the Legislature a definition of “Family Engagement Coordinator,” along with a recommended model or framework for the staff position.

**HB 1420—School siting**

(Representative Wilcox)

The original version of this bill would have required Pierce County to permit the siting of schools outside of Urban Growth Areas designated under the Growth Management Act. A second bill (SB 5110) would have been applicable to schools in Benton County. Neither bill was adopted; however, the 2015–17 Capital Budget establishes a Task Force on School Siting to make recommendations about school siting.

**HB 1425—Open Public Meetings Act**

(Representative Pollet)

Would have clarified provisions of the Open Public Meetings Act (OPMA) by specifically requiring advisory boards, committees, or entities created by a public agency to comply with the OPMA.

**HB 1433—Firearms in school zones**

(Representative Scott)

Would have made changes to bring Washington's school zones law into closer conformity with the federal Gun-free School Zones Act.

**HB 1444—Property tax relief**

(Representative G. Hunt)

Would have provided property tax relief by reducing revenue from the State Property Tax by \$340 million each calendar year from 2016 through 2040.

**HB 1445—Computer science/world languages**

(Representative Reykdal)

Would have required a series of facilitated dialogs regarding the use of two years of computer science in K–12 to count towards the world language college admission requirement. OSPI would have also been required to study the implications of adding ten minutes to the school day for grades 1 through 8 for the purpose of learning a world language.

**HB 1455—Prevailing wage**

(Representative Pike)

Would have allowed local governments to opt out of prevailing wage requirements.

**HB 1461—Marijuana regulations**

(Representative Hurst)

This comprehensive bill would have combined a series of stand-alone bills related to marijuana. Included were provisions from HB 1335, which would have authorized cities, towns, and counties to reduce the current 1,000-foot buffer between recreational marijuana businesses and various entities, including schools, to 500 feet.

**HB 1462—State/county investment pools**

(Representative Takko, by request of State Treasurer)

**and SB 5390**

(Senator Dansel, by request of State Treasurer)

Intended to preserve, protect and enhance the value provided by state and county administered investment pools, this bill would have created minimum disclosure, reporting, investment standards and policies, and training requirements to improve transparency and public confidence.

**HB 1483—B&O deduction**

(Representative Pollet)

Would have eliminating the investment income Business & Occupation tax deduction for corporations and other business entities with the intent of bringing equity to the state tax system by closing a loophole to ensure businesses and corporations pay their fair share of the cost of services and infrastructure the state provides, including “the state’s constitutional obligation to significantly increase funding for our public schools and our children’s education.”

**HB 1484—Capital gains tax**

(Representative Jinkins, by request of Office of Financial Management)

**and SB 5699**

(Senator Nelson, by request of Office of Financial Management)

Would have enacted a new excise tax on capital gains to improve the fairness of Washington's tax system and provide funding for K–12 education and higher education.

**HB 1497—Seattle school board**

(Representative Pettigrew)

Would have changed the structure of the Seattle School District Board of Directors by requiring the election of five members and the mayoral-appointment of two members.

**HB 1538—Education employee COLAs**

(Representative Sells)

**and SB 5469**

(Senator Hasegawa)

Would have restored the required Initiative 732 cost-of-living adjustments and also provided for additional incremental increases to make up for frozen COLAs from the 2009–10 school year through the 2014–15 school year.

**HB 1541—Educational opportunity gap**

(Representative Santos)

Would have implemented recommendations of the Educational Opportunity Gap Oversight and Accountability Committee.

**HB 1542—Rule of 85**

(Representative S. Hunt)

**and SB 5473**

(Senator Chase)

Would have implemented the so-called "Rule of 85," allowing any TRS, PERS, or SERS Plan 2 or 3 members to retire if the sum of the member's age plus the number of years of service equals 85 or more.

**HB 1562—Allergen information**

(Representative Sullivan)

Would have required school districts to provide notice regarding allergens used in the preparation of food.

**HB 1568—Dropout prevention**

(Representative Reykdal)

Would have created the Dropout Prevention through Farm Engagement Pilot Project.

**HB 1583—School construction**

(Representative Young)

**and SB 5927**

(Senator Sheldon)

Would have exempted school districts from the state portion of sales and use taxes on school construction.

**HB 1591—High School and Beyond Plans**

(Representative Ortiz-Self)

Would have: specified the minimum required elements of a High School and Beyond Plan (HSBP); required that a HSBP be initiated in the eighth grade; and required OSPI to develop and disseminate an inventory of best practices for high quality HSBPs.

**HB 1592—Tuition waivers and state employees**

(Representative Ortiz-Self)

**and SB 5559**

(Senator Billig)

Would have added K–12 classified staff to the list of educational employees eligible to receive tuition and fee waivers at Washington's public institutions of higher education if the waiver is used for coursework relevant to their work assignment.

**HB 1615—Postretirement employment**

(Representative Appleton)

**and SB 5545**

(Senator McAuliffe)

Would have eliminated current law provisions that prohibit employees that retired early from returning to public employment until they reach 65 years of age.

**HB 1616—Beginning teacher salaries**

(Representative Riccelli)

**and SB 5546**

(Senator Liias)

Would have required beginning educator pay to, at a minimum, be equal with the recommendations in the 2012 report from the Compensation Technical Working Group, adjusted for inflation.

**HB 1640—School district waivers**

(Representative Hargrove)

Would have authorized individual school boards to waive certain state education requirements if the local board determined it is necessary to do so.

**HB 1642—Youth substance abuse**

(Representative Pettigrew)

Would have created the Youth Substance Abuse Prevention and Education Grant Program with the purpose of providing funding for community-based and statewide substance education programs designed to reduce initiation of substance use by children and youth.

**HB 1661—Capital Budget resources**

(Representative Pike)

**and HB 1992**

(Representative Stanford)

In 2013, several Capital Budget revenue sources were temporarily—until 2019—diverted to the General Fund. These bills would have restored these funding sources to the Capital Budget, beginning in 2015.

**HB 1665—School director compensation**

(Representative Carlyle)

Would have increased compensation for school directors in districts with twenty thousand or more students.

**HB 1666—Student assessments**

(Representative Magendanz)

Would have made the results on the statewide student assessments available as norm-referenced results and as student growth percentiles.

**HB 1682—Homeless students**

(Representative Fey)

**and SB 5065**

(Senator Frockt)

In order to improve educational outcomes for homeless students, this bill would have: added Homeless Student Education Liaisons to the minimum staffing allocation for district-wide support services; required the Department of Commerce, along with OSPI, to administer a grant program that links homeless students and their families with stable housing located in the homeless student's school district; and required that OSPI's data collection and reporting on homeless children include data regarding "unaccompanied homeless students".

**HB 1684—Public records fees**

(Representative Takko)

**and SB 5533**

(Senator Hobbs)

Would have amended the Public Records Act to allow state and local agencies to establish a charge for an electronic transmission of public records.

**HB 1691—Public Records Act claims**

(Representative Van De Wege)

Would have provided the Courts with discretion in imposing fines and awarding costs under Public Records Act claims.

**HB 1703—High school assessment system**

(Representative Santos, by request of Office of Financial Management)

**and SB 5520**

(Senator Rolfes, by request of Office of Financial Management)

Would have modified the current high school assessment system by changing the administration of alternative assessments, and aligning the system with career and college ready graduation requirements.

**HB 1711—Low bids**

(Representative Senn)

Would have allowed qualifications and experience to be considered when evaluating a lowest responsive bidder on public works contracts.

**HB 1714—Achievement Index**

(Representative Manweller)

Would have required that the identification of schools and school districts for recognition be based on separate performance indicators, such as proficiency or growth beginning August 1, 2015.

**HB 1737—Retired teachers as substitutes**

(Representative Orcutt)

Would have allowed early-retired teachers to continue to receive their pensions while working up to 216 hours per year as a substitute teacher.

**HB 1745—Voting Rights Act**

(Representative Moscoso)

**and SB 5668**

(Senator Habib)

Would have created a state-level Voting Rights Act, to protect the equal opportunity to participate in elections for minority groups. Would have created a cause of action, authorizing courts to order appropriate remedies for a violation of the Act, including redistricting a political subdivision.

**HB 1774—Labor unions**

(Representative Shea)

Would have specifically precluded any person, employer or labor organization from limiting or restricting an employee's right to: (a) join or resign membership in a labor organization; or (b) begin or cease paying dues, fees, assessments, or other charges to a labor organization.

**HB 1783—Dual language instruction**

(Representative Ortiz-Self)

**and SB 5675**

(Senator Roach)

Would have expanded dual language and bilingual instruction for early learners through secondary students by establishing: the K–12 Dual Language Expansion Grant Program; the Dual Language Teacher Pipeline Scholarship Program; and the Early Learning Bilingual and Dual Language Grant Program.

**HB 1785—Certificate of Academic Achievement**

(Representative Reykdal, by request of Superintendent of Public Instruction)

Would have eliminated the requirement that a student meet standards on assessments in order to obtain a Certificate of Academic Achievement or Certificate of Individual Achievement and graduate from a public high school.

**HB 1790—Nurse supervision**

(Representative Springer)

**and SB 5765**

(Senator Jayapal)

Would have stipulated that only a registered nurse or advanced registered nurse practitioner may supervise, direct, or evaluate a licensed nurse working in a school setting with respect to the practice of nursing.

**HB 1795—Learning Assistance Program**

(Representative Sullivan)

**and SB 5690**

(Senator Dammeier)

Would have required each school and school district receiving LAP funds to partner with community-based organizations, ESDs, and other local agencies to deliver academic and nonacademic supports to develop an annual school-community LAP action plan.

**HB 1804—Professional growth plans**

(Representative Springer, by request of Professional Educator Standards Board)

**and SB 5495**

(Senator Litzow, by request of Professional Educator Standards Board)

Would have exempted Professional Growth Plans in educator license renewals from public inspection and copying.

**HB 1805—“School day” definition**

(Representative Magendanz)

Would have: modified the definition of “school day” to add that it includes a minimum of six instructional hours; and prohibited late starts, early releases, or partial days resulting in less than six instructional hours.

**HB 1812—High-achieving high school students**

(Representative MacEwen)

Would have required the Washington Student Achievement Council to design and implement a program that provides information to high-achieving, low-income high school students to increase applications from these students to public and independent, non-profit baccalaureate institutions in the state.

**HB 1834—Higher education facilities use**

(Representative Klippert)

Would have required public institutions of higher education to make sports fields, gymnasiums, and auditoriums available for use rent free to public high school sports teams and performing arts productions five times each per year.

**HB 1854—Certificated instructional staff**

(Representative Magendanz)

Would have created a new salary model for certificated instructional staff, including bonuses and COLAs. Additionally, would have limited supplemental contracts and expanded the Educator Support Program.

**HB 1855—Local graduation requirements**

(Representative Caldier)

Would have required school districts to waive local graduation requirements for students who are at-risk youth or children in need of services if the student has attended three or more high schools and is ineligible to graduate.

**HB 1860—Seattle School District**

(Representative Santos)

**and HB 2048**

(Representative Santos)

Would have required OSPI to consult with ESDs to provide recommendations to the Legislature about how to divide Seattle School District into two separate districts.

**HB 1862—Professional development**

(Representative Ortiz-Self)

Would have required school districts to provide monthly professional development opportunities to school counselors, social workers, and psychologists.

**HB 1864—High school graduation**

(Representative Kilduff, by request of Superintendent of Public Instruction)

In an effort to assist school districts in focusing on program activities to achieve greater success for students, OSPI would have been required to: develop a comprehensive career and college readiness program model called Career Guidance Washington; and administer a statewide dropout prevention, intervention, and retrieval program that meets specified criteria.

**HB 1865—Visual screening**

(Representative Magendanz)

Would have required every board of school directors to provide for screening for both distance and near visual acuity.

**HB 1867—Teacher evaluations**

(Representative Bergquist)

Would have allowed classroom teachers who have received a rating of Level 3 or above in their last comprehensive summative evaluation to undergo a comprehensive summative evaluation less often than other teachers.

**HB 1900—Student mental health needs**

(Representative Ortiz-Self)

Would have specified that the primary role of school counselors, social workers, and psychologists is to focus on student mental health, work with at-risk and marginalized students, perform risk assessments, and collaborate with mental health professionals, in addition to the counselors' work developing and delivering guidance curriculum and psychologists' work delivering testing.

**HB 1902—Spirits retail license tax**

(Representative Harmsworth)

Would have renamed the spirits retail license fee as a tax and dedicated a portion of the revenue received to education.

**HB 1936—Certificated employee contracts**

(Representative Muri)

Would have amended the current hearing process required to remove ineffective teachers in order to make it less time consuming and expensive, while still providing due process.

**HB 1947—Students with disabilities**

(Representative Pollet)

Would have established a Commission on Improving Outcomes for Students with Special Needs to develop a 10-year strategic plan to expand learning opportunities and improve educational outcomes for all students with disabilities or special needs.

**HB 1950—Science assessment**

(Representative Lytton, by request of State Board of Education)

**and SB 5825**

(Senator Mullet, by request of State Board of Education)

Would have eliminated the high school science assessment as a requirement for obtaining a Certificate of Academic Achievement.

**HB 1952—School district territory**

(Representative Pike)

Would have amended the current process for transferring school district territory initiated by school district boards of directors.

**HB 1971—Charter schools**

(Representative Fey)

**and SB 5791**

(Senator Darneille)

Would have authorized a charter school board to contract for an independent performance audit of the charter school. Additionally, would have precluded the Charter School Commission from authorizing schools in a school district in which at least three charter schools have already been authorized by the Commission but the charter schools are not fully phased-in.

**HB 1981—Science education**

(Representative Pollet)

Would have created the Elementary Science Education Program pilot project intended to develop and implement a system of support for teachers and students to improve teaching quality and student achievement in the sciences.

**HB 1982—Student completion**

(Representative Pollet)

Would have enhanced student completion through advising, mentoring, recapture initiatives, remedial programs, and accelerated precollege instruction.

**HB 1983—Teacher financial assistance**

(Representative Pollet)

Would have created the Teacher Endorsement and Certification Help (TEACH) pilot project to provide financial assistance for teachers taking basic skills and content tests for teacher certification programs.

**HB 1991—Collective bargaining agreements**

(Representative Muri)

**and SB 5854**

(Senator Braun)

Would have required employee organizations representing educational public employees to submit digital copies of their collective bargaining agreements to the Public Employment Relations Commission.

**HB 1999—Foster youth**

(Representative Carlyle)

Would have transferred the responsibility for the program of educational coordination for foster youth and the current demonstration program to improve educational outcomes for foster youth from the Department of Social and Health Services to OSPI.

**HB 2009—Child immunization**

(Representative Robinson)

Would have eliminated the philosophical or personal objection exemption from child immunization requirements.

**HB 2023—Nonrenewal notice**

(Representative Parker)

Would have changed the current certificated employee nonrenewal notice deadline from May 15 to June 15, if the Legislature has not adopted the biennial budget by the end of the regular session.

**HB 2037—Mental health assessments**

(Representative Klippert)

Would have required students K–12 students removed from school due to violence or mental health issues to undergo a mental health assessment.

**HB 2100—Childcare programs**

(Representative Kagi)

Would have prohibited the Department of Early Learning from adopting health and safety requirements for child care programs that serve school-age children operated in buildings that contain public or private schools that are more restrictive than those standards established by the Department of Health. Additionally, would have exempted child care programs that serve school-age children and are operated in buildings that contain public or private schools from the prohibition on the use of window blinds with pull cords.

**HB 2117—State Board of Education**

(Representative Pollet)

Would have reevaluated the duties of the State Board of Education with the intent of transferring “appropriate duties” to OSPI.

**HB 2138—Plan 1 retiree COLA**

(Representative Reykdal)

**and SB 6017**

(Senator Liias)

Would have provided Plan 1 retirees of the Teachers’ Retirement System and the Public Employees’ Retirement System with the same Cost-of-Living Adjustments as is provided for Plan 2 and Plan 3 members.

**HB 2148—Financial audits**

(Representative Chandler)

Would have authorized local governments to request a private financial audit, in lieu of one by the State Auditor. Additionally, would have allowed state agencies and local governments to appeal the results of any audit.

**HB 2149—Safe school learning climate**

(Representative Senn)

Would have provided school districts with an enhancement of 0.5 additional certificated instructional staff per prototypical elementary school for purposes of promoting a safe and healthy school learning climate. Services that could have been funded include: physical care; mental health care and social emotional learning; and connecting students and their families to housing assistance, employment assistance, counseling, and other community resources.

**HB 2165—Common Core**

(Representative Scott)

Would have eliminated the use of Common Core State Standards and assessments in Washington.

**HB 2167—Assessment opt-out**

(Representative Scott)

Would have provided parents and guardians an unrestricted right to excuse their children from taking statewide assessments.

**HB 2183—Sexual abuse prevention**

(Representative McCabe)

Would have established a task force to create and implement a curriculum for the prevention of sexual abuse for students from kindergarten through twelfth grade.

**HB 2184—Science assessment**

(Representative Lytton)

Would have eliminated the high school science assessment requirement and eliminated a number of alternative assessment options.

**HB 2191—Homeless student program**

(Representative Sawyer)

In order to facilitate the education of all students by removing the barriers to learning faced by homeless students, this bill would have created a Homeless Student Housing and Educational Stability Program as a part of basic education.

**HB 2214—High school assessments**

(Representative Reykdal, by request of Superintendent of Public Instruction)

Would have eliminated a series of state assessments in order to transition to the new SBAC tests. Additionally, most of the current alternative assessment options would have been eliminated. The requirement that students take and pass the Biology End-of-Course in order to graduate would have also been eliminated for this year's seniors.

**HB 2215—State land purchases**

(Representative Taylor)

Would have prohibited most state land purchases until the state satisfied its constitutional requirement to fully fund education.

**HB 2219—Balanced budget requirement**

(Representative Hunter)

Would have included expenditures related to basic education enhancements in the state's four-year balanced budget requirement (*McCleary*-related expenditures are currently excluded).

**HB 2222—Basic education funding**

(Representative Hunter)

This was the House's original vehicle to repeal or postpone Initiative 1351 (class size reductions). The bill would have implemented a schedule for class size reduction, staffing and other formula enhancements. Additionally, allocations for educator cost-of-living increases and health insurance benefits would have been provided and made a part of the basic education program.

**HB 2224—Excise tax system**

(Representative Carlyle)

Would have enacted a new capital gains tax, narrowed or eliminated a series of tax preferences, and reinstated an expiring Business & Occupation tax. Revenues would have been directed to the Education Legacy Trust Account, dedicated to education (both K–12 and higher education).

**HB 2239—McCleary plan**

(Representative Hunter)

Would have established a schedule for legislative study and enactment of revisions to K–12 funding, including compensation and school district levies, by September 1, 2018. Additionally, would have created a new Washington Education Funding Council to advise the Legislature.

**HB 2248—Special education students**

(Representative Santos)

Would have authorized transition planning for students with disabilities as soon as practicable and when educationally and developmentally appropriate in order to remove barriers and obstacles for these students to access postsecondary settings, including higher education.

**HB 2254—Social media safety**

(Representative Manweller)

Would have required OSPI to develop a social media safety model curriculum. Every school year, school districts would have had to make available to all students at least one age-appropriate educational program, class, or activity designed to teach social media safety.

**HB 2255—Property tax limit**

(Representative Haler)

Would have repealed the current one percent property tax revenue limitation.

**HB 2257—Safe school plans**

(Representative Pollett)

Would have required school districts, in collaboration with local emergency response agencies, to annually review and update their safe school plans. Additionally, the requirement to annually conduct various safety drills would have been updated.

**HB 2258—Property tax limit**

(Representative Haler)

Would have required a study to evaluate the impact of the property tax levy limitation on cities, counties, special purpose districts, and property owners.

**HB 2269—Excise tax system**

(Representative Hunter)

Would have narrowed or eliminated a series of tax preferences, along with adjustments to revenue mechanisms. Resulting revenues would have been provided to support the Education Legacy Trust Account (dedicated to K–12 education and higher education) and other state services.

**HB 2272—McCleary plan**

(Representative Magendanz)

Would have established a schedule for researching and enacting policies for fully funding all elements of ESHB 2261 (2009) by September 1, 2018. The bill would have required legislation to be adopted on the following matters: state salary allocations; “enrichment” and TRII contracts; state property taxes and local levies; Local Effort Assistance; and transparency and accountability. Additionally, would have created a new Washington Education Funding Council to advise the Legislature on these issues.

**HJR 4206—Tax increases**

(Representative Orcutt)

**and SJR 8200**

(Senator Roach)

These constitutional amendments would have prohibited the Legislature from raising taxes unless they received at least two-thirds approval in both houses.

**HJR 4210—Simple majority for bonds**

(Representative Gregerson)

**and HB 1941**

(Representative Gregerson)

This constitutional amendment (and its necessary implementing bill, HB 1941) would have permitted the passage of local school district bond issues with a simple majority approval of voters, if the issue was on the ballot during a general election.

**SB 5063—Kids First Act**

(Senator Hill)

**and HB 1385**

(Representative Magendanz)

Would have required two-thirds of all new state revenue to be devoted to education (from early education to K–12 education to higher education) from 2017 through 2027.

**SB 5064—Revenue forecast**

(Senator Hill)

**and HB 1477**

(Representative MacEwen)

Would have required the Economic & Revenue Forecast Council to update its revenue forecast by February 20 during both long and short legislative sessions.

**SB 5082—Elementary school CTE**

(Senator McAuliffe)

Would have permitted OSPI to approve Career and Technical Education programs in STEM fields in elementary schools in addition to its current ability to approve such programs in middle and high schools.

**SB 5093—Nuclear Energy Education Program**

(Senator Brown)

Would have created the Nuclear Energy Education Program. Among other things, the Program would have awarded grants for: classroom visits to introduce nuclear science and technology to students in grades eight through twelve; and science teachers to attend workshops on nuclear energy.

**SB 5102—Services for rural schools**

(Senator Padden)

Would have amended current law by specifically providing that units of local government are allowed to provide urban governmental services, when feasible, to schools sited and permitted in the rural areas.

**SB 5110—School siting**

(Senator Brown)

Would have required Benton County to permit the siting of schools outside of Urban Growth Areas designated under the Growth Management Act. A second bill (HB 1420) would have been applicable to schools in Pierce County. Neither bill was adopted; however, the 2015–17 Capital Budget establishes a Task Force on School Siting to make recommendations about school siting.

**SB 5148—Retired teachers as substitutes**

(Senator Parlette)

Would have allowed early-retired teachers to continue to receive their pensions while working as a substitute teacher.

**SB 5179—Paraeducators**

(Senator Hill)

**and HB 1293**

(Representative Bergquist)

This comprehensive bill on paraeducators would have implemented recommendations from last year's Paraeducator Standards Workgroup and established a set of common statewide standards, training, and career development for paraeducators, as well as training for teachers and principals who have paraeducators in their classrooms.

**SB 5190—Public art**

(Senator Benton)

Would have eliminated the requirement to use one-half of one percent of construction funds for public buildings to acquire public artwork for the buildings.

**SB 5229—Technology literacy**

(Senator Litzow, by request of Superintendent of Public Instruction)

**and HB 1492**

(Representative Magendanz, by request of Superintendent of Public Instruction)

Would have required school districts to annually verify that technology literacy and fluency standards are being demonstrated by students through an evidence-based method. Additionally, OSPI would have been required to conduct a survey of school districts to evaluate access to technology for all students and barriers within each school and district that impede the ability to help students meet technology literacy and fluency goals.

**SB 5252—Regional safety centers**

(Senator Dammeier)

**and HB 1974**

(Representative Stambaugh)

Would have established a pilot program to create regional School Safety and Security Centers in three Educational Service Districts.

**SB 5286—Higher education support**

(Senator Baumgartner)

In an effort to provide ample funding to support higher education, this bill would have dedicated one cent of every taxable dollar from the state retail sales tax and use tax to fund the system of public higher education in Washington.

**SB 5291—Epinephrine autoinjectors**

(Senator Mullet)

**and HB 1528**

(Representative Robinson)

Would have allowed authorized health care providers to prescribe epinephrine autoinjectors.

**SB 5303—Washington AIM program**

(Senator Litzow)

Would have created the Washington Academic, Innovation, and Mentoring (AIM) program to enable eligible entities to provide out-of-school programs for youth who are six to eighteen years of

age. While this bill failed to be adopted, the 2015–17 Operating Budget provides funding for an AIM pilot program in five communities.

**SB 5316—Identifiable student information**

(Senator Dammeier)

Would have prohibited OSPI, ESDs and school districts from collecting, retaining, or using student biometric information. Additionally, personally identifiable student-level data would have been prohibited from disclosure to any third party unless the disclosure was necessary to meet the following: a legitimate need for the data to support the particular student's education, or the needs of an educational study or educational purpose specifically authorized by a public agency.

**SB 5329—Public employee bargaining**

(Senator Braun)

**and SB 6126**

(Senator Braun)

Would have eliminated the current Open Public Meetings Act exemption for collective bargaining sessions. In other words, collective bargaining sessions involving contract negotiations with public employees would have been open to the public.

**SB 5334—Basic education funding**

(Senator Mullet)

This bill would have implemented one version of a "levy swap" and was intended to result in a lessening of the reliance by school districts on local levies. It would have increased the State Property Tax, reduced local school levies by the same amount, and redistributed the increased state levy back to the school district from which it came.

**SB 5391—Teacher certification**

(Senator Litzow)

Would have required the State Board for Community and Technical Colleges to select up to five community or technical college sites to develop and offer applied baccalaureate programs in education that lead to teacher certification through an alternative route approved by the Professional Educator Standards Board.

**SB 5392—Quality Education Council**

(Senator Litzow)

Would have eliminated the Quality Education Council.

**SB 5393—School flexibility**

(Senator Litzow)

Under this bill, individual schools recognized for exemplary performance under the Washington Achievement Index would have been eligible to exempt themselves from most state laws and rules governing education.

**SB 5415—Professional development**

(Senator McAuliffe)

Would have begun to phase in additional time and resources for content-specific professional learning days for state-funded certificated instructional staff, school building-based administrators and state-funded classified employees who are engaged in student instruction.

**SB 5435—Deferred compensation**

(Senator Bailey)

Would have required all counties, cities, and other political subdivisions, including school districts, that participate in one or more of the state retirement systems administered by the Department of Retirement Services to offer the Deferred Compensation Program as an option to eligible employees.

**SB 5478—School construction assistance**

(Senator Dammeier)

Would have established new school construction grant programs to develop and improve specialized STEM facilities and fund additional classroom space for state-funded all-day kindergarten.

**SB 5496—Teacher certification**

(Senator Litzow, by request of Professional Educator Standards Board)

**and HB 1770**

(Representative Bergquist, by request of Professional Educator Standards Board)

Would have repealed the current statute that describes the design of each of the Alternative Route programs in detail, and instead would have provided the Professional Educator Standards Board with expected outcomes for Alternative Route programs and rulemaking authority with respect to program design.

**SB 5497—Professional Educator Standards Board**

(Senator Litzow, by request of Professional Educator Standards Board)

**and HB 1771**

(Representative Gregory, by request of Professional Educator Standards Board)

Would have specifically clarified that the Professional Educator Standards Board is an authorized representative of the state's educational agencies for the purpose of accessing and compiling student record data for research, monitoring, and evaluation purposes.

**SB 5500—Firearms at schools**

(Senator Roach)

Would have permitted retired law enforcement officers to carry firearms on school grounds.

**SB 5506—Sex abuse information**

(Senator McAuliffe)

Would have required the inclusion of information on preventing sexual abuse and violence in sexual health education courses.

**SB 5517—Sexual harassment prevention**

(Senator Kohl-Welles)

Would have required school district sexual harassment policies to be in clearly understandable language and would have required the policy to be disseminated to administrators, certificated staff, and classified staff, and parents or guardians, as well as students in secondary schools. School districts would have also been required to provide annual training to all administrators, certificated staff, and classified staff on their respective responsibilities under state law and Title IX.

**SB 5526—Harassment, intimidation, and bullying**

(Senator Liias)

Would have required school districts to: adopt, or amend if necessary, a transgender student policy within its existing antiharassment, intimidation, and bullying policy; disseminate the policy to parents or guardians, students, volunteers, and school employees; and designate one person in the district as the primary contact regarding the policy. The primary contact would have been required to attend a training provided by the regional ESDs.

**SB 5544—K–12 employee wages**

(Senator McAuliffe)

**and HB 1614**

(Representative Reykdal)

Would have begun the phase-in of the Compensation Technical Working Group's recommendations (presented in 2012) for comparable, market-based salaries for all K–12 staff and a revised compensation system for certificated instructional staff in order to attract and retain high quality educators.

**SB 5602—Union representatives**

(Senator Warnick)

**and HB 1773**

(Representative G. Hunt)

Would have specifically prohibited any public employer from entering into or renewing a collective bargaining agreement that allows or requires any employee, organization, or third party to receive funds, salary, paid release time, benefits, pension service credit, public facilities, or other forms of public resources from the employer for bargaining representative activities.

**SB 5636—GET Ready for College**

(Senator Hasegawa)

Would have established the GET Ready for College Program. Under the Program, the Washington Student Achievement Council would open a Guaranteed Education Tuition (GET) (Washington's 529 prepaid college tuition plan) account on behalf of every child who is born in Washington, or who subsequently moves to Washington and enrolls in a public school. Additional

GET units would be deposited into their accounts when they reach various milestones.

**SB 5637—Student mentoring program**

(Senator Hasegawa)

Would have required all six of Washington's four-year institutions of higher education to create and implement a peer mentoring program modeled after Western Washington University's (WWU) Campus 2 Campus (C2C) program. Under C2C, fifth-grade students are matched with WWU student mentors to inspire academic success and introduce elementary students to educational opportunities.

**SB 5651—Truant students**

(Senator Darneille)

Would have eliminated the use of detention for students found in violation of a court order based on truancy. Instead, the court would have been allowed to impose alternatives to detention consistent with best practice models for reengagement with school.

**SB 5657—School day extension**

(Senator Mullet)

Would have created a pilot program to encourage school districts to extend the school day by one hour to provide homework assistance to middle school students.

**SB 5667—Fiscal notes**

(Senator Hargrove)

Would have required legislative fiscal notes dealing with corrections, child welfare and mental health issues to include an estimate of impacts on expenditures of other state and local government programs, and a return on investment as a result of the legislation.

**SB 5688—Social emotional learning**

(Senator Litzow)

**and HB 1760**

(Representative Senn)

Would have required OSPI to convene a work group to recommend social emotional learning benchmarks. Also, would have required the ESDs to develop and maintain capacity to serve as convener, trainer, and mentor for educators and other school district staff.

**SB 5715—Fiscal impact of initiatives**

(Senator Fain)

Would have required initiative ballot titles to include a statement regarding the fiscal impact if the estimated cost of the initiative would increase or decrease state expenditures or taxes by \$25 million or more.

**SB 5718—Educational opportunity gap**

(Senator Jayapal)

**and HB 1899**

(Representative Ortiz-Self)

Would have required OSPI convene a workgroup to design a formal review process to identify, evaluate, and communicate the potential equity and social justice impacts of proposed administrative rules and budget requests.

**SB 5724—Safe Routes to School**

(Senator Billig)

Would have committed the use of federal and state transportation funds for the Safe Routes to School program each biennium.

**SB 5736—Lean management**

(Senator Miloscia)

In addition to its regular caseload forecasts, this bill would have required the Caseload Forecast Council to prepare estimated savings in forecasted programs from application of lean management or performance management at state agencies, including OSPI.

**SB 5737—Lean management**

(Senator Miloscia)

Would have required all agencies to implement lean performance management systems, which would have been overseen by a new Office of Performance Management.

**SB 5744—School employee RIFs**

(Senator Litzow)

Would have required the implementation of a new performance-based framework for Reductions in Force (RIFs) due to enrollment decline or revenue loss. Additionally, would have required “mutual consent” of principals and teachers regarding staffing assignments.

**SB 5745—Truancy reform**

(Senator Hargrove)

Would have implemented recommendations of the Becca Task Force on Truancy Reform, including the requirement for school districts to identify and develop sufficient best practice or evidence-based interventions, or both, to meet the needs of its students who exhibit truant behavior.

**SB 5748—Teacher/Principal Evaluation Project**

(Senator Litzow)

**and HB 2019**

(Representative Muri)

In an effort to secure a waiver from the federal No Child Left Behind Act, this bill would have required that student results on federally mandated statewide assessments be used as one of multiple measures of student growth for the purposes of teacher and principal evaluations beginning no earlier than the 2017–18 school year.

**SB 5749—Student growth**

(Senator Litzow, by request of Superintendent of Public Instruction)

Would have: clarified that student growth data elements used in teacher and principal evaluations include state-based tools; and delayed the use of the evaluation results in making human resources and personnel decisions until the 2016–17 school year.

**SB 5752—Racial impact statements**

(Senator Hasegawa)

**and HB 2076**

(Representative Sawyer)

Would have required the Caseload Forecast Council to establish a procedure for producing racial impact statements on the effect proposed legislation would have on racial and ethnic minorities, including how legislation would impact the racial and ethnic composition of the criminal and juvenile justice systems.

**SB 5787—Limited-English parents**

(Senator Jayapal)

**and HB 2006**

(Representative Moscoso)

Would have required WSSDA to develop a model policy and procedures for language access by limited-English proficient parents of students.

**SB 5807—Professional development**

(Senator Litzow)

Would have provided state-funding for two professional development days for teachers and principals. The professional development would have been strategically targeted to build systemic capacity across the state to implement recent revisions to the teacher/principal evaluations and the newly adopted Essential Academic Learning Requirements in language arts and mathematics and to support educators through these transitions.

**SB 5814—Community Learning Centers**

(Senator Dammeier)

**and HB 1960**

(Representative Sullivan)

Would have restarted and refocused the Washington Community Learning Centers Program: to target communities of color, and rural and low-income communities; and to provide smaller after-school programs a greater opportunity to access grant funds to support community learning center programs.

**SB 5837—Lean management in schools**

(Senator Miloscia)

Would have required school districts with at least 1,000 students to implement lean management and Baldrige performance excellence principles and report to OSPI every three years.

**SB 5856—College Bound Scholarship**

(Senator Frockt)

Would have required OSPI to establish a competitive grant program to provide grants to high-quality, evidence-based outreach programs that offer support services for College Bound Scholarship students.

**SB 5859—School construction funding**

(Senator Pedersen)

**and HB 2161**

(Representative Pollet)

Would have increased the minimum state funding assistance for eligible school construction projects from 20 to 30 percent. Additionally, would have calculated the minimum Construction Cost Allowance using a three-year rolling average of actual new public K–12 school construction costs per square foot. Minimum Student Space Allocations would have also been increased.

**SB 5890—Education employee salaries**

(Senator Rolfes)

Would have begun the phase-in of a modified version of the Compensation Technical Working Group's recommendations (2012) for a revised compensation system for certificated instructional staff in order to attract and retain high quality educators.

**SB 5905—Special education services**

(Senator McAuliffe)

Would have formally established the Special Education Advisory Council in state law to help facilitate the provision of special education and related services to meet the unique needs of special education students.

**SB 5907—School technology**

(Senator McAuliffe)

Would have created a sales and use tax exemption for technology sold to, or used in, public schools.

**SB 5922—Highly capable students**

(Senator Rolfes)

Would have increased the percentage of student enrollment on which the Highly Capable Program (HCP) funding is based to ten percent—which is deemed to be sufficient to provide, on a statewide average, ten hours per week in extra instruction with 15 students per teacher. The bill also would have: provided a detailed definition of an HCP student; required districts to establish and operate an HCP and make a variety of appropriate services available to HCP students; and required districts to make professional development available for program administrators, principals, counselors, and teachers.

**SB 5930—Music education**

(Senator Chase)

**and HB 1996**

(Representative Ortiz-Self)

Would have required school districts to phase-in the opportunity for elementary students to receive an average of at least 100 minutes per week of instruction in music.

**SB 5932—Homeless youth prevention**

(Senator Miloscia)

Would have created a new Office of Homeless Youth Prevention Programs within the Department of Social and Health Services, with the goal of housing all homeless youth located in Washington State within one year.

**SB 5941—Substitute teachers**

(Senator Rivers)

Would have permitted, under certain circumstances, currently employed higher education adjunct faculty members to serve as substitute teachers.

**SB 5942—National Guard Youth Challenge**

(Senator McAuliffe)

Would have required the Washington State Institute for Public Policy to conduct a longitudinal outcome evaluation of the National Guard Youth Challenge Program to determine the impact of the Program on students as they proceed through high school and into postsecondary education or their careers.

**SB 5944—New state spending**

(Senator Hill)

Would have required every piece of legislation that establishes a new statutory state spending program to include an expiration date that is no more than ten years after its enactment.

**SB 5946—Students with disabilities**

(Senator Rivers)

Would have established the Commission on Improving Outcomes for Students with Disabilities to develop a ten-year strategic plan to expand learning opportunities and improve educational outcomes for all students with disabilities.

**SB 5966—High school CTE**

(Senator Rolfes, by request of Superintendent of Public Instruction)

Would have pushed back the deadline—from the 2015–16 school year to the 2016–17 school year—by which a school district must grant academic mathematics or science credit for a high school CTE course on the list of equivalent courses developed by OSPI and approved by SBE.

**SB 5967—State Board of Education**

(Senator McCoy)

Would have eliminated the State Board of Education and transferred most of its duties to OSPI.

**SB 5970—Public works contracts**

(Senator Hasegawa)

Would have created an additional bidding process for state and local governments. Under the new process, rather than accepting the lowest responsible bid, the contracting authority would be allowed to determine which of the bids submitted can best achieve the regulatory, commercial, and socio-economic goals as determined by the state or local government.

**SB 5975—Driver's education**

(Senator Benton)

Would have authorized parent-taught driver training education courses.

**SB 5976—School employee insurance**

(Senator Litzow)

**and HB 1937**

(Representative Magendanz)

Would have established a consolidated insurance benefit purchasing system for public school employees.

**SB 5981—State debt limitations**

(Senator Braun)

In addition to a constitutional debt limit and a statutory working debt limit, this bill would have created a second working debt limit, limiting new bond appropriations to no more than five percent of Near General Fund Operating Budget appropriations.

**SB 5982—Retirement age**

(Senator Braun)

Would have increased normal retirement ages for all state retirement systems by two years.

**SB 5990—Taxes on transportation projects**

(Senator King)

Would have: exempted a series of transportation projects from sales and uses tax; and diverted sales and use tax proceeds of transportation projects which are not tax exempt from the General Fund to a new transportation-related Connecting Washington Account.

**SB 6002—Pest management in schools**

(Senator Chase)

Would have required WSSDA, in consultation with the Department of Health and OSPI, to develop a model Integrated Pest Management policy that emphasizes the use of nonchemical pest control measures. All school districts would have been required to adopt a policy based on the WSSDA model policy.

**SB 6005—Retirement benefits**

(Senator Braun)

Would have established the state average annual wage as the maximum compensation to be used for calculating state retirement benefits.

**SB 6014—Public Records Act penalties**

(Senator Honeyford)

Would have provided the courts with discretion to impose a fine on state or local agencies which fail to respond to a records request or fail to respond in a timely manner. The fine would have been deposited in the Public Records Efficiency, Preservation, and Access Account created to enhance the preservation and availability of the state's public records.

**SB 6016—Interest arbitration**

(Senator Braun)

Would have specifically prohibited state or local government employers from entering into an agreement that permits the use of interest arbitration as a means of resolving issues arising in collective bargaining.

**SB 6030—High school assessments**

(Senator Chase)

Would have eliminated the transitioning to Common Core State Standards and maintained the "much less expensive and much more accessible Washington state measurement of student progress."

**SB 6035—Public Works Assistance Account**

(Senator Rivers)

In the last few Operating Budgets, funds from the Public Works Assistance Account have been diverted to the state's General Fund to be used as a revenue source. This bill would have prohibited the diversion of these funds for any purpose other than what is currently statutorily authorized during the 2015–17 and 2017–19 biennia.

**SB 6040—State assessment system**

(Senator Chase)

Would have tasked OSPI with convening a work group to review the recommendations of the Legislative Working Group on the Washington Assessment of Student Learning in its 2008 report. The work group would have had to determine which recommendations are relevant to the current state assessment system and should be implemented to improve the balance of the state assessment system and move away from using a summative assessment as the state's assessment system.

**SB 6051—Contingency budget**

(Senator Hill)

This bill, an emergency measure, would have enacted a 30-day Operating Budget to maintain the continuity of state government in the event that legislators were unable to adopt a full 2015–17 Operating Budget by the end of the fiscal year, midnight, June 30, 2015.

**SB 6059—Education policy**

(Senator Hill)

This omnibus education bill would have made numerous and significant changes to the entire spectrum of education, from early learning to K–12 to higher education. For K–12 education, the intent was to make changes to basic education “where emerging research and evidence demonstrate that better and more efficient strategies are available to increase student outcomes.” Included were significant amendments to Initiative 1351 (class size reduction) that would have essentially repealed the Initiative. Also included was the provision of a one-time salary bonus for school district employees.

**SB 6076—Public pensions**

(Senator Bailey)

Under the provisions of this bill, public employees who committed felonies associated with the person's service as a public employee would have had to forfeit up to 50 percent of their monthly retirement benefit to pay for the costs of incarceration, probation, parole, or restitution resulting from the crime.

**SB 6077—Public pensions**

(Senator Bailey)

Would have authorized the forfeiture of the pension of a public employee convicted of a felony for misconduct associated with such person's service as a public employee.

**SB 6079—Basic education funding**

(Senator Baumgartner)

Would have repealed the K–12 prototypical school funding model and repealed the four funding enhancements under 2010's HB 2776 (pupil transportation; MSOC; K–3 class size reduction; and all-day kindergarten). Additionally, would have provided state-funded vouchers to allow students to attend any public or private school of their choice; state-funded vouchers would have become a component of basic education.

**SB 6088—Initiative 1351**

(Senator Braun)

Would have repealed Initiative 1351 (class size reduction) and submitted the issue to the voters as a referendum.

**SB 6093—Intangible property tax**

(Senator Chase)

Would have eliminated the current intangible property exemption with the purpose of raising additional revenue to fund public schools.

**SB 6097—Future Teachers Conditional Scholarship**

(Senator Ranker)

Would have modified the Future Teachers' Conditional Scholarship and Loan Repayment Program to increase the number of K–3 teachers.

**SB 6102—Capital gains tax**

(Senator Ranker)

Would have enacted a new excise tax on capital gains with the intent to provide additional funding for K–12 education.

**SB 6103—Levy reform**

(Senator Hargrove)

Would have provided for a reduction in local school district levies and would have specifically clarified that levy funds could only be used for enhancements outside of basic education.

**SB 6104—Compensation and levy reform**

(Senator Rolfes)

Would have provided a plan to fully fund basic education as required by the state Supreme Court.

Would have phased-in a new compensation model and enacted a new revenue source to fund increased state allocations. Would have also formed a Local Levy Reduction Technical Working Group to develop a phase-in plan for reducing local school district levy authority and eliminating grandfathered levy authority.

**SB 6109—Compensation and levy reform**

(Senator Dammeier)

Would have: established a new statewide salary allocation model; implemented an Employee Benefit Board; required a separate accounting for levy and non-levy resources and expenditures; implemented a “levy swap” by reducing local school district levies and increasing the State Property Tax.

**SB 6111—Intangible property taxation**

(Senator Chase)

Would have eliminated the property tax and business and occupation tax exemptions on intangible property.

**SB 6114—Tax reform**

(Senator Frockt, by request of State Treasurer)

Would have implemented comprehensive tax reform to provide support for vital state services on a more stable and equitable basis.

**SB 6116—Teacher strikes**

(Senator Sheldon)

Would have prohibited the use of sick leave benefits, compensation, or health benefits for educational employees during a strike or work stoppage.

**SB 6122—Statewide assessments**

(Senator McAuliffe)

Would have reduced the number statewide assessments to only those assessments required to meet federal mandates. Additionally, would have eliminated the use of the statewide assessments as a requirement for high school graduation.

**SB 6130—Compensation and levy reform**

(Senator Dammeier)

A bi-partisan melding of other compensation/levy reform bills (including SB 6103, SB 6104, and SB 6109), this bill would have: phased in a revised salary allocation model; required a regular comparable wage analysis; modified local levies and Local Effort Assistance; and established an Education Funding Council to monitor implementation. A revenue source was not identified in the bill and the effective date of most of the changes in the bill would have been contingent on adoption of an agreed-to funding mechanism.

**SJM 8006—Sexual abuse**

(Senator Kohl-Welles)

This Joint Memorial would have requested Congress, the President, and the Departments of Education, Health and Human Services, and Justice to take action to implement the recommendations of the Government Accountability Office concerning efforts to prevent and respond to child sexual abuse by school personnel and sexual abuse between peers.

**SJR 8202—Income tax**

(Senator Chase)

This constitutional amendment would have specifically authorized the Legislature to implement a state income tax.

**SJR 8206—Capital gains tax**

(Senator Ranker)

Would have embedded in the constitution a specific limit on the dollar amount upon which a capital gains tax would be allowed to be imposed.

# Health Care, Pensions, Financials, and Other Issues

Fred Yancey/Scott Nelson – The Nexus Group

Many policy bills that have been proposed earlier in the Session failed to advance by the numerous Sine Die's. Therefore, the legislative focus on these issues and resulting legislation has shifted and they appear to be "dead" or in a deep sleep until the start of the next shorter session in January 2016 where they may be revived and returned to their house of origin.

*"Ay, but to die, and go we know not where." Measure for Measure*

The key theme to these bills to continue monitoring focus on:

1. Efforts to increase the state's minimum wage for all employees.
2. Funding and providing sick and safe leave for all employees in the state.
3. Fundamentally changing any aspect of the state's current pension system.
4. Addressing the need to increase the substitute teacher candidate pool.
5. Moving to a state-wide consolidated health care insurance model for K-12 employees.

Successes from the current session include:

1. The Senate budget proposed cut to the health care insurance benefit for school Medicare retirees from the present \$150/month to a proposed \$110/month. This insurance is purchased through the Public Employee Benefit Board (PEBB). This cut did not survive thanks to the efforts of the House Democrats. The \$150 reduction in insurance costs for those retirees remains in place.
2. The health care benefit was increased from \$768/month to \$780/month which an increase was considering the original proposals from both houses maintained the present \$768/month.

## MINIMUM WAGE, SICK, SAFE LEAVE

These bills represent issues dear to the House Democrats. They failed to advance this session but are expected back next session.

**HB 1355:** Increasing the minimum hourly wage to twelve dollars over four years passed the House on March 3rd (51 to 46; 1 excused). No action to advance the bill taken in the Senate.

**HB 1356:** Establishing minimum standards for sick and safe leave from employment passed the House on March 3rd (51 to 46; 1 excused). No action to advance the bill taken in the Senate. This proposal could have expensive costs to school districts. A fuller discussion was made in the March 27, 2015 **TWIO**.

## SUBSTITUTE TEACHERS

Even though districts and most legislators know of the critical need for substitute teachers, major bills to increase the pool of those available 'died'. Senator Bailey, (Gig Harbor) and Senator Schoesler (Ritzville) were adamantly opposed to these bills and so they failed to advance in the Senate. A continuing effort will be made to have the Select Committee on Pension Policy (SCPP) formally address this issue and make a recommendation to the Legislature for action. A caveat is that both Senators Bailey and Schoesler sit on that committee.

The SCPP held its first meeting following Sine Die on July 21, 2015.

Representative Bruce Chandler was elected new Chair and Senator Steve Conway was elected Vice-Chair.

The topics covered were fairly broad until time came to suggest interim activities. One suggestion was to continue to study the issue of the restrictions on early retirees (ERF) from returning as substitute school employees. You could see Sen. Bailey cringe. (Sen. Schoesler was not present). She suggested if they studied this it would be important to know its history regarding gain sharing. (She persists in believing that the ERF restrictions were part of the bargain when gain sharing was taken away. The facts are that the early out option was granted in lieu of gain sharing and the restrictions were added on floor striker after original bill passed committee. Speaker Chopp insisted on the inclusion of the restriction). Furthermore, there is doubt by SCPP members that there is a real need especially since the earlier SCPP survey did not get a huge response.

It was pointed out that due to length of the recent sessions, there are now fewer SCPP meetings so less time means fewer areas that can be covered. Plus the committee has a small staff (two persons) so they were cautioned that their interim activities would be limited.

**The bottom line is that the two chairs need to be contacted and urged to continue the ERF issue backed up by data from the field in order for that issue to rise in priority. Email letters would be critical as they are discussing these priorities with staff prior to the next meeting in September.**

**SHB 1737:** Addressing the availability of retired teachers as substitutes passed the House on a 97 to 1 vote. It was sent to the Senate Ways & Means Committee. Chairman Senator Andy Hill 'pulled' the bill from any further consideration by the Senate. This was mixed news, since the committee had before it a striker that would have changed the bill to limit the hours to 216 instead of the House version that allowed 630 hours.

Sadly, Senator Parlette (Wenatchee) had earlier in the Session proposed SB 5148 which would have allowed members who retire early under the alternative early retirement provisions to work as substitute teachers and continue to receive retirement benefits at the same time with no restrictions. But this effort was stymied by Bailey and Schoesler's opposition.

**SB 5941:** Concerning certification of adjunct faculty as common school substitute teachers. This bill requires the professional educator standards board to amend or adopt rules that provide for issuance of the certification necessary to serve as substitute teachers, other than emergency substitute certification, to adjunct faculty currently employed in institutions of higher education who meet certain criteria. The bill was approved by the Senate on a vote of 48 to 1. Although, it passed out of the House Education Committee on March 26 no further action was taken by the House.

On another front, Helen Paroff, of WASA, and I are working with the Professional Educator Standards Board (PESB) to update the certificates for substitute teachers. One change would allow student-teachers to not only continue subbing for their master teacher but also sub in any position within their building or the district for which they are seeking an endorsement. Any changes adopted by PESB will not come before October.

## PENSIONS

There were no bills passed that dealt with pension reform. However, 'negative' reform bills were introduced in the Senate by critics of the present system that still remain alive for potential action in the upcoming short session. Senator Braun, from Chehalis was the prime sponsor of most of these proposals. He is the vice-chair of the Senate Ways & Means Committee, (W&M), with a great deal of influence over its actions. In fact, any move to change the pension system, such as proposed and passed in HB 1109 which simply allowed certificated OSPI staff to belong to the TRS system failed to advance in the Senate.

**SB 5982:** Addressing retirement age provisions for new members of the state retirement systems administered by the department of retirement systems by moving retirement age from 65 to 67. This saw no movement beyond its introduction and a public hearing before the W&M committee.

**SB 6005:** Establishing the state average annual wage as the maximum compensation to be used for calculating state retirement benefits. (60 percent of approximately \$53,000) This saw no movement beyond its introduction and a public hearing before the W&M committee.

**SB 6076:** Garnishing up to 50 percent public pensions to pay for the costs of incarceration of a public employee convicted of a felony for misconduct associated with such person's service as a public employee. This saw no movement beyond its introduction and a public hearing before the W&M committee.

**SB 6077:** Authorizing the forfeiture of the pension of a public employee convicted of a felony for misconduct associated with such person's service as a public employee. This saw no movement beyond its introduction and a public hearing before the W&M committee.

## HEALTH INSURANCE

**SSB 5976:** Establishing a consolidated purchasing system for public employees was proposed. This bill would have created the school employees' benefits board (SEBB), within the state health care authority (HCA), to design and approve state-wide insurance benefit plans for school employees and to establish eligibility criteria for participation in insurance benefit plans. It would remove health benefits from collective bargaining at a district level. This bill had a public hearing before the Senate

W&M but no further action was taken. Instead, the Health Care Authority released its report on the pros and cons of a consolidated health care plan. See discussion below.

### **A Brief Summary and Analysis of the Health Care Authority's Report on Consolidating Health Care Benefits.**

#### **BACKGROUND**

The 2012 Legislature passed and the Governor signed ESSB 5940 which had the following goals: 1) Improve transparency of the health benefit and financial data; 2) Create greater affordability for full family coverage compared to employee only coverage with the goal being a cost ratio no greater than 3:1; 3) Significantly reduce administrative costs; and 4) Assess the advantages and disadvantages of consolidated purchasing of health insurance for certificated and classified staff either through the establishment of a separate employee group, School Employee Benefit Board (SEBB) or through the existing Public Employee Benefit Board (PEBB). The Health Care Authority (HCA) delivered a report to the Legislature on June 1, 2015. Said report will then be presented to the Joint Legislative Audit and Review Committee (JLARC) in December 2015 with the

final report to be presented January 2016 for legislative consideration and possible action.

#### **BRIEF SUMMARY**

Presently in the K–12 world, there are nine carriers and 764 different health care plans. The cost of these has risen over 25 percent during the last three years. Consolidation under PEBB governance versus SEBB governance, using PEBB eligibility and contribution rules, results in the greatest advantages to K–12 employees selecting full family coverage in terms of premium costs and value, but either advantage increases costs to single users and adds a significant cost to the State and school districts. Increased costs to school districts range from \$31 million to \$117 million depending if the SEBB or PEBB model is selected. There is also a cost impact to individual rates. Rates would increase for individuals but significantly decrease those choosing family coverage. Currently the aggregate premium ratio for individual rate versus family is 10:1. The legislation seeks and the study succeeds in achieving a 3:1 ratio.

There is a great deal of data contained in the lengthy [report](#) including detailed fiscal impacts on individual school districts.

### **SELECTED FINANCIALS** **ESSB 6052 State Budget**

Below are selected financial figures from the adopted and signed 2015–2017 budget:

	<b>2013–2015</b>	<b>2015–2017</b>
<b>Insurance Health Benefit</b>	\$768.00	\$780.00 (2015–2016) \$780.00 (2016–2017)
<b>Medicare Insurance Subsidy for Retirees</b>	\$150.00	\$150.00
<b>Retirement Contributions</b>		
• TRS		13.13%
• PERS		11.18%
• SERS		11.58%
<b>Substitute Rate</b> (4 subs/classroom teacher unit)	\$151.86	\$151.86
<b>Health Care Carve-out</b>	\$64.40 – Sept. 1, 2015 \$70.39 – Sept. 1, 2016	\$65.25 – Sept. 1, 2016 \$70.45 – Sept. 1, 2017

Interesting side-note: The carve-out remittance requirements shall not apply to employees who purchase insurance benefits through contracts with the health care authority.

# Alliance of Educational Associations

Mitch Denning, Ph.D., AEA Consultant

AEA is an affiliate of WASA

Alliance of Educational Associations, comprised of the Washington School Business Officials (WASBO), Washington Association of Maintenance and Operation Administrators, and Washington School Nutrition Association, felt fairly positive about the Legislature's response to our 2015 priorities, yet clearly left two important issues undone. This report will review the Operating and Capital Budgets for 2015–17, key bills which implement the budgets, and a handful of bills that AEA supported, opposed, or watched with key interest that have been signed by the Governor.

The **final 2015–17 Operating Budget** spends about \$1.3 billion on K–12 basic education by funding the current requirements for **McCleary basic education**, MSOC (maintenance, supplies, operating costs) (\$741 million); all day Kindergarten (\$179.8 million); and K–3 class size reduction (\$350.2 million).

## FUNDED:

1. Teacher mentoring through the BEST program (\$5 million);
2. CTE guidance counselors (\$3.5 million);
3. School turnaround programs for the persistently lowest achieving schools (\$3.2 million);
4. College success for mentors for low-income juniors and seniors through their freshman year of college (\$2.9 million);
5. Kindergarten readiness (\$2.8 million), for schools implementing the WA KIDs inventory for the first time;
6. Math and science professional development (\$1.4 million) for ESD science and math coordinators to provide inservice training focusing on statewide high school math or biology assessments; and
7. National Board Certified Teachers will receive a bonus of \$5,151 in 2015–16, and \$5,239 in 2016–17, with those said teachers in high poverty schools will receive an additional \$5,000, in high schools with 50 percent

free/reduced lunch count, in middle schools with 60 percent and elementary schools with 70 percent.

## SAVINGS:

1. I-1351 (–\$2 billion) is delayed with the passage of HB 2266 for four years;
2. Staff mix (–\$35.7 million) is reduced due to the projected 5,000 additional certificated teachers to be hired being comprised of new or inexperienced teachers; and
3. Levy equalization (–\$20.5 million), as additional funding is provided for MSOC, all-day kindergarten, and K–3 class size reduction, district's levy bases are expanded, thus increasing their levy capacity and resulting in increases in required state LEA payments; and with the reduction of the per pupil inflator (4.27 percent in 2016 calendar year and 1.09 percent in 2017 calendar year), LEA payments to districts will increase from \$652.3 million to \$724.8 million.

The budget also funds the educator COLA for state-funded staff (\$418.5 million) as required by I-732 and a one-time enhancement. \$266.2 million is provided for I-732 COLAs in 2015–16 at 1.8 percent and in 2016–17 at 1.5 percent, and an additional \$152.3 million is provided at 1.2 percent in 2015–16 and at 0.6 percent in 2016–17. Health benefit funding (\$424.4 million) increases this year's amount of \$768 per month to \$780 for the 2015–17 biennium.

Regarding the K–3 class size compliance language in the budget, WASBO members worked quite hard with key legislators so that the budget language adopted is based on the district's documented actual average class size, averaged across all four grades (K–3).

Unfortunately, the Breakfast after the Bell program (\$3 million) was not funded.

In the **2015–17 Capital Budget**, funded are:

1. School Construction Assistance Program (\$611 million);
2. Skill Centers in Burien, Spokane, and Kennewick (\$28.6 million);
3. Marysville-Pilchuck High School cafeteria (\$5 million) and two Seattle elementary schools in the Distressed Schools Program (\$10 million);
4. Healthy Kids-Healthy Schools Grants (\$5 million), including, \$1 million for water bottle filling stations, and \$4 million for WAMOA and Department of Health to work with OSPI on small repair and equipment grants, including kitchen equipment;
5. STEM pilot project (\$12.5 million), for districts which need to improve science classrooms and labs;
6. K–3 class size reduction construction grant program (\$200 million), with \$10 million going to Seattle School District for all day kindergarten and K–3 class size facilities, and the remaining \$190 million for new or renovated buildings or portable or modular structures depending on the district's needs;
7. \$5 million in OFM's section for Emergency Repair Pool for catastrophic emergencies; and
8. A school siting task force to deal with the district siting issues inside and outside of urban growth areas.

The total capital funding is \$3.9 billion, with \$2.3 billion in bonds, with the balance coming from cash and other funds.

Two huge tasks which now face the 2016 Legislature which the 2015 Legislature did not adequately address are: **(1) How to deal with the underfunding of K–12 state-funded certificated and classified staff, and the unconstitutional use of levies to make up this underfunding.** Unfortunately, the COLA increases exacerbate this situation as in 2015–16 school year; local levies will assume more of the underfunded costs of the I-732 COLA and additional enhancement, and other local needs will probably go unfunded with fewer levy dollars available. **(2) Despite the Supreme Court's continuing request, there was no bill passed which provides the Court with a plan on how the Legislature plans to fully fund basic education by 2018.** The

Legislature will be submitting their report to the Court on July 27, and the Court may respond by September 1.

A key House bill which didn't pass was **HB 2239** (Rep. Hunter (D)-Medina) establishes a schedule for legislative study and enactments of revision to K–12 funding, including compensation and school district levies, by September 1, 2018; establish the Washington Education Funding Council to advise the Legislature on these topics; further study includes state salary allocations, including regionalization and possible simplification of current salary allocations, enrichments that may be funded with local levies; role of levy equalization; appropriate amount of district levies, relationship of levies to the state property tax, and TRI contracts; provides specific elements of basic education full funding by year for the Council to recommend and the Legislature to implement, all by 2018.

A key Senate bill which didn't pass was **SB 6130** (Senators Dammeier and Rolfes) bi-partisan bill would do the following:

1. Specifies that the legislative definition of basic education includes statewide salary allocations that are competitive and market-based;
2. Creates accounting and accountability procedures for monitoring the use of local funds and supplemental contracts;
3. Phases in new salaries for all school staff and implements a revised salary allocation model for teachers and other certificated staff starting in 2018–19 school year through 2021–22 school year;
4. Requires a comparable wage analysis every four years to maintain competitive salaries by the new Employee Wage Council, facilitated by OFM;
5. To take the place of the Quality Education Council, the bill sets up a Washington Education Funding Council (EFC) to oversee all of the activities described in this bill, and make recommendations to the Legislature;
6. EFC may develop and recommend a different plan to meet the State's constitutional basic education obligation;
7. Sets in motion a plan in 2019 calendar year to reduce local levies by the budgeted amount of any new K–12 salary enhancements received after August 1, 2018,

with the local levy not reduced below either \$1.00 or \$1.50 per \$1,000, and for the calendar years 2019 through 2022, LEA payments will remain at 2018 calendar year levels, and beginning in 2023 calendar year, LEA would be based on equalizing school districts that levy \$1.50 per \$1,000 to a statewide average per pupil value;

8. Conditions the effective date of the provisions addressing compensation, supplemental contracts, and levies on a revenue source(s) being enacted and generating enough new state revenue to fill the bill's provisions;
9. The State Auditor must report to the Legislature, OSPI, and the Department of Revenue any districts who use levy funds to fund basic education activities; and
10. The Joint Legislature Audit and Review Committee (JLARC) must review the small schools funding factor to identify options for break points and determine whether actual staffing patterns and non-staff related costs reflect the small schools factor funding assumptions.

As **SB 6130 will need interim work**, WASBO, along with appropriate stakeholders, will further develop the bill's concepts, which include:

1. Creating a clear definition of basic education;
2. Creating new accountability and accounting procedures for local funds and supplemental contracts;
3. Developing a new compensation system of all staff, funded by the State, including the appropriate role of supplemental contracts;
4. How local levies can be used for enhancement purposes;
5. How local levy policies should be changed as local levies are eventually used only for enhancement purposes;
6. Working with the legislators and stakeholders to help create the Washington Education Funding Council to review changes contained in the session law of SB 6130;

7. Providing for a review of the issues surrounding small schools; and
8. Requiring the Caseload Forecast Council to provide a model for all districts to use.

## SELECTED BILLS PASSED AND SIGNED BY THE GOVERNOR

### **SB 5202 – Financial Education Public-Private Partnership** (Watch – Gov Signed)

To improve the financial education of high school students, the Financial Education Public-Partnership, or Partnership, will work with OSPI to integrate financial education skills and content into the State learning standards; requires OSPI to make a list of financial education materials to districts that will enhance high school students' learning; requires districts to provide opportunities through courses for students to learn the skills necessary to meet the State standards; adopts national standards developed by a national group of business, finance, government, academic, and state representatives.

### **SB 5419 – Student User Privacy in Education Act** (Watch – Gov Signed)

Requires school service providers to follow certain requirements related to private policies, collection, use, and sharing of student personal information; obtaining consent; security, privacy, confidentiality, and integrity of student personal information.

### **SB 5120 – School District Dissolution** (Support – Gov Signed)

Changes the trigger for dissolution of a school district due to low enrollment from an average of five K–8 students in the preceding school year to an average of five K–8 students in the preceding three school years; applies primarily to the Stehekin School District, which currently has five K–8 students.

### **SB 5803 – Parent Notification when Children are Below Basic on Third Grade Statewide English/Language Arts Assessment** (Watch – Gov Signed)

Requires teachers during spring parent conferences in Grade 3 to inform the parents of students who are below grade level in reading according to formative or diagnostic assessments and statewide English and language arts assessments regarding the

school's decision on fourth grade placement. Parent's request will be honored if necessary.

### **SB 5923 – Collection of Impact Fees**

(Oppose – Gov Signed)

As of September 1, 2016, counties, cities, and towns that collect impact fees are obligated to adopt and maintain a system for the deferred collection of impact fees on single-family residences; authorizes the same governmental units to implement reasonable administrative fees from permit applicants seeking to delay the payment of impact fees; establishes a reporting process for the JLARC and Department of Commerce.

## **AEA ASSOCIATIONS' INTERIM PLANS**

### **WASBO**

- Meet with the broader WASBO/WASA Local Funding Group to discuss what the 2015 Legislature actually accomplished in terms of creating a pathway for the State to fully fund the portion of basic education that the local levies are paying for; and reviewing the legislative timeline set by the 2015 Legislature for the total funding of *McCleary*;
- Review the results of the Health Care Authority's June 1, 2015 report on the pros and cons of a consolidated health benefit purchasing system; and
- Consider any possible changes in the process of how K–12 employees purchase health benefits.

### **WAMOA**

- Work with OSPI and the Department of Health on the Small School Repair Grant Program;
- Work with the school siting task force funded in the capital budget on the issues of school siting inside and outside the urban growth areas; and
- Help plan the legislators' visits to school facilities within their own legislative districts, along with OSPI and CEFPI.

### **WSNA**

- Present a workshop at the WSNA annual conference to improve their members' understanding of an involvement in the legislative process;

- Decide how to structure their interim work on HB 1562, posting of allergen information;
- Work with Rep. Zack Hudgins and others stakeholders on improving the breakfast after the bell bill for the 2016 session; and
- Work with Rep. Marcus Riccelli on improving the kitchen equipment grant bill for the 2016 session.

## **ALLIANCE OF EDUCATIONAL ASSOCIATIONS**

- Washington Association of Maintenance and Operations Administrators (WAMOA)  
[www.wamoa.org](http://www.wamoa.org)
- Washington Association of School Business Officials (WASBO)  
[www.wasbo.org](http://www.wasbo.org)
- Washington School Nutrition Association (WSNA)  
[www.washingtonsna.org](http://www.washingtonsna.org)

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- Region 101 ..... Brian Talbott, Nine Mile Falls
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Frank Hewins, Franklin Pierce
- At-Large ..... Stephen Nielsen, Puget Sound ESD  
Jim Kowalkowski, Davenport/  
Rural Education Center
- WASA ..... Bill Keim, Executive Director  
Dan Steele, Asst. Executive Director  
Michelle Price, Moses Lake (President)  
Sheila Chard, Admin. Assistant
- Consultants ..... Mitch Denning (AEA)  
Fred Yancey (Pension/Health Benefits)  
Jim Shoemake (AESD)  
Marcia Fromhold (AESD)

WASA is a statewide organization representing 1,600 active and retired public school superintendents and administrators.

## 2015 LEGISLATIVE PLATFORM

WASA believes that the commitment of resources to the education and welfare of the children of Washington State is an investment in the quality of our future.

We believe that effective school leaders initiate and manage change resulting in a system of K-12 education in which all students receive a quality education.

### Comply with the Paramount Duty

WASA believes the Legislature should be held accountable for complying with its “paramount duty” to provide ample funding for all K-12 children by implementing the new basic education finance system as adopted in ESHB 2261 (2009) and SHB 2776 (2010). To ensure the new system is completely implemented—with full and equitable funding—by 2018, as ordered by the Supreme Court in *McCleary v. State*, the Legislature must demonstrate steady progress towards compliance with the constitution.

### Expand Available State Resources

The current state budget structure cannot accommodate the required—and needed—increases in basic education to comply with the Supreme Court’s *McCleary* decision, nor allow the state to address educator compensation or capital costs in a comprehensive way. WASA supports the enhancement of state revenues to ensure the Legislature is able to fully comply with the constitutional paramount duty with “regular and dependable” sources of funding and also prevent drastic reductions of other necessary government services—which would have significant direct and indirect impacts on K-12 education.

### Ensure Competitive Public School Employee Compensation

WASA urges the Legislature to fully fund a competitive compensation system to ensure the state not only meets its responsibility to establish an equitable and ample allocation system, but maintains the present benefit and pension offerings.

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*It is the paramount duty of the state to make ample provision for the education of all children residing within its borders without distinction or preference on account of race, color, caste, or sex. (§ 1)*

*The Legislature shall provide for a general and uniform system of public schools. (§ 2)*

Constitution of the State of Washington  
Article IX - Education

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*Approved by the WASA Legislation and Finance Committee 9/8/2014  
Approved by the WASA Board of Directors 10/26/2014*