The first week of the 2013 Session was full of ceremony and various work sessions consumed the time of most legislative committees during the second week. Week Three turned out to be a whirlwind of activity, especially for education advocates (and it appears the same will be true next week). Both Education Committees had full agendas of fairly meaty issues, in addition to the handful of other legislation of importance to educators in a few other committees.

As we discussed in last week’s TWIO, the Senate Early Learning & K–12 Education Committee set aside Monday’s hearing to receive testimony on a series of bills dealing with student discipline, specifically long-term suspensions and expulsions. The first bill, SB 5155, would require schools to: create a plan to provide academic services during a student’s long-term suspension or expulsion; and create a plan for the student’s re-entry to the school system. Upon re-entry, the school would be required to: provide the student with support, including mentoring and/or monitoring; and provide the student with an agreement regarding the school’s expectations.

The next three bills—SB 5244, SB 5245 and SB 5301—include similar components. The intent of SB 5244 is to “end or shorten” student suspensions/expulsions. It would prohibit indefinite suspensions/expulsions and require that they be no longer than one year in length. An emergency expulsion must be ended or converted to another form of corrective action within ten days. Additionally, school districts would be required to make “reasonable efforts” to assist students and parents in returning suspended or expelled students to an educational setting prior to and no later than the end date of the corrective action.

SB 5245, would require the collection and dissemination of specific suspension/expulsion data. OSPI would be required to disaggregate and cross-tabulate discipline data in and by a long series of specific sub-categories. OSPI would be required to review the collected data to ensure accuracy and must also make the discipline data public and easily accessible on its website.

Finally, SB 5301, would merge each of the components of SB 5244 and SB 5245 into one bill. The “omnibus” bill would also define the terms “suspension,” “short-term suspension” and “expulsion.” Under provisions of the bill, school districts would be required to conduct re-entry meetings with expelled students. Additionally, OSPI and WSSDA would be required to meet with a specified group of stakeholders and develop a handbook and model policy for discipline changes.
Most of the education associations testified in support of the policy and intent of these four bills—that is, in essence: “students need to be in school to learn.” WASA made the same statement; however, we also mentioned our strong concerns with the implementation of each of the bills. First is the issue of funding (or lack thereof). Each bill has components that would potentially be very costly—especially the requirements to provide education services outside the school setting for these students and the monitoring/mentoring of students re-entering the system. Even the enhanced data collection could be an additional burden on school districts. Our second, and greater concern, however, was the strong focus on suspended/expelled students would likely come at the expense of the majority of other students. Certainly, suspended/expelled students have a right to an education, but so do the rest of the students in the school. Those students deserve the necessary funding to ensure they receive a quality education and those students also deserve to feel safe when they are in school.

Two of the bills (SB 5245 and SB 5301) discuss the lack of data regarding discipline issues. We suggested that, before major policy changes were made with faulty data, the appropriate data be collected (with funding provided) so we could have a common understanding of the problem. Following that, a collected group of stakeholders should take a closer look at the issue and provide long-term recommendations—including steps that might be taken prior to the implementation of severe disciplinary measures.

On Tuesday, the House Education Committee took public testimony on five bills:

- **HB 1015** would reduce state assessment requirements. The current Writing assessment would be eliminated; the assessment of high school Mathematics would be based on one end-of-course assessment rather than two; and OSPI would be prohibited from developing any high school science assessments in subjects other than Biology. Additionally, the current requirement that students pass state high school assessments in order to graduate would be removed.

- **HB 1076** would expand the participation in Innovation Academy Cooperatives. The bill would allow all students, not just those from districts who are members of an Innovation Academy Cooperative, to enroll in Innovation Academy Cooperatives. Currently, there is only one approved Academy in the state: Paideia High School operated by Valley, Orient, Loon Lake, Summit Valley, and Orono school districts.

- **HB 1144** would require, by the 2016–17 school year, all educational interpreters in public schools to meet a standard established by the Professional Educator Standards Board on an interpreter assessment. All educational interpreters by the 2019–20 school year would also be required to achieve National Interpreter Certification from the Registry of Interpreters for the Deaf.

- **HB 1248** would support music education for young children in public schools by providing grants to implement a music education curriculum in state-funded all-day kindergarten classes, if funds are appropriated.

- **HB 1208** would establish the Digital College in the High School as a two-year pilot project beginning in 2013–14. OSPI and the State Board for Community and Technical Colleges (SBCTC) would be directed to create a web-based portal for high school juniors and seniors to enroll in online courses through the Washington Online system operated by the SBCTC, and receive both high school and college credit. School districts would have to transmit state funds to the SBCTC for each full-time equivalent student enrolled in the online courses, minus 15 percent. School districts would also be required to provide progress monitoring and instructional assistance for enrolled students. Enrolled students could not be charged tuition, fees, or textbook costs for the online courses.

On Tuesday afternoon, the House Appropriations Committee held a public hearing on education funding legislation. **HB 1067**, requested by (now former) Governor Gregoire as a part of her 2013–15 Operating Budget proposal, would enhance the basic education allocation.
formula for principals, assistant principals, and other certificated building-level administrators to support the new teacher evaluation program. The increased prototypical school funding allocation would add 0.15 full-time employees for each of the school types (elementary, middle level and high school). Unlike the notation in Gregoire’s budget summary, however, the legislation indicates that this funding change is still for “allocation purposes only.” This means, if the bill were adopted as written, this formula change would drive additional dollars to schools, but the law would not dictate how districts would have to spend the increased allocation.

On Wednesday, the House Government Operations & Elections Committee heard HB 1413, the Washington Voting Rights Act of 2013. A returning issue from last year, HB 1413 is intended to promote equal opportunities for members of a minority (based on race, color or language) group to elect candidates of their choice or influence the outcome of an election. To enforce the prohibition against drawing election districts in a manner that denies these equal opportunities, the bill would establish a cause of action to redress violations. The motives behind the legislation are pure; however, implementation of this bill would likely not solve the problem that is intended to be addressed, leaving local governments, including school districts, vulnerable to costly litigation.

As a practical matter, HB 1413 would likely limit (or eliminate) the ability for local governments, including school districts, from using an “at-large” election system. In testimony, WASA argued that different school districts use different election systems: some have all at-large elections; some have all district-based elections; and some have a mix of those two systems. We raised the concern that the bill would have the effect of eliminating a school districts’ choice in using an election system that best works for the district. We reminded Committee members that many school districts have moved to an all at-large election system to ensure that a full board of qualified directors can be seated. In some communities, a district-based election system results in a difficulty in finding candidates for certain seats. Using an at-large system enlarges the pool of potential candidates. We also raised the concern that a local government could be sued (multiple times) for circumstances beyond its control. After all, local governments do not decide: who files for office; which citizens register to vote; which registered voters actually cast ballots; or which candidates the voters ultimately support. Finally, we noted that if there actually are election abuses, citizens already have the ability to file suit under the federal Voting Rights Act.

Also on Wednesday afternoon, the Senate Early Learning & K–12 Education Committee held a public hearing on a series of “reform” or “accountability” bills:

- **SB 5328** would implement the School-Grading Program, providing all schools with a letter-grade designation, A-F. “A” graded schools and schools that have exemplary improvement would be eligible for funding under a newly created Washington School Recognition Program. Schools could use the funding for bonuses; one-time equipment purchases; or to temporarily hire additional personnel. “A” graded schools would also be granted greater building-level budget authority.

- **SB 5329** would create the State Superintendent School District. Each year OSPI would be required to recommend to the State Board of Education a number of “chronically low-achieving” schools (maximum 20 per year) that are to be transferred to state control. OSPI would be required to contract with a non-profit Learning Management Organization to run the schools within the State Superintendent School District. Similar to charter schools, these schools would be exempt from most state laws and rules that other school districts must follow. We argued that all school districts should be provided with adequate (that is, “ample”) funding to provide the opportunity for their students to succeed.

We also argued that if increased flexibility is one of education’s “silver bullets” then ALL school districts should have the same flexibility that is currently reserved for charter

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**This Week in Olympia:**

*Week 3, January 28–February 1, 2013*

*continued*

A local government could be sued (multiple times) for circumstances beyond its

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ALL school districts should have the same flexibility that is currently reserved for charter schools and schools within the new State Superintendent School District.
schools and is proposed for schools within the new State Superintendent School District. We decided not to harp on the fact that 20 years ago, HB 1209, Washington’s Education Reform Act of 1993, was adopted with a major premise being that all school districts be given enhanced resources and increased flexibility to provide them the tools to succeed. The state’s high standards, Essential Academic Learning Requirements and Grade-Level Expectations have been established and legislators are anxious to hold school districts accountable, yet we are still waiting for those promised dollars and the promised relief from strangling laws and rules. My, how quickly legislators forget what their landmark legislation is actually supposed to do.

- **SB 5237** would hold elementary students accountable for their performance. Students that failed to pass the Third Grade English assessment would be, with limited exceptions, prohibited from being promoted to the Fourth Grade. School districts would be required to provide remediation for these students. The expectation is that districts would use current general apportionment dollars or Learning Assistance Program funds (or categorical funding if the student is eligible for those programs) to provide these services. This intensive remediation would be required to include: a minimum of 90 minutes of daily, research-based instruction in English Language Arts; small group instruction or reduced teacher to student ratios; supplemental tutoring; and use of diagnostic assessments to identify the specific skills in which the student needs assistance. Again, no additional funding would be provided for these services. Additionally, school districts would be required to provide retained students supplemental learning opportunities through an extended school day, school year, or summer school program. School districts would also be required to provide these additional services to a student who was eligible to be retained but met a good cause exemption and was promoted. And have I mentioned that school districts would not receive additional funds for these intensive services?

The House Appropriations Subcommittee on Education held a work session on Wednesday afternoon. Committee members were briefed on the Washington FIRST Robotics program and received an update on early learning issues from the Department of Early Learning.

Committee members also discussed the Joint Task Force on Education Funding. The focus of the briefing from staff was on the recommended enhancements to implement Career & College Ready Plans and Accountability, Evaluation and Common Core. The **Career & College Ready enhancement**, proposed by Representative Pat Sullivan (D-Covington), addresses funding required to implement the HB 2261 provisions regarding increased instructional hours and the increase to 24 credits required for graduation. The **Accountability enhancement**, proposed by Representative Marcie Maxwell (D-Renton), is intended to address three substantial new policies adopted recently by the Legislature that directly impact schools districts. Of course, no funding was provided for these new duties. The proposed funding enhancement would provide resources to districts to assist in implementing the new requirements: State Accountability (including assisting districts in using data to improve student achievement); Teacher and Principal Evaluation Project; and Common Core.

Ultimately, the **Joint Task Force adopted a spending plan** which includes these two components. The Career & College Ready enhancement would total $473 million at full implementation in 2017–19. The Accountability enhancement would total $67 million in 2013–15; $47 million in 2015–17; and level out at $42 million in 2017–19 and thereafter. (Each of these figures are biennial figures.)

On Thursday morning, the House Education Committee heard four bills:

- **HB 1178** would authorize the Professional Educator Standards Board to accept alternative assessments of basic skills for teacher certification. Alternative tests would be required to be comparable in rigor to the basic skills assessment. Additionally, the alternative tests would be required to be reviewed by the Education Committees of the Legislature before implementation.
• HB 1252 would create the K–12 Online Professional Development Project, subject to funding. A Steering Committee of K–12 educators would be convened to design the Project, including selecting the content of the professional development modules to be provided. The modules would be required to cover a range of topics and incorporate a variety of media. The Steering Committee would be required to submit a status report by December 1, 2015.

• HB 1304 would authorize approval of online school programs in private schools.

• HB 1283 would change current compulsory school attendance requirements from age eight to age six. Currently laws allowing for children to attend private schools or to receive home-based instruction would be preserved.

The Senate Early Learning & K–12 Education Committee closed out a busy week with another full hearing. On Friday morning, they heard four bills:

• SB 5243 would require school districts to adopt an academic acceleration policy for high school students which would automatically enroll any student who meets the state standard on the high school student assessments in the next most rigorous level of advanced courses offered by the high school, with the objective that students will eventually be automatically enrolled in courses that offer the opportunity to earn dual credit for high school and college. OSPI would be required to allocate to school districts an incentive award for each student who earned dual high school and college credit.

• SB 5104 would allow schools to keep a supply of epinephrine autoinjectors (epi pens) available to treat students suffering anaphylactic allergic reactions. Incorporated in the bill are legal protections for school staff that unintentionally injure a student while administering epinephrine as long as they acted professionally and in good faith.

• SB 5197 would require every school to have at least one silent alarm located in its administrative offices to alert local police directly that a law enforcement is needed at the school. An appropriation of $5.0 million is provided for this purpose. Additionally, all new or remodeled schools would be required: to include a mechanism by which the exterior school doors can be electronically locked from the administrative offices; to be designed to restrict the general public from access to the school by routing them through the administrative offices; and to be able to electronically lock administrative office doors to prohibit access to the rest of the school building.

• SB 5242 would prohibit certificated teachers from being assigned without mutual consent of the principal and the staff member being assigned. Teachers who cannot find an assignment with mutual agreement must be placed in a temporary position; however, if the teacher fails to find a non-temporary assignment with mutual agreement by May 15th of the school year following their displacement from their previous non-temporary position, this is considered grounds for nonrenewal of their contract.

From comments made by the sponsor, Senator Steve Litzow (R-Mercer Island), it was crystal clear that SB 5242 was part of an accountability package being pushed by him and his Majority Coalition Caucus colleagues. He stated that the Legislature is going to be holding schools accountable by providing a letter-grade designation (see discussion of SB 5328 earlier in this TWIO). In talking with principals, Litzow noted that they are concerned about being held accountable without the opportunity to have adequate control over their own schools. This bill is intended to provide that flexibility. Unfortunately, there is a misconception about how schools operate. Principals, as a building-level leader, do not hire or fire staff. The superintendent (on behalf and with the school board) makes employment decisions. We argued that superintendents should—and usually do—communicate and collaborate with principals and staff in making assignments, but ultimately those are—and should be—district-level decisions.
On Friday afternoon, the House Education Committee closed out its week with a work session focusing on the Educational Opportunity Gap. Committee members heard presentations on: the Recruiting Washington Teachers program; education initiatives from the state’s Ethnic Commissions and the Tribal Leader Congress; and the Office of Native Education’s report to the Legislature. Finally, the Educational Opportunity Gap Oversight & Accountability Committee provided a briefing on its report to the Legislature.

### End Game Politics

This week, several major education policy “reforms” were heard in the Senate (with more hearings coming next week). We have seen some of the bills in recent years, but they have had little-to-no movement due to the composition of the Legislature—and, more specifically, due to the Chairs of the two Education Committees (Representative Sharon Santos (D-Seattle) in the House and Senator Rosemary McAuliffe (D-Bethel) in the Senate). With a new conservative (and reform-minded) Majority Coalition Caucus in charge of the Senate, we expected to see a series of these types of bills being introduced. We even expected some of them to be heard. What most of us were not expecting was so many of these bills would be introduced so early and heard so early—with some of them looking like they will be moved to executive action soon. Most of the bills will have little opportunity for movement in the House.

So, why all the activity on these bills? One reason is simple human nature. Republicans in the Senate have been in the minority long enough that there is a high level of pent up energy and this is their opportunity to express their ideas. The other possible explanation is more calculated and disconcerting. With pressure mounting from the education advocates (and the weight of the Supreme Court), it seems rather unlikely that this session would adjourn without the Legislature providing some level of basic education enhancements in an attempt to comply the McCleary decision. The real questions are: “How much will that investment be?” and “What will the basic education enhancement cost?”

We continue to advocate for a significant down payment for McCleary. We’ve pegged that down payment at approximately $1.7 billion. (Using the Joint Task Force on Education Funding’s spending plan of a nearly $4.5 billion biennial enhancement as a base, steady progress in the next two years would require approximately $1.7 billion.) Other numbers are being floated, including Governor Gregoire’s going-away-budget proposal of $1.0 billion. In the coming weeks, other even less flush numbers will be floated. For example, lenders in the Senate Majority Coalition Caucus have indicated their belief that McCleary will require between $500 million and $1.5 billion this session (the lower number is garnering the most focus in that caucus). So, again, it is looking more and more likely that the Legislature will provide a down payment, but we will have to continue to fight to ensure that investment is significant, rather than a token.

The Senate Majority Coalition Caucus are certain to have a package of bills ready to put on the table as bargaining chips as a crucial part of this session’s end game.

Given the recent resistance to address McCleary, one has to question the potential change of heart, especially in the Senate Majority Coalition Caucus. I doubt they had an epiphany that the Supreme Court is serious about its charge and McCleary must be addressed. I fear they have (and know they have) a significant amount of leverage when it comes to budget negotiations. Last session, we saw the Roadkill Caucus, with just a handful of members, take the Legislature hostage over a set of “reform” bills. And we saw the House cave to those demands to adopt a budget that they had a major hand in crafting. Even if the House declines to adopt—or even hear—the Senate’s education accountability or reform bills, the Senate Majority Coalition Caucus are certain to have a package of bills (many, but not all, of them education-related) ready to put on the table as bargaining chips as a crucial part of this session’s end game.

The reasons continue to mount as to why educators have to be engaged with their legislators this session. We have to press the entire session to ensure any basic education enhancement is significant—and we have to push to ensure those dollars are flexible enough. We
also have to keep a close eye on policy issues—even those issues that do appear to have any chance of success. Legislators need to know your thoughts. Contact them. Often.

E-Comments Accepted

Administrators are busy. At the same time, you MUST be engaged in this Legislative Session if we expect to have success. In addition to e-mail, a toll-free legislative hotline, and other means of contact, the Legislature has provided another tool to assist in advocating. Individuals can comment on any bill introduced, whether it is heard or not, through the Legislature’s E-Comment service. Simply go to the Legislature’s website, click on “Bill Information” and type in the four-digit bill number you want to comment on. (For easier access, you can use the Bill Watch at the end of this TWIO.) At the top of the page, to the right of the bill number is a green box that reads “Comment on this bill.” Click the box and jot down a quick note (the first time you use the system you do have to set up an account).

This is a new system, so it is unclear how effective it might be; however, utilizing a new, but untested, advocacy tool is certainly better than doing nothing at all.

New Senator Appointed

Following the November election, two senators resigned their seats. Their replacements were appointed before WASA finalized the 2013 Legislative Guide. A third senator, however, only recently resigned and was replaced. Senator Jerome Delvin, in the 8th legislative district, was elected to a seat on the Benton County Commission in November and waited until recently to relinquish his seat in the State Senate. Sharon Brown has been appointed to this seat. The 2013 WASA Legislative Guide, available on the WASA website, has been updated to reflect this change.

AEA

By Mitch Denning

On Tuesday, in House Appropriations, AEA signed in support of HB 1067, enhancing the basic education formula to support teacher evaluation. This bill would add 0.15 FTE to the K–6, 7–8, and 9–12 grade levels of the prototypical school models. We feel the bill is necessary to provide support for building principals due to their additional responsibilities in implementing the new teacher evaluation system.

On Wednesday, Steve Story, facilities director, Bethel SD; WAMOA president; Larry Quarnstrom, maintenance supervisor, Rochester SD; WAMOA legislative chair; and I met with 23 members of the House Capital Budget and Senate Ways & Means Committees. We discussed the Governor’s 2013–15 Capital Budget (HB 1089), and urged support for the School Construction Assistance Program, the Small School Repair Program, and Energy Efficiency Grants. The latter are not included in the Governor’s budget, and Story and Quarnstrom shared the positive results of energy dollars saved through local district projects in part funded by 2011–13 OSPI energy grants. There was good support for HB 1089, and we found a need to communicate the successes of previous energy grants with the Senate Republicans.

On Thursday, Lisa Chatterton, nutrition services supervisor, Franklin Pierce SD; WSNA past-president; Chris Neal, nutrition services director, Highline SD; WSNA president-elect; and I met with 24 members of the House Education and Appropriations Committees, the Senate Early Learning/K–12, and Ways & Means Committees. We urged these members to maintain the school nutrition funding in the Governor’s 2013–15 Operating Budget (HB 1087). The members expressed excellent support for this funding.
Pensions and Health Benefits

By John Kvamme

Sponsors and signatures were obtained on five pension bills important to some of our association members this past week. They will arrive with bill numbers on introduction sheets of both the House and Senate early next week. Again, they include the following: Two Month Problem; Plan 2 Access to PEBB; ERF Retiree to 867 Hour Postretirement Employment; Plan 3 Vesting; and Rule of 85.

Meetings have been held with key legislators from both Houses, the Governor’s policy staff, and stakeholder representatives regarding the status of K–12 health benefits after the passage of ESSB 5940 last legislative session. At this point it is too early to know what, if anything may happen with this issue during this legislative session. The Insurance Commissioner’s Office has adopted rules for carrier reporting; however no reporting rules beyond the RCWs from the bill have been developed for districts.

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.
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

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
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

Useful Links

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

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

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

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

Legislative Committees

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

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

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

TVW
http://www.tvw.org

Session 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.
## Bill Watch

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

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