With 20 days left in the 2012 Regular Legislative Session, the focus is finally shifting to a 2012 Supplemental Operating Budget. On Thursday, the Economic & Revenue Forecast Council released its update of projected revenue for the remainder of the biennium. While most observers expected the forecast update to be essentially flat (that is, no major upswing or major downturn), there was some good news. The revenue forecast was, indeed, essentially flat, with a slight increase in projected revenues over the previous forecast in November; however, this was the first projection in the last 15 quarters (almost four years) that was actually positive. The forecasted revenues for the biennium were adjusted upward by approximately $96 million. Over half of the positive projection ($51 million) was due to a change in how the state handles unclaimed property—a change made in the December “early action” budget—and had already been assumed in legislative budget projections. This leaves a gain of about $46 million—still happy news given the state’s recent history of revenue collections. One member of the Forecast Council even joked, “Flat is the new awesome.”

So, where exactly does the current budget shortfall stand? With no changes, the 2011–13 budget is projected to be in the red by approximately $855 million. It is widely assumed that legislators will build at least a $500 million reserve into the budget to protect against a further economic downturn. Even with this week’s positive forecast news, the downside risks remain very high, due to continued economic instability in Europe and other national and international concerns. Adding a half-billion reserve to the negative $855 million projected ending fund balance leaves a $1.355 billion hole. Deduct a positive caseload forecast ($330 million) and a positive revenue forecast ($46 million) and the budget problem is $979 million, or just under $1.0 billion.
This has quickly changed the discussion in Olympia about revenues and the potential need for a tax package to be sent to the voters. New revenue has certainly not been taken off the table; however, there is definitely less urgency than just last week. When questioned about a potential tax package during the Forecast Council meeting, Senator Ed Murray (D-Seattle), Chair of the Senate Ways & Means Committee, responded by saying, “A week ago, I would have thought a tax package was a certainty. Now it’s more of a question.” He clearly indicated that a tax package will still be discussed, at least in his caucus (and presumably in the House Democratic caucus), but it was unclear how important a tax package may be in finding a budget solution given the new, positive budget news. Even with “only” a $1.0 billion budget hole, broad cuts will still have to be made across most of state government. Tacoma News Tribune columnist Peter Callaghan probably put it best, writing that, with help from lower caseloads, pending budget cuts “can go from excruciating to just extremely painful.”

What does this all mean for the K–12 education portion of the budget? It’s too early to predict. With the Supreme Court’s McCleary decision, the tenor of the K–12 budget cut discussion has changed, but it remains clear that in most legislators’ minds, education is still on the table. At the Forecast Council meeting, Senator Murray said that the positive budget news meant education funding is “less at risk” than before. This was clearly an indication that there was no intent to shield K–12 before the forecast—and there still is no intent to completely shield K–12 after the forecast.

Each budget cycle the houses alternate as to which body is first in line to release a legislative budget proposal. This cycle it is the House’s “turn” to go first. It is anticipated that House budget-writers will release their budget proposal Tuesday or Wednesday next week; however that is no certainty. At the Forecast Council meeting, Representative Ross Hunter (D-Medina), Chair of the House Ways & Means Committee, was asked when he would release his budget. He said the House Democrats were “on track” to release a budget “early-to-mid next week.” He quickly followed that up, though, saying that he had no intention of rolling out a budget if the House did not have the votes to adopt it. Clearly, much work is yet to be done—just to get by-in from his own caucus. Then, obviously much work will need to be done with the Senate to craft a negotiated compromise and adopt a final 2012 Supplemental Operating Budget. And with less than 3 weeks left in the session, the clock is ticking….

Minority Republicans in the House, normally locked out of budget discussions with majority Democrats decided to circumvent the process and release their own budget proposal. Following up on their K–12 budget proposal (HB 2770), released two weeks ago, House Republican budget-writers unveiled their full 2012 Supplemental Operating Budget proposal on Friday.

In a press conference, House Republicans called their budget proposal an “all-priorities, responsible and sustainable budget.” The proposal would reduce government spending by $840 million and leave $650 million in reserve. The remainder of their $1.6 billion solution comes from a series of budget transfers, reversions of unspent agency funds and a repeal of three outdated tax exemptions. The K–12 education portion of the budget, as released previously, would preserve basic education funding, fully fund Local Effort Assistance (LEA or levy equalization) and maintain funding for all-day kindergarten. The vast majority of remaining non-basic education program, however, would be drastically reduced or eliminated in the second year of the biennium. Additional savings in the K–12 portion of the budget comes from freezing educator salary steps at Fiscal Year 2012 levels of experience and years of education.

The budget package would maintain monthly health benefit funding for K–12 employees, while reducing other state employee monthly health benefits funding from $850 to $800. Most state employees would also be required to take 24 furlough days, starting July 1, 2012. Most general government agencies (including OSPI) would have administrative budgets reduced by 5–10 percent and additional savings would be found in administrative efficiencies in state agencies.

This Week in Review

Tuesday night, the house of origin cut-off deadline arrived. All Senate bills must have been adopted by the Senate and all House bills must have been adopted by the House by Tuesday night in order to remain alive. Of course, budget bills and bills considered “necessary to implement the budget” are still exempt from most of these early cut-off deadlines.

The most important piece of pre-cut off news was a resolution of the Teacher/Principal Evaluation Project debate. In the past two issues of TWIO, we have discussed the controversy over charter school legislation and the business-backed version of the bills to revise TPEP and how an impasse over those two issues shut down the House and Senate Education Committees. Last week, we discussed how the Senate revived the governor’s TPEP bill (SB 6177—Senate companion to HB 2537) and the business-backed TPEP bill (SB 6203—Senate companion to HB 2427), by overlaying them on two education-related “title only” bills (SB 5895 and SB 5896, respectively). The bills were quickly heard in the Senate Ways & Means Committee and just as quickly adopted by the Committee. As the bills moved out of Committee, Governor Gregoire spearheaded a quasi Conference Committee, brokering a compromise on the bills. All four corners were represented in these negotiations with the governor: Senator Rosemary McAuliffe (D-Bothell), Senator Steve Litzow (R-Mercer Island), Representative Kristine Lytton (D-Anacortes) and Representative Bruce Dammeier (R-Puyallup). Ultimately, a tentative agreement was reached on Monday and following briefings in the four caucuses, a new compromise bill, SB 5895, was adopted by the Senate on Tuesday afternoon, just prior to the cut-off deadline.

The House quickly took action, holding a public hearing on the fresh, new bill in the House Education Committee on Thursday. A number of the education stakeholder organizations—including WASA—expressed concerns that the bill was stepping ahead of the TPEP pilots and, at the minimum, requested modifications before the bill moved forward. The bill, however, is the result of a complicated and delicate compromise and it is expected to be quickly adopted (without amendment) by
the Committee and the full House. (NOTE: SB 5895 was scheduled for executive action in Committee on Friday afternoon, after this newsletter was produced.)

The revised SB 5895 does the following:

- Adds details to revised teacher and principal evaluation systems, including a requirement for OSPI to adopt up to three preferred instructional and leadership frameworks and requiring school districts to adopt a preferred framework.

- Requires student growth data to be a “substantial factor” in evaluating teacher and principal performance for at least three evaluation criteria.

- Requires each school district to adopt an implementation schedule that transitions staff to the revised evaluation systems beginning no later than 2013–14, with full transition no later than 2015–16.

- Defines “not satisfactory” performance for teachers and principals, and revises provisions related to probation for teachers.

- Requires annual evaluations under the revised systems, but allows for a focused evaluation for those who have received a Level 3 rating, as long as comprehensive evaluations are completed once every four years.

- Requires evaluation results to be used as one of multiple factors in human resource and personnel decisions beginning in 2015–16.

- Provides that teachers who receive less than a Level 2 rating in their third year remain in provisional status until they receive a Level 3 rating.

- Directs OSPI to develop a professional development program to support implementation of the revised systems, if funds are appropriated for this purpose. (The fiscal note indicates this will be approximately $5.7 million for the remainder of the biennium, with additional funding needed in the 2013–15 biennium.)

- Directs the Professional Educator Standards Board to incorporate continuing education or competencies in the revised evaluation systems as a requirement for renewal of educator certificates beginning September 1, 2016, and for residency principal certification after August 31, 2013.

For additional details and a comparison of this new bill to current law and other TPEP legislation, please see the matrix provided by the House Education Committee.

In some additional news regarding education funding, this week the Legislature took some action directly responding to the McCleary decision. A concurrent resolution, HCR 4410, was introduced to establish a legislative “Joint Select Committee on Article IX Litigation.” The intent section states that the Legislature does not believe that judicial oversight of the Legislature is necessary, but the Legislature recognizes that the Supreme Court has retained jurisdiction over the McCleary case under the unique circumstances presented by the constitution’s Article IX paramount duty. For this reason, the Legislature states that it desires to establish a structure and process for interaction between the legislative and judicial branches in order to achieve the common purpose of amply providing for the education of Washington’s children. The Joint Select Committee would be comprised of eight legislators, two each from the two largest caucuses of the Senate and the House of Representatives. The duties of the Committee would be:

- facilitating communication with the Court on school funding legislation and other actions of the Legislature related to the Article IX duty;
- advising and directing the attorneys who represent the Legislature before the Court in the McCleary case; and
- apprizing legislators and the Legislature of communications from the Court on McCleary.

Senate Committee Services and the House’s Office of Program Research would be required to provide staff support to the Committee.

It is interesting (and positive) that the Legislature felt the need to show its responsiveness to the Court. However, this appears to be an effort by legislators to insert their voice into a process that has been, to this point, reserved to the Court and the litigants of the McCleary case. Attorneys for the plaintiffs and the defendants are in the process of filing briefs with the Court addressing the “preferred method” for the Court retaining jurisdiction in the case. It is unclear if the establishment of this Joint Select Committee will have any impact on the Court’s decision regarding how it retains jurisdiction.

It is also interesting the speed in which this action is taking place. HCR 4410 was introduced on Tuesday, February 14. It was moved straight to the House’s Floor Calendar, which adopted the bill on Wednesday, February 15—with no dissenting votes. The concurrent resolution was then transmitted to the Senate on Thursday, February 16, and they immediately moved it to the Senate Floor Calendar and it is expected to be acted upon quickly by the full Senate.

Town Hall Day

Another reminder that this Saturday, February 18, 2012, has been set aside by legislators as a “Town Hall Day.” Most legislators will be in their home districts for meetings with constituents. This is another excellent opportunity to engage with your local legislators. With the update of the state Revenue Forecast this week and the release of legislative budget proposals expected soon, these Town Hall meetings are a very timely opportunity to remind legislators about your budget concerns.

For details on times and locations, please see the list of Town Hall Meetings. (Thanks to the League of Education Voters for their assistance.) This list has been updated in the last week and should have the most up-to-date information available. If your legislator(s) are not scheduled for a Town Hall or you’re unable to make the scheduled meeting, use this as a good excuse to send them a quick e-mail and remind them about your priorities—while there is still time to have an impact.
**AEA**

By Mitch Denning

AEA testified this week on SSB 6002, ALE enrollment in school construction assistance program eligibility, in House Capital Budget. Having passed the Senate, the bill allows districts to count out-of-district ALE students who attend classes on their campus, yet the district would have to deduct the in-district ALE students who are solely on-line students. By week’s end, the bill had moved to House Rules.

AEA on Thursday signed in Senate Early Learning & K–12 Education Committee in favor of SHB 2492, State Board of Education fiscal impact statements. Having passed the House, this bill would require the SBE to complete a fiscal analysis on the effect on school districts prior to adopting the rule changes. We testified in support of this bill in House Education Appropriations Committee last month.

WSNA continued to meet with legislators reminding them to retain funding for child nutrition. This week we met with Representative J. T. Wilcox (R-Graham) and plan to work with him during the interim on related school food service issues.

In follow-up meetings from our AEA Day on the Hill, WAMOA met with Representatives Derek Stanford (D-Bothell) and Luis Moscoso (D-Mountlake Terrace), who had expressed interest in knowing more about facilities and maintenance. WAMOA also met with Representative Richard DeBolt (R-Centralia) and Representative Judy Warnick (R-Moses Lake) to discuss a proposed jobs bill, and the role that the Urgent Repair Grant and OSPI energy grants would play in helping create jobs in our state.

**Pensions and Health Benefits**

By John Kvamme

Much of this past week’s effort was working and waiting for action on the substitute version of SB 6442, the bill that consolidates K–12 health benefits. On Saturday, February 11, Senator Hobbs, the sponsor of SB 6442, and Senator Keiser, the Health & Long-Term Care Committee Chair, worked with staff and stakeholders in making additional modifications to the version of the proposed substitute bill that was originally worked on within the Senate Health & Long-Term Care Committee. The latest proposed substitute bill spells out what collective bargaining is retained at the local level beyond decisions made by the SEBB governing board regarding health, vision and dental insurance. The major change in that area is that the decisions regarding eligibility are all left at the local level. There would be local bargaining over classification-specific definitions of how many hours an employee must work to be eligible for plan participation and proration of part-time employee contribution.

The amendment to change SB 6442 into a substitute bill also includes some of the following changes: (1) delays some of the plan timelines including the possibility of delaying the participation start to 2015 if the Board determines they must delay; (2) reduces the Board to 12 voting members with equal representation from management and employees; (3) the SEBB must establish premiums that have a 1:3 ratio for employees and employees covering dependents; (4) school districts may opt out of the SEBB if they self-insure or use a trust, and if they have comparable benefits and premiums to the SEBB; and (5) sections creating statewide super coalition bargaining with the governor regarding the health benefit allocation are removed.

At the end of this week SB 6442 has still not seen executive action in the Senate Ways and Means Committee. The bill is labeled as “necessary to implement the budget” thus it can still move ahead beyond the cut-offs.

Pension and Health Benefits Bill Watch details are available on the WASA website.
Committee Meeting Schedule

Legislative Committees Meetings are scheduled to be held at the following times but are subject to change.

Up-to-date meeting schedules and agendas are available on the State Legislature website.

Mondays
1:30–3:25 p.m.
Senate Early Learning & K–12 Education
Senate Hearing Room 1
3:30–5:30 p.m.
House Ways & Means
House Hearing Room A
Senate Ways & Means
Senate Hearing Room 4

Tuesdays
8–9:55 a.m.
House Education Appropriations
House Hearing Room A
1:30–3:25 p.m.
House Education
House Hearing Room A
3:30–5:30 p.m.
House Ways & Means
House Hearing Room A
Senate Ways & Means
Senate Hearing Room 4

Wednesdays
8–9:55 a.m.
Senate Early Learning & K–12 Education
Senate Hearing Room 1
3:30–5:30 p.m.
House Ways & Means
House Hearing Room A
Senate Ways & Means
Senate Hearing Room 4
6–8:00 p.m.
House Education Appropriations
House Hearing Room A

Thursdays
8–9:55 a.m.
House Education
House Hearing Room A
1:30–3:25 p.m.
House Education Appropriations
House Hearing Room A
Senate Early Learning & K–12 Education
Senate Hearing Room 1
3:30–5:30 p.m.
House Ways & Means
House Hearing Room A
Senate Ways & Means
Senate Hearing Room 4

Fridays
1:30–3:25 p.m.
House Education
House Hearing Room A

Useful Links

Washington State Government
http://www.access.wa.gov

State Legislature
http://www.leg.wa.gov

Senate
http://www.leg.wa.gov/Senate

House of Representatives
http://www.leg.wa.gov/House

Legislative Committees

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

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

TVW
http://www.tvw.org

Session Cutoff Calendar

January 9, 2012
First Day of Session.

February 3, 2012
Last day to read in committee reports in house of origin, except House fiscal, Senate Ways & Means, and Transportation committees.

February 7, 2012
Last day to read in committee reports from House fiscal, Senate Ways & Means, and Transportation committees.

February 14, 2012
Last day to consider bills in house of origin (5 p.m.).

February 24, 2012
Last day to read in committee reports from opposite house, except House fiscal, Senate Ways & Means, and Transportation committees.

February 27, 2012
Last day to read in opposite house committee reports from House fiscal, Senate Ways & Means, and Transportation committees.

March 2, 2012
Last day to consider opposite house bills (5 p.m.) (except initiatives and alternatives to initiatives, budgets and matters necessary to implement budgets, matters that affect revenue, differences between the houses, and matters incident to the interim and closing of the session).

March 8, 2012
Last day allowed for regular session under state constitution.

*After the 54th day, only initiatives, alternatives to initiatives, budgets and matters necessary to implement budgets, matters that affect revenue, messages pertaining to amendments, differences between the houses, and matters incident to the interim and closing of the session may be considered.
Bill Watch

TWIO tracks critical education bills each week as they are introduced. Detailed bill information can be accessed by clicking on the bill number. The following is a list of bills of highest interest to school administrators that remain alive—or may be considered “necessary to implement the budget.” Bills that were previously on this list, but are now technically dead, have been moved to our comprehensive bill watch list that is located on the WASA website.

<table>
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<tr>
<th>Bill #</th>
<th>Short Description</th>
<th>Status</th>
<th>Prime</th>
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<td>SHB 1251</td>
<td>Revising education provisions to implement budget reductions.</td>
<td>H Ways &amp; Means</td>
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<td>SHB 1470</td>
<td>Regarding access to K–12 campuses for occupational or educational information.</td>
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<td>HB 2059</td>
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<td>HB 2072</td>
<td>Consolidating revenues into the general fund.</td>
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<td>HB 2184</td>
<td>Making adjustments to the school construction assistance formula.</td>
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<td>HB 2189</td>
<td>Regarding computing the rate of vacation leave accrual for state employees formerly employed by a school district.</td>
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<td>Addressing issues of accountability and funding for alternative learning experience programs.</td>
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<td>HB 2247</td>
<td>Expanding the types of medications that a public or private school employee may administer to include topical medication, eye drops, and ear drops.</td>
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<td>E2SHB 2265</td>
<td>Establishing Washington works payments to increase graduation rates, address critical skill shortages, increase student success, and narrow the educational opportunity gap.</td>
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<td>Establishing alternative forms of governance for certain public schools.</td>
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<td>Requiring the state board of education to provide fiscal impact statements before making rule changes.</td>
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<td>HB 2494</td>
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<td>SHB 2658</td>
<td>Exempting qualified licensed child care providers from school district and educational service district records check requirements.</td>
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<td>HB 2766</td>
<td>Guaranteeing that the top one percent pay too, through assessing a two percent tax on millionaires to fund the paramount duty trust fund and reduce class sizes in grades kindergarten through four.</td>
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SB 5904 Relating to creating the revenue act of 2011.  
S Ways & Means  Murray

SB 5914 Enacting the excellent teachers for every student act.  
S Ways & Means  Tom

SB 5930 Requiring disclosure of the long-term fiscal impacts of budget proposals.  
S Ways & Means  Zarelli

SB 5932 Clarifying the taxability of initiation fees and dues to provide funding for essential government services.  
S Ways & Means  Kohl-Welles

SB 5949 Repealing the tax exemption on intangible property to provide funding for essential government services.  
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SB 5959 Regarding educator employment and compensation.  
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SSB 6002 Making adjustments to the school construction assistance formula.  
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SSB 6038 Excluding permanent school building space used for STEM schools from eligibility determinations for state school plant funding assistance.  
H Education  Delvin

SSB 6041 Regarding lighthouse school programs.  
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SB 6262 Implementing the recommendations of the commission on state debt.  
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SB 6377 Improving budget sustainability by modifying education funding mandates.  
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SB 6442 Establishing a consolidating purchasing system for public school employees.  
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SB 6482 Assessing a two percent tax on millionaires to fund the paramount duty trust fund and reduce class sizes in grades kindergarten through fourth.  
S Ways & Means  Nelson

SSB 6494 Improving truancy procedures by changing the applicability of mandatory truancy petition filing provisions to children under seventeen years of age, requiring initial petitions to contain information about the child's academic status, prohibiting issuance  
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SB 6513 Addressing issues of accountability and funding for alternative learning experience programs.  
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SB 6548 Providing a stable source of revenue for education by imposing a tax on high income earners.  
S Ways & Means  Kohl-Welles

SB 6553 Regarding school district employer pooled benefits.  
S Ways & Means  Prentice
SB 6567  Modifying the state expenditure limit to ensure that the paramount duty of educating children is met through a reprioritization of state government expenditures.

SJR 8221  Amending the Constitution to include the recommendations of the commission on state debt.