

# 2021 LEGISLATIVE REPORT

A PUBLICATION OF THE WASHINGTON ASSOCIATION OF SCHOOL ADMINISTRATORS

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## 2021 Session Overview

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

To say that the 2021 Legislative Session, the first year of the 67th Biennial Legislature, was unique is an understatement. First, the state was still in the midst of the COVID-19 pandemic, forcing a first-ever “virtual” or remote session. But there was more. Following a rough-and-tumble November election, Democrats maintained their same numerical majority in both the House and Senate; however, there were 21 new members elected, which changed the composition of the Legislature, even if the numbers stayed the same. Those new members moved both Democratic Caucuses to the Left and pushed several issues (including climate bills and the capital gains tax) that have had little success in recent years over the top. Following last year’s killing of George Floyd and national protests, there was a major focus on equity issues—issues that touched virtually every corner of state government. And after the January 6 US Capitol Riot, Washington’s Capitol building was fenced off, with the State Patrol and armed soldiers standing guard. The optics were horrible but mattered little as the public was barred from the Capitol Building (and most of the Capitol Campus) anyway due to COVID-19.

And so, the 2021 Session began, with most legislators legislating from their home offices or their kitchen tables. Similarly, lobbyists, association advocates, and citizens had to engage with legislators from a distance. Positively, because of the ease of speaking up from your home computer, the level of engagement in Committee hearings skyrocketed. On the flip side of that, because of the number of people signed up to testify on bills in Committee, most testimony was limited to about 60 seconds. This was just a reminder that the “real” advocacy and impact is done with personal contacts with legislators; however, that too was difficult. As easy as it was to participate in Committees, it was similarly easy to get on legislators’ calendars for meetings—which actually limited access because more people were attempting to meet with their elected officials. For Olympia-regulars, the job was more difficult than ever before because so much of the day-to-day work consists of informal hallway conversations and spontaneous discussions on the fly. With the Capitol closed to the public, that informal but regular interaction with legislators, staff, and colleagues was not possible.

WASA pressed ALL administrators to step up this session and engage in the process—and many of you answered the call. This truly made a difference. Many of the issues we were supporting (or opposing) needed a “real world” message about the impact of the budget or policy matter. While we did not win on every issue (not even a realistic wish), we ended up being successful on a number of key issues, mostly due to the strong engagement of our members.

### How WASA’s Priorities Fared

During the 2020 Session—a short, non-budget session—much of WASA’s efforts were focused on laying the groundwork for the 2021 Session, wherein it was assumed there would be additional resources to support our requests.

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Our major priorities were focused on updates to the staffing ratios in the Prototypical School Funding Model and seeking additional resources to ensure school districts received consistent, equitable, and ample funding (to “fully fund” special education, support enhancements to experience factors, and overhaul regionalization).

Because of the budget situation in 2020, we did not achieve a bunch of “wins” in our Platform; however, we were successful in highlighting the issues, keeping them on the radar of legislators, and established a base on which we could build on in the 2021 budget year.

At the end of the 2020 Session, WASA’s Legislation & Finance Committee immediately started to draft the Platform for 2021. The Platform almost wrote itself, given that the focus was to maintain consistency as we moved from the 2020 Session to the 2021 Session, building off of the groundwork we laid. A short time after we started down this road, COVID-19 came more into focus, it was declared an actual pandemic, and the state and nation started closing down. It quickly became clear that our hope of asking for millions (or billions) of dollars in new or enhanced investments in K–12 education would be unrealistic.

WASA quickly pivoted and redrafted our Platform with a focus on protecting K–12 budgets. The one area where we were committed to asking for more was technology. Within the first few weeks of closing down schools last spring, the technology gap was quickly exposed. We laid out a request to ensure that learning devices and broadband connectivity would be not only available, but also affordable. (This was an issue that garnered broad support—from all of the education associations, all four legislative caucuses, and much of the lobbying community. As discussed later in this Report, significant investments were made in the 2021–23 Operating Budget and the 2021–23 Capital Budget, along with a bit of support in the 2021–23 Transportation Budget. Multiple bills also provided for technology and/or broadband support.)

In June, when the Economic & Revenue Forecast Council released its quarterly revenue update, it was clear our concerns were not unfounded. The June forecast projected a nearly \$9.0 billion shortfall. Governor Inslee quickly asked agencies to submit 15 percent budget reduction proposals, followed later by a directive that agencies submit 2021–23 budget requests with significant reductions. At the same time, the governor called for state employee furloughs and the canceling of upcoming salary increases.

As the summer moved along, we started to see some of the impacts on K–12 budgets; and in the fall, as most schools started remotely, we saw significant enrollment declines, followed shortly after by projected losses in pupil transportation funds because of a lack of ridership. While we continued to focus on the overall K–12 budget situation, it soon became obvious that enrollment declines, and transportation losses were the major budget concerns. We started laying out the concerns to legislators; however, most refused to listen. Some legislators came back with questions, asking why they would provide full apportionment to districts when kids were not in school (providing more evidence that most of them simply do not understand how schools are funded or how they operate). They ignored that school districts were continuing to educate students, albeit remotely, and the day-to-day operating costs of a district did not just disappear. In fact, in some cases, costs went up, as schools dealt with additional cleaning, purchasing Personal Protective Equipment, providing food service, and offering online learning.

By the time the September revenue forecast was released, the economy had started to somewhat stabilize. There was still a significant shortfall; however,

the projected shortfall in June was essentially halved (\$4.3 billion shortfall). At the same time, school enrollment declines, and transportation ridership (or lack thereof) started to become clearer. Our regular discussion points with legislators were on the need for stable funding, specifically enrollment stabilization and pupil transportation stabilization.

The November revenue forecast again provided some good news. We were not out of the woods, but the anticipated shortfall was reduced to about \$3.3 billion. There was some thought that this shortfall could be erased by using budget reserves—both funds in the Ending Fund Balance and dollars in the Budget Stabilization Account.

As we continued to fight for enrollment stabilization and transportation stabilization funds, we got a shot to the gut when Governor Inslee released his 2021–23 Operating Budget proposal. Inslee’s budget proposal included \$1.25 billion in Maintenance Level reductions—over half of which (\$737.8 million) came in reductions to K–12 education, mostly due to school district enrollment declines and “under-utilized” pupil transportation. (If that were not bad enough, K–12 took another \$400,000 hit in Inslee’s Policy Level request.) Included in Inslee’s budget summary, there was a discussion of his solution to the budget shortfall, and this statement was made: “Projected education funding needs (for the current budget and the first year of the next budget) have fallen by an estimated \$831 million, largely due to lower school enrollments and pupil transportation costs amid the pandemic. *The governor proposes reinvesting some of that savings to meet critical needs while using the rest to help balance the budget.*” [emphasis added]

Rather than stabilizing school district budgets by rolling that “savings” back to school districts, the governor’s solution was to “reinvest” the savings elsewhere and use the rest to “help balance the budget.” That does not seem like a plan that lines up with the state’s paramount duty.

We fought this battle the entire session, and we took a rollercoaster ride. One day we would receive a positive message from budget writers and key legislators about the need to secure funding for K–12, followed later by a message that K–12 is “saving” money during the pandemic and additional resources were not needed. Again, we would get the message that stabilization funding was on the agenda, then we would be told that stabilization funding was unnecessary because of the significant influx of federal funds. This up and down ride lasted the entire session. And we were not assured of a positive solution until literally the last weekend of the session when the final budget was unveiled.

As we took this wild ride, it was abundantly clear that what pushed us over the top was the regular, ongoing engagement of our members. It was also beneficial to be fighting for these issues with a strong team; WASA did not fight these battles alone. We stood arm-in-arm with members of the School Funding Coalition (WASA, WASBO, WSSDA, AWSP, WSPA, AESD, and AEA), along with other associations which were not a part of the Coalition (including WEA and PSE—at least on these issues).

As positive as it was to achieve success on the funding stabilization front, it was really disappointing that the Legislature did not take any action on some of those important issues we put on our “long-term” issues list. Following the November revenue forecast and regular positive monthly collection reports, it was expected the March forecast would be positive. In fact, the revenue projection put the state’s budget outlook at essentially the same level as projected in the February 2020 forecast—before the pandemic hit. Additionally,

**Editor's Note:**

My thanks to Joel Aune, Andy Wolf, Michael Nelson, Jim Kowalkowski (Legislation & Finance Committee Chair), Brian Talbott (WASA President), Aaron Leavell (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 93) for participating in the weekly conference calls, and to WASA members for participating in our advocacy efforts by reading *TWIO*, listening to the Legislative Podcast, contacting legislators, Zooming into Olympia to testify, 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 Brianna King and Legislative Affairs Committee Co-Chairs Mitch Thompson and Kate Davis; and our WSPA colleagues, Executive Director Kim Holland 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. I'd be lost without her.

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projections are that revenues will continue to grow. As we saw the revenue picture brightening, we quickly pivoted and began pushing for investments in staffing allocations. Regardless of the positive budget forecast, we knew the Legislature would not make a major step in addressing the current unrealistic staffing ratios in the Prototypical School Funding Model; however, it seemed reasonable to believe they would take an initial step towards addressing the first phase of the funding plan (as recommended by the Staffing Enrichment Work Group, December 2019) and provide additional supports for staff linked to student well-being (nurses, counselors, mental health workers, social workers, etc.). There was significant talk this session about the mental health needs of students because of remote learning and lack of socialization and providing updated staffing allocations for those positions that would have a direct, positive impact on students would have been tremendously positive.

Additionally, providing even a minor boost would have provided a necessary jump-start to updating ratios in the full Model. This would have allowed legislators to show their commitment to finally implementing and funding increased and more realistic school district staffing ratios—an obligation that they laid out for themselves, but to date, have failed to act upon. With unexpected resources becoming available, not addressing staffing allocations was a major missed opportunity.

**Next Steps**

As noted above, school administrators were very active during the Legislative Session. And we had some successes—successes that may not have materialized if school administrators sat on their hands, waiting for someone else to step up. We also had some disappointments and a few losses, but in many of those losses, we took positive steps towards future success.

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, intimidating, or time-consuming. 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.

Remember, a simple “thank you” will also go a long way to building a positive relationship with your legislators. Among other things, they provided enrollment stabilization, pupil transportation stabilization, and resources for learning recovery. Additionally, just like you, they have had their jobs and their lives disrupted by COVID-19 and had to deal with one of the most complicated, complex, and frustrating legislative sessions anyone could imagine. You do not have to like everything your legislators have done, but show appreciation for what they DID do—and for their public service. Saying thank you, however, does not steal your opportunity, to be honest with them and explain your needs or your concerns.

It is incumbent upon YOU to help legislators to understand the complexities of public education and your needs. As you begin to implement your districts' budgets, explain to legislators what obstacles you continue to face. Many of them do not understand your frustrations. Take time to meet them for coffee—or dial them up on Zoom, if necessary. Invite them to a meeting of your Board. Give legislators a tour of your schools.

Now, you cannot sit back and assume necessary changes will just happen in 2022. You must remain vigilant—and continue to ramp up your advocacy activities. 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.



## 2021–23 Operating Budget: ESSB 5092

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

On April 25, the last day of the 2021 Legislative Session, legislators adopted a \$59.2 billion spending package in the 2021–23 Operating Budget, ESSB 5092. This is a substantial increase over the 2019–21 Operating Budget of \$53.5 billion (including adjustments in last year’s 2020 Supplemental Operating Budget). That \$5.7 billion increase becomes even larger when you account for the final revisions to the 2019–21 budget made in the 2021 Supplemental Operating Budget. This year’s Supplemental Operating Budget made \$1.1 billion in reductions to the underlying 2019–21 budget—making the final spending in the current biennial budget \$52.4 billion. The total increase from the final 2019–21 budget to the new two-year 2021–23 budget is \$6.8 billion. Under normal circumstances, this would be considered a substantial increase, but in the midst of an ongoing pandemic, the level of increased spending was even more extraordinary.

So how did we get here? Let’s review what has occurred since last February 2020:

The Economic & Revenue Forecast Council’s February revenue forecast provided the foundation for the Legislature’s 2020 Supplemental Operating Budget. When the 2020 session began, it appeared revenues would be tight, and an updated budget would provide minimal increases. The February revenue update, however, projected an increase of more than \$600 million in revenue above estimated revenue from the previous November. Coupled with two previous positive forecasts, legislators were able to adopt a revised budget with increased spending of approximately \$961 million, bringing the total spending in the 2019–21 budget to \$53.5 billion.

This was less than anticipated, with the final budget appropriating less than either the House or Senate had proposed, but legislators were wary of a growing health problem called COVID-19. Both budget-writers noted that the state was facing an uncertain future, including a possible economic downturn from the coronavirus outbreak, and it was necessary and important to build a “buffer” to protect against potential revenue reductions. Spending less than originally planned left additional revenues in reserve: just under \$1.0 billion in the Ending Fund Balance, plus another almost \$2.0 billion in the Budget Stabilization Account.

Just after the budget was adopted, Governor Inslee declared a State of Emergency. Shortly after, Inslee started imposing restrictions, including the prohibition of large gatherings, and just a few days later the mandated closure

of schools. Further restrictions came in rapid succession, including the closing of restaurants and bars, and prohibiting elective surgeries. On March 23, the governor issued his “Stay Home, Stay Healthy” Order, effectively shutting down the state, with the exception of essential services. Prior to the governor’s signing the updated budget, COVID-19 had been declared a pandemic and Inslee vetoed \$445 million (\$235 in the current 2019–21 biennium and \$210 in 2021–23) in new or enhanced funding in an effort to further protect the budget.

Following Inslee’s “Stay Home, Stay Healthy” Order, consumer spending slowed dramatically, and unemployment spiked. When the Forecast Council released their June update, projected revenues plummeted from \$52.34 billion for the remainder of the biennium and \$55.70 billion in 2021–23, to \$47.80 billion through the end of the current biennium and \$51.34 billion in the 2021–23 biennium. In total there was an expected \$8.8 billion shortfall over three years.

Anticipating the bad budget news that would likely be coming in June, Governor Inslee took some early action to stem the bleeding. In May, Inslee directed state cabinet agencies to freeze hiring, personal service contracts, and equipment purchases. Later, just before the June Revenue Forecast was released, Inslee ordered state cabinet agencies to cancel a planned three percent pay raise for agency directors, Exempt Management Service and Washington Management Service employees, and all other exempt employees earning more than \$53,000 annually. Additionally, he ordered all state employees to take: one furlough day per week, from June 28–July 25; and one furlough day per month through November. In total, state employees were required to take nine furlough days. These actions were expected to save \$55 million. If non-cabinet agencies—which technically the governor cannot control—took similar action, it was estimated to save another \$91 million.

On top of Inslee’s actions, the Office of Financial Management (OFM, the governor’s budget office) directed state agencies in May to identify Operating Budget savings options from Fiscal Year 2021 appropriations. The immediate savings target was \$1.9 billion, which equated to a 15 percent reduction in all agencies. In June, as agencies began to prepare their 2021–23 budget requests, OFM provided further directions to state agencies, requiring them to submit budget proposals for the coming biennium that identified reductions equal to 15 percent of unprotected Maintenance Level budgets. This specifically excluded debt service, K–12 basic education expenditures, pension contributions, and mandatory Medicaid.

During the late summer, some of the state COVID-19 restrictions were being lifted or scaled back. In addition, most citizens had received stimulus checks from the federal government. As citizens started returning to stores and restaurants and unemployment was creeping down from historic levels to more manageable numbers, it was hoped that the result would be a positive impact on the state's finances. When the Economic & Revenue Forecast Council met in September, there was good news. With expected revenues increasing from June's projection of \$47.80 billion in the remainder of the biennium and \$51.34 billion in 2021–23 to \$50.0 billion in the remaining nine months of the 2019–21 biennium and \$53.74 billion in the next biennium, there was a collective sigh of relief. Of course, this still left a \$4.3 billion shortfall over a three-year period of time, but the projected shortfall from June was cut in half.

Not wanting to throw water on the good news, but still wanting to be realistic, Steve Lerch, Executive Director of the ERFC, tried to temper expectations. He noted that the budget situation was looking better in September than June, but there was a significant level of uncertainty. It was unclear to him if the increase in revenues was due to pent up demand or if the increased revenues would be sustainable.

In November, the Forecast Council presented its updated Revenue Forecast. With revenue collections between September and November increasing above September projections (up \$633.8 million for 2019–21 and \$328.4 million in 2021–23, for a total of \$962.2 million), the anticipated shortfall again fell. The September Forecast projected \$50.0 billion in the remainder of the biennium and \$53.74 billion in 2021–23, while the November update anticipated \$51.0 billion in the rest of Fiscal Year 2021 and \$54.67 billion in the next biennium. This brought the anticipated shortfall to \$3.3 billion over three years.

Revenues continued to increase above projections; however, there continued to be substantial uncertainty. In November, Washington (and the nation) saw a significant spike in COVID-19 infection rates, indicating a “third wave,” right at the time temperatures started to drop and activities moved more indoors. This prompted Governor Inslee to re-impose a number of restrictions, which many assumed would stall economic activity—and increase costs due to rising unemployment. At the same time, however, several pharmaceutical companies were completing COVID-19 vaccine trials and reporting high levels of efficacy (90+ percent), with little-to-no negative health effects. Those companies announced they would be seeking emergency FDA approval to start production of the vaccines, potentially putting the brakes on the pandemic. Vaccine producers predicted they would be able to put their products out to the public as early as mid-December or early January; however, the first wave of vaccines was set to be reserved for health care workers, first responders,

and those who were already infected with COVID. The indication was that vaccines would not be readily available to the general public until as late as August or September (although now we know that vaccines are readily available, well-before the anticipated September prediction).

So, after June's dramatic drop in predicted revenue, revenues rebounded and continued to outpace projections through the end of the year. In November, the shortfall stood at \$3.3 billion. There was much discussion that the shortfall could almost be eliminated with budget reserves, projected budget reversions, and savings gained by Inslee's early action. This, of course, is a somewhat simplistic view because, even if this was accurate, it failed to take into account: any spending decisions that may be made by the Legislature; costs of a new state employee Collective Bargaining Agreement; pension or health benefit adjustments; or other unforeseen issues. It is a good thing to think positively, but it is important to look at the whole picture.

The whole picture, includes not just revenue, but also spending; expenditures often get lost in the conversation of revenues. Often the discussion centers around how much money is coming into the state coffers, with a silent assumption that expenses are static. Obviously, they are not. The first conversation of expenses starts with Maintenance Level costs. In simple terms, the Maintenance Level is the cost of providing current services and programs, including adjustments—up or down—in entitlement caseloads and other mandatory expenses, such as inflation. The first step is to look at state caseloads.

On November 10, the Caseload Forecast Council adopted an updated Caseload Forecast. Similar to revenues, there was good news regarding mandatory caseload costs. Compared to the February Forecast, the November Forecast was estimated to reduce General Fund-State spending by \$528.3 million (\$276.8 million in FY 2021 and by \$251.5 million in 2021–23). This was another piece of good news to the overall budget outlook.

As you look closer, however, there was significant troubling news for K–12 education. While the overall caseload forecast indicated a state savings of \$528 million, K–12 education was estimated to have a savings of \$1.112 billion. Most of that “savings” came from enrollment—both general education enrollment reductions and special education enrollment reductions.

These types of numbers are why WASA included stable funding (including supporting consistent enrollment funding and pupil transportation funding) as a key part of our 2021 Legislative Platform. It was also a central point of advocacy for the School Funding Coalition. This turned out to be a difficult issue to argue, however. Legislators (especially those who do not understand how our schools operate or are funded—which is most of them) took a

simple view and asked, “Why would we provide full apportionment, if you are not providing services to the same number of students?” Some legislators made comparisons to nursing homes: if nursing homes do not have as many clients as before, the state won’t provide the same level of funding as before—why would we treat schools differently?

It also did not help when Governor Inslee highlighted the issue in his budget release in December. In the Summary of his budget request (and in public comments), Inslee flatly stated, “projected education funding needs have fallen by an estimated \$831 million, largely due to lower school enrollments and pupil transportation costs amid the pandemic” and went on to say he “proposes reinvesting some of that savings to meet critical needs, while using the rest to help balance the budget.” In reality, we were not asking for additional funding—we were simply asking that funding the Legislature already appropriated be retained to ensure school budgets remained whole. The governor, however, saw school districts “savings” as a windfall to his budget scheme and repurposed our funding to balance his budget proposal. So much for K–12’s “paramount duty” status.

Ultimately, when legislative budget-writers sat down to finalize a 2021 Supplemental Operating Budget and a new two-year, 2021–23 Operating Budget, revenues again jumped. Revenue projections from the March Forecast indicated that the state was almost back to pre-pandemic levels—adding significant federal stimulus funds from the Coronavirus Response and Relief Supplemental Appropriations Act (December 2020) and the American Rescue Plan (March 2021), the projected shortfall was essentially wiped out.

With the budget adopted, the concern now is the sustainability of the budget. While the significant influx of federal funds was positive, those revenues are one-time monies—when they are spent, they are gone. There is a particular concern for K–12 education. The overall K–12 budget increased by almost four billion dollars; however, almost three billion dollars of the overall increase is due to one-time federal stimulus funds. And the remaining approximately \$960 million in state revenue increases also include a significant number of one-time appropriations. Just the state funding for Pupil Transportation Stabilization and Enrollment Stabilization accounts for almost \$300 million of that \$960 million increase—and those are one-time funds. As you read the K–12 budget details below, note how many of the line-items indicate “one-time funding is provided for...”. How these increases can be sustained in the future will be a critical issue to watch.

Complete details of the K–12 section of the budget (and additional provisions that impact K–12) as adopted by the 2021 Legislature and signed by Governor Inslee follow.

(It should be noted that Inslee vetoed a handful of items from the budget, none of which impacted K–12.)

For additional budget information, please use the following links:

- 2021–23 Operating Budget (and 2021 Supplemental Operating Budget): [ESSB 5092](#)
- Legislative Evaluation & Accountability Program ([LEAP](#)) Committee:
  - Budget Overview—[Senate/House](#)
  - Budget Agency Detail: [Senate/House](#)
- [Washington State Fiscal Information](#):
  - [Interactive Budget Reports](#)
- OSPI Budget Updates: [School Apportionment](#):
  - [Multi-Year Budget Comparison Tool](#) (formerly “Pivot Tables”)
  - Budget Driver Summary: [John Jenft Rate Sheet](#)
  - [Pupil Transportation Stabilization Funds](#) (2020–21 SY)
  - [Enrollment Stabilization Funds](#)
  - [ESSER per pupil Stabilization Funds](#)
- [Economic & Revenue Forecast Council](#):
  - [Forecasts](#)
  - [Four-year Outlook](#)



## BUDGET DETAILS: K–12 ENHANCEMENTS

### Federal ESSER Subgrants—\$1.74 billion

The 2021–23 Operating Budget allocates \$1.74 billion for federal ESSER subgrants to school districts. This total is comprised of \$1.67 billion of ESSER III funds (American Rescue Plan, March 2021) and \$74.2 million of ESSER II funds (Coronavirus Response and Relief Supplemental Appropriations Act, December 2020). ESSER II funds were still available because when the Legislature adopted ESHB 1368, the “Early Action” Pandemic Relief Plan in February, quickly rolling out \$2.2 billion in federal funds, only \$668.0 million—\$74.2 million less than the full federal allocation—was appropriated to K–12.

As required by federal law, these subgrants are allocated to school districts using the federal Title I, Part A funding formulas. Allowable uses are defined in federal law—including a requirement that at least \$333.5 million (20 percent) of the ESSER III subgrants be used to “address student learning loss.” The 2021 Supplemental Operating Budget sets these funds aside under OSPI’s Grants/Pass Through Funding section.

NOTE: In addition to the above amounts, \$1.2 billion in federal funds are provided in the 2021 Supplemental Operating Budget (or were previously provided in ESHB 1368) and are reappropriated again in the 2021–23 Operating Budget, to ensure funding is available next biennium if the funds have not been expended in Fiscal Year 2021.

### Pupil Transportation Stabilization—\$151.1 million

The final budget provides \$151.1 million in one-time funding (\$117.1 million in the 2021 Supplemental Operating Budget and \$34.0 million in the 2021–23 Operating Budget) for “emergency” pupil transportation payments to school districts (and charter schools) to address lower pupil transportation payments (due to reduced ridership) for the 2020–21 school year. Proviso language in the 2021 Supplemental Operating Budget clearly stipulates the emergency transportation allocations must be provided to increase allocations for any school district that receives less in allocations in the 2020–21 school year than in the 2019–20 school year. The total amount of emergency stabilization a district can receive is the average of transportation allocations in the 2019–20 and 2020–21 school years (i.e., emergency stabilization is calculated by adding transportation allocations in the 2019–20 and 2020–21 school years and dividing by two).

Additionally, pupil transportation funding for the upcoming 2021–22 school year will have a full “hold harmless.” Proviso language in the new biennial budget clarifies that OSPI “must provide student transportation allocations for the 2021–22 school year equal to the

greater of allocations provided in the 2019–20 school year or the student transportation allocations” as calculated under current law.

NOTE: While this is extremely positive, this short-term fix still does not solve the long-term transportation funding formula problem. Fortunately, as we worked with legislators seeking assistance with pandemic-related transportation shortfalls, some key legislators recognized that after this emergency passes, additional work needs to be done. We anticipate that these legislators will hold stakeholder meetings during the interim, seeking solutions, with an eye on introducing legislation in 2022. Whether this occurs or not, WASA intends on making this a key focus of our 2022 agenda.

While not a specific budget issue, it should be noted that E2SSB 5128, after it went through multiple drastic facelifts, was ultimately adopted. The final bill allows districts, during the current or future emergencies, to use pupil transportation allocations for “expanded services,” including delivering meals, instructional materials, and technology devices; and transporting students to/from learning centers where educational and support services are being provided to students. (For more details, see E2SSB 5128, Bills Passed, later in this Report.)

### Enrollment Stabilization—\$123.7 million

The final budget provides one-time funding (\$95.9 million in the 2021 Supplemental Operating Budget and \$27.8 million in the 2021–23 Operating Budget) for enrollment stabilization in the 2020–21 school year. Funding is provided for enrollment stabilization in the 2020–21 school year to school districts (as well as charter schools and state-tribal education compact schools) that do not receive sufficient subgrants from federal ESSER II funds (as provided in the Coronavirus Response and Relief Supplemental Appropriations Act, adopted in December 2020) to offset reductions to state revenues due to declines in enrollment from the 2019–20 school year.

NOTE: Early legislative conversations (in fact, conversations throughout most of the session) would have forced school districts to use ESSER I, ESSER II, and ESSER III federal relief funds to backfill enrollment losses before being able to access state stabilization funds. We fought to have enrollment stabilization be funded with state dollars only, but it was clear this was not going to fly, so we shifted our messages. We argued that most ESSER I funds have already been used (or at least encumbered) and ESSER III funds were specifically allocated to help school districts reopen schools safely and address student learning recovery—and the funds should be provided to districts to be used as Congress intended. Ultimately, we won, or at the very least, got the best deal available, requiring school districts to only use their ESSER II funds to backfill enrollment losses before being able to access state stabilization dollars. ESSER III relief funds will be



available to districts to be used as intended. Certainly, it would have been better if school districts could have protected ALL of their federal relief funds; however, that just ended up being unrealistic.

The 2021 Supplemental Operating Budget includes language to ensure programs that are enrollment-based are also protected. The calculation of enrollment stabilization includes both general apportionment (including Alternative Learning Experience enrollment) and the many education programs that are enrollment-based, specifically: Running Start, special education, Career and Technical Education and Skills Centers, the Transitional Bilingual Instructional Program, highly capable students, and dropout reengagement.

NOTE: Previously included in the list of enrollment-based programs that would be protected was Institutional Education and the Learning Assistance Program (LAP). Institutional Education stabilization funding is addressed elsewhere in the budget (see below). The apparent rationale for excluding LAP is that 2020–21 enrollment declines do not impact LAP until 2021–22 and LAP funding is provided for elsewhere in the budget. Additionally, enrollment stabilization legislation to ensure levy capacity eventually was adopted. ESHB 1476 revises levy formulas for Calendar Year 2022 (earlier versions would have protected levy capacity in CY 2022 and CY 2023), requiring 2019–20 school year enrollment to be used in place of 2020–21 enrollment when 2019–20 enrollment is greater. There is also a requirement that the school district must be open for in-person instruction at the beginning of the 2021–22 school year in order to utilize these provisions.

#### **School Funding Stabilization—\$16.2 million**

The original Senate budget would have provided \$190.7 million to ensure all school districts received at least \$1,500 per pupil for COVID-19 relief funding when combined with federal ESSER funds; the House proposal did not include this funding. The final 2021–23 Operating Budget includes a compromise position, providing one-time funding in Fiscal Year 2022 to supplement federal relief funding to assist school districts with learning loss recovery and stabilize school district funding negatively impacted by COVID-related enrollment declines. Under the final budget, school districts are guaranteed to receive at least \$500 per pupil for COVID-19 relief funding when combined with federal relief dollars (ESSER I, II, and III). Twenty-two school districts (which have little Title I enrollment or do not participate in Title I) will receive this funding.

Proviso language requires school districts, prior to receiving these funds, to submit an academic and student well-being recovery plan to OSPI—as required by ESHB 1368, the Pandemic Relief package adopted earlier in the session. Additionally, districts must report progress on implementing the plan in a manner identified by OPSI.

#### **Learning Recovery—\$200.0 million**

\$200.0 million (comprised of \$27.4 million in state funds; \$79.5 million in federal ESSER II funding; and \$93.1 million in federal ESSER III funding) in one-time funding is provided to OSPI to administer grants to school districts for the purpose of learning recovery and acceleration due to impacts of the COVID-19 pandemic. Allowable uses of the funds are limited to:

- One-time contracts for classified, certificated, or administrative staff who will provide tiered academic and social-emotional supports to students most impacted by the disruption of in-person learning, including locating and reengaging students who have disengaged from school, one-on-one and small-group instruction, and other intensive learning supports;
- Professional learning for educators focused on learning recovery and acceleration, including assessing student learning and social-emotional needs, transitioning to standards-based curricula and grading, adopting competency or mastery-based options specifically for credit retrieval purposes, and family and student engagement strategies;
- Procuring assessment or data systems that provide actionable just-in-time data regarding student progress throughout the school year; and
- Direct supports to students to improve school engagement and accelerate learning.

#### **Learning Loss—\$37.0 million**

This total appropriation includes \$18.5 million in one-time ESSER III funds to OSPI for grants to entities or organizations to provide outdoor education summer enrichment programs to youth. Proviso language requires recipients to prioritize activities or programs that: promote students connecting socially with their classmates; encourage students to engage in physical activity; and support families who have struggled with child care needs.

The appropriation also includes \$18.5 million in one-time ESSER III funds to OSPI to support evidence-based comprehensive after-school programs.

#### **IDEA Funding—\$57.1 million**

\$52.7 million in federal funding from the American Rescue Plan is provided under the Individuals with Disabilities Education Act (IDEA) for special education services in addition to regularly provided federal IDEA funding. The American Rescue Plan also provided funding (\$4.4 million) for students qualifying for special education preschool services under section 619 of Part B of IDEA.

**Counselors in High Poverty Schools—\$51.6 million**

Last year, the Legislature provided an additional 0.5 FTE counselor per prototypical school for high poverty elementary schools in the 2020 Supplemental Operating Budget; however, the governor vetoed the funding prior to signing the budget as he was seeking savings with uncertainty of a pending pandemic.

The 2021–23 Operating Budget provides the necessary funding to add 0.5 FTE counselors per high poverty school for each Prototypical school level (elementary, middle school, and high school), beginning in the 2022–23 school year. Qualifying high poverty schools in the 2022–23 school year are schools at which more than 50 percent of the students were eligible for Free and Reduced-Price Meals in the prior school year. This funding is in addition to the funding already provided in the Prototypical School Funding Model.

**ESSER Set Asides—\$35.5 million**

Ten percent of the ESSER III funds provided in the American Rescue Plan are dedicated to OSPI. The final budget appropriates a portion of those state-level ESSER III funds to OSPI to establish a series of grant programs to address impacts of the COVID-19 pandemic:

- **Community-Based Organizations (\$12.9 million)**—Funding is provided to administer a grant program for Community-Based Organizations to collaborate with school districts to support learning recovery and acceleration.
- **Dual Language (\$10.0 million)**—Funding is provided for grants to school districts to expand the number of dual language classrooms in early grades and professional development to accelerate literacy gains in early grades, especially for English learners.
- **Career and Technical Education (\$4.0 million)**—Funding is provided for grants to school districts to expand Career and Technical Education graduation pathway options, including Career-Connected Learning opportunities.
- **Summer Meals (\$4.0 million)**—Funding is provided to OSPI for grants for supplies, equipment, staffing, and services to increase access to summer meals and safe school meals in the 2021–22 school year and the summer prior to the start of the school year.

The remaining portion of the appropriation (\$4.6 million) is provided for OSPI administration of these grants and other programs addressing COVID-19. The funding will be used by OSPI to: update the apportionment and financial reporting systems to administer federal relief funding; and for administrative costs related to the management of federal funds provided for COVID-19 response and other emergency needs.

NOTE: Although much of OSPI's share of ESSER III funds has been appropriated in the 2021–23 Operating Budget, the agency still has additional ESSER III funds at its disposal. Those funds that have not been specifically appropriated in the budget have uses that are open-ended—and up to the discretion of the State Superintendent. While Superintendent Reykdal has not specified where he will spend the remaining funds, there are some clues if you review his long-term vision. It is probably a good bet to say he will use funds to at least: implement grants for a Balanced Calendar pilot; expand Transitional Kindergarten; and implement grants for a High School Success pilot. One area where Reykdal has provided a strong indication of intent is providing additional support to non-Title I districts. Stay tuned.

**Learning Device & Media Literacy Grants—\$24.4 million**

Funding is provided to implement E2SHB 1365. The funding is distributed as follows:

- \$4.3 million the appropriation is provided for each ESD to provide technology consultation, procurement, and training as required by E2SHB 1365; and
- \$19.7 million of the appropriation is provided for OSPI to administer the technology grant program established under E2SHB 1365.

An additional \$446,000 is provided for OSPI to administer the Media Literacy and Digital Citizenship Grant created in E2SHB 1365. (NOTE: This program was to be established as a part of SB 5242; however, the bill failed to be adopted. In the waning days of session, language from the dead SB 5242 was attached to E2SHB 1365 and additional funding was appropriated in the budget to support the new grant. Just one small example as a reminder that no bill is officially dead until the session adjourns.)

Proviso language stipulates that total Media Literacy grant awards may not exceed \$150,000. Additionally, \$50,000 of the total appropriated for Media Literacy is provided for two regional conferences.

**Special Education Transition—\$24.0 million**

The final budget provides \$24.0 million (\$17.0 million state funding and \$7.0 million federal funding) to support the extension of transition services for students with disabilities who turned 21 during the 2019–20 or 2020–21 school years, did not graduate with a regular diploma, and require recovery services on or after July 1, 2021, as determined by the student's Individualized Education Plan team. Budget language provides several clarifications:

- The extension of these services does not reduce or supplant any other services for which the individual would be eligible;
- Allocations for this purpose may not exceed the amounts provided;

- OSPI may adopt formulas and procedures to define a per-student amount to be provided to students that meet the criteria, so that allocations do not exceed amounts provided; and
- Amounts provided for the extension of transition services are outside the state's program of basic education.

#### **Connectivity Enhancement—\$23.5 million**

Funding is provided to increase the technology component of Materials, Supplies, and Operating Costs (MSOC) by \$25 per pupil student beginning in the 2022–23 school year to support broadband connectivity needs of families. The MSOC rate for technology is \$140.84 per pupil in the 2021–22 school year and increases to \$168.10 per student in the 2022–23 school year to accommodate inflation and the increase of \$25 per pupil for internet connectivity.

#### **Paraeducator Training—\$14.8 million**

The final budget provides necessary funding for two days of training in the Paraeducator Certificate Program in Fiscal Year 2023 and two days each year thereafter. Funding is also provided to create online training for paraeducators on community, family, and student engagement.

#### **Emergency Food Cost Reimbursement—\$14.2 million**

Federal funding is provided for emergency costs for child nutrition programs. The relief provided by these reimbursements is intended to help address shortfalls and ensure that program operators are in the best position to rebuild while continuing to serve their communities.

#### **Children Experiencing Homelessness—\$12.0 million**

The American Rescue Plan provided \$800 million (above-and-beyond the ESSER III funds provided for schools) for states to “identify homeless children and youth and provide homeless children and youth with: wrap-around services in light of the challenges of COVID–19; and assistance needed to enable homeless children and youth to attend school and participate fully in school activities.” The final budget appropriates this one-time funding (\$12.0 million) to address children experiencing homelessness.

#### **Special Education Professional Development—\$12.0 million**

The original Senate proposal provided funding to continue the Inclusionary Practices Project (IPP) into Years Three and Four; the funding was absent in the House proposal. IPP provides professional development to promote the inclusion of special education students within the general education classroom. The final 2021–23 Operating Budget moved to the Senate position and provides funding (\$7.0 million in Fiscal Year 2022 and \$5.0 million in Fiscal Year 2023) to continue the Project.

WASA was one of the grant recipients in the initial phase of IPP and has been working with OSPI in planning for the next two years of the Project. Funding will continue to support professional development in inclusionary practices for classroom teachers. The primary form of support to public school classroom teachers has been and will continue to be for mentors who are experts in best practices for inclusive education, differentiated instruction, and individualized instruction. Proviso language continues to require funding for mentors to be prioritized to the public schools with the highest percentage of students with Individualized Education Programs (IEPs) aged three through 21 who spend the least amount of time in general education classrooms.

#### **School Nurse Corps—\$11.1 million**

Beginning in Fiscal Year 2022, allocations to the ESD School Nurse Corps are sufficient to support one day per week of nursing services for all school districts with less than 2,000 students.

#### **Residential Outdoor School—\$10.0 million**

One-time federal funding (ESSER III) is provided for OSPI to contract with the Washington School Principals' Education Foundation to support pandemic-related learning loss through outdoor learning and overnight camp experiences. The Association, in consultation with OSPI, must provide grants to school districts that partner with an accredited residential outdoor school to provide up to 20,000 fifth and sixth grade students with up to five days of outdoor learning at an overnight camp. Prioritization must be given to schools that have been identified for improvement and students who are most impacted by opportunity gaps as determined by measures of the Washington School Improvement Framework. Outdoor schools must provide curriculum that is aligned to state learning standards and provide opportunities for accelerated learning, including Career Connected Learning in field-based environmental science, technology, engineering, and math. Funds may also be used by residential outdoor schools for operational activities necessary for reopening.

#### **School Lunch Copays—\$8.9 million**

The current school lunch copay program supports eligible students in kindergarten through third grade. The 2021–23 Operating Budget provides additional funding to implement EHB 1342, which eliminates school lunch copays for students eligible for reduced-price lunches in all grades, from prekindergarten through twelfth grade.

#### **Foster Youth Educational Outcomes—\$5.0 million**

The budget provides enhanced funding (combined total of \$11.8 million) to continue the Foster Youth Educational Outcomes program. The funding must be used for a contract with a nongovernmental entity or entities for demonstration sites to improve the educational outcomes of students who are dependent pursuant to current law.



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. Additionally:

- Of the funding provided, \$892,000 is provided solely for the demonstration site established under the 2013-15 Operating Budget;
- Of the funding provided, \$2.0 million is provided solely for the demonstration site established under the 2015-17 Operating Budget;
- Of the funding provided, \$1.4 million is provided solely for the demonstration site established under the 2017-19 Operating Budget;
- Of the funding provided, \$2.3 million is provided solely for the demonstration site established under this budget; and
- \$110,000 of the appropriation is provided solely for maintaining and implementing the data sharing agreement between OSPI, the Department of Children, Youth, and Families, and the contractors to support targeted service delivery, program evaluation, and statewide education outcomes measurement for students served under this program.

#### **Mastery-based Learning Site Grants—\$5.0 million**

Funding is provided to the State Board of Education for implementation of mastery-based learning in school district demonstration sites for the purpose of addressing learning recovery and other educational issues related to COVID-19. The funds are required to be used for grants to school districts, professional development of school district staff, and implementation support provided by the State Board. The State Board must require grant recipients to report on impacts and participate in a collaborative to share best practices. Grants for mastery-based learning may also be made in partnership with private matching funds.

#### **ESD Stabilization—\$3.3 million**

State funding is provided for Fiscal Year 2021 for Educational Service Districts to address unanticipated increased costs that have resulted from the COVID-19 pandemic.

#### **Skills Centers Class Size—\$3.2 million**

Sufficient funding is provided in the budget to reduce Skills Centers class sizes from 20 to 19 students per class for prototypical school formulas. Proviso language clarifies that this funding change is considered part of the state's program of basic education.

#### **Institutional Education Stabilization—\$3.0 million**

Federal ESSER II funds are provided for Institutional Education enrollment stabilization. Proviso language provides if Institutional Education enrollment in the

2020–21 school year for a residential school or juvenile detention facility as identified is less than funded annual average full-time equivalent enrollment in the 2019–20 school year, OSPI must provide an enrollment stabilization allocation to bring the allocation for the institution up to an amount calculated using 2019–20 annual average FTE enrollment values and formulas in place for the 2020–21 school year, provided that using 2019–20 annual average full-time equivalent enrollment values does not result in less funding for the institution.

#### **School Safety—\$2.5 million**

Funding is provided for staff and support at the nine ESDs to provide assistance to school districts with comprehensive safe schools planning, conducting needs assessments, school safety and security trainings, coordinating appropriate crisis and emergency response and recovery, and developing threat assessment and crisis intervention teams. Beginning in Fiscal Year 2022, allocations for staff and support for Regional Safety Centers are increased to 3.0 FTE certificated instructional staff for each regional safety center.

#### **Differentiated Instruction—\$1.8 million**

Funding is provided to increase the capacity of Institutional Education programs to differentiate instruction to meet students' unique educational needs, including students with Individualized Educational Plans. 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. Funding provided for this purpose in a school year must cover 45 percent of full-time enrollment in Institutional Education enrollment.

#### **ASB/Extracurricular Activities Grant—\$1.7 million**

The 2019–21 budget included a series of school district requirements and data collection related to student acquisition of Associated Student Body (ASB) cards and the opportunity gap for extracurricular activity participation. The 2020 Legislature adopted 3SHB 1660, the so-called "ASB bill," which mirrored many of the requirements in the biennial budget, as well as adding additional requirements. The intent of the bill was to eliminate, or at least reduce, the opportunity gap for ASB card acquisition and the opportunity gap for extracurricular activity participation.

Along with the various school district requirements, the bill provided for a grant program for districts to reduce ASB fees for students. The 2019–21 Operating Budget provided \$250,000 for this grant program and after the 2020 bill was adopted, the 2020 Supplemental Operating Budget included an increase of \$350,000; however, the governor vetoed the funding prior to signing the budget as he was seeking savings with uncertainty of a pending pandemic.



The 2021–23 Operating Budget provides \$1.7 million for OSPI to create and administer the grant program for districts to reduce ASB fees and/or participation fees for students who are eligible to participate in the federal Free and Reduced-Price Meals program. OSPI is required to distribute grants for the 2021–22 school year to school districts by August 10, 2021, and grants for the 2022–23 school year by August 1, 2022.

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

- High schools implementing the United States Department of Agriculture Community Eligibility Provision (CEP);
- 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 stipulates that high schools that do not comply with the data collection and reporting requirements in 3SHB 1600 are not eligible for grant funding.

OSPI is required to award grants that are the lesser of the cost of the high school's ASB card multiplied by the number of students eligible for the Free and Reduced-Price Meals program that purchased a student body card in either the 2018-19 or 2019–20 school year, whichever is higher, or \$10,000. OSPI, however, is allowed 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.

#### **Native American Names—\$1.6 million**

Funding is provided for transitional support grants to school districts to support schools that incur costs transitioning from Native American school mascots, logos, or team names as required by SHB 1356.

#### **Regional Apprenticeship—\$1.5 million**

Funding is provided for Marysville School District to collaborate with Arlington School District, Everett Community College, other local school districts, local labor unions, local Washington State Apprenticeship and Training Council-registered apprenticeship programs, and local industry groups to continue the Regional Apprenticeship Pathways program.

#### **Institutional Education Advocates—\$1.5 million**

Funding is provided to expand educational advocate staffing in Institutional Education (IE) programs. One educational advocate FTE is provided to each IE program enrolling more than 40 FTE students, beginning in the 2021–22 school year in addition to any educational advocates supported by federal funding. Educational advocates will provide the following supports to students enrolled in or just released from Institutional Education programs:

- Advocacy for Institutional Education students to eliminate barriers to educational access and success;
- Consultation with juvenile rehabilitation staff to develop educational plans for and with participating youth;
- Monitoring educational progress of participating students;
- Providing participating students with school and local resources that may assist in educational access and success upon release from Institutional Education facilities; and
- Coaching students and caregivers to advocate for educational needs to be addressed at the school district upon return to the community.

#### **CTE Student Leadership Organization—\$1.4 million**

The budget provides enhanced funding for statewide supervision activities for Career and Technical Education student leadership organizations.

#### **Career-Integrated Mentoring—\$1.0 million**

The budget provides enhanced funding to OSPI to support Career-Integrated Mentoring. OSPI is required to contract with Washington state nonprofit organizations that provide a career-integrated one-to-one mentoring program for disadvantaged high school students facing academic and personal challenges with the goal of keeping them on track for graduation and post-high school success. The mentoring must include a focus on college readiness, career exploration and social-emotional learning. An applicant requesting funding must successfully demonstrate to OSPI that it currently provides a career-integrated one-to-one volunteer mentoring program and has been mentoring high school youth for at least twenty years in the state prior to application. The provided funding may be used to support expansion of programs with current school partners or provide start-up funding to expand across the state.

#### **Social Emotional Learning Grants—\$1.0 million**

One-time funding is provided for OSPI to administer a grants program for school districts to acquire and use research-based, social emotional learning curricula in accordance with the state social emotional learning standards. Proviso language requires OSPI to prioritize

school districts that do not have existing research-based social emotional learning programs and that are also eligible for high-poverty allocations from the Learning Assistance Program.

#### **Salmon in the Schools—\$1.0 million**

One-time funding is provided for OSPI to contract with an organization that works directly with educators to secure salmon eggs, offer learning opportunities as the fry develop, and assist when students release the fry into local creeks and lakes. Funding may only be used for new programs located in elementary schools that are eligible for high-poverty allocations from the Learning Assistance Program. Of the amounts provided, OSPI may use no more than \$35,000 each fiscal year for administration costs related to the contract.

#### **Kitsap Apprenticeship Pathways—\$1.0 million**

Funding is provided to the South Kitsap School District to continue the development of pathways for high school diplomas and postsecondary credentials through the Controls Programmer Apprenticeship Program.

#### **Bilingual Environmental Education—\$1.0 million**

One-time funding is provided for OSPI to contract with a Washington-based nonprofit organization to promote equitable access in science, technology, engineering, and math education for historically underserved students and communities. The nonprofit must provide a system of science educational programming specifically for migrant and bilingual students, including teacher professional development, culturally responsive classroom resources that are aligned with Washington state science and environmental and sustainability learning standards, and implementation support. At least 50 percent of the funding provided must serve schools and school districts in eastern Washington. The nonprofit organization must have experience developing and implementing science and environmental science programming and resources for migrant and bilingual students.

#### **Northwest Education Access—\$1.0 million**

Funding is provided for OSPI to contract with a nonprofit organization serving opportunity youth in Pierce, King, and Snohomish counties. The organization must assist traditionally underrepresented students on nontraditional educational pathways by providing mentorship and technical assistance in navigating higher education and financial aid. OSPI is allowed to require the recipient of the funds to report the impacts of the efforts in alignment with the measures of the Washington School Improvement Framework.

#### **Institutional Education Reform—\$991,000**

Funding is provided to implement E2SHB 1295, which addresses the provision of public education to youth in or released from Institutional Education facilities. Among other things, the bill requires additional data collection

and reporting, and the bill requires the formation of an Advisory Group, with a third-party facilitator that will staff the Group.

In addition to the funds provided to OSPI, funds are also provided to additional agencies to implement E2SHB 1295:

- The Department of Children, Youth, and Family (DCYF)—Juvenile Rehabilitation Program is provided \$128,000 to develop joint recommendations for Institutional Education reforms with OSPI;
- The DCYF—Program Support is provided \$85,000 to develop joint recommendations for Institutional Education reforms with OSPI; and
- The Office of Financial Management is provided \$339,000 for staff at the Education Research and Data Collection to collect and report on Institutional Education data and outcomes with OSPI.

#### **Multi-Tiered Systems of Support—\$760,000**

Funding is provided for statewide development of a multi-tiered system of supports (MTSS). The system uses student data to focus supports on specific student needs, including academic, social, emotional, and behavioral needs.

The provided funding is to be distributed as follows:

- \$628,000 of the total appropriation must be used to hire 2.0 FTE to support MTSS data management and implementation activities;
- \$79,000 of the total appropriation must be used for a contract to assess the feasibility, specifications, and cost estimates for full development and implementation of a MTSS database; and
- \$53,000 of the total appropriation must be used for a contract with regional and/or national experts to train the MTSS staff and staff from the Center on the Improvement of Student Learning on MTSS implementation science and evidence-based practices as distinct but complementary to the Washington Integrated Student Supports Protocol.

#### **Language Access Work Group—\$559,000**

Funding is provided for the development and implementation of a Language Access Technical Assistance Program for school districts and to reconvene an expanded work group as required under 2019's ESHB 1130.

The activities of and resources provided by the Language Access Technical Assistance Program must align with the recommendations in the October 2020 report of

the Language Access Work Group in order to improve awareness and fulfillment of language access rights for families in educational settings. By December 1, 2021, the Work Group must report to the Legislature recommendations for standards, training, testing, and credentialing for spoken and sign language interpreters for students' families and for collecting information related to language access services in schools and school districts. Within the funding appropriated, OSPI must also provide a report to the Legislature by December 1, 2021. The report must include, at a minimum, information regarding the different languages in which students and students' families prefer to communicate by each school district.

The Office of the Education Ombuds is also provided with a separate appropriation of \$33,000 to support the Language Access Work Group.

#### **Math Improvement Pilot—\$510,000**

Funding is provided to continue a Math Improvement Pilot program for school districts to improve math scores. Proviso language provides equal shares of the appropriation to the Spokane School District, Chehalis School District, and Bremerton School District.

Another \$160,000 in one-time funding is provided to the University of Washington College of Education to continue partnering with school districts on the pilot program to improve the math scores of K–12 students.

#### **Regional Apprenticeship Pathway—\$500,000**

Funding is provided (from the Workforce Education Investment Account) to the Federal Way School District to establish a new pre-apprenticeship pathways and Career-Connected Learning program in the skilled trades.

#### **Civics Education Materials—\$500,000**

Funding is provided for OSPI to develop resources, share best practices, and provide technical assistance for school districts to support implementation of comprehensive, culturally responsive, and high-quality civics education. OSPI is required to use a portion of the funding to administer a competitive grant program with awards of up to \$1,500 per first class school district and \$750 per second class school district to support in-service training and the development or adoption of curriculum and instructional materials. OSPI must also use a portion of the funding to assess the learning outcomes related to civics education curriculum and to support related assessments that gauge the degree to which high quality civics education is taking place in school districts throughout the state.

#### **E-sports Programs—\$500,000**

Funding is provided for OSPI to contract with a nonprofit organization that specializes in using E-sports to engage students in seven career clusters to bring team-based,

career-related E-sports programs to each high school in the Battle Ground, Evergreen, and Vancouver school districts. Any funding remaining may be used for E-sports programs in the middle schools of the three school districts.

#### **Trauma-informed Practices—\$500,000**

Funding is provided for OSPI to provide technical assistance to school districts through the Center for the Improvement of Student Learning. The technical assistance must support the implementation of trauma-informed practices, policies, and procedures, including implementation of social emotional learning programs, multi-tiered systems of support, and other evidence-based programs that improve school climate and student emotional well-being.

#### **FieldSTEM Program—\$500,000**

The budget provides enhanced funding for the FieldSTEM program. OSPI is required to contract with a qualified 501(c)(3) nonprofit Community-Based Organization physically located in Washington state that has at least 18 years of experience collaborating with OSPI and school districts statewide to integrate the state learning standards in English language arts, mathematics, and science with FieldSTEM outdoor field studies and project-based and work-based learning opportunities aligned with the environmental, natural resource, and agricultural sectors. OSPI is allowed to 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.

#### **South Kitsap FAFSA Pilot—\$500,000**

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

#### **Salary Rebase Committee—\$400,000**

The *McCleary* "solution" adopted in 2017 completely overhauled the educator compensation system that had been in place for 30 years. The long-standing Salary Allocation Model and the Staff Mix were both scrapped and replaced with a system that funded school districts based on statewide average salaries. In an attempt to provide an equitable system, legislators also adopted a new regionalization system. In 2018, in an awkward attempt to "replace" the Staff Mix, the Legislature adopted a new "experience factor." Understanding that the new salary structure would have to be reviewed—to ensure it was working—and regularly updated (beyond required inflationary adjustments), legislators established a required regular review and rebasing of salary allocations. The first rebasing must be done by the 2023 Legislature, then every four years after.



While WASA strongly supported the regular review, the Legislature never established a process to accomplish the requirement. HB 1266, introduced this session, would have established the necessary process. Unfortunately, the bill had a perfunctory public hearing and died unceremoniously shortly after. Positively, even though HB 1266 failed to be adopted, the process embedded in the bill was revived in the budget.

Buried in the back of the budget, funding is provided for OSPI to convene and provide staff support to a new K–12 Basic Education Compensation Advisory Committee. The Committee is charged with developing recommendations to the governor and the Legislature that supports recruiting and retaining a multicultural and multilingual educator workforce, including but not limited to:

- Compensation updates to K–12 basic education salaries based on a comparable wage data analysis;
- Updates to regionalization data, including consideration of a hedonic wage model and other improvements to better reflect regional differences, address differences in recruiting and retention, incorporate data from neighboring communities in other states where appropriate, and mitigate boundary effects of regionalization policies;
- Adjustments to inflationary factors used in state budgeting if the inflation documented through the comparable wage analysis is significantly different than the inflation that had been funded in state budgets since the last comparable wage analysis;
- Analysis of workforce needs, including identification of hard to recruit/retain positions and strategies to address those workforce needs;
- Compensation adjustments to promote equity considerations, which could include additional compensation to attract and retain educators in school districts with fewer resources from combined state and local dollars per student, adjustments to Institutional Education compensation, and additional compensation tied to complex need factors of schools; and
- Additional compensation targeted to recruit and retain a more diverse workforce and to recognize the additional work of educators who serve on multiple committees and assume mentoring responsibilities to support new educators and students.

The Advisory Committee is to be comprised of twelve members representing:

- School administrators;

- School business officials;
- School district human resources professionals;
- Teachers and educational staff associates (three positions);
- Classified staff (three positions);
- Parents;
- Students; and
- Federally recognized Indian tribes.

The State Superintendent (or his designee) must serve as Chair of the Committee and appoint the Committee members representing the groups listed above. In making appointments, the Superintendent is required to:

- Consult with the state ethnic commissions, who represent African American, Hispanic American, Asian American, and Pacific Islander American populations to include representation of each population in the Advisory Committee; and
- Include geographic diversity so that at least one district each from the eastern, western, and southern portions of the state are represented in the membership.

The Department of Revenue, the Employment Security Department, and the Education Research and Data Center are required to make available relevant data and analysis to OSPI in support of the salary rebase and review. The Employment Security Department must make available information necessary to determine the comparable occupations and wages for each K–12 job category in the Prototypical School Funding Model.

The Advisory Committee is required to report its recommendations for salary rebase and compensation adjustments to the State Superintendent, who must make official recommendations to the governor and the Legislature by September 30, 2022.

### **African American Studies—\$400,000**

Funding is provided for OSPI to provide statewide coordination towards multicultural, culturally responsive, and anti-racist education to support academically, socially, and culturally literate learners.

Proviso language in the budget requires OSPI to engage community members and key interested parties to:

- Develop a clear definition and framework for African American studies to guide instruction in grades seven through twelve;
- Develop a plan for aligning African American studies across all content areas; and
- Identify professional development opportunities for educators and administrators to build capacity in creating high-quality learning environments



centered in belonging and racial equity, anti-racist approaches, and asset-based methodologies that pull from all students' cultural funds of knowledge.

#### **AIM Program—\$362,000**

The budget provides enhanced funding for the Washington Academic, Innovation, and Mentoring (AIM) program. The Washington AIM program provides after-school and during the summer programs that include educational services, social-emotional learning, mentoring, and recreational activities for youth who are six to eighteen years of age.

#### **Computer Science Certification—\$313,000**

Funding is provided to increase computer science certification. The Professional Educator Standards Board (PESB) is provided with \$63,000 to develop standards for two specialty endorsements in computer science, one in elementary computer science and one in secondary computer science. PESB must consult with OSPI to confirm that the specialty endorsements reflect the appropriate content necessary to teach computer science in the classroom, as defined by OSPI with industry input. These computer science specialty endorsements must be available to all certificated teachers who hold a valid license and who demonstrate sufficient content knowledge in computer science.

Another \$250,000 is provided to OSPI for grants to support teachers with costs associated with becoming certified, endorsed, or licensed in computer science including, but not limited to, professional development, training, licensure exams, courses in pedagogy, and courses in computer science content. Entities eligible for these funds include, but are not limited to, individual teachers, local agencies, approved professional learning providers, and institutions of higher education located in Washington state.

#### **South King County Pre-apprenticeship—\$300,000**

One-time funding is provided to the Highline School District to contract with an organization to offer pre-apprenticeship opportunities for two cohorts of students in South King County during the summer months of 2021.

#### **Mastery-Based Learning—\$290,000**

Funding is provided to the State Board of Education for the following: continuation of the Mastery-Based Learning Work Group (ESHB 1599, 2019); expansion of ongoing graduation pathways research; and reporting findings and recommendations regarding changes to ensure a cohesive system of graduation requirements that align with mastery-based learning. A Report is due to the governor and the Legislature by December 31, 2022.

#### **Learning Assistance Program—\$275,000**

Funding is provided to implement SHB 1208, which modifies the Learning Assistance Program to enable school districts to focus on identifying and addressing

student academic deficits in basic skills resulting from or exacerbated by the COVID-19 pandemic by granting greater local control over and flexibility with program funds.

#### **Equity Training—\$245,000**

Funding is provided to implement ESSB Bill 5044, which requires the Professional Educator Standards Board, in consultation with others, to develop a standard for diversity, equity, and inclusion training programs.

#### **Early Learning Programs—\$260,000**

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 that align and integrate high-quality early learning programs administered by both agencies and consistent with implementation of E2SSB 5237 (child care/early childhood development). The report must address capital needs, data collection and data sharing, licensing changes, quality standards, options for community-based and school-based settings with inclusive facilities and operations, fiscal modeling, and any statutory changes needed to achieve administrative efficiencies. The report is due September 1, 2022.

#### **Special Education Family Liaison—\$189,000**

Funding is provided for a Special Education Parent and Family Liaison position within OSPI. This position is funded with a 25 percent state match to ensure the IDEA federal match of 75 percent will be available to the state.

#### **Enhanced Digital Security—\$160,000**

Funding is provided to upgrade OSPI's Microsoft Office 365 licensing level from A3 to A5 for all agency accounts, and to maintain the new server and data backup application needed to support new hardware installed as part of the State Data Center (SDC) move.

#### **Institutional Education MSOC—\$124,000**

Funding is provided to increase Materials, Supplies, and Operating Costs (MSOC) by \$85 per pupil beginning in the 2021–22 school year for technology supports for Institutional Education programs. This funding is in addition to general education MSOC provided to Institutional Education programs, which exclude formula costs supported by the institutional facilities.

#### **Safety and Security Staff—\$98,000**

Funding is provided to implement ESHB 1214, which creates a new safety/security category of classified staff and requires specific training, including Restorative Justice principles and practices.

#### **Be Great Initiative—\$70,000**

Funding is provided for the Southwest Boys & Girls Club to provide community mentoring, academic intervention, and culturally specific supports through the "Be Great:

Graduate” program for a cohort of White Center youth identified as high risk.

#### **School Lunch Duration—\$60,000**

Funding is provided to evaluate and implement best practices and procedures for ensuring that student lunch periods include a seated lunch duration of at least 20 minutes. Through an application process, OSPI is required to select six public schools to serve as demonstration sites.

Distribution of the funding is as follows:

- \$30,000 is provided for annual grant awards of \$5,000 each provided to the six school districts selected to serve as school demonstration sites;
- \$20,000 is provided for OSPI to hire a consultant with expertise in nutrition programs to oversee the demonstration projects and provide technical support; and
- \$10,000 is provided for OSPI to provide technical support to the demonstration sites and report its findings and recommendations to the Legislature by October 1, 2022.

Funding for seated lunch duration demonstration sites was provided in the 2019–21 Operating Budget and OSPI designated six schools as demonstration sites as required. Additionally, WSSDA adopted a model policy and procedure for school districts to use to ensure that student lunch periods include a seated lunch duration of at least twenty minutes (as required by the budget).

A stated priority of Superintendent Reykdal’s, OSPI moved 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 Proposed Rules ([WSR 20-01-168](#)) were scheduled for April, 2020; however, due to the COVID-19 crisis, public hearings and potential adoption of new rules were postponed. (Officially, the Proposed Rules were withdrawn ([WSR 20-07-080](#)), with the understanding that OSPI intended on refiling new Rules in the future.)

With the provision of new funding and new round of seated lunch demonstrations sites, it should be expected that OSPI will again propose Rules to require a 20-minute seated lunch period and a requirement that recess take place before lunch in elementary schools.

#### **Teacher Residency Study—\$60,000**

Federal funding (ESSER III) is provided to OSPI to support a technical advisory workgroup to explore and recommend residency options for pre-service educators, with a focus on educators of color and bilingual speakers and how the apportionment system could support a teacher residency initiative. The workgroup must provide preliminary recommendations by November 1, 2021, and final recommendations by November 1, 2022.

#### **Residency Teacher Certification—\$54,000**

Funding is provided to implement 2SHB 1028, regarding the modification of Residency Teacher Certification.

#### **Secondary Traumatic Stress—\$35,000**

Funding is provided to implement SHB 1363. Among other things, the bill requires school districts to adopt, by the beginning of the 2021–22 school year, policies and procedures related to secondary traumatic stress.

#### **Child Care/Early Childhood Development—\$32,000**

Funding is provided for OSPI to collaborate with the Department of Children, Youth, and Families (DCYF) in supporting the implementation of E2SSB 5237.

#### **School Counseling Programs—\$27,000**

Funding is provided to implement SSB 5030, which requires OSPI to develop and distribute to school districts policy guidance for the development and implementation of a comprehensive school counseling program.

### **BUDGET DETAILS: K–12 TRANSFERS**

#### **Truancy Funding—\$2.8 million**

Funding is transferred from the Administrative Office of the Courts (AOC) under the Becca/Truancy program to OSPI for school districts to support youth who are truant or at risk of becoming truant, and for costs associated with filing or serving petitions.

#### **Administrative Transfer—(\$450,000)**

Funding for the Interpreter Mentoring Program is transferred from OSPI to the Washington Center for Deaf and Hard of Hearing Youth. While this is a cost-neutral shift, the OSPI budget “loses” \$450,000. The funding, provided to the Washington Center for Deaf and Hard of Hearing Youth, will be used to develop or expand a mentoring program for persons employed as educational interpreters in public schools. Funding will be used for recruiting, hiring, and training persons to be employed by Washington Sensory Disability Services who must provide mentoring services in different geographic regions of the state, with the dual goals of providing services, beginning with the 2021–22 school year, to any requesting school district; and assisting persons in the timely and successful achievement of performance standards for educational interpreters.

### **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 \$785,000.

**OFM Central Services—\$378,000**

Agency budgets are adjusted to reflect each agency's anticipated share of charges for existing statewide financial applications, One Washington, and other central services provided by the Office of Financial Management (OFM).

**DES Central Services—\$279,000**

Agency budgets are adjusted to reflect each agency's anticipated share of charges from the Department of Enterprise Services (DES) for campus rent, utilities, parking, and contracts; capital project surcharges; financing cost recovery; public and historic facilities; real estate services; risk management services; personnel service rates; the Perry Street child care center; small agency services; and the Department's enterprise applications.

**Administrative Hearings—\$72,000**

Agency budgets are adjusted to reflect each agency's anticipated cost of hearings performed by the Office of Administrative Hearings.

**Legal Services—\$15,000**

Agency budgets are adjusted to reflect each agency's anticipated cost of legal services by the Office of the Attorney General.

**Audit Services—\$6,000**

Agency budgets are adjusted to reflect each agency's anticipated cost of audits performed by the State Auditor's Office.

**Self-Insurance Liability Premium—\$16,000**

Agency budgets are adjusted to reflect each agency's share of actuarially projected costs of the Self-Insurance Liability Account. This includes adjustments to existing funding levels as well as enhancements for anticipated liabilities in the 2021–23 biennium.

**Archives/Records Management—\$9,000**

Agency budgets are adjusted to reflect each agency's anticipated share of charges for archives and records management services provided by the Secretary of State's Office.

**CTS Central Services—\$10,000**

Agency budgets are adjusted to reflect each agency's anticipated share of charges from Consolidated Technology Services (CTS) for the Office of the Chief Information Officer, Office of Cyber Security, state network, enterprise services, small agency IT services, security gateways, and geospatial imaging services.

**ADDITIONAL DETAILS****SEBB Rate Adjustment**

This past fall, an agreement was reached for the 2021–23 biennium between the governor and the School Employee Coalition, as required by law. Funding is provided in the

final budget to support the provisions of the 2021–23 Collective Bargaining Agreement. The new CBA mandates that the monthly employer funding rate for insurance benefit premiums, School Employees' Benefits Board administration, retiree remittance, and the Uniform Medical Plan, shall not exceed \$968 per eligible employee in the 2021–22 school year. For the 2022–23 school year, the monthly employer funding rate shall not exceed \$1,032 per eligible employee. These new rates will "save" the state \$10.5 million over the biennium. Under provisions of the new CBA, employers continue to be required to contribute one hundred percent of the retiree remittance, which is included as part of the above monthly employer funding rate. (For each full-time employee, the retiree remittance is \$72.08 per month beginning September 1, 2021 and \$80.04 per month beginning September 1, 2022.)

Additionally, the 2021–23 Operating Budget requires the School Employees' Benefits Board to use \$15,000 from the school employees' insurance administrative account for a customer service scheduling tool.

**TRS 1 Unfunded Liability**

The final budget provides \$800.0 million for the Teachers' Retirement System (TRS) Plan I Fund to reduce the unfunded actuarial accrued liability of the fund. Because TRS Plan I is less than 100 percent funded, employer contribution rates are higher than they otherwise would be, as contributions must cover the unfunded actuarial accrued liability. Providing this money, to draw down the unfunded liability, will save the state (and school districts) money in the long run. Proviso language in the budget notes this funding is for expenditure on June 30, 2023.

**Salary Allocations**

The 2021–23 Operating Budget provides funding for statewide minimum salary allocations, as required by law. For the 2020–21 school year, the 2019–21 budget provided for minimum salary allocations for Certificated Instructional Staff, Certificated Administrative Staff, and Classified Staff at these levels: \$67,917, \$100,815, and \$48,722, respectively. The 2021–23 Operating Budget includes the following minimum statewide salary allocations for the 2021–22 school year for CIS, CAS, and CLS: \$68,937, \$102,327, and \$49,453, respectively. For the 2022–23 school year CIS, CAS, and CLS allocations are: \$70,040, \$103,964, and \$50,244, respectively.

**Inflationary Factor**

The 2021–23 Operating Budget establishes the annual inflationary factor—the Implicit Price Deflator or IPD. IPD will be 2.0 percent for the 2021–22 school year and 1.6 percent for the 2022–23 school year. Of course, the second year IPD is only a projection and could be adjusted—up or down—in the 2022 Supplemental Operating Budget.



### Lead in Water

In addition to funding provided in the 2021–23 Capital Budget for grants to replace lead-contaminated pipes and fixtures in school buildings, the 2021–23 Operating Budget provides \$2.8 million to the Department of Health to sample and test drinking water in school buildings, as required by E2SHB 1139.

### School Health Rules

As in previous biennial budgets, the 2021–23 Operating Budget includes proviso language explicitly prohibiting the Department of Health and the State Board of Health from implementing any new or amended rules pertaining to primary and secondary school facilities until the rules and a final cost estimate have been presented to the Legislature and the Legislature has formally funded implementation of the rules through the state budget or statute.

The Board of Health adopted the new rules in August 2009; however, in compliance with budget directives, they have extended the effective date of the rule's multiple times.

### K–12 Governance Work Group

\$85,000 is provided to the William D. Ruckelshaus Center at Washington State University to conduct a situation assessment to gauge the prospects for a collaborative approach to integration of leadership, aligning roles and responsibilities, and increasing efficiency and responsiveness of the state's K–12 education governance structure. The assessment must:

- Identify issues, challenges, and opportunities related to administration and governance of K–12 education in Washington state;
- Consist of interviews with representatives of state-funded K–12 education agencies, boards, commissions, and other relevant entities identified by the Center;
- Explore potential opportunities for the integration, alignment, and/or consolidation of roles and responsibilities of entities; and
- Identify key areas of focus.

The Center must report the assessment's findings and recommendations to the Legislature by March 31, 2022, with a preliminary report by February 1, 2022, as to whether circumstances support the convening and facilitation of a collaborative work group.

### Dual Credit Study

\$25,000 is provided to the Washington Student Achievement Council to convene and coordinate a Task Force 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, 2021. 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;
- 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 2019, Fiscal Year 2020, and Fiscal Year 2021 for each Community and Technical College.

In a separate section of the budget, the State Board for Community and Technical Colleges are provided \$10,000 to coordinate with the Washington Student Achievement Council Task Force, as described above, to provide the following Running Start data for Fiscal Year 2019, Fiscal Year 2020, and Fiscal Year 2021, 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;
- 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; and



- The method used by each college to determine Running Start fee waiver eligibility, including any policies adopted by the college or its program.

Similar provisions were included in the 2020 Supplemental Operating Budget; however, prior to signing the final budget, Governor Inslee vetoed those sections as he was seeking savings with uncertainty of a pending pandemic.

### **Tax Structure Work Group**

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 maintained funding for the Work Group and established additional duties.

The 2021–23 Operating Budget provides the Department of Revenue with \$2.3 million to continue facilitating the Tax Structure Work Group. Proviso language establishes a series of deadlines and specifies additional duties of the Work Group.

Following the 2021 Legislative Session, the Work Group must hold a series of public meetings and listening sessions, as well as establish mechanisms to collect taxpayer feedback and during the 2022 Legislative Session, the Work Group is required to present findings to the Legislature. Between the end of the 2022 Session and December 31, 2022, the Work Group is required to finalize policy recommendations and develop legislation to implement modifications to the tax structure. Legislative proposals recommended by the Work Group may not collectively result in a loss of revenue to the state as compared to the November 2022 biennial revenue forecast published by the Economic and Revenue Forecast Council. In making recommendations, the Work Group is required to be guided by the following principles for a well-designed tax system: Equity, adequacy, stability, and transparency.

During the 2023 legislative session, it is the intent of the Legislature to consider the Work Group’s recommendations. If the proposals are not adopted during the 2023 Legislative Session, the Work Group is directed to continue to host public meetings to collect feedback on the legislation proposed in the 2023 session, subject to the availability of funds in the 2023–2025 Operating Budget.

During the 2024 Legislative Session, it is the intent of the Legislature to consider updated proposals from the Work Group; and by December 31, 2024, the Work Group is directed to submit to the Legislature a final report that is a compilation of all other reports previously submitted since July 1, 2019 and may include additional content to summarize final activities of the Tax Structure Work Group and related legislation.

### **Pandemic After Action Review**

\$501,000 is provided to the Military Department to facilitate a Task Force to review the state’s pandemic response and recovery. The Task Force is to be comprised of legislators, a host of state agency heads, including the State Superintendent of Public, and representatives of multiple statewide membership organizations.

The Task Force is required to conduct a comprehensive after-action review of the COVID-19 pandemic response in accordance with established national standards for emergency or disaster after-action reviews. In order to improve the response to and recovery from future pandemics, the Task Force must develop lessons learned and make recommendations that include at least the following:

- Aspects of the COVID-19 response that may inform future pandemic and all-hazards responses;
- Emergency responses that would benefit the business community and workers during a pandemic;
- Standards regarding flexible rent and repayment plans for residential and commercial tenants during a pandemic;
- Whether establishing regional emergency management agencies would benefit Washington state emergency response to future pandemics;
- Gaps and needs for volunteers to support medical professionals in performing their pandemic emergency response functions within Washington state;
- Gaps and needs for tools to measure the scale of an impact caused by a pandemic and tailoring the pandemic response to affected regions based on the scale of the impact in those regions;
- Gaps and needs in health care system capacity and case tracking, monitoring, control, isolation and quarantine, and deploying medical supplies and personnel; and
- Implementing guidelines for school closures during a pandemic.

The Task Force must consider issues relating to equity, disparities, and discrimination in each topic it studies and for which it makes recommendations.

The Task Force is required to report its initial findings and recommendations to the governor and the Legislature by June 30, 2022, followed by final findings and recommendations by June 30, 2023.

### **School-Based Health Centers**

\$2.4 million is provided to the Department of Health to implement SHB 1225, which establishes the School-Based Health Center Program Office within the Department of

Health and provides grants for planning, start-up costs, and ongoing operations for School-Based Health Centers.

### **Industry and Education Partnerships**

\$100,000 in one-time funding is provided to the Employment Security Department for the North Central Educational Service District 171 to support the development of industry and education partnerships and expand career awareness, exploration, and preparation activities for youth in Grant County.

### **Connections Program**

The Recreation and Conservation Office is provided \$690,000 in one-time funding for the Connections Program, to provide outdoor learning experiences and virtual learning support for vulnerable youth in the Blaine School District and the Mount Baker School District. \$50,000 of the overall appropriation section is provided for an organization in Whatcom County that increases access to environmental education.

### **Juvenile Access to Attorneys**

The Office of Public Defense is provided with \$1.1 million to implement ESHB 1140, which requires juveniles to have access to attorneys when contacted by law enforcement.

### **Youth Safety Tip Line**

The Office of the Attorney General is provided with \$2.4 million to implement and manage a program for receiving and responding to tips from the public regarding risks or potential risks to the safety or well-being of youth, called the YES Tip Line program. Risks to safety or well-being may include, but are not limited to, harm or threats of harm to self or others, sexual abuse, assault, rape, bullying or cyberbullying, substance use, and criminal acts. Anyone contacting the YES tip line must receive timely assistance. The Attorney General must contract with a vendor to operate the tip line.

Part of the funding is provided to convene an advisory committee to develop the program. The advisory committee is to be comprised of representatives from the Washington State Patrol, the Department of Health, the Health Care Authority, OSPI, the Washington Student Achievement Council, the Washington Association of Educational Service Districts, and other participants the Attorney General appoints.

The Attorney General is required to develop and implement policies and processes for:

- Assessing tips based on the level of severity, urgency, and assistance needed using best triage practices including the YES tip line;
- Risk assessment for referral of persons contacting the YES tip line to service providers;
- Threat assessment that identifies circumstances requiring the YES Tip Line to alert law

enforcement, mental health services, or other first responders immediately when immediate emergency response to a tip is warranted;

- Referral and follow-up on tips to schools or postsecondary institution teams, local crisis services, law enforcement, and other entities;
- YES tip line information data retention and reporting requirements;
- Ensuring the confidentiality of persons submitting a tip and to allow for disclosure when necessary to respond to a specific emergency threat to life; and
- Systematic review, analysis, and reporting by the YES Tip Line program of YES tip line data including, but not limited to, reporting program utilization and evaluating whether the YES tip line is being implemented equitably across the state.

The YES Tip Line program must develop and maintain a reference and best practices tool kit for law enforcement and mental health officials that identifies statewide and community mental health resources, services, and contacts, and provides best practices and strategies for investigators to use in investigating cases and assisting youths and their parents and guardians.

Finally, the YES Tip Line program must promote and market the program to youth, families, community members, schools, and others statewide to build awareness of the program's resources and the YES tip line. Youth perspectives must be included and consulted in creating marketing campaigns and materials and insights of youth representing marginalized and minority communities must be prioritized.

### **Capacity Building Grants**

The Department of Commerce is provided funding for capacity-building grants. \$800,000 is for capacity-building grants for emergency response services, educational programs, and human services support for children and families in rural and underserved communities. Another \$75,000 is provided for a grant to a non-profit organization that conducts collaborative policy development and provides access to resources and consultation to historically disadvantaged communities. The funding must be used for capacity-building activities to support Community-Based Organizations serving youth and young adults in the city of Federal Way.

### **Maker and Innovation Lab**

The Department of Commerce is provided with \$800,000 for a grant to a nonprofit museum and science and technology center located in the city of Seattle that provides youth educational programming related to discovery, experimentation, and critical thinking in the sciences for a maker and innovation lab and to develop and operate new experiential learning opportunities.

**Labor Protections**

\$421,000 is provided to the Department of Labor & Industries for costs associated with the implementation of ESSB 5115, which creates an occupational disease presumption for frontline employees during a public health emergency for the purposes of workers' compensation and adds requirements of employers during a public health emergency.

**ECEAP Expansion**

\$24.9 million is provided to the Department of Children, Youth, and Families for additional Early Childhood Education and Assistance Program (ECEAP) slots. Funding is sufficient to add 500 slots in Fiscal Year 2022 and 750 slots in Fiscal Year 2023. Eighty percent of the slots will be full day slots and 20 percent will be extended day. Of the total slots in each Fiscal Year, 100 slots must be reserved for foster children to receive school-year-round enrollment.

**ECEAP: Provider Rate Increase**

\$29.8 million is provided to the Department of Children, Youth, and Families to increase provider rates for the Early Childhood Education and Assistance Program (ECEAP) by ten percent in Fiscal Year 2022, as required by E2SSB 5237. Funding is sufficient to provide an annual inflationary adjustment to provider rates in Fiscal Year 2023 through Fiscal Year 2025.

**ECEAP Entitlement Date**

Under current law, the Early Childhood Education and Assistance Program (ECEAP) becomes an entitlement during the 2022–23 school year. E2SSB 5237, as adopted, provides for a savings of \$57.9 million (in the Department of Children, Youth, and Families budget) by delaying the ECEAP entitlement date to Fiscal Year 2027. The change removes funding in the Maintenance Level that was based on the February 2021 ECEAP forecast costs to meet entitlement in the 2022–23 school year.

**Youth Development Work Group**

\$130,000 in one-time funding is provided to the Department of Children, Youth, and Families (DCYF) to convene a work group to assess and provide recommendations for creating new infrastructures and funding streams that support youth development. The work group is required to include representatives from Community-Based Organizations providing youth development programs, including expanded learning, mentoring, school age child care, and wraparound supports and integrated student support. DCYF is required to report its findings and recommendations to the governor and Legislature by September 1, 2022.

**Physical Activity Task Force**

\$175,000 in one-time funding is provided to the Recreation and Conservation Office to create and manage a task force to consider ways to improve equitable access to K–12 schools' fields and athletic facilities, with the goal

of increasing physical activity for youth and families. A portion of the provided funds must be used to inventory K–12 school fields and athletic facilities and park agency facilities, and for joint use agreements for these facilities. Task force participants must represent geographic diversity and must include representatives from OSPI, WASA, AWSP, and the Washington Recreation and Parks Association; participants with a background in public health; and stakeholders who represent diverse communities and communities of color.

The task force must consider joint use agreements, partnerships, improved scheduling practices with local parks agencies including facility rental fees, and other strategies, and submit a report with best practices and policy recommendations to the Recreation and Conservation Funding Board. A final report from the Board must be submitted to the governor's office and the Legislature no later than February 1, 2022.

**FAFSA Completion Support**

The Student Achievement Council is provided with \$1.2 million to continue support for 2.0 FTE staff to increase the number of high school seniors and College Bound Scholars that complete the Free Application for Federal Student Aid (FAFSA) and the Washington Application for State Financial Aid through digital engagement tools, expanded training, and increased events for high school students.

**Climate Science Education**

\$600,000 is provided to the University of Washington College of Education to collaborate with teacher preparation programs and OSPI to develop an open access climate science educational curriculum for use in teacher preparation programs.

**Skagit Elk Fencing**

The Department of Fish and Wildlife (DFW) is provided with \$600,000 for elk management in the Skagit Valley. DFW must conduct a pilot project using New Zealand style elk fencing to test and determine the cost and effectiveness of the fence design in reducing damage to school property (specifically the Concrete School District playfields) and agricultural lands within the range of the North Cascades elk herd. DFW is required to report back to the Legislature by November 1, 2022 on the results of the pilot project.

**Behavior Health Online Courses**

\$400,000 is provided to the University of Washington to expand a series of online courses related to behavioral health and student well-being that are currently offered at the Bothell campus for school district staff. The standards for the courses must be consistent with knowledge, skill, and performance standards related to mental health and well-being of public school students. The online courses must provide:

- Foundational knowledge in behavioral health, mental health, and mental illness;
- Information on how to assess, intervene upon, and refer behavioral health and intersection of behavioral health and substance use issues; and
- Approaches to promote health and positively influence student health behaviors.

#### **Burke Museum Accessibility**

\$200,000 is provided to the University of Washington to support 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 must be used for:

- Increasing the number of students who participate in Burke education programs at reduced 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.

#### **Student Teacher Facilitation**

Central Washington University is provided with \$155,000 in one-time funding to purchase audiovisual technology and equipment, as required by 2019's E2SHB 1139, which directs Central Washington University to remotely supervise student teachers.

#### **Outdoor School Study**

Western Washington University is provided with \$90,000 in one-time funding for a study to assess the feasibility and benefits of expanding outdoor residential school programs to equitably serve either all fifth and sixth grade students, or only fifth or only sixth grade students statewide. The study must explore the equity concerns exacerbated by the COVID-19 pandemic in the areas of outdoor recreation and outdoor learning experiences, with a focus on using physical activity and exposure to natural settings as a strategy for improving health disparities and accelerating learning for historically underserved populations. The study must also consider programs and facilities at outdoor residential schools, youth camps, and state parks and assess the impact of COVID-19 on these institutions and recommend strategies to preserve and expand capacity for outdoor school. Western Washington University is required to submit a report to the governor, OSPI, and the Legislature summarizing the assessment and making recommendations, no later than September 30, 2021.

#### **Bilingual Educator Programs**

\$1.1 million is provided to Western Washington University for the creation and implementation of two bilingual educator programs in the South King County region, including a bilingual elementary education degree program and a secondary education degree program. At full implementation, each cohort will support up to 25 students per year.

#### **Mastery-Based Learning**

The Student Achievement Council is provided \$32,000 in one-time funding to implement SSB 5249, regarding Mastery-Based Learning.

#### **Washington Award for Vocational Excellence**

Current law requires the Workforce Training and Education Coordinating Board to annually grant the Washington Award for Vocational Excellence to selected students. Due to budget constraints provision of the Award has been limited in recent years. The 2015–17, 2017–19, and 2019–21 Operating Budgets specifically precluded the Board from designating Award recipients or recognizing them in any way during the 2015–17, 2017–19, or 2019–21 biennia.

The 2021–23 Operating Budget provides \$2.4 million to continue the Washington Award for Vocational Excellence program; however, the funding is provided to the Student Achievement Council, rather than the Workforce Training and Education Coordinating Board.

#### **Unanticipated Revenue Oversight**

The 2021–23 Operating Budget establishes a new Joint Legislative Unanticipated Revenue Oversight Committee. Comprised of sixteen legislators, equally divided by House and Senate and Democrat and Republican members, the Committee must review requests for proposed allotment amendments to spend unanticipated and unbudgeted moneys from federal and nonstate sources. Budget language states, "The Committee is necessary to provide oversight of the Legislature's delegation of state fiscal authority to the governor while the Legislature is not in session and to prevent infringement on the Legislature's constitutional power to appropriate state funds."

The Committee will meet as deemed necessary to review requests from the governor and to provide comment within fourteen calendar days. The Committee is intended to provide oversight when the Legislature is not in session and budget language specifically notes, "The activities of the Committee are suspended during Regular or Special legislative sessions."

Action of the Committee is limited to the review and comment on requests submitted by the governor. Action by the Committee requires the majority vote of members of the Committee in attendance at a meeting and action may take the form of a recommendation approving the



proposed allotment amendment, rejecting the proposed allotment amendment, or proposing an alternative allotment amendment for the governor's consideration prior to approval. The Committee's action, however, is not binding on the governor.

**WSCSC Spending Authority**

The Washington State Charter School Commission (WSCSC) is provided with increased spending authority (\$955,000) to match anticipated revenue increases, due to an increase in the number of charter schools. Funding is provided from the Charter School Oversight Account, not the state General Fund.

Additionally, the 2021 Supplemental Operating Budget provides the WSCSC with \$30,000 to offset projected shortfalls in the current biennium.

**Non-Public School Relief**

\$46.3 million provided in the Coronavirus Response and Relief Supplemental Appropriations Act (December 2020), as a part of the Governor's Emergency Education Relief Fund, is reappropriated to provide emergency assistance to non-public schools. \$43.7 million is provided, as required by the American Rescue Plan (March 2021), to support non-public schools to address impacts from the COVID-19 pandemic.

NOTE: These federal funds provided for non-public school assistance were appropriated in the December 2020 and the March 2021 federal stimulus relief packages but were above-and-beyond the ESSER II and ESSER III funds provided to public schools. Said another way, the funds provided for non-public schools were not taken from the ESSER funds provided to public schools.

# 2021–23 Capital Budget: SHB 1080

Prior to the start of the 2021 session, amid conversations of a potential multi-billion budget shortfall, most of the legislative (and public) focus was on the Operating Budget. Most of the discussion surrounding the Capital Budget was behind-the-scenes; however, it quickly became clear that the Capital Budget leads in all four Caucuses were talking about how a strong biennial Capital Budget could help the state's economy and have a positive impact on the Operating Budget.

With unemployment continuing to hover at historically high levels (although there was a fairly dramatic drop in unemployment between April and the end of the year), it was believed that a large infusion of funding in a Capital Budget would open jobs all across the state. As those projects began, unemployed workers could be back on the job—earning good wages, allowing them to return to stores and restaurants, purchasing goods and services, and keeping the economic engine rolling. (By the way, there was a similar conversation with the Transportation Budget.)

House Democrats were first out of the gate with a 2021–23 Capital Budget, quickly followed by a Senate Democrat proposal the next day. The House's budget package (HB 1080) was an impressive \$5.7 billion spending plan; however, it paled in comparison to the Senate's \$6.2 billion package (SB 5083). It should be noted that both house's Capital Budget proposals were released with bi-partisan support. Budget documents, technically released by the two Democratic Capital Budget leads, included the two Ranking Minority Members as sponsors, as well.

With the bi-partisan (really “non-partisan”) support, the two Capital Budgets had pretty smooth sailing. The Senate budget was adopted by the full Senate with a 49–0 vote. Shortly after, the House budget was adopted by the full House 98–0. As legislators moved to behind-the-scenes negotiations, it was clear that leaders from all four Caucuses continued to meet to craft a final, compromise budget.

Unfortunately, there was a bit of a wrinkle to getting a 2021–23 Capital Budget out the door. One of the priority issues for the Republicans in both the House and Senate this year was the governor's emergency authority. Republicans were concerned (and upset) that Governor Inslee had wielded so much power and authority during the ongoing COVID-19 pandemic—with little-to-no input from legislators. Multiple bills were introduced this session to curtail the governor's powers, but none of them have had any movement. Republican frustration finally boiled over towards the end of the session when Inslee moved three counties from Phase 3 back to

Phase 2 under the state's Healthy Washington: Roadmap to Recovery.

Republicans are in a pretty substantial minority in both houses and have little ability to stop a bill from moving; however, they do have a strong hand to play with the Capital Budget. Democrats do not need Republicans to support the actual Capital Budget for it to be adopted; however, they DO need Republican support to adopt a bond bill. Remember, in order to pass a bond bill, a 60 percent supermajority vote in both the House and Senate is required. Even though Democrats have healthy majorities in both the House and Senate, they don't have 60 percent of the members, and at least a handful of Republicans in both houses need to vote for a bond bill for it to be successful.

Republicans decided to flex their Minority muscle by threatening the Capital Budget bond bill. Minority Republicans, led by those in the House, told their Majority colleagues they wanted action on their emergency powers legislation (specifically, HB 1557)—and then threatened to withhold their votes on the bond bill if they did not get their way. There is no specific requirement that a bond bill be adopted alongside a Capital Budget; however, without the infusion of General Obligation bonds, over half of the proposed projects would go without funding, so the threat did have some weight behind it.

Ultimately, Republicans backed off their threat and the Legislature adopted the 2021–23 Capital Budget and the necessary bond bill. The final Capital Budget, SHB 1080, was adopted by both houses unanimously—the bond bill, ESSB 5084, passed unanimously in the Senate and lost two votes in the House.

## FINAL 2021–23 CAPITAL BUDGET

The final 2021–23 Capital Budget, SHB 1080, provides a historic—and record-setting—\$6.3 billion for capital construction across the state. As part of this \$6.3 billion package, the budget reappropriates \$4.5 billion in previously authorized, but uncompleted projects. \$3.9 billion in General Obligation bonds are appropriated for the 2021–23 biennium, while projected bond capacity for 2021–23 is \$3.97 billion (ESSB 5084 authorizes \$3,971,290,793 in bonds.) This leaves approximately \$82 million in bond capacity reserved for a 2022 Supplemental Capital Budget.

It is important to know the 2021 Supplemental Capital Budget is embedded in SHB 1080. The Supplemental Capital Budget reduces reappropriations and 2019–21 appropriations by \$63.6 million.

The Capital Budget provides K–12 education with \$929.9 million in facility-related funds. The details are described below.

## K–12 EDUCATION DETAILS

- ◀ \$730.6 million is provided for the **School Construction Assistance Program (SCAP)**. \$702.7 million of the appropriation comes from state General Obligation bonds and \$27.9 million comes from the Common School Construction Account (CSCA). An additional \$71.4 million from state General Obligation bonds is also swapped with CSCA to fund obligations for 2017–19 projects and to assist with the CSCA’s solvency. Of the total SCAP funding, \$2.8 million is provided to OSPI solely for study and survey grants and for completing inventory and building condition assessments for public school districts every six years.
- ◀ \$42.1 million is provided for **Small District and Tribal Compact Schools Modernization**. \$33.8 million (\$21.8 million of the State Building Construction Account and \$12.0 million of the federal Coronavirus Capital Projects Account) is provided for modernization grants for small school districts with total enrollments of 1,000 students or less with significant building system deficiencies and limited financial capacity as approved by OSPI’s Small District Modernization Grant Advisory Committee. OSPI is required to submit a list of small school district modernization projects, as prioritized by the Advisory Committee, to the Legislature by January 15, 2023. The list must include:
  - A description of the project;
  - The proposed state funding level, not to exceed \$5.0 million;
  - Estimated total project costs; and
  - Local funding resources.

\$1.1 million is provided for planning grants for small school districts interested in seeking modernization grants. OSPI may prioritize planning grants for school districts with the most serious building deficiencies and the most limited financial capacity. Planning grants may not exceed \$50,000 per district and may only be awarded to school districts with an estimated total project cost of \$5.0 million or less.

\$4.2 million is provided for planning grants and modernization grants to state-tribal compact schools. OSPI may prioritize planning grants for state-tribal compact schools with the most serious building deficiencies and the most limited financial capacity. OSPI must submit a prioritized

list of state-tribal compact school modernization projects to the Legislature by January 15, 2023. The list must include:

- A description of the project;
- The planning grant amount; and
- Estimated total project costs.

The funding appropriated for Small District and Tribal Compact Schools Modernization is provided for projects and planning grants approved by the Legislature, as identified in [LEAP Capital Document No. OSPI-1.1-CD-2021](#), developed April 15, 2021.

Finally, \$3.0 million of the overall appropriation is provided for a modernization grant to the Mount Adams School District to complete the replacement of Harrah Elementary School.

- ◀ \$40.0 million is provided to continue and expand the **School Seismic Safety Retrofit Program**. \$38.0 million of the appropriation is provided 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 12th 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 school seismic safety retrofit planning grants, beginning with facilities classified as very high risk.

In the development of school seismic safety retrofit projects, OSPI must give consideration to the following:

- Prioritizing student instructional spaces and facilities that improve communities’ emergency response capacity, including school gymnasiums and school facilities that are capable of providing space for emergency shelter and response coordination;
- The financial capacity of low property value school districts in the sizing of grant awards;
- Facilities’ seismic needs in light of the useful life of the facilities; and
- The extent to which the cost of the proposed seismic improvements are less than the estimated costs of facility replacement or new construction.

The remaining \$2.0 million of the overall appropriation must be used for school seismic safety retrofit planning grants to school districts. OSPI is required to prioritize planning 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 addition to the funds provided to OSPI, the Department of Natural Resources (DNR) is provided with \$590,000 to continue their survey work, with expected additional appropriations in the 2022 Supplemental Capital Budget and/or the 2023–25 Capital Budget. DNR's ultimate goal is to expand their assessments to all of Washington's 4,000+ permanent public school buildings.

- ◀ \$14.5 million is provided for **Skills Centers**. Included is: \$9.8 million for modernization of the Evergreen Building at the Pierce County Skills Center; \$1.0 million for a major electrical improvement project at the Puget Sound Skills Center; and \$300,000 for a predesign for a replacement and expansion of the Seattle Public Schools Skills Center at Rainier Beach High School.  
\$3.4 million of the overall appropriation is provided for Skills Centers Minor Works to fund several minor works projects at various Skills Centers. Proviso language stipulates that no Skills Center may receive funding for more than two minor works projects within the 2021–23 biennium.
- ◀ \$8.7 million is provided to assist three **Distressed Schools**: \$7.0 million is provided for a 12-classroom addition at Green Lake Elementary School in the Seattle School District; \$940,000 is provided for a Healthy Schools pilot in SeaTac to reduce exposure to air pollution and improve air quality in schools; and \$772,000 is provided for a School-Based Health Center at Spanaway Middle School.
- ◀ \$7.2 million is provided for **School District Health & Safety Grants**. Proviso language requires the funding to be divided among three specific grant programs:
  - \$2.0 million is provided for **Emergency Repair Grants** to address unexpected and imminent health and safety hazards at K–12 public schools, including Skills Centers, that will impact the day-to-day operations of the school facility. For emergency repair grants an emergency declaration must be signed by the school district board of directors and submitted to OSPI for consideration. The emergency declaration must include a description of the imminent health and safety hazard, the possible cause, the proposed scope of emergency repair work and related cost estimate, and identification of local funding to be applied to the project. Grants

of emergency repair moneys must be conditioned upon the written commitment and plan of the school district board of directors to repay the grant with any insurance payments or other judgments that may be awarded, if applicable.

Proviso language requires OSPI to notify the Office of Financial Management, the Legislative Evaluation and Accountability Program Committee, the House Capital Budget Committee, and the Senate Ways & Means Committee as Emergency Repair projects are approved for funding.

- \$4.2 million (including \$1.2 million in federal funds) is provided for **Urgent Repair Grants** to address non-recurring urgent small repair projects at K–12 public schools, excluding Skills Centers, that could impact the health and safety of students and staff if not completed. OSPI, after consulting with Maintenance and Operations administrators of school districts, is required to develop criteria and assurances for providing funding for specific projects through a competitive grant program. The criteria and assurances must include at least the following:
  - Limiting school districts to one grant, not to exceed \$200,000, per three-year period;
  - Prioritizing applications based on limited school district financial resources for the project; and
  - Requiring recipient districts to demonstrate a consistent commitment to addressing school facility needs.

The Urgent Repair Grant applications must include a comprehensive description of the health and safety issues to be addressed, a detailed description of the remedy, including a detailed cost estimate of the repair or replacement work to be performed, and identification of local funding, if any, which will be applied to the project. Grants may be used for: Repair or replacement of failing building systems; abatement of potentially hazardous materials; and safety-related structural improvements.

- \$1.0 million is provided for **Equal Access Grants** for facility repairs and alterations at K–12 public schools, including Skills Centers, to improve compliance with the Americans with Disabilities Act (ADA) and Individuals with Disabilities Education Act (IDEA). OSPI must develop criteria and assurances for providing funding for specific projects through a competitive grant program.



The criteria and assurances must include at least the following:

- Limiting districts to one grant, not to exceed \$100,000, per three-year period;
- Prioritizing applications based on limited school district financial resources for the project; and
- Requiring recipient districts to demonstrate a consistent commitment to addressing school facility needs.

Equal Access Grant applications must include a description of the ADA or IDEA compliance deficiency, a comprehensive description of the facility accessibility issues to be addressed, a detailed description of the remedy including a detailed cost estimate of the repair or replacement work to be performed, and identification of local funding, if any, which will be applied to the project. Priority for grant funding must be given to school districts that demonstrate a lack of capital resources to address the compliance deficiencies outlined in the grant application.

◀ \$6.6 million is provided for **Healthy Kids-Healthy Schools Grants**. The grant program is divided into two separate sections in the Capital Budget:

- o **Remediation of Lead** (\$3.6 million)—Funding is provided for grants to school districts, charter schools, and state-tribal education compact schools for the replacement of lead-contaminated pipes, drinking water fixtures, and the purchase of water filters, including the labor costs of remediation design, installation, and construction. The amount provided to charter schools and state-tribal education compact schools for lead remediation costs may not exceed \$100,000 and must be provided from the State Building Construction Account.

OSPI is provided with \$128,000 of the appropriation to enter into a contract to study, estimate, and provide future common and charter school lead-contaminated drinking water remediation and mitigation costs associated with complying with codified lead remediation standards for these schools. The remediation cost estimates developed through this study must rely on a representative sample of schools from the most recent three-year period that have been tested for lead contamination using independent testing and Department of Health testing. The remediation costs considered in this study and the representative sample may include: technical assistance; design; parts and

hardware; labor; contract administration for the predesign, design, and remediation phases; and project management. Mitigation actions, treatments, and costs may also be considered in the study, along with other cost categories, as deemed relevant by OSPI. The data collected and studied should be representative of large, medium, and small school districts, as categorized by WSSDA. Costs must be reported separately in appropriate categories to facilitate understanding of the data collected and studied.

OSPI is required to consult with stakeholders and legislative fiscal staff regarding the development of the study and the development of a Request for Proposal to comply with the study requirement. The results of this study, including cost estimates, must be provided to the governor and the Legislature by November 1, 2021.

- o **Physical Health & Nutrition** (\$3.0 million)—Funding is provided for student physical health and nutrition. OSPI is required to develop criteria for funding specific projects that are consistent with the Healthiest Next Generation priorities. The criteria must include at least the following:

- Districts may apply for grants, but no single district may receive more than \$200,000 of the appropriation for grants awarded;
- Any district receiving funding provided under this program must demonstrate a consistent commitment to addressing school facilities' needs; and
- Applicants with a high percentage of students who are eligible and enrolled in the Free and Reduced-Price Meals program may be prioritized.

The appropriation under this program is provided for grants to school districts for the purchase of equipment or to make repairs to existing equipment that is related to improving:

- Children's physical health, and may include, but is not limited to, fitness playground equipment, covered play areas, and physical education equipment or related structures or renovation; and
- Children's nutrition, and may include, but is not limited to, garden-related structures and greenhouses to provide students access to fresh produce, as well as kitchen equipment or upgrades.

- ◀ OSPI is provided with \$4.3 million for **K–12 Capital Programs Administration**.
- ◀ \$2.0 million is provided to fund **Career Preparation and Launch Grants**. Funding for Career Preparation and Launch Grants is subject to the following conditions and limitations:
  - The appropriation is provided for OSPI to provide competitive grants to school districts to purchase and install Career and Technical Education equipment that expands Career-Connected Learning and work-integrated learning opportunities; and
  - OSPI, after consulting with school districts and the Workforce Training and Education Coordinating Board, is required to develop criteria and assurances for providing funding and outcomes for specific projects through a competitive grant program to stay within the appropriation level provided. The criteria must include at least the following:
    - Districts or schools must demonstrate that the request provides necessary equipment to deliver Career and Technical Education; and
    - Applicants with a high percentage of students who are eligible and enrolled in the Free and Reduced-Price Meals program must be prioritized.
- ◀ 2.0 million is provided for an **Agriculture Science in Schools Grant**. The Grant will be provided to the FFA Foundation.
- ◀ \$300,000 is provided for **Green Schools: Stormwater Infrastructure Projects**. Previously funded under the Healthy Kids-Healthy Schools Grant program, the 2021–23 Capital Budget provides funding for Green Schools: Stormwater Infrastructure Projects as a stand-alone program. The funding provided must be used to contract with a statewide Community-Based Organization with experience planning and developing green stormwater infrastructure and related educational programs on public school properties. The organization that is awarded the contract must use the funding solely for green stormwater infrastructure projects on public school properties and must use geographic analysis to identify green stormwater infrastructure project locations based on the opportunity to reduce stormwater runoff. To qualify for a project, schools must be eligible for financial assistance under Title I and the contracted organization must prioritize schools with high percentages of students eligible for the Free and Reduced-Price Meals program that also

serve diverse student populations. The stormwater infrastructure projects should aim to:

- Provide equity of opportunity in high-need communities; and
- Engage students in conjunction with K–12 STEM education programs aligned with the Washington state science and learning standards.

## OTHER DETAILS

**Broadband Infrastructure.** The Capital Budget provides a significant investment in broadband connectivity. \$411.0 million is provided for grants and loans to improve and expand broadband access to unserved and underserved communities across the state. The following programs are funded in the budget:

- \$326.0 million (including \$276.0 million in federal relief funding) is provided to the Washington State Broadband Office for grants to eligible applicants for broadband infrastructure projects;
- \$60.0 million is provided for loans and grants to be competitively awarded by the Public Works Board to promote expanding access to broadband service in unserved areas of the state; and
- \$25.0 million is provided for loans and grants to be awarded on a first-come, first-served basis by the Community Economic Revitalization Board to finance infrastructure projects to provide high-speed, open-access broadband services to rural, underserved communities.

Included in the \$326.0 million provided to the Washington State Broadband Office is a \$5.0 million Broadband Equity and Affordability Grant. School districts (along with other local governments, federally recognized tribes, and nonprofit organizations) are eligible applicants for this grant. Eligible applicants must be located in areas: with existing broadband service with speeds at a minimum of 100 megabits per second download and at a minimum 20 megabits per second upload; and where the State Broadband Office, in consultation with the Department of Equity, determine that access to existing broadband service is not affordable or equitable.

The issue of connectivity was a major point of emphasis for the 2021 Legislature. Evidence of that emphasis can be found simply by comparing the 2019–21 Capital Budget’s \$21.6 million investment in broadband connectivity versus the \$411.0 million broadband investment in the new two-year Capital Budget. In addition to the \$411.0 million in the Capital Budget, there are investments in broadband funding in the 2021–23 Operating Budget and a potentially significant investment in broadband could be forthcoming in the American Jobs Plan—President Biden’s infrastructure package currently being discussed by

Congress. There are even broadband impacts in the 2021–23 Transportation Budget (SSB 5165); \$220,000 is set aside to oversee a consultant study to provide recommendations related to the Washington State Department of Transportation's role in broadband service expansion efforts as required by ESHB 1457 (adopted by this Legislature).

While not directly related to K–12 education, the further expansion of broadband connectivity, especially in unserved and underserved communities, will have a positive impact on schools, students, and families.

**Early Learning Facilities—School Districts Grant.** Funding is provided, via the Department of Commerce, to assist in the building/expanding of early learning facilities. \$4.7 million of the Ruth Lecocq Kagi Early Learning Facilities Development Account is specifically provided to school districts for early learning facility projects. Grants are provided for [nine school district projects](#):

- Bellingham School District—\$456,000
- Bethel School District—\$856,000
- Evergreen (Vancouver) School District—\$667,000
- Mount Baker School District—\$434,000
- Pasco School District—\$200,000
- Ridgefield School District—\$339,000
- Selah School District—\$856,000
- Soap Lake School District—\$856,000
- Walla Walla School District—\$55,000

**Local and Community Projects.** The Department of Commerce is provided \$160.9 million for a series of [community projects](#). While many of the projects indirectly impact schools—Boys & Girls Club or YMCA facilities, Community Centers, libraries, and sports fields, for example—the Capital Budget also includes funding for a handful of school district projects:

- Bellevue High School Automotive Dynamometer Install—\$277,000
- NJROTC/NNDC Program Peninsula School District—\$170,000
- Tacoma School District School-Based Health Care Clinic—\$750,000
- South Bend School Multi-Use Field Upgrades—\$361,000
- South Kitsap High School P.E. Support—\$15,000

**Infrastructure Projects.** The Department of Commerce is provided \$113.0 million for a series of local [infrastructure projects](#). One school district project is on the list: a Gemini & LTE install at the Centralia School District (\$1.5 million).

**Outdoor Recreation Equity.** The Recreation and Conservation Office is provided \$1.5 million for the Trust for Public Lands' Metro Parks/Tacoma Schools Green Schoolyards Pilot. The appropriation provides funding for projects at six schools:

- Helen B. Stafford Elementary School;
- Jennie Reed Elementary School;
- Mann Elementary School;
- Whitman Elementary School;
- Industrial Design, Engineering and Art (IDEA) School; and
- Larchmont Elementary School.

**Work/Education/Health Monitoring Projects.** The Department of Commerce is provided \$926,000 (using federal relief funds) for four [work/education/health monitoring projects](#). Included is \$250,000 to address the restrooms at Camp Waskowitz in North Bend (the Waskowitz Outdoor Education Center provides students in Highline School District and other school districts in the greater Seattle area with programs that focus on connecting with nature and personal growth).

**Energy Retrofits for Public Buildings Grants.** The Department of Commerce is provided with \$10.0 million to fund the Energy Retrofits for Public Buildings Grants program. School districts (along with local governments, public higher education institutions, federally recognized tribal governments, and state agencies) are eligible for two of the grants:

- \$3.0 million in competitive grant funding is available for operational cost saving improvements to facilities and related projects that result in energy and operational cost savings. Proviso language stipulates if a grant is awarded to purchase heating devices or systems, the entity, whenever possible and most cost effective, must select devices and systems that do not use fossil fuels.
- \$1.0 million in competitive grant funding is available for projects that involve the purchase and installation of solar energy systems, including solar modules and inverters, with a preference for products manufactured in Washington.

Proviso language provides the following criteria for both grants:

- At least 20 percent of each competitive grant round must be designated for awards to eligible projects in small cities or towns with a population of 5,000 or fewer residents;
- In each competitive round, a higher energy savings-to-investment ratio must result in a higher project ranking. Priority consideration must be

given to applicants that have not received grant awards for this purpose in prior biennia;

- The Department of Commerce must determine a minimum match ratio to maximize the leverage of nonstate funds; and
- The Department of Commerce is required to develop metrics that indicate the performance of energy efficiency efforts.

The remaining \$6.0 million of the overall appropriation provided for the program is set aside for higher education institutions, public hospitals, and state agencies; school districts are not eligible.

**Trust Land Transfer Report.** The Department of Natural Resources (DNR) is provided with a \$75,000 appropriation to complete a Trust Land Transfer Stakeholder Report. Proviso language in the budget requires DNR to convene a work group of trust land beneficiaries and stakeholders to develop a recommended process for the way trust land transfer proposals are developed and implemented. Consideration should be made for increasing the income value of the trusts, limiting impacts to trust lands not being considered for transfer, conservation value of lands that are a potential candidate for transfer, and use of the land bank for securing repositioned land that would result from any transferred projects, and any other items necessary for a well-supported program. DNR is required to report and make recommendations for the establishment of a new trust land transfer program to the Legislature by December 1, 2021.

Additional proviso language prohibits DNR from trading, transferring, or selling any valuable material from the four parcels that comprised the proposed trust land transfer parcels in 2019–21, known as Blakely Island, Devils Lake, Eglon, and Morning Star.

**Capital Projects Funds.** Current law stipulates the specific, limited purposes which school districts are allowed to fund using money deposited in their Capital Projects Funds from sources other than the sale of bonds, proceeds of capital levies, certain state apportionment proceeds, earnings from Capital Projects Fund investments, state forest revenues, and rental and lease proceeds.

The previous Capital Budget added a series of additional legal uses of Capital Projects Funds from other sources, specifically during 2019–21 biennium. Those additional legal uses are: renovation and replacement of facilities and systems, purchase or installation of items of equipment and furniture, including maintenance vehicles and machinery, and other preventative maintenance or infrastructure improvement purposes. The 2021–23 Capital Budget extends the allowance to use money in school district Capital Projects Funds (from sources other than

listed above) for these additional purposes during the 2021–23 biennium.

**Debt Service Costs.** Current law requires the biennial Capital Budget to disclose the estimated debt service costs associated with new capital bond appropriations. The estimated debt service costs for the appropriations contained in the 2021–23 Capital Budget are \$46,768,901 for the 2021–23 biennium, \$314,662,796 for the 2023–25 biennium, and \$447,088,148 for the 2025–27 biennium.



# Education-Related Bills That Passed—Titles

During the 2021 Legislative Session, over 1,100 bills, resolutions, and memorials were introduced. Of those, 335 were adopted by the Legislature; however, the governor vetoed two of them, leaving a total of 333 bills becoming law. WASA actively tracked over 400 pieces of legislation that had a direct or potentially indirect impacts on K–12 education. Ultimately, 53 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).\*

SHB 1016 .....	Juneteenth holiday	ESHB 1370 .....	Early learning facilities
2SHB 1028 .....	Residency teacher certification	SHB 1373 .....	Behavioral health/students
HB 1063 .....	Health professional credentials	ESHB 1426 .....	Continuing education equity
E2SHB 1073 .....	Paid Family and Medical Leave	ESHB 1457 .....	Broadband highway access
SHB 1080 .....	2021–23 Capital Budget	ESHB 1476 .....	Enrollment decline
SHB 1085 .....	Students with seizure disorders	SHB 1484 .....	Building mapping system
HB 1087 .....	Family Medical Leave rights	SSB 5013 .....	Local redistricting deadline
ESHB 1113 .....	School attendance	SB 5021.....	Retirement benefits/furlough
EHB 1121 .....	Emergency graduation waiver	SSB 5030.....	School counseling
E2SHB 1139 .....	Lead in Water	ESSB 5044.....	Equity training
ESHB 1140 .....	Youth access to attorneys	ESSB 5061.....	Unemployment insurance
ESHB 1176 .....	Withholding grades and transcripts	ESSB 5084.....	Capital construction bonds
ESHB 1189 .....	Tax Increment Financing	ESSB 5092.....	2021–23 Operating Budget
SHB 1208 .....	Learning Assistance Program	ESSB 5096.....	Capital gains tax
ESHB 1214 .....	Safety/security staff	ESSB 5097.....	Paid Family and Medical Leave
SHB 1225 .....	School-based health centers	ESSB 5115.....	Labor protections/health emergencies
ESHB 1273 .....	Menstrual products	E2SSB 5128.....	Pupil transportation funds
E2SHB 1295 .....	Institutional Education	SB 5165.....	2021–23 Transportation Budget
SHB 1302 .....	College in the High School	SB 5184.....	Foster care contact
SHB 1323 .....	Long-Term Services Trust	E2SSB 5237.....	Child care/early childhood development
ESHB 1332 .....	Property tax deferral	SSB 5249.....	Mastery-based learning
ESHB 1336 .....	Public telecommunications services	SB 5299.....	Computer science credits
EHB 1342 .....	Reduced-price lunch copays	ESSB 5321.....	College Bound Scholarship
SHB 1356 .....	Native American names	SB 5322.....	SEBB/PEBB dual enrollment
SHB 1363 .....	Secondary trauma	2SSB 5383.....	Public telecommunications services
E2SHB 1365 .....	Student computers/devices	ESSB 5405.....	Racial equity analyses
ESHB 1368 .....	Pandemic relief		

## FOOTNOTE:

\*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

## **EHB SHB 1016—Juneteenth holiday** (Representative Morgan) **C295 L21**

On September 22, 1862, President Abraham Lincoln issued the Emancipation Proclamation. It declared that on January 1, 1863 the legal status of more than 3.5 million enslaved African Americans changed from enslaved to free. (Technically, this was effective only in secessionist Confederate states; however, Union victory in the Civil War brought the Proclamation into effect in all of the former Confederacy.)

On June 19, 1865, more than two years after the effective date of the Emancipation Proclamation, word finally reached the people in Galveston, Texas, that the Civil War had ended and enslaved people had been freed. June 19th began to be celebrated as “Juneteenth” to commemorate the abolishment of slavery. The day has also been alternatively been referred to as Freedom Day, Jubilee Day, Liberation Day, and Emancipation Day.

While Juneteenth has been a state “day of remembrance” since 2007, SHB 2016 designates Juneteenth (June 19) as a state, legal holiday. In addition to being a legal holiday, the Legislature encourages “that this be a day to engage in fellowship with Black/African Americans; revisit our solidarity and commitment to antiracism; educate ourselves about slave history; and continue having conversation that uplift every Washingtonian.”

**CAUTION:** Although June 19, Juneteenth, is now a state legal holiday (becomes effective July 25, 2021), SHB 1016 did not amend RCW 28A.150.050, which lists school holidays wherein “school may not be taught.” Because the Legislature failed to address this school-specific statute, there has been some confusion about the impact of Juneteenth on school districts and whether or not this may become a bargaining issue. Districts should not automatically assume they need to engage in mid-term bargaining over this new law. Instead, you are encouraged to consult with legal counsel about whether you may be making a decision that actually changes the status quo. For example, if your district is not closing schools on June 19th, then it would appear you are not making any decisions that would trigger an obligation to engage in mid-term bargaining.

## **2SHB 1028—Residency teacher certification** (Representative Bergquist) **C198 L21**

Under current law, preservice candidates are required to successfully pass an evidence-based assessment of teaching effectiveness adopted by the Professional Educator Standards Board (PESB). The assessment, known as edTPA, has been viewed as a barrier to some

candidates becoming fully certified teachers. The Legislature intends to promote academic success and reduce barriers for all students, particularly candidates of color, candidates for whom English is a second language, and candidates from low-income households by revising eligibility and recommendation for residency teacher certification and repealing edTPA.

2SHB 1028 repeals current requirements related to the edTPA, including the requirement that candidates for residency teacher certification pass the edTPA. The PESB is prohibited from adopting rules requiring that candidates for residency teacher certification take or pass a uniform, statewide performance assessment of teaching effectiveness.

Before a PESB-approved teacher preparation program may recommend a candidate for residency teacher certification, the candidate must meet or exceed the knowledge, skills, performance, and competencies adopted by the PESB. Immediately upon the effective date of the bill (May 5, 2021) and until September 1, 2022, all PESB-approved teacher preparation programs must attempt to notify and recommend for residency teacher certification each person who, during the 2019–20, 2020–21, or 2021–22 academic years, met all statutory and program requirements except for completion of the edTPA. In addition, upon request, all PESB-approved teacher preparation programs may recommend for residency teacher certification any person who was required to pass the edTPA as a prerequisite to residency teacher certification, provided that the person met all other statutory and program requirements in effect at the time of enrollment in the teacher preparation program.

The description of the measures that all PESB-approved teacher preparation programs use to demonstrate how the program produces effective teachers is revised from “measures established in statute” to “multiple measures of the knowledge, skills, performance, and competencies.”

Finally, each PESB-approved teacher preparation program must publish, and provide to candidates prior to admission, a list of program completion requirements.

## **HB 1063—Health professional credentials** (Representative Harris) **C57 L21**

Trainee certifications and associate licenses for certain behavioral health professions allow applicants to meet the professional licensure requirements for a full certification or license in a particular profession. These applicants include:

- Substance use disorder professional trainees; and
- Social work, mental health counseling, and

marriage and family therapy associate licensees.

An associate license is available to a person gaining the supervised experience necessary to become a:

- Licensed independent clinical social worker;
- Licensed advanced social worker;
- Licensed mental health counselor; or
- Licensed marriage and family therapist.

Trainee certifications and associate licenses can be renewed a specific number of times, depending on which license is sought. Continuing education is required for license renewals. Due to the COVID-19 pandemic, many individuals with trainee certifications or associate licenses had difficulty achieving the required number of experience hours and/or continuing education hours necessary for license renewals.

HB 1063 authorizes the Secretary of Health to grant a waiver for additional credential renewals due to barriers to testing or training resulting from a Governor-declared emergency for the following credentials:

- Substance use disorder professional trainees certifications; and
- Associate licenses for social workers, mental health counselors, and marriage and family therapists.

There is currently a shortage of qualified, licensed mental health professionals in the state. While this bill does not directly benefit K–12 education, student mental health, social emotional, and behavioral health needs continue to grow and providing for more licensed social workers and mental health counselors will help.

### **E2SHB 1073—Paid Family and Medical Leave**

(Representative Berry)

#### **C109 L21**

The Paid Family and Medical Leave (PFML) program was enacted to provide partial wage replacement to employees on leave for specified family and medical reasons. It is funded through premiums paid by employers and employees and is administered by the Employment Security Department.

Employees are eligible for benefits under the PFML program after working at least 820 hours in a qualifying period; however, E2SHB 1073 provides for Pandemic Leave Assistance Employee Grants to assist employees who are ineligible for benefits due to insufficient hours worked due to the COVID-19 pandemic. The grants are to be provided beginning August 1, 2021, for leave claims from 2021 through March 31, 2022.

Grant eligibility is provided for employees that:

- Do not meet the PFML eligibility threshold

through hours worked in 2020 and the first quarter of 2021;

- Met the eligibility threshold through hours worked in 2019 and the first quarter of 2020; and
- Were not separated from employment due to misconduct or a voluntary separation unrelated to the COVID-19 pandemic.

The amount of the employee grant must be equal to the weekly benefit amount calculated in the PFML program.

E2SHB 1073 also provides for Pandemic Leave Assistance Employer Grants for employers with fewer than 150 employees for the following costs associated with an employee taking leave in receipt of a grant:

- \$3,000 for hiring a temporary worker to replace the employee on leave; or
- Up to \$1,000 for significant wage-related costs related to the leave.

The bill clarifies that both the employer and the employee grants are only available until specific funding is exhausted.

NOTE: It has not yet been clarified if school employees are eligible for Pandemic Leave Assistance Employee Grants or if school districts are eligible for Pandemic Leave Assistance Employer Grants.

### **SHB 1080—2021–23 Capital Budget**

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

#### **C332 L21**

This is the 2021–23 Capital Construction Budget (which includes the 2021 Supplemental Capital Construction Budget). The budget appropriates a historic \$6.3 billion for capital projects across the state, of which \$3.9 billion is financed with state General Obligation bonds. For details, see Capital Budget section, earlier in this Report.

### **SHB 1085—Students with seizure disorders**

(Representative Kloba)

#### **C29 L21**

The intent of SHB 1085 is to promote a safe learning environment for students with seizure disorders. The bill requires school districts, beginning in the 2022–23 school year, to provide Individual Health Plans (IHPs) for students with epilepsy or other seizure disorders, replacing current provisions governing the care of students with epilepsy.

In complying with SHB 1085 and IHP requirements, school districts are required to adopt and periodically revise policies that address specific subjects, including:

- The acquisition of parent requests and instructions;
- The acquisition of orders from licensed health

professionals prescribing within the scope of their prescriptive authority for monitoring and treatment of seizure disorders at school;

- The storage of medical equipment and medication provided by the parent;
- The development of individual emergency plans;
- The distribution of the IHP to appropriate staff based on the students' needs and staff level of contact with the student; and
- The possession of legal documents for parent-designated adults to provide care, if needed.

School districts, in the course of developing the policies, must consult with one or more licensed physicians or nurses, or appropriate personnel from a national epilepsy organization that offers seizure training and education for school nurses and other school personnel. School district policies must not permit a school nurse to delegate the responsibility to administer student medications to a parent-designated adult who is not a school employee.

School districts must also designate a medical professional to consult and coordinate with the student's parents and health care provider, and to train and supervise the appropriate school district personnel in proper procedures for the care for students with epilepsy or other seizure disorders. The required epilepsy or other seizure disorder training may be provided by a national organization that offers training for school nurses for managing students with seizures and seizure training for school personnel.

Parents may designate an adult who is or is not a school employee to provide care for the student that is consistent with the student's IHP. If the parent-designated adult is a school district employee, he or she must receive the epilepsy or other seizure disorder training. If the parent-designated adult is not a school employee, he or she must show evidence of training in proper procedures for care of students with epilepsy or other seizure disorders. If the parent-designated adult is a school district employee who is not a licensed nurse, the district employee must file a voluntary written, current, and unexpired letter of intent stating the employee's willingness to be a parent-designated adult. If a school district employee chooses not to file a letter of intent, the employee may not be subject to any employer reprisal or disciplinary action for refusing to do so.

The bill extends current law provisions establishing criminal and civil liability immunity for persons who provide good faith assistance or services to students with diabetes to persons who provide good faith assistance or services to students with epilepsy or other seizure disorders.

WSSDA, in consultation with OSPI, is required to adopt a model policy and procedure that school districts may

use to implement the IHP requirements for students with epilepsy or other seizure disorders. The model policy and procedure, which must be completed by December 15, 2021, must be periodically reviewed by WSSDA and may be revised as necessary.

Finally, current law provisions governing the administration of a nasal spray to public school students that is a legend drug or a controlled substance by school nurses, trained school employees, and parent-designated adults who are not school employees, are repealed.

### **HB 1087—Family Medical Leave rights**

(Representative Berry)

#### **C59 L21**

Clarifying the continuity of employee family and medical leave rights.

Brief Summary of Bill Specifies that the Family Leave Act as it existed prior to January 1, 2020, applies to valid claims based on conduct before that date and the Paid Family and Medical Leave Act applies to claims after that date.

Prior to 2020, the Family Leave Act (FLA) entitled eligible employees to take up to 12 weeks of unpaid leave in a 12-month period, for specified reasons. The FLA also contained employment protection provisions that entitled an employee returning from leave to be restored to their same or equivalent position. Employers were prohibited from interfering with, or discriminating against, employees exercising their rights under FLA. Enforcement provisions in the FLA included a private right of action for employees.

In 2017, the Legislature enacted the Paid Family and Medical Leave (PFML). The adopted legislation (SSB 5975) used a delayed effective date to repeal the FLA on December 31, 2019, the day prior to PFML benefits becoming available on January 1, 2020. The PFML program as enacted contained employment protection, noninterference and nondiscrimination provisions equivalent to the those in the FLA. Additionally, legislation adopted 2020 (SHB 2614) added a private right of action to the PFML program.

The legislation that enacted PFML, along with a delayed repeal of FLA, created an unintended gap in protections. Due to this gap, some employers are arguing employees with claims before 2020 have no remedy. HB 1087 provides a clarification.

HB 1087, as adopted, clarifies the provisions of the FLA as it existed prior to January 1, 2020, apply to employee and employer conduct occurring on or before December 31, 2019. A cause of action based on that conduct remains available within its applicable statute of limitations.



The bill also clarifies the provisions of the PFML program apply to conduct occurring on or after January 1, 2020.

### **ESHB 1113—School attendance**

(Representative Ortiz-Self, By Request: Superintendent of Public Instruction)

#### **C119 L21**

ESHB 1113 modifies current truancy regulations.

For 6-year-old and 7-year-old children enrolled in public school, and for children who are at least 8 years old and under the age of 17, the school district must file a truancy petition after a child's seventh unexcused absence within any month during the current school year and not later than the fifteenth unexcused absence during the school year.

Corresponding changes from the fifth and tenth unexcused absence to the seventh and fifteenth unexcused absence are made in relation to the deadline for a parent-filed truancy petition and with regard to collection of data on the number of enrolled students that meet the unexcused absence thresholds.

OSPI is required to develop and publish best practice guidance to eliminate or reduce student absences and to otherwise implement compulsory school attendance laws. The guidance must focus on student and family engagement, be based in restorative justice practices, and emphasize integration of student and family support systems. The guidance must be developed in consultation with the Education Opportunity Gap Oversight and Accountability Committee and updated periodically.

Finally, beginning August 1, 2021, the term "Community Truancy Board" is changed to "Community Engagement Board".

### **EHB 1121—Emergency graduation waiver**

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

#### **C7 L21**

Legislation adopted in 2020 in response to the COVID-19 pandemic directed the State Board of Education (SBE) to establish and administer a new and temporary waiver program for public and private schools impacted by the pandemic. Legislation enacted last session (EHB 2965), authorized school districts, charter schools, and tribal compact schools to apply to the SBE for a waiver of high school graduation requirements or equivalencies for students in the graduating class of 2020 or earlier who cannot meet the statewide minimum credit and subject area graduation requirements due to school closures. The State Board's emergency waiver authority expired July 31, 2020, necessitating additional authority in 2021.

Beginning with the graduating class of 2020, EHB 1121 allows the State Board to authorize school districts to

grant individual student emergency waivers from credit and subject area requirements established by the SBE, graduation pathway requirements, or both if:

- The student's ability to complete the requirement was impeded due to a significant disruption resulting from a local, state, or national emergency;
- The school district demonstrates a good faith effort to support the individual student in meeting the requirement before considering an emergency waiver;
- The student was reasonably expected to graduate in the school year when the emergency waiver is granted; and
- The student has demonstrated skills and knowledge indicating preparation for the next steps identified in their High School and Beyond Plan and for success in postsecondary education, gainful employment, and civic engagement.

SBE is directed to adopt rules for the administration of the emergency waiver program and may revise the rules periodically. The rules may include:

- An application and approval process for school districts;
- Eligibility criteria;
- Limitations on the number and type of credits that can be waived; and
- Expectations of the school district regarding communication with students and their parents or guardians.

A school district that is granted the authority to issue emergency waivers to students must meet the following requirements:

- Adopt by resolution a written plan that describes the school district's process for students to request or decline an emergency waiver, and a process for students to appeal within the school district a decision to not grant an emergency waiver;
- Maintain a record of courses and requirements waived as part of the individual student record;
- Include a notation of waived credits on the student's high school transcript;
- Maintain records as necessary and as required by the SBE to demonstrate compliance with waiver requirements;
- Report student level emergency waiver data to OSPI in a manner determined by OSPI in consultation with SBE; and
- Determine if there is disproportionality among student subgroups receiving emergency waivers and, if so, take appropriate corrective actions to ensure equitable administration.

Beginning November 1, 2021, OSPI must annually provide the emergency waiver data it receives from school districts to the State Board. SBE, by December 15, 2021, must provide the Legislature with a summary and specified analysis of the emergency waiver data provided by OSPI for students in the graduating classes of 2020 and 2021.

For purposes of the emergency waiver program, the bill defines “emergency” to mean an event or set of circumstances that: demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken community overtaken by such occurrences; or reaches such a dimension or degree of destructiveness as to warrant the Governor proclaiming a state of emergency. “Emergency” may also include a national declaration of emergency by an authorized federal official. It is important to understand that, while this bill addresses current graduating students in the midst of the current pandemic, the bill establishes an emergency waiver program in statute, providing a program that is ready to be used if the state ever has to deal with another major emergency.

### **E2SHB 1139—Lead in Water**

(Representative Pollet)

#### **C154 L21**

E2SHB 1139 requires: lead sample testing in public schools; mitigation if lead concentration is above an established threshold; and regular specified communication students’ families and staff regarding lead contamination in drinking water. The provisions of the bill apply to schools with buildings built, or with all plumbing replaced, before 2016.

#### **School Requirements**

Lead Sampling and Testing. For all drinking water outlets, schools must either: (1) cooperate with the Department of Health (DOH) so that DOH can conduct lead sampling and testing; or (2) contract for lead sampling and testing that meets the DOH technical requirements and submit the test results to the DOH.

Mitigation and Action Plans. If lead test results indicate an elevated lead level, specifically a lead level that exceeds 5 parts per billion (ppb), the school is required to take specific actions. As soon as practicable after receiving a lead test result that reveals a lead level that exceeds 15 ppb at a drinking water outlet, the school must shut off the water to the outlet until a lead contamination mitigation measure is implemented (such as use of a filter). In schools where one or more drinking water outlets have an elevated lead level, the district’s board of directors must adopt a school action plan.

The deadline to adopt an action plan is March 31, 2022, if the school received lead test results between July 1, 2014, and the effective date of the bill (July 25, 2021) for which either remedial action was not taken or retesting has not

confirmed that the elevated lead level has been reduced to below 5 ppb. Otherwise, an action plan must be adopted within six months of receipt of lead test results.

The school action plan must:

- Be developed in consultation with DOH a local health agency regarding the technical guidance, and with OSPI regarding funding for remediation activities;
- Describe mitigation measures implemented since the lead test result was received;
- Include a schedule of remediation activities, including use of filters, that adhere to the technical guidance. The schedule may be based on the availability of state or federal funding for remediation activities; and
- Include post-remediation retesting to confirm that remediation activities have reduced lead concentrations at drinking water outlets to below the elevated lead level.

The public must be provided with notice and opportunity to comment on the school action plan before it is adopted.

The school action plan may include sampling and testing of the drinking water entering the school when test results indicate that the infrastructure of the public water system is a documented significant contributor to the elevated lead levels in the school drinking water. If testing reveals that a significant contributor to lead contamination in school drinking water is the infrastructure operated by a public water system that is not a school water system, the school:

- Is not financially responsible for remediating elevated lead levels in drinking water that passes through that infrastructure;
- Must communicate with the public water system regarding its documented significant contribution to lead contamination in school drinking water and request from the public water system a plan for reducing the lead contamination; and
- May defer its remediation activities until after the elevated lead level in the public water system’s infrastructure is remediated and post-remediation retesting does not detect an elevated lead level in the drinking water that passes through that infrastructure.

A district’s board of directors may adopt an update to an existing school action plan, rather than adopting a new action plan, in order to address additional lead test results, coordinate remediation activities at multiple buildings, or adjust the schedule of remediation activities.

**Communications.** Schools must post on a public website the most recent lead test results no later than the time the proposed school action plan is made publicly available. Unless initial testing, or post-remediation testing, does not detect an elevated lead level at any drinking water outlet, schools are required to annually communicate with students' families and staff about lead contamination in drinking water. The school must consult with DOH or a local health agency on the contents of the communication, which must include:

- The health effects of lead exposure;
- The website address of the most recent lead test results; and
- Information about the school's plan for remedial action to reduce lead contamination in drinking water.

Schools are encouraged to provide this communication as early in the school year as possible.

### **The Department of Health**

**Lead Sampling and Testing.** DOH is required to conduct lead sampling and testing for lead contamination at drinking water outlets in the schools that have buildings built, or with all plumbing replaced, before 2016. DOH must enter a data-sharing agreement with OSPI for the purpose of compiling a list of these schools. It is clarified that DOH meets this requirement when a school contracts for lead sampling and testing that meets specified requirements and submits the test results to DOH. Initial testing must be conducted between July 1, 2014, and June 30, 2026, and retesting must be conducted no less than every five years beginning July 1, 2026.

DOH is required to contact schools before developing a two-year plan for sampling and testing. Beginning July 1, 2026, in developing the plan, DOH must group and prioritize school buildings based on the combined length of time since each school building was built (or with all plumbing replaced) before 2016 was sampled and tested.

**Technical Guidance.** DOH is required to develop and make available technical guidance for reducing lead contamination in drinking water at schools that is at least as protective of student health as federal guidance on this topic. The technical guidance must include the technical requirements for sampling, processing, and analysis, including that analysis must be conducted by a laboratory accredited by the Department of Ecology. The technical guidance must describe best practices for remediating elevated lead levels at drinking water outlets in schools. Best practices must include installing and maintaining filters certified by a body accredited by the American National Standards Institute. Provisions of the technical guidance related to testing for the presence and level of lead in drinking water, as opposed to testing to identify

sources of lead for remediation, must be designed to maximize detection of lead in water, and therefore must prohibit sampling or analytical methods that tend to mask lead contamination, including pre-stagnation flushing and removal of aerators prior to sampling.

**Community Water Systems.** DOH must issue a written waiver that exempts community water systems that serve schools from the sampling and testing requirements of the federal Lead and Copper Rule, if DOH determines that the mandatory requirements for sampling and testing for, and remediation of, lead contamination in drinking water outlets at elementary and secondary schools under this act are consistent with the federal Lead and Copper Rule requirements.

**State-Tribal Compact Schools.** Provisions of E2SHB 1139 do not apply to state-tribal compact schools; however, DOH must allow state-tribal compact schools to opt-in to lead sampling and testing for lead contamination at drinking water outlets in school buildings built, or with all plumbing replaced, before 2016.

### **The Board of Health**

The federal threshold for "elevated lead levels" is 15 ppb, while this bill's threshold is 5 ppb. Nevertheless, this bill specifically authorizes the Board of Health, after July 1, 2030, to define "elevated lead level" at a concentration of 5 or fewer ppb if scientific evidence supports a lower concentration as having the potential for further reducing the health effects of lead contamination in drinking water.

### **ESHB 1176—Withholding grades and transcripts**

(Representative Paul)

#### **C120 L21**

Under current law, if school property, or property belonging to a contractor of the district, an employee, or another student, has been lost or willfully cut, defaced, or injured, the school district is allowed to withhold the grades, diploma, and transcripts of the student responsible for the damage or loss until the student or the student's parent or guardian has paid for the damages. If the student and the student's parent or guardian are unable to pay for the damages, the school district must provide a program of voluntary work for the student in lieu of the payment of monetary damages. Upon completion of the voluntary work, the student's grades, diploma, and transcripts must be released. The student's parent or guardian is liable for damages as otherwise provided by law.

Additionally, a student who is suspended for damaging a school district or contracted school bus may not enter or ride any school bus until the student or the student's parent or guardian has paid in full for the damages.

If a student enrolling in a different school has not paid a fine or fee for damaging or losing school property, or tuition, fees, or fines at an approved private school,

current law allows the sending school to withhold the student's official transcript. The sending school, however, must transmit information about the student's academic performance, special placement, immunization records, records of disciplinary action, and history of violent behavior or other specified offense. If the official transcript is withheld because of unpaid tuition, fees, or fines, the enrolling school must notify both the student and parent or guardian that the official transcript will not be sent until the financial obligation is met, and that failure to have an official transcript may result in failure to graduate or exclusion from extracurricular activities.

Viewed as a discriminatory practice, ESHB 1176 removes the allowance for school districts to withhold the grades and transcripts of students responsible for damaging or losing school property, or property belonging to a contractor of the district, an employee, or another student. School districts may, however, continue to withhold diplomas.

School and school bus readmittance requirements are also modified. Provisions prohibiting school districts from readmitting students who have been suspended for property damage or loss until the students or the students' parents or guardians have made payments in full for the damages, or until directed by the superintendent of schools, are repealed. Provisions barring students who have damaged a school district or contracted school bus from entering or riding any school bus until the students or the students' parents or guardians have paid in full for the damages, or until directed by the superintendent, are also repealed.

Although this bill still allows a school district to withhold a student's diploma for damaging or losing school property or property belonging to a contractor, an employee, or another student; however, the board of directors of the district must first adopt policies to ensure the protection of students' due process rights.

Further, public and private schools may no longer withhold a transferring student's official transcript due to: an unpaid fine or fee for damaging or losing school property or property belonging to other specified parties; or unpaid tuition, fees, or fines at an approved private school.

Finally, ESHB 1176 requires school districts that withhold diplomas from students because of unpaid penalties for property that was damaged or lost by a student to post information on their websites indicating:

- The number of withheld diplomas, by graduating class, during the previous three school years; and
- The number of students with withheld diplomas who were eligible for Free or Reduced-Price Meals during their last two years in the school district.

As this data is published, school districts must not, to the extent practicable, publish the information along with Associated Student Body fund information that is required to be posted online.

### **ESHB 1189—Tax Increment Financing** (Representative Duerr) **C207 L21**

Tax Increment Financing (TIF) is a method of allocating a portion of property taxes to finance public improvements in designated areas. Typically, under a TIF program, a local government issues bonds to finance public improvements. To repay its bondholders, the local government is permitted to draw upon regular property tax revenue from increases in assessed value inside a special district surrounding the site of the public improvements.

ESHB 1189 authorizes local governments to designate Tax Increment Financing areas and to use increased local property tax collections to fund public improvements. "Local government" in this context means any city, town, county, port, or a combination of these entities. It does not include school districts. While school districts cannot participate and, therefore, do not directly benefit from TIF, there are several school district protections embedded in the bill, to ensure schools are not negatively impacted.

Under provisions of the bill, a local government may designate up to two TIF areas and use resulting tax allocation revenues to pay for public improvement costs. To do so, the local government must adopt an ordinance designating a specific increment area within its boundaries. Public improvements that are to be financed with the use of TIF must be specified, although it is clarified the increment area cannot include the area of the entire jurisdiction of the local government. A local government can create no more than three active increment areas at any given time and they may not physically overlap. An increment area must be retired after no more than 25 years.

There is an assessed value limit within an increment area of \$200 million. If a jurisdiction sponsors two increment areas, the two areas may not equal more than \$200 million or more than 20 percent of the sponsoring jurisdiction's total assessed value, whichever is less.

Prior to establishing an increment area, the local government must consider a project analysis that includes objectives for the increment area, identification of properties within the financing area, and assessments of likely job creation and private development expected from the project. Additionally, there must be an assessment of any impacts and any necessary mitigation to address impacts identified on:

- Affordable and low-income housing;



- The local business community;
- The local school districts; and
- The local fire service.

If a project analysis indicates that an increment area will impact at least 20 percent of assessed value in a fire district, they must negotiate mitigation strategies. Prior to adoption of an ordinance authorizing an increment area, the project analysis must be submitted to the Office of the State Treasurer for review. The local government must hold at least two public briefings for the community regarding the tax increment project.

A local government designating a TIF area may issue General Obligation bonds to finance the public improvements within an increment area. Any increase in assessed value within an area is included in the add-ons for purposes of the 1 percent revenue growth limit calculation.

Beginning in the calendar year following the passage of the ordinance, the county treasurer shall distribute receipts from regular taxes on real property located in the increment area. Property taxes to be apportioned under TIF include property tax levies subject to the \$10 and \$5.90 limits. Taxes levied by port districts or public utility districts specifically for the purpose of making payment on bonds, and taxes levied by the state for the support of the common schools are excluded from TIF apportionment. (Additionally, “regular property taxes” subject to TIF apportionment does not include excess property taxes levied by local school districts.)

Each taxing district shall receive that portion of its regular property taxes produced by the rate of tax levied by the taxing district on the tax allocation base value for that TIF project in the taxing district.

The local government that created the increment area shall receive an additional portion of the regular property taxes levied by each taxing district upon the increment value within the increment area. The local government that created the increment area may agree to receive less than the full amount of this portion as long as bond debt service, reserve, and other bond covenant requirements are satisfied. The portion of the tax receipts distributed to the local government may only be expended to finance public improvement costs financed by TIF.

The apportionment of increases in assessed valuation in an increment area cease when the taxing district certifies to the county assessor that allocation revenues are no longer needed to pay the public improvement costs. Any excess tax allocation revenues must be returned to the county treasurer and distributed to the taxing districts that imposed regular property taxes.

### **SHB 1208—Learning Assistance Program** (Representative Santos) **C111 L21**

Under current law, school districts implementing the Learning Assistance Program (LAP) must focus first on addressing the reading literacy needs of students in kindergarten through fourth grade who are deficient in reading or reading readiness skills. SHB 1208 modifies LAP to enable school districts to focus on identifying and addressing student academic deficits in basic skills resulting from or exacerbated by the COVID-19 pandemic by granting greater local control over, accountability for, and flexibility with program funds. Additionally, the bill provides for continued authorization to flexibly use program funds through the framework of the Washington Integrated Student Supports Protocol (WISSP).

**Budgeting and Expending Program Funds.** School districts must immediately budget and expend LAP appropriations to identify and address the academic and nonacademic needs of students resulting from and exacerbated by the COVID-19 pandemic, and are encouraged to budget and expend LAP funds using the framework of the WISSP. Upon the expiration or termination of the state of emergency declared by the governor for all counties in Washington due to COVID-19 or beginning September 1, 2025, whichever is later, school districts must budget and expend LAP appropriations using the framework of the WISSP.

When budgeting and expending LAP funds using the framework of the WISSP, a school district may use up to 15 percent of the district’s LAP allocation to deliver academic, nonacademic, and social-emotional supports and services to students through partnerships with community-based or other out-of-school organizations. Any agreement between a school district and a community partner must:

- Specify that LAP funds may be used only to provide direct supports and services to students;
- Clearly identify how the community partner’s supports and services will be made available to students and align to the needs of the students as identified in the student-level needs assessment; and
- Identify the in-school supports that will be reinforced by the community partner’s supports and services to promote student progress towards meeting academic standards.

**Program Modifications.** SHB 1208 changes current requirements and restrictions on the use of LAP funds, for example:

- LAP is no longer required to focus first on addressing the reading needs of kindergarten through fourth grade students or to be designed to reduce disruptive behaviors;

- School districts are not required to use a practice or strategy from the state menu or obtain approval to use an alternative practice or strategy;
- The statutory list of best practices, strategies, services and activities that may be supported by the LAP is repealed; and
- Statutory permission to use LAP funds to meet dyslexia screening and intervention requirements for students who are not eligible to participate in the LAP and to use LAP funds for staff dyslexia trainings is repealed.

Program and Practice Review and Reports. The Center for the Improvement of Student Learning (CISL), within the OSPI, is required to periodically review the efficacy of programs and practices designed to meet the needs of students who are not meeting academic standards, starting with the best practices and strategies included on the state menus, and certain listed services and activities. Beginning December 1, 2026, CISL must annually review LAP performance data reported by school districts and report to the Legislature with a summary of the innovations made by school districts to reduce barriers to the academic achievement of students participating in LAP.

School districts must add to data annually submitted to the OSPI the following information: the percentage of LAP funding used to engage community partners; the number of students receiving direct supports and services from those community partners; and the types of supports and services.

Extended Learning Opportunities. The Extended Learning Opportunities program is expanded to ninth and tenth grade students, from eleventh and twelfth grade students.

Washington Integrated Student Supports Protocol Framework. The framework of the WISSP is modified as follows:

- A system-level needs assessment with resource mapping must be conducted to identify academic and nonacademic supports that are currently available or lacking in schools, school districts, and the community;
- School and district leadership and staff must establish policies and procedures with community-based providers, in addition to out-of-school providers, of academic and nonacademic supports; and
- Community partners must be engaged to provide academic and social-emotional supports, in addition to nonacademic supports, to reduce barriers to students' academic success.

Additional Changes. The list of student groups for which the State Board of Education may adopt and revise

performance goals in various subjects is modified. Instead of adopting a goal for students from disproportionately academically underachieving racial and ethnic backgrounds, the State Board may adopt a goal for students who are not meeting academic standards. In addition, the goals for each student group must be disaggregated by specified racial and ethnic categories.

Contracting related to the duties and responsibilities of CISL and reporting on the effectiveness of CISL are made subject to state funding.

#### **ESHB 1214—Safety/security staff** (Representative Senn)

##### **C38 L21**

The conversation about School Resource Officers (SROs), School Security Officers (SSOs), and other safety and security staff was swept up in the discussion about equity, social justice, and police reform this session. Prior to session, there was growing talk about prohibiting security staff on school campuses, especially if they were commissioned, uniformed law enforcement. Ultimately, cooler heads prevailed and the focus was put on this bill, which establishes new requirements and training for safety and security staff—and continues to allow districts to contract with or hire safety/security staff, at their option.

Many legislators are still hesitant about security staff on school grounds and bill states explicitly that “in order to understand the full scope and impact of safety and security staff on school property, additional information must be collected and made publicly available.” In that vein, ESHB 1214 requires school districts to annually collect the following information on safety and security staff:

- Total number of safety and security staff working in the district and in each school building, and number of days per week that each staff works;
- The name of any law enforcement agency or private organization with which the district has an agreement for safety and security services;
- A description of each incident where safety and security staff were involved that resulted in student discipline, use of force against a student, or a student arrest. For each student involved in the incident, the description must include:
  - The student's race, ethnicity, and other demographics; and
  - Whether the student has an individualized education program or plan developed under section 504 of the Rehabilitation Act of 1973;
- The number of complaints related to job duties and student interactions filed against safety and security staff; and
- Other school safety and security information required by OSPI.

At the beginning of the 2021–22 school year, school districts with safety and security staff working on school property when students are expected to be present, must adopt and periodically update a policy and procedure concerning safety and security staff. The required elements of the policy and procedure consist of certain existing SRO agreement requirements that are extended to the policy and procedure:

- A clear statement regarding safety and security staff duties and responsibilities related to student behavior and discipline that:
  - Prohibits a school resource officer from becoming involved in formal school discipline situations that are the responsibility of school administrators; and
  - Recognizes that trained safety and security staff know when to informally interact with students to reinforce school rules and when to enforce the law;
- Clarifies the circumstances under which teachers and school administrators may ask safety and security staff to intervene with a student;
- Explains how safety and security staff will be engaged in creating a positive school climate and positive relationships with students; and
- Describes the process for families to file complaints with the school and, when applicable, the local law enforcement agency or the company that provides the safety and security staff on contract related to safety and security staff and a process for investigating and responding to complaints.

At the beginning of each school year, school districts that have safety and security staff working on school property must present to and discuss with students, and distribute to students' families, information about the role and responsibilities of safety and security staff.

School districts are also required to establish, when applicable, an annual agreement with a law enforcement agency or security guard company, that contains:

- A jointly determined hiring and placement process, and performance evaluation process for safety and security staff;
- The confirmation that safety and security staff have training series documentation provided by an ESD or the description of a plan to provide safety and security staff the necessary training series; and
- The involvement of parents, students, and community members in this agreement review and adoption.

The Legislature believes that in order to have a better school climate, safety and security staff must not simply address crime and disorder problems; they must work to build positive relationships with students. Some of the new

training requirements highlight this belief.

ESHB 1214 establishes a safety and security staff training program. The program must be jointly developed by the ESDs; however, it may be administered by one or more ESD. When developing the training program, the ESDs are encouraged to engage with the State School Safety Center and the School Safety and Student Well-Being Advisory Committee.

The ESDs must identify or develop classroom training on the following subjects:

- Constitutional and civil rights of children in schools, including state law governing search and interrogation of youth in schools (see ESHB 1140);
- Child and adolescent development;
- Trauma-informed approaches to working with youth;
- Recognizing and responding to youth mental health issues;
- Educational rights of students with disabilities, the relationship of disability to behavior, and best practices for interacting with students with disabilities;
- Bias free policing and cultural competency, including best practices for interacting with students from particular backgrounds, including English learner, LGBTQ, immigrant, female, and nonbinary students;
- Local and national disparities in the use of force and arrests of children;
- Collateral consequences of arrest, referral for prosecution, and court involvement;
- Resources available in the community that serve as alternatives to arrest and prosecution and pathways for youth to access services without court or criminal justice involvement;
- De-escalation techniques when working with youth or groups of youth;
- State law regarding restraint and isolation in schools;
- The federal Family Educational Rights and Privacy Act requirements including limits on access to and dissemination of student records for noneducational purposes; and
- Restorative justice principles and practices.

ESDs are required to provide, or arrange for the delivery of, classroom training on these 13-mandated subjects. The training should be self-supporting and may be provided on a fee-for-service basis. At a minimum, classroom trainings on each subject must be provided annually, remotely, synchronously or asynchronously and by at least one ESD.

Before safety and security staff may work on school property when students are expected to be present, school districts, and any contractors, must either: confirm that the safety and security staff have training series documentation provided by an ESD; or require the safety and security staff to complete the required training series.

The training series components require:

- All school safety and security staff complete classroom training on 13-mandated subjects within the first six months of working on school property when students are expected to be present. The ESDs must, identify or develop classroom training on the 13-mandated subjects. These subjects consist of the existing 12-mandated topics previously required for SRO training, along with the addition of the topic of “restorative justice principles and practices.”;
- All school safety and security staff complete two days of on-the-job training with experienced safety and security staff, at the school of the experienced staff, within the first year of working on school property during the school day; and
- Safety and security staff who are not the SROs must complete at least six check-in trainings with experienced staff within the first year of working on school property during the school day. The ESDs must develop on-the-job training and check-in training guidelines that include specified topics.

### **SHB 1225—School-based health centers**

(Representative Stonier)

#### **C68 L21**

Currently, there are more than 50 school-based health centers (SBHC) that provide integrated medical, behavioral health, and other health care services that are student-focused and located in or adjacent to a school (30 of that total are established in Seattle public middle and high schools). Typically, an SBHC is a collaboration between the community, the school, and a health care sponsor. The health care sponsor may be a community clinic or health care system, hospital, public health department, or tribal program.

SHB 1225 requires the Department of Health to establish a school-based health center program office with the objective to expand and sustain the availability of services to students with a focus on historically underserved populations. The program office must:

- Develop, in partnership with a statewide nonprofit organization, grant funding criteria and metrics for monitoring and evaluating grant recipients;
- Award grant funding for SBHCs’ planning, start-up costs, and ongoing operations;
- Monitor and evaluate SBHCs that receive grant

funding;

- Partner with the statewide nonprofit organization to provide training and technical assistance to SBHCs; and
- Coordinate with the statewide nonprofit organization, ESDs, the Health Care Authority, hosting school districts, and the Office of the Insurance Commissioner to provide support to SBHCs.

### **ESHB 1273—Menstrual products**

(Representative Berg)

#### **C163 L21**

By the beginning of the 2022–23 school year, ESHB 1273 requires all school districts, private K–12 schools, charter schools, and state-tribal compact schools to make menstrual hygiene products available at no cost in all gender-neutral bathrooms and bathrooms designated for female students located in schools serving students in grades six through twelfth. If a school building serving grades six through twelfth does not have a gender-neutral bathroom, then the products must also be available in at least one bathroom accessible to male students or in a school health room accessible to all students. Schools that serve students in grades three through five must make menstrual hygiene products available in a school health room or other location as designated by the school principal.

For the purposes of this requirement, menstrual hygiene products must include sanitary napkins, tampons, or similar items.

This bill is an explicit unfunded mandate, with bill language clearly noting, “School districts and private schools must bear the cost of supplying menstrual hygiene products.” School districts and private schools, however, are permitted to seek grants or partner with nonprofit or Community-Based Organizations to fulfill this obligation.

The requirement to make menstrual products available at no cost also applies to public and private institutions of higher education. Similarly, higher education institutions are responsible for providing the products and may seek grants or partnerships.

Interestingly enough, while both K–12 schools and higher education institutions “must bear the cost” to provide these products, the 2021–23 Operating Budget provides funding to each of Washington’s public higher education institutions to specifically implement the bill. Each institution receives a separate appropriation: University of Washington, Washington State University, Western Washington University, Central Washington University, Eastern Washington University, The Evergreen State College, as well as the State Board for Community & Technical Colleges.



**E2SHB 1295—Institutional Education**

(Representative Callan)

**C164 L21**

Washington's program of basic education mandates that instruction and associated state funding be provided for school-aged students in institutional facilities. The institutional facilities are managed and operated by the Department of Children, Youth, and Families (DCYF), the Department of Social and Health Services, the Department of Corrections (DOC), counties, and cities, but the basic education services are generally provided by local school districts and ESDs, and regional kindergarten through grade 12 education entities that provide services to districts and students.

E2SHB 1295 establishes or modifies numerous duties of OSPI, DCYF, and the State Board of Education (SBE) related to the provision of public education to youth in or released from secure facilities.

For purposes of this bill, "youth" is defined as a person who is under the age of 21 who is a resident of an Institutional Education facility. A youth may be a public school student or a person who is eligible to be a public school student but who is not enrolled in a school or otherwise receiving basic education services. "Postresident youth" is defined as a person who is under the age of 21 and a former resident of an Institutional Education facility. A postresident youth may be a public school student or a person who is eligible to be a public school student but who is not enrolled in a school or otherwise receiving basic education services.

On-Time Grade Level/Graduation Requirements. Current actions that school districts must take to promote the on-time grade level progression and graduation of students experiencing homelessness, students in foster care and others are extended to students who are in or have been released from an Institutional Education facility.

For students in or released from an Institutional Education facility, school districts must provide students with access to world language proficiency tests, American sign language (ASL) proficiency tests, and general education development (GED) tests.

School districts are required to award at least one high school credit to students in or released from an Institutional Education facility upon meeting the standard established by the State Board on a world language, ASL proficiency test, or a GED test. Additional credits may be awarded by the district if a student has completed a course or courses of study to prepare for the test. If the school district has a local policy for awarding mastery-based credit on state or local assessments, the school district must apply this policy for students in or released from an Institutional Education facility.

Dropout Reengagement Requirements. OSPI is directed to examine an existing dropout prevention, intervention, and retrieval system and its associated rules for the purpose of recommending new or modified dropout reengagement requirements and practices that will promote credit earning and high school completion by youth and postresident youth. Findings and recommendations resulting from the review must be submitted by

November 1, 2021, to the governor and the Legislature.

Institutional Education students are made expressly eligible for enrollment in dropout reengagement programs, and OSPI is directed to develop procedures for school districts to report student enrollment in Institutional Education facilities and dropout reengagement programs.

Beginning in the 2021–22 school year, enrollments for students in residential schools, juveniles in detention facilities, and individuals under the age of 18 in adult correctional facilities may be funded above one FTE if the enrollments above one FTE allow for participation in dropout reengagement programs. State funding for enrollments in dropout reengagement programs is in addition to Institutional Education facility enrollments and must be allocated by OSPI in accordance with applicable requirements.

Professional Development. Institutional Education providers must annually deliver to all staff providing an Institutional Education program, one day of professional development that builds pedagogical strategies to navigate the intersectionality of factors impacting student learning, including trauma, and physical, mental, and behavioral health, in order to achieve academic milestone progression. The professional development must, at a minimum, include training on the following:

- The cognitive, psychosocial, and emotional development of adolescents;
- Mental and behavioral health literacy;
- The complex needs of students involved in the juvenile justice system, including the trauma associated with incarceration or voluntary or involuntary commitment in a long-term psychiatric inpatient program; and
- Racial literacy and cultural competency.

The required professional development, which must be funded by the state, is in addition to other professional learning requirements previously established in law.

Duties of DCYF. DCYF is directed to meet new requirements for the Institutional Education students in the facilities it operates. DCYF, with the input of Institutional Education providers, must:

- Identify data needed to evaluate the facilities'

administrative and operational role in providing education to students and supporting students' educational outcomes. This data must include attendance, discipline rates, course, and certificate completion rates, and other educational metrics;

- Analyze, and make a plan to resolve, DCYF and Institutional Education facilities policies and practices that suspend the provision of educational services to a student as a disciplinary action so that students are never denied the opportunity to engage in educational activities; and
- Review and resolve DCYF and Institutional Education facility policies and practices that create barriers to students participating in meaningful learning opportunities in whatever location and format those opportunities are provided.

ESSA Reporting Duties of OSPI. New reporting requirements pertaining to the state's consolidated plan mandated by the federal Every Student Succeeds Act (ESSA) are established. Beginning July 1, 2022, and every three years thereafter, OSPI is required to report on the funding and services provided in support of youth with respect to provisions of the consolidated plan addressing prevention and intervention programs for children and youth who are neglected, delinquent, or at-risk. The stated purpose of the report is to provide the Legislature with the opportunity to determine whether subsequent legislation should be enacted to ensure the education needs of youth and postresident youth. The report, which must be submitted to the Legislature, is also required to include information about the education outcomes resulting from the funding and provided services, and a delineation of the recipients of certain federal funds and how they are being used to support the education needs of youth and postresident youth.

Institutional Education Duties of OSPI. OSPI is required to modify or establish requirements and supports for the provision of public education to youth and postresident youth. In meeting these requirements, OSPI must complete the following duties:

- Adopt rules requiring Institutional Education providers at state long-term juvenile institutions and state-operated community facilities to conduct an Individualized Education Program (IEP) review for each newly admitted youth who either does not have an IEP or does not have an IEP that has been reviewed in the previous 12 months;
- Adopt rules requiring most Institutional Education providers to, upon admission of a youth to an Institutional Education facility, conduct a review and assessment of needed services for each facility transition the youth experiences within the juvenile justice system; and
- Adopt, for youth in state long-term juvenile

institutions and state-operated community facilities, rules to implement accountability measures for special education services delivered by Institutional Education providers, including the establishment of mediation and appeals options related to special education services that recognize the unique situation of youth and postresident youth.

A summary of any adopted or pending rules developed in accordance with the recommendations must be submitted to the Legislature by November 1, 2021.

Data Collection/Posting Duties of OSPI. OSPI is directed to annually collect and post on its website data related to Institutional Education programs, disaggregated by gender, race, ethnicity, and age, including data on:

- IEPs;
- Access to relevant instruction;
- Student attendance;
- Metrics of student education status upon the beginning of residency in an Institutional Education facility;
- Student education progress during residency in an Institutional Education facility;
- Student education attainment during residency in an Institutional Education facility; and
- Long-term education and workforce outcomes of youth in and released from Institutional Education facilities as provided annually by the Education Research and Data Center (ERDC, within the Office of Financial Management).

Provisions governing the ERDC's regular report on the education and workforce outcomes of youth in the juvenile justice system are modified to require an annual report on the education and workforce outcomes of youth in and released from Institutional Education facilities. The report must be provided to OSPI in a manner that is suitable for the collection and website posting obligations of OSPI.

OSPI is also directed, with input from Institutional Education providers and DCYF, to annually recommend modifications to the State Board for changes to annual school improvement plan requirements in administrative rules that would allow plans for state long-term juvenile institutions to be formatted for the specific needs and circumstances of institutional settings.

Additionally, OSPI is required to provide a copy of the disaggregated data to the school district board of directors of each school district that provides education services to youth and postresident youth. The stated purpose of providing the data is to give each board of directors the opportunity to:

- Review the performance of the Institutional Education provider; and
- Make changes to annual school improvement plans required by rule or other policies and procedures as necessary to improve youth and postresident youth outcomes.

Institutional Education Policies of OSPI and DCYF. OSPI and DCYF are directed to jointly develop recommendations for the establishment, implementation, and funding of a reformed Institutional Education system that successfully meets the education and support needs of persons in and released from secure settings. The recommendations should be directed toward meeting the education needs of persons in or released from Institutional Education facilities that are not operated by or under the jurisdiction of the Department of Social and Health Services.

The recommendations must be based on the foundational concept that every student can succeed if given the necessary supports, and must address:

- The establishment of an organizational and accountability structure for Institutional Education that is focused on meeting complex student needs and improving student outcomes;
- The establishment of an equitable, long-term funding model for Institutional Education that sustainably supports the organizational and accountability structure; and
- The development of a regular and ongoing review of system performance and education outcomes.

The developed recommendations must also include provisions addressing the following issues:

- The content and structure of common education, information, and support systems that would include a common, culturally competent curriculum, improve system efficacy, and minimize the negative academic impacts of transitions;
- A coordinated staffing model for Institutional Education facility and Institutional Education provider operations and effectiveness in meeting student needs, and a mechanism for developing subsequent recommendations for improvements to the model;
- Practices to ensure that there is a robust program of education advocates for youth in all Institutional Education facilities;
- Maximizing youth and postresident youth access to: Career and Technical Education and postsecondary education pathways at Institutional Education facilities and at offsite locations; and mastery-based learning that leads to credit accrual and graduation pathways;

- Establishing new or modified requirements and procedures for the successful release of youth from Institutional Education facilities by recommending an effective team-based transition process with identified prereзидент and postresident transition services and supports that include basic needs, social-emotional support, and academic support; and
- Establishing and supporting youth advisory, leadership, and mentoring programs to ensure pathways for youth and postresident youth involvement and development.

E2SHB 1295 establishes the Institutional Education Structure and Accountability Advisory Group for the purpose of providing advice, assistance, and information to OSPI and DCYF in developing the recommendations. In developing the recommendations, OSPI and DCYF are required to consult with the Advisory Group.

The Advisory Group must consist of representatives from at least the following entities:

- State Board of Education;
- Department of Social and Health Services;
- A statewide organization representing counties;
- Administrative Office of the Courts;
- Office of the Education Ombuds;
- Educational Opportunity Gap Oversight and Accountability Committee;
- A statewide organization representing teachers;
- A statewide organization representing classified education staff;
- Nonprofit organizations representing the interest of youth and families involved in the juvenile justice system;
- Persons who are or have been involved in the juvenile justice system and their families; and
- A statewide organization representing state employees.

By August 15, 2021, the State Superintendent and the Secretary of DCYF must jointly designate an entity to facilitate the development of the required recommendations and the Advisory Group. Additionally, staff support for the Advisory Group must be provided by the designated entity.

Criteria for the selection of the designated entity are established, and the entity must:

- Be a nonprofit and nonpartisan organization with content expertise in improving education for incarcerated young people, including education program delivery, system structure, accountability, and school finance; and

- Have experience facilitating complex cross-agency facilitation.

OSPI and DCYF are required to provide an interim report to the governor and the Legislature by December 15, 2021, with the required recommendations being provided by November 1, 2022. The recommendations should include a plan and a phased timeline for their implementation in different types of Institutional Education facilities, including state long-term juvenile institutions, state-operated community facilities, residential habilitation centers, and county juvenile detention centers.

### **SHB 1302—College in the High School**

(Representative Berg)

#### **C71 L21**

College in the High School programs include both academic and Career and Technical Education, and are taught at a participating high school, by high school teachers, with college curriculum, college textbooks, and oversight by college faculty and staff. Under current law, students eligible for the tenth, eleventh and twelfth grades may participate in a College in the High School program. If a student passes a College in the High School course, the student must receive both high school credit and college credit.

If a high school has a College in the High School program, then general information about the program must be provided to students in grades nine through twelve and to their parents and guardians.

The institution of higher education participating in a College in the High School program may charge tuition fees per credit to College in the High School students. When the state provides subsidies for College in the High School credit fees, the maximum per credit fee may not exceed the amount of the per credit subsidy.

As adopted in SHB 1302, ninth grade students are now eligible for college in high school. The current requirement that college in the high school information be provided to students in grades nine through twelve is extended to students in eighth grade. A high school that offers College in the High School must include the following information about program courses in the high school catalog or equivalent:

- There is no fee for students to enroll in a program course to earn only high school credit;
- A description and breakdown of the fees charged to students to earn college credit, and fee payment and financial assistance options; and
- A notification that paying for college credit automatically starts an official college transcript and that college credit earned may count only as elective credit if transferred to another institution of higher education.

The maximum per college credit tuition fee an institution of higher education may charge for a College in the High School course is \$65, annually adjusted for inflation.

OSPI is required to calculate and post the maximum fee on its website by July 1 annually. Current law language specifying that the minimum College in the High School program allocation and subsidy is \$65 per quarter credit and that specified entities must review funding levels for the program every four years and recommend changes is removed.

### **SHB 1323—Long-Term Services Trust**

(Representative Tharinger)

#### **C113 L21**

In 2019, the Legislature established the Long-Term Services and Supports Trust Program to provide long-term services and support benefits to persons who have paid into the Trust Program for a specific amount of time and who have been assessed as needing a certain amount of assistance with activities of daily living.

Beginning January 1, 2022, a premium of 0.58 percent will be assessed on the wages of all employees in Washington who have worked at least 500 hours during the year. Washington residents who are at least 18 years old and who have paid the premium for either: (1) three years within the last six years; or (2) for a total of 10 years are granted “qualified individual” status. A qualified individual may become an “eligible beneficiary” upon having been assessed as requiring assistance with at least three activities of daily living. In addition, eligible beneficiaries must be at least 18 years old, must be a Washington resident, and may not have been disabled before the age of 18. Upon becoming an eligible beneficiary, a person may receive approved services in the form of benefit units that the Department of Social and Health Services pays to a long-term service and supports provider for performing services on behalf of eligible beneficiaries.

With limited exceptions, all public and private employees in Washington are automatically enrolled in the Trust Program and must pay into the system, unless employees attest to having their own long-term care insurance and apply to the Employment Security Department for an exemption from the premium assessment.

SHB 1323 makes a change to the Trust Program, establishing a process for self-employed individuals to elect coverage in the program. Once a self-employed person has elected coverage under the Trust Program, it is a non-revokable decision, and the person may not withdraw from coverage.

The new law clarifies the exemption to the Trust Program for employees who have long-term care insurance must purchase that insurance, attest to that fact, and apply for an exemption from the premium assessment prior to November 1, 2021.



To ensure employees are aware of the Trust Program and those premium assessments will begin on January 1, 2022, the Employment Security Department and the Department of Social and Health Services must jointly conduct outreach to provide employers with educational materials. The agencies must also provide information about the Trust Program and premiums on a public website.

NOTE: It is important that employees make an informed decision about whether to enter the new state Trust Program or if they should seek their own private insurance. Several keynotes:

- The decision to enter into the new Trust Program or seek an exemption is a lifetime, non-revocable decision. The law clarifies that an exempt employee is “permanently ineligible for coverage” under the program. Even if you change jobs, once you opt-out, you may never opt back in. Similarly, once you opt-in, you cannot opt-out or seek an exemption, unless you retire or leave the state.
- You must be a current Washington resident to be eligible for benefits; the benefits are not portable. In other words, if you pay into the system for fifteen years, then move to Oregon, you are no longer eligible for benefits.
- Regardless of how much you contribute over time, the lifetime benefit is currently capped at \$36,500.
- If you begin paying assessments on January 1, 2022, the earliest you would be eligible for benefits is January 2025.
- If you decide to enter the state Trust Program, you can add additional private insurance coverage at any time; however, again, once you opt-in to the state program you cannot opt-out.

Additionally, it is also important to note that, even though the law clarifies the assessments are paid for by EMPLOYEES and EMPLOYERS are only responsible for collecting and remitting the assessments, there may be demands that school districts cover the assessments. As you head to the bargaining table, be aware this may be a topic of conversation.

### **ESHB 1332—Property tax deferral**

(Representative Sullivan)

#### **C73 L21**

Under current law, all real and personal property in Washington is subject to property tax, unless the law provides a specific exemption. To avoid interest and penalties, at least half of the amount owed is due by April 30, and the full balance is due by October 31; however, if the tax is less than \$50, the entire payment must be paid in full by April 30.

Delinquent tax payments are subject to interest and penalties; interest is charged at a rate of one percent

per month on the full amount due from the month of delinquency until the delinquency is paid in full. In addition, a three percent penalty is also imposed on the unpaid amount of current taxes on June 1, with an additional eight percent penalty imposed on the unpaid amount of current taxes as of December 1.

Due to the COVID-19 pandemic, ESHB 1332 requires County Treasurers to grant a deferral of unpaid, nondelinquent taxes due in 2021 via the establishment of a payment plan for qualifying businesses. To qualify, a business must demonstrate a loss of at least 25 percent of revenue for calendar year 2020 compared to calendar year 2019. A deferral must be requested from the county treasurer on forms developed by the Department of Revenue. Penalties and interest are not be applied to taxes due under the deferral payment plan so long as the terms of the payment plan are fully met.

An owner of real property receiving a deferral must pass on the entire benefit to a tenant or sublessee if the tenant or sublessee is required by the lease or other contract to pay the property tax expense of the owner.

A request for a deferral must be made by April 30, 2021, and applicants must certify, under penalty of perjury, that the information in a request is true and correct.

Taxing districts must report their fund balance to the county treasurer by April 30, 2021. The county treasurer must process all requests for deferral by June 30, 2021.

As this bill was adopted to address the COVID-19 pandemic, these provisions expire January 1, 2022.

NOTE: This is one of the many bills that does not specifically or directly relate to school districts; however, it may impact school districts. The deferral under ESHB 1332 cross over multiple fiscal years and have the potential of impacting debt payments. Fortunately, language was added which stipulates “if granting an extension results in any taxing jurisdiction being unable to make scheduled bond payments, then the County Treasurer may choose not to grant extensions.” We trust this will address any negative impacts on school districts’ cash flow.

### **ESHB 1336—Public telecommunications services**

(Representative Hansen)

#### **Delivered to Governor**

ESHB 1336 authorizes certain local governments to provide telecommunications services that will increase the availability of broadband connectivity, especially in rural and/or unserved/unserved areas.

The bill explicitly authorizes Public Utility Districts to provide wholesale telecommunications services as follows:

- Within the district and by contract with another PUD;

- Within an area in an adjoining county that is already provided electrical services by the district; or
- Within an adjoining county that does not have a PUD providing electrical or telecommunications services headquartered within the county's boundaries, but only if the district providing telecommunications services is not authorized to provide electrical services.

A PUD is authorized to provide retail telecommunications services or telecommunications facilities within the district's limits or without the district's limits by contract with another public utility district, any political subdivision of the state authorized to provide retail telecommunications services in the state, or with any federally recognized tribe located in the state of Washington.

Current law authority granted to PUDs allowing them to temporarily provide Internet service to customers of a defunct ISP is repealed. The authority for certain PUDs, those that only provide water, sewer, and wholesale telecommunications services in a county with an area less than 500 square miles located west of the Puget Sound, to provide retail Internet service is also repealed.

Port Districts are also authorized to provide retail telecommunications services within and outside the district's limits. The requirement that a Port District develop a business case plan if exercising its wholesale telecommunications authority for the first time after June 7, 2018, is repealed.

In addition to PUDs and Ports, ESHB 1336 also authorizes second-class cities, towns, and counties to provide telecommunications services.

Before providing retail telecommunications services, PUDs, port districts, second-class cities, towns, and counties must report to their governing bodies and to the State Broadband Office the following about the area to be served by the public entity:

- An assessment of the current availability of broadband infrastructure and its adequacy to provide high-speed internet access and other advanced telecommunications services to end-users;
- The location of where retail telecommunications services will be provided;
- Evidence relating to the unserved nature of the community in which retail telecommunications services will be provided;
- Expected costs of providing retail telecommunications services to customers to be served by the Public Utility District;

- Evidence that proposed telecommunications infrastructure will be capable of scaling to greater download and upload speeds to meet state broadband goals;
- Sources of funding for the project that will supplement any grant or loan awards; and
- A strategic plan to maintain long-term operation of the infrastructure and the expected installation charges and monthly costs for end-users.

A county, city, or town planning under the Growth Management Act (GMA) may receive financial assistance for a public works project that increases access to broadband even if it has not adopted a comprehensive plan, including a capital facilities plan element and development regulations as required by the GMA.

NOTE: Even though the title above indicates this bill has been "Delivered to Governor," it has actually been signed. There is a rather unique situation occurring, however. ESHB 1336 and 2SSB 5383 are very similar bills. The core of each bill provides local governments with the authority to provide telecommunications services. (Both allow PUDs and Ports to provide services, while ESHB 1336 also authorizes second-class cities, towns, and counties to provide services. Additionally, 2SSB 5383 restricts the new authority to "unserved" areas.)

Normally, two similar bills would have been addressed by legislators, through a formal Conference Committee or at the very least via behind-the-scenes negotiations. Sponsors of the two bills could not reach an agreement, so legislators chose to adopt both bills. Procedurally, session laws are assigned to bills in the order they are signed by the governor—and if similar bills are signed with conflicting language, the later bill is the bill that takes precedence ("last bill signed, last bill codified").

The Secretary of State, in charge of assigning session laws and codifying those laws, however, has not assigned a session law number to either bill because the governor signed the bills at the exact same time. The claim is that Governor Inslee signed one bill with his right hand and, at the same time, signed the other bill with his left hand. While he signed 331 other bills with the TVW cameras rolling, he chose to sign these two bills in private—so there is no official verification which bill he signed first or second, or if he actually took the unusual and unprecedented step of literally signing both bills at the same time.

This scenario has put the Secretary of State in a bind. As noted, she is required to assign session laws numbers to bills in the order they are signed. Because the bills were supposedly signed at the same time, she has no authority to determine the order in which the bills should be filed. So, she has filed a petition for legal clarification on how she should proceed.

The Legislature passed the buck to the governor; the governor passed the buck to the Secretary of State; now the Secretary of State has asked assistance from the Courts. Just when you thought a COVID-forced virtual session could not get any stranger....

Beyond the absurdity and intrigue, the reason this issue is important is that broadband grants (potentially \$500 million or more in state and federal funds) lay waiting to be awarded. If this issue gets drawn out, especially in a lengthy court case, critically needed expanded broadband connectivity will have to wait.

#### **EHB 1342—Reduced-price lunch copays**

(Representative Berg)

##### **C74 L21**

Under current law, lunch copays for qualifying students in kindergarten through third grade have been eliminated. In order to qualify, a student must be eligible for a reduced-price lunch.

As provided for in EHB 1342, beginning in the 2021–22 school year, school districts with school lunch programs must eliminate lunch copays for students in prekindergarten through twelfth grade if they qualify for reduced-price lunches. OSPI is required to allocate the necessary funding for this purpose, and the 2021–23 Operating Budget provides sufficient funding to eliminate the copays.

#### **SHB 1356—Native American names**

(Representative Leknaoff)

##### **C128 L21**

Policies and decisions about public school mascots, logos, and team names are determined at the local school district or building level.

Beginning January 1, 2022, SHB 1356 prohibits public schools from using Native American names, symbols, or images as school mascots, logos, or team names, except under specific circumstances.

This prohibition does not apply to public schools located within or with enrollment boundaries that include a portion of “Indian Country,” as the term is defined in federal law, or public schools in a county that contains all or part of a tribal reservation or tribal trust lands, if the tribe or tribes having regulatory jurisdiction over the territory within that boundary have:

- Been consulted by the appropriate school, district, or both, in accordance with specified requirements; and
- Authorized the use of the name, symbol, or image as a mascot, logo, or team name through an appropriate enactment or resolution.

Additionally, a public school that does not meet the geographic requirements for a potential exemption to the prohibition may be exempted from the prohibition if:

- The school is located in a county that is adjacent to a county that contains all or part of a tribal reservation or trust lands; and
- The tribe that is consulted with and determines to authorize the use of the name, symbol, or image is the nearest federally recognized Indian tribe.

A public school may use uniforms or other materials after January 1, 2022, bearing Native American names, symbols, or images as mascots, logos, or team names if the uniforms or materials were purchased before January 1, 2022, and if:

- The school selects a new mascot, logo, or team name by December 31, 2021, to take effect in the 2021–22 school year;
- The school does not purchase or acquire any uniforms or materials that include the discontinued Native American name, symbol, or image. However, a school using the discontinued Native American name, symbol, or image may, until January 1, 2023, purchase or acquire a limited number of uniforms solely to replace damaged or lost uniforms;
- The school does not purchase, create, or acquire any yearbook, newspaper, program, or other similar material that includes or bears the discontinued Native American name, symbol, or image; and
- The school does not purchase, construct, or acquire a marquee, sign, or other new or replacement fixture that includes or bears the discontinued Native American name, symbol, or image.

OSPI is required to create and administer a grant program to provide transitional support grants to school districts to support schools that incur costs resulting from complying with the general prohibition on using Native American names, symbols, or images as school mascots, logos, or team names. The grant program expires on August 31, 2023.

The grant funds may be used for the replacement or redesign of items and materials that display Native American names, symbols, or images, including:

- Uniforms and equipment used by a team, band, cheer squad, or other extracurricular activity;
- School signage and floor designs in gymnasiums or other flooring or surfaces;
- School letterhead and other office supplies; and
- School web pages.

The 2021–23 Operating Budget provides \$1.6 million to implement the bill’s grant program; however, it is assumed the requested funds will far outstrip the appropriation provided. The funding is based on an assumption that approximately 30 high schools will have to make a name/logo/mascot change without taking into account the many middle and elementary schools that will need support. Superintendent Reykdal has stated his commitment to seek additional funding for the grant program in his 2022 Supplemental Operating Budget request.

### **SHB 1363—Secondary Trauma**

(Representative Ortiz-Self)

#### **C129 L21**

Secondary traumatic stress, also called compassion fatigue, is a natural but disruptive set of symptoms that may result when one person learns firsthand of the traumatic experiences of another. Symptoms of secondary traumatic stress may include, among other things, feelings of isolation, anxiety, dissociation, physical ailments, and sleep disturbances.

The Legislature finds that: secondary traumatic stress may be experienced by teachers, school counselors, administrators, or other school staff, and secondary traumatic stress is preventable and treatable. SHB 1363 is an effort to prevent and address secondary traumatic stress in the K–12 workforce and make resources on secondary traumatic stress publicly available.

The bill requires OSPI to publish on its website links to resources, self-assessments, and best practices for educators and local policymakers to prevent and address secondary traumatic stress in the workforce. OSPI is required to collaborate with WSSDA, ESDs, and the School Employees’ Benefits Board and provide links to any resources on secondary traumatic stress available through these organizations.

WSSDA is required to develop or revise, and periodically update, a model policy and procedure to prevent and address secondary traumatic stress in the workforce. The model policy and procedure must include the following elements:

- A commitment to support mental health in the workplace;
- Promotion of a positive workplace climate with a focus on diversity and inclusion;
- Establishment of a districtwide workforce mental health committee with specified functions, for example, sharing resources and reporting to the school board once per year;
- Regular assessment of policy implementation; and
- Provision of appropriate resources and training to schools and staff for continuous improvement.

The model policy and procedure must be posted publicly on the WSSDA website by August 1, 2021. Updates to the model policy and procedure must be posted publicly within a reasonable time of development.

In turn, by the beginning of the 2021–22 school year, each school district is required to adopt, or amend, if necessary, policies and procedures that, at a minimum, incorporate all the elements required for the model secondary traumatic stress policy and procedure. School districts must periodically review their policies and procedures for consistency with updated versions of the model policy and procedure.

### **E2SHB 1365—Student computers/devices**

(Representative Gregerson)

#### **C301 L21**

The COVID-19 pandemic exposed the importance of internet-accessible learning devices for the ability of students to receive a modern education—and also exposed the “digital divide” with low-income families facing disproportionate barriers to the internet and internet-accessible devices appropriate for learning. E2SHB 1365 expresses the Legislature’s intent to:

- Accelerate student access to learning devices and related goods and services;
- Expand training programs and technical assistance on using technology to support student learning; and
- Build the capacity of schools and districts to support digital navigation services for students and their families.

The bill requires, subject to funding, OSPI to develop and administer a technology grant program to advance the following objectives:

- Attain a universal one-to-one student to learning device ratio;
- Expand technical support and training of school and district staff in using technology to support student learning; and
- Develop district-based and school-based capacity to assist students and their families in accessing and using technology to support student learning.

For purposes of the bill, “learning device” is defined as an Internet-accessible computer, tablet, or other device, with an appropriate operating system, software applications, and data security, that can be used to access curricula, educational web applications and websites, and learning management systems, and with telecommunications capabilities sufficient for videoconferencing.

The following entities, individually or in cooperation, are authorized to apply to OSPI for a technology grant: a



public school, which includes a charter public school, and a state-tribal compact school; a school district; an ESD; the Washington Center for Deaf and Hard of Hearing Youth; and the state School for the Blind. At a minimum, grant applications must include:

- The applicant's technology plan for accomplishing the goals of the grant program, the applicant's student demographics, including the percent of students eligible for Free and Reduced-Price Meals, and any specialized technology needs of the applicant's students, such as students with disabilities and English learners who may need adaptive or assistive technologies; and
- A description of pre-existing programs and funding sources used by the applicant to provide learning devices to students, staff, or both.

When ranking and selecting applicants, OSPI is required to prioritize both of the following:

- Applicants without pre-existing programs to provide a device for every student and that have 30 percent or more students eligible for Free and Reduced-Price Meals; and
- Applicants with students who have specialized technology needs.

E2SHB 1365 requires each ESD to provide technology consultation, procurement, and training (as described below) to local public schools and school districts, the Washington Center for Deaf and Hard of Hearing Youth, and the state School for the Blind. Each ESD must consult with teacher-librarians through school library information and technology programs to provide these services and may provide these services cooperatively with other ESDs.

Technology consultation involves providing technical assistance and guidance related to technology needs and financing, and may include consultation with other entities, including consultation and contract with the Department of Enterprise Services.

Technology procurement involves negotiating purchasing and leasing of learning devices and peripheral devices, learning management systems, cybersecurity protection, device insurance, and other technology-related goods and services. When selecting goods and services for procurement, ESDs must consider a variety of student needs, as well as accessibility, age appropriateness, privacy and security, data storage and transfer capacity, and telecommunications capability.

Technology training involves developing and offering direct services related to staff development and capacity building to provide digital navigation services to students and their families. ESDs are required to seek to consult teacher-librarians and other relevant information technology programs to determine where there is a need and focus for

this training. Technology training may also be provided on a fee-for-service basis.

By November 1, 2022, and by November 1 every even year thereafter, OSPI is charged with providing a report to the Legislature with:

- A summary of collected and analyzed data related to: (a) technology consultation, procurement, and training provided by ESDs; (b) OSPI technology grants; and (c) biennial surveys on school and district progress to accomplish the objectives of the technology grant;
- The status of the state's progress in accomplishing the following: (a) accelerate student access to learning devices and related goods and services; (b) expand training programs and technical assistance on using technology to support student learning; and (c) build the capacity of schools and districts to support digital navigation services for students and their families;
- Recommendations for improving the administration and oversight of the technology grants, consultation, procurement, and training; and
- An update on the innovative and collaborative activities occurring in communities across the state to support widespread public technology literacy and fluency, as well as student universal access to learning devices.

In addition, by November 1, 2022, OSPI is required to survey districts, collect data, and provide a report to the Legislature that contains, at a minimum, the following:

- A list of districts that have a separate technology levy;
- The total amount of funding generated by the technology levies; and
- A detailed breakdown of how the funds generated by the technology levies are being used.

In the last days of session, provisions from a dead bill, SB 5242 (media literacy and digital citizenship), were added to E2SHB 1365. Subject to state funding, and until July 31, 2031, OSPI is required to establish a grant program for the purposes of supporting media literacy and digital citizenship through school district leadership teams. OSPI must establish and publish criteria for the grant program, and may accept gifts, grants, or endowments from public or private sources for the grant program.

For a school district to qualify for a grant, the grant proposal must provide that the grantee create a district leadership team that develops a curriculum unit on media literacy or digital citizenship, or both, that may be integrated into social studies, English language arts, or health. In developing the curriculum unit, school districts

are encouraged to work with school district teacher-librarians or a school district library information technology program, if applicable. The developed curriculum unit must be made available as an open educational resource. Grant recipients are expected to evaluate the curriculum unit they develop.

Up to ten grants per year must be for establishing media literacy professional learning communities with the purpose of sharing best practices in media literacy. These grant recipients must develop an online presence for their community to model new strategies and to share ideas, challenges, and successful practices. These grant recipients must also attend group meetings convened by the OSPI for the purpose of sharing best practices and strategies in media literacy education.

At least one grant awarded in each award cycle must be for developing and using a curriculum that contains a focus on synthetic media as a major component.

Subject to state funding, and until July 31, 2031, OSPI is also required to convene two regional conferences on the subject of media literacy and digital citizenship. The conferences should highlight the work performed by the recipients of the grant program, as well as best practices in media literacy and digital citizenship. The locations for conferences must include one site in Western Washington and one site in Eastern Washington.

**ESHB 1368—Pandemic relief**  
(Representative Ormsby)  
**C3 L21**

Introduced as an “early action” budgetary response to the COVID-19 pandemic, ESHB 1368 distributed federal relief funding for a broad range of pandemic responses, including: contact tracing, outbreak response, vaccine distribution, housing assistance, uninsured COVID care, grants to childcare providers, food assistance, undocumented student relief grants, disaster cash assistance, rate enhancement for long-term care providers, and other supports.

The final bill appropriated \$2.2 billion in federal funding from a combination of the Coronavirus Relief Fund under the federal Coronavirus Aid, Relief, and Economic Security Act (March 2020) Act and the Consolidated Coronavirus Response and Relief Supplemental Appropriations Act (December 2020). Funding includes:

- \$714 million for assistance to K–12 schools;
- \$618 million for public health, including \$438 million for testing and contact tracing;
- \$100 million for epidemiology and laboratory grants, and \$68 million for vaccines;
- \$365 million for a variety of housing-related items, including rental assistance;
- \$240 million for business assistance grants;
- \$91 million for other income assistance programs, including \$65 million for immigration services, \$12 million for disaster cash assistance, \$9 million for Temporary Assistance for Needy Families, and \$5 million for food assistance;
- \$50 million for a variety of childcare-related items; and
- \$26 million for food banks and other food-related programs.

NOTE: Much of this funding was reappropriated in the 2021–23 Operating Budget to ensure funding is available next biennium if the funds have not been expended in the Fiscal Year 2021.

**ESHB 1370—Early learning facilities**  
(Representative Callan)  
**C130 L21**

The Department of Commerce administers the Early Learning Facilities (ELF) program, which provides grants and loans to eligible organizations to plan, renovate, purchase, and construct early learning facilities. The program is funded through the ELF revolving account and the ELF development account. In the 2021–23 biennium, eligible organizations may receive grants or loans up to:

- \$10,698 for facility predesign, feasibility planning, and project development;
- \$106,978 for minor renovation or repairs of existing early learning facilities; and
- \$855,823 to create, purchase, or expand early learning facilities.

Additionally, school districts may receive grants or loans up to \$855,823 to purchase, construct, or renovate early learning classrooms.

ESHB 1370 increases the Early Learning Facilities program grant or loan amounts:

- To \$20,000 for predesign grant or loans;
- To \$200,000 for minor renovations or repairs; and
- To \$1 million for major construction and renovation.

The bill also renames the Early Learning Facilities account as the Ruth LeCocq Kagi ELF account.

The 2021–23 Capital Budget provides \$4.7 million of the Ruth LeCocq Kagi Early Learning Facilities Development Account (via the Department of Commerce) to nine school districts for early learning facility projects.

**SHB 1373—Behavioral health/students**

(Representative Callan)

**C167 L21**

SHB 1373 requires every public school that maintains a website to publish onto the home page of that website the following information:

- The website address and phone number for one or more national suicide prevention organizations;
- The website address and phone number for one or more local, state, or national organizations specializing in suicide prevention or crisis intervention;
- The website address and phone number for one or more local, state, or national organizations specializing in depression, anxiety, or counseling for adolescents;
- The website address and phone number for one or more local, state, or national organizations specializing in eating disorders for adolescents;
- The website address and phone number for one or more local, state, or national organizations specializing in substance abuse for adolescents; and
- The website address and phone number for a mental health referral service that meets specified criteria.

Public schools may meet the website publishing requirements by posting a prominent link on their home pages to a behavioral and emotional health website that contains the required information.

Public schools are also required to post information on social media websites used by the school district for the purpose of notifying students, families, and the public of the behavioral health resources published on website home pages. The social media postings must occur multiple times each year and no less than quarterly.

**ESHB 1426—Continuing education equity**

(Representative Santos)

**C77 L21**

The Professional Educator Standards Board (PESB) adopts rules and creates policies for the preparation and certification of educators. PESB's statutory duties include specifying the types and kinds of educator certificates to be issued and the conditions for certification. Teachers and administrators holding residency, professional, initial, and continuing certificates must complete continuing education requirements to renew their professional certificates every five years.

ESHB 1426, one of several bills as a part of the Legislature's focus on equity, requires continuing education requirements to include specific equity components. PESB is required to adopt rules for the renewal of administrator

certificates and teacher certificates.

To renew an administrator certificate on or after July 1, 2023, continuing education must meet the following requirements:

- Ten percent must focus on equity-based school practices;
- Ten percent must focus on the National Professional Standards for Education Leaders; and
- Five percent must focus on government-to-government relationships with federally recognized tribes.

To renew a teacher certificate on or after July 1, 2023, 15 percent of continuing education must focus on equity-based school practices. This requirement, however, does not apply to a person renewing both a teacher certificate and an administrator certificate.

Continuing education focused on equity-based school practices must be aligned with current state standards for cultural competency. This continuing education must be provided by one or more of the following entities, if they are an approved clock hour provider: OSPI, a school district, an ESD, a PESB-approved administrator or a teacher preparation program, AWSP, or WEA. Continuing education related to government-to-government relationships with federally recognized tribes must be provided by one or more subject matter experts approved by the Governor's Office on Indian Affairs in collaboration with the Tribal Leaders Congress on Education and the Office of Native Education in OSPI.

**ESHB 1457—Broadband highway access**

(Representative Wylie)

**C258 L21**

The intent of ESHB 1457 is to provide another avenue to extend broadband connectivity beyond its current outreach. The bill states the policy of the state is that limited access highway rights-of-way be used to accommodate the deployment of broadband facilities in a manner consistent with the transportation purpose served by limited access highways. Broadband facilities are considered a critical part of the state's infrastructure, and the rapid deployment of broadband facilities is considered critical to public safety, network access, quality of service, and rural economic development.

To meet the state's policy, the Washington State Department of Transportation (WSDOT) is directed to adopt and maintain an agency policy that requires the agency to proactively provide broadband facility owners with information about planned state highway projects to enable collaboration between the state and the broadband facility owners for the installation of broadband facilities during project work, when possible.

The State Broadband Office (SBO) is required to serve the ongoing and growing needs of the state's transportation systems as part of its broadband-related efforts. It must address barriers to the development, adoption, and utilization of broadband services related to project coordination logistics. SBO may collaborate with WSDOT in carrying out its purpose. In its biennial report, SBO must include a summary of its activities coordinating infrastructure development with WSDOT.

If no owners would like to participate in the installation of broadband infrastructure during highway project work, WSDOT may have its contractors install broadband conduit as part of road construction projects to benefit the transportation system. This broadband conduit may be used to:

- Reduce future traffic impacts;
- Support vehicle miles traveled reduction and congestion management goals of the state through facilitating telework; and
- Prepare the transportation system for the use of autonomous vehicles.

Broadband facility owners must obtain a franchise granted by WSDOT before installing broadband facilities within WSDOT's conduit. The costs for installation and maintenance facilities are the responsibility of the broadband facility owner. WSDOT may adopt rules establishing a fee schedule for the occupancy of broadband facilities within WSDOT broadband conduit consistent with federal law.

Subject to appropriations, the bill requires the Joint Transportation Committee (JTC) to oversee a consultant study that would provide recommendations on the following:

- A WSDOT strategy, and specific limited access highway corridors, that could be used to address missing fiber connections and inadequate broadband service in parts of the state;
- Planning and financial tools that could provide the state with greater ability to install conduit in anticipation of future broadband fiber occupancy;
- Opportunities for mutually beneficial partnerships between the WSDOT and broadband service providers for broadband for transportation purposes; and
- Strategies for mitigating potential safety, operations, and preservation impacts to transportation related to the recommendations above.

The study must also address the appropriate taxonomy to apply to areas unserved and underserved by broadband to better prioritize broadband needs in the state, as well

as when the inclusion of broadband conduit installation is recommended as the most effective means of facilitating broadband access. In addition, the study must consider the most relevant best practices in other states and include an examination of state and federal laws and regulations that could impact these recommendations. It is also required to include recommendations for federal actions that could be requested by Washington state legislators, and recommendations for modifications to applicable state laws and regulations.

JTC is required to consult with WSDOT, SBO, and other state agencies and local jurisdictions, as well as public and private utility providers and public and private broadband providers, as necessary, during the development of the study's recommendations.

This is another bill that is not K–12 specific; however, as broadband connectivity is expanded, especially to rural and unserved or underserved areas of the state, students and families of local school districts will benefit.

#### **ESHB 1476—Enrollment decline** (Representative Dolan) **C221 L21**

Originally introduced to address pandemic-related enrollment declines by providing enrollment stabilization funds, ESHB 1476 was drastically changed as it went through the legislative process. The bulk of the provisions in the original versions of the bill to secure stable funding for general apportionment, as well as for numerous other programs that are funded via enrollment, were removed and addressed in the 2021–23 Operating Budget (for details, see the Operating Budget section, earlier in this Report).

As ultimately adopted, ESHB 1476 specifically (and only) addresses school district levy capacity. While the remainder of the original versions of the bill became budget issues, levy capacity could not be addressed in the budget and remained as the only item in the bill.

The final bill revises enrichment levy formulas in the 2022 Calendar Year to ensure levy capacity is not impacted due to enrollment declines. In calculating a school district's maximum levy, a school district's 2019–20 enrollment is allowed to be used in place of 2020–21 enrollment, if 2019–20 enrollment is greater. In order to be eligible for this revised levy lid calculation, the school district must be open for in-person instruction at the beginning of the 2021–22 school year. "Open for in-person instruction," as defined in the bill, means that all students in all grades have the option to participate in at least 40 hours of planned in-person instruction per month, and the school follows state Department of Health guidance and recommendations for resuming in-person instruction to the greatest extent practicable.



Just a final note. Remember that under the “new” levy system (as adopted in 2017), there are two ways to calculate levy lids: maximum levies are \$2.50 per \$1,000 of assessed valuation OR \$2,500 per pupil—whichever is less. (The \$2,500 per pupil limiter is adjusted for inflation; for Calendar Year 2022, the maximum levy is \$2,663.39 per pupil.) If your district uses the \$2.50 per \$1,000 AV to calculate your maximum levy, ESHB 1476 has no effect.

### **SHB 1484—Building mapping system**

(Representative Dolan)

#### **C223 L21**

In 2003, the Legislature directed the Washington Association of Sheriffs and Police Chiefs (WASPC) to create a statewide first responder building mapping information system for schools and other public buildings, known as the Critical Incident Planning and Mapping System, or Rapid Responder. The mapping system is intended to provide information to emergency response agencies for natural disasters, criminal acts, and other incidents. The mapping system includes floor plans, contact information, utilities, hazards, and other information about schools and other public buildings. All emergency response agencies can access the mapping system for free.

While well-intended, school districts are not required to update information or map new schools unless funding is available—and for the last six fiscal years, state funding has covered only the operational costs of the mapping system. Because of the lack of funding, it was believed school maps were outdated. That belief was confirmed in a 2019 study performed by the Joint Legislative Audit and Review Committee (JLARC). The study included information on the number of school districts that use other technologies for building mapping, mapping and operations costs, the varied uses of the mapping system, and identified advantages and limitations of the mapping system.

JLARC made two recommendations in its report: (1) WASPC should develop and implement detailed training and outreach strategies that have measurable goals and targets; and (2) WASPC should periodically review technology standards, address user feedback about technology issues, and use system data to inform its program management decisions.

SHB 1484 repeals current statutes that direct the operation of the mapping system by WASPC and the use of the mapping system by schools. Current requirements for safe school plans are also revised. Implementation of safe school plans no longer requires: (1) consistency with the mapping system; (2) annual updates of the mapping system; (3) reports to WASPC; nor (4) use of the mapping system in schools’ safety-related drills.

The bill requires that WASPC, no later than 90 days after July 1, 2021:

- Coordinate with OSPI to transfer all information in the mapping system related to public schools to OSPI; and
- Notify all public entities that are not public schools that the mapping system has been terminated as of July 1, 2021.

For any public entity that is not a public school that requests its data from the mapping system prior to December 31, 2021, WASPC must coordinate a timely and efficient transfer of that entity’s data to that entity. No later than December 31, 2021, WASPC must provide the governor all data related to any facility owned by any public entity in the mapping system. WASPC is not required to provide any data or information regarding tactical or intelligence information to any person or entity that is not a Washington law enforcement agency.

### **SSB 5013—Local redistricting deadline**

(Senator Hunt)

#### **C173 L21**

Each county, city, and special purpose district (including school districts) which uses districts to elect all, or part of its governing body must adjust its district boundaries after each decennial census. Each jurisdiction must prepare a redistricting plan within eight months of receipt of the data from the Redistricting Commission and submit that plan to the county auditor. Each district must be relatively equal in population, compact, and geographically contiguous and the plan should also try to preserve existing communities of related and mutual interest.

With the 2020 census completed, SSB 5013 revises local redistricting deadlines. For the redistricting cycle after the 2020 decennial census only:

- Jurisdictions scheduled to elect members of their governing bodies in 2022 must submit redistricting plans by December 31, 2021; and
- Jurisdictions not scheduled to elect members of their governing bodies in 2022 must submit redistricting plans by November 15, 2022.

For subsequent redistricting cycles, each jurisdiction must submit its redistricting plan by the earlier of:

- Eight months after the receipt of census data from the Redistricting Commission; or
- November 15 of each year ending in one.

### **SB 5021—Retirement benefits/furlough**

(Senator Hunt, by request of Department of Revenue)

#### **C12 L21**

Most of the state’s public employees (including school district staff) are members of a pension system administered by the Department of Retirement Systems (DRS). Each of the plans within these systems includes a

defined benefit component in which the retirement benefit is calculated based on the member's years of service, also called service credit, and their average final compensation. A member's average final compensation is the average level of annual pay received from plan-eligible employment for a set period of time that varies by plan between two years and 60 months. Since a member's retirement benefit is based on average final compensation, a member whose salary is reduced during the two- or five-year period prior to retirement due to a reduced schedule, leave without pay, or other reasons will likely receive a smaller retirement allowance due to a lower average final compensation.

The Employment Security Department administers the Unemployment Insurance Shared Work Program, which allows employers to temporarily reduce employee hours up to 50 percent and allows the workers to collect partial unemployment benefits. Health care, retirement, paid vacation, holiday, and sick leave benefits must continue to be provided to Shared Work employees under the same terms and conditions as when the employee worked usual weekly hours. During much of the COVID-19 pandemic, many state and school employees had their work hours reduced under the Shared Work program—which also negatively impacted their retirement benefits, if they were near their retirement date.

SB 5021 was introduced to ensure public pension benefits will not be reduced as a result of furloughs due to participation in the Unemployment Insurance Shared Work Program. The bill provides, during the 2019–21 and 2021–23 fiscal biennia, the average final salary and earned service credit for members of each of the state's retirements systems—including the Public Employees' Retirement System (PERS), the School Employees' Retirement System (SERS), and the Teachers' Retirement System (TRS)—must include any compensation that was forgone as a result of reduced work hours, mandatory leave without pay, temporary layoffs, furloughs, reductions to the current pay, or other similar measures resulting from the COVID-19 budgetary crisis, if the reduced compensation was an integral part of the employers' expenditure reduction efforts, as certified by the employer. This does not include the elimination of a previously agreed-upon future salary increase.

Additionally, the bill clarifies the retirement benefit of an employee who is a member of a retirement system administered by DRS is not impacted by reduced hours when the reduction is part of an approved Shared Work plan. This provision applies prospectively and retroactively to July 28, 2013.

**SSB 5030—School counseling**  
(Senator Mullet)  
**C174 L21**

Under SSB 5030, each school district is required to develop

and implement a written plan for a comprehensive school counseling program by the beginning of the 2022–23 school year. The school counseling program must be based on regularly updated standards developed by a national organization representing school counselors.

The written plan is required to:

- Establish a comprehensive school counseling program that uses state and nationally recognized counselor frameworks and is systemically aligned to state learning standards;
- Provide a process for identifying student needs through a multilevel school data review and analysis that includes, at a minimum, use-of-time data;
- Program results data; and data regarding communication with administrators, parents, students, and stakeholders;
- Explain how direct and indirect services will be delivered through the comprehensive school counseling program; and
- Establish an annual review and assessment process for the comprehensive school counseling program that includes building administrators and stakeholders.

The comprehensive school counseling program requires school counselors or other Educational Staff Associates (ESA) to spend at least 80 percent of their work time providing direct and indirect services to benefit students. Tasks such as coordinating and monitoring student testing, supervising students at lunch and recess, and assuming the duties of other non-counseling staff are not direct or indirect services.

Direct services are in-person interactions between school counselors or ESAs and students that help students improve achievement, attendance, and discipline. Examples include instruction, appraisal, advisement, and counseling. Indirect services are provided on behalf of students as a result of a school counselor or ESA's interactions with others. Examples include collaboration, consultation, and referrals. Work time is defined as the portion of an employee's contracted hours for which they are contracted to perform the duties of a school counselor or other ESA assignment.

By December 1, 2021, OSPI must develop and distribute guidance for school districts implementing a written plan and comprehensive school counseling program. OSPI must also consult with and develop guidance for small districts that is appropriate for the staffing resources, school counselor-to-student ratios, and range of duties performed by school counselors and ESAs in small school districts.

Prior to the 2022–23 school year, each school district board of directors is required, within existing funds, to develop a transition plan for developing and implementing the comprehensive school counseling program plan.

#### **ESSB 5044—Equity training**

(Senator Das)

##### **C197 L21**

ESSB 5044 requires all school employees (including all school and district staff) and elected school directors to receive regular training on equity issues.

WSSDA is required to develop cultural competency, diversity, equity, and inclusion (CCDEI) standards for school director governance and post it on its website at no cost. The Professional Educator Standards Board (PESB) is required to develop or update CCDEI standards of practice for preparation, continuing education, and other training of school district staff and post it on its website. WSSDA and PESB must collaborate to compare and align CCDEI standards. The Education Opportunity Gap Oversight and Accountability Committee must, and the Office of Equity, may review the CCDEI standards.

The bill updates statutory references to cultural competency standards to refer to the CCDEI standards. Diversity, equity, and inclusion are defined as follows:

- DIVERSITY describes the presence of similarities and differences within a given setting, collective, or group based on multiple factors including race and ethnicity, gender identity, sexual orientation, disability status, age, educational status, religion, geography, primary language, culture, and other characteristics and experiences;
- EQUITY includes developing, strengthening, and supporting procedural and outcome fairness in systems, procedures, and resource distribution mechanisms to create equitable opportunities for all individuals, and also includes eliminating barriers that prevent the full participation of individuals and groups; and
- INCLUSION describes intentional efforts and consistent sets of actions to create and sustain a sense of respect, belonging, safety, and attention to individual needs and backgrounds that ensure full access to engagement and participation in available activities and opportunities.

By November 1, 2030, and every ten years thereafter, WSSDA and PESB must review the definitions and report any recommendations for revising the definitions to the Legislature.

Professional development and training regarding CCDEI standards replaces existing cultural competency training.

School Board Directors. WSSDA is required to identify or develop and periodically update governance training

programs that align with the CCDEI standards for school director governance. The training program must include certain topics.

Beginning with the 2022 calendar year, WSSDA must provide a governance training program. Each member of a board of directors must complete the program once per term of elected office, except that newly elected directors must complete a governance training program within two years of election.

School District Staff and Superintendents. PESB must identify or develop and periodically update, training programs for school district staff and superintendents that align with the CCDEI standards of practice. The training programs must include certain elements. When establishing policies and requirements for the preparation and certification of educators, PESB must require that the programs of courses, requirements, and other activities leading to educator certification align with the CCDEI standards.

School Districts Identified for Improvement. The current statute that strongly encourages certain districts identified for improvement to provide cultural competency professional development and training is repealed.

In the 2021–22 school year, school districts must use one of the three state-funded Professional Learning Days to train school district staff in one or more of the following topics: cultural competency, diversity, equity, or inclusion.

Beginning in the 2023–24 school year, and every other school year thereafter, school districts must use one of the three state-funded Professional Learning Days to provide a CCDEI training program to all school district staff. School district staff includes all classified staff, certificated instructional staff, certificated administrative staff, and superintendents.

#### **ESSB 5061—Unemployment insurance**

(Senator Keiser, by request of Office of the Governor)

##### **C2 L21**

One of the bills in the package of “early action” pandemic relief bills, ESSB 5061, makes various revisions to the current unemployment insurance system to assist both employees and employers during the COVID-19 pandemic.

After April 4, 2021, and during the weeks of a public health emergency, an unemployed individual who left work voluntarily and who is high risk or resides with an individual who is a high-risk is eligible for Unemployment Insurance benefits. In addition, the unemployed individual may meet the “able and available for work” requirements if the individual is able to perform, available to perform, and is actively seeking suitable work which can be performed for an employer from the individual’s home and the individual or another individual residing with the unemployed

individual is high-risk. The Employment Security Department must consider the degree of risk to the health of those residing with the individual for the suitable work requirement.

High-risk individuals include an individual that was in an age category defined as high risk for the disease that is the subject of the public health emergency or has an underlying health condition identified as a risk factor for the disease. The determination for the age categories and health conditions is made by the federal Centers for Disease Control and Prevention, the Department of Health, or the equivalent agency in the state where the individual resides.

Public Health Emergency, as defined in ESSB 5061, means a declaration or order that covers the jurisdiction where the unemployed individual was working on the date the individual became unemployed concerning any dangerous, contagious, or infectious diseases, including a pandemic, and is issued as follows:

- The President has declared a national or regional emergency;
- The Governor declared a state of emergency; or
- The Governor or state executive of another state where the unemployed individual was working at the time of the declaration declared a state of emergency.

Multiple Unemployment Insurance provisions are amended, including the required waiting period, minimum weekly benefits amounts, and the noncharging of Unemployment Insurance benefits paid.

Unemployment Insurance benefits paid for all weeks starting with the week ending March 28, 2020, through May 30, 2020, are not be charged to the experience rating account of any contribution paying employer. A contribution paying employer may request that benefits paid not to be charged to the employer's experience rating when the benefits paid are a result of closure or severe curtailment of operation at the employer's plant, building, worksite, or other facility and the closure resulted from the presence of any dangerous, contagious, or infectious disease that is the subject of a public health emergency at the plant, building, worksite, or other facility.

Maximum Unemployment Taxes are adjusted by the bill, as follows:

- 0.50 percent for 2021;
- 0.75 percent for 2022;
- 0.80 percent for 2023;
- 0.85 percent for 2024; and
- 0.90 percent for 2025.

Shared Work employers are required to have at least two employees covered in the program. Shared Work benefits paid or reimbursed by the federal government are not charged to contribution paying or reimbursable employers. Shared Work employees may participate in training, including employer-sponsored training or Employment Security Department approved training funded under the Workforce Innovation and Opportunity Act, to enhance job skills.

Annually, beginning on December 1, 2021, through 2025, the Employment Security Department, in consultation with the Unemployment Insurance Advisory Committee, must provide a report to the Legislature and the governor that provides the status of the trust fund and any federal advances; and analyzes the impact of the minimum weekly benefit amount increase. By December 1, 2021, the Employment Security Department must provide a report to the Legislature and the governor that reviews the amount of wages subject to tax, including an analysis of the equitable treatment of employers and a comparison of the percentage of wages subject to tax for small, medium, and large businesses and how changes to the taxable wages would impact trust fund balances and employer contributions.

#### **ESSB 5084—Capital construction bonds**

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

##### **C331 L21**

This is the bill to authorize the issuance of state General Obligation bonds to support the appropriations in the 2021–23 Capital Construction Budget (SHB 1080). The State Finance Committee is authorized to issue General Obligation bonds to finance up to \$3.97 billion for capital construction projects and to pay expenses incurred in the issuance and sale of the bonds.

#### **ESSB 5092—2021–23 Operating Budget**

(Senator Rolfes, by request of Office of the Governor)

##### **C334 L21—Partial Veto**

This is the 2021–23 Operating Budget. For details, see the Operating Budget section earlier in this Report.

#### **ESSB 5096—Capital gains tax**

(Senator Robinson, by request of the Office of Financial Management)

##### **C196 L21**

ESSB 5096 implements a new Capital Gains Tax, beginning January 1, 2022. The first state Capital Gains Tax returns, however, are not due until 2023. The annual state net Capital Gains Tax will be imposed on the sale or other voluntary exchange of long-term capital assets by individuals; the tax rate is 7.0 percent. The bill provides an exhaustive description of taxable transactions and those transactions that are exempt from the new tax.



The first \$500 million of proceeds from the new tax each year must be deposited into the state Education Legacy Trust Account, and the remainder is deposited into the Common School Construction Account. Beginning with taxes due and payable in 2024, the \$500 million amount is adjusted by inflation. The Education Legacy Trust Account is also amended to permanently allow funds to be used for early learning and childcare programs.

The Legislature intends to use the newly enacted capital gains tax to pay for childcare and early learning programs, as amended in E2SSB 5237. Currently, entitlement increases, as required in E2SSB 5237, are supported by one-time federal relief, with the intention of using Capital Gains Tax proceeds later.

As noted above, ESSB 5096 requires the first \$500 million collected each year will go to the Education Legacy Trust Account. The Operating Budget assumes revenues will increase by \$415.0 million in 2021–23 and \$840.0 million in 2023–25.

While proceeds from this new tax have already been claimed, it is still questionable if the tax will ever be implemented. Two organizations have filed separate lawsuits, arguing the new tax is unconstitutional.

### **ESSB 5097—Paid Family and Medical Leave**

(Senator Robinson)

#### **C232 L21**

ESSB 5097 expands coverage of the Paid Family and Medical Leave (PFML) program. The bill provides a new definition of “family member,” expanding it to include any individual who regularly resides in the employee’s home or where the relationship creates an expectation that the employee care for the person, and that individual depends on the employee for care. Family member does not include an individual who simply resides in the same house with no expectation that the employee care for the individual.

In consultation with the Paid Family and Medical Leave Advisory Committee (created when PFML was enacted), the Employment Security Department is required to collect and analyze disaggregated data relating to employment protections under the PFML program.

By December 1, 2021, the Employment Security Department must submit a report to the Legislature with the following information:

- Program utilization by employees covered under approved voluntary plans compared to employees covered under the state plan; and
- Program utilization by employees working for employers with 50 or more employees compared to employees working for employers with fewer than 50 employees.

By June 30, 2022, and June 30, 2023, the Employment Security Department must submit a report to the Legislature with the following information:

- The number of individuals who used leave under the PFML program as a result of the amended definition of a family member in the act; and
- The effects, if any, on the family and medical leave insurance account as a result of the amended definition of a family member in the act.

The Employment Security Department must provide members of the Advisory Committee an opportunity to comment on the reports to the Legislature. Finally, if the number of individuals utilizing leave under the PFML program as a result of the amended definition of a family member in the act exceeds 500 individuals in any calendar year before July 1, 2023, the expenses of the additional leave must be paid by the state General Fund into the Family and Medical Leave Insurance account.

### **ESSB 5115—Labor protections/health emergencies**

(Senator Keiser)

#### **C252 L21**

Under provisions of ESSB 5115, for frontline employees, there exists a presumption that any infectious or contagious diseases that are transmitted through respiratory droplets or aerosols, or through contact with contaminated surfaces and are the subject of a public health emergency are occupational diseases during a public health emergency for the purposes of Workers’ Compensation. The employee must provide verification, as required by the Department of Labor & Industries (L&I), that the employee has contracted the infectious or contagious disease.

The presumption may be rebutted by a preponderance of the evidence that:

- Exposure to the disease occurred from other employment or non-employment activities; or
- The employee was working from the employee’s home or was on leave for a period of quarantine consistent with recommended guidance from state and federal health officials immediately prior to the employee’s injury, occupational disease, or period of incapacity that resulted from exposure to the disease.

During a public health emergency, an employer with more than 50 employees at a workplace, within 24 hours of confirming that ten or more of their employees at the workplace have tested positive for the infectious or contagious disease that is the subject of the public health emergency must report the positive tests to L&I. Reports to L&I are prohibited from including any employee’s name or personal identifying information. L&I may use the reports to identify potential clusters of infections

at specific workplaces or industries and investigate workplaces for violations of WISHA. An employee is not required to disclose any medical condition or diagnosis to their employer.

L&I must consult with the Department of Health (DOH) on the infectious or contagious disease:

- Before issuing regulatory guidance, rules, directives, or orders related to the reporting requirement for health care facilities; and
- When investigating health care entities and issuing citations related to the reporting requirement.

During a public health emergency, if an employer receives a notice of potential exposure to the infectious or contagious disease that is the subject of the public health emergency, the employer must provide written notice of potential exposure to employees, and, when applicable, their union, and employers of subcontractors who were on the premises at the same worksite. Notice of potential exposure is defined to mean:

- Notification from a public health official or licensed medical provider that an employee was exposed to a qualifying individual at the worksite;
- Notification to the employer from an employee, or their emergency contact, that the employee is a qualifying individual; or
- Notification through a testing protocol of the employer that the employee is a qualifying individual.

A qualifying individual means a person who has:

- A positive laboratory test;
- A positive diagnosis from a licensed health care provider;
- An order to isolate by a public health official; or
- Died due to the infectious or contagious disease, in the determination of a local health department.

During a public health emergency, employers are prohibited from discharging, permanently replacing, or discriminating against an employee who is high-risk as a result of the employee seeking accommodation that protects them from exposure to the infectious or contagious disease or, if no accommodation is reasonable, using all available leave options.

An employee who is “high-risk” is an employee who:

- Due to age or an underlying health condition, is at a high-risk of severe illness from the disease that is the subject of the public health emergency, as defined by the Centers for Disease Control and Prevention; and
- A medical provider has recommended the employee’s removal from the workforce.

(NOTE: These high-risk provisions are consistent with Governor Inslee’s updated Proclamation regarding high-risk employees.)

ESSB 5115 defines “frontline employees” and includes educational employees, “including teachers, paraeducators, principals, librarians, school bus drivers, and other educational support staff and contractors that are required to be physically present at a school, or on the grounds of a school, where classes are being taught in person, in a school transportation vehicle, or in the home of a student as part of their job duties, if the employee has in-person interaction with students, a student’s family members, or other employees.”

### **E2SSB 5128—Pupil transportation funds** (Senator Wellman)

#### **C234 L21**

E2SSB 5128 was originally introduced to shore up school district pupil transportation funding, both for the remainder of this school year, as well as providing sufficient resources in the 2021–22 school year. Most school districts were expecting to lose transportation funding due to the ongoing school closures and the resultant reduction in student ridership. Similar to the action on ESHB 1476 (enrollment stabilization); however, E2SSB 5128 mostly became a budget issue.

Under E2SSB 5128, as adopted, if a school district is providing full remote or partial remote instruction due to a local, state, or national emergency that causes a substantial disruption to full in-person instruction, the school district is allowed to use pupil transportation allocations to provide expanded services to students, regardless of whether those students would qualify as eligible students. The allowable expanded services include:

- Delivery of educational services necessary to provide students with the opportunity to equitably access educational services during the period of remote instruction, including the transportation of materials, hardware, and other supports that assist students in accessing remote instruction, Internet connectivity, or the curriculum;
- Delivery of meals to students; and
- Providing for the transportation of students to and from learning centers or other agencies where educational and support services are being provided during remote instruction, including providing payment to allow students to use public transit to access such services.

School districts are required to track expanded service expenditures by a separate accounting code and report the data to OSPI. The bill clarifies school districts are not precluded from using transportation allocations for those services already permitted by law, as well as fixed transportation costs such as school bus maintenance and

basic administrative, regulatory, safety, and operational expenses.

It should be noted that E2SSB 5128 does not specifically reference the current COVID-19 pandemic. The bill “preserves this principle of flexibility” during any current or future local, state, or national emergency that disrupts full in-person instruction.

#### **SB 5165—2021–23 Transportation Budget**

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

#### **C333 L21—Partial Veto**

This is the 2021–23 Transportation Budget. Budget-writers were unable to reach a passable compromise for a full transportation package; this is considered a “bare-bones” budget and does not include a revenue package to provide for a more robust budget. (Legislators continue to discuss a full transportation-and-revenue package and are expected to continue their negotiations throughout the legislative interim. If a compromise package is agreed upon, there is the potential legislators will be called back for a Special Session this summer or fall.)

SB 5165 provides \$11.8 billion in appropriation authority, including approximately \$1 billion from the federal American Rescue Plan (March 2021), to help fill funding gaps. \$600 million of the federal funds will be used to backfill pandemic-related revenue losses; the remaining \$400 million is provided for water infrastructure investments to remove fish barriers.

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, specifically the Safe Routes to Schools Program. \$10 million in expanded funding is provided for Safe Routes to School projects. Proviso language allows the Department of Transportation to consider the special situations facing high-need areas, as defined by schools or project areas in which the percentage of the children eligible to receive Free and Reduced-Price Meals is equal to, or greater than, the state average, when evaluating project proposals.

Additional proviso language requires the Department of Transportation to submit a report to the Legislature by December 1, 2021, and December 1, 25, 2022, on the status of projects funded as part of the Pedestrian Safety/Safe Routes to School grant program. The report must include, but is not limited to, a list of projects selected and a brief description of each project’s status. In its December 1, 2021, report, the Department must also include recommended changes to the Pedestrian Safety/Safe Routes to School grant program application and selection processes to increase utilization by a greater diversity of jurisdictions.

Additionally, \$220,000 is provided to the Joint Transportation Committee to oversee a consultant study to provide recommendations related to the Washington State Department of Transportation’s role in broadband service expansion efforts as directed in ESHB 1457.

#### **SB 5184—Foster care contact**

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

#### **C 95 L 21**

Current law requires each school district to designate a Foster Care Liaison to facilitate district compliance with state and federal laws related to students in out-of-home care. District Foster Care Liaisons must collaborate with the Department of Children, Youth, and Families and OSPI to address educational barriers for these students.

SB 5184 requires each K–12 public school to establish a contact in each elementary, middle, and high school building for students in foster care. These contacts must be appointed by the principal, in consultation with the district Foster Care Liaison, and are responsible for coordinating services and resources for students in foster care.

The district Foster Care Liaison is responsible for training contacts. OSPI is required to make available best practices for choosing and training contacts.

Additionally, statutory references to students in out-of-home care are changed to students who are dependent.

#### **E2SSB 5237—Childcare/early childhood development**

(Senator Wilson, C.)

#### **C199 L21**

E2SSB 5237 is a comprehensive overhaul and update of childcare/early learning childhood development programs in Washington, addressing among other things, enrollment caps, subsidy rates, and licensing.

The bill establishes the Fair Start for Kids Account. Expenditures from the Account may be used only for childcare and early learning purposes. A non-exhaustive list of spending goals and strategies for the account is specified. The Education Legacy Trust Account is amended to include early learning and childhood development programs as an ongoing allowable expenditure.

The Early Learning Advisory Council is required to:

- Assist in policy development and implementation with the overall goal of promoting school readiness for all children;
- Provide annual recommendations, beginning August 31, 2022, regarding the phased implementation of strategies and priorities;
- Maintain a focus on racial equity and inclusion to dismantle systemic racism at its core and

contribute to statewide efforts to break the cycle of intergenerational poverty;

- Maintain a focus on inclusionary practices for children with disabilities;
- Partner with nonprofit organizations to collect and analyze data and measure progress; and
- Assist the Department of Children, Youth, and Families (DCYF) in monitoring and ensuring that the investments support certain policy objectives.

In collaboration with the Early Learning Advisory Council, DCYF is required to consult with its advisory groups and stakeholders and submit a biennial report describing how the investments have impacted the policy objectives. The first report is due September 15, 2023.

Eligibility for Working Connections Child Care (WCCC) is adjusted as follows:

- Beginning October 1, 2021, a family is eligible when the household's annual income is at or below 60 percent of SMI adjusted for family size and the household meets other eligibility requirements;
- Beginning July 1, 2025, a family is eligible when the household's annual income is above 60 percent of SMI and at or below 75 percent of SMI adjusted for family size and the household meets other eligibility requirements; and
- Beginning July 1, 2027, a family is eligible when the household's annual income is above 75 percent of SMI and at or below 85 percent of SMI adjusted for family size and the household meets other eligibility requirements, subject to appropriations.

Beginning July 1, 2021, through June 30, 2023, DCYF must calculate a monthly co-payment according to the specific schedule as described in the bill. Subject to appropriations, DCYF must adopt a co-payment model for households with annual incomes above 75 percent of SMI and at or below 85 percent of SMI. The model must calculate a co-payment for each household that is no greater than seven percent of the household's countable income within this income range.

Beginning July 1, 2021, and subject to appropriations, DCYF may not require an applicant or consumer to meet work requirements as a condition of receiving WCCC when any parent, not only single parents, is a full-time student of a community, technical, or tribal college and is enrolled in:

- A vocational education program that leads to a degree or certificate in a specific occupation;
- An associate degree program; or
- A registered apprenticeship program.

Beginning July 1, 2021, childcare subsidy base rates must achieve the 85th percentile of the market for licensed or

certified childcare providers. The state and the exclusive representative for family childcare providers must enter into bargaining over the implementation of the subsidy rate increases under this provision.

DCYF must build upon the work of the Child Care Collaborative Task Force to develop and implement a childcare cost estimate model and use the completed model to recommend subsidy rates sufficient to compensate for the full costs of providing high-quality childcare. DCYF must:

- Consider adjusting rates to reflect the cost of living based on certain measures.
- Consider incorporating the rate model for nonstandard childcare; and
- Evaluate options to support access to affordable health care insurance coverage for licensed or certified childcare providers.

Under current law, the Early Childhood Education and Assistance Program (ECEAP) is set to become an entitlement program in the 2022–23 school year. The bill delays ECEAP entitlement to the 2026–27 school year. Beginning July 1, 2026, the definition of eligible child for the purposes of the future entitlement is expanded to include a child who:

- Has a family with financial need;
- Is experiencing homelessness;
- Has participated in Early Head Start or a successor federal program, ESIT or received class C developmental services, Birth-to-Three ECEAP, or Early Childhood Intervention and Prevention Services Program (ECLIPSE); or
- Is Indian as defined in DCYF rule and is at or below 100 percent of SMI.

DCYF must adopt rules that allow children to enroll in ECEAP when the child is not eligible, as space is available, if:

- The family income level is above 36 percent of SMI, but at or below 50 percent of SMI; and
- The child meets at least one of the specified risk factors.

Subject to appropriations, DCYF must distribute early childhood equity grants to eligible applicants who may receive a grant once every two years. DCYF must administer the grants to support inclusive and culturally and linguistically specific programs. DCYF must conduct an equitable process to prioritize grant applications. Subject to appropriations, DCYF must make all reasonable efforts to deliver ECLIPSE statewide. These services must focus first on children and families furthest from opportunity as defined by income and be delivered by programs that emphasize racial equity.



**SSB 5249—Mastery-based learning**  
(Senator Wellman, by request of State Board of Education)  
**C144 L21**

The 2019 Legislature directed the State Board of Education to convene and staff a Mastery-Based Learning Work Group to inform the governor, Legislature, and 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. The Work Group was to consider:

- Improvements in the High School and Beyond Plan is an essential tool for mastery-based learning;
- Development of mastery-based pathways to earning a high school diploma;
- The results of competency-based pathways previously approved by the State Board; and
- The expansion of mastery-based credits to meet graduation requirements.

SSB 5249 establishes new duties for the Mastery-Based Learning Work Group. By December 10, 2021, the Work Group is required to develop a Washington State profile of a graduate describing the skills that a student should have developed by the time they graduate high school.

In developing the profile, the Work Group must consult with students, families, and educators who have been underserved by the education system. The Work Group is required to seek guidance from the Education Opportunity Gap Oversight and Accountability Committee regarding how to engage with these communities. In addition, the Work Group must consult with representatives from postsecondary education and training programs, labor, and industry, as well as the Council of Presidents and the Washington Association of Colleges for Teacher Education. The Work Group is required to submit a final report on a profile of a graduate and related recommendations for supporting the implementation of mastery-based learning by December 10, 2021.

The bill also adds additional members to the Work Group. Membership must include the following additions:

- One representative from an approved teacher preparation program with experience in mastery-based learning as selected by a state association representing teacher preparation programs;
- One representative from the Professional Educator Standards Board;
- One representative from the Washington Student Achievement Council; and
- One representative from the online learning

community is selected by the Online Learning Advisory Committee of OSPI.

The State Board of Education must consider the adoption review of the profile of a graduate recommended by the Mastery-Based Learning Work Group. The State Board may consider modifications, but they must adopt the recommended or modified profile by April 30 and submit a report outlining its findings and recommendations to the governor and the Legislature by December 31, 2022.

The State Board must propose rules by December 31, 2022, and may submit recommendations to align graduation requirements to support the implementation of the adopted profile of a graduate, and in doing so must consider:

- Changes to the core subject area requirements, flexible credits, and noncredit requirements;
- The relationship between credits and core subject area requirements; and
- How components of the high school diploma work together as a system of graduation requirements designed to declare that a student is ready for success in postsecondary education, gainful employment, and civic engagement, and is equipped with the skills to be a lifelong learner.

Any recommended additional graduation pathway options or changes to graduation pathway options may not be added by rule alone.

In addition to existing parties, the State Board must also survey high school students and recent high school graduates regarding adding graduation pathways or modifying current ones. The State Board must provide an additional report to the Legislature by December 10, 2022.

**SSB 5299—Computer science credits**  
(Senator Wellman)  
**C307 L21**

Beginning in the 2022–23 school year, each school district that operates a high school must, at a minimum, provide an opportunity to access an elective computer science course that is available to all high school students.

SSB 5299 permits students, for purposes of meeting graduation requirements, to substitute a computer science course aligned to state computer science learning standards as an alternative to either a third-year mathematics or a third-year science course if:

- Prior to the substitution, the school counselor provides the student and the student's parent or guardian with written notification of the consequences of the substitution on postsecondary opportunities;
- The student, the student's parent or guardian, and

the student's school counselor or principal agree to the substitution; and

- The substitution is aligned with the student's High School and Beyond Plan.

A student may use the permitted substitution only once.

### **ESSB 5321—College Bound Scholarship**

(Senator Nobles)

#### **C283 L21**

The College Bound Scholarship Program was established in 2007 to provide guaranteed four-year tuition to students from low-income families. Eligible students to receive the Scholarship include those who:

- Qualify for Free or Reduced-Price Lunches in the seventh, eighth, and under certain circumstances, ninth grade;
- Are in grades seven through twelve, and are dependent on parents or guardians, or are receiving extended foster care services; or
- Are between the ages of eighteen and twenty-one years of age and have not graduated from high school.

Beginning in the seventh grade, eligible students are notified of their eligibility and the requirements for the Scholarship award. To be eligible to receive the Scholarship, a student must sign a pledge during the seventh or eighth grade that includes a commitment to graduate from high school with at least a C average and no felony convictions. The pledge must be witnessed by a parent or guardian and forwarded to the Office of Student Financial Assistance within the Washington Student Achievement Council. If the student is a dependent, the student is automatically enrolled without any necessary action by the student or the student's family.

ESSB 5321 makes several changes to the College Bound Scholarship. The requirement that a student sign a pledge in order to be eligible for the Scholarship is eliminated. A student has a vested right to the award of a College Bound Scholarship if they:

- Qualify for Free or Reduced-Price Lunch in the seventh, eighth, or, under certain circumstances, ninth grade;
- Graduate high school with a minimum of a C average;
- Have no felony convictions;
- Are a resident student; and
- Have a family income that does not exceed 65 percent of the median family income at the time of graduation.

Eligible students must enroll in college within one year of high school graduation. The award must be used within a five-year period and must not exceed four full-time years' worth of scholarship awards.

Eligible students, to the maximum extent practicable, must acknowledge enrollment in the College Bound Program and receipt of the scholarship requirements. The Office of Financial Assistance must take reasonable steps to ensure that students acknowledge enrollment in the program. The Office must develop a process for auto-enrolling and notifying all eligible students of the scholarship and its requirements.

Finally, it is clarified the requirements in the bill are to be applied retroactively to students beginning with the 2019–20 school year.

### **SB 5322—SEBB/PEBB dual enrollment**

(Senator Robinson, by request of the Health Care Authority)

#### **C18 L21**

Healthcare benefits for all eligible school employees are provided by the School Employees' Benefits Board (SEBB). SEBB is responsible for determining the terms of employee and dependent eligibility and enrollment policies, subject to the condition that employees anticipated to work at least 630 hours per year qualify for coverage. Beginning with the 2022 plan year, dual coverage under SEBB and benefits provided under the Public Employees' Benefits Board (PEBB) is prohibited for the same type of coverage.

SB 5322 affirms that an employee eligible for both PEBB and SEBB health insurance coverage must choose coverage from the same program, rather than selecting some benefits from each program.

### **2SSB 5383—Public telecommunications services**

(Senator Wellman)

#### **Delivered to Governor**

2SSB 5383 provides certain local governments to provide telecommunications services which will increase the availability of broadband connectivity, especially in rural and/or unserved/unserved areas.

The bill expands Public Utility District (PUD) authority to provide wholesale telecommunications services:

- Within an area in an adjoining county that is already provided electrical services by the PUD; or
- Within an adjoining county that does not have a PUD providing electrical or telecommunications services headquartered within the county's boundaries, but only if that district providing telecommunications services is not authorized to provide electrical services.

A PUD or a Port may provide retail telecommunications services to an end-user in an unserved area. Within 30

days of its decision to provide retail telecommunications services to unserved areas, a PUD or Port must notify and consult with the State Broadband Office; the Office must post notices received from a PUD or Port on its public website.

Any PUD or Port that intends to provide retail telecommunications services to unserved areas must submit a telecommunications infrastructure and service plan to the State Broadband Office and operate an open-access network. The plans must include the following:

- Map and description of how the deployment of proposed broadband infrastructure will achieve at a minimum 100 Mbps download speed, and at a minimum, 20 Mbps upload speed and then increases to be consistent with the stated long-term state broadband speed goals for unserved areas.
- Project timeline prioritization of unserved areas; and
- Description of potential state and federal funding available to provide service to the unserved area.

Submission of the plans will enable the State Broadband Office to:

- Better understand infrastructure development;
- Potentially allocate funding for unserved areas;
- Advance state policy objectives;
- Determine whether the plan aligns with state policy objectives and broadband priorities;
- Measure progress toward service those in unserved areas;
- Report on the feasibility and sustainability of the project; and
- Confirm the project is within an unserved area.

A PUD or Port that exercises its authority to provide retail telecommunications services may use state funds, federal funds appropriated through the state, or federal funds dedicated for projects in unserved areas to fund projects identified in a submitted plan.

By December 31, 2022, the State Broadband Office must submit a report to the Legislature regarding the provision of retail telecommunication services to unserved areas by a PUD or Port as provided in this bill.

The bill clarifies it does not apply to a PUD that is petitioned to provide retail Internet services under current law.

NOTE: Even though the title above indicates this bill has been “Delivered to Governor,” it has actually been signed. There is a rather unique situation occurring, however.

2SSB 5383 and ESHB 1336 are very similar bills. The core of each bill provides local governments with the authority to provide telecommunications services. (Both allow PUDs and Ports to provide services, while ESHB 1336 also authorizes second-class cities, towns, and counties to provide services. Additionally, 2SSB 5383 restricts the new authority to “unserved” areas.)

Normally, two similar bills would have been addressed by legislators, through a formal Conference Committee or at the very least via behind-the-scenes negotiations. Sponsors of the two bills could not reach an agreement, so legislators chose to adopt both bills. Procedurally, session laws are assigned to bills in the order they are signed by the governor—and if similar bills are signed with conflicting language, the later bill is the bill that takes precedence (“last bill signed, last bill codified”).

The Secretary of State, in charge of assigning session laws and codifying those laws, however, has not assigned a session law number to either bill because the governor signed the bills at the exact same time. The claim is that Governor Inslee signed one bill with his right hand and, at the same time, signed the other bill with his left hand. While he signed 331 other bills with the TVW cameras rolling, he chose to sign these two bills in private—so there is no official verification which bill he signed first or second, or if he actually took the unusual and unprecedented step of literally signing both bills at the same time.

This scenario has put the Secretary of State in a bind. As noted, she is required to assign session laws numbers to bills in the order they are signed. Because the bills were supposedly signed at the same time, she has no authority to determine the order in which the bills should be filed. So, she has filed a petition for legal clarification on how she should proceed.

The Legislature passed the buck to the governor; the governor passed the buck to the Secretary of State; now the Secretary of State has asked assistance from the Courts. Just when you thought a COVID-forced virtual session could not get any stranger....

Beyond the absurdity and intrigue, the reason this issue is important is that broadband grants (potentially \$500 million or more in state and federal funds) lay waiting to be awarded. If this issue gets drawn out, especially in a lengthy court case, critically needed expanded broadband connectivity will have to wait.

### **ESSB 5405—Racial equity analyses**

(Senator Hasegawa)

### **C310 L21—Partial Veto**

ESSB 5405 requires the Joint Legislative Audit & Review Committee (JLARC) to incorporate a racial equity analysis, or note if a racial equity analysis is not necessary or appropriate, in its performance audits, sunset reviews, and

other audits or reports. JLARC may work with the Office of Equity, the Governor's Office of Indian Affairs, the LGBTQ Commission, the Washington State Women's Commission, and ethnic commissions to design the racial equity analysis.

The bill was adopted with a specific requirement that JLARC complete a racial equity analysis by December 31, 2021, on the impact of the restrictions on in-person K–12 education put in place since the state of emergency declared on February 29, 2020, for all counties in Washington due to COVID-19.

Prior to signing the bill, Governor Inslee vetoed this K–12 section. In his veto message, he noted racial equity in education was “made worse” by COVID-19; however, he stated that COVID impacts on education went beyond the school restrictions imposed and included public health, economic disruptions, teacher safety, and loss of child care. He closed by saying, “I believe a broader review of racial inequities in K–12 is needed, and I will ask the Washington Student Achievement Council to conduct this review.”



# Education-Related Bills That Died—Titles

As noted in the previous section, over 1,100 bills, resolutions, and memorials were introduced in the 2021 Session and WASA actively tracked over 400 of those pieces of legislation that had either direct or potentially indirect impacts on K–12 education.

Obviously, it is important to be aware of education legislation that was adopted so you can understand the impacts—policy requirements, reporting obligations, and fiscal implications, to name a few. But what is the point of including dead bills in this Report? There are many reasons, but here are three 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.
3. Washington operates on a biennial cycle with a two-year Legislature; 2021 is the first year of the Legislature’s 67th Biennial Session. It is technically more accurate to refer to the following bills as being “dormant,” rather than dead, because ALL of these bills will be automatically reintroduced in the Legislature’s second-year session in 2022. Bills that had any movement in their original house will remain at the highest level they achieved in 2021 and bills that moved to the opposite house will revert to their original house’s Rules Committee and be placed on the Third Reading Calendar, ready for final passage.

HB 1006.....Declining vaccinations	HB 1180.....Public meetings
HHB 1010/SB 5359/SB 5449.....Motor vehicle sales tax	HB 1215.....K–12 voucher program
HB 1013.....Emergency rules	HB 1264/SB 5274 .....Equity impact statement
HB 1029.....State emergency orders	HB 1270.....Leadership pilot program
HB 1032.....Early retirement	HB 1288.....I-200 repeal
HB 1039.....Bicycle & pedestrian safety	HB 1305/HB 1317 .....Vaccine refusal
HB 1040.....Retired employee benefits	HB 1306.....Bond training
HB 1056.....Public meetings/emergencies	HB 1329.....Public meetings
HB 1065.....Vaccines	HB 1334.....COVID-19 response
HB 1066— .....ESD powers	HB 1338.....Liability shield
HB 1067.....State dinosaur	HB 1340.....Pandemic Task Force
HB 1076.....Whistleblower actions	HB 1354.....Suicide Review Team
HB 1077.....Regionalization adjustments	HB 1358.....State school levy
HB 1079/HB 1195/SB 5443.....Charter schools	HB 1362.....Property tax growth
HB 1149.....Public health education	HB 1366.....In-person instruction
HB 1153.....Language access in schools	HB 1371.....State Property Tax
HB 1156.....Local elections	HB 1377.....In-person voting
HB 1162.....Graduation pathways	HB 1390.....Athletic scholarships
HB 1163.....State budgeting oversight	HB 1396.....High school history credits
HB 1177.....State spending expiration	HB 1404.....Highly Capable programs
HB 1179.....Fiscal notes	HB 1415.....Skills Center class size

HB 1419.....	Experience Factor	SB 5161 .....	Tribal history, culture, and government
HB 1420.....	Vaccine prioritization	SB 5162 .....	Unanticipated revenue
HB 1422.....	Sexual health education	SB 5171 .....	Unemployment insurance
HB 1440.....	Small wireless facilities	SB 5181 .....	Low-income school districts
HB 1442.....	Epidemic preparedness	SB 5200 .....	Scholarship tax credit
HB 1450.....	School learning devices	SB 5202 .....	Depreciation subfund
HB 1451.....	ECEAP entitlement date	SB 5205 .....	K–12 voucher program
HB 1452.....	P.E. credit	SB 5208 .....	Public Records Act
HB 1453.....	Voters’ pamphlets	SB 5216 .....	Tax preferences
HB 1460.....	Telecommunications access	SB 5242 .....	Media literacy & digital citizenship
HB 1466.....	Outdoor education	SB 5252 .....	Tribal consultation
HB 1481.....	School employees/firearms	SB 5257 .....	School levy exemption
HB 1500.....	School district audits	SB 5264 .....	Chinese American history
HB 1536.....	Regional apprenticeship programs	SB 5265 .....	Bridge Year pilot
HB 1544.....	Agriculture education	SB 5277 .....	Early Achievers program
HB 1556.....	School athletics	SB 5326 .....	Pupil transportation contracts
HB 1557.....	Emergency powers	SB 5327 .....	Youth safety tip line
HB 1563.....	Emergency powers	SB 5334 .....	Levy transparency
HJR 4200 .....	Simple majority for bonds	SB 5340 .....	School director qualifications
HJR 4204 .....	Property tax exemption	SB 5352 .....	Retirement system opt-out
SB 5017 .....	Personal service contracts	SB 5357 .....	Broadband investment
SB 5037 .....	School opening metrics	SB 5374 .....	Study of communism
SB 5043 .....	School employee housing	SB 5376 .....	Education Ombuds
SB 5104 .....	Facial recognition	SB 5389 .....	Computer science teachers
SB 5105 .....	Office of Equity Task Force	SB 5442 .....	Superintendent salaries
SB 5110 .....	Telecommunications companies	SB 5451 .....	Operating Budget
SB 5111 .....	Public employee independence	SB 5453 .....	TRS/LEOFF Merger
SB 5114/HB 1321 .....	Reopening Washington	SB 5464 .....	In-person learning
SB 5123 .....	Sexual offenses by youth	SB 5466 .....	Transportation tax proceeds
SB 5129 .....	Vapor/tobacco possession	SJR 8204 .....	School district bonds
SB 5130 .....	Personnel files	SJR 8207 .....	Transportation revenue
SB 5147 .....	Alternative school calendars	SJR 8208 .....	Motor vehicle taxes
SB 5156 .....	BSA appropriations		

# Education-Related Bills That Died

## **HB 1006—Declining vaccinations** (Representative Klippert)

Would have prohibited state agencies or political subdivisions of the state (including school districts) from requiring vaccination or immunization as a condition of employment.

## **HB 1010—Motor vehicle sales tax** (Representative MacEwen), **SB 5359** (Senator Braun) and **SB 5449** (Senator King)

Would have dedicated sales tax revenue on vehicle sales to the Transportation Budget.

## **HB 1013—Emergency rules** (Representative Klippert)

Would have allowed House and Senate Leadership to petition an agency to limit the duration of emergency rules adopted by a state agency in response to the governor proclaiming a state of emergency to 30 days.

## **HB 1029—State emergency orders** (Representative Walsh)

Would have: required orders issued by the governor in response to a state of emergency to be narrowly tailored; limited the duration of the orders; and have specified emergency rules adopted in response to the state of emergency would expire 30 days after the emergency ceases to exist.

## **HB 1032—Early retirement** (Representative Harris)

While the governor's emergency COVID-19 proclamations are in effect, would have lowered the annual actuarial reduction for members of the Teachers' Retirement System and School Employees' Retirement System Plans 2 and 3 who are over the age of sixty and choose to retire early.

## **HB 1039—Bicycle & pedestrian safety** (Representative McCaslin)

Would have required OSPI to: update its bicycle and pedestrian safety curriculum for middle schoolers; and coordinate with the Washington State Patrol to create a bike safety awareness program for students enrolled in grades three to five.

## **HB 1040—Retired employee benefits** (Representative Dolan)

Would have allowed retired or disabled school employees receiving a retirement allowance before January 1, 2002 to enroll in Public Employees' Benefits Board medical and

dental plans, provided they apply no later than the end of the open enrollment period for the plan year beginning January 1, 2022.

## **HB 1056—Public meetings/emergencies** (Representative Pollet)

Would have allowed a public agency to hold meetings of its governing body remotely, or with limited in-person attendance, after a declared emergency. Additionally, would have: required the public to be allowed to listen in, in real time, to meetings that are held remotely; and required public agencies to post agendas online for regular meetings and special meetings held remotely.

## **HB 1065—Vaccines** (Representative Eslick)

Would have prohibited any law, rule, or order, by any government or private entity, requiring the receipt of any epidemic or pandemic vaccines for any reason, including: a condition of employment, school attendance, professional licensure, educational certification or degree, admittance to any place of business or entertainment, or access to any mode of transportation, unless certain conditions are met.

## **HB 1066—ESD powers** (Representative Stonier)

Would have specifically authorized ESDs to enter into contracts relating to any of the duties, functions, and powers of the ESDs, including contracts with federal, state, county, and city government agencies, state-tribal compact schools, private schools, nonprofit and for-profit entities, community-based organizations, and universities and community colleges.

## **HB 1067—State dinosaur** (Representative Morgan)

Requested by students at the Elmhurst Elementary School (Franklin Pierce School District), this bill would have established the *Suciasaurus rex* as the state dinosaur.

## **HB 1076—Whistleblower actions** (Representative Hansen)

Would have authorized "qui tam" actions, allowing a third party to bring action for enforcement of employment laws on behalf of an agency.

## **HB 1077—Regionalization adjustments** (Representative Johnson)

Would have increased the regionalization factor of the Federal Way School District.

**HB 1079—Charter schools**

(Representative Dolan), HB 1195 (Representative Dolan) and **SB 5443** (Senator Mullet)

Would have extended the timeframe for establishing up to 40 total charter schools by five years to April 3, 2026.

**HB 1149—Public health education**

(Representative Pollet)

Would have required OSPI to identify public health knowledge and skills that public school students in grades nine through 12 need to know and apply in support of health-enhancing behaviors, positive health outcomes, and healthy communities.

**HB 1153—Language access in schools**

(Representative Orwall)

Would have required OSPI to implement a Language Access Technical Assistance Program and, in conjunction with the Office of the Education Ombuds, reconvene a work group and report to the Legislature with recommendations related to: (1) standards, training, testing, and credentialing for spoken and sign language interpreters for students' families; and (2) information collection about language access coordinators.

**HB 1156—Local elections**

(Representative Harris-Talley)

Would have permitted the use of ranked choice voting in local government elections (including school director elections).

**HB 1162—Graduation pathways**

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

Would have reduced the number of credits required for high school graduation from 24 to 20 and established an additional graduation pathway option that enables students to meet graduation pathway requirements by completing a performance exhibition meeting specified criteria.

**HB 1163—State budgeting oversight**

(Representative Stokesbary)

Would have established the Joint Legislative Fiscal Oversight Committee to provide legislative oversight of the budgeting and expenditure process during periods when the Legislature is not in session. The Committee would have been charged with reviewing budget deficit analyses and unanticipated receipts proposals.

**HB 1177—State spending expiration**

(Representative Stokesbary)

Would have required every new statutory state spending program to include an expiration date that is no more

than ten years from the effective date of the spending program.

**HB 1179—Fiscal notes**

(Representative Stokesbary)

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.

**HB 1180—Public meetings**

(Representative Kraft)

Would have authorized meetings of a governing body to be held virtually, with real-time public attendance over the phone, through the Internet, or through a personal electronic device. Additionally, would have required governing bodies to provide time for public comment during meetings, and required public comment to be allowed in-person, over the phone, or through the submission of written comment in advance of the meeting when a meeting is held virtually.

**HB 1215—K–12 voucher program**

(Representative Kraft)

Would have created a voucher program to provide K–12 education scholarships, empowering parents to choose the educational environment that best suits their children's unique needs regardless of income level or zip code.

**HB 1264—Equity impact statement**

(Representative Thai)

and **SB 5274** (Senator Hasegawa)

Would have phased in a requirement that state agencies and the Office of Financial Management must prepare and provide, upon request, an Equity Impact Statement for legislative proposals that create or amend statutes on all matters subject to legislation, including elementary and secondary education.

**HB 1266—Salary rebase**

(Representative Sullivan)

Would have established the K–12 Basic Education Compensation Advisory Committee to provide recommendations on salary adjustments, regionalization factors and experience factors, as required by 2017's *McCleary* "solution." While this bill failed to be adopted, the 2021–23 Operating Budget creates and funds the Committee and describes the Committee's charge.

**HB 1270—Leadership pilot program**

(Representative Young)

Would have required OSPI to establish a pilot program to award grants to two school districts for the promotion



of confidence, public speaking, and leadership skills of students in grades two through five.

**HB 1288—I-200 repeal**  
(Representative Santos)

Initiative 1000—an Initiative to the Legislature—adopted in 2019, would have restored state laws implementing affirmative action policies in public employment, education, and contracting, which were eliminated by Initiative 200, adopted by the voters in 1998. Referendum 88, however, was filed and placed on the 2019 ballot and was rejected by the voters, blocking I-1000 from being implemented. Therefore, the restriction on affirmative action adopted in 1998 remained in effect. HB 1288, if adopted, would have restored affirmative action policies that were first repealed by I-200.

**HB 1305—Vaccine refusal**  
(Representative Kraft)  
and **HB 1317** (Representative Young)

Would have reaffirmed an individual’s “right to be free and independent and maintain their inalienable and fundamental right of self-determination” to make their own health decisions, including the right to refuse: vaccination; participation in tracking or tracing programs; the wearing of masks; the maintaining of measured distance from other humans; and other recommended or mandated health-related measures.

**HB 1306—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 1329—Public meetings**  
(Representative Wicks)

Would have encouraged public agencies to provide for remote access to meetings of their governing bodies, and to record and post recordings of meetings online for at least six months. Additionally, would have required governing bodies to: provide an opportunity for public comment at or before every regular meeting; and provide an opportunity, upon request, for remote oral comment for individuals with disabilities and/or limited mobility.

**HB 1334—COVID-19 response**  
(Representative Stokesbary)

Would have appropriated \$3.9 billion (comprised of \$1.8 billion in federal relief funds and \$2.1 billion from the Budget Stabilization Account) to revive the state’s economy and accelerate a lasting recovery for Washington. This bill, introduced by Minority House

Republicans, provided similar supports as the Democrats’ “early action” Pandemic Relief Package, ESHB 1368, which was adopted by the full Legislature.

**HB 1338—Liability shield**  
(Representative Harris)

Would have provided a liability shield for school districts against claims of damage, loss, injury, or death relating to COVID-19 infection if the school district: adopted a reopening plan; filed the plan with OSPI and the State Board of Education; and made reasonable efforts to implement the reopening plan.

**HB 1340—Pandemic Task Force**  
(Representative Lovick)

Would have established the Statewide Pandemic Preparation and Response Task Force to conduct a comprehensive after-action review of the statewide COVID-19 pandemic response and recovery.

**HB 1354—Suicide Review Team**  
(Representative Mosbrucker)

Would have created the Washington Youth Suicide Review Team to review the circumstances related to suicides occurring among youth up to age 25.

**HB 1358—State school levy**  
(Representative Orcutt)

Would have provided property tax relief by reducing both parts of the state school levy.

**HB 1362—Property tax growth**  
(Representative Duerr)

Would have changed the annual regular property tax revenue growth limit from 101 percent to 100 percent plus population changes and inflation, with a maximum limit of 103 percent.

**HB 1366—In-person instruction**  
(Representative Caldier)

Following an emergency, would have required school districts to prioritize the resumption of in-person instruction for students meeting specified requirements, including students in foster care, students experiencing homelessness, and students who are English language learners.

**HB 1371—State Property Tax**  
(Representative Sutherland)

Would have eliminated the State Property Tax.

**HB 1377—In-person voting**

(Representative Klippert)

Would have ended the current vote by mail system and restored in-person voting at polling places.

**HB 1390—Athletic scholarships**

(Representative Walsh)

Would have temporarily required the state's public four-year institutions of higher education to devote at least 50 percent of athletic scholarship funding to Washington athletes.

**HB 1396—High school history credits**

(Representative Dufault)

Would have increased the number of United States history and government credits that students in public schools must earn to meet graduation requirements.

**HB 1404—Highly Capable programs**

(Representative Vick)

Would have modified the Highly Capable student program by changing school district procedures related to the identification, selection, and placement of students into programs for highly capable students, in addition to requiring the state to fund transportation to-and-from programs for highly capable students.

**HB 1415—Skills Center class size**

(Representative Paul)

Would have lowered the Skills Center class size for prototypical school funding from 20 to 16.67 students beginning in the 2021–22 school year. Although this bill failed to be adopted, the issue was partially addressed in the 2021–23 Operating Budget; funding is provided to reduce Skills Center class sizes from 20 to 19 students beginning in the 2021–22 school year.

**HB 1419—Experience Factor**

(Representative Dolan)

Would have adjusted the current four percent Experience Factor. In order to be eligible for the Experience Factor, a district's teachers would have been required to have above average years of service OR (rather than AND) above average educational attainment. In districts with staff that have above average years of service, a three percent factor would have been provided; in the districts with staff that have above average education attainment, a one percent factor would have been provided. If a district was above average in both measures, they would have received the current four percent bump.

**HB 1420—Vaccine prioritization**

(Representative MacEwen)

Would have made teachers and school district classified staff the first priority for receipt of COVID-19 vaccines.

**HB 1422—Sexual health education**

(Representative MacEwen)

Would have moved the compliance dates to implement comprehensive sexual health education (as adopted in 2020), from the 2022–23 school year to the 2023–24 school year.

**HB 1440—Small wireless facilities**

(Representative Boehnke)

Would have streamlined the requirements for deployment of small wireless facilities to enable widespread deployment of next-generation wireless and broadband networks in order to enhance the state's economic competitiveness and meet the growing demand for wireless services, including schools operating on a distance learning model and citizens that are working remotely.

**HB 1442—Epidemic preparedness**

(Representative Chase)

Would have required the state Department of Health to develop improved epidemic and pandemic preparedness and response plans to be implemented by local public health jurisdictions statewide in order to limit the number of severe illnesses and deaths, while also preserving the continuity of essential government and other community services including the operations of public schools, and minimize social disruption and economic loss in the event of any epidemic or pandemic.

**HB 1450—School learning devices**

(Representative Gregerson)

Would have: imposed a tax on the sale of smart wireless devices with the proceeds being used for a grant program to fund the purchase of learning devices; and required school districts to provide learning devices to every student and certain staff. While this bill failed to pass, similar provisions—without the imposition of a new tax—were adopted in E2SHB 1365. The 2021–23 Operating Budget also provided \$24.0 million to fund the grant program proposed by HB 1450 and adopted in E2SHB 1365.

**HB 1451—ECEAP entitlement date**

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

Would have delayed the Early Childhood Education and Assistance Program (ECEAP) entitlement date from the 2022–23 school year to the 2026–27 school year. While this bill failed to be adopted, E2SSB 5237 delayed the ECEAP entitlement date to the 2026–27 school year and also expanded assessable, affordable child care and early childhood development programs.

**HB 1452—P.E. credit**

(Representative Mosbrucker)

Would have allowed students in the graduating classes of 2021 and 2022 to earn physical education credit through the performance of voluntary community service actions that are approved by a school district and meet appropriate safety and supervisory criteria and comply with requirements in the Washington state health and physical education K–12 learning standards.

**HB 1453—Voters' pamphlets**

(Representative Bergquist)

Would have added content-based restrictions to candidate statements and arguments for and against ballot measures in statewide and local voters' pamphlets. Additionally, would have stipulated that citizens appointed to write arguments for and against local ballot measures—including school district levies and bonds—must reside within the jurisdiction's boundaries.

**HB 1460—Telecommunications access**

(Representative Gregerson)

Would have attempted to close the “digital divide” by establishing excise taxes on telecommunications services to fund the creation or expansion of universal service programs. For example, the bill would have created the Universal Teleconnect Service Program for the purpose of providing discounted rates for telecommunications services to qualifying schools, community colleges, libraries, public hospitals, and community organizations.

**HB 1466—Outdoor education**

(Representative Rule)

Would have established a pilot project to provide assistance to schools to provide access to outdoor education, bring students and teachers together for in-person classes, and to further investigate the benefits of outdoor, nature-based classrooms for Washington's children and families.

**HB 1481—School employees/firearms**

(Representative Chase)

Would have exempted school personnel (NOT including classroom teachers or paraeducators) who have a valid concealed pistol license from the current prohibition of possessing a firearm on public or private elementary or secondary school premises, school-provided transportation, or areas of facilities while being used exclusively by public or private schools.

**HB 1500—School district audits**

(Representative Sullivan)

Would have eliminated the current requirement that OSPI reduce a school district's maximum enrichment levy if a state audit found the district used local enrichment revenues for unpermitted purposes.

**HB 1536—Regional apprenticeship programs**

(Representative Maycumber)

Would have required each ESD to establish regional apprenticeship programs to provide graduation pathways and future career opportunities to students, benefiting employers and providing an opportunity to train students for jobs in industries important to local communities.

**HB 1544—Agriculture education**

(Representative Klippert)

Would have supported comprehensive and formal instruction in agricultural education, and membership in the corresponding career and technical student organizations, to provide students with additional opportunities.

**HB 1556—School athletics**

(Representative Chase)

Would have prohibited male students, including students whose sex assigned at birth was “male,” from competing with and against female students in athletic activities with separate classifications for male and female students, if the athletic activity was intended for female students, and was an individual competition sport.

**HB 1557—Emergency powers**

(Representative MacEwen)

Would have increased legislative involvement in gubernatorial proclamations relating to a state of emergency.

**HB 1563—Emergency powers**

(Representative Young)

Would have provided judicial relief if a suit was filed regarding a gubernatorial order that was declared to be invalid.

**HJR 4200—Simple majority for bonds**

(Representative Stonier)

This constitutional amendment (and its necessary implementing bill, HB 1226) would have permitted the passage of local school district bond issues with a simple majority approval of voters.

**HJR 4204—Property tax exemption**

(Senator Harris-Talley)

This constitutional amendment (and its necessary implementing bill, HB 1494) would have provided for a residential real property tax exemption from the State Property Tax.

**SB 5017—Personal service contracts**

(Senator Wellman)

Would have modified the list of school district purchases that require public notification and bidding to include construction work by a contractor who meets the public works responsible bidder criteria.

**SB 5037—School opening metrics**

(Senator Braun)

Would have established clear school opening metrics based on the COVID-19 positivity standards within counties and would have required school districts to offer in-person learning to students in all grades if the COVID-19 positivity standards were met.

**SB 5043—School employee housing**

(Senator Salomon)

Would have allowed any school district to build teachers' cottages or other single or multifamily housing for school district employees when authorized by a public vote.

**SB 5104—Facial recognition**

(Senator Hasegawa)

Would have established a moratorium, prohibiting state or local governments from using facial recognition technology or information obtained from facial recognition.

**SB 5105—Office of Equity Task Force**

(Senator Hasegawa)

Would have implemented the recommendations of the Office of Equity Task Force, including requiring state agencies to: designate a diversity, equity, and inclusion liaison; apply an equity lens to agency decision-making; develop plans for diversity, equity, and inclusion and for language access; provide data and information to the Office of Equity; and collaborate with the Office of Equity to develop performance measures.

**SB 5110—Telecommunications companies**

(Senator Ericksen)

Would have modified permitting, taxation, and other standards for telecommunications companies and facilities to promote greater access to the Internet.

**SB 5111—Public employee independence**

(Senator Ericksen)

Would have prohibited public employers and unions from compelling public employees to speak, or engage in activities that are tantamount to speech, on matters of public concern that are unrelated to an employee's duties.

**SB 5114—Reopening Washington**

(Senator Braun)

and **HB 1321** (Representative MacEwen)

Would have allowed businesses, facilities, institutions, and all other places or organizations to immediately and safely reopen or resume under Phase 2 of the Healthy Washington Roadmap to Recovery plan.

**SB 5123—Sexual offenses by youth**

(Senator Darneille)

Would have amended the sex offender registration requirement for individuals under 18 years of age to create a developmentally appropriate response to youth who commit sexual offenses.

**SB 5129—Vapor/tobacco possession**

(Senator Saldana)

Would have: repealed civil infractions prohibiting the purchase or possession of tobacco products or vapor products by a person under the age of 18; removed authority of a peace officer to detain a person purchasing or possessing tobacco products or vapor products to determine if they are under the age of 18; and removed authority of a peace officer to seize tobacco products or vapor products from a person under the age of 18.

**SB 5130—Personnel files**

(Senator Kuderer)

Would have required employers to provide employees with a complete, unredacted copy of the personnel file at no cost within 14 days of a request. Additionally, would have required employers to provide to a former employee a signed written statement of the reasons for and effective date of discharge within ten days of the request.

**SB 5147—Alternative school calendars**

(Senator Hawkins)

Would have directed OSPI to establish: a pilot program for 50 school districts to extend the number of instructional days in a school year to 210 days; and a balanced calendar pilot program for 50 school districts to provide 180 instructional days over the course of the entire calendar year.

**SB 5156—BSA appropriations**

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

Would have appropriated \$200 million from the Budget Stabilization Account to provide funding: for rental assistance to prevent evictions due to nonpayment of rent; and to assist small businesses stay in operation.



**SB 5161—Tribal history, culture, and government**  
(Senator Wellman)

Would have required all 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 would have directed OSPI to monitor school district compliance. Additionally, would have required all administrator preparation programs to integrate information on tribal culture, history, and government.

**SB 5162—Unanticipated revenue**  
(Senator Rolfes)

Would have revised the process to request the spending of unanticipated revenues, including creating a Joint Legislative Unanticipated Revenue Oversight Committee to review requests to spend unanticipated revenue before the governor can approve spending. While this bill failed to be adopted, the 2021–23 Operating Budget establishes this Committee.

**SB 5171—Unemployment insurance**  
(Senator Wilson, L.)

Would have used Budget Stabilization Account revenue to replenish the Unemployment Insurance Trust Fund in 2021–22, providing contribution relief to employers.

**SB 5181—Low-income school districts**  
(Senator Honeyford)

Would have allowed school districts serving low-income communities to create partnerships and limited liability companies, and enter into leases, loans, and other agreements with public or private entities for the purpose of financing school facilities through federal tax credit programs.

**SB 5200—Scholarship tax credit**  
(Senator Schoesler)

Would have established a tax credit for contributions to student scholarship organizations, which would award scholarship funds to K–12 students to receive instruction by qualified education providers. Eligible students would have been defined as Washington students who are either eligible to receive special education services, are in foster care, or are a candidate for foster care; qualified education providers would have been defined as approved private schools and private tutoring services.

**SB 5202—Depreciation subfund**  
(Senator Schoesler)

Would have required school districts to establish depreciation subfunds for the purposes of preventative maintenance.

**SB 5205—K–12 voucher program**  
(Senator Schoesler)

Would have established a K–12 education voucher program intended to improve the education of children by empowering parents to be able to send their child to their school of choice.

**SB 5208—Public Records Act**  
(Senator Wilson, J.)

Would have required legislative approval before agencies were allowed to increase fees for public records production.

**SB 5216—Tax preferences**  
(Senator Carlyle)

Would have established consistent standards for the collection of data for the purposes of improving analysis of tax preferences, and would have made the information subject to public disclosure.

**SB 5242—Media literacy & digital citizenship**  
(Senator Liias)

Would have required OSPI to establish a grant program, to support media literacy and digital citizenship through school district leadership teams. While this bill failed to be adopted, similar provisions were amended onto

**SB 5252—Tribal consultation**  
(Senator Wellman)

Would have required OSPI and WSSDA's Government-to-Government Task Force to collaborate with the Tribal Leaders Congress on Education to develop a tribal consultation training. Additionally, WSSDA would have been required to convene meetings for establishing government-to-government relations between tribal councils and school district boards. While this bill failed to be adopted, the 2021–23 Operating Budget provides funding to implement similar provisions.

**SB 5257—School levy exemption**  
(Senator Fortunato)

Would have exempted homeowners from the State Property Tax and from paying for local school district levies if their children attend private or home school.

**SB 5264—Chinese American history**  
(Senator Wagoner)

Would have declared January as Chinese American History Month and would have encouraged public schools to commemorate the month.

**SB 5265—Bridge Year pilot**  
(Senator Hunt)

Would have required OSPI to establish a Bridge Year pilot program, allowing students in the graduating classes of 2021 and 2022 an additional year to take courses at the student's high school, an institution of higher education, or a combination.

**SB 5277—Early Achievers program**  
(Senator Short)

Would have temporarily suspended the Early Achievers program.

**SB 5326—Pupil transportation contracts**  
(Senator Robinson)

Would have prohibited school districts from entering into contracts for private pupil transportation services unless employees were provided with health and pension benefits equivalent to school district classified employees.

**SB 5327—Youth safety tip line**  
(Senator Brown)

Would have required the Attorney General to establish a Youth Empowered to Speak-up (YES) tip line to receive and respond to tips from the public regarding risks or potential risks to the safety or well-being of youth. While this bill failed to be adopted, the 2021–23 Operating Budget provides \$2.4 million for the Attorney General to implement and manage a YES tip line program, as well as to contract with a vendor to operate the tip line.

**SB 5334—Levy transparency**  
(Senator Dozier)

Would have required school districts to use a standardized template with specific content when providing information to the public regarding the authorization of levies.

**SB 5340—School director qualifications**  
(Senator Salomon)

Would have adjusted eligibility criteria to be a school board member, allowing lawful permanent residents to qualify, rather than only United States citizens. Additionally, a school board member no longer would have been required to be a registered voter to qualify.

**SB 5352—Retirement system opt-out**  
(Senator Braun)

Would have allowed public employees that first become eligible for membership in the Public Employees' Retirement System, the Teachers' Retirement System, or the School Employees' Retirement System at age 60 or older to opt out of retirement coverage.

**SB 5357—Broadband investment**  
(Senator Honeyford)

Would have created the Broadband Investment Acceleration Program in the Statewide Broadband Office and appropriated \$200 million in state bond proceeds to the Department of Commerce to implement the Program.

**SB 5374—Study of communism**  
(Senator Honeyford)

Would have required students to study political systems and the negative effects of communism.

**SB 5376—Education Ombuds**  
(Senator Wilson, C.)

Would have required public schools to annually notify parents, students, and school employees about the services available through the Office of the Education Ombuds.

**SB 5389—Computer science teachers**  
(Senator Wellman)

Would have directed the Professional Educator Standards Board to create two specialty teaching endorsements, one in elementary computer science, and one in secondary computer science.

**SB 5442—Superintendent salaries**  
(Senator Van De Wege)

Would have limited school superintendent salaries to the annual salary provided for the governor.

**SB 5451—Operating Budget**  
(Senator Wilson, L.)

This bill comprised the Minority Senate Republican 2021–23 Operating Budget, introduced to show that major budget priorities could be supported without raising taxes. The budget plan was a \$55.5 billion package covering a broad range of issues, including a major focus on reopening schools and bringing jobs back.

While Minority House Republicans did not actually introduce a budget bill, they released their own 2021–23 Operating Budget “framework.” Republican leaders stated their budget framework, dubbed “Real Opportunities for All Washingtonians” included “funding priorities for working families, growing students, vulnerable populations, small businesses and all Washingtonians, with no cuts to vital services and no new taxes.”

**SB 5453—TRS/LEOFF Merger**  
(Senator Schoesler)

Would have merged the assets of Plans 1 of the Teachers' Retirement System (TRS) and the Law Enforcement Officers' & Fire Fighters' (LEOFF) retirement system to

retire the unfunded actuarial accrued liability of TRS  
1. While this bill failed to be adopted, the 2021–23 Operating Budget provides \$800 million (to be expended June 30, 2023) to reduce the current TRS Plan 1 unfunded liability.

**SB 5464—In-person learning**

(Senator Wilson, L.)

Would have required school districts to provide the option of in-person learning unless prohibited by the governor, secretary of health, or a local health officer. Additionally, would have codified the right to the option of in-person learning for students and ensure that closures of longer than ten days can only be ordered in times of emergency declared by the governor, secretary of health, or a local health officer.

**SB 5466—Transportation tax proceeds**

(Senator Fortunato)

Would have required tax revenues derived from expenditures by the Department of Transportation to be used for transportation purposes rather than being deposited in the General Fund.

**SJR 8204—School district bonds**

(Senator Randall)

This constitutional amendment (and its necessary implementing bill, SB 5386) would have permitted the passage of local school district bonds issues with a 55 percent affirmative vote.

**SJR 8207—Transportation revenue**

(Senator Fortunato)

This constitutional amendment would have required any state revenue collected from a road usage charge, vehicle miles traveled fee, or other similar type of comparable charge, to be used exclusively for highway purposes.

**SJR 8208—Motor vehicle taxes**

(Senator Fortunato)

This constitutional amendment (and its necessary implementing bill, SB 5223) would have required that sales and use tax revenue collected from new and used car purchases be used for highway purposes, rather than be deposited in the General Fund.

# Health Care, Pensions, Financials, and Other Issues

Fred Yancey – The Nexus Group

“Want to see how people really are? Wait until money is involved.” Anonymous

The legislative session has concluded, the Governor has acted, and now as the show goes on, districts have to adjust.

Clearly, the COVID virus, and Federal and state efforts to lessen the financial impacts on states, businesses, and individuals, came into play during this session.

There were 1,448 bills introduced this session. In total, 335 bills passed the Legislature. Democrats passed 266 (79.4 percent) and Republicans passed 69 (20.6 percent). Of the 335 total bills that passed, 24 bills (7.1 percent) squeaked through on party line votes.

So, what happened regarding pensions, health care, financials, and other issues? Listed, unless stated otherwise, are bills that have passed both Houses and been signed by the Governor.

## Pension/Retirement Related Bills

**SB 5021—Retirement benefits/ furlough:** This bill provides that specified public pensions will not be reduced as a result of compensation reductions that are part of a public employer’s expenditure reduction efforts during the 2019–21 and 2021–23 fiscal biennia. It also provides that the pension benefit of an employee covered by a pension system that is administered by the Department of Retirement Systems is not reduced as a result of participation in an unemployment insurance shared work program, retroactive to July 28, 2013. Effective July 25, 2021.

**SB 5367—Retirement Contributions Refunds:** This bill directs the Department of Retirement Systems to establish rules for closing and refunding inactive member accounts with a balance of less than \$1,000. Effective July 25, 2021.

**SB 5453—**was a bill proposing a merger of LEOFF 1 fund balance (Law Enforcement/Fire Fighters) with TRS 1 as a means to reduce the unfunded liability (UAAL) of TRS Plan 1. The bill never got beyond an introduction. However, legislators, primarily Republican leadership, and Senator Rolfe have been concerned over the UAAL. So much so, that Section 747 of the adopted budget (ESSB 5092) reads: “The appropriation in this section (**\$800 Million**) is subject to the following conditions and limitations: The entire general fund—state appropriation is provided solely for expenditure on June 30, 2023, into the teachers’ retirement system Plan 1 fund, to be applied to the unfunded actuarial accrued liability.

Comment: When the \$800 million gets added to the TRS 1 Plan in 2023, the UAAL surcharge (See selected financials below) should go down quite a bit saving employers/school districts money. But there are two sessions left where the legislature could tinker with the amount or decide not to do it at all.

The unfunded liability balances to date are \$2.84 billion in TRS 1 and \$4.074 billion in PERS 1. It is estimated that the UAAL would become fully funded in 2026 and 2027. This is all assuming a 7.5 percent return on investments since the funds paying over 70 percent of retirement payments are from investment earnings.

The Governor has signed the budget and did not veto this section. It stands as an approved intent.

**HB 1040—Concerning health care coverage for retired or disabled school employees.** This bill was introduced but had no further action. It would have allowed PEBB to open a window for earlier retirees who only had one option for PEBB insurance when they retired to re-enter PEBB since there are now a minimum three options available. Although not heard, Section 212 of the adopted budget reads, “The health care authority shall analyze and report on the potential impacts of providing a one-time enrollment window for retirees to reestablish eligibility for enrollment in retiree benefits under the public employees’ benefit board program. The authority shall submit the report to the appropriate committees of the legislature by January 1, 2022. At a minimum, the report must include an estimate of the employer cost and a description of the assumptions used

## School Employees’ Benefits Board (SEBB) Health Related Bill

**SB 5322—SEBB and PEBB dual enrollment.** This bill has been signed by the Governor. It requires an employee who is eligible for both Public Employees’ Benefits Board and School Employees’ Benefits Board insurance coverage to choose health, dental, and vision coverage from the same program beginning with the 2022 plan year.

This is not new, but as a reminder: Section 1212 (3) of the budget reads “The health care authority must study the potential cost savings and improved efficiency in providing insurance benefits to the employers and employees participating in the public employees’ (PEBB) and school employees’ benefits board (SEBB) systems that could be gained by consolidating the systems. The consolidation options studied must maintain separate risk pools for Medicare-eligible and non-Medicare eligible employees and retirees, assume a consolidation date of



January 1, 2022, and incorporate the experiences gained by health care authority during the initial implementation and operation of the school employees' benefits board program. The study must be submitted to the committees of the house of representatives and the senate overseeing health care and the omnibus operating budget by November 15, 2020." The HCA submitted a study that recommended a consolidation. However, this would require legislation which will be pursued in future sessions. Effective July 25, 2021.

SSB 5326 (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 2022 session. (See future projections below.)

### **Bills That May Have Fiscal/HR Impacts for Districts**

ESHB Caveat: These bills may or may not impact districts. For unemployment (UI), as an example, many districts belong to insurance pools administered by ESD's; some districts do not. Changes in UI may affect districts or not. The issue of whether a bill such as ESSHB 1073 below applies is not clear to this author. When in doubt, it is reported. Human Resource departments or WASBO are the final arbiters of applicability.

ESSHB 1073—Paid Leave Coverage: This bill provides grants to certain employee's ineligible for paid family and medical leave benefits due to insufficient hours worked. Provides grants to smaller employers with employees taking leave in receipt of a grant. Effective July 25, 2021.

HB 1087—Family/Medical Leave Continuity: This bill specifies that the Family Leave Act, as it existed prior to January 1, 2020, applies to valid claims based on conduct before that date and the Paid Family and Medical Leave Act applies to claims after that date. This was viewed as a 'technical fix' to insure employee rights should there be cause for action. Effective June 16, 2021.

ESHB 1214—K-12 safety & Security Services: This bill creates a new safety and security category of classified staff for public schools. It requires safety and security staff to meet certain training requirements. Directs school districts and charter schools to adopt a policy and procedure with certain elements, adopt an agreement with the law enforcement agency or security guard company supplying the staff, and collect and submit certain information on safety and security staff to the Office of the Superintendent of Public Instruction. Effective July 25, 2021.

SHB 1323—Long-term Service Trust: HB 1087 passed in 2019 set up this employee paid long-term trust program. This bill requires that self-employed persons who wish to elect coverage under the Long-Term Services and Supports Trust Program (newly named Washington Cares Fund) exercise that option by January 1, 2025, or within three years of becoming self-employed for the first time. It also authorizes federally recognized tribes to elect to collect the premium assessment for their employees under the Trust Program. The bill was amended to allow employees to opt-out by November 1, 2021. The program is to begin January 1, 2022. Effective July 25, 2021.

Some answers to common questions as listed by Washington State Retail Association:

- How is the self-employed exemption defined? The definition is the same as it is for those who are exempt from Paid Family Medical Leave based on the reference in RCW 50B.04.010 (7-9). Opt-in is available with time limitations.
- Unlike the Paid Family Medical Leave with a deduction limit tied to the Social Security tax (\$142,800 in 2021), the \$0.58 per \$100 of earnings premium rate applies to the whole paycheck without a ceiling.
- Though the contribution rate is based on earnings, the lifetime maximum benefit of \$36,500 with cost-of-living built-in is the same for all.
- The benefit is not portable from state to state. In other words, Washington state workers who move out of state or retire to a different state will not be able to access benefits regardless of the amount of their contribution.

Comment: This mandated program was enacted through intense lobbying by AARP. It was intended to provide long-term services and supports benefits to persons who have paid into this Trust Program for a specific amount of time and who had been assessed as needing a certain amount of assistance with activities of daily living.

Washington Policy Center, a critic of this program, wrote an [article](#) detailing the programs faults.

SHB 1363—Secondary Trauma/ K-12: This bill requires the Office of the Superintendent of Public Instruction to publish on its website links to resources, self-assessments, and best practices for educators and local policymakers to prevent and address secondary traumatic stress in the workforce. It directs the Washington State School Directors' Association to develop or revise, and periodically update, a model policy and procedure to prevent and address secondary traumatic stress in the workforce that includes specified elements, for example, establishing a district-wide workforce mental health committee and it requires school districts to adopt, by the beginning of the 2021-22 school year, policies and procedures related to

secondary traumatic stress that incorporate specified elements. Effective July 25, 2021.

**ESSB 5061—Unemployment Insurance:** This bill limits unemployment insurance rate increases by: (1) capping the social tax; (2) suspending the solvency surcharge tax; and (3) relieving certain benefit charges. It also increases access to benefits by: (1) expanding eligibility for those in high-risk households; and (2) waiving the waiting period when federally reimbursed, modifies the weekly benefit amount thresholds by: (1) increasing the minimum from 15 to 20 percent of the average weekly wage; and (2) limiting benefits to a person's weekly wage. It also ends deductions of lump sum pensions from weekly benefit amounts and modifies the voluntary contribution and shared work programs, and certain training eligibility. Effective February 8, 2021 (Retroactive)

**ESSB 5097 Paid Leave Coverage: (Pending Gov. Action)** This bill expands the definition of family member in the Paid Family and Medical Leave (PFML) program which was established in 2017. It is funded by a payroll tax on employees and employers in Washington (0.4 percent of gross wages split between employer/employee). This bill requires the Employment Security Department to collect and analyze data and submit reports to the Legislature with certain information relating to the PFML program. It also requires the general fund to cover additional leave expenses under certain circumstances. [Analysis Report](#) Effective July 25, 2021.

**ESSB 5115—Establishing health emergency labor standards: (Pending Gov. Action).** This bill creates an occupational disease presumption for frontline employees during a public health emergency for the purposes of workers' compensation. It requires employers to notify L&I when a certain percentage of their workforce becomes infected during a public health emergency. Furthermore, it requires employers to provide written notice to employees on the premises and their union of potential exposure to

the infectious or contagious disease during a public health emergency. It prohibits discrimination against an employee who is high risk for seeking accommodation that protects them from the disease or using all available leave options if no accommodation is reasonable. Effective July 11, 2021.

**SSB 5254—Protective Devices/ Health:** This bill provides that an employer who does not require employees to wear specific personal protective equipment (PPE), must accommodate an employee's or contractor's voluntary use of specific PPE, during a public health emergency and when other conditions are met. Effective June 26, 2021.

**SB 5425—Unemployment Extended Benefits:** This bill allows claimants of unemployment insurance to be eligible for extended benefits regardless of whether their 52-week benefit year has expired. It allows the state's extended benefit program to "trigger on" without having to wait the 13 weeks between extended benefit periods. It also amends a job search provision, for the purposes of federal conformity, regarding denying extended benefits for failing to accept an offer of, or apply for, suitable work. Effective June 16, 2021.

**ESSB 5478—Unemployment Insurance:** This bill creates the Unemployment Insurance Relief Account (UI Relief account). It requires the Employment Security Department (ESD) determine forgiven benefits, based on a calculation, for certain employers which will be reimbursed by the UI Relief account instead of charged to the employers' experience rating accounts. It mandates ESD transfer from the UI Relief account to the unemployment compensation fund an amount equal to the forgiven benefits. Effective July 12, 2021.

Comment: The adopted budget had \$500 million put into the UI fund to help replenish its fund balance and to keep employer rates lower than they would be based on their history of claims.

**HEALTH CARE/PENSIONS/FINANCIALS – CONTINUE ON NEXT PAGE**

### Selected Financials ESSB 5092 State Budget

Below are selected financial figures from the adopted supplemental 2021–23 Budget:

	<u>2021–22</u>	<u>2022–23</u>
<b>Fringe Benefit Allocation</b>	22.07%	22.07% / Allocated Certificated
	19.25%	19.25% / Allocated Classified
<b>Incremental Fringe Benefit</b>	22.07%	22.07% / Allocated Certificated
	19.25%	19.25% / Allocated Classified
<b>Insurance Health Benefit (SEBB)</b>	\$968/Month	\$1,032/Month
The Benefit Allocation Factor/Multiplier remains at: Certified staff units x 1.02; Classified staff units x 1.43		
<b>Medicare Insurance (Subsidy for Retirees)</b>	\$183/Max/Month	\$183/Max/Month
<b>Substitute Rate</b>	\$151.86	\$151.86
(Four subs/classroom teacher unit)		
<b>Health Care Carve-out (Retiree Remittance)</b>	\$72.08 Begins 9/2021	\$80.04 Begins 9/2022
(Includes pro-rated payment by district for eligible part-time employees)		
<b>Pension Rates</b>	<b>2021–23</b>	<b>2023–25 (Estimated)</b>
TRS 2 Employee	8.05%	7.61%
Employer	14.24%	13.80%
(Normal cost 8.05%/ UAAL Surcharge 6.19%)		
PERS 2 Employee	6.36%	5.49%
Employer	10.07%	9.20%
(Normal cost 6.36%/ UAAL Surcharge 3.71%)		
SERS 2 Employee	7.76%	6.96%
Employer	11.47%	10.67%

(Normal cost 7.76%/ UAAL Surcharge 3.71%)

The employer rates do include the UAAL surcharge but do not include the 0.18% administrative rate.

#### Unemployment Insurance

The budget allocated \$600 million + for Employment Security, including staffing to handle backlogs and addressing how to prevent future fraud. (A reminder that ESD paid over \$600 million in fraudulent claims, before discovering the fraud.)

### What will the future hold?

At the start of the session, the Democrat majorities in both houses were committed to proposed legislation focusing on: Budget, Covid-related Issues, Race/Equity, Policing, and Climate issues. Substantive pieces of legislation dealing in all these areas were passed.

For the future, the effects of Covid-19 on the state, local governments, and school district budgets will continue to be felt. This patina will continue to color all actions in the foreseeable future.

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 proposed during the recently concluded 2021 Session.

Moving into speculation on the future, some key activities may occur:

1. It will be a priority for the Democrats to not only maintain majorities in both houses but to build a more substantive majority in the Senate which is currently 28–21. The Cap-and-Trade bill passed the Senate 25–24 which is just one example of how some Democrat Senators are not fully in support of leadership. The long-term goal of tax reform will need 60 percent majorities at a minimum. So, a larger majority would assist. (Note, similarities to Federal Senate situation.)

Currently, the D's hold a strong majority in the House, but as stated, a weaker one in the Senate. There is always a chance that the D's may lose both majorities given the challenges of campaigning and raising dollars in a Covid-19 world, public reaction to tax and fee issues from this recent session, the Governor's continual role in determining COVID/business restrictions, etc. The long-term consequences are losses in rural Washington. Progressive goals and objectives could lose rural districts that have Democrat members. Legislative districts to watch are 10 (Island, Skagit, Snohomish), 19 (Cowlitz, Grays Harbor, Lewis), 24 (Clallam, Grays Harbor), and 42 (Whatcom).

The Republicans will continue to organize opposition by beating up the Democrats over their passage of the Capital Gains tax, their failure to live within the state's existing means, and the Governor's continuation of emergency powers.

2. Unions groups like WEA and SEIU and social advocacy associations/organizations like the Economic Opportunity Institute continue to have a great deal of influence on successful passage of legislation and funding. Many organizations got one-time Federal dollars. When these funds are spent, they will be urging the legislature to continue funding of these programs. Their impact will continue.
3. 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 for every employee who qualifies. The state funds benefits on a formula generated FTE allocation, not based on the actual number of eligible employees that receive the benefit. This results in an unfunded liability to districts that has been estimated to exceed \$700 million dollars statewide.
4. If there is a missing piece to the financial planning puzzle, it is the failure to appreciate the limits on the state property tax. There is a false hope that property values will continue to soar showing a lack of understanding of business tax shifts and the continuing desire to attach more exemptions to household property taxes. This poses a structural risk to the tax system and makes planning and even supporting levies problematic.
5. 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 2021 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. Should this pass, those contracted employees such as in food service, janitorial, special education, etc. working within school districts may well ask for similar benefit coverage. This is a classic unfunded mandate unless the state funds these changes and even then, the state funds on staff formula basis, not an actual district FTE basis.
6. Continued efforts will be made to increase the Medicare insurance subsidy for retirees. Insurance and medical costs have gone up substantially. The current \$183/ month is not nearly enough to offset the increased costs.
7. 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 has studied the issue and recommend consolidating school retirees into the SEBB program. This, however, will take legislation to accomplish.
8. 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.
9. As passed by the Legislature, 2021-23 NGFO appropriations are \$59.193 billion. Of that, the maintenance level (the cost of continuing current services, adjusted for inflation and caseloads) is \$55.980 billion. New policies add \$3.214 billion. The policy changes include savings from the enhanced federal Medicaid match (FMAP) that was enacted as part of the federal COVID relief bills. This federal funding is used in lieu of the NGFO, saving the state \$621.2 million in 2021-23.  
  
Given the high level of proposed spending, the use of one-time federal relief to start new, ongoing state programs and the projected GF and Rainy-Day fund balances, sustainability will be a concern. Programs, in addition to those funded in K-12, that were started with a one-time infusion of funds (federal) will be clamoring in the future for dollars to continue these programs and expansions.
10. When told that districts need more dollars in any given area, legislators often state that in the words of Wimpy, "I'll gladly pay you Tuesday, for a hamburger today." In short, they often put off concerns about low funding by 'promising' to make it up in the Supplemental Budget. That will turn out to be a false promise, as the federal dollars dry up and the state getting no new substantial funds.



# 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), feel fairly positive about the 67th Legislature's response to our 2021 priorities. The Operating Budget addressed the current needs, primarily due to the effects of COVID. WAMOA was quite pleased with the Capital Budget.

This report will review: (1) **ESSB 5092, 2021–23 Operating Budget**; (2) **SHB 1080, 2021–23 Capital Budget**; (3) **several bills that AEA supported or watched with keen interest which passed and did not pass**; and (4) **WAMOA's interim plans**.

## ESSB 5092: 2021–23 Operating Budget

### Overall Budget View

- Final Operating Budget appropriates \$59.2 billion, which is a net increase of \$3.2 billion over the 2019–21 Operating Budget. In addition, they used \$10.6 billion in federal COVID funding for relief from the pandemic. However, an additional \$1.8 million was transferred to the General Fund from the Budget Stabilization Account (Rainy Day Fund).
- The projected ending balance as of June 30, 2023 in the BSA is \$543 million and total reserves are \$1.205 billion.
- The total K–12 portion is \$28.26 billion.
- The final budget contains a capital gains tax, which is expected to bring in \$415 million in 2022–23. It imposes a seven percent tax on the sale of stocks, bonds, and other high-end assets in excess of \$250,000 for both individuals and couples. Retirement accounts, real estate, farms, and forestry are all exempt. Also exempt are small businesses which gross \$10 million or less a year prior to the sale.
- Proceeds go into Education Legacy Trust Account for early learning and child care.
- An emergency clause was removed so the bill is subject to a referendum and could be challenged in court as unconstitutional as an income tax. The Freedom Foundation has filed such a lawsuit, and the Opportunity for All Coalition (OAC) is planning to file a similar suit in the next few weeks. Rob McKenna, former WA State Attorney General, is presenting the OAC.

### Major Education Items

- **Federal ESSER Grants (\$1.74 billion)**—\$1.67 billion from ESSER III funds and \$74.2 million from ESSER II funds, allocated to districts based on Title I formulas. Twenty percent of ESSER III funds must be used on student learning loss.
- **Pupil Transportation Stabilization (\$151.1 million)**—One time funding (\$117.1 million from SSB 5092, 2020–21 Supplemental Budget, and \$34.2 million from ESSB 5092, 2021–23 Operating Budget) for emergency pupil transportation payments to districts and charter schools to address lower ridership in SY 2020–21. For the current school year, allocations from OSPI will be increased by taking SY 2019–20 allocations and adding them to the SY 2020–21 allocations and dividing by two. Emergency payments for eligible districts would go out in the May apportionment.  
  
The budget says that OSPI must provide student transportation allocations for SY 2021–22 equal to the greater of the allocations provided in SY 2019–20 or the current year's student transportation allocations.
- **Enrollment Stabilization (\$123.7 million)**—One-time funding (\$95.9 million in SSB 5092 and \$27.8 million in SSB 5092) is provided for districts not receiving ESSER funds due to low Title I enrollment to offset state revenues due to enrollment decline in SY 2020–21. Various programs listed in SHB 1476 are also funded with these funds.
- **School Funding Stabilization (\$16.2 million)**—One-time funding in FY 22 to supplement federal relief funding to assist districts with learning loss recovery and stabilize district funding negatively impacted by COVID-related enrollment declines. Under this provision, districts will receive \$500 per pupil for COVID relief funding when combined with federal relief dollars (ESSER I, II, III). Prior to receiving these funds, districts are required to submit an academic and student well-being recovery plan to OSPI. In addition, districts must report progress on implementing this plan to OSPI.
- **Learning Recovery (\$237.1 million)**—One-time funding is provided to OSPI to administer grants to districts for learning recovery due to COVID-impacts. \$27.4 million in state funds, \$79.5 million from ESSER II and \$93.1 million from ESSER III are provided. An additional

\$18.5 million from ESSER III funds are for OSPI to provide outdoor education summer enrichment programs, and another \$18.5 million for OSPI to support evidence-based comprehensive afterschool programs. Funds also are available for OSPI to pilot grants for the Balanced Calendar and High School Success programs.

### **Specific Program Funding**

- **School Counseling Programs (\$27,000)**— Implements SSB 5030, requiring OSPI to develop and distribute to school districts policy guidance for development and implementation of a comprehensive school counseling program. OSPI is to consult with small schools in setting up guidance.
- **Counselors/High Poverty Schools (\$51.6 million)**— An additional 0.5 FTE counselor is provided for all high-poverty schools beginning in SY 2022–23. High poverty schools have at least 50 percent of their students eligible for free/reduced meals the previous year. (AEA Priority)
- **Educational Technology (\$47.5 million)**— Funding (\$24 million) is provided to implement SHB 1365, in which OSPI administers grants to assist districts in acquiring and supporting learning devices, and to ESDs to provide procurement training and consultation to districts. An additional \$23.5 million will increase MSOC by \$25 per pupil for technology beginning in SY 2022–23 to support broadband internet connectivity needs for families. (AEA Priority)
- **Special Education Transition (\$24 million)**— \$17 million from state funding and \$7 million from federal funding is provided to support the extension of transition services for students with disabilities who turned 21 during SY 2019–20 or 2020–21 and did not graduate with a regular diploma.
- **Inclusion Professional Development (\$12 million)**— Funding is provided for professional development to promote inclusion of special education students within the general education classroom.
- **Special Education Family Liaison (\$75,000)**— Funding is provided for 25 percent of this position with IDEA funds providing the remaining 75 percent to support special education for parents and families.
- **IDEA Funding (\$57.1 million)**— \$52.7 million in additional ESSER III funds is provided under IDEA for special education services beyond those regularly provided by IDEA funding. \$4.4 million is also provided for special education preschool services.
- **Children Experiencing Homelessness (\$12 million)**— One-time ESSER III funding for children experiencing homelessness, especially in light of COVID.
- **Paraeducator Training (\$14.8 million)**— Two days of training is provided in the Paraeducator Certificate Program for FY 23 and two days each year thereafter. Funding is also provided to create online training for paraeducators on community, family, and student engagement.
- **Skill Center Class Size (\$3.1 million)**— Skills Center class sizes are reduced from 1:20 to 1:19 per class for prototypical school formulas.
- **School Lunch Copays (\$8.8 million)**— Funding is provided in SHB 1342, elimination of reduced-price lunch copay for PreK and grades 4–12. (AEA Priority)
- **School Lunch Duration (\$60,000)**— Second year of a two-year pilot program based on six demonstration schools who implement student lunch periods with a seated lunch duration of 20 minutes. OSPI will develop best practices and procedures for implementation of this program. (AEA Priority)
- **Emergency Food Reimbursement (\$14.2 million)**— Federal funding is provided for meal reimbursement to districts that experienced a decrease in number of meals served (March–June of 2019 vs. 2020).
- **Summer Meals (\$4 million)**— ESSER III funding is provided to OSPI for grants for supplies, equipment, staffing, and services to increase access to summer meals and safe school meals in SY 2021–22 and the summer prior to the start of the school year.
- **Farm-to-School Program (\$5 million)**— ESSER funding is provided through the Department of Agriculture section for this program.
- **Educational Service Districts (\$13.6 million)**— \$11.1 million is provided to the ESD School Nurse Corps to support one day per week of nursing services for all districts with less than 2,000 students. \$2.5 million is provided for one additional FTE (total of 2.5 FTEs) at each ESD for comprehensive safety coordination. ESDs are also provided with \$3.3 million in “stabilization” funds for FY 21 to specially address unanticipated increased costs that are COVID-related.
- **School Safety and Security Staff (\$98,000)**— Implements ESHB 1214. (AEA Priority)
- **Secondary Traumatic Stress (\$35,000)**— Implements SHB 1363.

- **K–12 Basic Education Compensation Advisory Committee (\$400,000)**—Funding is provided to OSPI to convene and provide staff support for said committee contained in HB 1266, which did not pass.
- Governor signed the budget on May 18.

## SHB 1080: 2021–23 Capital Budget

Record-setting \$6.3 billion, funded with \$3.9 billion in General Obligation Bonds, \$1.6 billion in other state funds, with \$189 million in federal Coronavirus Capital Projects Fund, and \$400 million in federal Coronavirus State Fiscal Recovery Fund. Bond capacity for the 2022 Supplemental Capital Budget is \$82 million.

**Broadband Connectivity (\$411 million)**—to serve underserved and unserved communities across the state **(AEA Priority)**

- \$326 million is provided to Washington State Broadband Office for broadband infrastructure projects.
- \$60 million is provided for loans and grants to be competitively awarded by the Public Works Board to promote expanding access to broadband service in unserved areas.
- \$25 million is provided for loans and grants to be awarded on a first-come, first-served basis by the Community Economic Revitalization Board to provide broadband service to underserved, rural areas.

### K–12 Portion

- Provides \$929.9 million for K–12 education.

### School Construction Assistance Program (SCAP)

- Provides \$730.6 million being appropriated for the **School Construction Assistance Program (SCAP)**; \$727.78 million for SCAP grants to qualifying school districts, and \$2.8 million for study and survey grants, and completing the inventory and building condition assessments.

### Healthy Kids/Healthy Schools Grant (\$3 million)

- Funds are provided for playground equipment and kitchen upgrades. **(AEA Priority)**
- Districts can apply for multiple grants, but no single district may receive more than \$200,000.
- All districts receiving grants must demonstrate a constituent commitment to addressing school facility needs.

### Small District and Tribal Compact Schools Modernization Grant (\$42.1 million)

- Provided for districts under 1,000 FTE with severe building deficiencies, and limited financial capacity. **(AEA Priority)**

- District recipients are selected based on need by an advisory committee and approved by the Legislature in the 2022–23 Supplemental Capital Budget. WAMOA has been a member of that committee.
- \$1.1 million of the allocation is designated for qualified districts for planning grants.
- \$4.218 million of the allocation is dedicated grants for tribal compact schools.
- \$3 million of the allocation is designated for Mt. Adams school district to complete the replacement of Harrah Elementary.

### Seismic Safety Improvement School Building Retrofit Grant (\$40 million)

- \$40 million is allocated for the School Seismic Safety Retrofit Program, with \$2 million for planning grants and \$38 million for individual district grants, based on districts with the most significant building deficiencies and greatest seismic risks. **(AEA Priority)**

### Skills Centers (\$14.54 million)

- Three **skills centers** are funded (\$11.1 million), including Pierce County Skills Center in Puyallup (\$9.83 million), Seattle Public Schools Skills Center at Rainier Beach High School (\$300,000), Puget Sound Skills Center Preservation in SeaTac (\$1.024 million).
- Skills Centers Minor Works: (\$3.4 million), including New Market Skills Center (\$1.2 million), Cascadia Tech Academy in Vancouver (\$1.1 million); Seattle Public Schools (\$832,000); Puget Sound Skills Center (\$131,000) and Sno-Isle Tech Skills Center (\$129,000) in Everett.

### Health and Safety School Grants (\$7.19 million)

- \$7.19 million is allocated for **School District Health and Safety grants** with \$2 million for school board-authorized emergency repair grants, \$4.193 million for the Urgent School Repair grant, in which WAMOA collaborates with OSPI in the grant process; and \$1 million for equal access grants. **(AEA Priority)**
- Recipients of the Urgent School Repair grant are limited to one grant per district within a three-year-period and must demonstrate a consistent commitment to addressing school facility needs.
- WAMOA assists OSPI in the grant selection process for the Urgent School Repair grant, the only association mentioned in the K–12 section of the Capital Budget.

### Healthy Kids/Healthy Schools Grants for Lead in Water Remediation (\$3.5 million)

- Grants are provided to school districts, charter schools, and tribal-compact schools to remediate

lead-contaminated issues in fixtures and school water systems and may not exceed \$100,000 per grant.

- OSPI can contract out to determine current and future remediation costs of such water quality issues—\$128,000.

#### **Green Schools Stormwater Infrastructure Projects (\$300,000)**

- Funding is for a contract with a statewide community-based organization who will award funding for green stormwater infrastructure projects on public school properties.

#### **Career Preparation Launch Grants (\$2 million)**

- District recipients must use the grants to purchase career and technical education equipment that expands career-connected learning and work-integrated learning experiences.
- No single district may receive more than \$150,000 of the appropriation.

#### **Agricultural Science in Schools Grant (\$2 million)**

- Funding for FFA Foundation.

#### **K–12 Capital Programs Administration (\$4.282 million)**

##### **Distressed Schools Grants (\$8.7 million)**

- \$8.7 million for the Distressed Schools Grant, including \$7 million for a 12-classroom addition at Green Lake ES in Seattle Public Schools, \$940,000 for Healthy Schools pilot to reduce exposure to air pollution and improve air quality, and \$772,000 for a school-based health center at Spanaway Middle School in Bethel School District.

**Department of Natural Resources section**, School Seismic Safety geotechnical assessments on school properties is funded (\$590,000).

**Department of Commerce section**, the following school-based local and community projects are funded: (1) Bellevue High School Automotive Dynamometer Install (\$277,000); (2) School Based Health Care Center in Tacoma School District (\$750,000); (3) South Bend School multi-use Field Upgrades (\$361,000); and (4) South Kitsap High School Physical Education Support (\$15,000).

**Department of Commerce section**, the following school districts early learning facilities grants are funded: (1) Bellingham School District Early Learning Facility in the district office (\$456,000); (2) Bethel School District Early Learning Center (\$856,000); (3) Evergreen School District Burton ECE Center (\$667,000); (4) Mount Baker School District Early Childhood Expansion (\$434,000); (5) Pasco School District Lakeview Early Learning Center (\$200,000);

(6) Ridgefield School District Early Learning Center-Phase 2 (\$339,000); (7) Selah School District Robert Lince Early Learning Center and Kindergarten-Phase 2 (\$856,000); (8) Soap Lake School District Elementary School conversion to Early Learning Facility (\$856,000); and (9) Walla Walla School District Center for Children and Families (\$55,000).

Governor signed the budget on May 18.

### **Passed: AEA Policy Bills AEA Supported or Watched**

#### **SHB 1476—Dealing Enrollment Decline due to COVID**

- Revise's enrichment levy formulas only in CY 2022, requiring SY 2019–20 enrollments to be used in place of SY 2020–21 when SY 2019–20 enrollments are greater only if a school district is open for in-person instruction at the beginning of SY 2021–22.
- Open for in-person instruction is defined as all students in all grades have the option to participate in at least 40 hours of planned in-person instruction per month, and the district follows Department of Health guidelines to the greatest extent possible.
- LAP, special education, bi-lingual, local effort assistance, CTE, and skills centers would all use 2019–20 enrollment for FY 2022 funding.
- Governor signed the bill on May 10.
- AEA supported this bill.

#### **SSB 5128—Student Transportation Funding During an Emergency**

- School districts are reimbursed for delivery of meals and instructional materials when the Governor has issued an emergency declaration.
- Also, for transportation of students to and from learning centers or other facilities who are providing educational services during remote instruction, including providing payment for students to use public transit.
- Schools can also use transportation allocations for school bus maintenance and basic expenses.
- Governor signed the bill on May 10.
- AEA supported this bill.

#### **SHB 1342—Elimination of Reduced-Price Lunch Copay for PreK and 4–12 (AEA Priority)**

- Beginning in SY 2021–22, all low-income students will eat breakfast and lunch for no charge.
- Low-income students have been eating for free this school year because of a USDA waiver due to COVID.
- The cost of the elimination is \$8.8 million during 2021–23 and is included in SSB 5092.



- WSNA has worked on this bill since 2008 with their legislative champions from all four caucuses, and many K–12 stakeholders.
- Governor signed the bill on April 16.
- AEA supported the bill.

#### **SHB 1214—Providing K–12 School Safety and Security Services by Classified Staff and Contractors (AEA Priority)**

- Creates a new safety and security category of classified staff for K–12 public schools.
- Requires safety and security staff to meet certain training requirements.
- Directs school districts and charter schools to adopt a policy and procedure, adopt an agreement with the law enforcement agency or security guard company supplying the staff, and collect and submit information on the safety and security staff to OSPI.
- Governor signed the bill on April 14.
- AEA watched this bill.

#### **SHB 1332—Extension of State Property Tax Deadline**

- Due to COVID, county treasurers are required to grant a deferral of 2021 property tax payments for certain business via the establishment of a payment plan.
- At the same time, county treasurers are allowed not to grant an extension if such an extension would prevent a taxing district from making scheduled bond payments, as such action could create a cash flow issue for the taxing districts, i.e., school districts.
- Governor signed the bill on April 16.
- AEA watched this bill.

#### **SHB 1365—Procuring Appropriate Computer Devices for Public School Students and Instructional Staff (AEA Priority)**

- Requires each ESD to provide technology consultation, procurement, and training to school districts, in consultation with teacher librarians.
- Directs OSPI to develop and administer a technology grant program to expand technical support and training of school staff, and to help students and their families with accessing and using technology to support student learning.
- Directs OSPI to establish a grant program to support media literacy and digital citizenship.
- Governor signed the bill on May 13.
- AEA watched this bill.

#### **SSB 5030—Comprehensive School Counseling Programs**

- Requires school districts, by SY 2022–23, to develop and implement written plans for comprehensive school counseling programs that

are implemented by school counselors and other educational staff associates (ESAs).

- Directs OSPI to develop and distribute guidance regarding said program. OSPI, in so doing, must consult with small districts to develop guidance that is appropriate for the small districts' staffing resources, school counselor to student ratios, and the range of duties performed by their school counselors and ESAs.
- Governor signed the bill on May 3.
- AEA watched this bill.

### **AEA Policy Bills that Didn't Pass**

#### **SSB 5326—Benefits of School Bus Drivers Hired by Non-Governmental Private Entities**

- Would have required districts who contract for pupil transportation to include sufficient funds to provide employees of the contracting employer for health and pension benefits equivalent to those of district classified employees.
- Died in the Senate Rules Committee.
- 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 this bill with concerns.

#### **SSB 5181—Providing School Districts with Low Income Communities Flexibility in Financing School Facilities**

- Would have authorized school districts to create partnerships with limited liability companies and enter into leases and loans with public or private entities for the purpose of financing school facilities through federal tax credit programs.
- Would have required that any construction contracts financed under this expanded authority to comply with all state laws applicable to any school construction project.
- Would have allowed Mt. Adams School District and other small districts to finance their school construction projects, as their school bonds were not successful.
- The bill passed the Senate but died in the House Education Committee.
- In SHB 1080, \$3 million is provided in the Small District Modernization Grant for the replacement of Harrah Elementary School in the Mt. Adams School District.
- AEA watched the bill.

### **SSB 5357—Making Appropriations for the Capital Broadband Investment Acceleration Program (AEA Priority)**

- Would have created the Capital Broadband Investment Acceleration Program in the Washington Statewide Broadband Office.
- Would have required said office to develop a project evaluation process to assist in coordination among the state broadband infrastructure funders to maximize federal funding opportunities.
- Would have appropriated \$200 million in state bond proceeds to the Department of Commerce for a competitive grant program to increase broadband access in unserved areas of the state.
- Bill passed the Senate but died in the House Capital Budget Committee.
- However, \$60 million is included in SHB 1080 in the Department of Commerce's section for the grant program.
- AEA watched this bill.

### **AEA Policy Bills that Passed—AEA Did Not Support**

#### **SHB 1139 Addressing the Lead in Drinking Water in Schools**

- Requires districts with school buildings built or renovated, with drinking water lines and outlets replaced prior to 2016, to allow the Department of Health to conduct testing. The district must communicate the test results to the public, and then adopt a plan of action if the lead concentrations are above five parts per billion.
- WAMOA's testimony in the House Education Committee and the House Appropriations Committee was; (1) establishing a different standard (15 ppb is federal standard, 5 ppb would be the state standard) is inappropriate, (2) there needs to be a null and void clause as the bill is currently underfunded, and (3) WAMOA is opposed to all underfunded or unfunded mandates.
- The latest fiscal note listed \$4.2 million for K–12 funding in 2021–23, and SHB 1080, 2021–23 Capital Budget, provides \$3.5 million through the Healthy Kids/Healthy Schools grants for lead in water remediation projects; also, SSB 1080 directs and funds an OSPI study to determine the projected costs of remediation projects in SY 2022–23, and fund that amount in the 2022–23 Supplemental Budget.
- Governor signed the bill on May 3.
- AEA opposed this bill until it got to the Senate Ways & Means Committee and testified as "other," concerned for insufficient funding.

### **WAMOA 2021 Interim Plans**

- Coordinate with OSPI on Small District Modernization Grant and Urgent School Repair Grant processes.
- 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. Chris Gildon (R-Puyallup); Sen. Jamie Pedersen (D-Seattle); and Sen. David Frockt (D-Seattle). --(Six Senators)
- Rep. Jessica Bateman (D-Olympia); Rep. Mari Levitt (D-University Place); Rep. Mike Volz (R-Spokane); Rep. David Hackney (D-Tukwila); Rep. Peter Abbarno (R-Centralia); Rep. Vicki Kraft (R-Vancouver); Rep. Shelley Kloba (D-Kirkland); Rep. Jacquelin Maycumber (R-Republic); Rep. Greg Gilday (R-Camano Island); Rep. Strom Peterson (D-Edmonds); Rep. Chris Corry (R-Yakima); Rep. Drew MacEwen (R-Union); Rep. Mary Dye (R-Pomeroy); Rep. Joel McEntire (R-Aberdeen); Rep. Mike Steele (R-Chelan); and Rep. Jim Walsh (R-Aberdeen). (17 Representatives)

### **WSNA 2021 Interim Plans**

- Continue to build professional relationships with members of the state Legislature and the U.S. Congress regarding our school nutrition programs; discussing priorities as more time is available than during the session.
- Coordinate a school nutrition lunch visit with Rep. Roger Goodman (D-Kirkland), a longtime Meals for Kids champion in the House Democratic caucus, with the Lake Washington School District in the fall, inviting a WSNA and OSPI representative to join the tour.

### **ALLIANCE OF EDUCATIONAL ASSOCIATIONS**

Washington Association of Maintenance and Operations Administrators (WAMOA) [www.wamoa.org](http://www.wamoa.org)

Washington School Nutrition Association (WSNA) [www.washingtonsna.org](http://www.washingtonsna.org)

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## 2020–21 LEGISLATION AND FINANCE COMMITTEE

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Special Education .....	Lori Ann Gylling, Naches Valley
Superintendents .....	Jeff Snell, Camas
Federal Liaison.....	Kevin McKay, Sunnyside Michelle Price, North Central ESD 171 Nathan McCann, Ridgefield Krestin Bahr, Eatonville
WASA.....	Joel Aune, Executive Director Dan Steele, Assistant Executive Director Brian Talbott (President) Sheila Chard, Administrative Assistant
Consultants.....	Mitch Denning (AEA) Fred Yancey (Pension/Health Benefits) Melissa Gombosky (AESD)



## 2021 LEGISLATIVE PLATFORM

As the coronavirus wreaks havoc on Washington's economy, the state is expected to undergo significant revenue losses. This will force legislators to make widespread reductions in all areas of government as they write the 2021–23 Operating Budget. In recent years, the Legislature has done an admirable—and appreciated—job of providing substantial education investments; however, K–12 education will not be spared cuts next session.

Washington's schools and districts continue to have urgent needs that require assistance to ensure all students have equitable access to continuous learning opportunities and programming. Given the state's financial circumstances, educators cannot expect ongoing sizable investments during the current financial crisis, even though K–12 education continues to have pressing needs. Addressing many of these longer-term needs will have to be postponed; however, legislators must be reminded of these requests.

In addition to those long-term issues, there are several near-term issues—many a direct result of the COVID-19 outbreak—that must be addressed immediately. Administrators urge the 2021 Legislature to address the short-term needs below, while keeping in mind K–12's additional requests, to be addressed as the economy recovers following the current crisis.

### Short-term Needs to Address

- **K–12 Budget.** The Legislature has made great strides in implementing a new education funding system, including providing significant financial investments. As necessary state budget reductions are contemplated, the Legislature must hold the line on K–12 funding and continue to honor its constitutional commitment. Education plays a critical role in building and maintaining a strong economy and supporting a well-educated workforce necessary to attract more stable and higher wage jobs; education is a great equalizer, providing all students access and opportunity to thrive in our communities and workforce; and a strong education system lessens reliance on social services, saving money in the long run. If K–12 reductions are deemed necessary, the Legislature must ensure reductions do not create or further exacerbate funding inequities between districts. Additionally, as the federal government provides relief funds dedicated to K–12 education, those resources must promptly be appropriated to school districts, without supplanting state funding.
  - **Mid-year Reductions.** In the event K–12 funding is included in the Legislature's budget reductions, no cuts should be made mid-year. School districts have employment contracts and other obligations that cannot be avoided; mid-year reductions would further complicate local budget matters and impact labor issues.
  - **Mandates.** As the state addresses the coronavirus outbreak and its economic impacts, the Legislature should avoid imposing additional mandates—funded or not—on school districts.
- School leaders are already overwhelmed with the implementation of an entirely new funding structure, including an overhaul of staff compensation and local funding with levies and Local Effort Assistance.
- **Flexibility.** If education funding must be cut, one way to mitigate the impact is to provide local districts greater flexibility in how they spend their dollars. School district leaders better understand their needs and their community desires. Allowing districts flexibility would ensure limited dollars are used where there is the greatest need.
  - **Technology/Connectivity.** The COVID-19 outbreak, and the resultant school closures, exposed the current technology gap, including availability and affordability of devices and broadband connectivity. The Legislature must ensure there is equitable access to technology resources.
  - **Bargaining.** COVID-19 and school closures disrupted the education system, forcing modifications in the delivery of education, the school calendar and employee responsibilities. These issues impact local bargaining. Given drastically altered circumstances and expected revenue difficulties, school districts seek strong sideboards on bargaining, including clearly defining the minimum professional duties and expectations for teachers in statute.

### Long-term Needs to Address

Because of the state's current fiscal emergency, addressing some of K–12's greatest needs will have to be paused. Legislators, however, should be reminded about these needs because at some point, the state's economy will rebound and the Legislature will have available revenues to invest. While we cannot expect much movement on these long-term issues in 2021, we urge legislators to keep these priority issues in mind:

- **Staffing Allocations.** The Prototypical School Funding Model is a core, fundamental part of the education funding structure. The funding ratios for most staff positions, however, have remained the same since the Model was first implemented, resulting in outdated and unrealistic state-funded staffing levels.
  - **Consistent, Equitable, and Ample Education Resources.** Several components of K–12's new funding structure have exacerbated inequities between districts and urgently need to be revised.
- These components include: Special Education; State Salary Allocations and Experience Factors; the School Employees' Benefits Board insurance program; and Regionalization.
- **Capital Facilities.** School facilities remain a core need and the Legislature provides a considerable investment in the School Construction Assistance Program. Grants that are provided, however, use outdated funding formulas that fail to recognize the true cost of building or educational space needs.