During the first week of the legislative session, much time was spent in organizing the House and Senate and going through the regular start-of-session ceremonies—including swearing in new members, officially electing leadership and hearing from statewide elected officials. Last week, outgoing Governor Gregoire presented her final State of the State Address to a joint session of the Legislature. The next day, incoming Governor Jay Inslee presented his Inaugural Address. Most legislative committees also began meeting, although the vast majority of them used the first set of meetings to hold work sessions to bring new members up-to-speed and to ensure all members had a common understanding of the issues.

With most of the ceremonial happenings out of the way, the second week of the session was a time for legislators (as well as staff and advocates) to begin getting their routines down as they settle in for what is increasingly looking like a difficult (and potentially very lengthy) session. Many committees continued to hold work sessions, while several others began to hold public hearings on an already growing list of new bills. (NOTE: see WASA’s Bill Watch at the end of this and every TWIO for the list of bills of highest importance to school administrators. A more comprehensive list of bills being monitored is also available on the WASA website.)

On Monday, the House Capital Budget Committee held a public hearing on Governor Gregoire’s 2013–15 Capital Construction Budget proposal, introduced as HB 1089. Gregoire’s proposal includes $3.63 billion in new projects, funded with new General Obligation Bond ($1.66 billion) and previously authorized bonds ($105.7 million). As it has become regular practice in recent years, the remaining funds ($1.86 billion) would come from dedicated cash accounts, such as the Public Works Assistance Account and the Model Toxics Control Account. The budget request also includes $3.08 billion in re-appropriations for projects previously authorized, but not yet completed. For K–12, $676 million would be provided to the School Construction Assistance Program (SCAP), which is expected to “fully fund” the expected requests from local school districts. Additional funds would be provided for: a Full Day Kindergarten Capacity Grant Program ($10.0 million); the continuation of the Small Repair Grant Program ($10.0 million); and the establishment of an Emergency Repair Pool ($500,000).
Gregoire’s base capital budget request matches OSPI’s maintenance level request for SCAP, but does not include OSPI’s requested inflationary increases in the Construction Cost Allocation ($355 million) to ensure that funding provided to school district capital projects more closely meets the actual cost of those projects. Gregoire also did not advance OSPI’s request for Skills Centers Major or Minor Project Funding ($90.6 million and $5.0 million, respectively), or for Energy Performance Contracting Grant Funding ($20.0 million). Her $10.0 million request for kindergarten grants was significantly lower than OSPI’s request of $95.7 million. In total, OSPI requested $1.26 billion for school construction, while Gregoire’s budget included just under $700 million.

In recent years, the Legislature has been generous (especially in tough budget times) to K–12 education construction—and they should be applauded and thanked. Capital Budget leaders (and in most cases, rank-and-file legislators) have consistently prioritized K–12 construction needs in the capital budget. It will be important, with increasing competition for dwindling resources, that legislators again understand K–12 education’s facility needs. It will again be important to remind legislators—and educate new members—that unlike most construction projects in the state, K–12 construction projects must get local voter buy-in (with a supermajority 60 percent approval) before school facilities can access any state assistance money. And, even then, the so-called state “match” of local resources in most cases is significantly less than a 50-50 split.

On Monday afternoon, the Senate Early Learning & K–12 Education Committee continued to be briefed on various education issues. Committee staff reviewed historic trends of K–12 funding, while OSPI’s Dr. Alan Burke provided a review of the historic trends of K–12 “Outcomes” (including graduation rates, third grade reading, the opportunity gap and kindergarten readiness). Additionally, James Harvey from the National Superintendents’ Roundtable presented their vision for a “Broader, Bolder Approach to Education.”

The type of presentations being made in the Senate Education and Senate Ways & Means Committees—and the resulting discussion among and questions from Committee members—is a continual reminder that this is not the same, traditionally education-friendly Senate that we have dealt with in recent years. It does not take long to lose track how many times words like “accountability,” “reform,” “efficiency” and “effectiveness” get thrown around—without regard to how transparent and accountable K–12 has become; how much the K–12 system has been reformed and transformed in recent years; and how truly efficient and effective our school districts generally are. Again, we clearly have our work cut out for us in educating new—and returning—legislators. If legislators can utilize their local administrators as a resource, perhaps the political rhetoric would be turned down and discussions about concrete policy issues and comprehensive funding solutions could be addressed.

On Tuesday, K–12 stakeholders had our opportunity to express our priorities for the 2013 session. Invited participants were representatives from: the League of Education Voters, Stand for Children, the Washington Education Association, Public School Employees of Washington (classified staff), the Washington State School Directors’ Association and WASA. Each of us clearly defined the Legislature’s compliance with the Supreme Court’s Orders in McCleary v. State of Washington as our highest priority. Of course, each representative took a different approach to send that message. For example, the LEV asked for a down payment for basic education to meet McCleary, but diluted that request in urging for enhancements in early learning and higher education. Stand argued for additional accountability to be linked with additional funds. WASA tried to strike at the heart of the issue and urged the Legislature to do two things: (1) provide a significant down payment...
to allow for the “steady and measurable” progress required by the Supreme Court; and (2) maintain the current, statutory implementation schedule of basic education enhancements contained in HB 2261/HB 2776 (specifically, Pupil Transportation; Maintenance, Supplies and Operating Costs (MSOC); K-3 Class Size Reduction; and Full Day Kindergarten—in this order).

In the McCleary trial, the state’s own testimony claimed full implementation of HB 2261/HB 2776 would drive billions of dollars (upwards of $9.0 billion per year) to basic education and fulfill the constitutional mandate to amply fund our paramount duty. That level of funding may be unrealistic at this point. Besides the state’s testimony at trial, the high-watermark proposal so far is from the Joint Task Force on Education Funding, which adopted a spending plan which would provide a $4.5 billion biennial enhancement to K–12 by 2018. Doing the simple math, using a straight, linear approach, would result in a $1.7 billion down payment during this session. That specific—and significant—down payment is what we requested of the Ways & Means Committee.

In terms of priorities, we noted that debate is heating up regarding a re-prioritization of the HB 2261/HB 2776 implementation schedule. We argued that beginning with Washington Learns, continuing onto the Basic Education Task Force and then back to the full Legislature in 2009 and 2010, the implementation schedule was hashed out, vetted and fully debated before it was overwhelmingly adopted by the Legislature. We reminded Committee members that the Legislature’s own studies show a proven underfunding of Pupil Transportation and MSOC. We argued that the Legislature should focus on meeting its current obligations before moving onto “enhancements”—even positive and proven enhancements like class size reductions and all-day kindergarten. Further, we argued that if the Legislature actually met its obligations in transportation and MSOC, local money—that has been used to backfill the state’s underfunding—would be freed up. Those funds could then be used for class size reduction or all-day kindergarten—or other locally determined priorities. We also noted that if class size reduction and/or full day kindergarten was moved up sooner than anticipated, school districts would run into serious capacity issues. Many school districts just simply do not have the space for additional classrooms. Again, we requested the Ways & Means Committee use the significant down payment ($1.7 billion) to complete its enhancement of Pupil Transportation and MSOC in the upcoming biennial budget (2013–15), while continuing to phase in K–3 Class Size Reductions and Full Day Kindergarten.

As a parting shot, we threw Local Effort Assistance (LEA or levy equalization) in the discussion, with the assumption that it could very well become a target for budget reductions—again. We stated we understand there is an ongoing controversy about the level of LEA funding, as well as a concern about which (and how many) school districts receive LEA dollars. We strongly requested the Legislature to provide maintenance level funding for LEA, with no formula changes, to ensure some funding stability. We asked that the current LEA be used as a “bridge” until HB 2261/HB 2776 was fully implemented and there was an opportunity to address LEA and levy lids (and compensation) in a comprehensive way.

On Wednesday afternoon, the Senate Early Learning & K–12 Education Committee held a work session and addressed student discipline, specifically the “educational and economic costs of exclusionary discipline.” Representatives of Washington Appleseed and TeamChild reviewed a recently completed study addressing the negative impact of out of school exclusions on Washington students. The report includes seven specific recommendations, including: reduce the use of out of school exclusions; require school districts to provide access to educational services during periods of exclusionary discipline; require school districts to retrieve excluded stu-
Students and re-engage them in education; and require school districts to collect and disseminate data regarding the number and types of exclusionary discipline used. Some of these recommendations have already been put into legislation being supported by the League of Education Voters and the American Civil Liberties Union (among others). On January 28, the Senate Education Committee has set aside a full Committee hearing to take public testimony on five of those bills: SB 5155, regarding long-term suspension or expulsion from school; SB 5244, regarding school suspensions and expulsions; SB 5245, regarding the collection of student suspension and expulsion data; SB 5301, regarding student suspension and expulsion; and SB 5117, regarding family involvement coordinators in public schools.

During this session the experiment of a House Ways & Means Committee with a host of subject-area Appropriations Committees has been tossed out. The House once again has established an Appropriations Committee (dealing with expenditures) and a separate Finance Committee (focusing on revenues). Three issue-specific Appropriations Subcommittees (comprised only of Appropriations Committee members) have also been created on: General Government, Health & Human Services, and Education. The House Appropriations Committee’s Wednesday afternoon meeting times have been set aside for these three Subcommittees to meet.

On Wednesday afternoon, the House Appropriations Subcommittee on Education held a work session and received updates on Alternative Learning Experience program funding and Online Learning rules; and the new pupil transportation formula. On ALE/Online, Committee members heard a report from OSPI regarding ALE’s current funding situation and a discussion of the Online Learning rules. Additionally, staff from the State Auditor’s Office were on hand to review their recent audit findings on ALE programs. Unfortunately, the SAO’s findings did not paint a pretty picture, especially to a group of legislators that are already leery of ALE. SAO did provide a series of recommendations, some of which will likely become a part of legislation and/or OSPI rules. If your district has ALE programs, this issue continues to evolve and you should keep a close eye out.

On Thursday morning, work sessions continued in the House Education Committee. Committee members received an update on the implementation of Common Core State Standards (CCSS) from OSPI, as well as a discussion on ESDs’ role in the process (from Dr. Rich McBride, ESD 171). Education Committee members also received an update on the Smarter Balanced Assessment Consortium (SBAC) from Dr. Joe Willhoft. In an effort to bring those two issues down to a practical level, OSPI’s Dr. Burke reviewed Washington’s efforts to transition to CCSS and implement Smarter Balanced assessments. Burke also discussed Superintendent Dorn’s proposal to assist the transition from our current assessment system to Smarter Balanced assessments. As cumbersome as this process is for educators on the front lines, many legislators (some of whom had never seen this level of detail provided about the current and evolving status of assessments) are clearly unaware of the burden the Legislature (and the federal government) has placed on the school system. Whether they will be grounded enough to make a good decision about next steps is to be determined. Obviously, stay tuned. The presentations on CCSS were closed out during the Committee’s hearing on Friday afternoon, wherein educators out in the field presented their own perspectives on the issue.

Public Records Act Legislation

The Public Records Act (PRA), and more specifically, concerns about abuses of PRA, continues to be a hot (and hotly debated) issue. WASA continues to work with a coalition of local government associations (including those representing school...
districts, cities, counties, public ports and others) to support each other on common issues. Concerns regarding the Public Records Act continue to bring us together as we advocate for adjustments that would provide relief from costly, onerous or harassing PRA requests. (Issues surrounding the Open Public Meetings Act also bring us together with common concerns.)

Already during this second week of session, PRA bills have been heard and some may potentially move. On Wednesday, the House Government Operations & Elections Committee heard a series of PRA bills, two of which are of high importance. First is HB 1037 which would provide for cost recovery for commercial public records requests. Agencies and local governments, including school districts, would be allowed to charge a fee for public records requests made for: sale or resale; producing a document or database containing all or part of the public record; and obtaining names and addresses for the purpose of solicitation. The fee could be a flat fee, a fee per record, or other fee but could not exceed the actual cost of locating and producing the record. The second is HB 1198 which would require members of governing bodies of public and local agencies and Public Records Officers to complete training courses on public records and open meetings. Unlike similar bills in recent years, this bill would require training; however, the training would be web-based and must be provided to elected officials at no cost. It does not appear that this particular bill would be overly burdensome or costly.

On Friday, another PRA bill of major interest was heard in the House Local Government Committee. HB 1128, requested by the Local Government Coalition, would provide tools to local governments, including school districts, to protect essential services from public records abuses. First, the bill would allow local governments to seek a civil injunction for a public record request if the request:

- Was made to harass or intimidate the local government or its employees;
- Was made in retaliation or to punish the local government for an action it took or proposed to take;
- Creates an undue burden on the local government;
- Would likely threaten the safety or security of local government staff, family members of staff, or local government facilities; or
- Would likely assist criminal activity.

In granting the injunction, the court could consider a number of factors, including other public records requests made by the requestor, the type or records sought, the number of records sought, and the local government’s effort to accommodate the requestor.

Second, HB 1128 would allow local governments to adopt a policy limiting the number of hours it devotes to responding to public records requests if it makes certain documents, such as budgets, agendas, minutes, and ordinances, publicly available. For local governments with a general fund of $1 million or more, documents are publicly available if they are posted on a central website. For other local governments, documents are publicly available if they are produced within five business days or accessible through the local government’s website.

**2013 Session Guide Released**

WASA’s 2013 Legislative Session Guide has been completed and disseminated to school administrators. It is also available on the WASA website.
The Guide includes all the tools you need to be engaged this session: WASA’s 2013 Legislative Platform; rosters of all House and Senate members, with office, phone and e-mail contact information; key dates in the session; and a list of other handy resources.

Please use this Guide to become familiar with your elected officials and maintain regular contact with them. Stay engaged!

AEA

By Mitch Denning

On Monday, Steve Story, facilities director, Bethel SD, and WAMOA president, Mike Knaack, energy conservation manager, Bethel SD, and I testified in support of Gov. Gregoire’s 2013–15 Capital Budget. We thanked the Governor for funding the School Construction Assistance Program grants, and urged the committee to consider increasing the reimbursed costs within the grant to reflect more the actual costs of school construction. We thanked the Governor and Capital Budget Committee for their support of the Small School Repair Grant program since 2005, especially for the $10M appropriation the Governor puts forward in 2013–15.

We expressed a concern in the Governor’s capital budget about the absence of funding of the energy efficiency grants. Knaack shared that through successful OSPI energy efficiency grants, combined with local utility rebates and local district funds, their energy projects are returning approximately $85,000 annually in energy savings.

Now that most of the committee work sessions are concluded, and bills are beginning to be heard, WASBO, WAMOA and WSNA will be focusing on our four 2013 legislative priorities as key bills are heard. The priorities include (1) fully complying with the McCleary decision by 2018 and maintaining the implementation schedule for ample funding of basic education approved in HB 2776 (2011); (2) implement the provisions of HB 2776 which call for implementation of Maintenance, Supplies and Operating Costs (MSOC), full-day kindergarten, K–3 class size reduction and pupil transportation during the 2013–15 biennium; (3) recognizing that local levies are for local enhancements and should not be used to fund basic education; and (4) maintain current school nutrition funding.

Pensions and Health Benefits

By John Kvamme

During this past week the bulk of our time was spent in continuing efforts to gain signatures in both Houses of the legislature on four pension bills. Most of these bills were introduced during the 2011–13 biennium, however, received little or no attention from the fiscal committees in either House of the Legislature. Even if there is little attention to these issues in times of tight budget, it is important to keep them before the legislators since each is important to some of our members. The issues deal with the two-month problem when retiring under early retirement at the 30 year mark; Plan 2 member access to the PEBB when separating from service rather than retiring; changing the vesting period for Plan 3 at five years similar to all the other plans; and allowing Plan 2 & 3 members retiring under the early retirement provisions the opportunity to do postretirement public employment up to 867 hours like other retirees.
On January 17, David Pringle, House Appropriations staff member, gave an excellent briefing on Washington's pension systems to House Appropriations Committee members. His report remains on that committee’s web site.

The effort of WASBO's work group in reviewing and making notes regarding the K–12 health benefit legislation passed last session (ESSB 5940) has been completed. Their efforts will be helpful depending on what, if anything, pertaining to this issue is introduced this session. We will be involved in discussion with key Senate and House members as to what we might expect.

Additional information on introduced pension bills and anticipated pension bills can be found in this session’s first “Retirement and Health Benefit Bill Watch” found on our association’s website.
Legislative Resources

Committee Meeting Schedule

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

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

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

3:30–5:30 p.m.
House Appropriations
House Hearing Room A

Senate Ways & Means
Senate Hearing Room 4

Fridays
8:00–9:25 a.m.
Senate Early Learning & K–12 Education
Senate Hearing Room 4

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

Senate Ways & Means
Senate Hearing Room 4

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

3:30–5:30 p.m.
House Appropriations
House Hearing Room A

Senate Ways & Means
Senate Hearing Room 4

Wednesdays
1:30–3:25 a.m.
Senate Early Learning & K–12 Education
Senate Hearing Room 4

3:30–5:30 p.m.
House Appropriations Subcommittee on Education
House Hearing Room A

Senate Ways & Means
Senate Hearing Room 4

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

8–9:55 a.m.
House Appropriations
House Hearing Room A

Session Cutoff Calendar

January 14, 2013
First Day of Session.

February 22, 2013
Last day to read in committee reports in house of origin, except House fiscal, Senate Ways & Means, and Transportation committees.

March 1, 2013
Last day to read in committee reports from House fiscal, Senate Ways & Means, and Transportation committees in house of origin.

March 13, 2013
Last day to consider bills in house of origin (5 p.m.).

April 3, 2013
Last day to read in committee reports from opposite house, except House fiscal, Senate Ways & Means, and Transportation committees.

April 9, 2013
Last day to read in opposite house committee reports from House fiscal, Senate Ways & Means, and Transportation committees.

April 17, 2013*
Last day to consider opposite house bills (5 p.m.) (except initiatives and alternatives to initiatives, budgets and matters necessary to implement budgets, differences between the houses, and matters incident to the interim and closing of the session).

April 28, 2013
Last day allowed for regular session under state constitution.

*After the 94th day, only initiatives, alternatives to initiatives, budgets and matters necessary to implement budgets, messages pertaining to amendments, differences between the houses, and matters incident to the interim and closing of the session may be considered.

Useful Links

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

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

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

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

Legislative Committees

Legislative Schedules
http://www.leg.wa.gov/legislature/pages/calendar.aspx

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

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

TVW
http://www.tvw.org
**Bill Watch**

*TWIO* tracks critical education bills each week as they are introduced. Detailed bill information can be accessed by clicking on the bill number. The following is a list of the bills of highest interest to school administrators. A more comprehensive bill watch list is located on the WASA website.

<table>
<thead>
<tr>
<th>Bill #</th>
<th>Title</th>
<th>Status</th>
<th>Prime</th>
</tr>
</thead>
<tbody>
<tr>
<td>HB 1015</td>
<td>Reducing costs by reducing state assessment requirements.</td>
<td>H Education</td>
<td>McCoy</td>
</tr>
<tr>
<td>HB 1019</td>
<td>Regarding identification of requestors of public records.</td>
<td>H Govt Ops &amp; Ele</td>
<td>Haler</td>
</tr>
<tr>
<td>HB 1037</td>
<td>Establishing a cost-recovery mechanism for public records sought for commercial purposes.</td>
<td>H Govt Ops &amp; Ele</td>
<td>Moeller</td>
</tr>
<tr>
<td>HB 1050</td>
<td>Authorizing government agencies to sell naming rights of public facilities.</td>
<td>H Govt Ops &amp; Ele</td>
<td>Angel</td>
</tr>
<tr>
<td>HB 1054</td>
<td>Regarding the allocation of one-half of one percent of original public school construction for equipment and technology purposes.</td>
<td>H Cap Budget</td>
<td>Angel</td>
</tr>
<tr>
<td>HB 1057</td>
<td>Making 2013–2015 operating appropriations.</td>
<td>H Approps</td>
<td>Hunter</td>
</tr>
<tr>
<td>HB 1058</td>
<td>Making 2013 supplemental operating appropriations.</td>
<td>H Approps</td>
<td>Hunter</td>
</tr>
<tr>
<td>HB 1067</td>
<td>Enhancing the basic education allocation formula for principals, assistant principals, and other certificated building-level administrators to support the teacher evaluation program requirements of RCW 28A.405.100.</td>
<td>H Approps</td>
<td>Lytton</td>
</tr>
<tr>
<td>HB 1076</td>
<td>Expanding participation in innovation academy cooperatives.</td>
<td>H Education</td>
<td>Haigh</td>
</tr>
<tr>
<td>HB 1077</td>
<td>Authorizing the educational service district board to fill vacancies on the board of directors in second-class school districts with an at-large appointment if after one hundred twenty days a candidate from the director district cannot be recruited.</td>
<td>H Education</td>
<td>Haigh</td>
</tr>
<tr>
<td>HB 1088</td>
<td>Concerning state general obligation bonds and related accounts.</td>
<td>H Cap Budget</td>
<td>Dunshee</td>
</tr>
<tr>
<td>HB 1089</td>
<td>Adopting the 2013–2015 capital budget.</td>
<td>H Cap Budget</td>
<td>Dunshee</td>
</tr>
<tr>
<td>HB 1122</td>
<td>Increasing revenues dedicated to basic education purposes.</td>
<td>H Finance</td>
<td>Carlyle</td>
</tr>
<tr>
<td>HB 1128</td>
<td>Regarding local agencies’ responses to public records requests.</td>
<td>H Local Govt</td>
<td>Takko</td>
</tr>
<tr>
<td>HB 1134</td>
<td>Authorizing state-tribal education compact schools.</td>
<td>H Comm Dev, Hous</td>
<td>McCoy</td>
</tr>
<tr>
<td>HB 1144</td>
<td>Regarding qualifications for educational interpreters.</td>
<td>H Education</td>
<td>Dahlquist</td>
</tr>
<tr>
<td>HB 1173</td>
<td>Regarding the financial education public-private partnership.</td>
<td>H Education</td>
<td>Santos</td>
</tr>
<tr>
<td>HB 1174</td>
<td>Complying with the state’s constitutional duty to make ample provision for a basic education by prioritizing state funding for K–12 education and targeting state investments on reforms with the highest impact on student success.</td>
<td>H Approps</td>
<td>Dahlquist</td>
</tr>
<tr>
<td>HB 1177</td>
<td>Modifying the education accountability system to allow state criteria, resources, and strategies to be used for assistance and intervention.</td>
<td>H Education</td>
<td>Lytton</td>
</tr>
<tr>
<td>HB 1178</td>
<td>Authorizing alternative assessments of basic skills for teacher certification.</td>
<td>H Education</td>
<td>Lytton</td>
</tr>
<tr>
<td>HB 1197</td>
<td>Concerning open public meetings.</td>
<td>H Govt Operation</td>
<td>Pollet</td>
</tr>
<tr>
<td>Bill Number</td>
<td>Bill Title</td>
<td>Committee</td>
<td>Sponsor</td>
</tr>
<tr>
<td>------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>-----------</td>
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</tr>
<tr>
<td>HB 1198</td>
<td>Requiring training of public officials and employees regarding public records and open public meetings.</td>
<td>H Govt Operation</td>
<td>Pollet</td>
</tr>
<tr>
<td>HB 1208</td>
<td>Establishing the digital college in the high school pilot project.</td>
<td>H Education</td>
<td>Reykdal</td>
</tr>
<tr>
<td>HB 1248</td>
<td>Supporting music education for young children in public schools.</td>
<td>H Education</td>
<td>Maxwell</td>
</tr>
<tr>
<td>HB 1252</td>
<td>Establishing the Washington K–12 online professional development project.</td>
<td>H Education</td>
<td>Stonier</td>
</tr>
<tr>
<td>HB 1255</td>
<td>Concerning exemptions from prevailing wage for school plant facilities receiving state funding assistance through the school construction assistance program.</td>
<td>H Labor/Work Dev</td>
<td>Manweller</td>
</tr>
<tr>
<td>HB 1276</td>
<td>Creating the dropout prevention through farm engagement pilot project.</td>
<td>H Education</td>
<td>Reykdal</td>
</tr>
<tr>
<td>HB 1283</td>
<td>Changing compulsory school attendance requirements for children six and seven years of age.</td>
<td>H Education</td>
<td>Maxwell</td>
</tr>
<tr>
<td>HB 1293</td>
<td>Requiring school districts to disclose information about required assessments.</td>
<td>H Education</td>
<td>Hope</td>
</tr>
<tr>
<td>HB 1298</td>
<td>Implementing the recommendations of the sunshine committee.</td>
<td>H Govt Operation</td>
<td>Springer</td>
</tr>
<tr>
<td>HB 1304</td>
<td>Authorizing approval of online school programs in private schools.</td>
<td>H Education</td>
<td>Hargrove</td>
</tr>
<tr>
<td>HB 1329</td>
<td>Creating a sales tax holiday for back-to-school clothing and supplies.</td>
<td>H Finance</td>
<td>Moeller</td>
</tr>
<tr>
<td>HB 1336</td>
<td>Increasing the capacity of school districts to recognize and respond to troubled youth.</td>
<td>H Education</td>
<td>Orwall</td>
</tr>
<tr>
<td>HB 1345</td>
<td>Regarding access to K–12 campuses for occupational or educational information.</td>
<td>H Education</td>
<td>Hayes</td>
</tr>
<tr>
<td>HB 1369</td>
<td>Using school days for meeting with parents and families as part of the Washington inventory of developing skills.</td>
<td>H Education</td>
<td>Lytton</td>
</tr>
<tr>
<td>HJR 4201</td>
<td>Requiring a two-thirds majority vote for approval of tax increase legislation.</td>
<td>H Finance</td>
<td>Haler</td>
</tr>
<tr>
<td>HJR 4202</td>
<td>Requiring a balanced budget.</td>
<td>H Approps</td>
<td>Haler</td>
</tr>
<tr>
<td>SB 5018</td>
<td>Eliminating the requirement to purchase public art with appropriations made for construction of public buildings.</td>
<td>S Ways &amp; Means</td>
<td>Benton</td>
</tr>
<tr>
<td>SB 5026</td>
<td>Creating a peer mentoring program to encourage elementary school students to attend college.</td>
<td>S Higher Ed</td>
<td>Hasegawa</td>
</tr>
<tr>
<td>SB 5033</td>
<td>Making 2013 supplemental operating appropriations.</td>
<td>S Ways &amp; Means</td>
<td>Hill</td>
</tr>
<tr>
<td>SB 5035</td>
<td>Adopting the 2013–2015 capital budget.</td>
<td>S Ways &amp; Means</td>
<td>Honeyford</td>
</tr>
<tr>
<td>SB 5036</td>
<td>Concerning state general obligation bonds and related accounts.</td>
<td>S Ways &amp; Means</td>
<td>Honeyford</td>
</tr>
<tr>
<td>SB 5038</td>
<td>Enhancing the basic education allocation formula for principals, assistant principals, and other certificated building-level administrators to support the teacher evaluation program requirements of RCW 28A.405.100.</td>
<td>S EL/K–12</td>
<td>McAuliffe</td>
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SB 5039 Increasing revenues dedicated to basic education purposes. 
SB 5094 Requiring notification of sex offenders attending schools. 
SB 5104 Placing epinephrine auto-injectors in schools. 
SB 5114 Regarding access to K–12 campuses for occupational or educational information. 
SB 5117 Regarding family involvement coordinators in public schools. 
SB 5132 Concerning the disclosure of estimated debt service costs. 
SB 5138 Creating a council on state debt. 
SB 5155 Regarding long-term suspension or expulsion from school. 
SB 5169 Implementing the recommendations of the sunshine committee. 
SB 5172 Enacting the Ike act. 
SB 5173 Excusing work and school absences for a reason of faith or conscience. 
SB 5180 Improving access to higher education for students with disabilities. 
SB 5194 Reducing educational employee cost-of-living adjustments and bonuses. 
SB 5197 Requiring additional safety features in school construction and remodeling. 
SB 5198 Exempting personal information relating to children from public inspection and copying. 
SB 5232 Requiring the establishment of a medical emergency response and automated external defibrillator program for high schools. 
SB 5237 Establishing accountability for student performance in third grade. 
SB 5242 Requiring policies regarding assignment of certificated instructional staff. 
SB 5243 Establishing policies to support academic acceleration for high school students. 
SB 5244 Regarding school suspensions and expulsions. 
SB 5245 Regarding the collection of student suspension and expulsion data. 
SB 5246 Clarifying the teacher and principal evaluation process with the intent of strengthening the process. 
SB 5278 Providing a salary bonus for teachers in high market demand subjects. 
SJR 8203 Amending the state Constitution to allow a reasonable suspicion standard in certain searches of students on school grounds.