

2020 LEGISLATIVE REPORT

A PUBLICATION OF THE WASHINGTON ASSOCIATION OF SCHOOL ADMINISTRATORS

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2020 Session Overview

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The 2020 Legislative Session, the second-year session of the 66th Biennial Session, was another rollercoaster ride. Educators entered the session with somewhat low expectations, especially regarding funding. Growth in state revenues, while continuing to climb above forecasts, was beginning to show clear signs of slowing. In addition, forecasts also predicted substantial, required Maintenance Level costs (required spending to provide currently authorized services, including adjustments—up or down—in caseloads or enrollment and other mandatory expenses, such as inflation). It appeared much of the available revenue would be off the table to address entitlement expenditures before the game even began—and regardless of available revenues, legislators tend to shy away from significant increases in a supplemental budget year.

On top of the budget realities, legislators continued to suffer from the so-called “McCleary fatigue.” It was a frustrating, phantom illness, with no basis in reality, but it continued to cloud budget discussions. There is clear evidence in the 2019–21 Operating Budget adopted last year that legislators have shifted their focus away from K–12 education—a shift that was expected to (and did) continue.

The first signal that educators were facing an uphill battle regarding funding came with the release of OSPI’s 2020 Supplemental Operating Budget request. Superintendent Reykdal’s decision package consisted of an almost token \$65 million increase in funding (not including an undefined request to increase staffing allocations). To any of us, \$65 million is huge, but in the context of the state budget, which appropriates almost \$30 billion per biennium to K–12, the request was almost budget dust and would do little to positively impact school districts or student learning, even if the request was accepted.

In comparison, a \$65 million request really IS huge, sitting next to the governor’s request of \$36.6 million in Policy Level increases. And this \$36.6 million increase does not include his proposed \$86.3 million shift of an early learning program from OSPI to the Department of Children, Youth, and Families (for details, see the Operating Budget review, later in this Report). Including that transfer would have resulted in a K–12 Policy Level *reduction* of \$49.7 million.

While the governor’s K–12 budget request was disappointing, his explanation and rationale for his overall package was disheartening. As noted above, we were facing a Legislature stuck in the mire of their own self-imposed “McCleary fatigue,” but at least most legislators were strategic (or at least political) enough to avoid publicly expressing that attitude. Governor Inslee, however, never hesitated to overtly step around K–12, noting that the Legislature has “fulfilled its constitutional obligation” and the state needed to focus attention on other matters.

Legislators attempted to provide additional funding supports to schools and school districts and both House and Senate proposals would have provided more appropriations than the state superintendent or the governor requested. Unfortunately, as budget-writers began negotiating a final, compromise budget, the coronavirus outbreak was coming more into focus. Legislators realized they needed to scale back their plans in order to provide for additional reserves and ended up adopting a budget that expended less than either the House or Senate originally proposed. Final funding for K–12 education was “modest” (to restate how the governor described his original budget). When the budget landed on the governor’s desk, he felt it was necessary to take some early action to protect state resources as impacts of the coronavirus were already eating into state revenues. And a “modest” budget became even more so. Governor vetoes eliminated \$235 million in new or expanded funding (from a total increase of \$961 million in Policy Level adds). K–12 vetoes accounted for thirty-five percent (\$83.1 million) of those cuts. So, the 2020 Supplemental Operating Budget did little for K–12 education.

A major focus of second-year, supplemental sessions is typically on policy issues. Did K–12 education fare better there? *McCleary* fatigue is not just a funding issue—it extends to a general lack of energy and enthusiasm towards education policy as well. This is not to say that there was not an abundance of education-related policy introduced. Certainly, there was much activity, but little forward progress. Many of our major priorities were given courtesy hearings, ultimately rejected, or outright ignored. Don’t misunderstand—we didn’t lose every battle (mostly due to the continued engagement of our members), but just about every success was an uphill fight. Rather than run through a series of legislation here, let’s examine the action on priorities in WASA’s 2020 Legislative Platform. (For a review of the many bills in which WASA was active, see the Bills Passed and Bills Not Passed sections later in this Report.)

How WASA’s Priorities Fared

As noted above, the lack of positive action on education-related issues was not due to the lack of available legislation. While WASA was active on hundreds of bills, we maintained our focus on a short list of priorities recommended by WASA’s Legislation & Finance Committee and adopted by WASA’s Board of Directors.

Coming into the 2020 session, we understood that revenues would be limited, and legislators would likely focus on issues other than K–12 education. Given this, WASA encouraged school administrators to temper their expectations. At the same time, we knew that 2020 would be a prime time to begin (hopefully continue) conversations of importance to K–12. We are all in this for the long-haul, and we encouraged administrators to fully engage in the legislative process, further educating legislators about school district needs and building momentum for the 2021 session.

Many of the planks in WASA’s 2020 Legislative Platform require additional funding—and a few of the items would require a substantial investment. In adopting the association’s Legislative Agenda, the Legislation & Finance Committee and the Board of Directors established a clear and principled set of requests that did not simply ask legislators for what we thought might be able to achieve, but what educators actually need. Undercutting our own arguments and asking for less than what is required to establish and run a high achieving school district may get you a “win” in the short run, but that cannot be sustained. In

addition, history has shown, when you return to the Legislature for more, they will be frustrated and confused (and potentially angry), not understanding why you are unable to function with the funding you asked for and they provided.

WASA's Platform laid out a set of bold, honest requests. Certainly, we understood the state's fiscal constraints (and the short runway in this 60-day session) and we were pragmatic and strategic in an effort to achieve as much success as we could in 2020; however, we positioned ourselves to be ready for 2021. It was clear, if we received less than we asked (which we correctly assumed would be the case), legislators, our members, and the public will know we were not provided with what we clearly stated we needed. And no one can say they are surprised when we return with the same requests later (we assumed this "later" would be next year, but more on that in a moment).

In addition to laying out WASA's requests for the Legislature, our Platform laid out a guide for school administrators to follow in speaking with one voice. And understand that this common voice goes beyond our membership and extends through many of our partners' positions. If you compare WASA's Platform with the Platforms adopted by our partners—in particular, the Washington Association of School Business Officials (WASBO), the Alliance of Educational Associations (AEA), the Washington State School Directors' Association (WSSDA), and the Association of Washington School Principals (AWSP)—you will find strong alignment. Set WASA's Platform next to your regional ESD's Platform and you will find even stronger alignment.

Update Staff Allocation Formulas

The centerpiece of WASA's 2020 Platform was the strong support for an enhancement of staffing allocations as a part of the Prototypical School Funding Model. As background, the Legislature adopted ESHB 2261 in 2009, establishing the framework of a new education funding system. This new framework included a new distribution formula for the allocation of staffing funds through a new Prototypical School Funding Model. This new Model replaced the staff-ratio-per-1,000-students paradigm. The following session, the Legislature adopted SHB 2776, implementing the technical details of the new basic education distribution formula, providing specific building-level staff for each prototypical school. The original staffing allocations were funded at artificially low ratios, based on historic staffing ratios, in order to ensure the conversion to a new system was cost neutral—with a stated intent to phase-in and provide for "adequate" staffing levels. The Legislature has only provided for minor changes in the allocations since the Model was first implemented, however.

Washington's voters adopted Initiative 1351 in 2014. Known as the "Class Size Initiative" because it provided for reduced class sizes, the Initiative also amended the state's basic education funding formulas by increasing the minimum K–12 staffing ratios in the Prototypical School Funding Model. The new staffing allocations were set to begin to be implemented in the 2015–17 biennium, with full funding being completed by the end of 2017–19; however, the 2015 Legislature adopted legislation to delay implementation for four years. So, the Legislature implemented the new Prototypical School Funding Model with an "intent" to phase-in adequate staffing levels—and when they failed to do that, the voters ratified an initiative to force the issue. Unfortunately, that effort failed when the Legislature stepped in to delay implementation of Initiative 1351.

Ultimately, the phased-in schedule of new staffing allocations was repealed in 2017 with the adoption of EHB 2242 (the *McCleary* “solution”). While repealing the phase-in schedule, however, EHB 2242 identified the Legislature’s intent to review and prioritize future K–12 staffing ratios. To that end, the bill required OSPI to establish a Staffing Enrichment Workgroup, comprised of education stakeholders to recommend a phase-in plan for the K–12 staffing enrichments, as approved by the voters in Initiative 1351.

OSPI’s Staffing Enrichment Workgroup met from May through November last year and released a [final report with recommendations](#) on December 1. The recommendations called for a six-year phase-in, beginning in the 2020–21 school year and culminating with full funding in the 2025–26 school year. It was recommended by the Workgroup that the phase-in plan begin by focusing on meeting students’ needs for safety as well as mental, social, emotional, and behavioral health. Additionally, a phase-in schedule for additional professional development for all staff was recommended. It was recommended that all staff receive ten days of professional development by the 2025–26 school year.

Superintendent Reykdal indicated updating staffing allocations was a key priority for OSPI; however, when the OSPI 2020 Supplemental Operating Budget request was submitted last fall, the Workgroup had not yet completed its work. Reykdal’s request then included a “placeholder” in his decision package, with an undefined cost. In drafting the placeholder, the budget request clearly stated: “Final recommendations of the Staffing Enrichment Workgroup may be different from what is included in this request and shall supersede the information included in this proposal.” The placeholder was never officially replaced, although the initial funding in the Workgroup report indicated a cost of \$388 million in Fiscal Year 2021, or \$500 million in the 2020–21 school year (with a final total cost of over \$5 billion).

Although enhancing staffing allocations was the core priority of WASA’s 2020 Legislative Platform (and was a major priority of all of the state’s education associations), it was clear that increasing all of the staffing ratios to achieve more realistic state-funded staffing levels would be enormously expensive—and likely prohibitively expensive. With a total phased in cost of between \$5 and \$6 billion it was a laughable proposition to assume we might achieve complete success in 2020. But total success was not the goal. The main goal was to educate legislators about the issue so they understood the need and lay the groundwork (and build momentum) for 2021 and beyond.

After explaining to legislators what school districts needed, we took a pragmatic and strategic approach in this session, asking that legislation be adopted to set up a framework for the future—that is, establish a roadmap with a phase-in plan—and provide some kind of “down payment” to jumpstart the process. We knew any investment would not (likely could not) be significant; however, ANY investment would have started the flywheel moving and would have allowed legislators to show their commitment to finally implementing and funding increased and more realistic school district staffing ratios. In fact, not only would have legislators shown a commitment, it would have shown they were committed to fulfilling an obligation that they laid out for themselves in requiring the Staffing Enrichment Workgroup. The language that required the convening of the Workgroup stated, “the Legislature intends to review and prioritize future staffing ratio increases...strengthening support for all schools and school district

staff.” Well, the Staffing Enrichment Workgroup laid out a plan, as required, but the Legislature balked at taking in action.

Adoption of SB 6615/HB 2897, request legislation from OSPI, would have accomplished our short-term goals regarding staffing allocations. The legislation would have established in statute a phase-in plan to increase K–12 staffing allocations in the Prototypical School Funding Model, implementing the recommendations of OSPI’s Staffing Enrichment Workgroup. Legislators had a prime opportunity to prove their commitment to update the Prototypical School Funding Model; however, it was rejected out of hand.

SB 6615 received a public hearing in the Senate Early Learning & K–12 Education Committee, just prior to the Committee of Origin cut-off deadline. We were pleased that the bill would be heard and held out a small bit of hope that it might be moved out of Committee before cut-off. It did not take long for that hope to be dashed, however. First, the bill was at the end of a long agenda, so time ran short for a full hearing—many who signed in to testify were not called upon, and those who were allowed to testify were limited to about 60 seconds. This scenario is not necessarily unique; however, given the high priority of this bill (at least from the many education associations), we expected it to be given enough time to have a thorough review and discussion. Even more discouraging was the opening comment by Senator Lisa Wellman (D-Mercer Island), Chair of the Committee. When she moved to this bill in the agenda, she called Committee staff to brief the bill, then moved to public testimony. Before she called anyone up, she noted that it is “important that we keep looking at the big picture of what we want to aspire to.” Apparently, legislators just want to talk rather than act, however, because Wellman also stated flatly, “As you can tell, this is a bill that is not going to move forward this year.” Again, we hoped that the legislation could be adopted (or at least receive a full and complete hearing) establishing a defined, rational phase-in schedule, along with at least a minor down payment as an expression of legislators’ commitment.

The hearing on SB 6615 did not even really register as a “courtesy hearing,” but it received more attention than HB 2897 in the House; HB 2897 was never even scheduled for a hearing. Early in the session, there was some talk about a House and/or Senate Education Committee work session on the Staffing Enrichment Workgroup report, but that never came to fruition. A work session certainly would not have guaranteed movement on SB 6615 or HB 2897; however, the issue would have received the full discussion and consideration it was due.

Through the budget process, legislators addressed one minor staffing allocation issue. In the final, compromise 2020 Supplemental Operating Budget, \$31.8 million was provided for an additional 0.5 FTE school counselor for all high-poverty elementary schools. While this did not necessarily jive with the Staffing Enrichment Workgroup recommendations, and it certainly was not the “down payment” we were seeking, at least it was SOMETHING positive to address staffing allocations. That small blip of joy, however, was short-lived as Governor Inslee vetoed the funding prior to signing the budget.

Define Teacher Duties and Expectations

The majority of requests in WASA’s 2020 Legislative Platform involved funding—some of those requests, like staffing allocations discussed above, required significant investments. Given the state’s financial circumstances, the strategy for most of the Platform was to express school and school district needs and lay

Editor's Note:

My thanks to Joel Aune, Helene Paroff, Andy Wolf, Mike Brophy (Legislation & Finance Committee Chair), Krestin Bahr (WASA President), Brian Talbott (WASA President-elect), Fred Yancey (Pensions/Health Benefits Consultant), Mitch Denning (AEA), Melissa Gombosky (AESD), the ESD Superintendents, and members of WASA's Legislation & Finance Committee (see page 101) for participating in the weekly conference calls, and to WASA members for participating in our advocacy efforts by reading *TWIO*, contacting legislators, testifying in Olympia, and engaging with your communities in support of Washington's students and public schools. Together, we can make a difference!

An additional thank you to: our WASBO colleagues, Executive Director Brianne King and Legislative Affairs Committee Co-Chairs Janette Bumgarner and Mitch Thompson; and our WSPA colleagues, Executive Director Curtis Leonard and Legislative Committee representatives Doug Christenson and Vivian Jensen.

Last, but not least, thanks go to my WASA staff colleagues for their support, in particular Sheila Chard, for her continuing excellence, good humor, humility, and friendship.

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the groundwork for 2021, rather than expect a positive response in 2020. One priority issue, however, that would cost the state NOTHING—while perhaps actually helping districts to save some money along the way—is an ongoing request to specifically define teacher duties and expectations.

Through hard bargaining the last few years, teachers across the state have received significant raises—providing them with professional, competitive, market-level salaries. It is clear teachers are highly trained professionals, performing complex full-time work, compressed into a 180-day calendar, yet local unions—even with historic raises—continue to bargain for additional pay for work that is not “extra,” but actually a part of a professional teacher's duties. WASA and other education management associations have urged the Legislature to clearly define the minimum professional duties and expectations for teachers and not leave this to collective bargaining.

We have been fighting for this, mostly behind-the-scenes, over the previous three sessions; however, WASA decided it is high time to add this to our Platform—again, fighting an uphill battle, but clearly stating the case about what we NEED. The statutory definition we continue to seek must explicitly state the professional responsibilities, time, and effort required to provide the state's program of basic education exceeds the required number of instructional hours and includes such things as: preparing, planning, and coordinating instruction; collaboration with other teachers or staff; meeting with parents; and evaluating student learning. Supplemental contracts would still be allowed; however, additional compensation would have to be tied to defined extra time or responsibilities that are uniquely associated with a specific assignment above and beyond the tasks of all other teachers. Teachers are either hourly employees or salaried professionals; they cannot have it both ways.

While we have received at least general support from key legislators in all four caucuses, especially over the last two years, legislators have been hesitant to move legislation. Last year, legislation (SB 5933) was finally introduced; however, there were major substantive policy flaws with the bill. We successfully advocated for amendments that aligned with our position, but union advocates snuffed the bill out before it received much play. We were also successful in advocating for amendments to moving bills that would have included language about a “teacher day,” but again, those efforts hit a brick wall. Some of this movement was a result of the [School Day Task Force](#), required to be convened by Superintendent Reykdal. Reykdal released his recommendations regarding a “school day” just as the 2019 session began. As we have noted elsewhere before, the recommendations from the Task Force were disappointing and, if adopted, would have put school districts in a position of “status quo”—or perhaps in a worse situation at the bargaining table.

In the 2020 session, we continued to advocate on behalf of the issue and there was a higher visibility of the issue this session, as it was one of the WASA/WSSDA/WASBO Legislative Conference Hot Topics. Even though we made the subject a Conference priority and other organizations (including WSPA and AWSP) pushed the issue, it never caught fire. With heavy union opposition—in an election year—Democratic legislators declined to introduce legislation (or advance last year's bill) and Minority Republican members, lacking the ability to effectively move such legislation, did not want to waste what little clout they might be able to use on other priorities.

(NOTE: Although it will continue to be an uphill battle, as COVID-19 continues to impact state revenues and school districts spin in the wind, advocating for this issue during the interim and into next session, it is possible the issue could gain traction.)

Provide Consistent, Equitable, and Ample Education Resources

While *McCleary*, as a protracted court battle, is “dead,” implementation continues. In 2017, the Legislature adopted EHB 2242, the so-called *McCleary* “solution,” and comprehensively revised Washington’s K–12 education funding system. Administrators quickly recognized serious deficiencies with many components of the bill and a focus of WASA’s 2018 Platform was a series of priority fixes. The 2018 Legislature did take action to revise EHB 2242 by adopting E2SSB 6362, the *McCleary* “fix” bill; however, some of the identified deficiencies were not addressed, others received minor adjustments, and some provisions further complicated the job of school administrators. Further changes were adopted in 2019, yet underfunding and inequities remain.

WASA’s 2020 Legislative Platform again addressed needed changes to our new funding system. WASA’s Platform urged the Legislature to: provide additional special education funding to eliminate the current underfunding; expand “Experience Factor” eligibility to further lessen inequities between districts; revise provisions of the new School Employees’ Benefits Board (SEBB) insurance program to mitigate unsustainable new costs on school districts; and continue to review, evaluate, and correct the current regionalization methodology that is intensifying district inequities.

Special Education. While there are a number disappointments coming out of the 2020 session, the treatment of special education has to be one of the biggest—if not THE biggest—disappointments. Last session, WASA (and most of the education community) advocated for a significant investment—between \$300-\$400 million—in special education. Where did that number come from? Prior to the 2019 session, OSPI calculated the underfunding (the level of local district expenditures above state funding) of special education to be at least \$308 million—and potentially as much as \$400 million.

Even though OSPI released the data showing a \$300–\$400 million need, Superintendent Reykdal’s budget request only asked for \$87 million, with a plan to phase-in additional funding over three biennia. Establishing a plan to phase down underfunding of special education over time seems logical—until you remember that special education, plain and simple, is a basic education expenditure that obviously is not being fully funded as required. In the end, the Legislature provided \$77 million to increase the special education multiplier (along with additional funding for the special education safety net and training).

Doing the quick math, the remaining special education underfunding gap was still at least \$275 million and as much as \$330 million. WASA (and the rest of the education community) continued to press for this funding in 2020. OSPI continued to be an obstacle, however. OSPI’s 2020 Supplemental Operating Budget request for special education was \$9.4 million. Where does that number come from? The original 2019–21 budget request of \$87 million, minus the \$77 million funded last session, even though a significant gap remains.

SB 6117/HB 2258, OSPI request legislation, were the key bills dealing with special education funding. SB 6117 had a bumpy ride through the session, while

its companion, HB 2258, was never even heard. SB 6117 would have provided \$9.7 million to fulfill OSPI's budget request (an amount slightly higher than originally requested). Additionally, the bill would have addressed the safety net and provided another \$11.1 million. It would have stated that the average per-pupil expenditure used to determine safety net award eligibility for high-need students is the lesser of the state average or the average among districts within the same regionalization tier as the high-need student. This change to the threshold would have allowed all school districts to access the special education safety net in an equitable manner.

On the negative side, as the bill was moved from the Senate, amendments were added to require every school district to convene an ongoing Special Education Advisory Committee to serve as a partner with the school district to provide effective special education programming. The purpose of the Committee was to increase parental and family involvement by providing a forum for parents, families, and the community to ask questions, propose solutions, and provide feedback about the special education program at their school. Perhaps a fine idea in concert; however, there were major concerns about implementing this provision.

The Senate adopted SB 6117 with no dissenting votes—and included funding for the bill in the original Senate budget proposal (\$9.7 million for the multiplier; \$11.1 million for the safety net adjustment; and another \$400,000 for a study of special education services by the Washington State Institute for Public Policy).

When the bill landed in the Senate, it landed with a thud. Legislators in the House had no interest in the bill. They had not heard their own HB 2258 and SB 6117 was never acted upon. And when the House budget was released, there was no additional funding for special education.

In the end, SB 6117 (the only special education bill that had any really movement) died. Funding was provided for special education in the final 2020 Supplemental Operating Budget; however, the funding was provided to address expected increased costs in safety net awards, due to legislation (E2SSB 5091) that was adopted last session (which means this is essentially Maintenance Level funding). No additional funding was provided...leaving the same \$275–\$330 million funding gap we had going into session. A horribly disappointing situation.

Salary Allocations and State Schedule. The elimination of the state Salary Allocation Model and the staff mix factor, replaced with a new one-size-fits-all statewide average salary allocation, continues to be a conundrum for school districts. To address some of the inequities, a new “Experience Factor” was adopted in 2018, but only 56 districts were provided with this additional funding. WASA continues to advocate to an expansion of Experience Factor eligibility to further lessen inequities.

While discussions about an expansion of the Experience Factor—or moving to new model—continue, most of those conversations are behind-the-scenes. And it appears most of those conversations have not been very productive or successful. One legislator who has taken the lead on the issue is Representative Laurie Dolan (D-Olympia). After two years of discussions and research, she finally released legislation in 2020, HB 2937. Although Dolan has been focusing

on the Experience Factor—discussing a multi-tiered structure, for example—her introduced legislation actually deals with the salary structure.

The bill would establish a three-tiered salary schedule, providing:

- An experienced tier allocation for districts with CIS with an advanced degree and more than fifteen years of service;
- A middle tier allocation for districts with CIS with an advanced degree and between five and fifteen years of service; and
- A lower tier allocation for districts with CIS with an advanced degree and less than five years of service, or a bachelor's degree and less than ten years of service.

Districts that fall in the experienced tier would receive funding greater than the current statewide average salary allocation; the middle tier districts would receive the statewide average salary allocation; and those in the lower tier would receive less than the statewide average salary allocation. Allocations for the experienced and lower tiers would be determined in the Operating Budget. Which means, it is hard to determine how impactful this proposal would have been because the whole package is “subject to appropriation” and the final salary allocations would be determined in the Operating Budget.

It should be noted that, while this proposal would adjust a district's salary allocations based on staff education attainment and experience, it is not simply an adjustment to the current Experience Factor. In fact, if a district received salary allocations based on this tiered structure, they would be ineligible to receive the current Experience Factor adjustment.

Unfortunately, the bill was introduced after the cut-off and there was no opportunity to publicly discuss the bill. The hope is that introduction of this bill will spark conversations and hopefully will gain some momentum during the interim and into next session.

School Employees' Benefits Board. The 2019 Legislature took action to fund and ratify the SEBB Collective Bargaining Agreement, with the program beginning January 1, 2020. As the new insurance program is implemented, WASA has been seeking adjustments to fund the unsustainable costs to school districts. Additionally, we have been seeking specific fixes: clarifying that substitutes and coaches are not benefit-eligible; and eliminating school districts' required payments for employees who opt-out of coverage.

There were multiple bills introduced to address these issues and at first, we saw a potentially opening to success. Unfortunately, it turned out to be a bit of a mirage as the bills received mostly courtesy hearings. Three key bills introduced were: SB 6189; SB 6290; and SB 6296.

SB 6189, as originally introduced, would have done three things:

- clarified that substitute teachers and intermittent school employees are not benefit-eligible;
- clarified that retired school employees who are eligible for Public Employees' Benefits Board (PEBB) coverage and Medicare are not eligible for SEBB coverage, even if they work for 630 hours or more; and
- prohibited dual coverage for cases where one spouse is on SEBB and the other is on PEBB.

Prior to hearing the bill, a Proposed Substitute was introduced and heard. The only provision from the original bill that remained alive was the third bullet above: the prohibition of dual coverage under the SEBB and benefits provided under PEBB. The rest of the new bill changed a proactive clarification of SEBB eligibility into a study.

As amended and ultimately adopted, ESSB 6189 requires the Joint Legislative Audit and Review Committee to conduct a study to identify the number and types of part-time employees and their eligibility for SEBB benefits. A report is due to the Legislature by September 1, 2021. An additional review is required by the Health Care Authority (HCA). HCA must analyze the impacts of changes to the requirement that school employers remit premiums for employees who waive medical coverage. This analysis is due to the Legislature by September 1, 2021. (For additional changes, see Bills Passed section, later in this Report.)

A review of SEBB issues perhaps is better than nothing, but we were disappointed the studies are not due until September 1, 2021. That means, even if good data is collected that could impact the program, the Legislature will not have the opportunity to act on it until at least the 2022 session. By that time, the current SEBB structure and operations will be locked in stone and will be difficult (even more difficult) to amend.

SB 6290 would have: eliminated required school district contributions for employee health care when employees waive coverage; and clarified that substitutes and coaches were ineligible for SEBB benefits. Following its courtesy hearing, there was no additional movement.

SB 6296 would have allowed school employees in a job sharing position to receive a prorated portion of the employer contribution towards benefits under SEBB. Like SB 6290, after this bill received its courtesy hearing it was not heard from again.

There were two positive movements with SEBB. There have been behind-the-scenes conversations within the Health Care Authority (HCA) about “taking over” school district Voluntary Employees’ Beneficiary Association (VEBA) accounts. This was a great concern to school districts—both management and labor—and we acted on it. A coalition of school district management (WASA & WASBO), school district labor (WEA & PSE), and private insurance brokers requested the introduction of HB 2458 (and a companion, SB 6479). The bill, in simple terms, clarifies—and reaffirms—that school districts may offer optional benefits (in particular, VEBA plans) that are not provided by SEBB. The bill was adopted, with minor resistance, partially because it was one of those few occasions where a bill was supported jointly by labor and management. Additionally, while HCA originally had concerns about the bill, our coalition worked with them and they eventually supported the revisions.

A second positive result of the session was the DEFEAT of detrimental SEBB-related legislation. HB 1813 and a similar bill, SB 6176, were introduced to prohibit school districts from contracting for private pupil transportation services unless they provided health benefits and pension contributions equivalent to those received by school district employees. This would have had a negative financial impact to those districts with private transportation contracts. The bigger concern for us, however, was the “slippery slope.” If one of these bills passed, how long would it take for similar legislation regarding maintenance

contracts, or food service contracts, or even contracts with special education co-ops? This is one of those issues that will likely continue to resurface, so we can be pleased about this win, but we will have to be prepared for the next battle.

Regionalization. Regionalization factors, as implemented in EHB 2242 (2017), continue to intensify inequities and pit districts against one another. WASA continues to request the calculation of regionalization and application of regionalization factors be evaluated and corrected. Addressing this issue is of little interest to legislators. First, if changes were made, regionalization factors would likely go up and/or increase in number, which becomes a budget issue. Second, and probably more important, legislators know that there is a required review and rebasing of salary allocations and regionalization factors in 2023, and most legislators are reticent to alter the current system, knowing there will be forced adjustments coming.

Like previous sessions, there were several bills to adjust regionalization factors for specific districts; however, none of those bills had any movement.

Support School Facilities

WASA's Platform continues to advocate for three issues:

- Advancing a constitutional amendment to authorize the Simple Majority approval of school district bond issues;
- Updating the current, outdated School Construction Assistance Program (SCAP) funding formulas; and
- Providing school districts that have difficulty passing local bonds with capital funds to support necessary new construction or modernization.

In 2019, there was some movement, especially in the Senate, on a constitutional amendment authorizing the Simple Majority approval of bond issues. There was almost no discussion this session—and certainly no movement.

Similarly, last year there was a lot of activity, especially in the Senate, to address the outdated SCAP formulas; however, due to the tremendous costs, the main bill that was moving continued to be reduced until it ultimately died. There was no action this session.

For school construction issues, our long-time support for legislation to support school districts—in particular, small school districts—that have difficulty passing bond issues finally paid off. 2SSB 5572 establishes the Small School District Modernization Grant Program in statute. School districts and state-tribal compact schools that have 1,000 or fewer enrolled students are eligible for grants. While the Legislature, for several years, has provided funding for Small District Modernization Grants in the Capital Budget, this bill embeds the program in statute. This means that, while we will have to continue to advocate for funding of this program, we won't have to fight every two years to ensure it is in the Capital Budget.

Next Steps

Engagement

Once again, school administrators were very active during the Legislative Session. And we had some successes—much of which would not have materialized if school administrators sat on their hands, waiting for someone

else to step up. We also had some losses, but in many of those losses, we took positive steps towards future success—which was our ultimate goal: to lay the groundwork for 2021 and beyond.

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

As we continue to be impacted by COVID-19, it may not be possible to meet with legislators for coffee or to give legislators a tour of your schools, but don't use that as an excuse to avoid connecting. You can still maintain contact with them, via phone or e-mail. What about Zoom?

Help legislators to understand the complexities of public education and your needs. Explain how you're managing the current crisis with distance learning, food service, child care, special education, and other issues. Express your needs and challenges, but don't forget to talk about your successes.

Also, remember this is an election year; all 98 House seats and about half the Senate seats will be up for election this fall. Think about your education priorities and be prepared to voice your opinion and concerns during the election season. You deserve to know if legislative incumbents and challengers alike will support or oppose your priorities.

Looking Ahead to 2021

When WASA's Legislation & Finance Committee recommended and WASA's Board of Directors adopted the 2020 Legislative Platform, there was a conscience effort to focus on the 2021 session. As discussed previously, we knew our priorities faced an uphill battle in 2020 and our strategy was simply to educate legislators about school district needs and lay the groundwork, building momentum, for the 2021 session.

Like so many things, COVID-19 threw a wrench in those plans. As the state braces for significant revenue reductions, followed by necessary budget reductions, we will be forced to change course and postpone our effort to advocate for our 2020 priorities in 2021. Similar to 2020, we must again temper our expectations for 2021. In fact, our main effort will be to protect our current funding, rather than asking for more. That said, we cannot let legislators ignore K-12 education or let them forget about our issues.

It is incumbent upon school administrators to continue educating legislators about your needs; however, it will be a delicate dance, as they slash government programs. The purpose is not to ask for those supports NOW—lest we appear “tone deaf.” The purpose is to position ourselves for the time that our economy recovers and legislators are able to provide investments, again. The last thing we need is to lay the groundwork we have, let it slip away, and be forced to start this process all over again.

We hope that you will join with WASA—and our education association colleagues—as we raise our collective voices in unison to fight for our public schools. You are WASA—and we can't do it without you.

2020 Supplemental Operating Budget: ESSB 6168

On Monday, January 13, 2020, the Legislature convened its second year of the 66th Biennial Session. During the “short” session, limited to 60 days, policymakers traditionally focus on policy issues while the two-year budget (adopted in the first year of the biennium) is fine-tuned.

The 2019 Legislature adopted a two-year budget which appropriated \$52.5 billion. This was an increase of almost \$8.0 billion over the 2017–19 budget. That increase included almost \$6.0 billion in required Maintenance Level costs (required spending to provide currently authorized services, including adjustments—up or down—in entitlement caseloads or enrollment and other mandatory expenses, such as inflation). About \$4.2 billion of the Maintenance Level spending was for K–12 education. Discretionary Policy Level increases (funding for either new or expanded programs) in the two-year budget totaled \$1.9 billion. Of that \$1.9 billion in Policy Level increases, just over \$600 million was dedicated to K–12 education; however, this included a \$330 million increase to implement the School Employees’ Benefits Board insurance program. Removing funding for that program—which includes damaging unfunded mandates—K–12 was appropriated increases of less than \$300 million.

Following the adoption of the 2019–21 Operating Budget, positive revenue forecast updates in June and September projected almost \$800 million in available revenue to spend in the 2020 Supplemental Operating Budget. At this point, State Superintendent Chris Reykdal submitted his K–12 budget request to the governor. The centerpiece of his budget request was funding to implement the Staffing Enrichment Workgroup’s recommendations regarding staffing ratio adjustments in the Prototypical School Funding Model. Unfortunately, the Workgroup had not yet completed meeting and had not yet provided its recommendations. Instead of including a specific budget request, OSPI’s Decision Package included a “place holder.” (Even though the Workgroup submitted its recommendations in December, OSPI’s budget request was never updated, so the specific funding request remained somewhat unclear.)

Funding to implement the Staffing Enrichment Workgroup’s recommendations was the centerpiece of Reykdal’s budget request—and was also his largest requested K–12 investment (even without a number specified). The superintendent’s request was fairly minor, totaling approximately \$65 million (not including any funding for the Workgroup recommendations). It was clear (as it was last year), that Superintendent Reykdal was taking a

pragmatic, strategic approach, asking for what he believed might be achievable, rather than supporting what K–12 needs. So, like last year, we were on our own in the fight to advocate for the urgent and unmet needs of schools and school districts.

In November, another positive revenue forecast was released, increasing available revenue to just under \$1.0 billion. The revenue picture looked positive; however, there were concerns that required Maintenance Level costs would gobble up a significant amount of the available revenue.

As required by law, Governor Inslee released his 2020 Supplemental Operating Budget request in mid-December. His proposal included “mostly modest changes” and would only increase current General Fund spending by 0.6 percent (after required Maintenance Level expenditures were made). In total, the governor requested \$834 million in increased General Fund spending. This included \$478 million in required Maintenance Level spending and \$336 million in Policy Level increases. He also requested an additional \$319 million from the Budget Stabilization Account (BSA or “Rainy Day Account”) for homelessness initiatives.

Of the total \$1.15 billion the governor requested (\$834 million, plus the \$319 million BSA spending request), K–12 would have received \$143.2 million. A significant portion of that request—\$106.6 million—was for required Maintenance Level funding. Only \$36.6 million was proposed in Policy Level spending.

While it was frustrating that Governor Inslee included an almost token increase in K–12 education, it should not have been a surprise as we continue to fight against this so-called “*McCleary* fatigue.” While legislators may shy away from overtly expressing their weariness with dealing with education, Governor Inslee has no problem stating it outright. When introducing his budget request, he plainly stated the Legislature has made “great success” to fully fund education and to “fulfill our constitutional obligation” to K–12 education. And because of these “major achievements in education” it is “time for the State of Washington to turn our attention” to the homelessness crisis. Of course, most citizens would likely agree that homelessness is a growing problem that needs to be addressed; however, legislators and the governor should not use this as an excuse to ignore the state’s paramount duty—especially given that most educators would question whether basic education is fully funded.

In February, the Economic and Revenue Forecast Council (ERFC) provided its first quarterly revenue update. Again, the revenue projections were positive and indicated legislators would have an additional \$606 million above revenue estimates provided in November. This brought the total new, available revenue since the Legislature adopted its two-year 2019–21 Operating Budget to almost \$1.5 billion.

Even before this session began, the K–12 Community had tempered their budget expectations, understanding that revenues would be limited and, regardless of the amount of available revenues, legislators generally have little appetite for big spending in a non-budget, second-year session. With February’s influx in revenue, however, educators started to envision what shelved program or ignored funding enhancement might be able to be salvaged with this additional unexpected revenue. Would the Legislature provide some type of down payment to jump-start the phase-in of enhanced salary allocations in the Prototypical School Funding Model? Or maybe they would take a big bite out of the \$300 million underfunding of special education? Positively addressing either priority would go a long way to prove the Legislature’s commitment to K–12 education—and still leave significant revenues for other priorities.

Any hopes that K–12 would not be overlooked in the 2020 Supplemental Operating Budget were set aside when legislators responded to the updated revenue forecast. Senator Christine Rolfes (D-Bainbridge Island), Chair of the Senate Ways & Means Committee and member of the ERFC, issued a press release after the new revenue update was adopted. She noted that the increased revenue is “good news,” but quickly turned to say, “we must continue to be cautious and embrace responsible fiscal policy.” She continued, saying that the Legislature is “in the process of writing a smart, balanced budget that will leave historically strong reserves.” This was a not too subtle indication that despite the “good news,” the plan was to stay the course and put most of the additional revenue in the bank. Of course, we cannot begrudge the Legislature for maintaining a healthy reserve, but when there is an opportunity to address critical NEEDS, it seems legislators should act.

Rolfes closed her press release with an even more disconcerting—and telling—comment. She stated flatly, “I look forward to finishing our budget proposal in the coming days and keeping our commitment to support affordable housing, college affordability, behavioral health, infrastructure, and our environment.” Sen. Rolfes is the main budget-writer in the Senate and historically has been a strong supporter of K–12 education; however, she stressed the need to “keep our commitment” to a list of five specific

issues without mentioning the state’s constitutional paramount duty, K–12 education. When legislative budgets were released a short time later, we were not surprised that K–12 was essentially an afterthought.

As usually happens, the release of the Forecast Council’s revenue update triggered the release of legislative budget proposals. Each biennium, the two houses alternate as the body to initiate the legislative budget process and this biennium it was the House’s turn to introduce the first budget proposal. Normally, the first house will release a budget, quickly hear it in the fiscal committee, then move to committee adoption, usually the next day. By the end of the week, the budget usually moves to the Floor to be adopted by the full body. The second house then, usually that following week, would introduce their response, quickly hear and adopt the response in committee and then take action on the Floor by the end of that second week. At this point, with two proposals, budget-writers proceed to negotiate a final, compromise budget.

On the Monday (February 24) following the revenue update, House budget-writers released their 2020 Supplemental Budget proposal. Senate budget-writers, however, crashed the party and unveiled their own proposal the same day (actually before the House).

The Senate proposal, introduced as a Proposed Substitute to SB 6168, would have increased the underlying 2019–21 budget by \$1.1 billion. This included \$997 million in Policy Level spending and \$143 million in required Maintenance Level spending. \$315 million of the total of new spending would have been used to fund: homelessness shelters and programs (\$115 million); climate resiliency activities (\$100 million); and construction of the UW Behavioral Health Hospital (\$100 million). Budget materials indicated spending for K–12 education would increase by \$128 million. Looking deeper, however, K–12 Maintenance Level spending was set to be reduced by over \$33 million; and Policy Level spending would have been reduced by \$6 million—when you include an \$85.4 million transfer of the Early Support for Infants & Toddlers (ESIT) program from OSPI to the Department of Children, Youth, and Families, and a \$54.8 million reduction in the rates for the School Employees’ Benefits Board (SEBB) insurance program.

The House proposal, introduced as a Proposed Substitute to HB 2325, would have increased the underlying 2019–21 budget by \$1.2 billion. The House budget included \$1.0 billion in Policy Level spending and \$144 million in Maintenance Level spending. K–12 spending would have been increased by \$129.2 million, very similar to the Senate plan. This total included a \$71.1 million SEBB rate

reduction (higher than the Senate plan), but did not include the ESIT transfer. Including the \$85.7 million (\$300,000 higher than the Senate plan) ESIT reduction, K–12 would be left with a net Policy Level increase of \$43.5 million. The House, however, also included a Maintenance Level reduction greater than the Senate’s reduction. Subtracting a \$59 million Maintenance Level reduction from the K–12 total increase resulted in a net reduction of \$16.5 million. Clearly neither proposal was very supportive to K–12 education.

Both budget proposals were heard in their respective fiscal committees the afternoon of February 24 (at the same time). The next day (February 25), the Senate Ways & Means Committee leap-frogged the House by adopting its proposal, while the House Appropriations Committee waited another day to take action (February 26). On Thursday, February 27, the full Senate adopted its version of the budget and sent it to the House. The full House took action on the budget on Friday, February 28; however, they took action on the Senate budget, SB 6168 (via a striking amendment), rather than adopting its own budget bill.

After the House adopted an amended SB 6168, it was transmitted back to the Senate for its action. Shortly after, the Senate moved to “Refuse to Concur” with the House amendments and asked the House for a Conference Committee to be established to negotiate the budget. After a final, compromise budget was agreed upon, the House accepted the request to establish a Conference Committee. The Committee met only once—to sign the agreed-upon compromise budget that was previously negotiated behind-the-scenes. Senate and House Joint Rules require Conference Committees to meet in public; however, by establishing a Conference Committee after-the-fact, legislators follow the “letter of the law,” but intentionally circumvent and clearly flout the spirit of the rule. But that is another frustration for another day.

In the end, the final 2020 Supplemental Operating Budget added \$961 million to the underlying 2019–21 Operating Budget, for a total of \$53.5 billion. The \$961 million included \$839 million in Policy Level adds and \$121 million in required Maintenance Level spending. (Note: this total does not include a \$225 million appropriation, as required by EHB 2965, to be distributed to local governments and federally recognized tribes for response to COVID-19 pursuant to the Governor’s declaration of emergency on February 29, 2020. \$200 million comes from the Budget Stabilization Account and \$25 million from federal funds.)

Throughout the 2020 Session, the coronavirus (COVID–19) began to spread and as the compromise budget was being negotiated, COVID–19 was beginning to have public health

impacts and signs of economic impacts. Concerned that COVID–19 could eventually have significant impacts on the economy, budget-writers backed off of some of the funding they previously adopted in either the House or Senate proposals. In fact, for the first time in recent memory, the final compromise budget includes spending that is less than either of the original legislative budgets proposed. Budget-writers explained that their original proposals were “substantially obsolete” following the growing coronavirus problem. Budget-writers were intent on leaving a substantial cushion in reserves. The budget, as adopted, leaves \$918 million in the projected Ending Fund Balance, plus another almost \$2.0 billion remaining in the Budget Stabilization Account (for a total of \$2.9 billion in reserves). Both budget-writers noted that we are facing an uncertain future, including a possible economic downturn from the novel coronavirus outbreak, and it was necessary and important to build a “buffer” to protect against potential revenue reductions.

By the time Governor Inslee was ready to sign the budget, he had already issued his “Stay Home, Stay Healthy” Order, shutting down much of the state’s economic engine. In an effort to take some early action to protect state resources, the governor vetoed 147 separate expenditure items prior to signing the 2020 Supplemental Operating Budget. His vetoes eliminate \$235 million of spending in the remainder of the biennium (ending June 30, 2021)—and reduced another \$210 million in resultant Maintenance Level spending in the 2021–23 biennium. It is important to note that the vetoes eliminated proposed new or enhanced funding adopted this session, but don’t impact funding provided in the underlying two-year budget adopted last session. Said another way, the vetoes do not reduce the spending in the two-year budget, they simply reduce proposed increases to the underlying budget.

Following below are complete details of the K–12 education section of the budget (and additional provisions that impact K–12) as adopted by the Legislature. The items **shaded in gray** are appropriations adopted by the Legislature, but vetoed by the governor. \$83.1 million of new K–12 spending has been eliminated.

For additional budget information, please use the following links:

- 2020 Supplemental Operating Budget: [ESSB 6168](#)
- Legislative Evaluation & Accountability Program ([LEAP](#)) Committee:
 - Budget Agency Detail—[Senate/House](#)
 - K–12 LEAP Document 3: [Regionalization Factors & Experience Factors](#)

- [Local Effort Assistance “Hold Harmless”](#)
- [Pupil Transportation “Hold Harmless”](#)
- OSPI Budget Updates: [School Apportionment](#)
- OSPI Budget Driver Summary: [John Jenft Rate Sheet](#)
- [Economic & Revenue Forecast Council](#)
 - [Revenue Forecasts](#)
 - [Four-year Outlook](#)

BUDGET DETAILS: K–12 ENHANCEMENTS

Pupil Transportation—\$62.8 million \$33.3 million

As adopted by the Legislature, the budget provides a total of \$62.8 million for pupil transportation. \$11.8 million is provided to incorporate an increase to the prior year pupil transportation base over the amount that was assumed in the 2019–21 budget. Additional one-time funding is provided (\$29.5 million) to offset (or “backfill”) excess transportation payments by OSPI in the 2018–19 school year. This “backfill” is provided to maintain the initial Fiscal Year 2020 appropriation level.

The final budget also provides \$21.5 million for a one-time “hold harmless” payment to address lower pupil transportation payments for the 2019–20 school year that resulted from corrections to the pupil transportation allocation methodology as implemented by OSPI. A list of districts receiving the hold harmless payments, along with the funding they will receive for the 2020–21 school year, is available from [OSPI](#).

Prior to signing the final budget, Governor Inslee vetoed the \$29.5 million backfill. Total additional funding for pupil transportation in this Supplemental Operating Budget is \$33.3 million. With the elimination of the backfill, funding is no longer available to OSPI to help offset expenditures incurred in July 2019—and OSPI may be at risk of “short paying” pupil transportation funding in Fiscal Year 2020.

Proviso language requires the Office of Financial Management (OFM), in consultation with OSPI, to review and report on the K–12 pupil transportation funding system. The report, with findings and recommendations, is due to the governor and the Legislature by August 1, 2020. As described in the proviso, the report must include a review of:

- The formula components and modeling approach in RCW 28A.160.192 (pupil transportation distribution formula);
- The data used in the analysis for completeness, validity, and appropriateness;
- The timing requirements and whether they could be changed;
- The Student Transportation Allocation Reporting System (STARS) model for appropriateness, functionality, and alignment with statute; and
- The capacity and resources of OSPI to produce the transportation analysis.

Additionally, new proviso language in the K–12 Education

section of the Supplemental Operating Budget directs OSPI, within currently available resources, to collaborate on OFM’s review, as described above.

Further proviso language requires OSPI to subtract pupil transportation amounts carried over from the 2018–19 school year to the 2019–20 school year from the prior year’s expenditures used to determine the student transportation allocation for the 2020–21 school year.

Local Effort Assistance—\$45.8 million

\$45.8 million in one-time Local Effort Assistance (LEA) “hold harmless” funding is provided for Calendar Year 2020, due to assessed property values above the projected forecast. (\$25.2 million is appropriated for Fiscal Year 2020 and \$20.6 million is provided for Fiscal Year 2021.) Statewide, the revised estimates for 2020 assessed property values are 10 percent higher than at the time school district budgets were developed for the 2019–20 school year. The higher assessed property values result in lower LEA payments than anticipated for some districts. The hold harmless funding provides the difference between the budgeted LEA amounts and the revised estimates, less any additional levy revenue received. A list of districts receiving LEA hold harmless payments in Calendar Year 2020, along with the Fiscal Year amounts is available from [OSPI](#).

Note that the Maintenance Level for Local Effort Assistance is reduced by \$115.3 million. Including this one-time LEA hold harmless, there is still a net reduction in LEA funding of \$69.5 million.

School Counselors—\$31.8 million

Although there was little action (or even discussion) about implementing recommendations from last year’s Staffing Enrichment Workgroup, the Legislature provided funding for an additional 0.5 FTE counselor for all high-poverty elementary schools. Approximately 45 percent of K–6 enrollment attend high poverty schools that would generate this increased allocation. The additional funding increases counselor staffing per prototypical school for high poverty elementary schools above the amounts specified in law (RCW 28A.150.260).

Prior to signing the final budget, Governor Inslee vetoed this appropriation, resulting in NO action in 2020 to provide more realistic staffing allocations in the Prototypical School Funding Model.

Paraeducator Training—\$14.4 million

Legislation adopted in 2017 (ESHB 1115) set common statewide standards for paraeducators, outlined necessary training for obtaining or meeting those standards,

and offered career development for paraeducators, including a four-day fundamental course intended for all paraeducators. The 2019–21 Operating Budget provided \$12.0 million to implement SHB 1658 (2019), requiring two days of comprehensive training on the Fundamental Course of Study to begin in the 2019–20 school year.

The final 2020 Supplemental Operating Budget provides \$14.4 million for two days of comprehensive training in the 2019–20 and 2020–21 school years on the fundamental paraeducator standards, as required by law. (Projected funding for the 2021–23 biennium is \$21.0 million.) It is anticipated that funding is sufficient for each paraeducator teaching in the 2019–20 school year to complete the four-day fundamental course of study, by the end of the 2020–21 school year.

Prior to signing the final budget, Governor Inslee vetoed this appropriation.

Because the \$12.0 million appropriation for paraeducator training provided in the underlying 2019–21 Operating Budget is retained, school districts are still required to provide two days of training on the Fundamental Course of Study to their paraeducators by September 1, 2020.

Please be aware there is STILL a requirement to provide two days of training in the 2020–21 school year. While the additional funding to provide four days of training was vetoed, the Legislature's Fiscal Year 2022 Outlook includes Maintenance Level funding of \$12–13 million to reimburse school districts for two days of training on the Fundamental Course of Study by the end of the 2020–21 school year.

For additional assistance and guidance on paraeducator training requirements, please contact the [PESB](#).

Small School Funding—\$4.0 million

The House-adopted budget would have provided \$14.4 million to grant \$1,000 per FTE student for school districts that have enrollments of less than six hundred fifty students and that have a regionalization factor of at least 1.04. As adopted by the full Legislature, the budget provides \$4.0 million for grants to school districts with enrollments of less than six hundred fifty students. Rather than providing a set amount per FTE for all of these districts, OSPI is required to prioritize districts with low operating fund balances or other demonstrated financial need. To be eligible, the 650-FTE limit remains; however, there is no requirement to have a regionalization factor. Additionally, as with the originally proposed funding, charter schools and tribal-compact schools are eligible to receive grants.

Prior to signing the final budget, Governor Inslee vetoed this appropriation.

Mental Health & Safety—\$2.6 million

Funding is provided to OSPI for the student mental health and safety network, as established in 2SHB 1216 (2019). The increase provides one additional FTE for regional coordination of behavioral health, school safety, and threat assessment efforts, as well as 0.5 FTE administrative support at each of the nine ESDs.

A portion of the funding is provided for grants to schools and school districts for planning and integrating tiered suicide prevention and behavioral health supports. Proviso language requires grants to be awarded first to districts demonstrating the greatest need and readiness. Budget language states the grants may be used for intensive technical assistance and training, professional development, and evidence-based suicide prevention training. The funding will also be used to contract with the University of Washington's Forefront Suicide Prevention program.

Additionally, current funding for network staff is transferred from OSPI to the ESDs. This funding will now be allocated as FTE staff allocations, and will grow with future compensation adjustments. (Due to changes in compensation, this transfer results in an \$12,000 decrease in OSPI's budget.)

Special Education Safety Net—\$1.9 million

The Senate-adopted budget provided funding (\$21.2 million) for the implementation of SB 6117. The funding would have increased the special education excess cost multiplier from 1.0075 to 1.0251 for students spending 80 percent or more of the school day in a general education setting (\$9.7 million). The bill would also have provided that the average per-pupil expenditure used to determine safety net award eligibility for high-need students is the lesser of the state average or the average among districts within the same regionalization tier as the high-need student (\$11.1 million). This change to the threshold would have allowed all school districts to access the special education safety net in an equitable manner. Additional funding (\$400,000) would have been provided to the Washington State Institute for Public Policy to conduct a study of special education services in public K–12 schools.

In comparison, the House-adopted budget provided NO additional funding for special education—neither the excess cost multiplier nor the safety net.

Ultimately, SB 6117 failed to be moved in the House and the final, compromise budget adopted by the full

Legislature provides \$1.9 million to account for expected increases in safety net awards, due to changes in the safety net threshold, as adopted in E2SSB 5091 (2019). So, instead of eliminating—or even reducing—the \$300+ million gap between school district special education expenditures and state funding, the Legislature provided only a minor increase (technically, a required Maintenance Level increase) for the special education safety net.

Institutional Education—\$762,000

Enhanced funding (\$562,000), beyond the appropriation provided in the underlying 2019–21 budget, is provided to increase the capacity of institutional education programs to differentiate instruction to meet students' unique educational needs. Those needs may include, but are not limited to, one-on-one instruction, enhanced access to counseling for social emotional needs of the student, and services to identify the proper level of instruction at the time of student entry into the facility.

Further enhanced funding (\$200,000) is provided to support three student records coordinators to manage the transmission of academic records for each of the long-term juvenile institutions. One coordinator is provided for each of the following: the Chehalis School District for Green Hill Academic School, and the Naselle-Grays River Valley School District for Naselle Youth Camp School. (Note: the 2019 Legislature provided funding for this purpose at the Issaquah School District for the Echo Glen Children's Center.)

Running Start Summer Pilot—\$872,000

Funding is provided for implementation of 2SHB 2864, establishing a Running Start Summer Pilot. Funding is sufficient to support 500 students during the 2020–21 summer pilot program.

Innovative Learning Pilot—\$734,000

Funding is provided to implement SSB 6521, which directs OSPI to create and administer an Innovative Learning Pilot program to authorize full-time enrollment funding for students participating in mastery-based learning programs.

CTE Student Leadership Organizations—\$700,000

\$700,000 in enhanced funding, beyond the appropriation provided in the underlying 2019–21 budget, is provided for statewide supervision activities for Career and Technical Education student leadership organizations. Proviso language notes, if equally matched by private donations, \$10,000 of the appropriation for Fiscal Year 2021 must be used to support FIRST robotics programs in grades one through four at elementary schools where more than fifty percent of the students were eligible for Free and

Reduced-Price Meals in the prior school year and which are located within a county with more than two million people.

Prior to signing the final budget, Governor Inslee vetoed this appropriation, eliminating this enhanced funding.

Learning Assistance Program—\$474,000

Funding is provided to implement 2SHB 1182, which requires OSPI to review Learning Assistance Program (LAP) data and support districts as they make changes to current LAP provisions.

2SHB 1182 failed to be adopted by the Legislature. Proviso language in the budget notes if this bill is not adopted, the funding lapses. Even though the appropriation was already voided by the bill's failure to be adopted, Governor Inslee vetoed the appropriation prior to signing the bill, throwing an extra shovel full of dirt on its grave.

Dual Language—\$465,000

The budget provides additional funding to the current dual language grant program for districts to grow capacity for high quality dual language learning in public schools.

The underlying 2019–21 Operating Budget provided \$2.9 million (\$1.4 in Fiscal Year 2020 and \$1.4 million in Fiscal Year 2021) for dual language (specifically, further implementation of SHB 1445 from the 2017 Session, which modified dual language programs in early learning and K–12). The 2020 Supplemental Operating Budget includes new proviso language for the funds to be expended in Fiscal Year 2021:

- \$400,000 of the appropriation for Fiscal Year 2021 must be used to establish a new dual language program;
- \$225,000 of the appropriation for Fiscal Year 2021 must be used for grants to expand an existing dual language program;
- \$400,000 of the appropriation for Fiscal Year 2021 must be used for grants to create heritage language programs for immigrant and refugee students; and
- \$400,000 of the appropriation for Fiscal Year 2021 must be used for grants to create indigenous language programs for Native students.

Data Analytics Tool—\$450,000

One-time funding is provided for OSPI to contract with an organization which specializes in developing tools to combine internal and external data sets and provide data analytics and visualizations and custom workflows to match existing data processes, without requiring data science or technical expertise by the end user. Proviso

language requires the organization to have demonstrated experience providing such tools to at least two state education agencies in the past five years. Additionally, the contract must provide access to the developed tools to OSPI, selected ESDs, and up to five local education agencies.

Prior to signing the final budget, Governor Inslee vetoed this appropriation.

Apportionment System Maintenance—\$360,000

Funding is provided to OSPI for increased apportionment system maintenance costs associated with changes required by EHB 2242 (2017, *McCleary* “solution”). The funding also provides support of technical staff and the Data Governance Working Group.

Extracurricular Activities Grant—\$350,000

Legislation introduced last session, HB 1660, would have established goals for high schools related to the opportunity gap for Associated Student Body (ASB) card acquisition and the opportunity gap for extracurricular activity participation. As part of the bill’s provisions, OSPI would have been required to allocate grants to high schools impacted by discounts on ASB card fees charged to high school students who are low income. While the bill failed to be adopted, funding was provided in the 2019–21 Operating Budget for OSPI to administer the grant program.

The underlying 2019–21 budget provided OSPI with \$250,000 to create and administer a grant program for districts to reduce Associated Student Body fees for students who are eligible to participate in the federal Free and Reduced-Price Meals program. OSPI was required to distribute grants for the 2020–21 school year to school districts by August 10, 2020.

Proviso language required the grant awards to be prioritized in the following order:

- High schools implementing the federal Community Eligibility Provision;
- High schools with the highest percentage of students in grades nine through twelve eligible to participate in the federal Free and Reduced-Price Meals program; and
- High schools located in school districts enrolling 5,000 or fewer students.

Additional proviso language stipulated that OSPI must award grants of up to \$5,000 per high school per year. OSPI is permitted to award additional funding if:

- The appropriations provided are greater than the

total amount of funding requested at the end of the application cycle; and

- The applicant shows a demonstrated need for additional support.

The 2020 Supplemental Operating Budget provides OSPI with an additional \$350,000 to provide grants to school districts for the 2021–22 school year by June 30, 2021. Proviso language described above remains; however, grants are available to allow districts to reduce ASB fees “or participation fees” for students.

Prior to signing the final budget, Governor Inslee vetoed this appropriation. The grant program (without additional funding) and the proviso language as adopted in the underlying 2019–21 Operating Budget is retained.

South Kitsap FAFSA Pilot—\$300,000

One-time funding is provided to the South Kitsap School District to co-develop a pilot strategy to increase completion rates for the Free Application for Federal Student Aid (FAFSA).

Foster Youth Education Outcomes—\$250,000

Legislation adopted in 2016 (4SHB 1999) expanded previous programs implemented for dependent youth in 2012, 2013, and 2015. 4SHB 1999 required the Department of Social and Health Services to contract with OSPI, which in turn was required to contract with a nongovernmental entity to administer a program for the coordination of education programs for dependent youth. Additionally, the legislation required the establishment of demonstration sites to improve educational outcomes for dependent youth.

The underlying 2019–21 Operating Budget provided funding to OSPI to continue contracting with a nongovernmental entity for demonstration sites to improve the educational outcomes of students who are dependent, as required by law (including 4SHB 1999, 2016 Session). Proviso language notes OSPI may require the recipient of funds to report the impacts of the recipient’s efforts in alignment with the measures of the Washington School Improvement Framework.

The 2020 Supplemental Operating Budget provides an enhancement of \$250,000 for the Youth Foster Educational Outcomes Program.

Bilingual Environmental Education—\$250,000

Funding is provided for OSPI to contract with a nonprofit organization to promote equitable access to science, technology, engineering, and math education for historically underserved students and communities. The

nonprofit organization selected: must have experience developing and implementing environmental science programming and resources for migrant and bilingual students; and must provide a system of science educational programming specifically for migrant and bilingual students, including teacher professional development, culturally responsive classroom resources, and implementation support. Additionally, at least seventy-five percent of the funding provided is required to be used to serve schools and school districts in eastern Washington.

Prior to signing the final budget, Governor Inslee vetoed this appropriation.

Latinx After-school/Summer Learning—\$250,000

Funding is provided for OSPI to contract with an organization to create an after-school and summer learning program in the city of Federal Way. The program is required to provide comprehensive, culturally competent academic support, and cultural enrichment for primarily Latinx, Spanish-speaking, low-income sixth, seventh, and eighth grade students. Proviso language requires OSPI to select a contractor with over forty years of experience that serves the Latino community in Seattle and King County and has previously established an after-school and summer learning program.

Maritime Education—\$250,000

Funding is provided to OSPI to support the design and planning of a public secondary education institution that is focused on maritime education in south King County. Proviso language requires the population of the institution to reflect the student population of south King County through an enrollment process that ensures an equitable percentage of students at the institution are students of color or students with limited access to resources. Additionally, the institution must meet criteria for state Career and Technical Education and Career Launch operational funding requirements. OSPI, in supporting the project, must collaborate with a nonprofit institution that is completing similar design work and with local public schools and the various labor groups and industry associations representing maritime workers and business leaders.

Prior to signing the final budget, Governor Inslee vetoed this appropriation.

Integrated Early Learning—\$200,000

Funding is provided for OSPI to collaborate with the Department of Children, Youth, and Families (DCYF) to complete a report with options and recommendations for administrative efficiencies and long-term strategies to align and integrate high-quality early learning

programs administered by both agencies. The required report must address capital needs, data collection and sharing, licensing changes, quality standards, options for community-based and school-based settings, fiscal modeling, and any statutory changes needed to achieve administrative efficiencies. A final report is due to the governor and the Legislature by September 1, 2020.

The Department of Children, Youth, and Families is provided a separate appropriation of \$375,000 to collaborate with OSPI to complete the required report with options and recommendations for administrative efficiencies and long-term strategies which align and integrate high-quality early learning programs administered by both agencies (as described above).

The Office of Financial Management is provided with a separate appropriation of \$480,000 to contract for project management and fiscal modeling to support OSPI and DCYF in developing the required report on options and recommendations for administrative efficiencies and long-term strategies to align and integrate early learning programs administered by OSPI and DCYF (as described above).

Prior to signing the final budget, Governor Inslee vetoed the funding provided to OSPI; however, he did NOT veto the appropriation for DCYF or OFM. While it is unclear, it is presumed OSPI will continue to collaborate on the project, but will operate within current resources.

Homeless Student Stability—\$200,000

The underlying 2019–21 Operating Budget provided \$2.0 million for the State Homeless Student Stability Grant program for high-need school districts to supplement federal McKinney-Vento Act dollars and to improve educational outcomes for students experiencing homelessness. The 2020 Supplemental Operating Budget provides an additional \$200,000 for the program.

Office of Native Education—\$150,000

The underlying 2019–21 Operating Budget provided \$470,000 to support the Office of Native Education. The 2020 Supplemental Operating Budget provides an additional \$150,000 specifically for professional learning and technical assistance to support the ongoing implementation of Since Time Immemorial tribal sovereignty curriculum, tribal consultation and engagement, government-to-government training, and data collection and identification of American Indian and Alaska Native students. The professional development is required to be conducted in collaboration with school district administrators and school directors.

Additionally, budget language specifies that the funding provided (\$620,000) is sufficient for OSPI, WSSDA's Government-to-Government Task Force, and AESD to collaborate with the Tribal Leaders Congress on Education to develop a tribal consultation training and schedule, which must be developed by January 1, 2022 (as would have been required by SB 6264, if the bill had been adopted).

CCL Tribal Liaison—\$150,000

Funding is provided for a tribal liaison (1.0 FTE staff) at OSPI to facilitate access to and support enrollment in Career Connected Learning opportunities for tribal students, including career awareness and exploration, career preparation, and career launch programs, so that tribal students may receive high school or college credit to the maximum extent possible.

Yakima Nation Tribal School—\$150,000

One-time funding is provided for OSPI to contract with the Yakama Nation for a feasibility study to determine the scope, design, planning, and budget for the construction of a new state-tribal compact school.

LASER Program—\$144,000

Increased funding is provided for the Washington State Leadership and Assistance for Science Education Reform (LASER) program to support regional partnership activities, including instructional material purchases, teacher and principal professional development, and school and community engagement events. Proviso language stipulates that OSPI may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington School Improvement Framework.

Southwest Washington CCL—\$110,000

Funding is provided for OSPI to contract with the Southwest Career Connect Learning Network to convene education, industry, and higher education partners to create a system of career-related learning opportunities for students in Washington. Budget language indicates the funding provided must help support Southwest Career Connect to scale the current network as a model for other statewide networks.

Prior to signing the final budget, Governor Inslee vetoed this appropriation.

Children's Mental Health Work Group—\$107,000

The Children's Mental Health Work Group was established in 2016 and reauthorized in 2018 to identify barriers to accessing mental health services for children and families, and to advise the Legislature on statewide mental health

services for this population. The Work Group was set to expire in December 2020.

The Supplemental Operating Budget provides \$107,000 to OSPI to support the implementation of 2SHB 2737, which: renames the Children's Mental Health Work Group as the Children and Youth Behavioral Health Work Group; amends the duties of the Work Group; and extends the life of the Work Group.

An additional \$139,000 is provided to the Health Care Authority, which is required to coordinate meetings of the Work Group and related subcommittees. The appropriation will fund an FTE to provide for these duties.

Civics Curriculum—\$100,000

Funding is provided for OSPI to develop a model civics curriculum, including resources and teacher materials designed to prepare students for lifelong civic engagement. Development of materials must include feedback from diverse communities, including those groups typically underrepresented in voter turnout. All materials must be openly licensed and posted on OSPI's website.

Prior to signing the final budget, Governor Inslee vetoed this appropriation. Even though OSPI will not receive funding for this project, they are required to participate in a similar effort. SSB 6313, as adopted by this Legislature, requires OSPI, in collaboration with the Association of County Auditors and a nonprofit organization engaged in voter outreach and increasing participation, to identify and make available civics materials for high school courses. This is a similar requirement; however, no funds are provided.

Balanced School Year Pilot—\$100,000

One-time funding is provided for OSPI to administer a pilot program in a school district with enrollment under 2,000 students in the 2019–20 school year, and with at least one school identified for improvement through the Washington School Improvement Framework, to move to a balanced school year. A "balanced calendar school year" is defined as a school schedule which distributes school vacations evenly throughout the school year while meeting minimum instructional hours and minimum days of instruction as required in law.

Prior to signing the final budget, Governor Inslee vetoed this appropriation.

Allergic Reactions—\$76,000

One-time funding is provided for OSPI to collaborate with the Department of Health (DOH) to submit a report of findings related to statewide implementation of RCW 28A.210.383, which addresses the supply and use of

epinephrine autoinjectors (EPI pens) in school buildings. A final report is due to the Legislature by December 1, 2020.

Proviso language in the budget provides specific details about the required report. OSPI is required to collaborate with DOH to:

- Analyze information about the schools that maintain a supply of epinephrine autoinjectors under RCW 28A.210.383;
- Examine the barriers and challenges licensed health professions experience in prescribing this medication under a standing order;
- Review whether and to what extent the requirement under RCW 28A.210.320 (that a student with a life-threatening allergic reaction present a medication or treatment order addressing the medical services that may be required to be performed at the school) reduces the need for and use of a school supply of epinephrine autoinjectors;
- Determine the number of unused epinephrine autoinjectors discarded by schools, and returned to students' families, at the end of the 2019–20 school year;
- Complete an inventory of the number and categories of school district staff provided with training on identifying and responding to life-threatening allergies between September 1, 2017, and September 1, 2020; and
- Investigate any other implementation issues raised by school nurses, students who have life-threatening allergic reactions, and students' families during meetings held by OSPI for the purpose of soliciting feedback on these issues.

Additional proviso language requires OSPI and DOH to collect information from multiple sources, and disaggregate information during analysis, such that information can be separated by school geography, student enrollment, school socioeconomic status, and other student demographics.

Prior to signing the final budget, Governor Inslee vetoed this appropriation.

A separate appropriation of \$52,000 was provided to the Department of Health to collaborate with OSPI in preparation of its report of findings regarding epinephrine autoinjectors, as described above.

Prior to signing the final budget, Governor Inslee vetoed this connected appropriation.

Health Education Standards—\$75,000

One-time funding is provided for OSPI to develop a list of curriculum and supplemental curriculum supports that align with the K–12 health education standards in order to support teaching emotional, mental, and behavioral health in schools.

Prior to signing the final budget, Governor Inslee vetoed this appropriation.

Racial Discipline Gaps—\$75,000

Funding is provided to OSPI for a grant program for school districts to create systems, policies, and practices to address racial discipline gaps. OSPI, in coordination with education associations (specifically: a state association representing both certificated and classified staff (WEA); an association representing principals (AWSP); an association representing school superintendents (WASA); an association representing parents (WSPTA), and WSSDA), will guide grant recipients using existing training materials and resources. Grant recipients are required to develop systems that provide tiered supports for intervention, restorative approaches to behavior, and eliminate zero-tolerance policies that contribute to racial disparities.

Media Literacy—\$70,000

The underlying 2019–21 Operating Budget provided funding to OSPI to establish a Media Literacy Grant Program. The 2020 Supplemental Operating Budget provides additional funding for this purpose.

Along with the additional funding, new proviso language was added to the budget. Budget language requires \$70,000 to be used for speaker costs, per diem and travel, and other expenses for five media literacy pre-conferences that coincide with OSPI's regional conferences in social studies, English language arts, health, and technology. Additionally, OSPI is required to develop a plan for identifying and supporting a group of one hundred media literacy champions across the state that are K–12 professionals that promote, support, and provide media literacy education in their school districts. A report on the effort is due to the Legislature by December 31, 2020.

Prior to signing the final budget, Governor Inslee vetoed this appropriation.

Student Teacher Residency—\$60,000

One-time funding is provided for a technical advisory committee to consider and make recommendations for an apportionment system that could effectively support teacher residency program model pilots in Fiscal Year 2022.

Prior to signing the final budget, Governor Inslee vetoed this appropriation.

Free Student Meals—\$57,000

Funding is provided to implement ESHB 2660 which requires certain schools serving students in kindergarten through grade eight to participate in the federal Community Eligibility Provision (CEP), thereby making school meals available to all students at no charge. Under provisions of the bill, OSPI is required to convene monthly meetings with organizations working on a plan to increase the number of students participating in the Community Eligibility Provision. Additionally, it directs OSPI and the collaborating organizations to examine, by December 1, 2020, the impacts to schools and districts that can result from participation in the CEP.

Family Engagement Framework—\$50,000

One-time funding is provided for OSPI to participate in a work group—and provide staff support—to create a Family Engagement Framework for early learning through high school.

Another \$83,000 is provided to the Department of Children, Youth, and Families to participate in the work group—and provide staff support.

As specified in the budget, the work group, at a minimum, must review family engagement policies and practices in Washington and in other states, with a focus on identifying best practices that can be adopted throughout Washington.

The work group is to be comprised of representatives of: the Department of Children, Youth, and Families; OSPI; the State Board of Education; parents of children in the state Early Childhood Education and Assistance Program or the federal Head Start program; parents of students in elementary or secondary school; parents of students who are English learners, with at least one parent with a student in preschool and at least one parent with a student in elementary or secondary school; parents of students who are in special education; parents of students in foster care; the Office of the Education Ombuds; the Educational Opportunity Gap Oversight and Accountability Committee; the State Commission on Asian Pacific American Affairs; the State Commission on Hispanic Affairs; the State Commission on African American Affairs; the Governor's Office of Indian Affairs; WSSDA;

AWSP; WEA; early childhood teachers; elementary and postsecondary teachers; and a state organization representing school counselors.

The work group is required to meet monthly. Members can participate remotely; however, the work group must hold at least three meetings in central Washington and at least three meetings in eastern Washington.

Finally, OSPI must provide a report with a summary of the activities of the work group and its recommendations to the Legislature, by June 30, 2021.

Spanish Language Arts Standards—\$50,000

One-time funding is provided for OSPI to: develop Spanish Language Arts standards; contract with an organization to conduct a bias and sensitivity review of the proposed Spanish standards; and provide professional learning outreach to school districts to help educators implement the standards. OSPI must also develop a plan for phasing in language arts standards for other languages spoken by Washington students.

Prior to signing the final budget, Governor Inslee vetoed this appropriation.

Ethnic Studies—\$50,000

Funding is provided for OSPI to implement SB 6066, regarding ethnic studies materials.

SB 6066, as adopted, requires OSPI to identify existing state learning standards, rather than adopt Essential Academic Learning Requirements and grade-level expectations, that address the knowledge and skills that all public school students need to be global citizens in a global society with an appreciation for the contributions of diverse cultures. Additionally, it requires OSPI and the existing Ethnic Studies Advisory Committee to identify and make available ethnic studies materials and resources for use in all grades, rather than the current requirement of grades seven through twelve. Finally, it directs the Ethnic Studies Advisory Committee to consider the need for piloting ethnic studies materials and resources and professional development, and adds educators with experience in age-appropriate ethnic studies curricula to the committee.

Prior to signing the final budget, Governor Inslee vetoed this appropriation. SB 6066, however, was adopted by the Legislature and was signed into law by Inslee. There is no “null and void clause” in the bill, which essentially means the law moves forward, requiring OSPI to staff and conduct Advisory Committee meetings, along with the other requirements as described above, using currently available resources.

Renton Early Learning—\$50,000

One-time funding is provided for the Renton School District to expand early learning opportunities with the Somali Parents Education Board.

Black Studies Curriculum—\$50,000

Funding is provided for OSPI to convene a work group to develop recommendations for integrating African American history, examinations of racism, and the history of the civil rights movement into curriculum provided to students in grades seven through twelve. Proviso language requires the work group to conduct a “review of pertinent curriculum that is available to school districts” prior to making recommendations. As recommendations are developed, they must include recommendations for the professional development needed to support educators in providing the instruction to students.

The work group is to be comprised of representatives from: the Washington State Commission on African American Affairs; the Educational Opportunity Gap Oversight and Accountability Committee; and a statewide organization representing teachers. The work group is also allowed to include other individuals “with unique and specific expertise,” including but not limited to, Washington State historians and persons representing teacher preparation programs.

OSPI is required to provide a report with findings and recommendations to the Legislature by November 15, 2020.

Epilepsy Policy—\$50,000

One-time funding is provided for WSSDA, in consultation with OSPI, a state association of school nurses, and a national epilepsy organization, to create and adopt a model policy and procedure that school districts may use to implement individual health plans for students with epilepsy or other seizure disorders. At a minimum, the model policy and procedure must address the acquisition of parent requests and instructions, the acquisition of medication and treatment orders from licensed health professionals, the provision for storage of medical equipment and medication provided by parents, and training of parent-designated adults. The model policy and procedure must be periodically reviewed by WSSDA and may be revised as necessary.

Prior to signing the final budget, Governor Inslee vetoed this appropriation.

Financial Literacy—\$30,000

Enhanced funding is provided to promote the financial literacy of students. The funding will be used for increased

staff support at the Financial Education Public-Private Partnership.

EOGOAC Kindergarten Study—\$15,000

Additional funding is provided to the Education Opportunity Gap Oversight and Accountability Committee (EOGOAC) to review the Washington Kindergarten Inventory of Developing Skills (WaKIDS), including professional development available to educators and other assessment materials and tools, and make recommendations to OSPI and the Legislature. The review must include the following topics: opportunities for reducing bias in the observational assessment process and materials; and barriers to implementation of the Inventory.

EOGOAC must seek feedback from relevant stakeholders, including but not limited to:

- OSPI;
- The Department of Children, Youth, and Families;
- Kindergarten teachers who are representative of or who teach in schools with diverse student subgroups;
- A representative from a tribal school who is currently using the Inventory;
- Principals who are currently using the Inventory;
- Parents who are representative of student populations that have historically scored low on the Inventory, and who are recommended by an organization that serves parents of color;
- District assessment coordinators; and
- Early childhood providers.

Accelerated Coursework GPA Study—\$10,000

Funding is provided for OSPI, in consultation with the four-year higher education institutions, the State Board for Community and Technical Colleges, and the Workforce Training and Education Coordinating Board, to review and report on potential adjustments or alterations to the standardized high school transcript, including, but not limited to, granting the option of using a weighted grade point average to recognize accelerated coursework. A report including findings and recommendations must be submitted to the governor and the Legislature by January 1, 2021.

Tribes/Schools Data Sharing—\$6,000

Funding is provided to implement SB 6263, regarding data sharing between school districts and tribes. Under provisions of the bill, WSSDA must develop a model policy and procedure to establish data sharing agreements between school districts and tribes by January 1, 2021.

When developing the policy, WSSDA is required to: consult with OSPI, the Office of Native Education, the Tribal Leaders Congress on Education, and local tribes; consider model agreements developed by the Bureau of Indian Education and model data sharing agreements and procedures developed by national Native educational organizations; and consider standards for the identification of Native students for data sharing purposes. The model policy and procedure must also safeguard students' personally identifiable information consistent with the requirements of the federal Family Educational Rights and Privacy Act.

BUDGET DETAILS: COMPENSATION

Salary Allocations

The underlying 2019–21 Operating Budget provided funding for statewide minimum salary allocations, as required by law. For the 2019–20 school year, minimum salary allocations for Certificated Instructional Staff, Certificated Administrative Staff, and Classified Staff were: \$66,520, \$98,741, and \$47,720, respectively. For the 2020–21 school year, the underlying budget provided for minimum salary allocations for CIS, CAS, and CLS at these levels: \$67,917, \$100,815, and \$48,722, respectively. Those second year salary allocations, however, were based on a projected inflationary factor (Implicit Price Deflator, IPD) of 2.1 percent. Due to state and national economic circumstances, the IPD for 2020–21 is 1.6 percent.

The adjustment of the inflationary factor impacts second year salary allocations. The 2020 Supplemental Operating Budget provides minimum salary allocations, as follows: CIS=\$67,585; CAS=\$100,321; and CLS=\$48,483.

In addition to salary allocations provided, the funding continues to include two days of professional learning for each of the funded full-time equivalent Certificated Instructional Staff units in the 2019–20 school year and three days of professional learning for each of the funded full-time equivalent Certificated Instructional Staff units in the 2020–21 school year. New proviso language has been added, however. The new language requires that one of the professional learning days (“the equivalent of one day of salary and benefits”) in the 2020–21 school year to be used to train school district staff on racial literacy, cultural responsiveness, and stereotype threat for the purposes of closing persistent opportunity gaps.

An additional note about salary allocations: for those districts that have diminishing regionalization factors, the first step-down occurs in the 2020–21 school year. Twenty-five school districts have a .01 reduction to their regionalization factor and six districts have a .02 reduction to their regionalization factor (see [LEAP Document 3](#)).

Funding provided for school employee compensation also includes fringe benefit allocations; the 2020 Supplemental Operating Budget provides for increases from the underlying two-year budget. “Maintenance” fringe benefit allocations for Certificated salary allocations increased from 23.80 percent in the 2019–20 school year to 24.03 percent in the 2020–21 school year. “Maintenance” fringe benefit allocations for Classified salary allocations increased from 24.33 percent in the 2019–20 school year to 24.44 percent in the 2020–21 school year. (The original, underlying budget included no increase in the second year for either Certificated or Classified staff.)

The budget also provides for incremental fringe benefit allocations; the 2020 Supplemental Operating Budget provides for increases from the underlying two-year budget. Incremental fringe benefit allocations increase from the previously adopted 23.16 percent to 23.39 percent for the 2020–21 school year for Certificated Instructional and Certificated Administrative Staff. For Classified Staff incremental fringe benefit allocations increase from the previously adopted 20.83 percent to 20.94 percent for the 2020–21 school year.

Finally, budget language continues to clarify the funding provided includes no salary adjustments for substitute teachers.

For additional details, please see OSPI’s [“John Jenft” Budget Driver Summary](#).

Plan I COLA

\$12.8 million is provided to fund a three percent benefit increase for eligible members of Public Employees’ Retirement System Plan 1 and Teachers’ Retirement System Plan 1, up to a maximum of \$62.50 per month, as provided for in EHB 1390.

An additional \$48,000 is provided to the Department of Retirement Services to implement the COLA increases provided in EHB 1390.

National Board Bonus

Teachers that have unexpired certification from the National Board for Professional Teaching Standards are eligible for an annual bonus. The underlying 2019–21 Operating Budget provided funding for a \$5,505 per teacher bonus in the 2019–20 school year and for a \$5,621 per teacher bonus in the 2020–21 school year.

The annual inflationary factor for the National Board bonus is the Implicit Price Deflator (IPD). When the two-year budget was adopted, the IPD was projected to be 2.1 percent. Since the budget was adopted last year, the IPD has been adjusted to 1.6 percent; the 2020 Supplemental Operating Budget provides funding for a

\$5,593 per teacher National Board bonus in the 2020–21 school year.

BUDGET DETAILS: STATE AGENCY ADJUSTMENTS

The budget makes a series of funding adjustments for all state agencies, including OSPI. While OSPI's share of the funding enhancements or reductions are minimal, the total adjustments impact the overall funding level of the K–12 portion of the budget; agency adjustments result in a net increase of \$641,000.

OFM Central Services—\$73,000

Agency budgets are adjusted to reflect each agency's allocated share of charges from the Office of Financial Management (OFM).

DES Central Services—\$9,000

Agency budgets are adjusted to reflect each agency's allocated share of charges from the Department of Enterprise Services (DES).

Administrative Hearings—\$533,000

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

Legal Services—\$25,000

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

Audit Services—\$1,000

Agency budgets are adjusted to reflect each agency's allocated share of charges for state government audit services from the State Auditor's Office.

Archives/Records Management—\$1,000

Funding is adjusted in agencies' budgets to reflect each agency's allocated share of charges for the state archives and records management through the Secretary of State's Office.

CTS Central Services—(\$1,000)

Agency budgets are adjusted to reflect each agency's allocated share of charges from Consolidated Technology Services (CTS).

ADDITIONAL DETAILS

Inflationary Factors

There are two inflationary factors that impact K–12 education: IPD and CPI. Salary allocations and funding for the National Board bonus are adjusted by the Implicit Price Deflator (IPD). The underlying 2019–21 Operating Budget funded salary allocations and the National Board bonus

with an IPD of 2.0 percent for the 2019–20 school year and 2.1 percent for the 2020–21 school year. The IPD for the second year of the biennium was a projection; since the budget was adopted last year, the IPD changed. The 2020 Supplemental Operating Budget provides for an inflationary factor of 1.6 percent—which caused funding for minimum salary allocations and funding for the National Board bonus to be decreased, as discussed elsewhere in this Report.

The IPD for the 2021–22 and 2022–23 school years are projected (NOT official) to be 1.9 percent and 2.0 percent, respectively.

The Consumer Price Index (CPI) is the inflationary factor for the Local Effort Assistance (LEA) maximum-per-pupil and for the levy-per-pupil limits. CPI for the 2020–21 school year is 2.5 percent. This increases the LEA maximum per pupil to \$1,588.75 and the levy maximum per pupil to \$2,563 (\$3,075 for Seattle).

The CPI for the 2021–22 and 2022–23 school years are projected (NOT official) to be 1.6 percent and 1.8 percent, respectively.

Early Support for Infants & Toddlers Transfer

The 2020 Supplemental Operating Budget transfers funding for payments to providers for the Early Support for Infants and Toddlers (ESIT) program from OSPI to the Department of Children, Youth, and Families (DCYF) beginning September 1, 2020, as stipulated by 2SHB 2787. This is a revenue neutral shift in the overall budget; however, it results in an \$85.6 million reduction in the K–12 portion of the budget.

To facilitate the transfer, DCYF is provided with an additional one-time appropriation of \$6.4 million to shift the current ESIT program from a school year to a fiscal year schedule.

School Employees' Benefits Board

The final budget reduces funding based on updated rates for Fiscal Year 2021 for the School Employees' Benefits Board (SEBB) insurance program. Modeling for prior rate estimates used assumptions based on experience from the Public Employees' Benefits Board (PEBB). The adjusted rate incorporates new data from SEBB open enrollment especially regarding plan choice and demographic information. Accordingly, costs are expected to be lower than projected in the underlying 2019–21 Operating Budget. The rate charged to school districts for health and insurance benefits is reduced for the 2020–21 school year from \$1,056 per employee per month to \$1,000 (beginning September 1, 2020, through June 30, 2021). This reduction "saves" the state \$71.1 million. (Note: the \$1000 per

employee per month insurance rate includes \$73.36 for the retiree subsidy; this is an increase from the previous subsidy of \$71.74.)

The Health Care Authority (HCA) is provided with \$3.7 million (\$1.7 million from the HCA Administrative Account; \$2.0 million from the School Employees' Insurance Administrative Account) to implement ESSB 6189, which prohibits dual enrollment in PEBB and SEBB coverage and directs HCA to analyze changes in the requirement that employers remit premium payments for employees that waive medical coverage.

School Nurse Corps

The 2020 Supplemental Operating Budget alters the School Nurse Corps. Current funding for the School Nurse Corps program is transferred from OSPI's Grants and Pass-Through program to ESDs. The funding will now be allocated as FTE staff allocations, and will grow with future compensation adjustments. (Due to changes in compensation, this transfer results in an \$32,000 reduction in OSPI's budget.)

Additionally, funding for OSPI staff to administer the School Nurse Corps is transferred from OSPI's Grants and Pass-Through program to OSPI's Statewide Programs section. Additional proviso language is added, noting that OSPI "shall provide statewide oversight and coordination to the regional Nursing Corps program supported through the ESDs."

Under the ESD's section of the OSPI budget, new language is added stating that funding is "provided for a Corps of Nurses located at the ESDs, to be dispatched in coordination with OSPI, to provide direct care to students, health education, and training for school staff."

Community Resource Coordinator

\$60,000 is provided to the Health Care Authority (HCA) for a one-time grant to the city of Maple Valley to support a pilot project for a Community Resource Coordinator position for the city of Maple Valley, the Tahoma School District, and the greater Maple Valley area. The funding must be used to develop programs, projects, and training that specifically address mental health awareness and education and facilitate access to school-based and community resources. A report is required to be submitted by the city of Maple Valley to HCA and the Maple Valley city council which summarizes the services provided and the perceived value of the Community Resource Coordinator position for the community. In turn, HCA is required to submit the report to the Office of Financial Management and the Legislature by June 30, 2021.

Skagit Elk Fencing

The Department of Fish and Wildlife is provided with \$300,000 for elk management in the Skagit Valley. The funding must be used to build elk fencing, with priority given to fencing the Concrete School District playfields to exclude elk and conduct other measures for solving conflicts with elk in cooperation with tribes and landowners.

Prior to signing the final budget, Governor Inslee vetoed this appropriation.

Administrative Hearings

\$524,000 is provided to the Office of Administrative Hearings for two additional staff for special education-related appeals referred from OSPI.

Early Learning Center

One-time funding of \$95,000 is provided to the Department of Children, Youth, and Families to contract with the Walla Walla School District to repurpose an elementary school into a Community Early Learning Center to serve as a regional prekindergarten facility to support families with children from birth through age five. The regional facility will help coordinate between community partners delivering early learning educational services, child care, parent services, home visiting, and public assistance programs.

Education Ombuds

The Office of the Education Ombuds, within the Office of the Governor, is provided with increased funding (\$100,000) for additional staff and resources for increased outreach efforts, preventative trainings to schools and families, professional development, and a tribal liaison.

Another \$50,000 is provided for the Office of the Education Ombuds, in consultation with OSPI and the Washington State Office of Equity, to develop a plan to implement a program to promote skills, knowledge, and awareness, concerning issues of diversity, equity, and inclusion among families with school-age children. The Office of the Education Ombuds is required to submit a report with recommendations to the governor and the Legislature by September 1, 2020.

Additionally, new proviso language in the K-12 Education section of the Supplemental Operating Budget directs OSPI, within currently available resources, to collaborate on the Ombuds' plan and report, as described above.

Adverse Childhood Experiences

The Health Care Authority is provided \$200,000 to implement SSB 6191, regarding Adverse Childhood Experiences (ACEs). The bill requires HCA, in collaboration with OSPI, the Department of Health, and the Liquor and

Cannabis Board, to incorporate questions related to ACEs into the Healthy Youth Survey. The questions must be validated for children and would allow reporting of ACEs during childhood to be included in frequency reports. Additionally, the bill encourages school districts to use the information about ACEs in their decision making and to help improve services for students.

Dual Credit Study

\$150,000 is provided to the Washington Student Achievement Council to convene and coordinate a Task Force by May 1, 2020, to propose strategies to eliminate financial and non-financial barriers to low-income students participating in Running Start, College in the High School, Advanced Placement, International Baccalaureate, Cambridge, and Career and Technical Education dual credit programs. The Task Force is required to submit a report to the Legislature by December 1, 2020. The report must include:

- Strategies to address the following financial and non-financial barriers to students:
 - Per credit tuition fees and any other fees charged for College in the High School and Career and Technical Education dual credit courses;
 - Books, fees, and any other direct costs charged to Running Start students when enrolling in college courses; and
 - Exam fees and other charges to students enrolling in exam-based dual credit courses;
- An analysis of efficiency and effectiveness of student use of dual credit toward higher education programs, degree completion, or both;
- Recommendations on student supports to close equity gaps in dual credit access, participation, and success;
- Recommendations to improve and increase communication with students and families regarding the awareness, access, and completion of dual credit;
- Expanding access to dual credit opportunities for students in Career and Technical Education pathways; and
- Running Start data for Fiscal Year 2018, Fiscal Year 2019, and Fiscal Year 2020 for each Community and Technical College.

Prior to signing the final budget, Governor Inslee vetoed this appropriation.

In a separate section of the budget, the State Board for Community and Technical Colleges are required (within existing resources) to coordinate with the Washington Student Achievement Council Task Force, as described above, to provide the following Running Start data for Fiscal Year 2018, Fiscal Year 2019, and Fiscal Year 2020, for each Community and Technical College:

- The total number of Running Start students served by headcount and full-time equivalent;
- The total amount of Running Start revenue received through apportionment as allocated with the Running Start rate by OSPI through local school districts;
- The total amount of revenue received directly from local school districts that is not provided through the Running Start allocation described in the previous bullet;
- The total amount of fee revenue generated directly from Running Start students and families, broken out by fee name, fee type, or both;
- Expenditures by object, sub-object, program, and fund for all Running Start revenues from state apportionment and fees;
- Any transfers of Running Start revenue between funds;
- Course completion rates for Running Start students;
- A list of courses by two-digit classification of instructional program code and the number of Running Start students in each course;
- A list of Career and Technical Education area courses and the number of Running Start students in each course;
- The number of students at each Community or Technical College receiving complete fee waivers as required by law;
- The total dollar value of fee waivers provided to Running Start students;
- A total allocation of additional funds provided to cover fee waivers; and
- The method used by each college to determine Running Start fee waiver eligibility, including any policies adopted by the college or its program.

Prior to signing the final budget, Governor Inslee vetoed this section, even though there was no appropriation attached.

Career Launch

The underlying 2019–21 Operating Budget provided funding for Career Launch programs. \$158,000 was appropriated from the Workforce Education Investment Account for Fiscal Year 2020, and \$480,000 for Fiscal Year 2021.

New proviso language was added to the General Apportionment section of the budget which provides additional funding for the program. Language clarifies that funding in this section of the budget is sufficient to fund a maximum of 1.2 FTE enrollment for Career Launch students, if Career Launch enrollment exceeds the appropriations provided in the budget.

Under the new proviso, OSPI is required to provide a summary report to the governor and the Legislature by January 1, 2022. The report must include the total FTE enrollment for Career Launch students, the FTE enrollment for Career Launch students that exceeded the appropriations provided in the budget, and the amount expended from the General Apportionment section for these students.

Child Savings Accounts

The Washington Student Achievement Council (WSAC) was provided with \$76,000 to complete a study examining design options for a statewide Child Savings Account Program in Washington and creating an implementation plan. Child savings accounts are long-term savings or investment accounts to help children, especially low-income children and children of color, build dedicated savings for postsecondary education. The Child Savings Account Program's goals are to foster a higher education and career-readiness culture and boost college savings among Washington state residents, particularly low-income families; promote the financial security, financial literacy, and economic stability of Washington state families; and increase their ability to save for college. The Program's purpose is to establish college savings accounts at birth for every child born in Washington state.

Proviso language in the budget outlined the required elements of the study, along with the entities WSAC was encouraged to consult with in developing the implementation plan—including OSPI.

After completing the study, by November 30, 2020, WSAC is required to convene stakeholders to review the preliminary recommendations. WSAC then is required to submit preliminary findings and recommendations to the Legislature by December 30, 2020, followed by a final report by June 30, 2021.

Prior to signing the final budget, Governor Inslee vetoed this appropriation.

Educational Service Districts

ESDs received enhanced funding to their base budgets, along with new proviso language. In addition to proviso language described elsewhere in this Report, new language is added regarding English language arts curriculum and dyslexia.

Budget language states funding is provided (as part of the base budget) for regional professional development related to English Language Arts curriculum and instructional strategies aligned with Common Core State Standards. Each ESD is required to use the funding “solely for salary and benefits for Certificated Instructional Staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.”

Additional budget language states funding is provided for regional English Language Arts coordinators to provide professional development of teachers and principals around the new early screening for dyslexia requirements.

Young Voters

The Secretary of the State (SOS) is provided with \$674,000 to implement ESB 6313, which allows individuals to vote in a primary election if they are 17 years old, but will be 18 by the general election. The bill also requires each public higher education institution to open a nonpartisan student engagement hub on its campus to provide students with voting and ballot information. The funding provided to SOS is to specifically implement this part of the bill, providing grants to County Auditors to assist in student engagement centers and pay for increased pamphlet costs. (Additionally, The Evergreen State College (TESC) is provided with a \$9,000 appropriation to open an engagement hub on its campus.)

Additionally, ESB 6313 requires OSPI, in collaboration with the Association of County Auditors and a nonprofit organization engaged in voter outreach and increasing participation, to identify and make available civics materials for high school courses. OSPI, however, received no appropriation for this obligation.

Prior to signing the final budget, Governor Inslee vetoed the appropriation provided to TESC, but maintained the remainder of the funding.

Trust Lands

New proviso language is added to the Department of Natural Resources (DNR) section of the budget regarding Trust Lands to ensure those lands are productive and transactions regarding those lands are transparent.

The new language requires DNR to provide a report to the Legislature by July 2020, regarding information on those parcels of land currently used for commercial or nonresource use purposes and those identified by DNR as transition lands likely to be sold or redeveloped for nonresource use.

By January 2021, DNR must bring to the Legislature for its consideration a modernization package in the form of request legislation to update and remove performance barriers to the long-term management of state Trust Lands, considering both market and nonmarket values, ensuring intergenerational equity, and long-term benefits for the trust beneficiaries (including schools) and the public. The Legislature is required to be kept informed of all proposed transactions, land sales, and exchanges involving Trust Lands prior to approval by the Board of Natural Resources, and all related financial and legal documents must be available as public records immediately following the transaction's completion.

Student Head Injuries

The Department of Health is provided with \$14,000 to implement ESHB 2731, which requires the reporting of student head injury information sustained during athletics and other activities.

Student Teacher Facilitation

Central Washington University (CWU) is provided with \$155,000 to implement E2SHB 1139 (adopted last session). CWU must use the funds to acquire the necessary audiovisual technology and equipment for university faculty to remotely supervise student teachers in ten schools. As stipulated in the legislation, selected schools must be rural, public schools that are unable to have student teachers from CWU's teacher preparation program due to geographic location.

Prior to signing the final budget, Governor Inslee vetoed this appropriation.

Extracurricular Activities

The Department of Children, Youth, and Families is provided with \$696,000 for a contract with an organization or organizations with expertise in foster youth advocacy to help cover the costs of extracurricular activities for foster youth. The funds are anticipated to support an estimated 1,425 youth in out-of-home placements to participate in

extracurricular activities such as art, sports, summer camps, and clubs. Funding is designed to allow foster youth to have the same recreational opportunities as their peers. (Note: this funding is not related to the grants provided for HB 1660.)

Prior to signing the final budget, Governor Inslee vetoed this appropriation.

Youth Gangs

The Department of Commerce is provided with \$400,000 to continue and expand the El Nuevo Camino Pilot Project for the purpose of addressing serious youth gang problems in counties in eastern Washington. The Department of Commerce must adopt policies and procedures as necessary to administer the Pilot Project, including the application process, disbursement of the grant award to the selected applicants, and tracking compliance and measuring outcomes. Partners, grant recipients, prosecutors, mental health practitioners, schools, and other members of the El Nuevo Camino Pilot Project, are required to ensure that programs, trainings, recruiting, and other operations for the Pilot Project prohibit discriminatory practices, including biased treatment and profiling of youth or their communities.

Proviso language requires grant recipients to:

- Work to reduce youth gang crime and violence by implementing the comprehensive gang model of the federal Juvenile Justice and Delinquency Prevention Act of 1974;
- Increase mental health services to unserved and underserved youth by implementing the best practice youth mental health model of the National Center for Mental Health and Juvenile Justice;
- Work to keep high-risk youth in school, reenroll dropouts, and improve academic performance and behavior by engaging in a grassroots team approach in schools with the most serious youth violence and mental health problems, which must include a unique and identified team in each school district participating in the project;
- Hire a project manager and quality assurance coordinator;
- Adhere to recommended quality control standards for Washington state research-based juvenile offender programs as set forth by the Washington State Institute for Public Policy; and
- Report to the Department of Commerce by April 1, 2021, with the following:
 - The number of youth and adults served

- through the project and the types of services accessed and received;
- The number of youth satisfactorily completing chemical dependency treatment in the county;
- The estimated change in domestic violence rates;
- The estimated change in gang participation and gang violence;
- The estimated change in dropout and graduation rates;
- The estimated change in overall crime rates and crimes typical of gang activity;
- The estimated change in recidivism for youth offenders in the county; and
- Other information required by the Department or otherwise pertinent to the Pilot Project.

The Department of Commerce must provide a final report to the Legislature and the governor by June 1, 2021.

Prior to signing the final budget, Governor Inslee vetoed this appropriation.

Truancy Study

One-time funding is provided to the Washington State Institute for Public Policy (within The Evergreen State College) to complete an evaluation of the impacts of the policy changes to reduce excessive absenteeism in public K–12 schools. A final report is due by January 1, 2021.

Transitional Kindergarten Study

\$20,000 is provided to the Washington State Institute for Public Policy (within The Evergreen State College) to evaluate student participation in and outcomes of transitional kindergarten programs across the state. No later than December 1, 2023, the Institute must report the result of its evaluation to the Legislature, the governor, OSPI, and the Department of Children, Youth, and Families. For the evaluation, the Institute is required to collect data regarding:

- The number of districts providing transitional kindergarten programs, including the number of classrooms and students in the program per district;
- The number of children participating in transitional kindergarten programs across the state, disaggregated by demographic information such as race, gender, and income level;
- The number of children participating in transitional kindergarten programs that attended prekindergarten previous to transitional kindergarten;

- The number of children participating in transitional kindergarten who received early learning services through the Early Childhood Education and Assistance Program;
- The differences in classroom instruction for transitional kindergarten compared to the Early Childhood Education and Assistance Program; and
- The outcomes for transitional kindergarten participants on the Washington Kindergarten Inventory of Developing Skills compared to students who did not participate in transitional kindergarten.

Prior to signing the final budget, Governor Inslee vetoed this appropriation.

Tax Structure Study

The 2017–19 Operating Budget created a Tax Structure Work Group to facilitate a statewide discussion of Washington's tax structure. The 2019–21 Operating Budget provided the Department of Revenue with \$2.0 million to facilitate a re-authorized and re-organized Tax Structure Work Group. The 2020 Supplemental Operating Budget maintains funding for the Work Group; however, funding is shifted between fiscal years. The budget lowers the Fiscal Year 2020 appropriation and increases the Fiscal Year 2021 appropriation, resulting in a revenue-neutral shift. Proviso language which outlines membership of the Work Group, establishes timelines, and specifies duties of the Work Group are maintained.

No Child Left Inside

The budget provides \$500,000 to the State Parks and Recreation Commission (via the governor's Special Appropriations Account—which is funded from the General Fund) to provide additional No Child Left Inside grants for youth outdoor education and recreation programs.

Prior to signing the final budget, Governor Inslee vetoed this appropriation.

Mental Health Education

The Health Care Authority is provided with \$250,000 to contract with a statewide mental health nonprofit serving consumers and families that provides free community and school-based mental health education and support programs. Funding is to be used to provide access to programs tailored to peers living with mental illness, family members of people with mental illness, and the community.

Homelessness

\$75,000 is provided to the Department of Commerce to co-lead a Prevention Workgroup with the Department of Children, Youth, and Families. The Workgroup must focus on preventing youth and young adult homelessness and other related negative outcomes. The Workgroup will be comprised of members representing the Department of Social and Health Services, the Employment Security Department, the Health Care Authority, OSPI, the Washington Student Achievement Council, the Interagency Workgroup on Youth Homelessness, community-based organizations, and young people and families with experience of housing instability, child welfare involvement or justice system involvement.

The Workgroup is required to develop a preliminary strategic plan to be submitted to the Legislature by December 31, 2020 that details:

- How existing efforts in this area are coordinated;
- The demographics of youth involved in homelessness and other related negative outcomes;
- Recommendations on promising interventions and policy improvements; and
- Detail and descriptions of current prevention funding streams.

Finally, the Department of Commerce must solicit private funding to support this Workgroup. It is the intent of the Legislature that this study be supported by a minimum of a one-to-one match with private funds.

Homeless Youth Assistance

Funding is provided (\$500,000) to the Department of Commerce for the Office of Homeless Youth Prevention and Protection to create a Centralized Diversion Fund to serve homeless or at-risk youth and young adults who are unsheltered, exiting inpatient programs, or in school. Funding may be used for short-term rental assistance, offsetting costs for first and last month's rent and security deposits, transportation costs to go to work, and assistance in obtaining photo identification or birth certificates.

Homeless Youth Housing Stability

The Department of Commerce is provided with \$1.0 million to administer a Transitional Housing Pilot Program to create transitional housing beds with no time limit for non-state dependent youth ages 16 and 17. In developing the Pilot Program, Commerce must work with the adolescent unit within the Department of Children, Youth, and Families, which is focused on cross-system challenges impacting youth, including homelessness.

Homeless Youth Apprenticeships

\$400,000 is provided to the Department of Commerce for a grant to a nonprofit located in King County that serves homeless and at-risk youth and young adults. The grant must be used for a pre-apprenticeship program for youth and young adults experiencing homelessness to prepare and obtain employment in the construction trades by building affordable housing and to earn a high school diploma or equivalent, college credits, or industry certifications.

Experiential Learning Opportunities

The Department of Commerce is provided with \$300,000 for a grant to the Pacific Science Center for a "maker and innovation lab." Grant funds are to be used to develop and operate new experiential learning opportunities.

Prior to signing the final budget, Governor Inslee vetoed this appropriation.

Child Care Partnerships

\$1.5 million is provided to the Department of Commerce for grants and technical assistance and administrative costs to foster collaborative partnerships that expand child care capacity in communities. Eligible applicants include nonprofit organizations, school districts, ESDs, and local governments. Funds may be only expended after the approval of the Department of Commerce Director and must be used to support activities and planning that helps communities address the shortage of child care, prioritizing partnerships serving in whole or in part areas identified as child care access deserts.

Museum Educational Programs

The University of Washington is provided with \$100,000 for the Burke Museum of Natural History and Culture to make education programs offered by the museum accessible to more students across Washington, especially students in underserved schools and locations. The funding is to be used for:

- Increasing the number of students who participate in Burke education programs at reduced rates or no cost;
- Providing bus reimbursement for students visiting the museum on field trips and to support travel to bring museum programs across the state; and
- Staff who will form partnerships with school districts to serve statewide communities more efficiently and equitably through the Burkemobile program.

Prior to signing the final budget, Governor Inslee vetoed this appropriation.

Civics Education

\$400,000 is provided to the Department of Commerce for a grant to a regional museum that is working with a National Museum of American History and a regional theater to provide educational tools and experiences to students statewide relating to the democratic system in the state of Washington.

Prior to signing the final budget, Governor Inslee vetoed this appropriation.

Elections Study

\$125,000 is provided to the University of Washington-Tacoma's Division of Politics, Philosophy, and Public Affairs to conduct a study focusing on special purpose district elections. The study must include, at a minimum, an examination and comparison of:

- Different types of data collected based on the entity administering the election;
- Voting frequency, eligibility, demographics of voters and candidates, and equity within special purpose district elections;
- Individuals and entities affected outside the voting district of special purpose districts;
- A review of other governance models regarding special purpose districts; and
- Potential statutory and constitutional issues regarding special purpose district elections.

Results of the study must be submitted to the Legislature by December 1, 2020.

Prior to signing the final budget, Governor Inslee vetoed this appropriation.

Cultural Awareness Workshops

\$100,000 is provided to the Juvenile Rehabilitation Administration to contract with a cultural-based education, rehabilitation, and positive identity formation program to host music, dance, therapeutic African drumming, and cultural awareness workshops at Naselle Youth Camp.

High School Child Care

The Department of Children, Youth, and Families is provided with \$652,000 to implement ESHB 2455. Among other things, the bill changes Working Connections Child Care eligibility and copayment requirements for a parent who is attending high school or is working toward completing a high school equivalency certificate.

Educational Advocate

The Department of Children, Youth, and Families is provided with \$50,000 to fund an educational advocate for the city of Yakima. The advocate will provide intervention

services to youth identified as most at risk to engage in firearm violence.

Career Connected Learning

The Employment Security Department is provided with \$875,000 to expand Career Connected Learning curricula through program intermediary grants.

ECEAP

The Department of Children, Youth, and Families is provided with \$6.9 million for an across-the-board five percent slot rate increase in the Early Childhood Education and Assistance Program (ECEAP), effective July 1, 2020.

Prior to signing the final budget, Governor Inslee vetoed this appropriation.

In the underlying 2019–21 Operating Budget, 28,662 ECEAP slots were funded (14,000 in Fiscal Year 2020 and 14,662 in Fiscal Year 2021). The 2020 Supplemental Operating Budget retains that funding; however, proviso language is added requiring that 50 of the 14,662 slots in Fiscal Year 2021 must be reserved for foster children to receive school-year-round enrollment.

Special Education Inclusionary Practices

The underlying 2019–21 Operating Budget included funding (\$25.0 million) for professional development for classroom teachers to promote inclusion of special education students within the general education classroom. The 2020 Supplemental Operating Budget makes a revenue-neutral funding shift from Fiscal Year 2020 to Fiscal Year 2021 to reflect actual expenditures in Fiscal Year 2020.

Office of Equity

A new Washington State Office of Equity, within the Office of the Governor, is provided with \$1.3 million. Funding is provided to create the Office, as required by E2SHB 1783, to promote access to opportunities and resources that reduce disparities and improve outcomes statewide.

Prior to signing the final budget, the governor vetoed this appropriation. He did, however, sign E2SHB 1783, creating the new Office of Equity. It is unclear if the governor will use funds available to him to open this office, or if it will remain in limbo until the Legislature provides the needed funding to staff the Office and fulfill its required duties under E2SHB 1783.

K–20 Telecommunications Network

Current funding for the K–20 Telecommunications Network staff is transferred from OSPI to the ESDs. This funding will now be allocated as FTE staff allocations, and will grow with future compensation adjustments.

New proviso language in the ESD section of the budget specifies that funding is provided for regional technical support for the K–20 Telecommunications Network to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the Network. It further notes these funds may be used to purchase engineering and advanced technical support for the Network.

Charter School Oversight

The 2020 Supplemental Operating Budget provides a funding adjustment of \$10,000 (from the Charter School Oversight Account) to reflect changes in the Charter School Commission's oversight fees based on charter school apportionment.

2020 Supplemental Capital Budget: ESSB 6248

Last year, the Legislature adopted a massive, \$4.87 billion two-year Capital Construction Budget. The package included \$3.18 billion in General Obligation bonds, \$1.29 billion in other funding and \$204 million in authorized alternative financing. The downside to the facilities bounty provided by the Legislature in 2019 was limited available funding for the 2020 Supplemental Capital Budget. Following the adoption of the 2019–21 Capital Budget, there was approximately \$70 million in remaining debt capacity for a Supplemental Capital Budget. The 2020 Supplemental Capital Budget makes a few adjustments to prior bond capacity, providing an additional \$19.8 million, bringing total bond capacity to \$89.8 million. ESSB 6248 uses \$89.5 million of the available bond authority and authorizes another \$75.6 million from various dedicated accounts and authorizes \$13 million in projects using alternative financing. (As adopted, there is approximately \$326,000 in remaining bond authority.) The 2020 Supplemental Capital Budget's total appropriation beyond the spending in the underlying two-year budget adopted last session is \$175.1 million.

Historically, the Capital Budget has been a non-partisan (technically, “bi-partisan”) package that often is adopted with unanimous or near-unanimous votes in both the House and Senate. This is partially due to the fact that facilities or other capital projects are funded across the state and reach into most legislative districts. (Politicians don't like to talk about “pork” budgets, but the Capital Budget is one of the few places left wherein money can be spread across the state to fund individual legislators' pet projects. You could say the same is true of the Transportation Budget, although not every district includes massive highways, expensive bridges, or expansive overpasses.) Another reason for unity in adopting a Capital Budget is that the major portion of the necessary revenue package, General Obligation bonds, requires a 60 percent supermajority vote of both houses to be approved. This forces the majority party to “play nice”—and provide for minority-requested capital projects—to ensure the bond bill is adopted and can fund the spending package.

The final 2020 Supplemental Capital Budget, embodied in ESSB 6248, ultimately was one of those non-partisan budgets, as it was adopted with no dissenting votes in either the House or Senate. The obstacle to a smooth adoption of the budget this session was not a Democrat versus Republican fight, but a House versus Senate fight.

(Those of you who are regular readers of *This Week in Olympia* have heard this discussion before. That is, many of the biggest fights in Olympia are not partisan, D vs. R, fights; the biggest (sometimes nastiest) fights in Olympia are usually House versus Senate battles or struggles between the Legislative Branch and the Executive Branch.)

In Capital Budget talks, the first cause of ruffled feathers between the houses was the initial introduction of budget proposals. By tradition, each biennium, the two houses alternate as the body to initiate the legislative budget process. This biennium it was the House's turn to introduce the first budget proposal. Senate budget-writers, however, jumped in front of the House and unveiled their Capital Budget proposal five days before the House released its budget. In fact, the Senate proposal was heard and adopted by the Senate Ways & Means Committee before the House had publicly introduced its budget plan. The Senate budget was adopted by the full Senate a day before the House Capital Budget Committee even had a chance to move its bill to executive action. Ultimately, when the full House was ready to debate and adopt the 2020 Supplemental Capital Budget, it was the Senate bill that was brought to the Floor for action.

The original House and Senate 2020 Supplemental Operating Budget proposals were substantially similar, and the two Supplemental Capital Budget plans, overall, were similar. The original Senate proposal would have appropriated \$278 million in additional spending, while the original House proposal would have added \$300 million in new spending. The two proposals, however, funded different projects and the funding sources were different. The House would have appropriated \$89 million in bonds, \$198 million in dedicated funds, and \$13 million in authorized alternative financing. The Senate's budget would have been funded with \$60 million in bonds, \$87 million in other funds, and would have authorized \$131 million in alternative financing. For K–12 education, \$66 million and \$72.8 million would have been appropriated in the House and Senate plans, respectively.

After considerable behind-the-scenes negotiations (and after Operating Budget negotiations were completed), a compromise 2020 Supplemental Capital Construction Budget was unanimously adopted by both the House and Senate. The Supplemental Capital Budget was signed by the governor on the same day as the Supplemental Operating Budget. As noted in the previous section of this Report, Governor Inslee vetoed \$235 million of new spending in the Supplemental Operating Budget to address

the anticipated fiscal impact of COVID-19; however, Inslee signed the Supplemental Capital Budget in full, as adopted by the Legislature. During the bill signing, he noted the positive economic impact of the Capital Budget and stated, “I’m not vetoing any projects in this Capital Budget as this budget eventually helps us restart construction projects that I paused due to our ‘stay home, stay healthy’ order. We want to put Washingtonians back to work as soon as we can.”

In terms of K-12 policy-related facilities issues, there was little action this session. The Simple Majority for bonds saw some movement in the 2019 Session, but there was little conversation and certainly no action in 2020. Last year, there was also considerable conversation and movement on legislation to revise the state’s outdated school construction funding formulas; however, no legislation was ever adopted—and there was no discussion or movement this session. (For details on these two issues, see WASA’s 2019 End of Session Report.)

A third school facilities issue, which WASA has championed for several years, finally reached the finish line in 2020. 2SSB 5572 establishes a Small School District Modernization Grant program for school districts that have 1,000 or fewer students. The grants are intended to assist smaller school districts that cannot access current School Construction Assistance Program grants, usually because they cannot garner the necessary voter-approved bonds because the tax burden would be too great. Funding for the program has been included in the last few Capital Budgets, including the 2019–21 Capital Budget; however, because it was simply a budget issue, it was necessary to fight for funding every year. 2SSB 5572 embeds the program in statute. Certainly, we will continue to have to secure funding in the Capital Budget in the future; however, with the establishment of the Small School District Modernization Grant in statute, we will not have to fight every year to ensure the program survives. As noted below, enhanced funding was provided for the program in the Supplemental Capital Budget.

FINAL 2020 CAPITAL BUDGET

The final 2020 Supplemental Capital Budget, ESSB 6248, provides \$175.1 million above the \$4.9 billion provided for capital construction in the underlying 2019–21 Capital Budget. Of this increased appropriation, \$89.5 million comes from General Obligation bonds. Another \$75.6 million is appropriated from various dedicated accounts, and \$13.0 million is authorized in alternative financing. K-12 education is provided with a total new appropriation of \$18.5 million.

K-12 EDUCATION DETAILS

- In the underlying 2019–21 Capital Budget, \$1.04 billion was provided for the **School Construction Assistance Program (SCAP)**. In the 2020 Supplemental Capital Budget, SCAP funding is actually reduced by \$1.1 million. This comes from a \$27.8 million reduction in appropriated bonds, coupled with an increase of \$25.9 million in funds from the Common School Construction Account and \$800,000 in federal funds.

The reduced SCAP funding is a concern; however, it is anticipated the funding appropriated will be sufficient for eligible projects. Legislative staff and OSPI note the reduced funding level assumes a “drop-off” of requests for funding from eligible district projects in the second year of the biennium (the July release of funds). The assumptions are based on recent history; in recent years, second release drop off (January through July) has ranged between a low of 7.9 percent (2014) and a high of 25.4 percent (2018). If the legislative assumptions turn out to be wrong, it is possible there will be a shortfall between available funding and eligible projects. If this occurs, OSPI will have to go through a prioritization process and will provide funding down the list of project requests until funds run out, leaving some projects without SCAP funding.

Historically, the Legislature has done an admirable job of “fully funding” SCAP grants, so that all eligible projects receive funding. In fact, it has been at least 30 years since the Legislature last provided less funding than necessary to support all eligible projects. For those districts at the bottom of the priority list, we can only hope the Legislature’s assumptions are accurate.

- An enhancement of \$3.4 million is appropriated for **Small District Modernization Grants**. Budget language states the Legislature’s findings that small school districts with enrollments of one thousand students or less may have school facilities with significant building systems deficiencies and low property values, and that raising enough funds to participate in the School Construction Assistance Program to replace or modernize their school facilities would present an extraordinary tax burden on property owners or would exceed allowable debt.

In the underlying 2019–21 Capital Budget, \$1.0 million of the total appropriation (\$20.0 million) was provided solely for planning grants for small school districts seeking grants because they had significant building system deficiencies and limited financial

capacity. The 2020 Supplemental Capital Budget reduced this to \$957,000, leaving additional funds for the actual grants.

Proviso language in the biennial budget (which remains in the Supplemental Budget), allowed OSPI to prioritize planning grants for school districts with the most serious building deficiencies and the most limited financial capacity. Budget language also specified that planning grants may not exceed \$50,000 per district.

Additional proviso language required OSPI to appoint an advisory committee whose members have experience in financing and managing school facilities in small school districts to assist OSPI in designing the grant application process, developing the prioritization criteria, and evaluating the grant applications. Language clarifies that advisory committee members may not be involved in developing projects or applying for Small District Modernization Grants.

In addition to prioritization criteria developed by OSPI and the advisory committee, projects must be prioritized that:

- Improve student health, safety, and academic performance for the largest number of students;
- Provide the most available school district resources, including in-kind resources; and
- Make use of mass-timber products, including cross-laminated timber, or aggregates and concrete materials.

Under the underlying budget, OSPI was required to submit a list of small school district modernization projects, as prioritized by the advisory committee, to the Legislature by January 15, 2020. Budget language stipulates that grant funding cannot be awarded to school districts until the Legislature approves the list. The 2020 Supplemental Capital Budget restates this, noting that the Legislature has approved the list (see [LEAP Capital Document, No. 2020-51](#)).

Additional budget language (remaining from the original biennial budget) clarifies that for small district modernization projects that are also eligible for funding through the School Construction Assistance Program, OSPI must expedite and streamline the administrative requirements, timelines, and matching requirements so the grant funds provided can be used promptly. Funds provided for this grant program plus state funds provided in the School Construction

Assistance Program grant may not exceed total project costs minus available local resources.

For the last several years, the Capital Budget has included funding for Small District Modernization Grants. Finally, during the 2020 Session, legislation was adopted to establish this program in statute; 2SSB 5572 includes a similar process, with similar language. We will continue to have to secure funding in the Capital Budget; however, with the program being embedded in statute, we will not have to fight every year to ensure the program survives.

➤ **\$2.9 million is provided to support specific projects in Distressed Schools:**

- \$1.0 million is provided for a distressed schools project in the Mount Adams School District;
- \$700,000 is provided for a two-classroom preschool addition at John Muir Elementary School in the Seattle School District;
- \$300,000 is provided for conversion of two classrooms to a new health clinic at Lowell Elementary School in the Seattle School District;
- \$328,000 is provided for an agricultural resource center in the Tacoma School District;
- \$200,000 is provided for a schoolyard park in the Tacoma School District;
- \$309,000 is provided for a school-based health center in the Port Orchard (South Kitsap School District); and
- \$100,000 is provided for the Republic School District for predesign and scoping work related to the replacement of a school facility.

Proviso language states it is the intent of the Legislature to appropriate \$9,000,000 for the Republic School District in the 2021–23 fiscal biennium for the demolition of an existing school facility and for the design and construction of a new school, subject to the Republic School District securing a local match equal to not less than \$4.5 million.

Additional proviso language states that school districts that receive Distressed Schools funding may use that funding for the local share of project cost requirements for projects also eligible for funding through the School Construction Assistance Program.

➤ **\$13.2 million is provided for a School Seismic Safety Retrofit Program.** Proviso language in the budget includes a series of conditions and limitations:

- The appropriation is provided solely for school seismic safety retrofit grants to school districts for seismic retrofits and seismic safety related improvements of school buildings used for the instruction of students in kindergarten through twelfth grade. OSPI is required to prioritize school seismic safety retrofit grants for school districts with the most significant building deficiencies and the greatest seismic risks as determined by the most recent geological data and building engineering assessments, beginning with facilities classified as very high risk.
- In the development of school seismic safety retrofit project priorities for the 2021–23 fiscal biennium, in addition to prioritizing projects based on their seismic risk classification, OSPI is required to give due consideration to the following:
 - Prioritizing improvements of school buildings used for the instruction of students in kindergarten through twelfth grade;
 - The financial capacity of low property value school districts in the sizing of grant awards; and
 - Facilities' seismic needs in light of the useful life of the facilities.

providing connections to local jurisdictions, along with recommendations for how to fund such larger scale projects.

Local and Community Projects. The Department of Commerce is provided with \$30.0 million for a series of community projects, including a handful of school district projects:

- Bethel High School Pierce County Annex Campus in Graham—\$300,000
- School and Transit Connector Sidewalk in Kirkland—\$120,000
- School District and Community Emergency Preparedness Center in Carbonado—\$200,000
- Stevens Elementary Solar Panels in Seattle—\$120,000

OTHER DETAILS

Early Learning Facilities. \$7.3 million is provided to the Department of Commerce to assist with early learning facility projects. Of this total, \$155,000 is provided to the Issaquah School District for an Early Learning Center.

Washington Broadband Program. The underlying 2019–21 Operating Budget provided \$21.6 million to the Department of Commerce for grants, loans, and administrative expenses related to implementation of a new broadband program adopted last session in 2SSB 5511. \$14.4 million of the total appropriation was provided solely for loans, and \$7.1 million was provided solely for grants.

The 2020 Supplemental Capital Budget maintains the same \$21.6 million appropriation; however, funding for loans is decreased from \$14.4 million to \$10.8 million and funding for grants is increased from \$7.1 million to \$10.8 million.

Proviso language in the original budget is maintained. The language requires (as stipulated in 2SSB 5511) the governor's Statewide Broadband Office to submit regular reports to the Legislature, with the first report required by January 1, 2021. The report must include a list of potential regional projects that will accelerate broadband access by

Education-Related Bills That Passed—Titles

During the 2020 Legislative Session, almost 1,900 bills, resolutions, and memorials were introduced—for a total of more than 4,600 pieces of legislation introduced during the two-year biennial session. Of those, 380 bills were adopted by the 2020 Legislature; however, the governor vetoed 24 of them, leaving a total of 356 bills becoming law. (NOTE: This total includes one bill (ESSB 5395—Sexual health education) on which a Referendum has been filed. If sufficient signatures are collected, it will be placed on the November general election ballot for the voters to decide. If voters reject it, the total number of bills enacted will drop to 355). WASA staff monitored over 500 bills, resolutions, and memorials that had a direct or potentially indirect impact on K–12 education. Ultimately, 50 education-related bills of importance were adopted.

Following is a description of those education-related bills that survived the legislative journey and were adopted. The description shows the bill's prime sponsor and notes the Session Law chapter number (this is where the bill will be found in the [Session Laws of the State of Washington](#), which is compiled annually).*

2SHB 1191	School notifications	ESHB 2816.....	School and classroom climates
HB 1390	PERS/TRS 1 benefit increase	HB 2853	Charter School Commission
3SHB 1660	Extracurricular activities	2SHB 2864.....	Running Start Summer Pilot
HB 1755	Education doctorate degrees	EHB 2965.....	Novel Coronavirus
E2SHB 1783.....	Office of Equity	ESB 5165	Discrimination
2SHB 1888	Employee information disclosure	ESSB 5395	Sexual health education
EHB 2040.....	Nonhigh school districts	ESSB 5434.....	Possession of weapons
ESHB 2116.....	Institutional education	2SSB 5572	Small School Modernization Grants
HB 2259	Background checks	SB 5792.....	Cultural Access Programs
ESHB 2322.....	2020 Supplemental Transportation Budget	SB 6066.....	Ethnic studies materials
ESHB 2421.....	Election costs	SB 6102.....	School bus stop signals
ESHB 2455.....	Parents in high school	SB 6103.....	Educational reporting
HB 2458	SEBB optional benefits	SSB 6141	Higher education access
ESHB 2551.....	Tribal regalia/graduation	ESSB 6168.....	2020 Supplemental Operating Budget
SHB 2589	Suicide prevention	SB 6187.....	Public data breaches
HB 2602	Hair discrimination	ESSB 6189	SEBB eligibility
SHB 2614	Paid Family and Medical Leave	SSB 6191	Adverse Childhood Experiences
HB 2617	Surplus school property	ESSB 6248	2020 Supplemental Capital Budget
ESHB 2660.....	Free school meals	SB 6263.....	Tribes/schools data sharing
SHB 2711	Equitable educational outcomes	ESSB 6280	Facial recognition services
ESHB 2731.....	Student head injuries	ESB 6313	Young voters
2SHB 2737	Children's Mental Health Work Group	SB 6374.....	Apprenticeship materials
HB 2739	Shared leave program	ESSB 6492	Workforce education investments
SHB 2787	ESIT program	SSB 6521	Innovative Learning Pilot
EHB 2811.....	Environmental education	SSB 6660	Four-year balanced budget

*NOTE: Much of the text in the following descriptions has been adapted from bill reports prepared by non-partisan legislative committee staff. Their assistance is appreciated.

Education-Related Bills That Passed

2SHB 1191—School notifications

(Representative Goodman)

C167 L20

In 2018, the State Auditor's Office conducted two performance audits regarding notifications of student criminal offenses. The first audit ([Ensuring Notification to Schools and Districts of Student Criminal Offenses](#), May 2018) examined whether state agencies, courts, and sheriffs notified K–12 schools and school districts of offenses committed by students as required by law. The audit identified gaps and breakdowns in notification processes; however, the government entities that notify schools and school districts expressed their willingness to work with education associations to resolve these issues. To facilitate solutions, the State Auditor's Office convened a work group of stakeholders to begin addressing issues.

The second audit ([Evaluating School Responses to Notifications of Student Criminal Offenses](#), November 2018) evaluated what happens to notifications after principals and district officials receive them. Under current law, school principals are required to provide student criminal history information to every teacher of a student, as well as the student's next school. Few principals interviewed routinely shared criminal history information as extensively as required by state law, primarily because most did not understand their legal obligations. Without a clear understanding of requirements, principals used their judgment to decide what to share and with whom, frequently focusing on situations involving serious crimes. Further, most school districts lacked clear or complete policies to guide principals, in part because the state's model policies were unclear and incomplete.

Following the release of the two performance audits, legislation was introduced in the 2019 Session to modify notification requirements. The bill failed to be adopted and the stakeholder work group, established after the release of the May 2018 audit, continued to meet with legislators in the 2019 legislative interim. HB 1191, automatically reintroduced in the 2020 Session, was amended to address recommendations of the work group and was eventually adopted as 2SHB 1191.

The bill, as adopted, modifies requirements governing notifications from criminal justice entities to schools and school districts for students who have committed certain crimes, including violent or sex offenses and violations of firearms and dangerous weapons laws, by establishing uniformity in notice requirements and in the duties of school personnel after a notification is received.

General Notification Duties of School Officials. Under provisions of 2SHB 1191, if a school district superintendent or a school principal receives notice from a county sheriff, a court, the Department of Corrections, or other specified designees, regarding a student who has committed a violent or sex offense, a violation of firearms and dangerous weapons laws, or a violation of controlled substance laws, the recipient must comply with the following:

- the school district superintendent must provide the received information to the principal of the school that the student was or will be enrolled in;
- if the information is about a sex offense, the principal must comply with specified notification requirements that vary according to the risk level of the student;
- upon receipt of information about a violent offense, a violation of firearms and dangerous weapons laws, unlawful possession or delivery, or both, of a controlled substance, or a school disciplinary action, the principal may, subject to certain requirements, share the information with a staff member if, in the principal's judgment, the information is necessary for: the staff member to supervise the student; the staff member to provide or refer the student to therapeutic or behavioral health services; or security purposes; and
- upon receipt of information about an adjudication in juvenile court for an unlawful possession of a controlled substance, the principal must notify the student and the parent or legal guardian at least five days before sharing the information with a school district staff member. If the student or the student's parent or guardian objects to the proposed sharing of the information, the student, parent, or guardian may appeal the decision to share the information to the superintendent of the district who must make a written and final determination on the matter.

Notification requirements of the bill also apply to private school and charter school administrators.

School District Boards of Directors, OSPI and WSSDA.

2SHB 1191 also modifies provisions governing school district obligations for notifications of criminal offenses by students. By September 1, 2020, each school district board of directors must adopt a policy that addresses:

- procedures for providing notice of threats of violence or harm to the student or school

employee who is the subject of the threat; and

- procedures for complying with the general notification duties of school officials.

WSSDA is required to adopt, and revise as necessary, a related model policy, which must be developed in consultation with organizations that provide free legal services for youth. The model policy must be disseminated by WSSDA and made available to the public on its website. School districts, in drafting their own policies, must review the model policy, and each school district must adopt the model policy unless it has a compelling reason to develop and adopt a policy that addresses the same content requirements as the model policy.

Sheriffs and School Officials. Current law requires student criminal notification to be provided to the school district or school principal. Under provisions of the new law, notification-related duties assigned to the school district or school principal are reassigned to a “designated recipient.” A designated recipient is defined as:

- A school district superintendent or a designee;
- A state-tribal education compact school superintendent or a designee;
- The administrator of a charter school; or
- The administrator of a private school.

If the notification is from a sheriff and in accordance with sex offender notice requirements, the sheriff is no longer required to include the offender’s Social Security Number in the notice.

If the designated recipient is also the administrator of the school district, that person has an obligation to provide the information received from the sheriff to the applicable principal in accordance with requirements based on the student’s risk level classification.

Court Notifications and Actions of School Principals.

Provisions governing the obligations of courts and principals for notifications of criminal offenses by students are also modified.

If a person is adjudicated in juvenile court or convicted in adult criminal court of a violent or sex offense, a violation of firearms and dangerous weapons laws, or a violation of controlled substance laws, the court must provide written notification of the adjudication or adult criminal court conviction to the designated recipient (as defined above) of the school where the person:

- was enrolled prior to adjudication or conviction; or
- has expressed an intention to enroll following

adjudication or conviction.

These notification requirements generally apply only if the adjudicated or convicted person is 21 years of age or younger and has not received a high school diploma or its equivalent. Additionally, a current provision specifying that the required notification can only be made after informing the person’s parent or guardian of the notification requirements is removed.

Court notification requirements do not apply if the adjudicated or convicted person is between 18 and 21 years of age and either his or her prior or intended enrollment information cannot be obtained, or the person asserts no intention of enrolling in an educational program.

Current law provisions which require notifications from courts to school principals because of the following offenses are removed:

- unlawful inhalation of toxic fumes;
- a violation of liquor possession and consumption prohibitions for minors; and
- various additional crimes as specified in the bill.

School staff notification-related duties specifically assigned to school principals upon receipt of the information from the court are removed and school personnel are instead obligated to comply with the general notification duties of school officials, as described above.

Department of Children, Youth, and Families. With limited exceptions, 2SHB 1191 requires the Secretary of the Department of Children, Youth, and Families (DCYF), at the earliest practicable date and in no event later than 30 days before discharge, parole, or any other authorized leave or release, or before transfer to a community residential facility, to send written notice of the discharge, parole, authorized leave or release, or transfer of a juvenile found to have committed a violent offense, a sex offense, or stalking, to:

- the chief of police of the city, if any, in which the juvenile will reside; and
- the sheriff of the county in which the juvenile will reside.

Current law provisions directing the Secretary of DCYF to send notice to the applicable public schools, school district boards of directors, and private schools regarding juveniles who have committed sex or violent offenses, and in certain circumstances, stalking offenses, are replaced with new notification requirements for the Secretary. With limited exceptions, the Secretary must, at the earliest practicable date, and in no event later than 30 days before

discharge, parole, or any other authorized leave or release, or before transfer to a community residential facility, send written notice of the discharge, parole, authorized leave or release, or transfer of an individual who is found to have committed a violent offense or a sex offense to the designated recipient of the school where the juvenile either:

- was enrolled prior to incarceration or detention; or
- has expressed an intention to enroll following his or her release.

These modified requirements apply if the individual who is the subject of the notification is 21 years of age or younger and has not received a high school diploma or its equivalent.

School Districts—Sending and Receiving Districts.

Notification-related duties specifically assigned to schools upon receiving information that a student has a history of disciplinary actions, criminal or violent behavior, or other behavior indicating that the student could be a threat to the safety of educational staff or other students are removed and school personnel are instead obligated to comply with the general notification duties of school officials, as described above.

Department of Corrections—Notice to School

Districts. Requirements governing notifications from the Department of Corrections (DOC) to school district boards of directors regarding the release persons who have been convicted of a violent offense, a sex offense, or stalking are modified by removing the stalking requirement and changing the criteria for providing notice. Specifically, at the earliest practicable date and in no event later than 30 days before release from confinement, DOC must provide written notification of the release of an offender to the designated recipient of the school where the offender:

- was enrolled prior to incarceration or detention; or
- has expressed an intention to enroll following his or her release.

Public Records Act. Finally, 2SHB 1191 specifies that information received by superintendents, designees of superintendents, and principals in accordance with specified notification requirements for certain criminal offenses by students is not subject to disclosure under the Public Records Act.

HB 1390—PERS/TRS 1 benefit increase

(Representative Leavitt, by request of Select Committee on Pension Policy)

C329 L20

The basic retirement allowance for Public Employees’

Retirement System (PERS) Plan 1 and Teachers’ Retirement System (TRS) Plan 1 does not assume an annual cost-of-living adjustment (COLA) like some other state pension systems but since 1987 PERS Plan 1 and TRS Plan 1 retirees had the option to take a reduced initial benefit and receive an annual COLA based on the Consumer Price Index, up to three percent annually. In addition to the optional COLA, between 1995 and 2011, PERS Plan 1 and TRS Plan 1 retirees’ benefits could be eligible for an annual increase from a Uniform COLA (UCOLA). The UCOLA was enacted in 1995 to replace a number of prior COLAs and was a fixed dollar amount multiplied by the member’s total years of service. The UCOLA, and those additional increases, however, were repealed in 2011.

In 2018, the Legislature provided a one-time increase of 1.5 percent that was applied to the PERS Plan 1 and the TRS Plan 1 on July 1, 2018, up to a maximum increase of \$62.50 per month.

In 2019, The Legislature’s Select Committee on Pension Policy recommended retirees in the PERS Plan 1 and the TRS Plan 1 receive a benefit increase and requested HB 1390 in the 2020 Session.

Receiving broad legislative support, a Plan 1 COLA was included in the governor’s 2020 Supplemental Operating Budget proposal, and was also included in both legislative proposed budgets. Although the bill had a bumpy ride, EHB 1390 was ultimately adopted. For PERS Plan 1 and TRS Plan 1 members retired by July 1, 2019, the bill increases monthly benefits by three percent, up to a maximum increase of \$62.50. The increased benefits are effective on July 1, 2020.

3SHB 1660—Extracurricular activities

(Representative Bergquist)

C13 L20

The original version this bill was introduced last year to eliminate, or at least reduce, the opportunity gap for Associated Student Body (ASB) card acquisition and the opportunity gap for extracurricular activity participation. The bill would have required school districts with high schools to establish goals to reduce those opportunity gaps and collect and report a series of data. While the bill failed to be adopted last year, most of the bill’s requirements were embedded in the 2019–21 Operating Budget.

The bill was automatically reintroduced this session, was heard on the first day of the 2020 Session, went through a series of revisions, and was ultimately adopted.

3SHB 1660 details a series of definitions for purposes of the bill and provisions related to ASB funds:

- “Associated Student Body Executive Board” means the student leadership group responsible for decision-making related to the ASB at a public school;
- “Extracurricular activities” means school-based athletic programs, which may also include optional noncredit school clubs;
- “High school student” means a public school student enrolled in any of grades nine through twelve; and
- “Students who are low-income” means students who are eligible to participate in the federal Free and Reduced-Price Meal (FRPM) program or, if this data is unavailable, the College Bound Scholarship Program.

Beginning April 1, 2021, and by April 1 annually thereafter, school districts with high schools are required to collect and report to the ASB Executive Board data related to students in possession of ASB cards and student participation in school-based athletic programs. An ASB Executive Board must be provided with data from its high school only, and not with data from other high schools in the district. Beginning August 31, 2020, and by August 31 annually thereafter, school districts with high schools must collect and publish the data on their ASB website.

The data elements to be collected, reported, and published must include:

- The total number of high school students and the total number of high school students who are low-income;
- The purchase amount of an Associated Student Body card for high school students;
- The discounted purchase amount of an Associated Student Body card for high school students who are low-income;
- Athletic program participation fees and any discounted fees for high school students who are low-income;
- The number of high school students who possess an Associated Student Body card and the number of high school students who are both low-income and possess an Associated Student Body card;
- The number of high school students participating in an athletic program and the number of high school students who are both low-income and participate in an athletic program;
- The opportunity gap in student possession of an Associated Student Body card, calculated as described below;
- The opportunity gap in athletic program participation, calculated as described below;
- Whether the school district has met the opportunity gap goals, as described below; and
- The extracurricular activity opportunity gap reduction plan, as described below, as applicable.

Data collected, reported, and published as required and outlined above must be from the current school year. Although data on student participation in school clubs is not required, high schools may include it at their discretion. School districts that do not enroll high school students are specifically exempt from collecting data, as described above. Finally, upon request from OSPI, school districts must provide a summary report of the data collected above.

To calculate the opportunity gap in student possession of an ASB card, districts must subtract the percentage of high school students who are low-income and who possess an ASB card, from the percentage of high school students who are not low-income and who possess an ASB card. A school district must calculate the opportunity gap in athletic program participation by subtracting the percentage of high school students who are low-income and who participated in an athletic program, from the percentage of high school students who are not low-income and who participated in an athletic program. Although the calculation is not required to use data on student participation in school clubs, high schools may include school club data at their discretion. School districts may also elect to exclude the number of students who are low-income and who are participating in the Running Start program when calculating opportunity gaps.

Under provisions of 3SHB 1660, high schools must meet specified goals, as described below, for student possession of ASB cards and student participation in athletic activities; however, if a high school does not require an ASB card for participation in any extracurricular activities or to receive any student discounts, these goals are not required.

For a high school that requires an ASB card for participation in school clubs only, the goal is that fifty percent of high school students possess an ASB card each school year. For a high school that requires an ASB card for participation in school clubs and school-based athletics, the goal is that seventy percent of high school students possess an ASB card each school year. For each high school, the opportunity gap in student possession of an ASB card may not exceed the following goals:

- During the 2020–21 school year, the opportunity

- gap must be twenty or fewer percentage points;
- During the 2021–22 school year, the opportunity gap must be sixteen or fewer percentage points;
- During the 2022–23 school year, the opportunity gap must be twelve or fewer percentage points;
- During the 2023–24 school year, the opportunity gap must be eight or fewer percentage points; and
- During the 2024–25 school year, and for each subsequent school year, the opportunity gap must be five or fewer percentage points.

Goals are also established for student participation in extracurricular activities. For each high school, the opportunity gap in extracurricular activity participation must not exceed the following goals:

- During the 2020–21 school year, the opportunity gap must be twenty or fewer percentage points;
- During the 2021–22 school year, the opportunity gap must be sixteen or fewer percentage points;
- During the 2022–23 school year, the opportunity gap must be twelve or fewer percentage points;
- During the 2023–24 school year, the opportunity gap must be eight or fewer percentage points; and
- During the 2024–25 school year, and for each subsequent school year, the opportunity gap must be five or fewer percentage points.

Beginning June 1, 2021, and by June 1 annually thereafter, a school district with a high school that does not meet or beat one or more of the opportunity gap reduction goals described above must develop, submit, and implement an extracurricular activity opportunity gap reduction plan. When developing the plan, the school district must review recommendations from the ASB Executive Board. The plan must be published on the high school's ASB website. OSPI may review the plans and provide feedback and technical assistance to help school districts meet these requirements.

3SHB 1660 also makes a number of changes to optional noncredit extracurricular event fee provisions:

- school boards are permitted to establish and collect participation fees, in addition to attendance fees;
- requires school boards that establish and collect attendance or participation fees to establish a policy and regulations for waiving and reducing these fees;
- specifies that the policy and regulations for students who are eligible to participate in the federal Free and Reduced Price Meal program must be fee waiver, not fee reduction;

- provides that the policy and regulations for reducing fees applies to student's family members; and
- requires that a list of extracurricular event attendance and participation fees and the policy for waiving and reducing these fees be published on the ASB website.

Finally, the process for charging and collecting ASB card fees, school-based extracurricular activities fees, optional noncredit school club fees, and other fees from high school students who are low-income is streamlined. The process must be identical to the process for charging and collecting fees from other students, except that the student fee waivers must be automatically applied where applicable.

HB 1755—Education doctorate degrees (Representative Leavitt)

C15 L20

Currently, Central Washington University, Eastern Washington University, and Western Washington University each offer master's degrees in education. Additionally: Eastern Washington University offers applied, but not research, doctorate degrees in physical therapy; Western Washington University offers applied, but not research, doctorate degrees in audiology; the University of Washington and Washington State University offer both applied and research doctorate degrees in education.

HB 1755 allows the Boards of Trustees of each of Washington's the regional universities to offer applied, but not research, doctorate level degrees in education.

E2SHB 1783—Office of Equity (Representative Gregerson)

C332 L20—Partial Veto

In 2018, the Governor's Interagency Coordinating Council on Health Disparities issued a state policy action plan related to its work to eliminate health inequities by race, ethnicity, and gender. As part of that plan, the Council recommended that the governor issue a policy to create a comprehensive initiative to promote equity in state government. Last session, a proviso in the 2019–21 Operating Budget directed the Council to convene and staff an Office of Equity Task Force that would develop a proposal for the creation of the Washington State Office of Equity.

The Task Force held multiple public meetings and public forums in different locations across the state as part of its work to develop recommendations on the general structure and roles for the Equity Office. The Task Force will continue to meet in 2020 to develop additional recommendations and is required to produce a final report by July 1, 2020.

Following the work of the Office of Equity Task Force, E2SHB 1783 establishes the Washington State Office of Equity, within the Office of the Governor, to promote access to equitable opportunities and resources that reduce disparities, and improve outcomes statewide across state government. The work of the Equity Office must be guided by principles of equity:

- Equity requires developing, strengthening, and supporting policies and procedures that distribute and prioritize resources to those who have been historically and currently marginalized, including tribes;
- Equity requires the elimination of systemic barriers that have been deeply entrenched in systems of inequality and oppression; and
- Equity achieves procedural and outcome fairness, promoting dignity, honor, and respect for all people.

The governor, with the consent of the Senate, is required to appoint a Director to administer the Equity Office. The Director must employ and supervise staff and oversee the administration and programs of the Equity Office in accordance with the guiding principles.

The Equity Office is required to facilitate state policy and systems change to promote equitable policies, practices, and outcomes through:

- **Agency decision making.** The Office must assist agencies in applying an equity lens in all aspects of agency decision making, including service delivery, program development, policy development, and budgeting. The Office must provide assistance by:
 - Facilitating information sharing between agencies around diversity, equity, and inclusion issues;
 - Convening work groups as needed;
 - Developing and providing assessment tools for agencies to use in the development and evaluation of agency programs, services, policies, and budgets;
 - Training agency staff on how to effectively use the assessment tools, including developing guidance for agencies on how to apply an equity lens to the agency's work when carrying out the agency's duties;
 - Developing a form that will serve as each agency's diversity, equity, and inclusion plan, required to be submitted by all agencies, for each agency to report on its work in the area of diversity, equity, and inclusion. The Office must post each agency plan on a new dashboard created in this bill;
 - Maintaining an inventory of agency work in the

area of diversity, equity, and inclusion; and

- Compiling and creating resources for agencies to use as guidance.
- **Community outreach and engagement.** The Office is required to staff the Community Advisory Board created by this bill and may contract with commissions or other entities with expertise in order to identify policy and system barriers, including language access, to meaningful engagement with communities in all aspects of agency decision making.
- **Training on maintaining a diverse, inclusive, and culturally sensitive workforce.** The Office must collaborate with the Office of Financial Management (OFM) and the Department of Enterprise Services to develop policies and provide technical assistance and training to agencies on maintaining a diverse, inclusive, and culturally sensitive workforce that delivers culturally sensitive services.
- **Data maintenance and establishing performance metrics.** The Office must:
 - Collaborate with OFM and agencies to:
 - Establish standards for the collection, analysis, and reporting of disaggregated data as it pertains to tracking population level outcomes of communities;
 - Create statewide and agency-specific process and outcome measures to show performance:
 - Using outcome-based methodology to determine the effectiveness of agency programs and services on reducing disparities; and
 - Taking into consideration community feedback from the Community Advisory Board on whether the performance measures established accurately measure the effectiveness of agency programs and services in the communities served;
 - Create an online performance dashboard to publish state and agency performance measures and outcomes; and
 - Identify additional subcategories in workforce data for disaggregation in order to track disparities in public employment; and
 - Coordinate with the Office of Privacy and Data Protection to address cybersecurity and data protection for all data collected by the Office.
- **Accountability.** The Office must:
 - Publish a report for each agency detailing whether the agency has met the performance measures

established and the effectiveness of agency programs and services on reducing disparities. The report must include the agency's strengths and accomplishments, areas for continued improvement, and areas for corrective action. The Office must post each report on the new dashboard;

- Establish a process for the Office to report on agency performance and a process for agencies to respond to the report. The agency's response must include the agency's progress on performance, the agency's action plan to address areas for improvement and corrective action, and a timeline for the action plan; and
- Establish procedures to hold agencies accountable, which may include conducting performance reviews related to agency compliance with Office performance measures.

By October 31, 2022, and every year thereafter, the Office of Equity must provide a report to the governor and the Legislature. The report must include a summary of the Office's work, including strengths and accomplishments, an overview of agency compliance with Office standards and performance measures, and an equity analysis of the makeup of the Community Advisory Board.

The Director of the Office of Equity must review the final recommendations of the Office of Equity Task Force and report back to the governor and the Legislature with any additional recommendations necessary for the Office to carry out its duties.

E2SHB 1783 clarifies the powers of the Office of Equity. Specifically, the Office may:

- Provide technical assistance to agencies;
- Conduct research projects, as needed, provided that no research project is proposed or authorizes funding without consideration of the business case for the project including a review of the total cost of the project, similar projects conducted in the state, and alternatives analyzed;
- Conduct policy analyses and provide a forum where ideas and issues related to diversity, equity, and inclusion plans, policies, and standards can be reviewed;
- Develop policy positions and legislative proposals;
- Consider, on an ongoing basis, ways to promote investments in enterprise-level diversity, equity, and inclusion projects that will result in service improvements and cost efficiency;
- Fulfill external data requests, as resources allow; and

- Receive and solicit gifts, grants, and endowments from public or private sources that are made for the use or benefit of the Office and to expend the same or any income therefrom according to their terms and current law.

The Director of the Office of Equity is required to report any funds received from private sources to OFM on a regular basis. Funds received from private sources may not be applied to reduce or substitute the Office's budget as appropriated by the Legislature, but must be applied and expended toward projects and functions authorized under the law that were not funded by the Legislature.

~~The bill also creates a Community Advisory Board to advise the Equity Office on its priorities and timelines and provide guidance on standards and performance measures. The Director must appoint members to the Board to support diverse representation by geography and identity. Members of the Board are entitled to compensation and reimbursement for travel expenses.~~

~~Responsibilities of state agencies, working in conjunction with the new Office are enumerated. All state agencies are required to:~~

- ~~• designate diversity, equity, and inclusion liaisons;~~
- ~~• apply an equity lens to assess existing and proposed policies, service delivery, programs, practices, and budget decisions;~~
- ~~• develop and submit diversity, equity, and inclusion plans;~~
- ~~• develop written language access policies and plans;~~
- ~~• collaborate with the Office of Equity to establish performance measures;~~
- ~~• provide data and information to the Office of Equity, as requested; and~~
- ~~• submit a response to the Office of Equity's report on agency performance.~~

Prior to signing the bill, Governor Inslee vetoed two sections: one that created the Community Advisory Board; and another one that established new responsibilities of all state agencies. Inslee signed this bill in April, noting in his veto message: "Circumstances have changed dramatically since the 2020 Supplemental Operating Budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. I have conferred with leaders in the House of Representatives and Senate, and we agree that we must prepare for the effects of the lost revenue

that will result from this pandemic.” In conjunction with the partial veto of E2SHB 1783, Inslee also vetoed a \$1.3 million appropriation in the 2020 Supplemental Operating Budget to fund the new Office of Equity.

2SHB 1888—Employee information disclosure

(Representative Hudgins)

C106 L20

With limited exceptions, the Public Records Act (PRA) requires all state and local governmental entities to make available to the public all public records upon request. Under current law, there are several exemptions for records related to employment and licensing information for employees or volunteers who work for a government agency (including school districts). Those exemptions include residential addresses, telephone numbers, electronic mail addresses, and Social Security Numbers. Additionally, photographs and birth dates of employees and workers of criminal justice agencies are exempt from public disclosure.

In October 2019, the Washington Supreme Court held that public records containing birth dates of state employees are not exempt from disclosure under the PRA, and their release does not violate the Washington Constitution’s guarantee of privacy.

2SHB 1888 specifically exempts month and year of birth and photographs of all public agency employees from public disclosure; however, the news media are permitted to have access to full dates of birth and photographs. Additionally, payroll deduction information, including the amount and the identification of the deduction, is made exempt from disclosure.

The bill also requires a state or local government agency that receives a request for information located exclusively in an employee’s personnel, payroll, supervisor, or training file to provide notice to the employee, any union representing the employee, and the requestor. This notice must include:

- the date of the request;
- the nature of the record that has been requested;
- a statement that the agency will release nonexempt information at least ten days after the notice is made; and
- a statement that the employee may seek to enjoin release of the record under procedures provided by state law.

EHB 2040—Nonhigh school districts

(Representative MacEwen)

C225 L20

Under current law, when a student residing in a nonhigh

school district attends high school, the nonhigh school district must send the student to a high school district that provides secondary instruction. Nonhigh school districts are required to reimburse the high school districts for the costs of educating nonhigh school students. Currently, the payment amount per student is defined as the enrichment levy rate per student levied by the high school district.

EHB 2040 provides additional flexibility to nonhigh school districts by altering the calculation of payments. Nonhigh school district payments per student to a high school district is the lesser of the enrichment levy rate per student levied by the high school district or the enrichment levy rate per student levied by the nonhigh school district. If the nonhigh school district does not have an enrichment levy, then the payment is the enrichment levy rate per student in the high school district.

The bill also provides additional accountability by requiring revenue provided by nonhigh school districts to high school districts to be specifically designated for secondary school buildings. Additionally, upon a nonhigh school district’s request, the high school district must report annual data for attendance, grades, discipline, and state assessments for nonhigh school secondary students served by the high school district within sixty days of the request.

ESHB 2116—Institutional education

(Representative Callan)

C226 L20

ESHB 2116 establishes a Task Force on Improving Institutional Education Programs and Outcomes. The Task Force’s eleven members are determined as follows:

- the President of the Senate must appoint one member from each of the two largest caucuses of the Senate, with each member serving on the committee with jurisdiction over education issues, and one member serving on the committee with jurisdiction over basic education funding;
- the Speaker of the House of Representatives must appoint one member from each of the two largest caucuses of the House of Representatives, with one member serving on the committee with jurisdiction over education issues, and one member serving on the committee with jurisdiction over basic education funding;
- the governor must appoint one member from the State Board of Education, one member from the Department of Children, Youth, and Families (DCYF), and one member representing an organization that provides free legal advice to youth who are involved in, or at risk of being involved in,

the juvenile justice system;

- OSPI must appoint three members: one member representing OSPI; one member who is a principal from a school district with at least 20,000 enrolled students that provides education services to a juvenile rehabilitation facility; and one member who is a teacher with expertise in providing education services to residents of a juvenile rehabilitation facility; and
- the Educational Opportunity Gap Oversight and Accountability Committee (EOGOAC) must select one member representing the EOGOAC.

The Task Force is required to examine the following issues:

- Goals and strategies for improving the coordination and delivery of education services to youth involved with the juvenile justice system, especially youth in juvenile rehabilitation facilities, and children receiving education services, including home or hospital instruction;
- The transmission of student records, including individualized education programs and plans, for students in institutional facilities, and recommendations for ensuring that those records are available to the applicable instructional staff within two business days of a student's admission to the institution;
- Goals and strategies for increasing the graduation rate of youth in institutional facilities, and in recognition of the transitory nature of youth moving through the juvenile justice system, issues related to grade level progression and academic credit reciprocity and consistency to ensure that:
 - Core credits earned in an institutional facility are considered core credits by public schools that the students subsequently attend; and
 - Public school graduation requirements, as they applied to a student prior to entering an institutional facility, remain applicable for the student upon returning to a public school;
- Goals and strategies for assessing adverse childhood experiences of students in institutional education and providing trauma-informed care;
- An assessment of the level and adequacy of basic and special education funding for institutional facilities. The examination must include information about the number of students receiving special education services in institutional facilities, and a comparison of basic and special education funding in institutional facilities and public schools during the previous ten school years;

- An assessment of the delivery methods, and their adequacy, that are employed in the delivery of special education services in institutional facilities, including associated findings;
- School safety, with a focus on school safety issues that are applicable in institutional facilities; and
- Special skills and services of faculty and staff, including associated professional development and nonacademic supports necessary for addressing social emotional and behavioral health needs presenting as barriers to learning for youth in institutional facilities.

The Task Force, in completing its duties, is required to solicit and consider information and perspectives provided by the Department of Corrections and persons and entities with relevant interest and expertise, including from persons with experience reintegrating youth from institutional facilities into school and the community at large, and from persons who provide education services in secure facilities housing persons under the age of 25.

The initial meeting of the Task Force, which is to be called by a member from the majority caucus of the House of Representatives, must be by May 1, 2020. Staff support for the Task Force is to be provided by Senate Committee Services and the Office of Program Research of the House of Representatives. The Office of Financial Management, OSPI, DCYF, and the Department of Corrections must cooperate with the Task Force and provide information as requested. The Task Force must report its findings and recommendations to the governor and the Legislature by December 15, 2020. The findings and recommendation may also include recommendations for extending the duration of the Task Force.

HB 2259—Background checks

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

C22 L20

Before hiring an employee who will have regularly scheduled unsupervised access to children or persons with developmental disabilities school districts, ESDs, the Center for Deaf and Hard of Hearing Youth, the State School for the Blind, and contractors of these entities must require a criminal history record check that includes a fingerprint check through the Washington State Patrol Criminal Identification System and through the Federal Bureau of Investigation.

If the applicant has had a record check within the previous two years, the requesting entity may waive the requirement for a record check. The entity hiring the employee

determines who pays costs associated with the record check.

HB 2259 adds OSPI to the list of entities that must require a record check before hiring an employee who will receive criminal history record information or personally identifiable information from another employee's record check. Additionally, OPSI is added to the list of entities that: must require a record check before hiring an employee who will have regularly scheduled unsupervised access to children or persons with developmental disabilities; may waive this requirement if the applicant has had a record check within the previous two years; and have discretion about who pays costs associated with the record check.

ESHB 2322—2020 Supplemental Transportation Budget
(Representative Fey, by request of Office of Financial Management)

C219 L20—Partial Veto

This is the 2020 Supplemental Transportation Budget. The bill provides appropriations for state transportation agencies, road projects, and programs by amending the 2019–21 Transportation Budget adopted last session. Other than the positive, indirect impact provided by safe roads, K–12 education is not greatly affected by this budget. As usual, however, there is some minor funding for education-related issues.

The underlying 2019–21 Transportation Budget provided \$19.2 million for newly selected Safe Routes to Schools projects. Additionally, \$9.8 million was reappropriated for Safe Routes to School projects selected in the previous biennia. The 2020 Supplemental Transportation Budget provided an additional \$7.5 million (reappropriation) for Safe Routes to School projects selected in the previous biennia.

ESHB 2421—Election costs
(Representative Tarleton)

C337 L20

This bill addresses a series of issues regarding costs of elections. Under current law, the state is required to reimburse counties for its proportionate share of state election costs in odd-numbered years. Additionally, the state must pay a prorated share of costs associated with elections held to fill a vacancy in the United States Senate or the United States House of Representatives. ESHB 2421 requires a state reimbursement of its share of state election costs in even-numbered years, as well as odd-numbered years.

Current law also requires counties to include prepaid postage on mail and absentee ballots in primary and general elections. The state currently reimburses counties for those costs. Under ESHB 2421, the cost of the prepaid postage

would be apportioned among the state, the counties, and each city, town, or district (including school districts) that have measures and/or candidates on the ballot.

Each primary and general election, county auditors publish and disseminate a state voter's pamphlet. Under current law, county auditors are allowed, but not required, to publish and distribute a local voters' pamphlet. ESHB 2421, however, requires each county auditor to print and distribute a local voters' pamphlet before every primary, general, and special election. The pamphlet must provide information on all measures and candidates within that jurisdiction. Considered a part of "election costs," every city, town, or district (including school districts) that has measures and/or candidates on the ballot would have to pay its proportionate share of producing and distributing the pamphlets.

Other issues regarding election costs are addressed by the bill. Upon receipt of a properly submitted voucher from a county auditor seeking state reimbursement for election costs, the Secretary of State is required to pay, within 30 days, from specifically appropriated funds until those funds are exhausted. If the appropriated funds are insufficient to cover the voucher, the Secretary of State must seek sufficient additional funds from the Legislature during the next legislative session. The state is not required to pay interest on reimbursement amounts.

In the case of an election recount, it is clarified that the state must pay for mandatory recounts for any legislative or congressional office as part of the reimbursement for election costs to counties. The Secretary of State must include a budget request to the Legislature during the next legislative session for funds for reimbursement of all costs for the mandatory recount and must reimburse those costs to counties in the same manner as other election cost reimbursements.

NOTE: In just about every session, there are several election-related bills introduced; some of them directly impact school districts, others usually have at least indirect impacts. The county auditors requested and advocated for this bill without any input from any of the local governments, even though the law directly impacts any jurisdiction that has a proposition and/or candidates on the ballot. We expressed our concerns to the auditors—and legislators—with no success. We received little sympathy; however, as we continued to agitate, county auditors agreed to join with local government representatives this summer/fall to have an in-depth conversation about election issues, including the process for local voters' pamphlets. This conversation won't have an impact on this bill, as it was adopted by the Legislature, but it is hoped that WASA, along with our local government colleagues, can successfully

address concerns with voters' pamphlets and other election issues and keep from being ambushed in the future when additional election issues are discussed.

ESHB 2455—Parents in high school

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

C339 L20

ESHB 2455 is intended to support access to child care for parents who are attending high school or working toward completion of a high school equivalency certificate. The bill: requires school districts to provide transportation to students who request to transport their infant; and changes Working Connections Child Care eligibility and copayment requirements for a parent who is attending high school or is working toward completing a high school equivalency certificate.

By July 1, 2021, at the request of an eligible student, a school district may allow the student to transport an infant on a school bus or other district transportation. The infant must be transported in a rear-facing child restraint system. If the district denies a student request to transport the infant by bus, the district is required to authorize other arrangements for the student's transportation. An "eligible student" is defined as any student served by the transportation program of a school district or compensated for individual transportation arrangements whose route stop is outside the walk area for a student's school, except if the student to be transported is disabled.

Under the new law, a parent who is attending high school is eligible to receive Working Connections Child Care. Additionally, a parent age twenty-one years or younger who is working toward completing a high school equivalency certificate is eligible to receive Working Connections Child Care.

When determining consumer eligibility and copayment, the Department of Children, Youth, and Families:

- Must—within existing resources—authorize full-day subsidized child care during the school year in cases where:
 - the parent is participating in 110 hours of approved activities per month;
 - the household income of the parent does not exceed 85 percent of the state median income at the time of application; and
 - the parent meets all other program eligibility requirements;
- May not consider the availability of the other biological parent when authorizing care; and
- May not require a copayment.

HB 2458—SEBB optional benefits

(Representative Stonier)

C231 L20

The Legislature created the School Employees' Benefits Board (SEBB) insurance program in 2017 and later adopted amendments to clarify operations of the Board. All school districts are required to offer all benefits offered by SEBB and school employees must choose participation in one of the SEBB health care benefit plans; however, individual school employees may waive coverage under terms and conditions established by SEBB.

In addition to benefits offered by SEBB, school districts are authorized to provide optional benefit plans to employees under certain conditions. Recently, however, internal conversations at the Health Care Authority (HCA) have increased regarding HCA "taking over" certain current optional benefits. A part of those conversations has been the Voluntary Employees' Beneficiary Association (VEBA) accounts.

In order to clarify—and reaffirm—that school districts may offer optional benefits (in particular, VEBA plans) that are not provided by SEBB, a coalition of school district management (WASA & WASBO), school district labor (WEA & PSE), and private insurance brokers requested the introduction of this bill.

As adopted, HB 2458 modifies provisions governing the optional benefits that school districts may offer to employees. Optional benefits offered by a school district may not compete with any form of the basic or optional benefits offered through SEBB or under specific authority of HCA. SEBB is expressly authorized to study, and subject to the availability of funding, offer the following employee-paid, voluntary benefits:

- emergency transportation;
- identity protection;
- legal aid;
- long-term care insurance;
- noncommercial personal automobile insurance;
- personal homeowner's or renter's insurance;
- pet insurance;
- specified disease or illness-triggered fixed payment insurance, hospital confinement fixed payment insurance, or other fixed payment insurance offered as an independent, non-coordinated benefit regulated by the Office of the Insurance Commissioner;
- travel insurance; and
- VEBA accounts.

School districts are authorized to offer any of the benefits described above to school employees as employee-paid voluntary benefits, provided they are not offered by SEBB. Additionally, specified disease or illness-triggered fixed payment insurance, hospital confinement fixed payment insurance, or other fixed payment insurance offered by HCA as an independent, non-coordinated benefit is not a considered a health plan under specified insurance provisions.

Current provisions directing SEBB to review the optional benefits offered by districts for the purpose of determining if conflicts exist with SEBB's plans offering authority, including directives applying if no conflict exists, are repealed. Instead, HCA, in consultation with SEBB, is required to review the optional benefits reported by school districts to determine if the benefits are in competition with benefits offered by HCA or SEBB.

If a school district benefit offering is determined to be in competition with the benefits offered by HCA or SEBB, HCA must inform the school district of the conflict and work with the school district and the applicable carrier to either modify and remove competing components of the district-based benefit, or end the district-based offering. School districts have a corresponding duty to work with HCA and the applicable carrier to modify or discontinue competing benefit offerings. However, if a carrier is in the process of modifying benefits, including seeking any required regulatory approval, a school district may continue to offer the original benefit.

ESHB 2551—Tribal regalia/graduation (Representative Lekanoff)

C35 L20

ESHB 2551, known as the "Right to Tribal Regalia Act," explicitly precludes school districts, public schools, and institutions of higher education from prohibiting students who are members of a federally recognized tribe from wearing traditional tribal regalia or objects of Native American cultural significance at graduation ceremonies or related school events. These schools may still require students to wear a gown, but caps may not be required if they are incompatible with the regalia or significant objects. School districts and other the academic institutions are required to update any relevant policies or procedures to comply with this law.

The bill contained an emergency clause and took effect immediately upon the governor's signing of the bill. The new requirements apply to 2020 graduating classes and subsequent graduating classes.

SHB 2589—Suicide prevention

(Representative Callan)

C39 L20

The 2019–21 Operating Budget directed Washington's public institutions of higher education to include the phone number of a campus, local, state, or national suicide, crisis, or counseling hotline on the back of newly issued student and faculty identification cards starting in fall quarter 2019, or as soon as is practicable to implement.

SHB 2589 includes similar requirements for all public schools. Specifically, within existing resources, all public elementary and secondary schools, and public institutions of higher education, that issue student identification cards, staff identification cards, or both, must have printed on newly issued and replacement identification cards the following information:

- the contact information for a national suicide prevention organization; and
- the contact information for one or more campus, local, state, or national organization specializing in suicide prevention, crisis intervention, or counseling, if available.

Unissued identification cards that do not meet this requirement can be issued until the supply is depleted or until June 30, 2021, whichever comes first.

HB 2602—Hair discrimination

(Representative Morgan)

C85 L20

The Washington Law Against Discrimination (WLAD) establishes that it is a civil right to be free from discrimination based on: race; creed; color; national origin; families with children; sex; marital status; sexual orientation; age; the presence of any sensory, mental, or physical disability; or the use of a trained guide dog or service animal by a disabled person. This right applies: to employment; places of public accommodation; commerce; and real estate, credit, and insurance transactions.

The primary federal law that prohibits employment discrimination is Title VII of the Civil Rights Act of 1964, which precludes employers from refusing to hire, discharging, or otherwise discriminating in compensation or other terms or conditions of employment because of an employee's protected characteristics. Title VII also prohibits employers from limiting, segregating, or classifying employees or applicants in a way that deprives an individual of employment opportunities or otherwise adversely affects an employee's status because of protected characteristics. Protected characteristics under Title VII are race, color, religion, sex, or national origin. Federal

courts have generally held that protections against racial discrimination cover only those aspects of racial identity that are immutable.

SHB 2614 specifically states that discrimination on the basis of hair style or texture under the Washington Law Against Discrimination is discrimination based on race and is prohibited. The Washington Law Against Discrimination is amended so the term “race” includes traits historically associated or perceived to be associated with race. This includes, but is limited to, hair texture and protective hairstyles such as afros, braids, locks, and twists.

SHB 2614—Paid Family and Medical Leave

(Representative Robinson, by request of Employment Security Department)

C125 L20

In 2017, the Legislature established a Paid Family and Medical Leave (PFML) program to provide partial wage replacement to employees on leave for specified family and medical reasons. Employees are eligible for PFML benefits after working at least 820 hours in a qualifying period. Premium collection began January 1, 2019, and benefits were payable beginning January 1, 2020.

The Employment Security Department, which administers the PFML program, requested this legislation to make a series of technical corrections to the program in order to provide clarity and improve the program’s administration. The changes were vetted—and agreed upon—by a Workgroup and an Advisory Committee, comprised of labor, private businesses, and local governments. SHB 2614 makes the changes as described below.

Time Periods. The time periods associated with Paid Family and Medical Leave benefits are modified as follows:

- the beginning of the waiting period is specified, and that paid time off may be taken during that period;
- military exigency leave is exempted from the waiting requirement; and
- the limitation that successive related periods of PFML are considered one period only when separated by less than four months is removed.

Conditional Waivers. The requirements for a conditional waiver of PFML premiums are modified as follows:

- an employee is required to primarily perform work, rather than be physically based, outside the state;
- the qualifying period for the limit on expected in-state employment is specified to be within a period of four consecutive completed quarters;
- signatures are required to attest to the specific

conditions of the waiver; and

- a conditional waiver is specified to expire if any of the conditions of the waiver are not met.

Supplemental Benefit Payments. Supplemental benefit payments are specified to not reduce a PFML benefit amount.

Child Support Obligations. Child support obligations that would lead to a PFML benefit deduction are specified. PFML benefits are added to the types of payments from the Employment Security Department that trigger certain obligations for child support related payroll deductions.

Interaction with Other Benefits. Other wage replacement benefits that disqualify an employee from receipt of PFML benefits are specified, as well as that actual receipt of those benefits, not eligibility, creates disqualification.

Voluntary Plan Approvals. Employer obligations for remittance of premiums in instances of termination or withdrawal of a voluntary plan are clarified.

Enforcement. The following changes are made to enforcement of the PFML program:

- the Employment Security Department’s investigative authority is limited to violations within the previous three years from the date of a complaint;
- more specificity is provided regarding the applicable process when damages are due;
- a private right of action is provided as an alternative to administrative enforcement by the Employment Security Department;
- powers associated with the Employment Security Department’s quasi-judicial duties are provided, including the power to administer oaths, take depositions, and issue subpoenas; and
- any party is allowed to file an appeal.

Definitions. The following changes are made to definitions within the PFML program:

- a definition for “casual labor” is added, and casual labor is exempted from the definition of employment;
- a child’s spouse is included in the definition of “child”;
- the definition of “typical work week hours” is modified;
- a definition for “paid time off” is added; and
- a definition for “supplemental benefit payments” is added.

HB 2617—Surplus school property

(Representative Robinson)

C40 L20

Under current law, school district boards of directors are authorized to rent, lease, or permit the occasional use of all or any portion of surplus real property owned or lawfully held by the district to any person, corporation, or government entity for profit, nonprofit, commercial, or noncommercial purposes, so long as the action is in accordance with an adopted district policy and does not interfere with the conduct of the district's educational program and related activities.

Current law also governs the use of other surplus public property used for affordable housing. Any state agency, municipality, or political subdivision, with authority to dispose of surplus public property, may transfer, lease, or otherwise dispose of the excess real property to a public, private, or nongovernmental body for affordable housing for low-income and very low-income households and related facilities.

HB 2617 modifies the law in regard to using surplus school property, specifically for affordable housing purposes. School districts are allowed to lease or rent district-owned surplus real property without including a currently required provision in the lease or rental agreement to recapture the land for school purposes if the real property is leased or rented for affordable housing purposes in accordance with statutory provisions permitting the use of surplus public property for affordable housing purposes.

The modified lease and rental provisions apply to lease and rental agreements entered into on or after January 1, 2018.

ESHB 2660—Free school meals

(Representative Riccelli)

C288 L20

Federal school nutrition programs are designed to promote the health and well-being of children by providing nutritionally balanced, low-cost or no-cost meals to children each school day. The National School Lunch Program (NSLP) and the School Breakfast Program (SBP) provide reimbursement for meals served that meet federal requirements.

The federal government provides food assistance to low-income students through the Free and Reduced-Price Meals (FRPM) program; however, not all eligible students (or families) apply for the program for fear of being viewed as "poor." The federal Community Eligibility Provision (CEP) of the federal Healthy, Hunger-Free Kids Act provides an alternative to household applications for FRPM by allowing schools with high numbers of low-income students to serve

free meals to all students.

Legislation adopted in 2018 directed OSPI to develop and implement a plan to increase the number of schools participating in the CEP for the 2018–19 school year and subsequent years. The legislation required OSPI to convene monthly stakeholder meetings until June 31, 2019, to report on the status of the plan and to coordinate outreach and technical assistance efforts to districts. The 2018 legislation also required OSPI to annually provide reports to the Legislature each December 1, on the number of schools participating in the CEP. The annual reports must also identify:

- any barriers to implementation;
- recommendations on policy and legislative solutions to overcome barriers to implementation;
- reasons potentially eligible schools and school districts decide not to adopt the CEP; and
- approaches in other states to adopting the CEP.

Conversations during the legislative interim resulted in the introduction of this bill, known as the "Hunger-free Schools Act." As adopted, ESHB 2660 requires, with limited exceptions, that each school with students in or below grade eight that has an Identified Student Percentage (that is, the percentage of eligible students identified as eligible for food assistance without using household applications) of at least 62.5 percent, as determined annually by each April 1, must participate in the CEP in the subsequent school year and throughout the duration of the CEP's four-year cycle. Schools that provide meals to all students and at no cost to the students through an arrangement with a local entity are exempted from the CEP participation requirements.

Because allocations for the Learning Assistance Program (LAP) and allocations for high-poverty bonuses for instructional staff that are certified by the National Board for Professional Teaching Standards are based on a district's percentage of students that are eligible for the federal Free and Reduced-Price Meals program, the bill modifies those provisions. Schools participating in the CEP are allowed to receive funding allocations for LAP based on the district's percentage of students who were eligible for FRPMs for the school year that preceded the school's participation in the CEP, or the district percentage of students in grades kindergarten through grade twelve who were eligible for FRPMs in the prior school year, whichever is greater. Similarly, National Board certified staff are eligible for the additional bonus for instructional assignments in qualifying schools if the staff person has an instructional assignment in a school that meets the definition of "high poverty school" as defined by OSPI in the school year immediately preceding the school's participation in the CEP.

ESHB 2660 also modifies the duties of OSPI related to the CEP. The current requirement to convene monthly meetings with organizations working on a plan to increase the number of students participating in the CEP is reenacted and extended by two years until June 30, 2021. In completing these duties, OSPI and the organizations working jointly on the plan must also, by December 1, 2020, examine the impacts to schools and districts that can result from participation in the CEP and identify approaches to addressing those impacts.

Funding to support CEP participation was included in the 2019–21 Operating Budget. \$119,000 for each of Fiscal Years 2020 and 2021 was provided for increasing the number of schools participating in the CEP, and to support Breakfast After the Bell programs in schools that have adopted the CEP. The 2020 Supplemental Operating Budget provides another \$57,000 to assist OSPI in convening the required monthly meetings with organizations to: work on a plan to increase the number of students participating in the CEP; and examine the impacts to schools and districts that can result from participation in the CEP.

SHB 2711—Equitable educational outcomes

(Representative Johnson)

C233 L20

A budget proviso in the 2018 Supplemental Operating Budget directed the Department of Children, Youth, and Families (DCYF) in collaboration with OSPI, the Office of Homeless Youth Prevention and Protection Programs of the Department of Commerce, and the Washington Student Achievement Council (WSAC), to convene the Project Education Impact Work Group with aligned nonprofit organizations to create a plan for children and youth experiencing foster care and homelessness, facilitate educational equity, and to close the disparities between racial and ethnic groups by 2027.

The Work Group submitted a report in January 2019, that recommended legislative and administrative changes necessary to achieve these goals. The report also recommended that the Work Group continue to convene to develop, implement and refine solutions, and to evaluate collective progress over time.

Additionally, OSPI and WSAC have been directed to create and maintain outcome-driven services to support foster youth in completing high school and to enroll in and complete postsecondary education. These services include contracts between DCYF and OSPI, and DCYF and WSAC, that require partnership with at least one nongovernmental agency to administer an individualized education coordination program for dependent youth. A report related

to the collective progress toward making Washington first in the nation for foster care performance metrics must be submitted by OSPI, WSAC, and DCYF to the governor and Legislature biannually.

SHB 2711 continues the effort to increase equitable educational outcomes for foster care and homeless children and youth from prekindergarten to postsecondary education. OSPI, in collaboration with DCYF, the Office of Homeless Youth Prevention and Protection Programs of the Department of Commerce, and WSAC must convene a work group to address the needs of students in foster care, experiencing homelessness, or both. The work group must also include:

- representatives of nongovernmental agencies;
- representation from the Educational Opportunity Gap Oversight and Accountability Committee (EOGOAC); and
- four legislators with experience in issues of education, the foster care system, and homeless youth, as appointed by the President of the Senate and the Speaker of the House of Representatives.

The work group, which must seek to promote continuity with efforts resulting from the 2018 budget proviso that created the Project Education Impact Work Group, is charged with developing recommendations to promote the following for students who are in foster care, experiencing homelessness, or both:

- the achievement of parity in education outcomes with the general student population; and
- the elimination of racial and ethnic disparities for education outcomes in comparison to the general student population.

In the recommendations, the work group is required to:

- Review the education outcomes of students in foster care, experiencing homelessness, or both, by examining data, disaggregated by race and ethnicity, on:
 - Kindergarten readiness, early grade reading and math, eighth and ninth grade students on track to graduate, high school completion, postsecondary enrollment, and postsecondary completion; and
 - School attendance, school mobility, special education status, and school discipline.
- Evaluate the outcomes, needs, and service array for students in foster care, experiencing homelessness, or both, and the specific needs of students of color and students with special education needs;

- Engage stakeholders, including students in foster care, experiencing homelessness, or both, foster parents and relative caregivers, birth parents, caseworkers, school districts and educators, early learning providers, postsecondary institutions, and federally recognized tribes, to provide input on the development of recommendations; and
- Submit annual reports to the governor, the Legislature, and the EOGOAC by October 31, 2021, 2022, and 2023 that identify:
 - Progress the state has made toward achieving education parity for students in foster care, experiencing homelessness, or both; and
 - Recommendations that can be implemented using existing resources, rules, and regulations, and those that would require policy, administrative, and resource allocation changes prior to implementation.

Reports required, as described above, may include findings and recommendations regarding the feasibility of developing a case study to examine or implement recommendations of the work group.

To assist the work group, OSPI, DCYF, WSAC, and the Office of Homeless Youth Prevention and Protection Programs must provide updated education data and other necessary data to the Education Data Center. The Education Data Center, in turn, is required to provide annual reports to the work group regarding delineated education outcomes by March 31, 2021, 2022, and 2023.

The work group is required to submit a final report to the governor, the Legislature, and the EOGOAC by July 1, 2024. The final report must include specified recommendations and may include a plan for achieving those recommendations.

Provisions establishing and governing the work group expire on December 31, 2024.

The bill also modifies the reporting requirements of DCYF, WSAC, and OSPI by removing directives to report on collective progress related to becoming first in the nation in foster care according to specific performance metrics. Additionally, an expired reporting requirement regarding the state's plan for cross-system collaboration to promote educational stability and improved educational outcomes for foster children is repealed.

ESHB 2731—Student head injuries

(Representative Irwin)

C347 L20

In Washington, policies for the management of concussion

and head injury in youth sports have been in place since 2009, with the enactment of the Zackery Lystedt Law. The law requires that coaches, youth athletes, and parents be informed about the dangers of sports-related head injuries. Further, the law requires a youth athlete who has been suspected of getting a head injury be cleared by a trained and licensed health care provider before returning to play.

In 2018, the federal Centers for Disease Control and Prevention began developing a National Concussion Surveillance System. One stated goal of the system is to provide national estimates of sports-related concussions among youth that occur both in and outside of organized sports. ESHB 2731 was adopted to collect state-level data.

Beginning in the 2020–21 school year, ESHB 2731 requires public schools to annually report information about each diagnosed concussion sustained by a student during athletic and other activities; the Department of Health (DOH) is required to collect the information. At a minimum, the following information must be reported:

- student's grade and gender;
- whether the student had a previous concussion;
- the event date and location of a diagnosed concussion;
- the type and level of activity that the student was participating in at the time of the event;
- whether it was a practice or competition;
- any known cause of the event;
- when during the activity the injury occurred;
- whether protective equipment was worn on the injured student's head at the time of the event;
- the type of surface on which the event occurred;
- who initially examined the student at the time of the event;
- whether the student was removed from the activity at the time of the event and follow-up information related to whether the student was determined to have a concussion and whether the student was given a written authorization to return to the activity by the end of the season in which the event occurred; and
- the amount of time before the student was authorized to return to the learning environment.

Beginning October 1, 2021, and by October 1 annually thereafter, DOH must report a summary of the diagnosed concussion information received in the prior school year to the Legislature and OSPI. The report must include rates, patterns, trends, and other relevant information.

2SHB 2737—Children’s Mental Health Work Group
(Representative Callan)
C130 L20

The Children’s Mental Health Work Group was established in 2016 and reauthorized in 2018 to identify barriers to accessing mental health services for children and families, and to advise the Legislature on statewide mental health services for this population. The Work Group is scheduled to expire in December 2020.

In 2009, the *T.R. v. Strange and McDermott* lawsuit was filed against the state on grounds relating to intensive mental health services for children enrolled in Medicaid. The terms of a settlement reached in 2013 include the establishment of an interagency governance structure to improve the coordination of and access to services for youth and their families. The governance structure requires Family, Youth, and System Partner Round Tables at the state and regional levels, which are tasked with identifying local needs and bringing forward recommendations on how to meet those needs.

Additionally, the 2019 Legislature adopted 2SHB 1216, requiring OSPI to establish a State School Safety Center and ESDs to establish Regional School Safety Centers in order to form a network to coordinate school safety efforts. The State Center is required to work with the Regional Centers to provide school districts with:

- behavioral health coordination;
- school-based threat assessments;
- training and technical assistance; and
- partnership development and collaboration.

2SHB 2737 renames the Children’s Mental Health Work Group as the Children and Youth Behavioral Health Work Group, and the duties of the new Work Group are amended to require:

- monitoring mood, anxiety, and substance use disorder prevention, screening, diagnosis, and treatment for children and young mothers;
- determining strategies and resources needed to:
 - improve inpatient and outpatient access to behavioral health services;
 - support the unique needs of young children prenatally through age five;
 - develop system improvements to support the behavioral health needs of children and youth; and
- consideration of issues and recommendations put forward by the statewide Family, Youth, and System Partner Roundtable.

Membership of the Work Group is changed. In addition to the current members, one of the two parent representatives must have a child under age six. Additionally, several new members are added to the group:

- one representative of an organization representing the interests of individuals with developmental disabilities;
- two youth representatives who have received behavioral health services;
- one representative of a private insurance organization;
- one representative from the statewide Family, Youth, and System Partner Round Tables; and
- one substance use disorder professional.

The bill also establishes an Advisory Group focused on school-based behavioral health and suicide prevention, subject to funds appropriated. (The 2020 Supplemental Operating Budget provides OSPI with \$107,000 to support implementation of the bill and the Health Care Authority is provided with \$139,000 to coordinate meetings of the Work Group and subcommittees.) The Advisory Group must provide advice to the Work Group on creating and maintaining an integrated system of care through a tiered support framework for K–12 school systems.

The Work Group co-chairs are authorized to invite non-Work Group members to participate as Advisory Group members. Staff support for the Advisory Group must be provided by OSPI.

The Work Group is required to provide annual recommendations to the governor and the Legislature beginning November 1, 2020.

HB 2739—Shared leave program
(Representative Kloba)
C6 L20

Under current law, the state’s shared leave program permits state employees to provide annual leave, sick leave, or personal holidays to fellow employees experiencing certain circumstances that may cause them to take leave without pay or terminate their employment. Covered employees include those employed by school districts and ESDs.

Agency heads may permit an employee to receive shared leave in specified circumstances, including when the employee, or a relative or household member of the employee, suffers from an extraordinary or severe illness, injury, impairment, or physical or mental condition. To qualify for shared leave under this condition, an employee must have depleted or will shortly deplete his or her annual

leave and sick leave reserves. Within certain parameters, agency heads determine the amount of leave, if any, an employee may receive. Any unused leave is returned at its original value to the employee or employees who transferred the leave when the agency head finds the leave is no longer needed or will not be needed at a future time in connection with the underlying condition.

Industrial insurance provides partial wage replacement benefits to workers injured in the course of their employment in the form of monthly temporary time-loss or permanent total disability benefits. The amount of benefits is based on the worker's preinjury wages and depends on the worker's marital status and number of children. Employees must diligently pursue and be found ineligible for industrial insurance wage benefits to be eligible for shared leave.

HB 2739 modifies certain requirements of the shared leave program. For purposes of the shared leave program, "shortly deplete" is defined to mean that an employee has 40 hours or less of applicable leave. An employee may maintain up to 40 hours of applicable leave in reserve and may not be required to deplete all leave to qualify for shared leave. Agency heads may not prevent state employees from using shared leave intermittently or on nonconsecutive days so long as the leave has not been returned under specified procedures for shared leave.

Just prior to the end of the 2020 Session, as the coronavirus crisis was beginning to emerge, amendments were added to the bill. Under the late-arriving amendments, an agency head is permitted to grant shared leave to an employee without regard to other shared leave requirements if the employee or a relative or household member is isolated or quarantined due to COVID-19. This type of shared leave may be granted until the Governor's State of Emergency declaration related to COVID-19, or any amendments thereto, expires.

Finally, the current requirement that an employee diligently pursue and be found ineligible for industrial insurance wage replacement benefits is removed. An employee receiving wage replacement benefits may not receive more than 25 percent of base salary as a result of receiving shared leave.

The bill contained an emergency clause and became effective immediately upon the governor's signature.

SHB 2787—ESIT program

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

C90 L20

Federal law requires individual and family intervention services for children from birth to age three who have been

diagnosed with a disability or developmental delay. These services are provided through the Early Support for Infants and Toddlers (ESIT) program and include developmental services, occupational and physical therapy, speech or language therapy, and service coordination.

Under current law, school districts are required to provide or contract for ESIT services. Funding for the ESIT program is allocated to school districts by OSPI based on district enrollment counts of students from birth to age three who are eligible for and receiving early intervention services.

The Department of Children, Youth, and Families (DCYF) is the lead agency for delivery of the ESIT program. DCYF has the authority to develop and adopt rules to establish minimum requirements for ESIT services, including allowable allocations and expenditures for transitions into the federal Individuals with Disabilities Education Act (IDEA), Part B services when a child turns age three. School districts are required to ensure that students with disabilities, ages three to twenty-one, receive special education services under Part B of the IDEA.

In 2016, DCYF (then named the Department of Early Learning) proposed a system design plan for the ESIT program that included recommendations to reorganize the service delivery system and redirect the flow of ESIT funding from the OSPI to the DCYF. The 2018 Supplemental Operating Budget and the 2019–21 Operating Budget contain provisions directing the DCYF to consult with the OSPI, the Office of Financial Management, and the Caseload Forecast Council to develop a funding model with which to determine budget appropriations for early intervention services. The 2019 report from DCYF recommended a model appropriating ESIT funds to DCYF, rather than OSPI.

SHB 2787 requires funding for ESIT to be appropriated to DCYF, based on the annual average headcount of children from birth to age three who are eligible for and receiving early intervention services, rather than OSPI. The headcount must be multiplied by the per pupil statewide allocation for the prototypical K–12 school, multiplied by 1.15. The special education allocation formula for school districts is accordingly adjusted to remove children from birth to age three.

Federal funds associated with Part C of the IDEA must be subject to federal "payor of last resort" requirements established in federal regulations.

DCYF is required to distribute funds to ESIT and, when appropriate, to county lead agencies. School districts are no longer required to provide or contract for the ESIT program.

Contracts for ESIT services are temporarily exempted from DCYF performance-based contracting requirements.

As described in Budget Section earlier in this Report, this bill results in a \$85.6 million transfer from OSPI to DCYF. This is a revenue neutral shift in the overall budget; however, it results in an \$85.6 million reduction in the K–12 portion of the budget. To facilitate the transfer, DCYF is provided with an additional one-time appropriation of \$6.4 million to shift the current ESIT program from a school year to a fiscal year schedule.

EHB 2811—Environmental education

(Representative Johnson)

C292 L20

As adopted, EHB 2811, requires OSPI to provide state leadership for the integration of environmental and sustainability content with curriculum, instruction, and assessment. Subject to appropriations, OSPI must contract with a Washington-based nonprofit organization to integrate the state learning standards in English language arts, mathematics, and science with outdoor field studies and project-based and work-based learning opportunities aligned with the environmental, natural resources, and agricultural sectors. (The 2019–21 Operating Budget provided \$1.0 million for a similar purpose; however, proviso language added in the 2020 Supplemental Operating Budget aligns with the provisions of this bill.)

The nonprofit organization must work with OSPI to:

- build programming that connects administrators, school boards, and communities to support teacher practice and student educational opportunities;
- support educators to teach students environmental science and engineering outdoors that is aligned with Environmental and Sustainability Education learning standards;
- create and deliver learning materials, educational and work-based opportunities, and resources to students, educators, and the community; and
- provide models for integrating Since Time Immemorial in teaching materials.

OSPI must prioritize schools that have been identified for improvement through the Washington School Improvement Framework and communities historically underserved by science education. The Washington-based nonprofit organization must have multiple years of experience providing educator professional development in real-world environmental science and engineering fields, have materials and instructional practices that align with the ESE learning standards and emphasize the Next Generation Science

Standards to support field-based learning experiences, and deliver project-based learning materials and resources that incorporate career connections and contain professional development support for educators.

ESHB 2816—School and classroom climates

(Representative Corry)

C235 L20

ESHB 2816 requires WSSDA to develop a model policy and procedure for nurturing a positive social and emotional school and classroom climate. The goal of the policy and procedure is to support and promote school and school district action plans that create, maintain, and nurture physically, emotionally, and intellectually safe, respectful, and positive school and classroom environments that foster equitable, ethical, social, emotional, and academic education for all students. WSSDA is directed to update the model policy and procedure periodically to align with the work of the Social Emotional Learning (SEL) Committee.

WSSDA's model policy and procedure must:

- recognize that there is not one best way to create, maintain, and nurture a positive social and emotional school and classroom climate and consider each school's history, strengths, needs, and goals;
- define and describe the essential elements of a positive social and emotional school and classroom climate, which must align with the SEL benchmarks and standards;
- recognize the important role that students' families play in collaborating with the school and school district in creating, maintaining, and nurturing a positive social and emotional school and classroom climate; and
- describe a framework for an effective and informed positive social and emotional school and classroom climate improvement process that includes a continuous cycle of planning and preparation, evaluation, action planning, and implementation.

Further, the model policy and procedure must also protect the integrity of learning environments with the following elements (although these elements may be included in a separate model policy and procedure):

- school districts must provide information to the parents and guardians of enrolled students regarding students' rights to a free public education, regardless of immigration status or religious beliefs; and
- school districts must provide meaningful access to

this information for families with limited English proficiency.

In developing the model policy and procedure, WSSDA must:

- consult with staff at OSPI and organizations with expertise in social and emotional health, and in equity, race, and inclusive learning environments;
- work with the SEL Committee to align the climate improvement framework with the statewide framework for SEL;
- consider the relationship between the model policy and procedure and policies related to student behaviors and student discipline; and
- review research on, and examples of effective implementation of, restorative practices, collaborative and proactive practices, trauma-sensitive and trauma-informed practices, classroom management, and other topics related to the goal of the policy.

WSSDA is required to publicly post the model policy and procedure on its website by March 1, 2021. Additionally, updates must be posted publicly within a reasonable time of development.

ESHB 2816 requires each school district, by the beginning of the 2021–22 school year, to adopt or amend policies and procedures that, at a minimum, incorporate elements to protect the integrity of learning environments. School districts must periodically review their policies and procedures for consistency with updated versions of the model policy to protect the integrity of learning environments.

By the beginning of the 2021–22 school year, each school district may adopt or amend policies and procedures that incorporate the elements for nurturing a positive social and emotional school and classroom climate. School districts may periodically review their policies and procedures for consistency with updated versions of the model policy for nurturing a positive social and emotional school and classroom climate.

HB 2853—Charter School Commission (Representative Harris)

C49 L20

HB 2853 makes several statutory changes to promote the effective and efficient administration of the Washington State Charter School Commission. Current law describes the governance of the Charter School Commission, but does not provide for an executive director. The bill provides the

Commission explicit authority to hire an executive director and to employ staff as necessary to carry out its duties directed by law. The Commission is further authorized to delegate to the executive director the duties as necessary to effectively and efficiently execute the business of the Commission, including the authority to employ necessary staff. The executive director and the executive director's confidential secretary are expressly exempted from Washington's civil service laws.

The bill also modifies provisions related to the duties and operations of the Commission, as follows:

- the date by which the State Board of Education must complete its annual report on the performance of charter schools is changed from December 1 to March 1;
- charter schools may offer a weighted enrollment preference for qualifying students if the preference is consistent with an admissions policy approved by the applicable authorizer, instead of approved by the Commission; and
- provisions relating to validating charter school actions and contracts that were operational before and immediately after the 2016 reenactment of charter school laws are repealed.

2SHB 2864—Running Start Summer Pilot (Representative Paul)

C348 L20

Running Start allows students in grades eleven and twelve to enroll in college courses at community colleges and other participating institutions of higher education, and to simultaneously earn both high school and college credit. Students in Running Start do not pay for tuition, but do pay for educational materials, course fees, and transportation costs.

2SHB 2864 requires OSPI, in consultation with the State Board for Community and Technical Colleges (SBCTC), to establish the Running Start Summer School Pilot Program. The purpose of the Pilot Program is to evaluate interest in and barriers to expanding Running Start to include the summer term.

OSPI, in consultation with SBCTC, must select up to three community colleges that choose to participate in the Pilot Program during the 2021 and 2022 summer academic terms. One community college must be located east of the crest of the Cascade Mountains and another must be located in a county with a population between 115,000 and 150,000. Participating community colleges must establish agreements with the school districts of eligible students

about data sharing, credit transfer, funds transfer, and other administrative matters.

Students attending a participating high school who will be eligible to enroll in grade eleven or twelve in the subsequent school year and people who graduated from a participating high school in the current school year and who have five or fewer college credits to earn before meeting associate degree requirements are eligible to enroll in a participating community college tuition-free under the Pilot Program. High school graduates may enroll for a maximum of five college credits per summer academic term. Participants in the Pilot Program, to the same extent as participants in Running Start, are responsible for educational materials, course fees, and transportation costs, and low-income participants are eligible for fee waivers.

Requirements for the calculation, allocation, and distribution of funds for the Pilot Program are the same as requirements for the calculation, allocation, and distribution of funds for Running Start, except that the funds must be appropriated for the purpose of the Pilot Program, rather than for Running Start.

By November 10, 2022, OSPI and SBCTC must jointly report to the Legislature with findings from and recommendations regarding the Pilot Program, including recommending whether to expand Running Start to include the summer term.

EHB 2965—Novel Coronavirus
(Representative Cody)
C7 L20

As the 2020 Session was coming to a close, legislators recognized that COVID-19 could have major implications for the state. On February 29, 2020, Governor Inslee issued a proclamation to declare a State of Emergency in all counties of Washington and directed state agencies to take all reasonable measures to assist affected local governments to respond to and recover from the COVID-19 outbreak. Two days later, legislators introduced HB 2965 in an effort to provide early funding to address and combat the outbreak.

The initial bill on March 2 would have appropriated \$50 million from the Budget Stabilization Account (BSA or “Rainy Day Account”) to assist local governments. On March 3, as the bill was being adopted by the House, it was amended to provide \$100 million from the BSA. The next day, the Senate adopted a version to provide an additional \$25 million in federal funds. As the bill went through the concurrence process, another \$75 million from the BSA was added (for a total of \$175 million), along with another \$25 million from the BSA for a new unemployment account, and the \$25 million in federal funds remained. On final

adoption, additional amendments were adopted to address K-12 education.

As finally adopted, and signed into law, EHB 2965 appropriates \$175 million from the Budget Stabilization Account to the Disaster Response Account. In turn, \$175 million from the Disaster Response Account, along with \$25 million in federal funds are appropriated to the Office of Financial Management (OFM) for allotment to state agencies and distribution to local governments and federally recognized tribes for response to the COVID-19 outbreak pursuant the governor’s declaration of emergency on February 29, 2020. (If there is a Special Session this summer or fall, adding additional BSA dollars to provide more state assistance to local governments is likely the one of the first orders of business.)

OFM is required to provide monthly updates to the fiscal committees of the Legislature on spending from the appropriation using appropriation and expenditure codes unique to COVID-19 response spending. The funding may not supplant existing federal, state, tribal, and local funds for services and activities to assist in the response to COVID-19. State agencies and local governments are required to maximize federal funds for COVID-19 response and recovery before seeking funds from the state appropriation and must remit to the State Treasurer any federal payments received after having spent state funds.

The Department of Social and Health Services (DSHS) may determine nursing facility payments to adequately resource facilities that are responding to the COVID-19 outbreak. The Medicaid payments must be determined by DSHS, as appropriate to respond to this State of Emergency, and are exempt from the state’s Medicaid methodology. Such nursing facility payments may not be included in the calculation of the annual statewide weighted average nursing facility payment rate. The additional payment authority expires June 30, 2021.

The bill also creates a new COVID-19 Unemployment Account. \$25 million is appropriated from the BSA to the new account. Additionally, the unemployment process is adjusted. It is clarified, to receive unemployment insurance waiting period credits or benefits, persons who are under quarantine or isolation as directed by a public health official during the COVID-19 outbreak meet the requirement to be able and available to work if they are able and available for work that can be performed under quarantine or isolation. The modified standard applies through June 30, 2021.

Finally, K-12 amendments were adopted in the final version of EHB 2965. The State Board of Education is authorized to establish an emergency waiver program to grant local

education agencies and private schools flexibility from graduation requirements due to the COVID-19 outbreak. The waiver program applies to students in the 2020 graduating class and earlier who were on track to graduate before the governor's declaration of emergency on February 29, 2020. In implementing the waiver program, the State Board may adopt rules to allow school districts, charter schools, and tribal compact schools to waive provisions for students who cannot meet the statewide minimum credit and subject area graduation requirements due to COVID-19 school closures. The State Board may also adopt rules for waiving provisions relating to the number of instructional hours, the number of school days, credit-based graduation requirements, and other provisions for the 2019-20 school year for private schools that close due to COVID-19. The waiver program and the authority of the State Board of Education to waive the specified private school requirements expire July 31, 2020.

NOTE: The State Board of Education has already adopted their emergency waiver program. For additional information, see the [State Board's press release](#). Included are links to the emergency rules, [FAQs](#), a recording of SBE Executive Director [Randy Spaulding's webinar](#) describing the rules, along with other helpful information. If you have questions, please contact the [State Board](#).

The bill contained an emergency clause and became effective immediately upon the governor's signature.

ESB 5165—Discrimination

(Senator Saldaña)

C52 L20

The Washington Law Against Discrimination (WLAD) establishes that it is a civil right to be free from discrimination based on: race; creed; color; national origin; families with children; sex; marital status; sexual orientation; age; the presence of any sensory, mental, or physical disability; or the use of a trained guide dog or service animal by a disabled person. This right applies to: employment; places of public accommodation; commerce; and real estate, credit, and insurance transactions.

ESB 5165 specifically states discrimination based on citizenship or immigration status is an unfair practice and violates WLAD. The bill clarifies a person or entity may make a distinction or treat someone differently based on citizenship or immigration status only if a state or federal law, regulation, or a government contract requires it. An employer, potential employer, labor organization, or employment agency commits an unfair employment practice if it discriminates against a person based on their citizenship or immigration status. A person or entity

discriminates in a real estate transaction by refusing to sell or rent to someone who makes a bona fide offer, or refuses to negotiate for the sale or rental of a dwelling based on their citizenship or immigration status, subject to specific exceptions. Any person, their employee, or agent who excludes or overcharges at any place of public accommodation based on someone's citizenship or immigration status commits an unfair practice.

ESSB 5395—Sexual health education

(Senator Wilson, C., by request of Superintendent of Public Instruction)

C188 L20

Current law requires every public school choosing to offer sexual health education to assure the education is:

- medically and scientifically accurate;
- age-appropriate;
- appropriate for students regardless of gender, race, disability status, or sexual orientation; and
- includes information about abstinence and other methods of preventing unintended pregnancy and sexually transmitted diseases.

Sexual health education must also be consistent with the 2005 guidelines developed by the Department of Health (DOH) and OSPI.

In 2019, legislation directed OSPI to convene a Comprehensive Sexual Health Education Work Group to:

- review provisions related to sexual health education in the Health and Physical Education K-12 Learning Standards;
- review existing sexual health education curricula to identifying gaps or potential inconsistencies with the Health and Physical Education K-12 Learning Standards;
- consider revisions to sexual health education provisions in statute; and
- consider the merits and challenges associated with requiring all public schools to offer comprehensive sexual health education to students in all grades by September 1, 2022.

The Work Group released their report in December 2019, agreeing all students would benefit from K-12 comprehensive sexual health education. The Work Group also recommended that any requirement must clarify the expected content of instruction, especially in kindergarten through grade three.

ESSB 5395 implements several of the recommendations of the Comprehensive Sexual Health Education Work Group. The bill requires every public school to provide comprehensive sexual health education to each student by the 2022–23 school year. The requirement is phased in, beginning with all public school students in grades six through twelve in the 2021–22 school year, and then all public school students in the 2022–23 school year.

The provision of comprehensive sexual health education must be provided no less than:

- Once to students in kindergarten through grade three;
- Once to students in grades four through five;
- Twice to students in grades six through eight; and
- Twice to students in grades nine through twelve.

Beginning in the 2020–21 school year, any public school that provides comprehensive sexual health education must ensure that the curriculum, instruction, and materials include information about affirmative consent and bystander training.

School district boards of directors of one or more public schools not providing comprehensive sexual health education in either the 2019–20 school year, the 2020–21 school year, or both, must prepare for incorporating information about affirmative consent and bystander training. In satisfying these requirements, school district boards of directors must also, no later than the 2020–21 school year, consult with parents and guardians, local communities, and WSSDA.

“Affirmative consent” is defined as a conscious and voluntary agreement to engage in sexual activity as a requirement before sexual activity.

ESSB 5395 changes all statutory references of sexual health education to comprehensive sexual health education. Certain requirements for sexual health education are maintained, including that the curriculum, instruction, and materials be medically and scientifically accurate, age-appropriate, inclusive of all students regardless of their protected class status, and includes information about abstinence and other methods of preventing unintended pregnancy and sexually transmitted diseases.

Comprehensive sexual health education and the OSPI list of curricula must be consistent with the Health and Physical Education K–12 Learning Standards in addition to the 2005 Guidelines for Sexual Health Information and Disease Prevention.

“Comprehensive sexual health education” is defined as recurring instruction in human development and reproduction. All curriculum, instruction, and materials must use language and strategies that recognize all members of protected classes.

For students in grades kindergarten through three, comprehensive sexual health education must include instruction in Social Emotional Learning that is consistent with learning standards and benchmarks adopted by OSPI. For students in grades four through twelve, comprehensive sexual health education must include information about:

- physiological, psychological, and sociological developmental processes experienced by an individual;
- the development of intrapersonal and interpersonal skills to communicate, respectfully and effectively, to reduce health risks, and choose healthy behaviors and relationships that are based on mutual respect and affection, and are free from violence, coercion, and intimidation;
- health care and prevention resources;
- the development of meaningful relationships and avoidance of exploitative relationships;
- understanding the influences of family, peers, community, and the media throughout life on health sexual relationships; and
- affirmative consent and recognizing and responding safely and effectively when violence, or a risk of violence, is or may be present with strategies that include bystander training.

A statement of legislative intent is included specifying that nothing in these requirements expresses legislative intent to require that comprehensive sexual health education, or components of this education, be integrated into curriculum, materials, or instruction in unrelated subject matters or courses.

The bill does not alter public schools’ authority to choose a curriculum from the OSPI list or to identify, choose, or develop a different curriculum if it complies with applicable requirements. If a public school chooses a curriculum that is not from the OSPI list, the public school or school district, in consultation with OSPI, must conduct a review of the selected or developed curriculum to ensure compliance with the requirements using a comprehensive sexual health education curriculum analysis tool of OSPI. OSPI must provide technical assistance to public schools and school districts that is consistent with the curricula review, selection, and development provisions.

At the beginning of the 2021–22 school year, each school providing comprehensive sexual health education must notify parents and guardians, in writing or in accordance with the methods the school finds most effective in communicating with parents, that the school will be providing comprehensive sexual health education during the school year. The notice must include, or provide a means for electronic access to, all course materials, by grade, that will be used at the school during instruction.

Current law provisions that allow parents and guardians to excuse their child from this instruction and to review curriculum are maintained. The person or entity to whom a request is directed must grant a written request to have the student excused from instruction in comprehensive sexual health education.

Subject to appropriations, OSPI is required to periodically review and revise, as necessary, training materials, which may be in an electronic format, for classroom teachers and principals to implement the applicable requirements. The initial review must be completed by March 1, 2021.

By September 1st, public schools must annually identify to OSPI any curricula used to provide comprehensive sexual health education. Materials provided by schools must also describe how the provided classroom instruction aligns with requirements. After the 2022–23 school year, OSPI must summarize and biennially report the results to the Legislature.

NOTE: Even though this bill was adopted by the Legislature and signed by the governor, a Referendum has been filed with the Secretary of State. If Referendum Measure 90 ([R-90](#)) collects at least 129,811 signatures of registered voters by June 10, ESSB 5395 will be put on hold until voters have an opportunity to approve or reject the law on the November general election ballot. A second, duplicate, Referendum Measure ([R-91](#)) has also been filed by a candidate for the Legislature. It does not appear R-91 has an active signature gathering effort.

ESSB 5434—Possession of weapons

(Senator Wilson, C.)

C189 L20

Under current law, weapons, including firearms, are prohibited in specific, designated places:

- the restricted access areas of a jail or law enforcement facility;
- courtrooms and other areas adjacent to or used in conjunction with court proceedings;
- the restricted access areas of a public mental health facility;
- taverns and other places that are made off-limits to persons under age twenty-one by Liquor Control Board rules; and
- the restricted access areas of commercial service airports.

Weapons, including firearms, are also explicitly prohibited in any public or private elementary school or secondary school premises, school provided transportation, or areas of facilities while being used exclusively by public or private schools.

ESSB 5434 extends the designated places where weapons, including firearms, are prohibited to child care centers. The bill defines “child care centers” to include any licensed child care center, child care center-provided transportation, or areas of facilities while being used exclusively by a child care center. A child care center that is located on public or private elementary or secondary school premises is subject to the requirements of current law prohibitions of weapons in schools (RCW 9.41.280).

Violation of the provisions in this bill, is a gross misdemeanor and will result in revocation of a person’s concealed pistol license for a period of three years. Signs must be posted on the premises warning people of the prohibition of the possession of firearms on child care center premises. The bill clarifies these prohibitions do not apply to:

- family day care provider homes;
- any person who has a valid concealed pistol license or who is exempt from the concealed pistol license requirement while picking up or dropping off a child at the child care center;
- any person in legal possession of a firearm secured in a vehicle; or
- any law enforcement officer.

Additionally, the bill requires a family day care provider to store any firearm, ammunition, or other weapon in a secure area when children for whom the family day care provider is licensed to provide care are present on the premises. The secure area must be inaccessible to children and must consist of a locked gun safe or a locked room. If stored in a locked room, the firearm must be unloaded and have a trigger lock or other disabling feature. The Department of Children, Youth, and Families may deny, suspend, or revoke the license of any child care provider who violates these requirements.

2SSB 5572—Small School Modernization Grants
(Senator Honeyford)
C299 L20

The state funds the School Construction Assistance Program (SCAP), which is administered by OSPI, to provide school districts with financial assistance to construct new schools and modernize existing facilities. In order to access SCAP funds, a district must first pass a local bond issue. Unfortunately, many smaller, mostly rural school districts cannot access SCAP funding because they cannot get voter support for bonds, due to the high tax burden that would be necessary. Other districts, even if they could garner voter support, lack the necessary debt capacity.

For several years, the Legislature has provided funding for Small District Modernization Grants in the Capital Construction Budget; however, 2SSB 5572 establishes the Small School District Modernization Grant Program in statute. School districts and state-tribal compact schools that have 1,000 or fewer enrolled students are eligible for grants.

Under provisions of the bill, OSPI is required to appoint an advisory committee to determine eligibility thresholds, design a grant application process, establish selection criteria, evaluate applications, and send a prioritized list of grants to OSPI and the governor. Members of the advisory committee must have experience financing, managing, repairing, and improving school facilities in small districts or state-tribal compact schools, but may not be involved in a grant request under consideration.

When prioritizing applications, the advisory committee must seek to achieve the greatest improvement of school facilities in small districts and state-tribal compact schools with the most limited financial capacity for projects that are likely to improve student health, safety, and academic performance for the largest number of students.

A prioritized grant list, which must be proposed by September 1, of each even numbered year, must contain information for each project, including a project description, an estimated project cost, and the proposed state funding level. The list must also indicate student achievement measures that will be used to evaluate the project benefits.

The governor and OSPI may determine the level of funding for Small District Modernization Grants in their Capital Budget requests; however, they are required to follow the prioritized list developed by the advisory committee.

OSPI may coordinate SCAP funding with the Small District Modernization Grant Program to ensure that total state funding from both grants does not exceed total project costs minus available local resources. School districts

and state-tribal compact schools applying for the Small District Modernization Grant Program must meet SCAP requirements, with the following two exceptions:

- the estimated cost of the project may be less than forty percent of the replacement value of the facility; and
- the local funding assistance percentage requirements under SCAP do not apply, though available district resources may be considered in prioritization.

OSPI must not execute Modernization Grant contracts until local project resources have been identified. The contract must specify district reporting requirements, including updating information in applicable data systems and submitting a final project report.

OSPI is required to provide administrative staff support to the advisory committee and assist in designing the grant application process and prioritization criteria. OSPI must also assist eligible school districts and state-tribal compact schools that are interested in applying for the Small School District Modernization Grant by providing technical assistance and planning grants within appropriations.

Districts with incomplete information in the Inventory and Condition of Schools Data System are not eligible to apply for construction grants, but they may apply for planning grants. When seeking a planning grant, a district or state-tribal compact school must provide a statement of the school's condition and deficiencies, financial limitations of the district or compact school, student enrollment, and student achievement measures. If applications for planning grants exceed available funds, OSPI may prioritize recipients based on those districts with the most serious building deficiencies and the most limited financial capacity.

The 2020 Supplemental Capital Budget provides \$3.4 million above funding provided in the underlying two-year budget for additional Small School District Modernization Grants. While the level of funding in the next two-year budget is to-be-determined, embedding the program in state statute provides confidence funding will be provided.

SB 5792—Cultural Access Programs
(Senator Salomon)
C192 L20

Under current law, counties are permitted to establish a Cultural Access Program (CAP), allocating funds to cultural organizations providing programming or experiences for the general public. CAP funding must be used for a public benefit generally relating to increasing access, outreach, and opportunities to the public.

Any county may authorize a CAP or enter into an interlocal agreement with a group of contiguous counties to create a CAP. A county may designate an entity or agency to operate the functions of the CAP. A county with a population under 1.5 million may contract with the Washington State Arts Commission to provide consulting, management, or administrative services to the CAP. Any county may establish an advisory council with members including leaders in the business, educational, and cultural communities who represent the interests of the program.

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

Each CAP must include a Public School Cultural Access Program component to increase student access to cultural programming and facilities. In a county with a population over 1.5 million, the Public School CAP must include transportation for students to attend at least one program annually; a centralized service for cultural organizations to coordinate opportunities for students; consolidation of student opportunities to increase cost efficiency; the development of tools to correlate activities with school curricula; and partnerships between schools and cultural organizations.

A regional cultural organization in a county over 1.5 million people must reserve at least 20 percent of funds for, and report annually on, its participation in the Public School Cultural Access Program. The annual report on the Public School Cultural Access Program must include data on how many students were served at each event type, grade level, and school location, and the percentage of students who participate in Free or Reduced-Price Meal programs.

SB 5792 establishes identical provisions for CAP funding allocation for all counties and removes certain program and reporting requirements for Public School Cultural Access Programs in counties with a population of over 1.5 million.

Provisions prescribing certain program and reporting requirements for Public School Cultural Access Programs in counties with populations above 1.5 million are removed. Examples include that the Public School Cultural Access Programs provide benefits designed to increase public school student access to programming offered by cultural organizations funded by the program and to scale benefits according to the relative percentage of students in a school participating in a Free or Reduced-Price Meal program.

All counties must allocate CAP funding as previously

required for counties with populations under 1.5 million. Specifically, in all counties, a CAP must reserve program funds for allocation in the following priority:

- repayment of any start-up money provided by the county;
- program administrative costs;
- operation of a Public School Cultural Access Program, including music and arts education provided in addition to basic education funding; and
- remaining funds distributed to the entity designated by the county to allocate among eligible cultural organizations meeting the guidelines and criteria of the CAP.

Public School Cultural Access Programs must provide every school in the county or city a list of appropriate off-site and on-site cultural experiences for each grade level, every year, including information regarding available transportation funding for off-site cultural experiences. Public School Cultural Access Programs must also provide transportation to offsite cultural experiences for all students at all schools in the county or city that are located within a school district in which at least forty percent of the district's students are eligible for the federal Free and Reduced-Price Meal program. Counties or cities must limit spending on the transportation benefit to no more than five percent of tax revenues collected each year.

Counties or cities must determine the procedures to be used by the designated entity in considering the award of funding to community preservation and development authorities if any exist in the jurisdiction. The procedures must ensure that community preservation and development authority projects and programs are eligible and considered for support.

SB 6066—Ethnic studies materials

(Senator Hasegawa)

C59 L20

Current law requires OSPI to identify and make available ethnic studies materials and resources for use in grades seven through twelve. Public schools with students in grades seven through twelve are encouraged to offer an ethnic studies course incorporating the materials and resources. SB 6066 extends these provisions to grades kindergarten through six.

The bill requires OSPI, by September 1, 2021, to identify existing state learning standards addressing knowledge and skills all public school students need to be global citizens in a global society with an appreciation for the contributions

of diverse cultures, instead of adopting EALRs and grade-level expectations. Prior law required OSPI, by September 1, 2020, to adopt Essential Academic Learning Requirements and grade-level expectations that identify knowledge and skills all public school students need to be global citizens in a global society.

The current law deadline for OSPI to identify and make available ethnic studies and materials and resources is extended by one year (to September 1, 2021) and adds that they are for use in all grades, including grades kindergarten through six. Public schools with students in grades kindergarten through six are encouraged to incorporate the materials and resources.

The Ethnic Studies Advisory Committee, established in 2019, is required to advise, assist, and make recommendations addressing grades kindergarten through twelve and to consider the need for piloting ethnic studies materials and resources and professional development. Educators with experience in age-appropriate ethnic studies curricula are added to the committee membership.

The 2020 Supplemental Operating Budget provided \$50,000 to implement this bill; however, Governor Inslee vetoed the appropriation prior to signing the budget. Even though the funding has been eliminated, SB 6066 was adopted by the Legislature and signed into law by the governor with no “null and void clause” present. It is unclear then, if OSPI will fulfill the requirements of the bill, including staffing and conducting Advisory Committee meetings and the other requirements as described above, using currently available resources, or if the provisions of the bill will be set aside.

SB 6102—School bus stop signals

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

C59 L20

Under both federal and state law, school buses must be equipped with a stop arm that extends from the bus indicating that traffic must stop to allow children to pass safely. The size and style of the stop sign for buses are set out in federal rule and state law; however, the requirements are in conflict. The federal rule requires that the word “stop” be at least 5.9 inches high, while the state statute requires the word “stop” be at least eight inches high.

SB 6102, essentially a technical correction, changes the state requirement that the word “stop” displayed on a school bus stop arm to specify the letters be at least 5.9 inches high. This brings the state into compliance with federal law.

SB 6103—Educational reporting

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

C61 L20

Current law requires school districts to report a series of data to OSPI. SB 6103 adjusts several of those reporting requirements.

Graduation and Dropout Data. Each school district is required to report graduation and dropout data annually to OSPI, including data on how many years students spend in school before graduating or dropping out; dropout rates organized by demographic subgroups; and the causes of students dropping out. Under SB 6103, OSPI is required to post the required dropout data and a savings estimate from the Washington State Institute for Public Policy on the OSPI website annually, rather than reporting the data to the Legislature.

Homeless Student Data. OSPI is required to report homeless student data, including the number of homeless and unaccompanied homeless students enrolled in public schools; the number of homeless students of color; the number of students participating in the Learning Assistance Program, Highly Capable Program, and Running Start; and the academic performance and educational outcomes of homeless and unaccompanied homeless students. Under this bill, OSPI must post the required homeless student data to the OSPI website annually, rather than reporting the data to the governor and the Legislature every other year.

K–12 Data Reports. OSPI is required to publish a number of reports online regarding data compliance; spending per student; statewide assessment improvement; student-to-teacher classroom ratios; teacher race and ethnicity demographics; and K–12 education costs disaggregated by federal, state, and local dollars.

As provided for in SB 6103, some of the required data reports are eliminated, including the reports pertaining to data compliance, spending per student, statewide assessment improvement, and most student-to-teacher ratio data. The following two new data reporting requirements are added by the bill:

- the per-pupil expenditures of federal, state, and local funds including actual personnel and non-personnel expenditures disaggregated by source of funds, for each local education agency and school in the state for the preceding fiscal year; and
- student growth to align with the “Every Student Succeeds Act.”

Apportionment Data. Currently, OSPI must report state per-pupil allocations for each school district for general apportionment and other programs, including special education, learning assistance, transitional bilingual, highly capable, and career and technical programs. OSPI must also report state general apportionment per-pupil allocations by grade for each school district on the OSPI website and on school district apportionment reports.

Under the bill, the requirement for OSPI to report state general apportionment per-pupil allocations by grade for each school district is eliminated. State per-pupil allocations for each school district for general apportionment and other programs must continue to be posted online; however, the information no longer is required to be included on school district apportionment reports.

SSB 6141—Higher education access

(Senator Randall, by request of Lieutenant Governor)

C307 L20

SSB 6141 addresses the need to provide prospective higher education students with information regarding the federal Free Application for Federal Student Aid (FAFSA) and the Washington Application for State Financial Aid (WASFA). Under provisions of the bill, the Washington Student Achievement Council (WSAC) is required to adopt an online calculator for all public four-year higher education institutions in Washington. The calculator must:

- provide estimates of federal Pell Grant and Washington College Grant awards based on student and family circumstances;
- be published on a website managed by WSAC; and
- make clear that the tool is only an estimate and not a guarantee of state aid.

WSAC, in collaboration with the public four-year and two-year higher education institutions, as well as independent colleges in Washington, must develop clear and consistent definitions for financial aid award letters. By July 1, 2021, all public higher education institutions and all independent colleges in Washington are required to adopt a standardized template for financial aid awards.

In addition to higher education requirements, the bill outlines duties of school districts. Beginning in the 2020–21 school year, all school districts with a high school are required to provide a financial aid advising day. Additionally, they must provide notification of financial aid opportunities at the beginning of the school year to parents and guardians of any student entering the twelfth grade. The notification is required to include:

- eligibility requirements of the Washington College Grant;
- requirements of the financial aid advising day;
- the process for opting out of financial aid advising day; and
- any community-based resources available to assist parents or guardians in completing FAFSA or WASFA.

WSSDA, with assistance from OSPI and WSAC, must develop a model policy and procedure for financial aid advising day. The model policy and procedure must describe minimum standards for a financial aid advising day, as defined in the bill and described below.

Beginning with the 2020–21 school year, within existing resources, OSPI is required to coordinate a financial aid advising day or series of days for all districts with a high school. The financial aid advising day may coincide with current High School and Beyond Plan information-sharing requirements. Financial aid advising day must take place between September 1 and December 1 of each year and include:

- distribution of information to twelfth grade students about the FAFSA, WASFA, and the College Board's College Scholarship Service;
- assistance in completing an aid application when possible; and
- information about the Washington College Grant and the financial aid calculator.

The bill clarifies that students and educational staff may not be assessed on the basis of or penalized for failing to complete a financial aid application.

Finally, the bill includes a federal severability clause, which makes the bill inoperative to the extent that it is found to be in conflict with federal law or regulations.

ESSB 6168—2020 Supplemental Operating Budget

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

C357 L20—Partial Veto

This is the 2020 Supplemental Operation Budget. For details, see Operating Budget section, earlier in this Report.

SB 6187—Public data breaches

(Senator Zeiger)

C65 L20

Under current law, any state or local agency that owns, maintains, or licenses data including personal information must disclose any breach of the security of the system

to any resident of the state whose personal information was, or reasonably believed to have been, acquired by an unauthorized person if the personal information was not secured during the breach. Notification may be made in writing or electronically, if electronic notification is consistent with federal law. Substitute notice via email, through posting on the state or local agency's website, or notification to major statewide media, may be provided under certain circumstances.

With some exceptions, notification of a data breach must be made no more than 30 days after the breach was discovered. Notification of a data breach must be in plain language and must include:

- the name and contact information of the reporting agency;
- a list of the types of personal information that were subject to the breach;
- a time frame of exposure, including the date of the breach and the date of the discovery of the breach; and
- the toll-free phone numbers of the major credit reporting agencies if the breach exposed personal information.

Currently, the law defines "personal information" as an individual's first name or first initial and last name with any one or more of the following data elements:

- Social Security Number;
- driver's license number or Washington identification card number;
- account number, credit or debit card number, or any required security code, access code, or password that would permit access to an individual's financial account;
- full date of birth;
- private key that is unique to an individual and used to authenticate or sign an electronic record;
- student, military, or passport identification number;
- health insurance policy number or health insurance identification number;
- any information about a consumer's medical history, mental or physical condition, health care professional's medical diagnosis, or treatment of the consumer; or
- biometric data generated by automatic measurements of an individual's biological characteristics.

These data elements are considered personal information without the consumer's name if:

- encryption, redaction, or other methods have not rendered the data element unusable; and
- the data element would enable a person to commit identify theft against a consumer.

While a data breach of an individual's first name or first initial and last name, along with their Social Security Number currently requires notification, SB 6187 expands the requirement. Data breach notification is also required for a data breach containing the last four digits of a Social Security Number.

ESSB 6189—SEBB eligibility

(Senator Wellman)

C8 L20

Currently, any school employee that works—or is anticipated to work—at least 630 hours per year qualifies for coverage under the School Employees' Benefits Board (SEBB) insurance program, as enacted in 2017 (EHB 2242).

In 2018, several adjustments and additions were made to SEBB through the enactment of ESSB 6241. Among the additions was a requirement that school employers make contributions for employee health care even when the employee has waived coverage.

As originally introduced, SB 6189 would have clarified (and narrowed) eligibility for SEBB. The original SB 6189 would have done three things:

- clarified that substitute teachers and intermittent school employees are not benefit-eligible;
- clarified that retired school employees who are eligible for Public Employees' Benefits Board (PEBB) coverage and Medicare are not eligible for SEBB coverage, even if they work for 630 hours or more; and
- prohibited dual coverage for cases where one spouse is on SEBB and the other is on PEBB.

Prior to hearing the bill, a Proposed Substitute was introduced and heard. The only provision from the original bill that remained alive was the third bullet above: the prohibition of dual coverage under the SEBB and benefits provided under PEBB. The rest of the new bill changed a proactive clarification of SEBB eligibility into a study.

As amended and ultimately adopted, ESSB 6189 requires the Joint Legislative Audit and Review Committee to conduct a study to identify the number and types of part-time employees and their eligibility for SEBB benefits. A report is due to the Legislature by September 1, 2021.

An additional review is required by the Health Care Authority (HCA). HCA must analyze the impacts of changes to the requirement that school employers remit premiums for employees who waive medical coverage. This analysis is due to the Legislature by September 1, 2021.

Current law requires school districts to annually report to OSPI on the use of substitute teachers. As amended and adopted, ESSB 6189 requires school districts' annual reports to OSPI to include substitute teacher data related to the hours worked by each substitute and the number who were eligible for SEBB benefits.

As proposed in the original bill, ESSB 6189 prohibits, beginning with the 2022 plan year, dual coverage under SEBB and benefits provided under PEBB for the same type of coverage. The SEB and PEB Boards are required to adopt policies to reflect this single enrollment requirement.

Further amendments were added in the last days of the session to address the COVID-19 outbreak. The language clarifies that a school employee's eligibility for benefits provided by SEBB is maintained for the remainder of the school year even if, during the COVID-19 declared State of Emergency, the employee would otherwise lose eligibility because: there are school closures or changes in operation; the employee is quarantined or required to care for a family member; or the employee must take care of a child during a school, day care, or child care provider closure.

The bill contained an emergency clause and became effective immediately upon the governor's signature.

SSB 6191—Adverse Childhood Experiences

(Senator Braun)

C251 L20

In 2011, the Legislature defined Adverse Childhood Experiences (ACEs) to mean the following indicators of severe childhood stressors and family dysfunction, when experienced in the first eighteen years of life and taken together, are provided by public health research to be powerful determinants of physical, mental, social, and behavioral health across the lifespan:

- child physical, sexual, and emotional abuse;
- child emotional or physical neglect;
- alcohol or other substance abuse in the home;
- mental illness, depression, or suicidal behaviors in the home;
- incarceration of a family member;
- witnessing intimate partner violence; and
- parental divorce or separation.

The definition states that ACEs have been demonstrated to affect the development of the brain and other major body systems.

The Healthy Youth Survey is a collaborative effort of the Health Care Authority (HCA), OSPI, and other state agencies, with an intention to measure health risk behaviors contributing to morbidity, mortality, and social problems among youth in Washington State.

SSB 6191 requires HCA, in collaboration with OSPI, the Department of Health, and the Liquor and Cannabis Board, to incorporate questions related to ACEs into the Healthy Youth Survey. The questions must be validated for children and would allow reporting of ACEs during childhood to be included in frequency reports. The questions must be administered for two cycles and then evaluated by the state agencies for any needed changes. Student responses to the survey are voluntary and must remain anonymous.

The aggregated student responses are required to be published by state, ESD, and county. The aggregated student responses must be available to school districts and school buildings. The student response data must comply with state and federal privacy laws.

School districts are encouraged to use this information in their decision making and to help improve services for students.

ESSB 6248—2020 Supplemental Capital Budget

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

C356 L20

This is the 2020 Supplemental Capital Construction Budget. For details, see Capital Budget section, earlier in this Report.

SB 6263—Tribes/schools data sharing

(Senator McCoy)

C206 L20

SB 6263 requires WSSDA, in consultation and collaboration with tribes, to develop a model policy and procedure to establish data sharing agreements between school districts and local tribes by January 1, 2021. When developing the policy, WSSDA is required to:

- consult with OSPI, the Office of Native Education, the Tribal Leaders Congress on Education, and local tribes;
- consider model agreements developed by the Bureau of Indian Education and model data sharing agreements and procedures developed by national Native educational organizations; and

- consider standards for the identification of Native students for data sharing purposes.

The model policy and procedure must safeguard students' personally identifiable information consistent with the requirements of the federal Family Educational Rights and Privacy Act (FERPA).

The 2020 Supplemental Operating Budget provides \$6,000 to implement this bill.

ESSB 6280—Facial recognition services

(Senator Nguyen)

C257 L20—Partial Veto

Facial recognition is a type of biometric technology that provides a way to establish or verify the identity of natural person based on one or more physical or behavioral characteristics and is used in various applications such as security, law enforcement, banking, and retail. Examples of physical characteristics are face, fingerprint, and iris images. An example of a behavioral characteristic is an individual's signature.

Facial recognition technology compares an individual's facial features to available images for identification or authentication. Facial detection technology determines whether the image contains a face. Facial analysis technology aims to identify attributes such as gender, age, or emotion from detected faces.

ESSB 6280 establishes a comprehensive set of guidelines, requirements, and restrictions in the use of facial recognition services by state or local government entities.

NOTE: While it is unlikely that school districts currently utilize facial recognition services, the use of the technology is becoming more prevalent and there is the potential school districts may find a use for facial recognition. If school districts do use the technology—or if they are considering its use—school district leaders need to understand the new requirements that have been adopted.

Accountability Report. A state or local government entity using or intending to develop, procure, or use a facial recognition service must file with a legislative authority (for local governments, this means the respective council, commission, board or other “legislative body”) a notice of intent to develop, procure, or use a facial recognition service and specify a purpose for which the service is to be used. After submitting the notice and prior to developing, procuring, or using a service, an agency must produce an accountability report for that service. Each accountability report must include, at minimum, clear and understandable statements of the following:

- The name of the facial recognition service, vendor, and version; and a description of its general capabilities and limitations, including reasonably foreseeable capabilities outside the scope of the proposed use of the agency;
- The type or types of data inputs that the technology uses; how that data is generated, collected, and processed; and the type or types of data the system is reasonably likely to generate;
- A description of the purpose and proposed use of the facial recognition service, including what decision or decisions will be used to make or support it; whether it is a final or support decision system; and its intended benefits, including any data or research demonstrating those benefits;
- A clear use and data management policy, including protocols for the following:
 - How and when the facial recognition service will be deployed or used and by whom including, but not limited to, the factors that will be used to determine where, when, and how the technology is deployed, and other relevant information, such as whether the technology will be operated continuously or used only under specific circumstances. If the facial recognition service will be operated or used by another entity on the agency's behalf, the facial recognition service accountability report must explicitly include a description of the other entity's access and any applicable protocols;
 - Any measures taken to minimize inadvertent collection of additional data beyond the amount necessary for the specific purpose or purposes for which the facial recognition service will be used;
 - Data integrity and retention policies applicable to the data collected using the facial recognition service, including how the agency will maintain and update records used in connection with the service, how long the agency will keep the data, and the processes by which data will be deleted;
 - Any additional rules that will govern use of the facial recognition service and what processes will be required prior to each use of the facial recognition service;
 - Data security measures applicable to the facial recognition service including how data collected using the facial recognition service will be securely stored and accessed, if and why an agency intends to share access to the facial

recognition service or the data from that facial recognition service with any other entity, and the rules and procedures by which an agency sharing data with any other entity will ensure that such entities comply with the sharing agency's use and data management policy as part of the data sharing agreement;

- How the facial recognition service provider intends to fulfill security breach notification requirements pursuant to current law (RCW 19.255.20) and how the agency intends to fulfill security breach notification requirements pursuant to current law (RCW 42.56.590); and
- The agency's training procedures, including those implemented in accordance with this bill, and how the agency will ensure that all personnel who operate the facial recognition service or access its data are knowledgeable about and able to ensure compliance with the use and data management policy prior to use of the facial recognition service;
- The agency's testing procedures, including its processes for periodically undertaking operational tests of the facial recognition service, as described below;
- Information on the facial recognition service's rate of false matches, potential impacts on protected subpopulations, and how the agency will address error rates, determined independently, greater than one percent;
- A description of any potential impacts of the facial recognition service on civil rights and liberties, including potential impacts to privacy and potential disparate impacts on marginalized communities, and the specific steps the agency will take to mitigate the potential impacts and prevent unauthorized use of the facial recognition service; and
- The agency's procedures for receiving feedback, including the channels for receiving feedback from individuals affected by the use of the facial recognition service and from the community at large, as well as the procedures for responding to feedback.

Each accountability report must be subject to a public review period and be updated every two years. The report must be posted on the agency's website and submitted to a legislative authority for posting to its public website.

Meaningful Human Review. Agencies using a facial recognition service to make decisions that produce legal effects or similarly significant effects concerning individuals must ensure those decisions are subject to meaningful human review. Decisions that produce legal effects or similarly significant effects concerning individuals means decisions resulting in the provision or denial of financial and lending services, housing, insurance, education enrollment, employment opportunities, health care services, or access to basic necessities such as food and water, or that impact civil rights of individuals.

Independent Testing. An agency must require a service provider to make available an application programming interface (API) to enable independent testing for accuracy and unfair performance differences across distinct subpopulations. Making available an API does not require providers to do so in a manner that would increase the risk of cyberattacks or to disclose proprietary data. If results of the independent testing identify material unfair performance differences across subpopulations, the provider must develop and implement a plan to mitigate the identified performance differences within 90 days of receipt of such results. For purposes of mitigating the identified performance differences, the methodology and data used in the independent testing must be disclosed to the provider in a manner that allows full reproduction.

Operational Testing. Prior to deploying a service, an agency using a service to make decisions that produce legal effects or similarly significant effects on individuals must test a service in operational conditions. An agency must take steps to ensure best quality results by following guidance provided by the service developer.

Training. An agency using a service must conduct periodic training of all individuals who operate a service or who process personal data obtained from the use of a service. Minimum training requirements are specified in the bill.

Prohibitions. An agency may not use a service to engage in ongoing surveillance, conduct real-time or near-real time identification, or start persistent tracking unless:

- a warrant is obtained;
- exigent circumstances exist; or
- a court order is obtained for the sole purpose of locating or identifying a missing person, or identifying a deceased person.

In addition, an agency may not:

- apply a service to any individual based on certain characteristics protected by law; or

- use a service to create a record describing any individual's exercise of rights guaranteed by the First Amendment of the U.S. Constitution and by Article I, Section 5 of the Washington State Constitution.

Finally, the bill requires the establishment of a Facial Recognition Task Force with the purpose of:

- providing recommendations addressing the potential abuses and threats posed by the use of facial recognition services, while also addressing how to facilitate and encourage the continued development of these services;
- providing recommendations regarding the adequacy and effectiveness of applicable Washington state laws; and
- conducting a study on the quality, accuracy, and efficacy of a service.

Prior to signing this bill, Governor Inslee vetoed the section which created the Facial Recognition Task Force.

ESB 6313—Young voters

(Senator Liias)

C208 L20

In 2018, the Legislature enacted 2SHB 1513, which allows certain minors to sign up to register to vote. A person who is at least sixteen years of age and who meets all other voter registration requirements may register to vote electronically, or at any location where voter registration is permitted, but is not added to the state voter list until such time as the person will be eighteen years of age by the next election.

ESB 6313 continues to increase opportunities for young voters. The bill stipulates that a person may vote in a primary election if they are seventeen years old, but will be eighteen by the general election. Candidates for Precinct Committee Officer similarly must be eighteen years old by the date of the election for Precinct Committee Officer.

The Department of Licensing (DOL) is required to provide an automated process for sixteen and seventeen year olds to sign up to register to vote when receiving or renewing an enhanced driver's license or identicard or changing the address on an existing enhanced driver's license or identicard. Applicants must meet the requirements for voter registration, other than age, and the DOL record must include a signature image. A person automatically signing up to register to vote is not added to the statewide voter registration database until such time as the person is eligible to vote in the next election.

Each state university, regional university, and The Evergreen State College is required to open a nonpartisan student

engagement hub which allows students to download exact copies of their ballot. Upon request of the student government, the student engagement hub at each four-year university and The Evergreen State College must allow voters to register in person and provide ballots and voter registration materials. Each higher education institution must contract with the county auditor for the operation of student engagement hubs. State and local voters' pamphlets must list the location of student engagement hubs. The Secretary of State may provide grants to county auditors to implement student engagement hubs, subject to appropriations.

Finally, OSPI, in collaboration with the Association of County Auditors and a 501(c)(3) nonprofit engaged in voter outreach and increasing participation, must identify and make available civics materials for high school courses.

The 2020 Supplemental Operating Budget provides the Secretary of State with \$674,000 to implement this bill. Specifically, the funding will assist with the creation of student engagement hubs, providing grants to county auditors to implement student engagement hubs, and paying for increased voter's pamphlet costs. Additionally, The Evergreen State College was provided with a \$9,000 appropriation to open an engagement hub on its campus; however, the governor vetoed this appropriation prior to signing the budget.

SB 6374—Apprenticeship materials

(Senator Holy)

C259 L20

In 2019, the Legislature created the Washington Dual Enrollment Scholarship Pilot Program. To be eligible, a student must:

- qualify for the Free and Reduced-Price Meals program;
- be enrolled in one or more dual credit programs; and
- have at least a 2.0 GPA.

The award for Running Start students is equal to mandatory fees, prorated based on credit load, and course or lab fees, less any fee waivers already received. A Running Start student receives a textbook voucher, equal to \$10 for every Running Start credit the student is enrolled for, up to a maximum of fifteen credits per quarter or the equivalent per year. An eligible student enrolled in a College in the High School program may receive a scholarship for tuition and fees.

Under the provisions of SB 6374, the award for eligible students participating in the Running Start program under

the Dual Enrollment Scholarship Pilot Program may include the cost of apprenticeship materials as determined appropriate by the college or the university. These materials may include specific course-related material costs, occupation-specific tools, work clothes, rain boots, or gear.

ESSB 6492—Workforce education investments

(Senator Pederson)

C2 L20

The 2019 Legislature enacted E2SHB 2158 to expand Career Connected Learning. As part of the legislation, the Workforce Education Investment Account was created. To fund the Account and other programs within the bill, a series of fund sources were created, including a complicated tiered tax structure and B&O tax surcharges. Most of the funds were to be deposited in the Workforce Education Investment Account. The legislation stipulated that the Account may be used only for higher education programs, higher education operations, higher education compensation, and state-funded student aid programs—except for the 2019–21 biennium in which funds can be used for K–12 Career Connected Learning.

Unfortunately, the final package was not adequate for the commitment the Legislature had made. Student demand from across the state was higher than expected and the complicated new tax system created confusion for taxpayers and the Department of Revenue. A group of legislators worked over the interim to: reform the revenue stream and simplifying the tax; fully fund the Workforce Education Investment Account; and reduce the number of businesses impacted. The result was SB 6492—which was introduced and fast-tracked through the Legislature in order to ensure the tax restructure was in place before the previously adopted scheme was implemented. ESSB 6492 was one of the first bills adopted by the 2020 Legislature and was quickly signed into law by Governor Inslee.

ESSB 6492 eliminates the Workforce Education Investment surcharge, except for certain advanced computing businesses. The surcharge is replaced with an increase in the B&O service rate from 1.5 percent to 1.75 percent for businesses earning more than \$1 million annually in the preceding calendar year. Businesses conducting service activities, but not meeting the \$1 million threshold, continue to pay B&O tax at the 1.5 percent rate. Hospitals are excluded from the increase.

Advanced computing businesses with a worldwide gross income in excess of \$25 billion are subject to an additional 1.22 percent surcharge. These businesses will continue to pay B&O tax at the 1.5 percent rate as well. The maximum amount of surcharge an advanced computing business is subject to is \$9 million per year.

The elimination of the surcharge is retroactive to January 1, 2020; the increase in the B&O service rate and the advanced computing surcharge take effect April 1, 2020.

SSB 6521—Innovative Learning Pilot

(Senator Wellman)

C353 L20

Legislation adopted in 2019 (E2SHB 1599) directed the State Board of Education to convene and staff a Mastery-Based Learning Work Group to inform the governor, the Legislature, and the public about barriers to mastery-based learning. The Work Group was directed to examine opportunities to increase student access to relevant and robust mastery-based academic pathways aligned to personal career goals and postsecondary education.

SSB 6521 requires OSPI to create and administer an Innovative Learning Pilot Program by July 1, 2020 and remain in effect through the 2022–23 school year. The Pilot would authorize full-time enrollment funding for students participating in mastery-based learning programs.

To participate in the Pilot Program, school districts would have to have a waiver from the credit unit graduation requirements for the 2019–20 school year, granted by the State Board of Education (currently, thirteen schools within twelve school districts have applied for a waiver.) A district must also submit the following information to OSPI:

- affirmation that the district wishes to participate in the Pilot Program and the specific schools with a waiver within the district that would participate;
- a description of the mastery-based learning program that the school district intends to implement and the number of students expected to participate; and
- an explanation of the goals of the mastery-based learning program and how the school district intends to measure and assess attainment of the goals.

OSPI is authorized to adopt rules to implement the Pilot Program, including:

- defining full-time enrollment standards for students based on regular participation in a mastery-based learning program rather than hours of seat time; and
- permitting participating school districts to report full-time equivalent students in an approved mastery-based program for general apportionment funding.

For purposes of the Pilot Program, the bill defines “mastery-based learning program” as an educational program where:

- students advance upon demonstrated mastery of content;
- competencies include explicit, measurable, transferable learning objectives that empower students;
- assessments are meaningful and a positive learning experience for students;
- students receive rapid, differentiated support based on their individual learning needs; and
- learning outcomes emphasize competencies that include application and creation of knowledge along with the development of important skills and dispositions.

By December 1, 2022, OSPI, in collaboration with the State Board of Education, is required to report to the Legislature regarding the efficiency, cost, and impacts of the funding model or models used under the Pilot Program.

SSB 6660—Four-year balanced budget

(Senator Rolfes)

C218 L20

Legislation enacted in 2012 established requirements for the Legislature to pass a state operating budget that is balanced over a four-year period, that is, the current biennium and the next ensuing biennium. The requirement applies to revenues and expenditures from the General Fund-State and related funds. “Related funds” are defined as the Washington Opportunity Pathways Account and the Education Legacy Trust Account. The legislative balanced budget requirement does not apply to any bill that makes net reductions in General Fund and related funds that is enacted between July 1 and February 15 of any fiscal year. In addition, the legislative balanced budget requirement does not apply in any fiscal biennium in which money is appropriated from the Budget Stabilization Account.

The Economic and Revenue Forecast Council (ERFC) is required to approve four-year budget outlooks of the governor’s proposed budget and the enacted budget.

The governor’s proposed biennial budget is statutorily required to reflect the estimated revenues approved by the ERFC, caseloads approved by the Caseload Forecast Council, and pension contributions rates approved by the Pension Policy Council. The governor may submit an additional budget proposal that includes additional expenditures from proposed changes to existing revenue sources (commonly referred to as a “Book II” budget; the

“Book I” budget is the required existing revenues budget that is publicly released in mid-December).

SSB 6660 is intended to improve fiscal responsibility and budget discipline by replacing the current spending limit with additional four-year balanced budget requirements. The state expenditure limit, first established by the voters in Initiative 601 (1993), which restricts raising taxes in excess of the limit is repealed. Additionally, the state Expenditure Limit Committee, which was charged with calculating the limit, is repealed. Since the enactment of the state expenditure limit in 1993, it has been amended multiple times (by both Democratic and Republican majorities) and is a mere ghost of its former self and has had little impact on budget decisions in recent years.

The bill adds the Workforce Education Investment Account (created in 2019 as a part of E2SHB 2158, to make college free for lower-income students and expand Career Connected Learning) to the list of related funds subject to the legislative balanced operating budget requirement. Relief from the legislative balanced budget requirement is allowed only when money is appropriated from the Budget Stabilization Account due to low employment growth.

The duty to calculate the state’s fiscal growth factor (currently in the hands of the Expenditure Limit Committee) is transferred to the ERFC.

Finally, the governor’s proposed operating budget submittals, beginning with the 2021–23 biennium, must balance over the same four-year period and accounts as the legislative balanced budget requirement. Beginning in the 2021–23 fiscal biennium, the projected Maintenance Level of the governor’s operating budget document or documents submitted to the Legislature must not exceed the available fiscal resources for the next ensuing fiscal biennium. Available fiscal resources and projected Maintenance Level costs, however, are adjusted by proposed revenue legislation and proposed executive branch agency legislation.

The governor’s balanced budget requirement does not apply to any proposed legislation that makes net reductions in General Fund and related funds to prevent the governor from making across-the-board reductions in allotments to address a cash deficit in these funds or when money is appropriated from the Budget Stabilization Account due to low employment growth.

Education-Related Bills That Died—Titles

As noted in the previous section, more than 4,600 bills, resolutions, and memorials were introduced in the 2019 and 2020 Sessions. WASA actively tracked over 500 of those pieces of legislation that had either direct or potentially indirect impacts on K–12 education. Obviously, many more bills died than were adopted, but what’s the point of including dead bills in this Report? There are many reasons, but here are two key motives:

1. While we can never be 100 percent successful in advancing our priorities, we can take solace in the fact that many, many negative bills never make it to the finish line either. In fact, there are times when it is more important and positively impactful to kill a bad bill, than it is to get a good bill adopted.
2. By reviewing bills that were unsuccessful (along with those bills that passed), you can gain some insight into priorities of legislators—which can provide a bit of a preview of what may be coming in the future. Seldom is a bill a one-and-done proposition. Even the simplest, noncontroversial bill can take three or four years to be adopted. And especially for those bad bills, we can be better prepared when they creep back out of the swamp.

Washington operates on a biennial cycle with a two-year Legislature; 2020 is the second year of the Legislature’s 66th Biennial Session. Remember, bills that died at the end of the first year of the biennial session are carried over and automatically reintroduced in the Legislature’s second-year session. The following list includes all of the education-related bills we followed from 2020 which ultimately failed to be adopted; however, bills introduced in 2019 are only included if any action was taken on the bill during the 2020 Session.

HB 1076/SB 5067..... Common school provisions	HB 2224..... State ballot measures
HB 1120..... Essential Academic Learning Requirements	HB 2225..... Legislative Budget Office
HB 1164..... Dual credit programs	HB 2233..... College in the High School
HB 1182..... Learning Assistance Program	HB 2267..... State ballot measures
HB 1256..... Distracted driving	HB 2286..... Job sharing grant
HB 1264..... Secondary traumatic stress	HB 2288..... School-based health centers
HB 1272..... School lunch duration	HB 2298..... Free and reduced-price meals
HB 1304..... Vocational ALE courses	HB 2304..... Shared leave
HB 1674..... Alternative Learning Experiences	HB 2321/SB 6333..... Youth access to adult consumables
HB 1715..... Withholding of transcripts	HB 2331..... Open Public Meetings Act
HB 1813/SB 6176..... Pupil transportation contracts	HB 2350/SB 6657..... Marijuana advertising
HB 1833..... School volunteers	HB 2387..... Diesel emissions
HB 1860..... Lead in drinking water	HB 2428..... EpiPen Work Group
HB 2012..... National certification bonuses	HB 2436..... Student restraint
HB 2023..... Bond training	HB 2498..... DNR leases
HB 2128..... Career and Technical Education reporting	HB 2506..... Marbled Murrelet Advisory Committee
HB 2155..... State dinosaur	HB 2529/SB 6503..... Odd-numbered elections
HB 2171..... Vested vacation leave	HB 2530..... Primary election
HB 2190..... Legislative transparency	HB 2578..... Washington Excels Scholarship
HB 2201..... School athletics	HB 2581..... Special education cap
HB 2220..... School volunteers	HB 2583..... Out-of-home transportation
HB 2222/SB 6145..... State Property Tax	HB 2631..... Family engagement framework

HB 2643.....	Youth suicide training	SB 6073.....	Menstrual hygiene products
HB 2648.....	Sex education/parental review	SB 6075/HB 2237.....	Local Effort Assistance
HB 2653.....	WaKIDS cultural bias	SB 6099/HB 2290.....	Accountability Committee
HB 2663.....	Skills Center salaries	SB 6101/HB 2290.....	Dyslexia screening
HB 2690.....	Integrated student supports	SB 6105/HB 2269.....	State education agencies
HB 2704.....	Sexual assault counseling	SB 6117/HB 2258.....	Special education
HB 2708.....	School-based health centers	SB 6132/HB 2717.....	Learning Assistance Program
HB 2719.....	K–3 class size funding use	SB 6138.....	BEST Program
HB 2735.....	Safety camera infractions	SB 6157/HB 2349.....	Bleeding control kits
HB 2740.....	Hiring marijuana users	SB 6165.....	PERS/TRS 1 benefit increase
HB 2771.....	SEBB eligibility	SB 6167/HB 2522.....	BSA appropriations
HB 2788/SB 6550.....	Charter schools LEA	SB 6226.....	Regionalization adjustments
HB 2810.....	Regionalization adjustments	SB 6234.....	Unemployment disputes
HB 2832.....	Public improvements	SB 6242.....	School director compensation
HB 2841/SB 6653.....	Skills Center class sizes	SB 6253.....	Early education system
HB 2865.....	Kindergarten readiness	SB 6262.....	Tribal history curricula
HB 2874.....	Regionalization adjustments	SB 6264.....	Consultation with tribes
HB 2876.....	Audits of levies	SB 6279.....	School-based health centers
HB 2904.....	Training youth athletes	SB 6282.....	Highly capable plans
HB 2928/SB 6664.....	Parents' bill of rights	SB 6284.....	Shared leave
HB 2930.....	Student restraint	SB 6290.....	SEBB eligibility
HB 2937.....	Salary schedule	SB 6296.....	Job sharing benefits
HB 2938.....	State Property Tax	SB 6336/HB 2675.....	Parental leave
SB 5236.....	Apprenticeships	SB 6337.....	Early retirement factors
SB 5247/HB 1200.....	Catastrophic incident plans	SB 6339/HB 2509.....	Computer science grants
SB 5270.....	Election dates and timelines	SB 6344/HB 2753.....	School enrichment levies
SB 5389.....	Telehealth treatment program	SB 6353.....	Supreme Court fiscal notes
SB 5607.....	Dual language learning	SB 6368/HB 2685.....	Sick leave
SB 5636.....	Fiscal notes	SB 6371/HB 2637.....	School library programs
SB 5834.....	Student immigration status	SB 6376.....	Debt capacity forecasting
SB 5908.....	Equity and cultural competency	SB 6381.....	State Property Tax
SB 6030/HB 2226.....	Immigration enforcement	SB 6389.....	School safety drills/plans
SB 6031/HB 2227.....	Vehicle taxes and fees	SB 6416/HB 2562.....	Telehealth services to schools
SB 6041/HB 2323.....	Motor vehicle sales tax	SB 6477.....	School district levies
SB 6047.....	IEP noncompliance reporting	SB 6480/HB 2699.....	School counseling programs
SB 6067.....	Educator certification assessments	SB 6484.....	Community and Technical College levy

SB 6487Legislative Youth Advisory Council	SB 6573/HB 2791 Forest revenue deduction
SB 6489/HB 2932 Youth use of tobacco/vapor products	SB 6581Estate tax rate structure
SB 6505Dual credit costs	SB 6608 Parental school choice
SB 6510 Small schools LEA	SB 6615/HB 2897Staffing allocations
SB 6512 School employee housing	SB 6655 School employee backgrounds
SB 6520Scholarship tax credit	SB 6662Early retirement
SB 6533/HB 2823 School district levies	SB 6672 School meals
SB 6543Public Records Act	SJR 8214..... Title-only bills
SB 6563 School-based health centers	SCR 8412 Legislative modernization

Education-Related Bills That Died

HB 1076—Common school provisions

(Representative Dolan, by request of Superintendent of Public Instruction)
and **SB 5067** (Senator Zeiger, by request of Superintendent of Public Instruction)

Would have: changed requirements for the Building Bridges Program; allowed civics content and instruction to be embedded in Career and Technical Education equivalency courses; and modified provisions for second grade reading assessments by removing the requirement that OSPI provide the passages used.

HB 1120—Essential Academic Learning Requirements

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

Would have replaced statutory references to the “Essential Academic Learning Requirements” with the term “state learning standards.”

HB 1164—Dual credit programs

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

Would have authorized qualifying high schools to receive competitive grants from the Academic Acceleration Incentive Program more than once and would have made a series of changes to the funding provisions for College in the High School programs.

HB 1182—Learning Assistance Program

(Representative Santos)

Would have required school districts to use the Washington Integrated Student Supports Protocol in planning for and expending Learning Assistance Program funds. Additionally, would have expanded the Extended Learning Opportunities program to ninth and tenth grades.

HB 1256—Distracted driving

(Representative Lovick)

Would have increased monetary penalties for the unlawful use of a personal electronic device while driving a motor vehicle in a school, playground, or crosswalk speed zone and directed revenue from the increased penalties to uses related to improving school zone and transportation-related safety for students.

HB 1264—Secondary traumatic stress

(Representative Ortiz-Self)

Would have required OSPI to develop online training modules to support teachers affected by secondary traumatic stress.

HB 1272—School lunch duration

(Representative Thai)

Would have directed OSPI to designate six public schools as demonstration sites to implement and evaluate seated lunch duration procedures for school lunch periods. Additionally, would have required WSSDA to adopt a model policy and procedure related to lunch durations.

This bill, returning from last year, failed to be adopted; however, much of the bill’s provisions were embedded in the 2019–21 Operating Budget last session. OSPI has designated six schools as demonstration sites and WSSDA has adopted its required model policy.

At the same time, OSPI is moving forward with Rules to implement a required 20-minute seated lunch period, as well as moving recess before lunch in elementary schools. Public hearings to take testimony on the Proposed Rules (WSR 20-01-168) were scheduled for April; however, due to the COVID-19 crisis, public hearings and potential adoption of new rules have been postponed. (Officially, the Proposed Rules have been withdrawn (WSR 20-07-080), with the understanding that OSPI intends on refiling new Rules in the future.)

HB 1304—Vocational ALE courses

(Representative MacEwen)

Would have required state funding for vocational Alternative Learning Experience courses to include the vocational program funding enhancement.

HB 1674—Alternative Learning Experiences

(Representative Rude)

Would have changed statutory references to Alternative Learning Experiences and associated provisions, to Personalized Learning Experiences.

HB 1715—Withholding of transcripts

(Representative Entenman, by request of State Board for Community and Technical Colleges)

Would have prohibited school districts from withholding the grades and transcript of a student who is responsible for damaging school property, or property belonging to a contractor of the district, an employee, or another student.

HB 1813—Pupil transportation contracts

(Representative Sullivan)

and **SB 6176** (Senator Wilson, C.)

Would have prohibited school district contracts for private pupil transportation services unless they provide health benefits and pension contributions equivalent to those received by school district employees.

HB 1833—School volunteers

(Representative Dolan)

Would have prohibited schools from denying prospective volunteers who will not have unsupervised access to children based on criminal history if the prospective volunteer has received a Certificate of Restoration of Opportunity (CROP) or a vacated conviction, provided the prospective volunteer signs a disclosure statement stating there has been no conviction since the issue of the CROP or date the conviction was vacated, respectively.

HB 1860—Lead in drinking water

(Representative Pollet)

Would have required every school to develop and adopt a plan of action to prevent elevated lead levels in all water used for drinking or cooking.

HB 2012—National certification bonuses

(Representative Boehnke)

Would have provided bonuses to Certificated Instructional Staff who are not eligible for certification through the National Board for Professional Teaching Standards, but who attain national certification through relevant national professional associations.

HB 2023—Bond training

(Representative Sells)

Would have required each school district board of directors to receive training on basic legal requirements and opportunities of public sector capital projects, prior to approving a bond authorization for voter consideration.

HB 2128—Career and Technical Education reporting

(Representative Leavitt)

Would have established a series of new reporting requirements regarding the delivery and improvement of Career and Technical Education.

HB 2155—State dinosaur

(Representative Morgan)

Requested by fourth graders at Elmhurst Elementary School (Franklin Pierce School District), would have designated the Suciasaurus Rex as the official dinosaur of Washington.

HB 2171—Vested vacation leave

(Representative Santos)

Requires payment of unused vested vacation time or paid time off, where provided by the employer and with some exceptions, upon termination of employment.

HB 2190—Legislative transparency

(Representative Walsh)

Intending to increase the transparency of the Legislature, this bill would have required minimum notice before legislative committees hold a public hearing on a new bill or vote on a Proposed Substitute, Striking Amendment, or Conference Committee Report. Additionally, the introduction or amending of bills that contain only titles or intent statements would have been prohibited.

HB 2201—School athletics

(Representative Klippert)

Would have required school districts to prohibit male students from competing with or against female students in athletic activities with separate classifications for male and female students if the athletic activity was intended for female students or was an individual competition sport.

HB 2220—School volunteers

(Representative Dolan)

Would have established requirements for entities that perform criminal background record checks on parents, grandparents, guardians, or legal custodians of enrolled students as part of volunteer applications.

HB 2222—State Property Tax

(Representative Walsh)

and **SB 6145** (Senator Warnick)

Would have temporarily reduced the State Property Tax.

HB 2224—State ballot measures

(Representative Walsh)

Would have required the Office of Financial Management to provide a reasonable projection of the fiscal impact of a state ballot measure if its fiscal impact is indeterminate.

HB 2225—Legislative Budget Office

(Representative Walsh)

Would have created a nonpartisan Legislative Budget Office to provide fiscal notes for proposed legislation and provide oversight of the legislative fiscal analysis performed by the executive branch.

HB 2233—College in the High School

(Representative Van Werven)

Would have expanded the College in the High School program to students eligible for the ninth grade.

HB 2267—State ballot measures

(Representative Walsh)

Would have prohibited the adoption of an agency rule, or the issuance of an executive order, that would implement the policy goals of an initiative or referendum that has been rejected by the people in a statewide election within two years of the election at which the measure was rejected.

HB 2286—Job sharing grant

(Representative McCaslin)

Would have established a grant program to support job sharing for Certificated Instructional Staff in school districts.

HB 2288—School-based health centers

(Representative Leavitt)

Would have created specific statutory authorization for school districts to enter into agreements with health care providers to establish school-based health centers for the provision of services exclusively to district students, employees, and employees' dependents.

HB 2298—Free and reduced-price meals

(Representative Leavitt)

Would have required school districts to provide information to students' families about free or reduced-price meals that may be available during the summer and academic breaks occurring in the school year.

HB 2304—Shared leave

(Representative Doglio)

Would have removed the current requirement that an employee pursue and be found ineligible for worker's compensation wage benefits in order to be eligible for shared leave. Additionally, would have clarified that an employee receiving worker's compensation and shared leave could not receive more than their full base salary as a result of the receipt of shared leave.

HB 2321—Youth access to adult consumables

(Representative Leavitt)

and **SB 6333** (Senator Salomon)

Would have reduced youth access to products intended for consumption only by adults age twenty-one and over by: banning billboard advertising by marijuana licensees; banning billboard advertising for vapor products;

increasing fines for violations of advertising requirements; and establishing restrictions for operators of websites, online services, mobile applications, and advertising services related to the marketing of vapor products to minors. Additionally, would have required school districts to add vapor products to their current tobacco policies.

HB 2331—Open Public Meetings Act

(Representative Kraft)

Would have made various changes to current requirements for posting agendas and notices under the Open Public Meetings Act.

HB 2350—Marijuana advertising

(Representative Kirby)

and **SB 6657** (Senator Stanford)

Would have prevented youth marijuana consumption by updating marijuana advertising requirements, including banning the use of billboards and prohibiting signs from appealing to youth.

HB 2387—Diesel emissions

(Representative Kilduff)

Would have required OSPI to adopt rules to limit the exposure of students and school personnel to diesel emissions from school bus engines.

HB 2428—EpiPen Work Group

(Representative Duerr)

Would have established the EpiPen Work Group to study students' life-threatening allergic reactions and make recommendations regarding the prevention and treatment of students' life-threatening allergic reactions in schools.

HB 2436—Student restraint

(Representative Klippert)

Would have clarified when school staff may reasonably and moderately restrain students for their own protection, without fear of reprisal.

HB 2498—DNR leases

(Representative Corry)

Would have required the Department of Natural Resources (DNR) to compensate lessees in the event that DNR exercises an early termination provision in a state land lease in order to use the land for a higher and better use.

HB 2506—Marbled Murrelet Advisory Committee
(Representative Walsh)

Would have enhanced transparency in the development of the Department of Natural Resource's state trust lands Habitat Conservation Plan by requiring the Marbled Murrelet Advisory Committee to comply with notification requirements of the Open Public Meetings Act.

HB 2529—Odd-numbered elections
(Representative Gregerson)
and **SB 6503** (Senator Nguyen)

Would have eliminated the statewide general election in odd-numbered years. Additionally, would have eliminated local government general elections (including school director elections) in odd-numbered years; however, local government special elections (including school district levies) would still have been allowed in either odd- or even-numbered years.

HB 2530—Primary election
(Representative Gregerson)

Would have moved the state's primary election date from August to May. Additionally, would have eliminated the April special election date.

HB 2578—Washington Excels Scholarship
(Representative Dye)

Would have established the Washington Excels Scholarship program to provide scholarships to high performing Washington high school students who excel in academic pursuits.

HB 2581—Special education cap
(Representative Caldier)

Would have eliminated the 13.5 percent special education enrollment limit.

HB 2583—Out-of-home transportation
(Representative Caldier)

Would have provided for notifications and financial penalties, if a student residing in out-of-home care outside the student's school of origin district is not regularly transported to the student's school of origin, if this is in the best interest of the student.

HB 2631—Family engagement framework
(Representative Ortiz-Self)

Would have established a work group to recommend a family engagement framework for early learning through high school. Among other things, the work group would have been required to review family engagement policies and practices in Washington and in other states, with a

focus on identifying best practices that can be adopted throughout Washington.

HB 2643—Youth suicide training
(Representative Callan)

Would have required youth suicide safety planning that includes notification of trusted adults and discussion with trusted adults about removal of lethal means to be incorporated into Professional Educator Standards Board-approved training programs on youth suicide screening and referral. Additionally, would have added school principals to the list of certificated staff who must complete a PESB-approved training program on youth suicide screening and referral every five years.

HB 2648—Sex education/parental review
(Representative Klippert)

Would have provided for a specific parental review process of sexual health and HIV/AIDS educational materials.

HB 2653—WaKIDS cultural bias
(Representative Thai)

Would have required OSPI to convene a work group to have the Washington Kindergarten Inventory of Developing Skills (WaKIDS) materials reviewed for cultural bias.

HB 2663—Skills Center salaries
(Representative Dufault)

Would have allowed school districts to exceed maximum salaries for Certificated Instructional Staff who teach at Skills Centers and are training students to work in identified high-demand fields, including as veterinary technicians, nursing or medical assistants, or cybersecurity specialists.

HB 2690—Integrated student supports
(Representative Callan)

Would have required the Center for the Improvement of Student Learning to develop and submit a plan for a statewide multitiered system of supports infrastructure that assists public schools in developing local integrated student supports that provide all students with equitable access to a high-quality public education.

HB 2704—Sexual assault counseling
(Representative Caldier)

Would have created competitive grants for Community Sexual Assault Programs to provide group counseling in common schools for youth survivors of sexual assault.

HB 2708—School-based health centers

(Representative Stonier)

Would have directed the Department of Health to establish a work group on school-based health centers.

HB 2719—K–3 class size funding use

(Representative Callan)

Would have required the funding withheld from school districts for failing to meet K–3 class size reduction targets to be allocated separately to school districts to be used solely to support implementation of the Washington Integrated Student Supports Protocol for students in kindergarten through third grade.

HB 2735—Safety camera infractions

(Representative Springer)

Would have authorized limited authority peace officers to issue infractions for traffic violations detected through automated traffic safety and school bus safety cameras, so long as those officers are authorized to do so by the local law enforcement agency.

HB 2740—Hiring marijuana users

(Representative Kloba)

Would have prohibited employers from refusing to hire an individual who lawfully consumes marijuana, with limited exceptions. Exceptions to the prohibition include situations where compliance would cause an employer to lose a monetary benefit under federal law; and where an employer has a required drug-free policy. (Note: Both provisions likely would have exempted school districts.)

HB 2771—SEBB eligibility

(Representative McCaslin)

Would have clarified: substitutes, intermittent employees, and coaches are ineligible for SEBB benefits; retired school employees receiving PEBB benefits are ineligible for SEBB benefits; employees receiving SEBB benefits are ineligible to be a dependent of a PEBB member (and vice versa); and school district contributions are not required for employees that waive coverage.

HB 2788—Charter schools LEA(Representative Pettigrew)
and **SB 6550** (Senator Mullet)

Would have provided Local Effort Assistance (LEA) payments to charter schools equal to the prior year enrichment levy amount per student for the school district in which the charter school is located, up to \$1,550 per FTE, adjusted annually for inflation.

HB 2810—Regionalization adjustments

(Representative Walsh)

Would have provided an additional regionalization factor of three percent for a series of districts across the state.

HB 2832—Public improvements

(Representative Orwall)

Would have expanded the projects for which a municipality, including school districts, would have been allowed to contract with a service organization or other association without regard to competitive bidding laws for public works.

HB 2841—Skills Center class sizes

(Representative Paul)

and **SB 6653** (Senator Hunt)

Would have provided for reduced Career and Technical Education class sizes at Skills Centers.

HB 2865—Kindergarten readiness

(Representative Chambers)

Would have required state agencies to inform families of kindergarten readiness standards.

HB 2874—Regionalization adjustments

(Representative Johnson)

Would have increased the regionalization factor of the Federal Way School District.

HB 2876—Audits of levies

(Representative Callan)

Would have eliminated statutory provisions that require a school district's levy collections to be reduced if the State Auditor determines that an expenditure of the school district is out of compliance with the requirements of current law.

HB 2904—Training youth athletes

(Representative Stonier)

Would have required OSPI to develop and make available on its website an online training program on the physical training of youth athletes. Additionally, prior to coaching an interscholastic athletic activity, at least one member of the coaching staff of each activity would have been required to complete the online training program.

HB 2928—Parents' bill of rights

(Representative Klippert)

and **SB 6664** (Senator Fortunato)

Among other things, this bill would have required school districts, in consultation with parents, teachers, and administrators, to develop and adopt a policy to promote parental involvement in the public school system.

HB 2938—State Property Tax

(Representative Walsh)

Would have temporarily reduced the State Property Tax.

SB 5236—Apprenticeships

(Senator Keiser)

Would have required OSPI, the Department of Labor and Industries, the Office of Financial Management, and the Department of Health to hire a coordinator to do outreach and assist in establishing registered apprenticeship programs where they do not exist in state government, public education, and the health care industry.

SB 5247—Catastrophic incident plans

(Senator Frockt, by request of Military Department) and **HB 1200** (Representative Dolan, by request of Military Department)

Would have: added a catastrophic incident emergency response plan to the required plans the Washington Military Department Adjutant General must develop for the state; and required the Adjutant General to develop guidance that may be used by local school districts in developing, maintaining, training, and exercising catastrophic incident plans.

SB 5270—Election dates and timelines

(Senator Hunt)

Would have moved the Primary Election date to the third Tuesday in May and moved the candidate filing period to the third week in March.

SB 5389—Telehealth treatment program

(Senator Becker)

Would have established a telehealth training and treatment program to assist youth. Additionally, all certificated and classified staff would have been required to be trained in the identification of students at risk for substance abuse, violence, or youth suicide in schools. Further, would have required school districts to, subject to consent, schedule two psychiatric teleconsultations for students determined to be at risk.

SB 5607—Dual language learning

(Senator Wellman)

Would have established grant programs: to grow capacity for high quality dual language learning in the public schools, and in child care and early learning programs; and to grow capacity for students to receive high quality heritage language learning. Additionally, OSPI would have been required to adopt learning standards for biliteracy development.

SB 5636—Fiscal notes

(Senator Brown)

Would have allowed members of the fiscal committees of the Legislature to request dynamic fiscal impact statements that estimate the net fiscal impact of a bill, including behavioral changes that may have an impact on the state economy as a whole.

SB 5834—Student immigration status

(Senator Hunt)

Would have required school districts to provide information to the parents and guardians of enrolled students regarding students' rights to a free public education, regardless of immigration status or religious beliefs. Additionally, would have required: WSSDA to develop, and publish on its website, a model policy and procedure relating to immigrant students; and OSPI to develop, and publish on its website, a brief presentation, guidance, or other training materials describing requirements in this act. Further, would have prohibited school district officials and employees from collecting information or documents regarding the citizenship or immigration status of students or their family members.

SB 5908—Equity and cultural competency

(Senator Das)

Would have established the Center for Equity and Cultural Competency within OSPI to increase equity, diversity, inclusion, and cultural competency within all aspects of the public school system. Additionally, would have incorporated equity, diversity, and inclusion professional development into existing cultural competency training for school board directors, district staff, and school staff.

SB 6030—Immigration enforcement

(Senator Fortunato)

and **HB 2226** (Representative Walsh)

Would have prohibited any state entity, local governmental entity, or law enforcement agency, or an employee, agent, or representative of the entity or agency, from in any way restricting a law enforcement agency from taking action with respect to information regarding a person's immigration status. Additionally, would have specifically prohibited any state entity, law enforcement agency, or local governmental entity from adopting or implementing a sanctuary policy.

SB 6031—Vehicle taxes and fees

(Senator Fortunato)

and **HB 2227** (Representative Young)

Would have implemented provisions similar to Initiative 976, as adopted by the voters in November 2019, including lowering vehicle license fees to \$30. The bill was intended to reaffirm the adopted provisions of I-976 in the event legal challenges against the Initiative were successful.

SB 6041—Motor vehicle sales tax

(Senator Braun)

and **HB 2323** (Representative MacEwen)

Would have dedicated sales tax revenue on vehicle sales to the Transportation Budget.

SB 6047—IEP noncompliance reporting

(Senator Hasegawa)

Would have prohibited retaliation against school district employees that report noncompliance with Individualized Education Plans.

SB 6067—Educator certification assessments

(Senator Hasegawa)

Would have made several changes to educator certification assessments, including: the elimination of statutory language requiring the Professional Educator Standards Board to implement a uniform and externally administered professional-level certification assessment; and the elimination of the current law requirement that teaching candidates achieve a minimum assessment score in order to obtain a residency teaching certificate.

SB 6073—Menstrual hygiene products

(Senator Dhingra)

Would have required school districts to pay for and make menstrual hygiene products available at no cost in schools serving students in grades six through twelve.

SB 6075—Local Effort Assistance

(Senator Takko)

and **HB 2237** (Representative Blake)

Would have increased Local Effort Assistance for eligible districts from the current cap of \$1,550 per pupil to \$2,500 per pupil—if the district passed a levy at a rate of \$2.50 per \$1,000 of Assessed Value.

SB 6099—Accountability Committee

(Senator Hunt)

Would have repealed the Education Accountability System Oversight Committee.

SB 6101—Dyslexia screening

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

and **HB 2290** (Representative Pollet, by request of Superintendent of Public Instruction)

Would have required school districts to collect data regarding the use of dyslexia screening tools and interventions.

SB 6105—State education agencies

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

and **HB 2269** (Representative Dolan, by request of Superintendent of Public Instruction)

This bill was intended to increase the efficiency of the administration of state education agencies by: allowing the Superintendent of Public Instruction to designate a member to represent the Superintendent on several boards and commissions; allowing WSSDA to conduct elections for ESDs and the State Board of Education; and eliminating OSPI's School Facilities Advisory Panel.

SB 6117—Special education

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

and **HB 2258** (Representative Dolan, by request of Superintendent of Public Instruction)

Would have: increased the special education excess cost multiplier from 1.0075 to 1.0251 for students enrolled in special education who are in a general education setting for 80 percent or more of the school day; and adjusted special education safety net eligibility by calculating the average per-pupil expenditure used to determine award eligibility for high-needs students as either the lesser of the state average, or the average among districts with the same regionalization factor as the high-needs student.

SB 6132—Learning Assistance Program

(Senator Wellman)

and **HB 2717** (Representative Ortiz-Self)

Would have allowed the Learning Assistance Program (LAP) to support school-wide behavioral health system of supports and interventions including social workers, counselors, instructional aides, and other school-based health professionals.

SB 6138—BEST Program

(Senator Hasegawa)

Would have modified the purpose of the Beginning Educator Support Team (BEST) Program to include support for mentor educators and beginning educators of underrepresented populations.

SB 6157—Bleeding control kits

(Senator Dhingra)

and **HB 2349** (Representative Stonier)

Would have required school districts to: maintain and make available a bleeding control kit on each school campus; and train employees to use the kits.

SB 6165—PERS/TRS 1 benefit increase

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

Would have provided a one-time, 1.5 percent increase to the retirement benefits of retirees in the Public Employees' Retirement System and the Teachers' Retirement System Plans 1, up to a maximum of \$22 per month. While this bill failed to pass, a similar bill, HB 1390, was adopted.

SB 6167—BSA appropriations

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

and **HB 2522** (Representative Ormsby, by request of Office of Financial Management)

Would have appropriated \$319 million from the Budget Stabilization Account (BSA or "Rainy Day Fund") to fund programs that address homelessness.

SB 6226— Regionalization adjustments

(Senator Wagoner)

Would have increased the regionalization factor of the Granite Falls School District.

SB 6234—Unemployment disputes

(Senator Kuderer)

Would have prohibited the state or local governments, as employers, from contracting with a private entity to dispute unemployment claims.

SB 6242—School director compensation

(Senator Carlyle)

Would have allowed school board directors in a district with an enrollment of 20,000 or more students to receive increased compensation, not to exceed the annual salary of a legislator, if authorized by a school district's board of directors.

SB 6253—Early education system

(Senator Wilson, C.)

Would have created a comprehensive statewide early care and education system by improving accessibility and affordability of early care and education programs for families.

SB 6262—Tribal history curricula

(Senator McCoy)

Would have: required school districts to incorporate curricula about the history, culture, and government of the nearest federally recognized Indian tribe or tribes into social studies curricula; and directed OSPI to develop and utilize a system to monitor and report on district implementation and compliance of tribal curricula requirements. Additionally, would have mandated all administrator preparation programs to require a course that includes information on the culture, history, and government of the American Indian peoples.

SB 6264—Consultation with tribes

(Senator McCoy)

Would have required OSPI and WSSDA to collaborate with the Tribal Leaders Congress on Education to develop a tribal consultation training and schedule and would have required school district directors and ESD board members to take and certify completion of the tribal consultation training. Additionally, would have directed WSSDA to reconvene regional meetings for the purpose of establishing government-to-government relationships and dialogue between tribal councils and school district boards of directors.

SB 6279—School-based health centers

(Senator Randall)

Would have required all first class school districts to partner with a health care sponsor to establish at least one school-based health center within the district. Also, would have required school districts to adopt a policy and procedure that incorporates elements of a model developed by WSSDA.

SB 6282—Highly capable plans

(Senator Pedersen)

Would have required school districts to develop individualized highly capable learning plans when transitioning highly capable students from cohort to non-cohort models of instruction.

SB 6284—Shared leave

(Senator Hunt)

Would have allowed an employee to maintain up to 40 hours of the applicable leave in reserve and still be eligible for shared leave.

SB 6290—SEBB eligibility

(Senator Short)

Would have: eliminated required school district contributions for employee health care when employees waive coverage; and clarified that substitutes and coaches ineligible for SEBB benefits.

SB 6296—Job sharing benefits

(Senator Padden)

Would have allowed school employees in a job sharing position to receive a prorated portion of the employer contribution towards benefits under the School Employees' Benefits Board.

SB 6336—Parental leave

(Senator Hunt)

and **HB 2675** (Representative Hunt)

Would have allowed the use of parental leave after a pregnancy disability is resolved.

SB 6337—Early retirement factors

(Senator Hunt)

Would have provided for the recalculation of early retirement reduction factors for members of the Teachers' Retirement System and the Public Safety Employees' Retirement System, Plans 2 and 3 under specified circumstances.

SB 6339—Computer science grants

(Senator Hunt)

and **HB 2509** (Representative Callan)

Would have required OSPI to establish a grant program to support middle school computer science and coding programs.

SB 6344—School enrichment levies

(Senator Lovelett)

and **HB 2753** (Representative Lekanoff)

Would have allowed a school district to choose whether to operate under an enrichment levy lid of \$2.50 per \$1,000 of Assessed Value or the maximum per pupil limit, rather than the lesser of the two.

SB 6353—Supreme Court fiscal notes

(Senator Holy)

Would have required fiscal notes estimating the impact of Washington State Supreme Court decisions that increase or decrease state and local government revenues or expenditures.

SB 6368—Sick leave

(Senator Nguyen)

and **HB 2685** (Representative Frame)

Would have removed limits on the maximum amount of sick leave a school district employee could accumulate or use for the purposes of unused-leave compensation.

SB 6371—School library programs

(Senator Hunt)

and **HB 2637** (Representative Pettigrew)

Would have: required OSPI to submit reports to the Legislature on school library information and technology programs, including on best practices, policy recommendations, and the benefits of these programs; and provided for an additional allocation to school districts with teacher-librarian-to-student ratios above the prototypical level.

SB 6376—Debt capacity forecasting

(Senator Frockt)

Would have required the Economic and Revenue Forecast Council to oversee and approve the state capital budget debt capacity forecast.

SB 6381—State Property Tax

(Senator Ericksen)

Would have temporarily reduced the State Property Tax.

SB 6389—School safety drills/plans

(Senator Fortunato)

Would have required the Criminal Justice Training Commission to: establish a team of evaluators to review and provide feedback to school districts on their performance of shelter-in-place, lockdown, and evacuation drills; and assume the responsibility of monitoring certain safety plans and programs.

SB 6416—Telehealth services to schools

(Senator Cleveland)

and **HB 2562** (Representative Stonier)

Would have required the Department of Health to grant money to school-based health centers for telehealth projects that assist school nurses.

SB 6477—School district levies

(Senator Lovelett)

Would have allowed a school district to operate under a levy lid equal to the district's voter-approved Maintenance and Operations levy under the law in effect in 2018, provided the authority has not otherwise lapsed.

SB 6487—Legislative Youth Advisory Council

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

Would have transferred the administration of the Legislative Youth Advisory Council from OSPI to the Office of the Lieutenant Governor.

SB 6489—Youth use of tobacco/vapor products

(Senator Saldaña)

and **HB 2932** (Representative Pettigrew)

Would have aligned current laws regarding possession of vapor, vapor products, tobacco, and tobacco products by persons under the age of eighteen, with laws for persons between age eighteen and twenty-one by: repealing civil infractions prohibiting the purchase or possession of tobacco or vapor products by a person under 18 years of age; and removing authority of a law enforcement officer to seize tobacco products or vapor products from a person under 18 years of age.

SB 6505—Dual credit costs

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

Would have expanded access to dual credit opportunities by waiving most fees for Running Start; establishing the maximum per-credit tuition fee for College in the High School; and requiring school districts to cover direct costs for exam-based dual-credit courses, College in the High School courses, and Career and Technical Education dual credit courses.

SB 6510—Small schools LEA

(Senator Cleveland)

Would have provided additional Local Effort Assistance (LEA) payments to eligible small school districts with fewer than 300 students. Small school districts with 100 or fewer students would have received an additional \$950 per pupil LEA payment and small school districts with 101 to 299 students would have received an additional \$750 per pupil LEA payment.

SB 6512—School employee housing

(Senator Rolfes)

Would have allowed any school district to build teachers' cottages or other single or multifamily housing for school district employees when directed by a vote of the district to do so.

SB 6520—Scholarship tax credit

(Senator Schoesler)

Would have authorized a tax credit for private contributions to student scholarship organizations.

SB 6533—School district levies

(Senator Lovelett)

and **HB 2823** (Representative Ramel)

Would have increased the maximum enrichment levy limit to \$3,000 per pupil for all school districts, rather than just for the Seattle School District.

SB 6543—Public Records Act

(Senator Short)

Would have prohibited assessment of penalties against a public agency which, within 15 days after the close of production of records in response to a request, discovers and produces additional records to the requestor.

SB 6563—School-based health centers

(Senator Conway)

Would have created specific statutory authorization for school districts to enter into agreements with health care providers to establish school-based health centers for the provision of services to students and other community members.

SB 6573—Forest revenue deduction

(Senator Van De Wege)

and **HB 2791** (Representative Tharinger)

Would have eliminated the reduction in state basic education funding for school districts that received federal or state forest revenue.

SB 6581—Estate tax rate structure

(Senator Lovelett)

Would have increased revenues in the Education Legacy Trust Account, currently used for the support of the common schools and expanding access to higher education, by amending the current estate tax. Additionally, it would have expanded the allowable expenditures from the Education Legacy Trust Account to include youth access to health care, housing affordability, and wages for child care providers.

SB 6608—Parental school choice

(Senator Ericksen)

Would have supported parental school choice by making state funding follow each child to the school of choice, including public schools, charter schools, and private schools.

SB 6615—Staffing allocations

(Senator Wellman, by request of Superintendent of Public Instruction)
and **HB 2897** (Representative Sullivan, by request of Superintendent of Public Instruction)

Would have implemented the recommendations of OSPI's Staffing Enrichment Workgroup (2019), including beginning to phase-in increases of staffing allocations in the Prototypical School Funding Model.

SB 6655—School employee backgrounds

(Senator Fortunato)

In addition to the initial background check a prospective employee must undergo before being hired by a school district or an ESD, this bill would have required a similar background check to be conducted biennially after being hired.

SB 6662—Early retirement

(Senator Saldaña)

For any member of Plans 2 and 3 of the Public Employees' Retirement System, the Teachers' Retirement System, or the School Employees' Retirement System who is at least age fifty-five and has completed at least five service credit years and for whom the sum of the number of years of the member's age and the number of years of the member's service credit equals eighty-five or more, this bill would have made them eligible to retire and receive a retirement allowance.

SB 6672—School meals

(Senator Walsh)

Would have established a School Hunger Reinvestment Account to assist with costs to school districts that provide free school lunches and breakfasts but are not fully reimbursed through federal funds or other sources.

SJR 8214—Title-only bills

(Senator Wilson, L.)

This constitutional amendment (and its necessary implementing bill, SB 6042) would have prohibited legislators from introducing "Title-only" bills.

SCR 8412—Legislative modernization

(Senator Das)

Would have established a Joint Select Committee on Legislative Modernization to study best practices and make policy recommendations addressing: rules to promote a more modern and efficient Legislature; procedures, including scheduling and calendaring; policies for developing new leaders; staff recruitment, diversity, retention, and compensation; administrative efficiencies; technology and innovation; and the use of an equity tool.

Health Care, Pensions, Financials, and Other Issues

Fred Yancey – The Nexus Group

“Yes, the show must go on,
But it’s also important to survive until
the curtain (retirement) calls.”
Freddy Mercury

The legislative session has concluded, the Governor has acted, and now as the show goes on, districts have to adjust.

Some statistics may be of interest: 1,019 bills were introduced in the House; 332 were passed; 826 bills were introduced in the Senate and 280 were passed. Overall, 386 bills passed both legislative houses and were before the Governor for action.

The adopted budget, agreed to by both Houses, spent less than either of the earlier proposed budgets. Legislators pulled back spending to a degree to shore up the state’s ending balances as a prudent measure. The uncertainty of the effects of the Covid-19 virus led not only them to caution but the Governor vetoed in excess of \$400 million in proposed spending.

So, what happened regarding pensions, health care, financials and other issues?

Pension/Retirement Related Bills

EHB 1390: At the request of the Select Committee on Pension Policy, this bill grants TRS/PERS Plans 1 beneficiaries an increase to their monthly benefit of three percent multiplied by the beneficiaries’ monthly benefit, not to exceed sixty-two dollars and fifty cents on the first \$25,000 of benefit. This bill passed both Houses and was signed by the Governor. Retirees will see the increase reflected in their July check.

Comment: There’s a long story to this bill culminating in some very intense last-minute lobbying to keep it from being vetoed as a cost saving measure (given the impending fiscal demands due to the Covid-19 virus). The bottom line was that it was signed, a minor miracle.

SB 6383: Concerning the retirement strategy funds in the Plan 3 and the deferred compensation programs. Basically, retirement strategy funds offered to individuals by the State Investment Board in the Plans 3 and DCP (Deferred Compensation Program) may now include investments in the State’s Commingled Trust Fund.

This bill passed both Houses and was signed by the Governor.

School Employees’ Benefits Board (SEBB) and Other Health Related Proposals

ESSB 6189: The Joint Legislative Audit and Review Committee will conduct a study to identify the number and types of part-time employees and their eligibility for SEB Board benefits. The report is due to the Legislature by September 1, 2021.

The Health Care Authority must analyze the impacts of changes to the requirement that school employers remit premiums for employees that waive medical coverage. The analysis is due to the Legislature by September 1, 2021.

When school districts report annually to the Office of the Superintendent of Public Instruction on data related to substitute teachers, they must include the hours worked by each substitute and the number that were eligible for SEB Board benefits.

Beginning with the 2022 plan year, dual coverage under the SEB Board and benefits provided under the PEB Board is prohibited for the same type of coverage. The SEB and PEB Boards shall adopt policies to reflect this single enrollment requirement.

School employees’ eligibility for benefits provided by the SEB Board is maintained for the remainder of the school year if, during the Novel Coronavirus (COVID-19) declared state of emergency, the employee would otherwise lose eligibility because of a school closure or changes in operation, an employee being quarantined or required to care for a family member, or an employee must take care of a child during a school, day care, or child care provider closure.

This bill passed both Houses and was signed by the Governor.

HB 2458: The SEB Board is provided with explicit authority to study and, subject to the availability of funding, provide the following employee-paid benefits: emergency transportation; identity protection; legal aid; long-term care insurance; noncommercial personal automobile insurance; personal homeowner’s or renter’s insurance; pet insurance; specified disease or illness-triggered fixed payment insurance, hospital confinement fixed payment insurance, or other fixed payment insurance offered as an independent, non-coordinated benefit regulated by the office of the insurance commissioner; travel insurance; and voluntary employees’ beneficiary association (VEBA) accounts.

If the Board is not providing these benefits, a school district may provide these benefits to employees. With the exception of VEBA accounts, benefits provided by a district must be employee paid and may be administered using a payroll deduction.

If a district is found to be providing a benefit that competes with any form of basic or optional benefits that are provided by the Board the district, the provider, and the Health Care Authority (HCA) are directed to work together to eliminate the conflict.

Comment: At the last SEBB meeting, the HCA indicated they have no current plans to seek proposals for additional PEBB offerings.

This bill passed both Houses and was signed by the Governor.

ESHB 1813: Mandates that the costs of contracted employee health and retirement benefits must be built into school district contracts for pupil transportation.

This bill died by Senate action placing it on the “X” file, but it is expected to return in some form during the 2020–21 session. (See future projections below.)

Other Bills that may have Fiscal/HR Impacts for Districts

SHB 2614: Concerning paid family and medical leave. Makes numerous revisions to the Paid Family and Medical Leave program to provide clarity and improve the program’s administration, including waiting periods, conditional waivers, and supplementation of benefits. Exempts casual labor from the types of covered employment. Grants the Employment Security Department (ESD) statutory authority to administer oaths, take depositions, issue subpoenas, or compel a witness’ attendance in an administrative proceeding. Allows ESD to apply for and obtain a superior court order authorizing a subpoena in advance of its issuance. Authorizes employees to bring a private right of action to recover damages for an employer’s unlawful acts, under specified conditions. This bill is agency request legislation.

This bill passed both Houses and has been signed by the Governor.

HB 2739: Modifies definitions for purposes of the shared leave program. This bill originated with a constituent who teaches in the Edmonds School District and has a child with multiple chronic conditions that require intermittent attention. He found that, given current policy, employees would be required to be on full-time leave and exhaust all or

nearly all leave to accept shared leave. Across Washington, many people going through difficult circumstances are helped by caring colleagues that support them through shared leave donations. This bill provides clarification on current law and also helps people who have intermittent health needs.

This bill passed both Houses and has been signed by the Governor.

ESSB 5473: Requires the Employment Security Department to study the impacts to the unemployment trust fund and employer contributions for unemployment insurance by allowing exceptions to provisions disqualifying individuals from receiving unemployment benefits for leaving work voluntarily without good cause related to: (1) inaccessible care for a child or vulnerable adult; (2) substantial increases in job duties or working conditions without commensurate increase in pay; and (3) separation from a minor child. Requires ESD to meet at least three times with business and worker representatives to discuss the information gathered by ESD. Removes modifications to the term good cause for unemployment purposes for the separation due to inaccessible care for a child or vulnerable adult and related to separation from work related to the death, illness, or disability of a family member.

This bill passed both Houses and has been signed by the Governor.

SB 6123: An agency must allow an employee to take paid leave as needed to participate in life-giving procedures if the employee provides written proof from an accredited medical institution, physician, or other medical professional that the employee participated in a lifegiving procedure. Leave granted to participate in life-giving procedures must not exceed thirty days in a two-year period.

This bill passed both Houses and has been signed by the Governor.

SB 6417: Allows retirees to change their survivor option election after retirement. The bill passed both Houses and has been signed by the Governor.

Health Insurance Benefit

In a separate part of the budget, the Medicare health insurance benefit subsidy was maintained. Up to \$183/month will be applied to the cost of retiree health insurance as a subsidy.

Selected Financials

ESSB 6168 State Budget

Below are selected financial figures from the adopted 2020 Supplemental Operational Budget:

	<u>2019–20</u>	<u>2020–21</u>
Fringe Benefit Allocation	23.80%	24.03%—Allocated Certificated
	24.33%	24.44%—Allocated Classified
Incremental Fringe Benefit	23.16%	23.39%—Allocated Certificated
	20.83%	20.94%—Allocated Classified

*Insurance Health Benefit	<u>2019–20 School Year</u>
	\$973—monthly from 9/1/19–12/31/19
	\$994—monthly from 1/1/20–6/30/20
	\$1,056—monthly from 7/1/20–8/31/20
	\$1,000—monthly for 2020–21 School Year

Medicare Insurance (Subsidy for Retirees)	\$183	\$183
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Employee Retirement Contributions

Increase of 0.23% to TRS to fund EHB 1390 (3% COLA for Plans 1 members) and an increase of 0.11% for SERS.

Substitute Rate (4 subs/classroom teacher unit)	\$151.86	\$151.86
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Health Care Carve-out	\$69.56 Begins 9/2019	\$76.13 Begins 9/2020
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Unemployment Insurance Account

*Unknown Costs. New coverage is allowed if an individual can not work due to Covid–19. The Legislature appropriated \$25 million to cover these anticipated expenses, but if not covered, then where do the extra dollars come from?

What Will the Future Hold?

Three themes run through the Washington State Legislature. The predominate theme will be the effects of Covid–19 on the state budget and operations. This patina will color all actions in the foreseeable future. A second, continuing theme is that labor continues to control a large part of the legislative agenda. Three, Seattle area legislators have tremendous sway on what bills get action.

Although many policy bills proposed during the session failed to advance, some components will likely be re-introduced through either new legislation or reviving a previous bill during the 2021–22 Session(s).

Moving into speculation on the future, some key activities may occur:

1. As a result of the fiscal effects of Covid–19 shutdown, the Governor may call for a Special Session do deal with the impacts.
2. With the upcoming election, it will be a priority for the Democrats to maintain majorities in both houses. They currently hold a strong majority in the House, and a weaker one in the Senate. There is a chance that they may lose both majorities given the challenges of campaigning and raising dollars in a Covid–19 world and the number of announced vacancies to date. See below.

The Republicans are organizing opposition by beating up the Democrats over their passage of the ‘Sex Ed’ bill, and their failure to use any of the increased state revenue to at least set license tabs back to \$30. Of course, having Tim Eyman and Senator Fortunato (Pierce County) as announced

gubernatorial candidates on a ticket with President Trump may hurt the Republicans at the ballot.

3. There are at least eleven retiring House members and three Senators to date who will not be returning. Filing week is May 11, which will identify all candidates. A reminder that all House positions are open, and about half the Senate. (See list below of Senate seats up for reelection.)

Senator	District	Party
Becker, Randi (Retiring)	2	R
Billig, Andy	3	D
Braun, John	20	R
Cleveland, Annette	49	D
Darneille, Jeannie	27	D
Hasegawa, Bob	11	D
Hawkins, Brad	12	R
Hunt, Sam	22	D
King, Curtis	14	R
Lovelett, Liz	40	D
Mullet, Mark	5	D
Muzzall, Ron	10	R
O'Ban, Steve	28	R
Padden, Mike	4	R
Rivers, Ann	18	R
Rolfes, Christine	23	D
Schoesler, Mark	9	R
Stanford, Derek	1	D
Takko, Dean	19	D
Van De Wege, Kevin	24	D
Wagoner, Keith	39	R
Walsh, Maureen (Retiring)	16	R
Wellman, Lisa	41	D
Wilson, Lynda	17	R
Zeiger, Hans (Retiring)	25	R

4. Post-election, there will be a reshuffling of committee assignments and leadership positions in both houses. The current House Majority Leader, Representative Pat Sullivan, is retiring. A replacement has yet to be announced.
5. There continues to be a need to get full funding of the SEBB benefits for districts. The law says that districts are to fund benefits on a per-head basis.

The state funds benefits on a formula generated FTE allocation. This is an unfunded liability to districts.

6. Past legislation allowed employees to bargain for insurance benefits for employees working less than 630 hours. There will continue to be pressure on districts to offer these benefits to all employees. A proposal before the 2020 Legislature dictated that identical SEBB health benefits and retirement benefits be paid to employees who work with private providers of transportation services to school districts. This proposal failed but is likely to return. Those contracted employees such as in food service, janitorial, special education, etc. working within school districts may well ask for similar benefit coverage.
7. As a reminder: The Legislature will continue to make the implicit price deflator (IPD) the future measure when looking at inflationary increases. The traditional consumer price index (CPI) generates a higher rate of inflation using a different set of assumptions. The IPD generates a lower rate which stretches State dollars wider helping those that create budgets and allocate dollars. This potentially hurts those who are impacted by inflationary increases not measured by the IPD, like school districts.
8. Efforts will be made to continue to increase the Medicare insurance subsidy. Rates have gone up substantially and the current \$183/ month is not nearly enough to offset the increased costs.
9. Work will continue to put school retirees in the largest risk pool available to reduce their current insurance costs. Currently, K-12 retirees remain in the PEBB program/pool. The HCA is to study and make recommendations in this area.
10. Efforts to fundamentally change the state's current pension system into a defined contribution model (401-K) may resurface under the argument of saving the state dollars. Senator Braun, the current ranking Republican on the Senate Ways & Means Committee, (WM) is a leading advocate of making changes.
11. Talk of merging the LEOFF 1 surplus budget funds into the TRS 1 pension fund may come up again. This merger would decrease the unfunded liability in Plan 1. It decreases the added surcharge employers (both state, school districts, counties, and cities) are currently paying to decrease this liability. This is an issue dear to the Republican leaders.

12. Moving to a state-wide collective bargaining contract for all K-12 employees. (This is a real 'pie-in-the-sky' projection.) The statewide SEBB program and bargaining model should be adapted to the wider arena to cover salaries and other benefits. The current model allowing districts to develop their own salary schedules and state disparate funding has already led to inequalities between districts and regions.
13. K-12 education in a post-Covid-19 world will look different. Distance education, rural broadband issues, and on-line teaching will all be topics of focus. Even issues like transportation related to athletics (long-bus trips to competitions) will be a topic of concern and discussion.
14. Related to K-12 and challenging to school districts will be the provision of services for special needs students. How do you provide services?

The show goes on amidst tremendous challenges.

If you have any questions, please feel free to make contact.

Alliance of Educational Associations

Mitch Denning, Ph.D., AEA Consultant – AEA is an affiliate of WASA

Alliance of Educational Associations, comprised of Washington Association of Maintenance and Operation Administrators (WAMOA) and Washington School Nutrition Association (WSNA), felt somewhat positive about the 66th Legislature's response to our 2020 priorities. The funding in the Capital Budget was sincerely appreciated, although we have concerns about the SCAP funding. In the operating budget several AEA priorities were partially funded, although special education and the SEBB program remain woefully underfunded.

This report will review: (1) **ESSB 6168, 2020–21 Supplemental Operating Budget**; (2) **ESSB 6248, 2020–21 Capital Budget**; (3) several bills that AEA supported or watched with keen interest which passed and didn't pass; (4) discussion of **OSPI's Proposed Rule on Seated Lunch Duration and Recess Before Lunch**; and (5) WAMOA's and WSNA's interim plans.

ESSB 6168: 2020–21 Supplemental Operating Budget Revenue

- February 2020 revenue update—up \$606 million.
- Total revenue increase since the Legislature approved their 2019–21 Operating Budget last April—up \$1.5 billion.

Overall Budget View

- Final budget adds \$961 million to the underlying 2019–21 Operating Budget for a total of \$53.5 billion.
- \$961 million includes \$839 million in policy additions and \$121 million in required Maintenance Level spending.
- This total does not include the \$200 million, \$175 million from Budget Stabilization Account (Rainy Day Fund), and \$25 million from federal funds to implement HB 2965, funding the COVID–19 outbreak.
- Budget writers were intent on leaving a substantial reserve with \$918 million in the projected Ending Fund Balance and \$2.9 billion in reserves; this prepares the state for an uncertain economic future, based on a possible economic downturn due to the COVID–19 outbreak.
- On April 3, the Governor signed ESSB 6168, but also reduced the budget by \$235 million due to the current health crisis, and begins making adjustments for the next budget cycle (2021–23).

- Originally the K–12 budget for 2020–21 was \$185 million; however, the Governor reduced K–12 by \$83.1 million, including \$79.7 million from major enhancements listed below and \$3.4 million in 17 smaller K–12 programs.

Enhancements

- **Special Education: \$1.9M (AEA Priority)**
SB 6117 did not pass and does NOT fund: \$9.7 million for the special education multiplier; \$11.1 million for safety-net awards (\$20.8 million total); and funding only for safety-net awards expected growth (\$1.9 million).
- **Mental Health & Safety: \$2.6 million (AEA Priority)**
Adds 1.5 FTE for behavioral health and support for regional coordination at each of the nine ESDs in their Regional Safety Center, established in HB 1216 (2019); now ESDs have 2.5 FTE; funds health and safety grants to school districts, and a contract with University of Washington-Forefront Suicide Prevention program.
- **School Counselors: \$31.8 million (AEA Priority) VETOED**
An additional 0.5 FTE counselor per prototypical school for all high poverty elementary schools (includes 45 percent of K–6 enrollment).
- **School Meals Implementing SHB 2660: \$57,000 (AEA Priority)**
Provides OSPI with a .5 FTE fiscal analyst for six months to assist with the ISP (individual student percentage) validation as well as training and TA for the implementing schools.
- **SEBB Eligibility Implementing SB 6189: \$3.7 million (AEA Priority)**
Health Care Authority is funded to implement SB 6189, which prohibits dual enrollment in SEBB and PEBB coverage and directs HCA to analyze changes in the requirement that employers remit premium for employees that waive medical coverage.
- **Not Funded: House** added \$50,000 for HCA to study and report on school districts utilization of substitute teachers, and impact of SEBB benefits on substitute teacher staffing (AEA Priority).

- **Homeless Student Stability: \$200,000**
Provides competitive grants for high-need districts to supplement the federal McKinley-Vento funds.
- **Paraeducator Training: \$14.4 million–VETOED**
Each adds two additional days of paraeducator training; funding will allow each paraeducator teaching in SY 2019–20 to complete the four-day fundamental course of study by the end of SY 2020–21.
- **Small School Funding: \$4 million–VETOED**
Provides funding for school districts during SY 2020–21 that have enrollments of less than 650 FTE students; OSPI is required to prioritize districts with low fund balances or other demonstrated financial need; and charter schools and tribal-compact schools are eligible to receive grants.
- **Pupil Transportation: \$62.8 million (\$29.5 million–VETOED)**
\$29.5 million (one-time) backfill of pupil transportation for over-expenditures in FY 2019; \$11.8 million to adjust to prior year transportation base; \$21.5 million (one-time) “hold harmless” funding.

Reductions

- **Local Effort Assistance (LEA): \$45.8 million (\$–69.5 million)**
Onetime LEA hold harmless funding for CY 2020 due to assessed property values above forecast (\$45.8 million); overall LEA funding, however, is reduced by \$69.5 million due to higher assessed values.
- **School Employee Health Benefits Reduction: \$–71.1 million**
Following results of benefits procurement and open enrollment, costs are expected to be lower than funded in the 2019–21 biennial budget; for SY 2020–21, benefits will go from \$1,156 per month to \$1,000 per month.
- Governor signed the budget on April 3.
Unfortunately, K–12 nutrition staff health benefits continue to be funded by the local levy and not by the operating budgets.

ESSB 6248: 2020–21 Supplemental Capital Budget (K–12 section)

- Provides \$19.56 million in bond proceeds and \$25.876 million in State Common School Construction Account and \$840,000 from the Federal Common School Construction Account for a total of \$46.276 million.

- The \$25.9 million would fund the state funding assistance for the 65 projects of new construction and renovation in 39 school districts in the July 1, 2020 release.
- In the House Supplemental Capital Budget (SHB 2324) which was released in February, provided \$13.4 million in bond proceeds and \$52.7 million in State Common School Construction Account to fund 65 aforementioned projects. Their budget’s grand total was \$66.04 million.
- In the Senate Supplemental Capital Budget (SB 6248) which was also released in February, provided \$19.8 million in bond proceeds and \$53.5 million in State Common School Construction Account to fund those 65 projects. Their budget’s grand total was \$73.3 million.
- AEA is very concerned that the **SCAP funding was reduced from the proposed amount in both budgets to \$25.9 million.**
- In discussing the issue with capital budget staff from both House Capital and Senate Ways & Means, we found that the decision to fund SCAP at a lower level was due to an assumed drop-off in SCAP square footage requests based on past history for the second year of the biennium.
- In discussing this situation with OSPI School Facilities and Organization staff, we were informed that should the anticipated 65 construction and renovation projects in the 39 school districts funding assistance exceed the \$25.9 million, OSPI would have to prioritize their funding decisions.
- Some districts then would not receive their funding assistance until July 1, 2021, or in the remote possibility that the Legislature would fund a “second Supplemental Capital Budget” early in the 2021 session, their funding would come sooner.
- **From AEA’s view, it’s unfortunate that this reduction in SCAP funding was made after all public input was received on both capital budgets.**

Seismic Safety Improvement School Building Retrofit Grant: \$13.24 million

- OSPI must prioritize school seismic safety retrofit grants with the most significant building deficiencies and the greatest seismic risks, beginning with the facilities classified as very high risk.

Small School District Modernization Grant: \$3.4 million

- There were many more schools' projects applied for than could be funded with in the \$19 million funded in the 2019–21 Capital Budget. An additional \$3.4 million is allocated for this grant program.
- ESSB 6248 approves the list of **Small District Modernization Grant** projects that were selected by OSPI as directed by the 2019–21 Capital Budget, including those funded with the additional \$3.4 million.
- Specifically, the budget funds the following small school districts' modernization grant projects: Oakville, Kahlotus, Washtucna, Index, Lamont, Green Mountain, Harrington, Skamania, Endicott, and Centerville (\$22.226 million).

Distressed Schools Grant: \$2.6 million

- An additional \$2.6 million was allocated so the total list of projects now includes; Mount Adams, Seattle, Tacoma, South Kitsap, and Republic school districts. The following projects are now funded:
 1. A Distressed Schools project in the Mount Adams school district (\$1 million);
 2. A two-classroom preschool addition at John Muir Elementary (\$700,000) and the conversion of two classrooms to a new health clinic at Lowell Elementary (\$300,000) both in the Seattle school district;
 3. An agricultural resource center (\$238,000) and a schoolyard park (\$200,000) in the Tacoma school district;
 4. A school-based health center (\$309,000) in Port Orchard, South Kitsap school district; and
 5. Pre-design and scoping work related to the replacement of a school facility in Republic school district, 7–12 building (\$100,000).
- It is the intent of the Legislature to appropriate \$9 million for the Republic school district in the 2021–23 biennium for the demolition of the 7–12 school facility and for the design and construction of a new 7–12 school, subject to RSD securing a local match equal to not less than \$4.5 million.
- Finally, school districts receiving Distressed Schools Grant may use that funding for the local share of project cost requirements for projects also eligible for funding through the SCAP program.
- Governor signed the budget on April 3, 2020.

AEA Policy Bills which AEA Supported or Watched which Passed

3SHB 1660—Participation of Low-Income Students in Extracurricular Activities

- Defines opportunity gap goals for high schools related to the difference in student possession of ASB cards and student participation in athletic programs between low-income students and other students.
- Requires districts with high schools that do not meet or exceed one or more of the opportunity gap goals, to develop and implement an extracurricular activities opportunity gap reduction plan.
- Requires said districts to collect and publish data related to student possession of ASB cards and student participation in athletic programs.
- Requires streamlining of the process for charging and collecting fees from low-income high school students.
- Requires OSPI to provide a grant program to help districts reduce the cost of ASB card and participation fees for low-income students (ESSB 6168 provided \$600,000; Governor reduced that amount to \$250,000 in his veto message).
- AEA had concerns about confidentiality of free/reduced price information and watched the bill.
- Governor signed the bill on March 18, 2020.

SHB 2458—Optional Benefits Offered by School Districts

- Prohibits districts from offering benefits to employees that compete with basic or optional benefits offered by SEBB or HCA.
- Delineates optional benefits, primarily VEBA, that districts may offer if they are not offered by SEBB, and authorizes SEBB to study, and, subject to available funding, offer the same benefits as employee-paid, voluntary benefits to school employees.
- Requires district and applicable carriers to work with HCA to modify, remove or discontinue any district-based benefit offerings that are determined by HCA to be in competition with those offered by HCA or SEBB.
- AEA watched the bill.
- Governor signed the bill on March 31, 2020.

HB 2617—Lease or Rental of School District Surplus Property

- Allows districts to lease or rent surplus property without including a provision in the agreement that allows the district to recapture the property for school purposes when the property is leased or rented for affordable housing purposes.
- Applies to a lease or rental agreement entered into on or after January 1, 2018.
- AEA watched the bill.
- Governor signed the bill on March 18, 2020.

ESHB 2660—Increasing the Availability of School Meals Provided to Students at No Charge

- Requires each school with students in or below grade eight with 62.5 percent or more of its students eligible for free meals through a direct certification process, like TANF, Head Start or SNAP, to participate in the federal Community Eligibility Program (CEP), thereby making school meals available for all students at no charge.
- Modifies LAP funding policy by allowing schools participating in CEP to receive state allocations based on the district's percentage of F/R students in the SY prior to the school's participation in CEP.
- Modifies funding policy for National Board-Certified Teacher bonus in high poverty schools by allowing them to receive state allocations based on their F/R student eligibility in the SY prior to the school's participation in CEP.
- Requires OSPI to convene meetings with organizations working on a plan to increase CEP districts and directs OSPI and said organizations to examine the impacts on schools and districts that can result from their joining CEP.
- Applies to 18 schools statewide.
- OSPI received \$57,000 from 2020–21 Supplementary Operating Budget for a staff person to do the work the bill calls out.
- WSNA worked with various legislators and stakeholders to modify the language so no school would lose nutrition funding and supported the bill.
- Governor signed the bill on April 2, 2020.

2SSB 5572—Small District Modernization Grants

- Creates a Small District Modernization Grant program, administered by OSPI, for districts and tribal-compact schools with 1,000 or less FTE students.

- Designed for said districts to remedy significant building deficiencies, as they aren't able to pass bond issues.
- Requires OSPI and an advisory committee, appointed by OSPI, to establish prioritization criteria and an evaluation process for the committee to review and rank grant applications.
- Requires OSPI to propose a list of projects to the Governor by September 1, of each even-numbered year, as prioritized by the committee.
- Has been funded through the capital budget and is now state policy.
- WAMOA was represented on the 2019 advisory committee, and AEA supported the bill.
- Governor signed the bill on April 2, 2020.

ESSB 6189—School Employees' Benefit Board Coverage

- Directs JLARC to study the number and types of part-time employees that are eligible for SEBB coverage.
- Directs HCA to analyze changes to the requirement that employees pay premium when employees waive coverage (AEA priority).
- Prohibits dual enrollment in SEBB and PEBB.
- Adds specific coverage for employees who would otherwise lose coverage due to COVID-19 outbreak.
- SEBB is still underfunded for basic education staff, with no funding for child nutrition employees.
- AEA watched the bill.
- Governor signed the bill on March 17, 2020.

AEA Policy Bills that Didn't Pass

SHB 1272—School Lunch Duration

- Policy bill which implements the 20-minute seated lunch duration passed the House but died in Senate Rules.
- Grant funding was provided in the 2019–21 Operating Budget for six elementary schools to pilot the program; so far, the pilot program is going well.
- AEA supported the bill.

ESHB 1813—Incorporating the Costs of Employee Health Benefits into School District Contracts for Pupil Transportation

- Would have required district contracts for pupil transportation to include sufficient funds to provide employees of the contracting employer with health and pension benefits equivalent to those of district classified employees.
- Passed the House but died in Senate Rules.
- Would have been a “slippery slope” as school district nutrition and maintenance contracts could have been next.
- Fiscal note said district costs are “indeterminate.”
- AEA watched the bill.

E2SHB 1860—Addressing the Lead in Drinking Water in Schools

- Would have required districts with school buildings built or renovated, with drinking water lines and outlets replaced prior to 2016, to allow DOH to conduct testing, and the district to communicate results to the public and adopt a plan of action if the lead concentrations were above nine parts per billion.
- Would have required private schools with similar directives.
- Would have required districts with school buildings with an action plan to apply for grant funding from DOH or OSPI, but limit expenditures to \$2,000 per building.
- WAMOA’s testimony in Senate Early Learning & K–12: (1) establishing a different standard (15 ppb is federal standard, 9 ppb would be the state standard) is unworkable; (2) the \$2,000 cap on remediation per building is also unworkable; and (3) publicly defining a detection as a health hazard, and having no funds to remediate it, would be disruptive to families.
- Fiscal note provided only \$2.9 million for K–12 funding, with no grant funding for remediation.
- Bill passed the House but died in Senate Early Learning & K–12.
- AEA opposed the bill.

HB 1892—Eliminating the Reduced Price Lunch Co-Pay for Grades Pre-K and Grades 4–12

- Re-introduced by Rep. Melanie Morgan (D-Parkland).
- Assigned to House Appropriations.

- WSNA, in working with Rep. Morgan during the 2019 interim, proposed an amendment to phase-in the program, beginning in SY 2020–21 with elimination of copay in Pre-K and grades 4–6 at a cost of \$1.5 million.
- Never received a public hearing in House Appropriations and died there.
- AEA supported the bill.

OSPI’s Proposed Rule on Seated Lunch Recess and Recess Before Lunch

- The State Auditor’s Office released their performance report on seated lunch duration in January 2020, as it was requested by Superintendent Chris Reykdal.
- Based on the SAO’s recommendations, OSPI then released their intent to revise **WAC 392-157-125, Time for Meals**, to align with research supported best practices and the SAO’s recommendations.
- The proposed rules would mandate the 20-minute seated lunch duration in all schools, and recess before lunch in all elementary schools; both provisions would begin in SY 2023–24.
- OSPI plans to hold statewide public hearings to seek input from school districts this fall.
- In March 2020, the AEA board adopted the following position on the proposed rule: **AEA board will not take a position on the proposed rule; rather, they desire that their board members support their individual district’s position on the issue; as each district has their own unique viewpoint, AEA supports the work of each local district to address the issue, problem solve and develop plans to address the issue based on their individual needs and resources.**

WAMOA 2020 Interim Plans

- Coordinate with OSPI on Small District Modernization Grant process;
- Follow JLARC’s report on First Responder Mapping System for K–12 Schools;
- Follow the continuing work of WA Disaster Resiliency Work Group; and
- Coordinate requested school visits during the fall with the following legislators: Sen. Keith Wagoner (R-Sedro Woolley); Sen. Ron Muzzall (R-Oak Harbor); Sen. Mark Mullet (D-Issaquah); Sen. Mark Schoesler (R-Ritzville); Rep. Debra Lekanoff (D-La Conner); Rep. Chris Gildon (R-Puyallup); Rep. Mike Pellicciotti (D-Federal Way); Rep. Lisa

Callan (D-Issaquah); Rep. Jacqueline Maycumber (R-Republic); Rep. Marcus Riccelli (D-Spokane); Rep. Strom Peterson (D-Edmonds); Rep. Lauren Davis (D-Seattle); Rep. Chris Corry (R-Yakima); Rep. Drew MacEwen (R-Union); Rep. Mary Dye (R-Pomeroy); Rep. Mike Steele (R-Chelan); and Rep. Jim Walsh (R-Aberdeen).

WSNA 2020 Interim Plans

- Meet with Rep. Strom Peterson (D-Edmonds) in his Shoreline office to discuss the best ways to deal with the current meal debt, specifically based on SY 2019–20 district meal debt data, and to help develop strategies to fund this ever-increasing meal debt;
- Currently, 38 districts have submitted meal debt information so far; their July 2018 collective debt was \$670,000, whereas their July 2019 collective debt was \$1,280,000; an increase of 106 percent;
- Meet with Rep. Morgan re: HB 1892 to develop a strategy on how to move forward the elimination of the Pre-K and 4–12 reduced price lunch copay;
- Coordinate a school nutrition lunch visit with Rep. Roger Goodman (D-Kirkland), meals for kids' champion in the House Democratic caucus, with the Lake Washington School District in the fall; and
- Arrange presentations of WSNA appreciation awards to four of WSNA's meals for kids champions, who are retiring from the Legislature; included are Rep. Pat Sullivan (D-Covington), Sen. Randi Becker (R-Eatonville), Sen. Hans Zeiger (R-Puyallup), and Sen. Maureen Walsh (R-Walla Walla); each legislator has been a strong supporter of feeding hungry kids for a number of years.

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2020 LEGISLATIVE PLATFORM

School administrators recognize and appreciate the efforts of legislators to craft an updated education funding system to amply provide a program of basic education for every K–12 student in the state, in compliance with the state’s constitutional “paramount duty.” Over the last several years, the Legislature has made great strides in implementing and funding that new system, including significant investments that have doubled K–12 appropriations since the Supreme Court’s 2012 *McCleary* decision—but more work is yet to be done. To that end, school administrators urge the 2020 Legislature to act upon the following priorities:

Update Staff Allocation Formulas

In the 2011 transition to the Prototypical School Funding Model, original staffing allocations were funded at artificially low ratios based on historic staffing ratios that had been in place since the late 1980’s to ensure the conversion was cost neutral. Since then, the need for student supports in local school districts has grown exponentially, yet the funding ratios for most staff positions have remained the same since the Model was first implemented. (Examples of current, impractical underfunding: current ratios for a Prototypical high school require 40,000 student FTEs to generate one FTE social worker and almost 86,000 FTEs to generate one FTE psychologist.) WASA urges the Legislature to begin phasing in updated ratios to achieve more realistic state-funded staffing levels.

Define Teacher Duties and Expectations

Teachers are highly trained professionals, performing complex full-time work, compressed into a 180-day calendar—and following state funding enhancements and local collective bargaining in the last two years, teacher salaries have increased to competitive, market levels. WASA urges the Legislature to clearly define the minimum professional duties and expectations for teachers and not leave this to collective bargaining. The definition must explicitly state the professional responsibilities, time, and effort required to provide the state’s statutory program of basic education exceeds the required number of instructional hours and includes such things as: preparing, planning, and coordinating instruction; collaboration with other teachers or staff; meeting with parents; and evaluating student learning. Supplemental contracts should still be allowed; however, additional compensation must be tied to defined extra time or responsibilities that are uniquely associated with a specific assignment above and beyond the tasks of all other teachers.

Provide Consistent, Equitable, and Ample Education Resources

To address continued concerns of underfunding and inequities, WASA urges the Legislature to revise portions of the new education funding structure, including:

- **Special Education.** Prior to the 2019 Session, OSPI identified a special education underfunded need of at least \$300 million—up to as much as \$400 million. The 2019–21 budget provides needed investments in the special education safety net; however, additional funding for an increase in the special education multiplier is less than \$80 million. The 2020 Legislature must provide additional funding to eliminate the current underfunding.
- **Salary Allocations and State Schedule.** The state Salary Allocation Model and the staff mix factor have been eliminated and replaced with a new one-size-fits-all statewide average salary allocation. To address inequities, a new “Experience Factor” was adopted in 2018, but only assisted 56 districts. To further lessen inequities, the Legislature needs to expand Experience Factor eligibility.
- **School Employees’ Benefits Board.** The 2019 Legislature took action to fund and ratify the SEBB Collective Bargaining Agreement, with the program beginning January 1, 2020. As the new insurance program is implemented, adjustments are needed to fund the unsustainable costs to school districts. (Requested fixes include: clarifying substitutes are not benefit-eligible; and eliminating school districts’ required payments for employees who opt-out of coverage.)
- **Regionalization.** Regionalization factors, as implemented in EHB 2242 (2017), intensify inequities and pit districts against one another. The calculation of regionalization and application of regionalization factors must continue to be evaluated and corrected.

Support School Facilities

WASA urges the Legislature to: give Washington’s citizens the opportunity to decide whether school district bond issues should be approved with a simple majority vote; enhance the state’s investment in K–12 construction by updating the current, outdated funding formulas for the Construction Cost Allowance and Student Space Allocation to ensure funding more closely reflects actual construction costs and educational space needs; and provide school districts that have difficulty passing local bonds with capital funds to support necessary new construction or modernization.

*Approved by the WASA Legislation and Finance Committee 9–2019
Approved by the WASA Board of Directors 10–2019*