

2022 LEGISLATIVE REPORT

A PUBLICATION OF THE WASHINGTON ASSOCIATION OF SCHOOL ADMINISTRATORS

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2022 Session Overview

Dan Steele, Assistant Executive Director, Government Relations, WASA

The 2021 Session, the first year of the 67th Biennial Legislature was a unique affair, with the first ever “virtual” session in the midst of a global pandemic, along with a large number of new legislators, and an ongoing, volatile political environment, with the death of George Floyd still fresh in the mind—and resultant local and national protests continuing. Often-times a second-year, supplemental session is expected to be a “do nothing” affair—and more often than not, the reality matches the expectation. After the frenetic activity in 2021, many expected 2022 to return to “normal,” with a few tweaks made to the biennial budgets, along with a handful key policy items.

Prior to the opening of the session, legislative leaders prepared for a return to a mostly in-person session; however, the Omicron variant spiked infections and threw a wrench into most plans to return to “normal.” (By the way, COVID or no COVID, it appears post-COVID life will never return to what we called “normal.” And “new normal” doesn’t seem to quite fit, as we move into uncharted territory, with the world in flux. But that’s another issue for another day.) Legislators renewed rules and procedures for a mostly virtual session and most Olympia observers prepared for lackluster supplemental session.

The 2022 Session turned out to be as frenetic—if not more so—than 2021. Most of that was because of state revenues. The outlook of the state and national economy was uncertain; however, there was no question that revenues continued to pour in to state coffers at a much faster clip than anyone anticipated. To step back, in 2020, the declaration of COVID as a global pandemic, with a forcing of school closures and a “Stay at Home” Order from the governor had an immediate and major negative impact on the economy and state revenues. In June, just a few short months after the Legislature adopted its 2020 Supplemental Operating Budget and COVID started to rapidly spread, the Economic and Revenue Forecast Council released its quarterly revenue forecast. The prediction was that revenues would plummet, with an expected drop in revenues of almost \$9.0 billion in the remainder of the 2019–21 biennium and into the 2021–23 biennium.

A strange thing happened, however. As preparations were being made for the 2021 Session (and the crafting of a 2021–23 Operating Budget), revenues turned around and started creeping up, almost as quickly as they dropped. By the time the March 2021 revenue forecast was released, projected revenues were back at the same level as anticipated in February 2020, pre-pandemic. This prompted the Legislature, which had been preparing to scale back state spending, to reverse course and dramatically increase funding in the new two-year budget. Using the March revenue forecast as a baseline (which included a continued projection of revenue increases) and incorporating literally billions of dollars in federal relief money, the Legislature adopted a 2021–23 Operating Budget that was \$5.5 billion above the previous budget (from a total of \$52.6 billion to \$59.2 billion). This included a nearly \$4.0 billion increase in the K–12 budget. (It’s important to remember, however, that three-fourths of that increase was a one-time pop comprised of federal

pandemic relief dollars. So, the state-funded increase of \$960.1 million was helpful and appreciated, but still left unmet needs.)

There was a collective sigh of relief that the state was able to avoid dramatic budget cuts—and they were able to provide for substantial increases to boot. As legislators and advocates turned their attention to the 2022, many expected the second-year session to be another one of those supplemental “do nothing” sessions. But low and behold, the unexpected turnaround in revenues in 2021 continued. In fact, since the abysmal forecast in June 2020, EVERY quarterly forecast since then has projected increases in revenue. As noted, the March 2021 forecast showed revenues were back to expectations in February 2020. As the 2022 Session convened, the state had upwards of \$10.0 billion in “surplus” revenues. With another positive revenue forecast in February, the total jumped another \$1.5 billion in the current biennium and \$1.3 Billion in 2023–24. (NOTE: the actual total amount of available revenue was debatable, depending on how you calculate and define a “surplus,” but there was at least \$10.0 billion and as much as \$14.0 billion to play with).

With overwhelming revenues to spend, the anticipated “do nothing” session spun like a top. Dead legislation from 2021 started to be heard and moved, and a larger volume of bills was being introduced in both the House and Senate, with Committee Chairs stacking their agendas with lengthy public hearings and executive action. As you can imagine, policy items were abundant; however, a tremendous number of those bills had numbers attached to them, driving much of the budget question from policy committees.

While there was a tremendous amount of activity, both in policy and budget terms, it was still a frustrating endeavor to get legislators to focus their attention—in general, but also specifically on K–12. Many times, it just seemed clear there was a question about priorities. Traditionally, in a short, 60-day session, which is truly a sprint (where a long, 105-day session is more like a marathon), legislators usually find a set of issues (policy or budget) and shepherd that short list of issues through the process. The short timeline from January 10 to March 10, with multiple obstacles and deadlines along the way tends to force a focus.

Again, in 2022, the focus seemed off. Let’s discuss three examples of “priority” issues:

1. HB 1067. This critical bill would establish the *Suciasaurus rex* as Washington’s state dinosaur. It continues to be requested by students in the Franklin Pierce School District. This could actually be a valuable hands-on civics exercise; however, perhaps students would learn more if the bill did not receive special treatment and instead students were educated about how our legislative process really works—a process that was specifically established to make it difficult to pass legislation. Certainly, a feel-good issue, but you have to question whether or not legislators should be taking valuable time and energy for these types of issues. Perhaps these students would benefit more if their district and school had appropriate state funding to hire a school nurse, a school counselor, and other important support staff. In this particular competition of priorities, HB 1067 failed, while fortunately, unrealistic staffing allocations were addressed.
2. SB 5512. This bill would designate “The Evergreen State” as Washington’s official state nickname. Who doesn’t recognize Washington as the Evergreen State? Do a quick Wikipedia search and, bingo, the summary of the State of Washington notes right at the top: Nickname: “The Evergreen State.” Uh oh, there is a caveat. Wikipedia notes this nickname is “unofficial.” We can debate whether it is important to reiterate in state law something most people (in and out of Washington) already recognize, but shouldn’t legislators be more concerned with school districts facing

- enrollment declines and/or budget difficulties? The bill passed the Senate, but it never made it to the House Floor (maybe they had other priorities).
3. SB 5615. This vital bill declares Pickleball as Washington’s official state sport. Full disclosure: I’ve played Pickleball; I enjoy Pickleball. Is it enough of a priority, however, to spend time and energy that could (and should) be used to address more pressing issues? The bill was adopted, but it won’t provide any assistance to school districts that are suffering from staffing shortages. This bill ended up being so important, the governor did an on-site bill signing on Bainbridge Island with host of community members gathered around. Most other bills this year were signed in the governor’s office—with no constituents, legislators, or lobbyists being allowed to attend. (Just a side note on this issue: The bill’s sponsor Senator John Lovick (D-Mill Creek) also had another “priority” bill adopted, SB 5741, creating a Patches Pal license plate—at least this bill provides funds to fight cancer.)

The definition of “priority” is: “a thing that is regarded as more important than another.” Therein lies the rub. There are thousands of bills introduced every session and it is frustrating to see legislators neglect the state’s only constitutional paramount duty, K–12 education, and spend their time and energy on issues that may be fun and interesting to discuss but have no real impact on the lives of Washingtonians—or its students. I hesitate to say these issues are frivolous, but it is hard to come up with a better word.

K–12 Priorities

So, how did K–12 education—and WASA—priorities fare? As discussed in the next section of this report (2022 Supplemental Operating Budget), the 2022 Session turned out to be a mixed bag. There were some big wins, but also some disappointments and missed opportunities. Our greatest success was achieving at least partial wins regarding Enrollment Stabilization, Staffing Allocations, and Pupil Transportation—the “Big Three” that we discussed all throughout the session.

Enrollment Stabilization.

We fought hard for a second round of enrollment stabilization funding (initial support for enrollment stabilization was provided last session) and while it was tough sledding at times, we won out in the end. The fight started well-before session began and we took a shot to the gut when the governor’s budget was released in December. His proposal acknowledged that education was set to lose upwards of \$900 million in Maintenance Level reductions, mainly due to continuing enrollment declines. Instead of allowing school districts to keep those funds, he recommended “reinvesting” the funds, mostly for learning recovery (\$746.0 million) and enhanced staffing allocations (\$184.0 million). At least he suggested that lost K–12 funding be returned to K–12, unlike his 2021 proposal. Last session, his idea was to reinvest K–12’s “savings” to “meet critical needs, while using the rest to help balance the budget.”

Many legislators objected to providing more enrollment stabilization, arguing that enrollment declines were not a short-term, pandemic-related dip in enrollment, but a trend. Those legislators began to protest the funding of “ghost students”—which only reminded us that most legislators simply do not understand how schools are funded. These legislators were supported by the supposed 10,000-member strong Conservative Ladies of Washington (who understand school funding even less than legislators). They flooded Committee hearings, with hundreds of members signing in “Opposed”—to this and other education priorities. Luckily, we only had to contend with one or two of their members ever choosing to testify—providing 60-120 seconds of misinformation.

Editor's Note:

My thanks to Joel Aune, Andy Wolf, Michael Nelson, Jim Kowalkowski (Legislation & Finance Committee Chair), Aaron Leavell (WASA President), Michelle Whitney (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 85) 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 Brianne 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, Vivian Jensen, and Dan Dizon.

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. She helps manage what little sanity I have left.

-dps

We argued that school district budgets were adopted relying on the state's Caseload Forecast Council's enrollment projections and, more importantly, the funding that legislators provided in the 2021–23 Operating Budget. When legislators argued that school districts simply needed to “reset” budgets and staffing, we tried to remind them that staff are locked in and due to contractual obligations we cannot just eliminate staff—which means, mid-year funding cuts requiring trimming or eliminating programs.

Fortunately, we had several legislative champions who were willing to go to bat for us and enrollment stabilization was funded. In terms of details, we won an additional fight, while losing a different one. First, the House adopted an enrollment stabilization plan with a proposed methodology of comparing “budgeted” 2021–22 enrollment to “actual” 2021–22 enrollment to calculate stabilization funding. This would have provided more funding to many individual districts, but overall, it would have only supported 136 districts, cutting out almost another 100 districts in need. What ended up being adopted was the Senate's more straight-forward methodology, which compared “actual” 2019–20 enrollment to “actual” 2021–22 enrollment to calculate stabilization funding. In terms of the loss, we were only able to secure half of the necessary stabilization funding. As adopted, SHB 1590 and the budget provides 50 percent of a district's calculated enrollment stabilization eligibility. Alongside that, legislators that opposed the provision of stabilization funding had to have the last word. They successfully amended the bill by adding language to the intent section, clarifying the bill would provide enrollment stabilization funding “for the final time.” It has no real impact, but it made them feel good.

Ultimately, the 2022 Supplemental Operating Budget provides almost \$350.0 million for enrollment stabilization, providing support to 230 school districts that continue to have enrollment declines. Funding also stabilizes Local Effort Assistance funding. This is extremely positive; however, this major investment (which is technically not an increase, but a protection of funding previously appropriated to school districts) is one-time funding—and is funded with federal Coronavirus State Fiscal Recovery Funds. This is an important foundational investment in 2022, but it will zero out in 2023–25.

Staffing Allocations.

Since the Prototypical School Funding Model was first implemented in 2010—with a commitment from the Legislature to regularly review and update staffing allocations—we have been fighting for enhancements to ensure state-funded staffing meets reality. Legislators annually balked at their commitment, which prompted a citizen Initiative to force the Legislature's hand. I-1351 was overwhelmingly adopted in 2014. It included updated staffing allocations, along with a phase-in schedule, beginning in the 2015–17 biennium, with full funding by the 2017–19 biennium. Almost immediately, the 2015 Legislature adopted legislation to delay funding by four years—then repealed the citizen-adopted staffing ratios and implementation schedule in 2017, as a part of EHB 2242 (*McCleary* “solution”).

In 2022, the stars seemed to align. The School Funding Coalition (the reconstituted Local Funding Workgroup), led by WASA and WASBO, representing seven statewide education associations (WASA and WASBO, with AEA, AESD, AWSP, WSSDA, and WSPA), renewed our singular focus on advocating for enhancements to staffing allocations. In September, Superintendent Reykdal included phased-in enhanced allocations for school nurses as a part of his 2022 Decision Package. Shortly after, Governor Inslee took it a step further and included increased staffing levels for school nurses, social workers, counselors, and psychologists in his 2022 Supplemental Operating Budget Request. And just about every education association included the issue on their 2022 Legislative Platform—from PTA to WEA, and from PSE to Stand for Children.

Unlike previous years, key legislators jumped on-board as well. They helped us shepherd two bills through the process and fought for funding behind-the-scenes. Ultimately, legislation was adopted and \$90.6 million is provided in the budget to increase staffing ratios and allocations for Physical, Social, and Emotional support staff as a part of the Prototypical School Funding Model. Staff within this new category are defined as: nurses, social workers, psychologists, counselors, classified staff providing student and staff safety, parent involvement coordinators, and other school district employees and contractors who provide physical, social, and emotional support to students, as defined by OSPI. We were looking for enhanced allocations to be provided in Fiscal Year 2023 (2022–23 school year); however, in an effort to defer some of the costs into the future, the bill/budget provides for a three-year phase in, from the 2022–23 school year to the 2024–25 school year.

We certainly knew the Legislature would never completely update the staffing ratios in the Prototypical School Funding Model in one year (even when the state had a multi-billion budget “surplus”), but we have been waiting for this jump-start for almost ten years. It is important to remember, however, that while \$90.6 million pales in comparison to the amount of revenue available, K–12 will get an automatic increase next year to complete the second- and third-year of the phase-in. Currently, it is expected to be at least \$548 million.

This was perhaps the most important win in 2022—even if the funding is phased-in and other needed increased ratios/allocations in the Prototypical School Funding Model are neglected. WASA, along with our School Funding Coalition partners, will be back urging further increases in 2023—and beyond.

Pupil Transportation.

This is another area where we achieved just a partial win. Prior to session, the education community was making a major push to advance a needed overhaul of the current STARS pupil transportation funding model. It became clear early on that legislators were not prepared to completely scrap the model in 2022. We ultimately agreed to support a two-step process: First, seeking support for the excess costs of “special passengers,” followed by a second step in 2023 to update STARS.

We supported two bills: HB 1808 and SB 5581. The bills were substantially similar, but were not companion bills. Both would have provided reimbursements to school districts which had excess costs due to transporting “special passengers.” Both bills defined these passengers as special education students, homeless students under McKinney-Vento, and students in foster care.

Both bills were widely supported. HB 1808 passed the full House with a vote of 95-1 and SB 5581 was adopted by the Senate unanimously. Unfortunately, HB 1808 received no action in the Senate and SB 5581 received not action in the House. The issue came down to a dispute between the sponsors and who should get the credit for the bill. (Outside observers generally believe legislators support or oppose legislation based on its merits; however, all too often, bills get hung up because of egos, politics and/or misunderstandings.)

Due to this dispute, both bills died unceremonious deaths. Fortunately, we were able to salvage the issue by getting budget-writers to include funding in the budget. In the end, \$13.0 million is provided in the budget to implement a portion of the bills’ provisions. This one-time funding does not accomplish exactly what we were seeking; however, it will provide some assistance to school districts. While the Legislature’s adoption of HB 1808 or SB 5581 would have put funding for special passengers in statute and would have put us in a better position to advocate for a full overhaul of the STARS transportation funding model in 2023, we will still use this partial success as a jump-start for more aggressive changes next session.

Next Steps

Once again, school administrators were very active during the Legislative Session. And we had some successes—much of which would not have materialized if school administrators sat on their hands, waiting for someone else to step up. (It should be noted that some of our successes went beyond adopting legislation and/or getting funding—some of our successes came in the form of STOPPING bad legislation. This was in large part due to prompt actions by you.) We also had some losses, but in many of those losses, we took positive steps towards future success—which continues to be our ultimate goal: to lay the groundwork for the next biennial budget and beyond.

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

During the interim, legislators have more time for “real” conversations. Take time to meet them for coffee or offer to meet them in their district office—or dial them up on Zoom, if necessary. Invite them to a meeting of your Board. Give legislators a tour of your schools.

When you are meeting with them, remember, a simple “thank you” will also go a long way to building a positive relationship with your legislators. Among other things, they provided enhanced staffing allocations and enrollment stabilization. Review this Report and find additional budget items or policy issues that provide support. 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.

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

As we move to a new biennium, it is important to remain active to ensure the momentum we have built continues. You must remain vigilant—and continue, if not 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!

2022 Supplemental Operating Budget: ESSB 5693

On Monday, January 10, 2022, the Legislature convened its second year of the 67th Biennial Session. During the “short” session, limited to 60 days, policymakers traditionally focus on policy issues while the two-year budget (adopted in the first year of the biennium) is fine-tuned. The 2021 Legislature adopted a two-year budget which appropriated \$59.1 billion—an increase of \$5.5 billion over the previous budget. Required Maintenance Level costs (required spending to provide currently authorized services, including adjustments—up or down—in entitlement caseloads or enrollment and other mandatory expenses, such as inflation) accounted for \$2.3 billion of the increase. Discretionary Policy Level increases (funding for either new or expanded programs) in the two-year budget totaled \$3.2 billion.

K–12 benefitted from this better-than-expected budget, receiving a two-year funding increase of \$3.9 billion. To put some context around that number, however, it is important to remember that state funding (\$960.1 million) accounted for less than a quarter of the increase. While the \$2.9 billion in federal funds was appreciated and helped provide a necessary bridge, almost all of that federal increase (and some of the state funding) was one-time funding.

Any level of spending increases seemed remarkable, given that about nine months before the budget was adopted, revenue projections bottomed out, predicting a budget shortfall of almost \$9.0 billion. Everyone prepared for the worst approaching the 2021 Session; however, since the gloomy multi-billion shortfall prediction in June 2020, quarterly revenue forecast continued to come in positively and by the time the 2021–23 was finalized and adopted, projected revenue was back to the level anticipated in February 2020 (just before the COVID-19 pandemic hit). With significant available revenues—and even more significant federal pandemic revenues—the 2021–23 Operating Budget was destined to include big spending.

Not only did revenues turn around from June 2020 to March 2021, the state’s economy continues to run hotter than expected—even in the midst of a pandemic—with quarterly revenue collections coming in above projections EVERY quarter since June 2020. Coming into the 2022 Session, the state had a budget “surplus” of well-over \$6.0 billion—and even more if you accounted for health state reserves, remaining federal pandemic funding, and a “shadow” reserve account. Depending on how you calculate the available revenue, arguably there was upwards of \$10.0 billion available for a 2022 Supplemental Operating Budget.

Traditionally, during the “short” session, the focus is on policy and there are usually minor adjustments to the two-year budgets (Operating, Capital, and Transportation) that were adopted in the long session. With the significant available revenues, however, there was a heavy focus on the budget.

While revenues continued to ride high, K–12 had a conundrum. The Maintenance Level was expected to be significantly down. That is generally positive, especially when coupled with increasing revenues; as revenue increases and entitlement expenses decrease, the level of available revenue continues to increase even more. Unfortunately, K–12 education accounted for almost 90 percent of that reduced Maintenance Level.

Much of the Maintenance Level problem stemmed from a continuing enrollment decline in many districts. Like last session, this became a major focus for WASA and the rest of the education community. Enrollment stabilization was an uphill fight last session and it was an even bigger fight this session. Several key legislators argued that the enrollment decline was not a short-term blip, but a longer term trend—and started to offensively refer to our efforts as supporting “ghost students,” questioning why legislators should provide funding for students that do not exist. We reminded legislators that we were not asking for additional funds; what we were seeking was to maintain the funding they had already provided in the 2021–23 Operating Budget—funding they had provided based on information from the Caseload Forecast Council, which projected enrollment would return in the 2021–22 school year. (They could not have predicted the spike in COVID cases due to the Omicron variant, the community backlash over masking policies, or other political fights that put K–12 in the middle of a culture war.) School districts relied on the Legislature’s approval and, in turn, hired staff and adopted budgets based on the funding promised. We tried to explain that mid-year budget cuts are damaging to school districts because they are locked into contracts. To save, a district can’t simply reduce staff, which usually means reducing programs, negatively impacting students. (NOTE: some legislators recognized this, although most did not understand, providing another example about the lack of legislators’ understanding of K–12 funding.)

When it finally appeared that we might achieve a win, several curveballs came in. First, the House moved forward an enrollment stabilization plan with a proposed methodology of comparing “budgeted” 2021–22 enrollment to “actual” 2021–22 enrollment to calculate stabilization funding, which would have only supported 136 districts. The Senate’s more straight-forward methodology, which compared “actual” 2019–20 enrollment to “actual” 2021–22 enrollment to calculate stabilization funding, came out on top. There was also enough opposition to providing ANY stabilization funding that supporters were forced to agree to providing only half of a district’s enrollment loss. And last, legislators felt they needed to make it clear that they would never support enrollment stabilization again, so they adopted an intent section to the bill (SHB 1590), stating they are providing stabilization funding “for the final time.” Ultimately, we got a partial win, but even this partial win will be tremendously

helpful to the 230 districts that continue to deal with enrollment declines.

With more than \$10.0 billion of available funds, it appeared 2022 might be the year to make a major move in improving staffing ratios in the Prototypical School Funding Model. The Legislature, for the first time since the Model was implemented, provided for significant increases in staffing ratios/allocations. The focus was on students' physical and mental health needs and allocations are increased for a new category of Physical, Social, Emotional support staff (nurses, social workers, counselors, etc.). WASA, along with our School Funding Coalition partners, supported this step—although we continued to hope more could have been done. Staffing allocations receive a bit over \$90.0 million to begin, in 2022-23, a three year phase in for these staff increases (we will be back in 2023). This certainly is positive, but putting the \$90.0 million in context with a \$10.0 billion+ bounty, K-12 barely got a nibble. Positively, we know that there will be an automatic increase of over \$560.0 million next biennium to fund the second and third year of the phase-in; however, we have been waiting for a complete update since 2011. If the Legislature cannot make a monumental change with \$10.0 billion burning a hole in their pocket, when will they?

The third piece (of the so-called “Big Three”) in which we achieved success was securing additional funds for Pupil Transportation. Looking to take a two-step approach to overhauling the vexing STARS funding model, we worked with legislators seeking funding for excess costs due to “special passengers” (specifically, special education students, foster care students, and homeless students as a part of McKinney Vento). Our hope and our effort was to get one of two bills adopted to embed this in statute. Unfortunately, the sponsors of the competing bills had a dispute and both bills died. (Remember the proverb: “When the elephants fight, the grass suffers.”) Positively, we were able to achieve funding for a similar purpose in the 2022 Supplemental Operating Budget. This puts us in a good position to more aggressively fight for transportation fixes in 2023.

There were many other positive outcomes for K-12 in the 2022 Supplemental Operating Budget, along with some disappointments and missed opportunities (all the details follow below). Perhaps the biggest disappointment is that, while K-12 received a health increase in Policy Level funding (\$433.4 million in funding subject to the Four-Year Outlook and \$830.7 million in Total Funds), the dramatic reductions in the K-12 Maintenance Level resulted in a net reduction in education funding (a reduction of \$492.2 million and \$89.2 million). Under “normal” circumstances, you could debate the rationale, but in context, understanding the Legislature had well-over \$10.0 billion available, it is a head-scratcher.

Bottom line: it is all about priorities. Legislators provided a substantial (albeit belated) increase in staffing allocations, but image the positive impact if they at least completed the Phase

I recommendations of the Staffing Enrichment Workgroup (2019), rather than spending \$2.0 billion of the surplus in the transportation budget. After a fight, legislators provided a second round of enrollment stabilization, but think about the positive impact if school districts with enrollment declines retained 100 percent of previous approved appropriations. We cannot deny there were positive budget movements for K-12—and we achieved more success than many anticipated. We have to appreciate that—and be thankful. But with \$10.0 billion in the bank, you have to wonder why the budget outcome for K-12 was not better.

In the end, the 2022 Supplemental Operating Budget certainly was not a mere tweak to the underlying 2021-23 Operating Budget. There was a significant Maintenance Level reduction (\$1.1 billion) and an even more significant Policy Level increase (\$6.2 billion), for a total increase of \$5.1 billion, bringing the final 2021-23 Operating Budget spending to \$64.1 billion. The \$5.1 billion increase is the biggest Supplemental increase ever.

Following below are complete details of the K-12 education section of the budget (and additional provisions that impact K-12) as adopted by the Legislature. For additional budget information, please use the following links:

- 2022 Supplemental Operating Budget: [ESSB 5693](#)
- 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](#)
 - [Physical, Social, and Emotional Support Staff Compliance Q&A](#) (2022)
 - [Guidance Counselor Tool for 2022-23 School Year](#) (Eligible High Poverty Counselor Enrollment)
 - [Compliance Calculator for 2022-23 School Year](#) (K-3 and PSESS)
 - [LAP Budget Calculator for 2022-23 School Year](#)
- [Economic & Revenue Forecast Council](#):
 - [Forecasts](#)
 - [Four-year Outlook](#)

BUDGET DETAILS: K–12 ENHANCEMENTS

Enrollment Stabilization—\$347.0 million

\$280.9 million in one-time funding from the federal Coronavirus State Fiscal Recovery Fund is provided to support enrollment stabilization funding, as required by SHB 1590. Under provisions of the bill, enrollment stabilization funding in the 2021–22 school year is provided to school districts that experienced enrollment declines as a result of the COVID-19 pandemic that led to a loss of revenue in the 2021–22 school year when compared to 2019–20 revenue. The calculated difference in revenue loss is divided in half, backfilling 50 percent of a district's revenue loss. This funding will support 230 districts that continue to experience enrollment declines. The House's proposed methodology of comparing "budgeted" 2021–22 enrollment to "actual" 2021–22 enrollment to calculate stabilization funding, which would have only supported 136 districts, was rejected in the final budget. Instead, as the Senate proposed, "actual" 2019–20 enrollment is compared to "actual" 2021–22 enrollment to calculate stabilization funding.

Another \$63.9 million from the federal Coronavirus State Fiscal Recovery Fund is provided to stabilize Local Effort Assistance (LEA or "levy equalization") funding, as required by SHB 1590. Under provisions of the bill, districts are allowed to use 2019–20 enrollment values (rather than the "previous year") to calculate LEA in Calendar Years 2022 and 2023. (NOTE: SHB 1590 also provides for the stabilization of school district levy lids; however, there is no state fiscal impact.)

An additional \$1.7 million from the federal Coronavirus State Fiscal Recovery Fund is provided to support enrollment stabilization funding for public charter schools, as required by SHB 1590.

A fourth appropriation of \$1.0 million supports enrollment stabilization for the Washington Youth Academy National Guard Youth Challenge Program. \$204,000 of this allocation comes from remaining federal ESSER funds (as provided in the Coronavirus Response and Relief Supplemental Appropriations Act, adopted in December 2020).

Staffing Allocations—\$90.6 million

Funding is provided to begin a phase-in of increased school staffing ratios and allocations for Physical, Social, and Emotional support staff as a part of the Prototypical School Funding Model, as required in 2SHB 1664. As defined by the bill, these staff are nurses, social workers, psychologists, counselors, classified staff providing student and staff safety, parent involvement coordinators, and other school district employees and contractors who provide physical, social, and emotional support to students, as defined by OSPI. As required by 2SHB 1664, enhanced ratios/allocations are phased in over three years, from the 2022–23 to the 2024–25

school year. The projected cost in the Four-Year Outlook to continue the required phased-in increases is \$548.3 million in the 2023–25 biennium.

In addition to increasing staffing ratios/allocations in all public schools, funding is also provided to support Institutional Education and public charters schools (although charters receive an appropriation from the Washington Opportunities Pathways Account, rather than the state's General Fund).

(NOTE: Specific staffing ratios for each position are described in 2SHB 1664, in the Bills Passed section later in this Report.)

LAP Hold Harmless—\$27.0 million

In addition to school districts' current allocation for the Learning Assistance Program (LAP), funding is provided to hold school districts harmless by allowing them to use 2019–20 school year Free and Reduced-Price Lunch percentages for calculating LAP funding. The funding is also to be used to support high poverty-based allocations in the 2022–23 school year for schools not eligible in the 2022–23 school year that were eligible for high poverty allocations in the previous school year.

This one-time funding is provided from the federal Coronavirus State Fiscal Recovery Fund.

Federal Food Assistance—\$21.9 million

Federal funding is provided (\$18.2 million) by the U.S. Department of Agriculture (USDA) Commodity Credit Corporation, which will reimburse schools for the acquisition of unprocessed or minimally processed domestic food products from the USDA Supply Chain Assistance Funds.

Additional federal funds are provided (\$3.7 million) by the U.S. Department of Agriculture (USDA) for food assistance purchases of domestic local foods for distribution to schools through the USDA Local Food for Schools Cooperative Agreement program.

Community Eligibility Provision—\$21.7 million

Funding is provided (\$21.5 million) for state reimbursements to school districts for schools and groups of schools required to participate in the federal Community Eligibility Provision (CEP) under HB 1878, but are not eligible for the full federal meal reimbursement rate. Additionally, OSPI is provided with an enhancement of \$167,000 for necessary staff to implement HB 1878.

Pupil Transportation—\$13.0 million

Although neither education community priority pupil transportation bill (HB 1808 and SB 5581) was adopted this session, funding was provided in the final budget to implement a portion of those bills' provisions. \$13.0 million is provided in Fiscal Year 2023 for OSPI to provide transportation safety net funding to school districts with a demonstrated need for additional transportation

funding for special passengers. Transportation safety net awards will only be provided when a school district's allowable transportation expenditures attributable to serving special passengers exceeds the amount allocated in the biennial budget for Pupil Transportation and any excess transportation costs reimbursed by federal, state, tribal, or local child welfare agencies. The term "special passengers" is not defined in the budget; however, under HB 1808 and SB 5581, special passengers included students that are homeless, in foster care, or receiving special education. As OSPI writes rules to implement this provision, it is anticipated safety net awards would be based on serving this same set of students.

Budget proviso language also stipulates that to be eligible for additional transportation safety net award funding, the school district must report the amount of the excess costs and the specific activities or services provided to special passengers that created the excess costs. OSPI is required to request an application for transportation safety net funding from school districts no later than May 1st. The application must contain the school district's anticipated excess costs through the end of the current school year. Proviso language also specifically clarifies that transportation safety net awards are not a part of the state's program of basic education.

Reporting and accountability provisions in the original versions of HB 1808 and SB 5581 were of concern to many school districts, in particular small districts. Adopted amendments, however, would have allowed OSPI to draft rules that would have mitigated those concerns. Presumably, OSPI will still be in a position to adopt rules to ensure applying for transportation safety net funding is not an onerous task.

This one-time funding does not accomplish exactly what we were seeking; however, it will provide some assistance to school districts. While the Legislature's adoption of HB 1808 or SB 5581 would have put funding for special passengers in statute and would have put us in a better position to advocate for a full overhaul of the STARS transportation funding model in 2023, we will still use this partial success as a jump-start for more aggressive changes next session.

Residential Outdoor School—\$10.0 million

Funding is appropriated to OSPI to administer a new Outdoor Learning Grant Program to develop and support outdoor educational experiences for students in Washington public schools, as required by 2SHB 2078. OSPI is required to award grants to eligible school districts and outdoor education program providers starting in the 2023–23 school year (2SHB 2078 also specifically designates federally recognized tribes and state-tribal education compact schools as eligible grant recipients). OSPI may consult with the Washington Recreation and Conservation Office in awarding grants. Of the total allocation, OSPI is provided with \$195,000 to administer the Program and implement 2SHB 2078.

\$3.9 million of the overall appropriation is provided to support the two types of grants under the new Outdoor Learning Grant Program: allocation-based grants for school districts to develop or support outdoor educational experiences; and competitive grants for federally recognized tribes and outdoor education providers to support existing capacity and to increase future capacity for outdoor learning experiences.

\$5.9 million of the overall appropriation will support the Outdoor Education Experiences Program. OSPI is required to prioritize providing the Program to fifth and sixth grade students in high poverty schools, expanding to other fifth and sixth grade students, as funds are available.

(NOTE: The Outdoor Experiences Program is more fully detailed in 2SHB 2078, Bills Passed, later in this Report.)

Small District Support—\$8.3 million

Funding from the Washington Opportunity Pathways Account is provided to support small school districts, public charter schools, and state-tribal education compact schools that have less than 800 enrolled students. To be eligible for support, the school must be located in urban or suburban areas and budgeted for less than \$18,000 per pupil in General Fund expenditures in the 2021–22 school year.

For eligible school districts and schools, OSPI must allocate an amount equal to the lesser of: the Local Effort Assistance threshold in Calendar Year 2022 (\$1,692 per pupil); or the amount needed to bring the school district or school to \$18,000 per pupil.

Native American Names—\$4.5 million

The underlying 2021–23 Operating Budget provided \$800,000 in Fiscal Year 2022 and \$800,000 in Fiscal Year 2023 to fund grants to support schools that incur costs transitioning from Native American school mascots, logos, or team names as required by SHB 1356 (2021). As requested by Superintendent Reykdal, the 2022 Supplemental Operating Budget provides an enhancement of \$4.5 million in Fiscal Year 2023 to expand the grant program, providing support to additional schools and districts that have discontinued the use of Native American school mascots, logos, or team names.

Healthcare Simulation Labs—\$3.6 million

One-time funding, from the Workforce Education Investment Account, is provided to OSPI to administer grants to Skills Centers for nursing programs to purchase or upgrade simulation laboratory equipment.

MTSS Implementation Supports—\$3.5 million

One-time funding is provided for OSPI to contract for regional Multi-Tiered Systems of Support (MTSS) implementation specialists during the 2022–23 school year to help districts administer the MTSS assessments and adopt evidence-based strategies that address the specific academic, social, emotional, and behavioral health needs of students

exacerbated by the pandemic. Funding may also be used for the specialists to provide MTSS training and technical assistance to help school districts and ESDs connect students with appropriate supports to improve student outcomes and reduce educational opportunity gaps.

After-Exit Running Start—\$3.0 million

Funding is provided for after-exit Running Start grants to school districts that identify Running Start students that have exceeded maximum enrollment under Running Start formulas and high school graduates who have fifteen or fewer college credits to earn before meeting associate degree requirements. High school graduates who meet these requirements are eligible to receive funds from these grants for fees to the Community and Technical College to earn up to fifteen college credits during the summer academic term following their high school graduation.

Financial Literacy Education—\$3.0 million

Funding is provided (\$2.0 million) for the Financial Education Public-Private Partnership to establish a new Financial Literacy Education Professional Development Grant Program. Grants are to be provided to school districts for integrating financial literacy education into professional development for certificated staff, as required by 2SSB 5720. Additional grant activities are permitted, including: coordinating teachers from across a school district to develop new instructional strategies and to share successful strategies; sharing successful practices across a group of school districts; and facilitating coordination between ESDs and school districts to provide training.

Another \$1.0 million is provided to enhance funding appropriated in the underlying 2021–23 Operating Budget, further supporting the Financial Education Public-Private Partnership to fulfill additional duties outlined in 2SSB 5720, including: hiring support staff, contracting with ESDs; facilitating the creation and implementation of professional development for certificated instructional staff relating to financial literacy and education; working to facilitate outreach for financial literacy training to foster students, homeless youth, students receiving special education services, and tribal communities; and coordinating with providers in the Early Childhood Education and Assistance Program.

Next Generation Science Standards—\$2.0 million

The underlying 2021–23 Operating Budget provided \$3.0 million in Fiscal Year 2022 and \$3.0 million Fiscal Year 2023 to provide grants to school districts and ESDs for science teacher professional development in the Next Generation Science Standards, including training in the climate science standards. At a minimum, school districts must ensure that teachers in one grade level in each elementary, middle, and high school participate in this science training. \$1.0 million of the original appropriation was provided for community-based nonprofits including

tribal education organizations to partner with public schools for Next Generation Science Standards.

The 2022 Supplemental Operating Budget provides an additional \$2.0 million in Fiscal Year 2023 to continue professional development in the Next Generation Science Standards and to support community-based climate science organizations in partnering with school districts and ESDs.

OSPI State Office Administration—\$1.5 million

The base operations funding for OSPI has not kept up with the expanding programming requirements over the past decade. The lag in critical staffing in areas like fiscal, legal, policy and research, reporting, contracting, human resources, compliance, civil rights, communications, and information technology is undermining OSPI's ability to be responsive to the ever-evolving needs and requirements of the K–12 system and the 1.1 million students it serves.

Superintendent Reykdal's 2022 Decision Package included a \$2.0 million requested increase in the agency's base operations (Maintenance Level funding is \$14.5 million) in Fiscal Year 2023, followed by an annual adjustment based on IPD for subsequent years, providing OSPI additional staffing capacity and funding flexibility to better meet the needs of the K–12 system and the expectations of the Legislature.

The Senate's original budget proposal included a \$1.0 million increase, while the House countered with Reykdal's full \$2.0 million request (the automatic inflationary adjustment lacked support in both houses). Ultimately, the houses split the difference and the 2022 Supplemental Operating Budget provides a \$1.5 million increase OSPI base budget in Fiscal Year 2023.

Paraeducator Training—\$1.5 million

The underlying 2021–23 Operating Budget provided \$14.8 million to fund two days of training in the Paraeducator Certificate Program in Fiscal Year 2023 and two days each year thereafter. The 2022 Supplemental Operating Budget provides an enhancement of \$1.5 million for Fiscal Year 2023. New proviso language specifically states, "Funding provided in this subsection is sufficient for new paraeducators to receive four days of training in the Paraeducator Certificate Program during their first year."

(NOTE: HB 1942, which would have modified deadlines and in-person requirements for paraeducator training, failed to be adopted.)

ESD Administrative Reduction—\$1.2 million

Previously, an administrative reduction was taken from the base budget of ESDs. The final 2022 Supplemental Operating Budget removes the reduction.

ESD Funding—\$1.0 million

Funding is provided to each ESD for the employer cost of school employees' benefits for employees of the ESD who are covered by collective bargaining, as required by SB 5539.

Intensive Tutoring Grants—\$1.0 million

Funding is provided for a grant program for school districts, public charter schools, and state-tribal education compact schools to establish intensive tutoring programs. Grants are to be used to recruit, train, and hire tutors to provide one-on-one tutoring services to K–12 students experiencing learning loss as a result of the COVID-19 pandemic. Tutors must receive training in proven tutoring models to ensure their effectiveness in addressing learning loss.

Behavioral Health Program Pilot—\$1.0 million

One-time funding is provided for OSPI to contract with a community-based youth development nonprofit organization for a pilot program to provide behavioral health support for youth and provide trauma-informed, culturally responsive training to staff.

Educational interpreters—\$700,000

Funding is provided for the Professional Educator Standards Board (PESB) to administer grants to reimburse school districts for professional development activities of up to \$2,000 per employee or contracted staff service provider in the role of educational interpreter who are training to meet standards (RCW 28A.410.271). Funding provided may be used for:

- Professional development, training, or mentoring services;
- Paid time to attend training or mentoring opportunities;
- Compensation for substitutes to enable educational interpreters to access professional development, training, or mentoring services during the instructional day without interrupting service to students;
- Courses offered at institutions of higher education located in Washington and designed to improve professional skills to meet the educational needs of students who are deaf or hard of hearing;
- Assessment fees for initial submission or assessment retakes to meet or exceed standards; and
- Other activities as defined by PESB in consultation with the Washington State Center for Deaf and Hard of Hearing Youth and associations representing school administrators and educational interpreters.

Mathematics Pathways Pilot—\$553,000

Funding is provided for OSPI to develop and implement a mathematics pathways pilot to modernize Algebra II. OSPI is expected to use research and engage stakeholders to develop a revised and expanded course. Funding includes the pilot course, a work group, a curriculum development contract, and 1.0 FTE at OSPI.

Dual Enrollment Pilot—\$500,000

Funding is provided for OSPI to administer a pilot program to subsidize eligible dual or concurrent enrollment course

costs for students who qualify for Free or Reduced-Price Meals and are participating in dual enrollment courses offered by one of three community colleges designated by OSPI and the State Board of Community and Technical Colleges. Eligible dual enrollment course programs include the Running Start and College in the High School programs. One of the community colleges must be located in a county with a population greater than 125,000 but less than 150,000.

OSPI must subsidize the course costs by transmitting to each of the three institutions of higher education \$1,000 per FTE student during the 2023–23 academic year. For eligible students who qualify for Free or Reduced-Price Meals and are enrolled in Running Start courses, the pilot program must subsidize:

- Any student-voted fees, technology fees, course fees, laboratory fees, or other fees required for enrollment, up to 17 credits per quarter, that were not waived by the institution of higher education; and
- Textbooks and other course materials required by the institution of higher education.

Any funds remaining after OSPI subsidizes the costs included above may be used to subsidize waived fees or transportation costs for eligible students who qualify for Free or Reduced-Price Meals and are enrolled in Running Start courses.

OSPI is required to submit a preliminary report to the Legislature by June 30, 2023, on the results of the pilot program. Proviso language clarifies, it is the intent of the Legislature to provide funding for a final report due to the Legislature by August 31, 2023.

Residential School Staff—\$500,000

Funding is provided (\$100,000 in Fiscal Year 2022 and \$400,000 in Fiscal Year 2023) to support instruction in cohorts of students grouped by similar age and academic levels in institutional education programs.

Partners in Careers—\$468,000

Funding is provided for OSPI to contract with a nonprofit organization to establish a Workforce Pilot Program with the Vancouver School District that provides targeted training to expand the school district's candidate pool for school bus drivers and paraeducators. The nonprofit organization must be based in Vancouver, Washington and must have experience assisting individuals in becoming economically self-sufficient by providing resources, training, and job placement opportunities. By June 30, 2023, OSPI will collaborate with the nonprofit organization and the Vancouver School District to submit a report to the Legislature with results of the Workforce Pilot Program and recommendations for expanding the program.

South King County Pre-apprenticeship—\$450,000

The 2021–23 Operating Budget provided \$300,000 for the Highline School District to contract with an organization to offer pre-apprenticeship opportunities for two cohorts of students each year in South King County during the summer months of 2021. The 2022 Supplemental Operating Budget provides an enhancement of \$450,000 and adjusts proviso language, noting: the funding must support pre-apprenticeship opportunities for “at least” two cohorts of students; and the funding will expand the program from the summer of 2021 to 2022 and 2023. Additionally, new language makes students from the Highline School District, as well as “neighboring school districts in South King County” eligible for the program.

Language Access—\$380,000

OSPI is provided with \$380,000 to implement E2SHB 1153 which, among other provisions, requires OSPI to staff the Language Access Advisory Committee and provide training and technical assistance to support the implementation of language access programs in school districts. A portion of the overall funding (\$13,000) is provided to the Professional Educator Standards Board to support their required collaboration in establishing credentialing requirements for spoken language and sign language interpreters working in public schools to interpret for students’ families, students, and communities in educational settings outside the classroom.

Additional funding is provided to the State School for the Blind (\$24,000) and the Washington State Center for Childhood Deafness and Hearing Loss (\$5,000) to support each entity in implementing a language access program, as required by E2SHB 1153.

Seattle Children’s Hospital—\$319,000

The 2022 Supplemental Operating Budget provides enhanced funding beyond the appropriation provided in the underlying 2021–23 Operating Budget for teachers and aides at Seattle Children’s Hospital.

Media Literacy—\$300,000

Funding is provided for OSPI to establish a media literacy and digital citizenship ambassador program to promote the integration of media literacy and digital citizenship instruction.

Tribal Consultation—\$294,000

Funding is provided for implementation of SSB 5252, which requires OSPI collaborate with multiple entities to develop a tribal consultation training and schedule.

SBE Community Engagement—\$263,000

Requested by the State Board of Education (SBE), funding is provided to support a community engagement coordinator position within SBE to engage students, families, and communities statewide in the development of policies and practices. Funding provided may also be used for contracts

for partner organizations, including community-based and nonprofit organizations, to support the engagement coordinator.

Skills Center Pathways Pilot—\$250,000

Funding is provided to support an Education and Workforce Pathway Pilot Program at the Northwest Career and Technical Academy. The Pilot Program will oversee a pathway including high schools, Skills Centers, community and technical colleges, and employers that results in students earning a high school diploma and an associate in technical arts degree, while maintaining summer employment.

Senior Support Initiative—\$250,000

Funding is provided for OSPI to contract with an organization to expand the Senior Support Initiative that helps high school seniors in the Tacoma School District navigate their postsecondary pathway options. The organization may provide support to Tacoma School District seniors through academic supports, financial aid and scholarships, college entry and communication, workforce entry and apprenticeships, housing, child care, and other basic needs. The organization must be a foundation focused on students that coordinates the efforts of parents, youth, community, and policymakers across multiple sectors to address equity gaps facing children and youth in the Tacoma School District.

Gang Prevention Pilot—\$250,000

Funding is provided for OSPI to contract with a nonprofit organization to develop and provide a Latino youth-on-youth gang violence prevention program for students. The program is required to target Latino students ages 11 through 17 who are either involved in or at risk of becoming involved in a gang or in gang activities. Eligible students must be enrolled in either the Moses Lake or Federal Way School Districts. The nonprofit organization must have at least 15 years of experience serving Latino communities and promoting advocacy and must provide kindergarten through 12th grade social emotional learning, mental health wraparound services, and parent engagement programs in Washington.

Maritime Education—\$250,000

One-time funding is provided for the Tacoma School District to identify specific career-relevant coursework and facility needs for the development of a comprehensive maritime-focused Career and Technical Education program in the South Puget Sound area. Funding must be used by the district to engage with the maritime industry in and around the Port of Tacoma to conduct a workforce training gap analysis. The district is also required to coordinate with OSPI, the State Board of Education, and the Workforce Training and Education Coordinating Board to create the relevant curriculum and identify facility needs to establish a new marine trades program.

School Principals Support—\$250,000

Funding is provided for OSPI to contract with the Association of Washington School Principals to provide support, mentoring, mediation, and professional learning services to school principals and assistant principals in the greater Seattle area.

Crisis Response Work Group—\$200,000

Funding is provided for OSPI to convene a Crisis Response Work Group to identify trauma-informed strategies, approaches, and curricula for supporting students in distress and with challenging behaviors that prioritize relational safety. The Work Group at a minimum must include the following:

- One representative from the Department of Children, Youth, and Families with expertise on inclusion, equitable access, trauma-informed practices, and relational safety in education settings;
- One representative from an organization representing youth with intellectual and developmental disabilities;
- Individuals representing youth with communication disorders, students or young adults who have lived experience with restraint and isolation, and students or adults who are survivors of the school-to-prison pipeline;
- One representative from an organization working to eliminate racial inequities in education;
- One representative from an organization working to eliminate disparities for families and students with a native language other than English;
- One representative from an organization working to improve inclusive practices in Washington that works with families and communities;
- One member of an organization representing youth in foster care;
- One member of an organization representing youth experiencing homelessness; and
- An administrator, teacher, and paraeducator professional with experience working in or around a self-contained behavior program.

The Work Group is required to submit a report to the Legislature, the governor's office, and the Education Ombuds by December 1, 2022. The report must include a list of approved crisis response protocols and de-escalation techniques for schools that are trauma-informed and prioritize relational safety, recommended elements needed to improve access to mental health supports for all students, building-based strategies to enhance fidelity to multi-tiered systems of support and student behavior plans for students with challenging behaviors and strategies to track and reduce/eliminate restraint and isolation use, and best practices for implementation of identified strategies, with

recommendations for district compliance and tracking mechanisms.

Computer Science Courses—\$200,000

Funding is provided to OSPI to support grants to school districts and ESDs operating institutional education programs for youth in state long-term juvenile institutions to provide access to computer science elective courses, required by SB 5657.

Plant-Based School Meals—\$150,000

Funding is provided for OSPI to administer grants to school districts for a Plant-Based School Meals Pilot program. Grant recipients may use the funding for food supplies, delivery costs, equipment purchases, education, and other expenditures to increase access to plant-based school meals. Grants awarded to school districts may not exceed \$10,000 per district.

Tukwila After-School Programs—\$148,000

Funding is provided for before- and after-school programming to low-income elementary school students in the Tukwila School District. Funding may be distributed to the Tukwila School District or to local before- or after-school program providers that provide child care for low-income elementary school students in the school district.

School Climate Survey—\$100,000

As requested by the State Board of Education, funding is provided for the Board to identify, develop, or purchase a school climate survey tool or other assessment options, and work with OSPI and school districts to develop a statewide implementation plan. The Board is required to report back on progress to the Legislature by June 30, 2023.

Sexual Assault Response—\$80,000

Funding is provided for OSPI to assist sexual assault survivors in Washington public schools. Funding provided must be used by OSPI to:

- Research best practices for a victim-centered, trauma-informed approach to responding to sexual assault, and supporting survivors in schools;
- Conduct listening sessions across the state for the purpose of assessing challenges with responding to sexual assault and supporting survivors in schools;
- Update model protocols for responding to sexual assault and supporting survivors in schools;
- Develop a plan for deploying victim-centered, trauma-informed training for school administrators and counselors, based on best practices for responding to sexual assault and supporting survivors in schools and informed by the requirements of the federal Title IX; and
- Review current legal requirements mandating that educators and staff report suspected sexual assault and assess whether changes to those requirements

should be made to align them with best practices for responding to sexual assault and supporting survivors in schools.

OSPI is required to consult with the Department of Children, Youth, and Families, law enforcement professionals, national and state organizations supporting the interests of sexual assault survivors, victims' advocates, educators, school administrators, school counselors, and sexual assault survivors.

OSPI is required to submit to the Legislature a preliminary report by December 1, 2022. Proviso language also states it is the intent of the Legislature to provide funding for OSPI to submit a final report, including a summary of its findings and recommendations, by October 1, 2023.

Allergic Reactions—\$76,000 VETOED

Funding is provided to OSPI to collaborate with the Department of Health (DOH) to submit a report of findings related to statewide implementation of RCW 28A.210.383 (regarding epinephrine autoinjectors, enacted by ESB 5104 in 2013 and SB 6013 in 2014). Proviso language requires OSPI and DOH to:

- Analyze information about the schools that maintain a supply of epinephrine autoinjectors under RCW 28A.210.383;
- Examine the barriers and challenges licensed health professionals with the authority to prescribe epinephrine autoinjectors experience in prescribing this medication under a standing order;
- Review whether and to what extent the current law requirement (RCW 35-28A.210.320) that a student with a life-threatening allergic reaction present a medication or treatment order addressing the medical services that may be required to be performed at the school reduces the need for and use of a school supply of epinephrine autoinjectors;
- Determine the number of unused epinephrine autoinjectors discarded by schools, and returned to students' families, at the end of the 2023–23 school year;
- Complete an inventory of the number and categories of school district staff provided with training on identifying and responding to life-threatening allergies between September 1, 2017, and June 1, 2023; and
- Investigate any other implementation issues raised by school nurses, students who have life-threatening allergic reactions, and students' families during meetings held by OSPI for the purpose of soliciting feedback on these issues.

Additionally, when collecting and analyzing information required for the required report, OSPI and DOH must collect information from multiple sources, and disaggregate

information during analysis, such that information can be separated by school geography, student enrollment, school socioeconomic status, and other student demographics.

~~OSPI and DOH must submit the report to the Legislature by June 30, 2023.~~

Prior to signing the budget, Governor Inslee vetoed this provision. In his veto message he stated:

“This data is currently not being collected at the state level and would be an administrative burden for OSPI and school districts to produce this data, especially retroactively, without a clear intent for the use of the data once collected. More clarity is needed regarding the problems to be solved so that the right types of data and analysis can be collected and completed to inform decisionmakers.”

Social Workers Support Staff—\$70,000

Funding is provided for OSPI to provide centralized support and coordination, including supervision and training, for social workers hired by or contracting with school districts.

Special Education Report—\$50,000 VETOED

Funding is provided for OSPI to annually report on special education students receiving their Washington state funded education outside of the state. Reports must be provided to the Legislature beginning January 1, 2023, and on January 1 each year thereafter. At a minimum, the report must contain the following data:

- The number of Washington K–12 education students enrolled in special education services that have been moved to out-of-state facilities/schools to receive their Washington state funded education;
- The district that had previously served each student prior to relocation;
- The current location/facility where the student is now enrolled and receiving services; and
- The annual cost, and the per pupil cost of each student receiving services outside of the state.

Prior to signing the budget, Governor Inslee vetoed this provision. In his veto message he stated:

“This data is currently not being collected at the state level and would be an administrative burden for OSPI and school districts to produce this data, especially retroactively, without a clear intent for the use of the data once collected. More clarity is needed regarding the problems to be solved so that the right types of data and analysis can be collected and completed to inform decisionmakers.”

One-to-One Mentoring—\$38,000

Funding is provided for OSPI to contract with a Washington-based nonprofit organization that provides one-to-one mentoring through a volunteer supported network for

disadvantaged youth facing academic and personal challenges to provide supportive services for youth who are experiencing mental and behavioral health crises due to the pandemic. Funding may also be used to assist youth mentors, and for staff who provide services to youth and their families and are experiencing secondary trauma. The organization must be affiliated with a national volunteer-supported mentoring network and have been providing one-to-one volunteer mentoring programs for at least 20 years in the state.

Interstate Military Compact—\$35,000

Additional funding is provided for the Interstate Compact on Educational Opportunity Military Children (enacted in 2009). The Compact facilitates the transfer of students of military personnel between schools/states to alleviate barriers to students.

Chinese American History Month—\$25,000

One-time funding is provided for OSPI to create and distribute promotional and educational materials to school districts for Americans of Chinese descent history month.

Learning Device Grants—\$19,000

The underlying 2021–23 Operating Budget provided \$4.3 million to allow ESDs to provide technology consultation, procurement, and training as required by E2SHB 1365 (2021). The 2022 Supplemental Operating Budget provides an enhancement to further implement E2SHB 1365.

Dedicated Cannabis Distributions—\$9,000

Appropriations are adjusted to reflect changes in cannabis revenue distributions as provided for in E2SSB 5796.

Apprenticeships—\$2,000

Funding is provided to implement the provisions of E2SB 5764, which, among other things requires the William D. Ruckelshaus Center to study, consult stakeholders (including OSPI), and report on further developing and improving opportunities for apprentices to receive credit towards degrees.

Additional funding (a total of \$772,000) is provided to higher education agencies and institutions to align Washington College Grants for full-time apprentices and the establishment of credits for registered apprenticeship programs, as required by E2SB 5764. Funding is distributed as follows: State Board for Community and Technical Colleges, \$331,000; Washington Student Achievement Council, \$275,000; University of Washington, \$18,000; Washington State University, \$80,000; and Eastern Washington University, \$68,000.

Climate Science Curriculum

Proviso language stipulates that \$200,000 of OSPI's base budget be used to support a climate science curriculum staff position within OSPI and to integrate climate change content into the Washington state learning standards across subject

areas and grade levels. OSPI is required to develop materials and resources that accompany the updated learning standards that encourage school districts to develop interdisciplinary units focused on climate change that include authentic learning experiences, that integrate a range of perspectives, and that are action oriented.

Preschool Students with Disabilities—VETO

No additional funding was provided to OSPI; however, new proviso language was added to the budget requiring a review of services for preschool-age students with disabilities:

~~Proviso language required OSPI to submit a report on districts receiving funding for services to students of preschool age with disabilities for the 2023–23 school year. The report must include data on revenues and expenditures for the special education programs offered in-district or with a provider, or for special education services offered in-home or outside of traditional preschool settings, including but not limited to:~~

- ~~• Revenues received by each district;~~
- ~~• Expenditures by district by object, activity, and National Center of Education Statistics codes;~~
- ~~• Expenditures by district and by object, activity, and National Center of Education Statistics codes for children in preschool programs offered by the district;~~
- ~~• Expenditures by district and by object, activity, and National Center of Education Statistics codes for children in preschool programs offered by other providers;~~
- ~~• Expenditures by district and by object, activity, and National Center of Education Statistics codes for children receiving special education services in-home or outside of traditional preschool settings; and~~
- ~~• Expenditures by category of disability for children in preschool settings offered by the district or other providers, or for children receiving special education services in-home or outside of traditional preschool settings.~~

~~OSPI is required to submit a preliminary report by June 30, 2023. It is the intent of the Legislature that OSPI submit a final report by December 1, 2023, and that funding for this purpose be provided in the 2023–25 fiscal biennium operating budget.~~

Prior to signing the budget, Governor Inslee vetoed this provision. In his veto message he stated:

“This data is currently not being collected at the state level and would be an administrative burden for OSPI and school districts to produce this data, especially retroactively, without a clear intent for the use of the data once collected. More clarity is needed regarding

the problems to be solved so that the right types of data and analysis can be collected and completed to inform decisionmakers.”

Transitional Kindergarten—VETO

The 2022 Supplemental Operating Budget did not make any funding changes to the Transitional Kindergarten program; however, limiting proviso language was added:

Proviso language stipulated that to generate an allocation for Transitional Kindergarten, enrollments under uniform entry qualifications for kindergarten admission require an individualized decision by the district that is based upon the ability, or the need, or both, of an individual student. Due to significant growth in exceptions provided under optional school district Transitional Kindergarten programs, OSPI is required to adopt rules for allocations for Transitional Kindergarten regarding exceptions to uniform entry qualifications for kindergarten admission for the 2023–23 school year. Specifically, the new rules must:

- Limit allocations for exceptions to uniform entry qualifications for kindergarten only to students enrolled as individualized exceptions based upon the ability, or the need, or both, of an individual student;
- Define full-time equivalent enrollments under exceptions to uniform entry qualifications for kindergarten that exceed a district's 2021–22 enrollments under exceptions as nonindividualized programmatic exceptions, which do not generate allocations;
- Allow school districts to fund nonindividualized programmatic exceptions from local revenues as enrichments of the state's statutory program of basic education; and
- Include a review no later than June 30, 2023, based on the Washington State Institute for Public Policy report.

There were major concerns that this language—and the coming required rules—would impede a district's ability to begin implementing, or expanding, a Transitional Kindergarten program. Many school districts and other education advocates—including Superintendent Reykdal—urged the governor to veto the language.

Prior to signing the budget, Governor Inslee vetoed this rule-making proviso. In his veto message, he noted:

“The language caps the appropriations for Transitional Kindergarten at the Fiscal Year 2022 funding level while allowing school districts to use local levy revenue for any expansion of the program. Because this would limit school services for our young learners during and after the pandemic, I cannot support this proviso.... However, I request that OSPI, upon the conclusion of a Washington State Institute for Public Policy study, work with agencies and stakeholders under the rulemaking

authority in RCW 28A.225.160 to further define how school districts may grant exceptions to the uniform entry qualifications based on the ability, or the need, or both, of an individual student as laid out in statute.”

Funding for the Washington State Institute for Public Policy study remained in the budget. The Institute, via The Evergreen State College, is provided with \$125,000 to evaluate student participation in Transitional Kindergarten programs across the state. By December 31, 2023, the Institute is required to report the results of its evaluation to the Legislature; the governor; OSPI; and the Department of Children, Youth, and Families. The stated intent of the Legislature is to provide funding in the 2023–25 fiscal biennium budget for the Institute to complete the report by December 31, 2023. For the evaluation, to the extent data is available, the Institute must collect data regarding:

- The number of districts providing Transitional Kindergarten programs, including the number of classrooms and students in the program per district;
- The number of children participating in Transitional Kindergarten programs across the state, disaggregated by demographic information such as race, gender, and income level;
- The number of children participating in Transitional Kindergarten programs that attended prekindergarten previous to Transitional Kindergarten;
- The number of children participating in Transitional Kindergarten who received early learning services through the Early Childhood Education and Assistance Program;
- The number of children participating in Transitional Kindergarten with an Individualized Education Plan;
- An analysis of how school districts select and prioritize children for enrollment in Transitional Kindergarten;
- The differences in teacher preparation, certification, and classroom instruction for Transitional Kindergarten compared to the Early Childhood Education and Assistance Program;
- The identification of why school districts offer Transitional Kindergarten, the Early Childhood Education and Assistance Program, and other early learning programs such as traditional or developmental prekindergarten, and the funding sources used; and
- The use of Transitional Kindergarten in other states in comparison to Washington state, and any outcome data available.

BUDGET DETAILS: K–12 COMPENSATION

Inflationary Factor

In the underlying 2021–23 Operating Budget, the inflationary factors—the Implicit Price Deflator or IPD—as adopted were: 2.0 percent for the 2021–22 school year and 1.6 percent for the 2022–23 school year. When the governor introduced his budget request, he increased the 2022–23 school year IPD from 1.6 percent to 2.0 percent. WEA argued all session that because school years do not sync with calendar years or the state’s fiscal years, the provision of IPD has not kept pace with actual inflation. Early on, there were conversations about WEA requesting an increase, beyond IPD, in the current 2021–22 school year AND the upcoming 2022–23 school year. They recognized, however, how disruptive a mid-year change would be—for both the unions and management—and opted to request a larger percentage in the 2022–23 school year. They argued that the second-year inflationary factor provided should be at least 5.0 percent—which is calculated as the current year IPD, plus a 2.5 percent “catch up.”

After the February Revenue Forecast was released, it was clear that IPD needed to be adjusted beyond the governor’s requested 2.0 in 2023. The updated forecast pegged IPD in 2022 at 5.1 percent and the projected IPD in 2023 at 2.8 percent. WEA adjusted their request, arguing that the combined 2022 and 2023 inflationary factor should be 5.9 percent (to clarify, their request was to maintain the current budgeted 2.0 percent in 2022, but increase the second-year factor—which would include the so-called “catch-up”—to 5.9 percent). The 5.9 percent second-year bump request was calculated as the new 2023 2.8 percent plus the “underfunding” from 2022—again, there’s a sync up problem between salaries provided in school years, state budgets adopted in fiscal years, and IPD calculated in calendar years.

Legislative budget proposals released after the February Forecast provided updates to the second-year, 2022–23 school year inflationary factor. The original Senate budget proposal increased the second-year IPD to 2.8 percent (which matched the Forecasted 2023 IPD), while the House’s initial budget proposal included a 5.5 percent inflationary bump in 2023. The House’s budget documents explained the larger increase is an “inflationary rebase, which aligns the new IPD with actual inflation since the 2017–18 school year.”

After seeing the Senate’s IPD adjustment, WEA went on a full court press on their ask. They activated their members, who sent literally thousands of e-mails, texts, and phone calls in the remaining three weeks of session. The Senate quickly blinked and amended the second-year inflationary bump when the budget was adopted in the Senate Ways & Means Committee; however, they increased their originally proposed 2.8 percent to 4.7 percent, prompting WEA to keep the heat on.

Ultimately, after negotiations were complete and the new compromise budget was rolled out, the House’s position won

out. The final IPD in 2022 remains 2.0 percent and 2023 is raised to 5.5 percent. (NOTE: While not included in this budget, the current projection for IPD in 2024 is 2.0 percent and 2.1 percent in 2025, although those numbers are very fluid and are likely to change (increase) by the time the 2023–25 Operating Budget is crafted.)

It is important to note that the new 2023 inflationary factor is used to increase funding for the statewide minimum salary allocations, which are provided to school districts to be distributed via your locally bargained salary schedules. The new inflationary factor is NOT a so-called “COLA.” I-732 COLAs, which were provided to all (state-funded) education employees were repealed in 2017 (EHB 2242, the *McCleary* “solution”) and replaced with the provision of statewide salary allocations.

For the 2021–22 school year, minimum salary allocations for Certificated Instructional Staff, Certificated Administrative Staff, and Classified Staff were: \$68,937, \$102,327, and \$49,453, respectively. The second-year minimum salary allocations for CIS, CAS, and CLS in the underlying 2021–23 Operating Budget were scheduled to increase to: \$70,040, \$103,964, and \$50,244, respectively. Using the new 5.5 percent inflationary factor, the 2022 Supplemental Operating Budget provides for the following minimum salary allocations for the 2022–23 school year: \$72,728 for CIS; \$107,955 for CAS; and \$52,173 for CLS.

Finally, the 5.5 percent inflationary factor is also used to provide enhanced 2022–23 funding rates per student for Materials, Supplies, and Operating Costs. (NOTE: Previous versions of the budget erroneously used different inflationary factors for compensation and MSOC. This error has been corrected in the final budget.)

SEBB Rate Adjustment

The final 2022 Supplemental Operating Budget funds a School Employees’ Benefits Board (SEBB) rate adjustment and a proposed reserve rate reduction. For the 2022–23 school year, the per employee per month rate is reduced to \$1,026, from the \$1,032 adopted in the underlying budget. New proviso language notes these rates are sufficient to cover the cost to provide virtual access to behavioral health resources and interventions and case management.

PERS and TRS Plan 1 Benefit Increase

The final 2022 Supplemental Operating Budget provides funding to implement SB 5676, which provides a one-time, three percent increased benefit, up to \$110 per month, for retirees of the Public Employees’ Retirement System (PERS) Plan 1 and the Teachers’ Retirement System (TRS) Plan 1.

Funding (\$48,000) is also provided to the Department of Retirement Systems to implement SB 5676, which requires a one-time process to create a permanent increase to PERS Plan 1 and TRS Plan 1 benefits calculated on current monthly benefits including eligible adjustments.

National Board Bonus

The 5.5 percent inflationary increase also increases the funding of bonuses to teachers that achieve certification from the National Board for Professional Teaching Standards. First-year bonuses adopted in the underlying 2021–23 Operating Budget were \$3,423 in the 2021–22 school year and \$3,478 in the 2022–23 school year. Following the inflationary increase, bonuses in 2022–23 increase to \$3,611.

Similarly, National Board bonuses for subsequent years also increase, from the previously funded \$5,705 in the 2021–22 school year and \$5,796 in the 2022–23 school year to \$6,019 in the 2022–23 school year.

ADDITIONAL DETAILS

School Facilities Lawsuit

The Office of the Attorney General is provided with \$750,000 for legal services in defending the state in the *Wahkiakum School District v. State* school facilities lawsuit.

Aerial Imaging

The Department of Commerce is provided with \$500,000 to conduct a comprehensive study regarding the use of aerial imaging technology for state, local, special purpose district, and tribal government purposes, leveraging the state's existing geospatial imaging program, as required by ESHB 1629. Under provisions of the bill, the Department is allowed to conduct the study directly or may contract the study to a third party. The final report is required to be submitted to the Legislature by June 1, 2023.

High School Senior Support

The Washington Student Achievement Council is provided with \$250,000 for a Pierce County school district to expand a current program assisting high school seniors to identify a postsecondary pathway through a data driven approach.

Washington Award for Vocational Excellence

Current law requires the annual provision of Washington Award for Vocational Excellence (WAVE) grants to selected students. Due to budget constraints provision of the Award was not provided in the 2015–17, 2017–19, and 2019–21 Operating Budgets. The underlying 2021–23 Operating Budget renewed the provision of the WAVE grants, and the 2022 Supplemental Operating Budget provides an enhancement of \$209,000 to the Washington Student Achievement Council to continue the reimplementation of the WAVE program and assist with administrative expenditures related to the program.

Teacher Apprenticeship

The Department of Labor & Industries is provided with \$500,000 for a grant to a nonprofit organization that will support development, outreach, and recruitment to provide job readiness skills and apprenticeship training to public school paraeducators to support college degree attainment

to become certified teachers. The grant recipient must be a nonprofit organization serving classified public school employees statewide.

School-Based Health Centers

The Department of Health is provided \$814,000 to expand grants to establish new school-based health centers and to add behavioral health capacity to existing school-based health centers.

School Bus Drivers

The State Board for Community and Technical Colleges is provided with \$2.5 million for grants to promote workforce development in trucking and trucking-related supply chain industries and the school bus driving industry by expanding the number of registered apprenticeships, pre-apprenticeships, and trucking related training programs; and providing support for registered apprenticeships or programs in trucking and trucking-related supply chain industries and the school bus driving industry.

Grants awarded may be used for:

- Equipment upgrades or new equipment purchases for training purposes;
- New training spaces and locations to support capacity needs and expansion of training to veterans and veteran spouses, and underserved populations to include foster care and homeless transition populations;
- Curriculum development and instructor training for driving, repair and service of technological advancements facing the industries;
- Tuition assistance for commercial vehicle driver training, mechanical, and support functions that support the trucking industry and the school bus driving industry; and
- Funding to increase capacity and availability of child care options for shift work schedules.

An entity is eligible to receive a grant if it is a nonprofit, nongovernmental, or institution of primary or higher education that provides training opportunities, including apprenticeships, pre-apprenticeships, pre-employment training, commercial vehicle driver training, vocational training related to mechanical and support functions that support the trucking industry or the school bus driving industry; or incumbent worker training to prepare workers for the trucking and trucking-related supply chain industries or the school bus driving industry. Preference will be given to entities in compliance with government approved or accredited programs.

The State Board for Community and Technical Colleges may use up to five percent of funds for administration of grants.

Educational Opportunity Gap—VETO

~~One-time funding is provided to the Office of Equity (\$200,000) to collaborate with the Commission on African American Affairs (\$200,000), the Commission on Asian Pacific Islander Affairs, the Commission on Hispanic Affairs (\$200,000), and the Governor's Office of Indian Affairs (\$200,000) to conduct analyses on educational opportunity gaps for students of color.~~

Prior to signing the budget, Governor Inslee vetoed each of the respective sections that required a collaboration among the Office of Equity and the various Commissions. In his veto message, Governor Inslee stated:

“The provisos in the final budget do not reflect the intent of the legislative members of the Educational Opportunity Gap Oversight and Accountability Committee, and they requested that I veto these sections to allow for updated provisos to be enacted next session.”

School Director Compensation

The Department of Commerce is provided \$97,000 to conduct a study to examine actual and potential school director compensation, including salaries, per diem rates, expense reimbursements, and health care benefits for the purpose of determining what changes in statute or practice, if any, would be necessary to align provisions governing school director compensation with those governing the compensation of other elected officials with comparable duties and responsibilities.

The examination, at a minimum, is required to address:

- The duties and responsibilities of school directors and to what extent those duties, and the factors relevant to their completion, may have changed in the previous ten years;
- Demographic data about school district boards of directors and the communities they represent for the purpose of understanding the diversity of school district boards of directors and whether that diversity reflects the communities they serve;
- The significant variances in school district budgets, student enrollments, tax bases, and revenues;
- Options for periodically updating school director compensation, including the frequency and timing of potential compensation reviews, potential entities that may be qualified to conduct the reviews, and considerations related to inflationary indices or other measures that reflect cost-of-living changes; and
- Options for funding the actual and potential costs of school director compensation, including salaries, per diem amounts, expense reimbursements, and health care benefits.

In completing the required examination, the Department of Commerce is required to consult with interested parties, including OSPI, WSSDA, WASA, and ESDs. The Department of Commerce is required to report its findings

and recommendations to the governor, the Superintendent of Public Instruction, and the Legislature by January 6, 2023.

Maritime High School

The Department of Commerce is provided with \$1.0 million for a grant to a Maritime Education nonprofit that will support outreach, recruitment, and maritime educational experiences at the new Maritime High School in the Highline School District including developing mentorship and internship programs. Funds may be used to support the school's growth to full enrollment of 400 students; to pursue enrollment that reflects the diversity of the district; to aid recruitment activities that will include partnering with regional middle schools including hands-on learning experiences on vessels; and to support curriculum that gives students STEM skills and pathways to maritime careers, including in the sciences, vessel operations and design, and marine construction.

School Building Ventilation

The Department of Commerce is provided \$250,000 for a grant to a nonprofit organization to develop a K–12 school building ventilation technical assistance, outreach, and education program. The grant recipient must be located in a city with a population of more than 700,000 and must have experience administering a statewide technical assistance, outreach, and education program for building operators.

Sexual Assault Prevention

\$135,000 is provided to the Department of Commerce for a grant to a nonprofit organization to provide sexual assault prevention programming to middle and high schools in the Tacoma School District. The grant recipient must be a nonprofit organization serving the city of Tacoma that provides education, intervention, and social advocacy programs for victims of sexual assault, domestic violence, human trafficking, and other forms of abuse.

The Department of Commerce is also provided with \$120,000 for a grant to a nonprofit resource center in King County that provides sexual assault advocacy services, therapy services, and prevention and outreach to begin a three-year, multigrade sexual violence prevention program in the Renton School District.

School Environmental Health

\$125,000 is provided to the Department of Health contract with the Department of Environmental and Occupational Health Sciences within the University of Washington to develop a report to the Legislature regarding school environmental health policies, recommendations, and standards. In developing the report, the Department of Environmental and Occupational Health Sciences is required to collaborate with other school of public health programs within the University of Washington, the Department of Health, and the Department of Ecology.

The report must include:

- A review of policies and regulations in other states

pertaining to environmental health in K–12 schools;

- Literature and recommendations for exposure standards and remediation levels which are protective of health and safety for students in schools;
- A summarization of activities, such as inspections, management, control levels, and remediation of a variety of contaminants and issues, including PCBs, lead, asbestos, poor ventilation, and mold; and
- Recommendations for next steps for policies and standards in Washington schools.

The report is due by December 31, 2022.

Hands-on Math Education

\$88,000 is appropriated to the Department of Commerce for a grant to a Seattle-based nonprofit that teaches math using hands-on learning experiences and collaborates with community partners to create equity-based, culturally relevant math education opportunities.

Naselle Youth Camp

Proviso language in the 2022 Supplemental Operating Budget directs the Juvenile Rehabilitation section of the Department of Children, Youth, and Families (DCYF) to cease new placements at the Naselle Youth Camp, with the goal of closing the camp by June 30, 2023. It is the intention of the Legislature after the closure to transfer management of the Naselle Youth Camp land and facilities to the Department of Natural Resources (DNR) in the 2023-2025 fiscal biennium and develop the facilities into an outdoor school. DCYF is required to assist DNR and OSPI with the proposal on the use of the Naselle Youth Camp for an outdoor school.

Under a separate section of the budget, DNR, in coordination with OSPI, is directed to provide recommendations on the development of an outdoor school at the site of the Naselle Youth Camp. DNR is required to consider, at a minimum, the suitability of the current facilities, operating and capital budget needs and estimated costs, any potential transfers of land ownership or management, partnership opportunities, and other potential procedural or operational challenges and proposed solutions. DNR must submit a proposal to the Legislature by December 31, 2022.

Youth Gang Violence Prevention

The Department of Commerce is provided with \$500,000 to contract with a community-based nonprofit to develop a community consortium for the purpose of developing and implementing strategies for the prevention of gang violence in Yakima County.

The consortium must include representation from community-based organizations, gang-involved youth, law enforcement agencies, and state agencies involved in juvenile justice. The consortium is required to develop after-school activities such as counseling, tutoring, and computer literacy for gang-involved youth, in conjunction with local school districts.

The consortium must, in conjunction with a public radio station, conduct a Spanish-language public radio media outreach campaign with the aim of linking gang-involved youth with employment, educational, and training opportunities. In conducting the outreach campaign, the consortium may work with schools, grassroots organizations, faith-based groups, law enforcement, families, and juvenile justice agencies.

In developing its outreach and intervention activities, the consortium may facilitate workshops and conferences, either in person or virtual, with educators, parents, and youth.

By June 30, 2023, the Department of Commerce is required to provide a report to the Legislature. The report must include:

- A description of the gang violence prevention programs conducted by the consortium and how they were implemented;
- A description of any virtual community events, workshops, and conferences held; and
- The number of individuals who participated in or received services through the programs conducted by the consortium, including any relevant demographic data for those individuals.

Electric Vehicle Charging Infrastructure

The Department of Commerce is provided with \$69.0 million for a grant program for the development of electric vehicle charging infrastructure in rural office buildings, multifamily housing, ports, schools and school districts, and state and local government offices. Grants are provided solely for projects that provide a benefit to the public through development, demonstration, and deployment of clean energy technologies that save energy and reduce energy costs, reduce harmful air emissions, or increase energy independence for the state. Projects that receive funds must be implemented by local governments, federally recognized tribal governments, or by public and private electrical utilities that serve retail customers in the state. Grant funding must be used for level 2 or higher charging infrastructure. The Department of Commerce must give preference to projects that provide level 3 or higher charging infrastructure.

The Department of Commerce is required to coordinate with other electrification programs, including projects the Department of Transportation is developing, to determine the most effective distribution of the systems. The Department of Commerce must also collaborate with the Interagency Electric Vehicle Coordinating Council established in the Move Ahead WA transportation package (ESSB 5974) to implement this program.

Community Solar Resilience

\$37.0 million is provided to the Department of Commerce for grants to increase solar deployment and installation of battery storage in community buildings to enhance grid resiliency and provide backup power for critical needs, such as plug

load and refrigeration for medication, during outages. Eligible uses of the funding include, but are not limited to, planning and predevelopment work with vulnerable, highly impacted, and rural communities. For the purposes of this funding, “community buildings” mean K–12 schools, community colleges, community centers, recreation centers, libraries, tribal buildings, government buildings, and other publicly owned infrastructure.

Digital Equity/Broadband Access

The Legislature continues to invest significant funding to expand broadband access. In addition to other funding linked to specific bills, the 2022 Supplemental Operating Budget provides \$50.0 million to the Department of Commerce to support digital equity and broadband access programs. Programs funded may include programs to fulfill the recommendations of the Washington Digital Equity Forum; programs to conduct activities identified by the Statewide Broadband Office when developing the Digital Equity Plan required as part of the State Digital Equity Capacity Grant Program created in the federal Infrastructure Investment and Jobs Act (November 2021); and programs to increase broadband access for low-income and rural communities, including through low-orbit satellite broadband networks.

Digital Equity Act

The intent of E2SHB 1723 is to close the current digital equity divide by increasing the accessibility and affordability of telecommunications services, devices, and training. The final 2022 Supplemental Operating Budget provides \$1.8 million to implement E2SHB 1723:

- The Department of Commerce is provided with \$953,000 to: administer the Digital Equity Planning Grant Program to provide grants to local governments, institutions of higher education, workforce development councils, or other entities to fund the development of a digital equity plan for a discrete geographic region of the state; administer the Digital Equity Opportunity Grant Program, which was created to advance broadband adoption and digital equity and is required to provide organizational and capacity-building support to digital equity programs throughout the state;
- The Utilities and Transportation Commission is provided with \$667,000 to support its assistance in development of a State Digital Equity Plan;
- The Office of the Governor is provided with \$175,000 to support the Washington State Office of Equity in coordinating with the Statewide Broadband Office in outreach efforts to hard-to-reach and low-income communities across the state to provide information about broadband programs available to consumers in these communities; and
- The Statewide Broadband Office, through the Department of Commerce, is provided with an enhancement of \$70,000 to continue cofacilitating

the Washington Digital Equity Forum with the Washington State Office of Equity.

Youth Homelessness Prevention

The Department of Commerce is provided with \$200,000 for the Office of Homeless Youth Prevention and Protection Programs to co-lead a Prevention Work Group with the Department of Children, Youth, and Families. The Work Group must focus on preventing youth and young adult homelessness and other related negative outcomes.

The Work Group must consist of members representing OSPI, the Department of Social and Health Services, the Employment Security Department, the Health Care Authority, the Washington Student Achievement Council, the Interagency Work Group on Homelessness, community-based organizations, and young people and families with lived experience of housing instability, child welfare involvement, justice system involvement, or inpatient behavioral health involvement.

The Work Group is required to help guide implementation of:

- The state’s strategic plan on prevention of youth homelessness;
- Recent legislation related to homelessness, including SSB 6560 (2018), and E2SSB 5290 (2019);
- Efforts to reform family reconciliation services; and
- Other state initiatives addressing the prevention of youth homelessness.

The Office of Homeless Youth Prevention and Protection Programs must use the provided funding to contract with a community-based organization to support the involvement with the Work Group of young people and families with lived experience of housing instability, child welfare involvement, justice system involvement, or inpatient behavioral health involvement. The community-based organization must serve and be substantially governed by marginalized populations. The funding provided in the 2022 Supplemental Operating Budget must supplement private funding to support the Work Group.

Behavioral Health Work Group

The final 2022 Supplemental Operating Budget appropriates a total of \$653,000 to support implementation of 2SHB 1890:

- The Community Behavioral Health Program within the Health Care Authority is provided with \$563,000 to conduct competitive procurements to select a third party facilitator to facilitate the Strategic Plan Advisory Group, as well as selecting an entity to conduct the behavioral health analyses, as required by 2SHB 1890;
- The Developmental Disabilities Program in the Department of Social and Health Services is provided with \$54,000 to assist with the Strategic Plan Advisory Group in developing a strategic plan

regarding behavioral health services for families; and

- The Mental Health Program in the Department of Social and Health Services is provided with \$36,000 for .2 FTE to assist in implementing 2SHB 1890.

Paid Family and Medical Leave

The final 2022 Supplemental Operating Budget provides \$1.9 million to implement 2SSB 5649. The Employment Security Department is provided \$1.7 million to implement 2SSB 5649, supporting actuarial services, additional reporting requirements, administration of an additional leave type, and to establish a new actuarial office within the Employment Security Department.

Another \$200,000 is provided to the Office of Financial Management to contract with a public or private entity for actuarial services to provide a report to the Legislature by October 1, 2022.

SSB 5649 also requires the Joint Legislative Audit and Review Committee to conduct a performance audit analyzing the implementation of the Paid Family and Medical Leave program; they are provided with \$42,000 to conduct and complete the study by October 1, 2024.

Careers in Retail

SHB 2019 intends to help employees be successful in retail and to provide a skilled workforce for retail employers by increasing and clearly identifying education and training opportunities in the retail industry. The 2022 Supplemental Operating Budget provides \$187,000 to the Workforce Training and Education Coordinating Board and \$36,000 to the State Board for Community and Technical Colleges to coordinate with statewide retail employer organizations and engage with stakeholders to implement SHB 2019.

Broadband Task Force

The 2022 Supplemental Operating Budget creates a new Joint Legislative Task Force on Best Practices for Broadband Deployment is created. The Task Force membership is composed of:

- One member from each of the two largest caucuses of the senate, appointed by the president of the Senate;
- One member from each of the two largest caucuses of the house of representatives, appointed by the Speaker of the House of Representatives;
- The director of the Department of Commerce or the director's designee;
- The director of the Department of Transportation or the director's designee; and
- The secretary of the Utilities and Transportation Commission or the secretary's designee.

Additional members to be appointed by the Senate and the House of Representatives, as follows:

- A representative from the Association of Washington

Cities;

- A representative from the Washington State Association of Counties;
- A representative from a telecommunications infrastructure provider; and
- A representative from an organization providing rural telecommunications services.

Staff support for the task force is provided by a facilitator contracted by the Department of Commerce; \$50,000 is provided to the Department to contract with a third-party facilitator.

The Task Force is required to conduct the following activities:

- Review existing state and local permitting processes for broadband infrastructure in Washington state;
- Review relevant best practices in other states for the deployment of broadband and their potential application in Washington state;
- Examine any state or federal laws that limit the deployment of broadband and develop recommendations for modifications; and
- By December 1, 2022, submit a report of the Task Force's findings and recommendations to the Legislature.

Office of Equity

The Office of Equity, via the Governor's Office, is provided \$2.3 million for additional staffing support to meet statutory requirements of the newly created office, as well as \$207,000 in one-time funding to address workload created by 2021 enacted legislation and budget items.

Education Ombuds

The Office of the Education Ombuds, via the Governor's Office, is provided with \$457,000 for staff for outreach and training, improving intake times, and informal conflict resolution services for students.

Reading Intervention

The Office of the Secretary of State is provided one-time funding (\$1.0 million) to contract with the Humanities Washington Prime Time Family Reading program for curriculum, training, and program delivery.

Youth Tip Line Program

The underlying 2021–23 Operating Budget provided the Office of the Attorney General 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 2022 Supplemental Operating Budget shifts funding for the Youth Safety Tip Line program between fiscal years; there is no change in funding.

Background Check Work Group

The Office of Financial Management (OFM) is provided with \$250,000 to contract with a third-party facilitator to convene an Applicant Background Check Work Group. The purpose of the Work Group is to review existing requirements and processes for conducting applicant background checks for impacted individuals, and to provide a feasibility study and implementation plan for establishing a state office to centrally manage criminal background check processes for impacted individuals.

“Impacted individuals” is defined to mean applicants for state employment, current state employees, and individuals for whom an applicant background check is required as a condition of employment or to provide state services.

The OFM director or designee must chair the Work Group and be comprised of at least the following:

- A representative of the Department of Social and Health Services;
- A representative of the Department of Children, Youth, and Families;
- A representative of the Washington State Patrol;
- A representative of the Department of Corrections;
- A representative of OSPI; and
- Other state agency representatives or representatives of interested parties who have expertise in topics considered by the Work Group.

By December 1, 2022, the Work Group must submit a preliminary feasibility study and implementation plan for a state central background check office to the governor and the Legislature. By June 1, 2023, the Work Group must submit a final feasibility study and implementation plan to the governor and the Legislature.

In developing the feasibility study and implementation plan, the Work Group must include the following:

- A review of current background check requirements and processes for impacted individuals, including:
 - A list of all state positions and purposes that require a criminal background check as a condition of employment, certification, licensure, or unsupervised access to vulnerable persons;
 - An analysis of any “character, suitability, and competence” components that are required in addition to an applicant background check, including whether such components are warranted and whether they result in

unrealistic and unnecessary barriers or result in disproportionate negative outcomes for members of historically disadvantaged communities; and

- A review of current costs of applicant background checks for state agencies and impacted individuals, including a comparison of current vendor contracts for fingerprint background checks; and

- A proposal and implementation plan to establish a central state office to manage applicant background check processes. In developing the proposal, the Work Group must consider policy and budgetary factors including, but not limited to:
 - Cost structure and sharing for impacted agencies, including any cost savings that may occur from transitioning to a centralized criminal background check process;
 - Information technology needs for the new office and individual agencies, including any necessary information sharing agreements;
 - Staffing;
 - Comparable solutions and processes in other states;
 - Potential usage of the federal rap back system, including steps necessary to join the system and associated costs and benefits;
 - Processes and considerations to make criminal background check results portable for impacted individuals;
 - Steps necessary to meet federal regulatory requirements and ensure federal approval of state criminal background check processes;
 - The impact of the proposed process changes for impacted individuals who are members of historically disadvantaged populations; and
 - Any statutory changes that may be necessary to ensure clarity and consistency.

2022 Supplemental Capital Budget: SSB 5651

Last session, the Legislature adopted a historic two-year Capital Budget, appropriating \$6.3 billion for construction projects across the state. Along with the budget, the Legislature authorized \$3.97 billion in bonds—and legislators utilized almost the entire amount to assist the funding of the spending package. After the 2021–23 Capital Budget was adopted, only \$81.9 million remained to support the 2022 Supplemental Capital Budget.

As the 2022 Session began, the beginning bond authority was \$81.9 million, but following prior biennia adjustments, the Legislature started with \$107.5 million in bond authority. Just over one hundred million dollars left available for a supplemental budget seems odd—until you compare this to previous supplemental budgets. For example, in 2020, the session started with \$89.5 million in bonds, which assisted in funding a \$175.1 million 2020 Supplemental Capital Budget. So, \$107.5 million seemed to be sufficient to provide for a few tweaks and adds to the underlying 2021–23 Capital Budget; however, as we have seen in the last few sessions, capital construction became a priority for many key legislators.

Because of the Capital Budget’s priority status, budget-writers used almost the entire available bond authority (utilizing \$107.3 million of the total, leaving approximately \$210,000 “in the bank”), but also captured remaining pandemic-related federal funds (including funds from the Infrastructure Investment and Jobs Act, the American Rescue Plan Act, the Coronavirus Capital Projects Account, and the Coronavirus State Fiscal Recovery Fund) and several dedicated accounts. On top of all of this funding, \$650.0 million dollars of state General Fund revenues were also transferred to the Capital Budget, due to the significant revenue surplus available for the Operating Budget. In the end, the historic \$6.3 billion appropriation in the 2021–23 Capital Budget was followed by a historic \$1.5 billion increase in the 2022 Supplemental Capital Budget. This results in \$7.8 billion appropriated over the biennium for capital construction.

As contentious and overtly partisan as Operating Budget conversations have become, Capital Budget conversations seem to becoming even more non-partisan. In fact, as has occurred in recent years, the Democratic Majority budget-writers in both houses released their initial proposals this year alongside their Republican Minority counterparts—and when negotiations went behind closed doors to craft a final, compromise budget, budget-writers from both houses and both parties participated in the negotiations. And, like last year, the final budget was adopted by both houses with unanimous support. When the budget reached the governor’s desk, he signed it without any vetoes.

Like the Operating Budget, there are some positive, key K–12 investments in the Capital Budget, along with some missed opportunities. Legislators continued to show strong support in addressing school districts with seismic retrofit needs, providing another \$91.4 million (added to \$8.6 million in reallocated funds from last year, for a total of \$100.0 million) for grants to districts with urgent needs. Perhaps more importantly, they adopted SSB 5933 to embed a new Seismic School Safety Grant program in statute. In fact, the original legislation would have authorized \$500.0 million in General Obligation bonds to finance the program. For a number of reasons, legislators quickly backed off that funding plan, but carried forward with the creation of the grant program, leaving funding to be addressed by the Capital Budget—with a stated intent to expand funding in the future.

Additional funds were appropriated to support more school districts as a part of the Small District and Tribal Compact Schools Modernization program. Unfortunately, the new funding provided for three more school districts still leaves many requesting—and needy—districts hanging on the priority list without funding.

The 2022 Supplemental Capital Budget provides an increase in broadband connectivity—\$100.0 million on top of the substantial investment made in the underlying 2021–23 Capital Budget (\$411.0 million). While this additional funding and the grants provided will not have a direct impact on school districts, as the availability (and affordability) of broadband continues to expand, school districts—along with their students and families—will have greater opportunities to access high-speed internet.

The constitutional amendment which would allow school district bonds to be adopted by the voters with a simple majority vote received a lot of positive conversation this session. HJR 4200 (and its necessary implementing bill, HB 1226) received a hearing in the House Education Committee early in the session, but then quickly stalled. Representative Monica Stonier (D-Vancouver), the bill’s sponsor—and one of our major K–12 champions—pressed Representative Sharon Tomiko Santos (D-Seattle), the Committee Chair, to move the issue to executive session and eventually she relented. Both legislators were confident HJR 4200 could achieve a majority vote in Committee, but Rep. Santos was concerned Republicans would “lock up” their Caucus (as they have in the past) and there would be a party-line vote (with all Democratic members supporting and all Republican members opposing). After education advocates went to work on Committee members, it seemed certain the bill could move without a strict party-line vote. When HJR 4200 eventually moved to a vote, all seven Democratic members supported (as expected), along with one Republican. Three Republican members opposed while

the remaining two Republican members voted “no recommendation.” A “no recommendation” vote is similar to abstaining from the vote (which is not allowed in Committee); however, in the tally of votes, it counts as a “No” vote. A “no recommendation” vote is usually made for strategic and/or political reasons.

While we (and Democratic legislators) were pleased HJR 4200 was adopted without a party-line vote, it was disappointing that the necessary statutory change, HB 1226, was adopted with all Democrats supporting and all Republicans opposing. This calls into question the level of support of the lone Republican to vote “Yes” on HJR 4200. Regardless, the constitutional amendment moved out of Committee and was quickly heard in the House Capital Budget Committee on the last day before the original house fiscal committee cut-off. HJR 4200/HB 1226 were also added to the Committee’s executive session list; however, after the public hearing, the Committee adjourned, killing the issue.

Even if the Capital Budget Committee kept the bills alive, it was highly unlikely that HJR 4200 was going to be able to garner the 66 votes necessary to advance a constitutional amendment from the House. Early on, the strategy was to bring the issue to the House Floor and force Republicans to take a position on the issue; however, House leaders seemed reluctant to take precious time on the Floor to argue an issue that was destined to fail. So, simple majority for bonds was a mixed bag: positive movement, along with a disappointing finish.

Simple majority for bonds has been on the table for many years and continues to be on most education associations’ legislative platforms and likely will remain. Adopting a constitutional amendment faces a major hurdle—required passage with a two-thirds majority vote of the House (66 votes) and the Senate (33 votes). When we successfully reach this point, however, it still requires approval by the voters at the next general election. The initial, major legislative hurdle, along with the multi-stage process to ultimate adoption is why we continue to discuss, not only the underlying issue, but also the strategy to achieve success. Focusing on the Legislature’s actions in a vacuum will not help the campaign to advance the issue with the electorate, so we will continue to address potential compromises, but the conversation has to be delicate. It does us no good to pass the first hurdle and fail on the second.

Perhaps the greatest disappointment regarding capital issues continues to be the Legislature’s refusal to even have an honest conversation about updating the state’s woefully outdated and inadequate school funding formulas. The Legislature has done an admirable job of “fully funding” School Construction Assistance Program (SCAP) grant requests; however, “fully funding” school districts’ capital facilities using inadequate formulas does not meet school district needs. As the Supreme Court noted in the *McCleary* education funding case, “If the State’s funding formulas

provide only a portion of what it actually costs a school to pay its teachers, get kids to school, and keep the lights on, then the Legislature cannot maintain that it is fully funding basic education through its funding formulas.” While the Supreme Court was addressing the cost of operating a school and not the funding of school construction or its outdated funding formulas, the sentiment is applicable.

And speaking of the Supreme Court, the question remains whether school construction is a part of required basic education or not. That is the underlying question in the recently filed *Wahkiakum School District v. State of Washington* case. Specifically, the district’s complaint argues the State is required to amply fund facilities which are needed to safely provide all Wahkiakum students a realistic and effective opportunity to the education to which they have a positive right under Article IX, Section 1 of the constitution. Although Wahkiakum is the sole litigant in this case, a successful ruling in favor of the district would have far reaching, positive implications for each of Washington’s school districts.

The case was filed in December 2021, and briefs were being filed by the district and the state in the midst of the Legislative Session. You can be sure, many legislators were watching this closely and it became a topic of conversation in Olympia. There is still a long way to go before this case is decided. In fact, if the Wahkiakum Superior Court accepts the case, the trial will take time to be completed and, regardless of who prevails, the “loser” in the case will likely appeal the decision.

Win or lose, the case will highlight school construction issues and could spark some positive movement (or at least some positive conversation) in the Legislature. When the *McCleary* case was filed in Superior Court in 2007, several key legislators understood they were likely to lose the case and introduced major changes in basic education funding in 2009 (HB 2261) and 2010 (SHB 2776) in an effort to “head the Court off at the pass.” School districts received a positive ruling in the Superior Court and in the appeal to the Supreme Court, the State defended itself using HB 2261 and SHB 2776 as evidence that the Legislature was well on its way to resolving the question of underfunding. The outcome of the *Wahkiakum* case does not appear to be quite as clear as it was when the *McCleary* case was filed; however, if the State loses in Superior Court, we might see legislators trying to address the issue before the Supreme Court has a chance to tell them what they have to do. Legislators hold fast to the “separation of powers” doctrine because of all the things they abhor (Democrats and Republicans), being told what to do is high on their list.

FINAL 2022 CAPITAL BUDGET

The final 2022 Supplemental Capital Budget, SSB 5651, provides \$1.5 billion above the \$6.3 billion provided for capital construction in the underlying 2021–23 Capital Budget. This increased appropriation includes almost the entire available bond authority; the new budget appropriates \$107.3 million from General Obligation bonds, leaving just \$210,000 in bond authority. The remaining \$1.4 billion increase includes transfers from several accounts, including: \$328.6 million in remaining funds from the federal Infrastructure Investment and Jobs Act; \$24.9 million in remaining funds from the federal American Rescue Plan Act; and \$650.0 million from the state's General Fund.

The historic \$1.5 billion appropriation in the 2022 Supplemental Capital Budget, which increases an already historic \$6.3 billion 2021–23 Capital Budget, includes some important funding for school facilities; however, K–12 education funding, in total, is reduced by \$84.9 million.

K–12 EDUCATION DETAILS

- In the underlying 2021–23 Capital Budget, \$730.6 million was provided for the **School Construction Assistance Program (SCAP)**. For the second Supplemental Capital Budget in a row, SCAP funding is actually reduced. The 2022 Supplemental Capital Budget provides \$537.8 million for SCAP, which is a \$190.0 million decrease from the \$730.6 million provided in the biennial budget last session.

While this new trend of reducing SCAP in the Supplemental Budget is troublesome, there is some rationale. When the biennial budget is developed and adopted, an assumption has to be made regarding the number and amount of SCAP requests that will be on the table. The trend of reducing SCAP in the Supplemental Budget follows the trend of a “drop-off” in requests for funding from eligible district projects in the second year of the biennium.

The concern, of course, is if legislative assumptions turn out to be wrong. If that occurs it is possible there will be a shortfall between available funding and eligible projects. If this occurs, OSPI will have to go through a prioritization process and will provide funding down the list of project requests until funds run out, leaving some projects without SCAP funding.

Historically, the Legislature has done an admirable job of “fully funding” SCAP grants, so that all eligible projects receive funding. In fact, it has been at least 30 years since the Legislature last provided less funding than necessary to support all eligible

projects. For those districts at the bottom of the priority list, we can only hope the Legislature's assumptions are accurate. Time will tell, although given the unfortunate recent history of school district bond passage, there should be sufficient funding to meet requests, even with reduced SCAP availability.

Finally, the 2022 Supplemental Capital Budget includes new proviso language that sets aside \$20,000 of the overall SCAP appropriation for the Sunnyside School District. The funding will support the transfer of the Yakima Valley Technical Skills Center Sunnyside Satellite Campus and its related property and equipment.

- The 2022 Supplemental Capital Budget appropriates \$100.0 million to support **School Seismic Safety Grants**. The funding includes support for unanticipated school seismic safety retrofit costs for projects identified as very high risk within the 2019–21 School Seismic Safety Retrofit Program. OSPI may use up to \$8.6 million of the appropriation to award School Seismic Safety Grant funding to the following projects that were previously identified as having very high seismic risk:

- North Beach School District, Pacific Beach Elementary;
- South Bend School District, South Bend Junior/Senior High School;
- Boistfort School District, Boistfort Elementary;
- Cosmopolis School District, Cosmopolis Elementary; and
- Marysville School District, Totem Middle School.

The remaining \$91.4 million of the appropriation is specifically provided to implement a newly established School Seismic Safety Grant Program, as required by SSB 5933. The bill provides increased grant funding for schools located in high seismic hazard areas, including: buildings located in specific areas on the national seismic hazard area map; and buildings located within the Washington Tsunami Design Zone. To be eligible, buildings must have been built before 1998 and not received a seismic retrofit to 2005 seismic standards.

The appropriation provides funding for:

- Planning Grants—Districts meeting eligibility requirements can apply for funding to assist in developing a building seismic retrofit and schools located in tsunami zones may apply for funding to relocate buildings outside the tsunami zone or construct a vertical evacuation tower; and

- Construction Grants—Districts with OSPI-approved seismic retrofit plans can apply for funding to complete the planned retrofit, with grant funding supporting at least two-thirds of the total project cost.

Finally, of the total amount appropriated, \$40 million is repurposed from a School Seismic Safety Retrofit Program proviso contained in the underlying 2021–23 Capital Budget, which is repealed to conform with the new grant program established by SSB 5933.

- An enhancement of \$21.7 million is provided for the **Distressed Schools Program**. \$13.0 million of the appropriation is provided for the Almira School District to replace the Almira Elementary School that was destroyed by fire in October 2021. Proviso language requires this appropriation to be combined with insurance proceeds to meet the project costs and additionally requires OSPI to expedite the allocation and distribution of state funding for the project.

The remaining funding supports five additional school district projects:

- \$2.9 million is provided for the Republic School District to complete design and renovation projects at Republic Junior High School and Republic Senior High School;
- \$2.6 million is provided for the completion of a two-classroom early learning addition at the John Muir Elementary School in the Seattle School District;
- \$2.0 million is provided for the Nooksack Valley School District for facilities improvements responding to flood damage and future flood risks. Proviso language requires state funding provided to be repaid to OSPI to the extent that the school district receives an insurance settlement or Federal Emergency Management Agency funding for flood damage and future flood risks;
- \$750,000 is provided for a roof replacement project at Oakview Elementary School in the Centralia School District; and
- \$515,000 is provided for a facilities accessibility and security improvement project in the Wahkiakum School District.

- \$10.9 million is provided to support the **West Sound Technical Skills Center Modernization**. Grant funding is provided to the Bremerton School District to complete the design and begin construction of a new Career and Technical Education facility at the Skills Center.

In coordination with OSPI, the Bremerton School District's West Sound Technical Skills Center is required to:

- Ensure the Career and Technical programs planned for in the design of the Skills Center support high-demand and high-wage sector program needs;
- Ensure that space needs are reasonable and appropriate for the programs planned and enrollment projections;
- Evaluate the proposed project budget using value engineering and life-cycle cost analysis techniques; and
- Use this information to inform the proposed design.

Proviso language also clarifies that OSPI must approve the Skills Center programs, design, and budget before the Skills Center can request construction phase funding.

- \$7.6 million in additional funding is provided to support **Small District and Tribal Compact Schools Modernization**. The funds are provided specifically for three districts prioritized by the Small District and Tribal Compact Schools Program Advisory Committee:

- Brewster School District (\$933,000);
- Creston School District (\$5.0 million); and
- Oroville School District (\$1.7 million).

In a separate section of the 2022 Supplemental Capital Budget, a correction is made in the funding for Small District and Tribal Compact School Modernization. The correction provides \$12.0 million in state bonds to replace funding originally provided by the federal Coronavirus Capital Projects Account in the underlying 2021–23 Capital Budget.

- An enhancement of \$1.7 million is provided for the **School District Health and Safety program**. The funding will provide additional 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.

Additionally, there is a change in funding sources. \$1.9 million in funding provided by the federal Coronavirus Capital Projects Account in the underlying 2021–23 Capital Budget is replaced with funds from the Common School Construction Account.

- \$1.6 million is provided to assist Bethel School District to begin construction on four classrooms and an office for operations by **Pierce College within the**

new Bethel High School. Proviso language stipulates that if Pierce College does not occupy this space and offer college credit classes to the community at large as well as Running Start opportunities for Bethel High School students by June 30, 2025, any funds expended under this appropriation must be repaid to the state.

- \$1.5 million is provided for the **Healthy Kids/Healthy Schools program**, specifically to address T-12 lighting in school buildings. Funding will be used to provide grants to public schools, including public charter schools and state-tribal education compact schools, for the removal, disposal, and replacement of T-12 lighting fixtures and ballasts manufactured in or before 1979 with energy-efficient LED lighting. Proviso language in the budget stipulates how the funding will be distributed and used.

State grant funding may be used for all school districts, state-tribal education compact schools, and public charter school buildings, but funding is required to be prioritized for buildings that are not under contract to be replaced or modernized. State grant funding may only be expended after all applicable funding from utility company rebate programs available to schools in the state has been exhausted.

OSPI is required to provide information to state grant applicants related to identifying the year of T-12 lighting fixture and ballast manufacture, which may include pertinent information developed by the United States Environmental Protection Agency. In order to receive a state grant, applicants are required to provide, as determined by OSPI, supporting documentation that includes: (a) the number of T-12 lighting fixtures and ballasts manufactured before 1979 and after 1979 in their facilities; and (b) the age and primary use of each facility where the T-12 lighting fixtures and ballasts are located. Proviso language also provides OSPI with the authority to adopt rules to administer this program.

- The 2022 Supplemental Capital Budget does not provide any additional funding for **Skills Centers Minor Works**; however, there is a change in funding sources. \$1.8 million provided for Skills Centers Minor Works in the underlying 2021–23 Capital Budget was funded from the federal Coronavirus Capital Projects Account; this appropriation is replaced with funds from the Common School Construction Account in the 2022 Supplemental Capital Budget.

OTHER DETAILS

Early Learning Facilities. Enhanced funding of \$23.1 million is provided for competitive grants and loans to purchase, construct, or modernize facilities to add capacity for early learning programs, including the Early Childhood Education and Assistance Program. An additional \$6.9 million is provided for specific early learning facilities projects, including \$1.0 million for early learning classrooms at Logan Elementary in the Spokane School District.

It is expected this funding will be ongoing, as new proviso language clarifies the Legislature’s intent to “reappropriate funding in the 2023–25 Capital Budget for early learning facilities appropriated in this section.”

Broadband Infrastructure. In 2021, Congress adopted the Infrastructure Investment and Jobs Act which, among other things, appropriated \$42.3 billion to fund the Broadband Equity, Access, and Deployment Program to support grants to states. \$100.0 million of the state’s share of the federal funding is provided in the 2022 Supplemental Capital Budget to the Department of Commerce to administer broadband infrastructure grants:

- \$50.0 million is provided to the State Broadband Office;
- \$25.0 million is provided to the Public Works Board; and
- \$25.0 million is provided to the Community Economic Revitalization Board (CERB), specifically for rural broadband.

Additionally, last session, the 2021–23 Capital Budget provided \$25.0 million for loans and grants to be awarded by the Community Economic Revitalization Board to finance infrastructure projects to provide broadband services to rural communities. The 2022 Supplemental Capital Budget did not make any changes (neither enhancements or reductions) to funding for CERB Administered Broadband Infrastructure (the \$25.0 million above is in a separate section and is in addition to the \$25.0 million investment made last year); however, the new budget includes a set of new provisos directing how CERB is to provide rural broadband loans and grants to local governments. CERB is required to make rural broadband loans and grants to local governments and to federally recognized Indian tribes for the purposes of financing the cost to build infrastructure to provide high-speed, open-access broadband service, to rural and underserved communities, for the purposes of economic development or community development.

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. In fact, new proviso language states CERB may only provide financial assistance to rural

communities that “encourage, foster, develop, and improve broadband within the state” in order to, among other things, “serve the ongoing and growing needs of local education systems” and other necessary operations. Additionally, funding must be used to “improve accessibility for underserved communities and populations.”

The 2021–23 Capital Budget also provided \$326.0 million to the State Broadband Office for grants to eligible applicants for broadband infrastructure projects. No new funding is provided in the 2022 Supplemental Capital Budget (the \$50.0 million above is in a separate section and is in addition to the \$326.0 million investment made last year); however, previously adopted provisos are expanded and clarified:

- The underlying language requires funding to be used to provide grants for “qualifying broadband infrastructure projects” to various requestors. The new budget clarifies the Department of Commerce must “prioritize eligible applications where the lead applicant is a public entity.”
- Additional proviso language requires the State Broadband Office to impose grant or contract conditions to help ensure projects funded under this particular section of the budget “will result in an enduring public benefit, where feasible, for at least 25 years.”
- New language specifically requires \$225,000 to be set aside for the Point Roberts rural broadband project.

Education-Related Bills That Passed—Titles

During the 2022 Legislative Session, almost 1,100 bills, resolutions, and memorials were introduced—for a total of more than 2,200 pieces of legislation introduced during the two-year biennial session. (NOTE: This is about half the usual level of introductions—pre-pandemic, when the Legislature met in-person.) Of those, 303 bills were adopted by the 2022 Legislature; however, the governor vetoed six of them, leaving a total of 297 bills becoming law. WASA staff monitored over 400 bills, resolutions, and memorials that had a direct or potentially indirect impact on K–12 education.

Ultimately, 51 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).*

E2SHB 1153	Language access	HB 1974	Education elections
HB 1280	Greenhouse gas/facilities	SHB 2019	Careers in retail
ESHB 1329	Public meetings	SHB 2068	Imagination Library Program
SHB 1590	Enrollment stabilization	2SHB 2078	Outdoor Learning Grant Program
HB 1613	PFML privacy	ESB 5017	School district procurement
SHB 1617	Juneteenth holiday	SSB 5252	Tribal consultation
ESHB 1629	Aerial imaging	SSB 5376	Education ombuds
ESHB 1630	Weapons in meetings	SSB 5497	SBE student members
SHB 1644	Electric school buses	SB 5498	Posthumous diplomas
2SHB 1664	Staffing allocations	SB 5539	ESD funding
ESHB 1699	Workforce shortage relief	SSB 5564	Employee assistance programs
E2SHB 1723	Digital Equity Act	2SSB 5649	Paid Family and Medical Leave
SHB 1732	WA Cares Fund delay	SSB 5651	2022 Supplemental Capital Budget
ESHB 1733	WA Cares Fund exemptions	SB 5657	Computer science courses
EHB 1752	Deferred compensation/Roth	SB 5676	PERS/TRS 1 benefit increase
ESHB 1795	Nondisclosure agreements	ESSB 5689	2022 Supplemental Transportation Budget
SHB 1800	Behavioral health services	ESSB 5693	2022 Supplemental Operating Budget
HB 1833	School meals/electronic information	SB 5715	Broadband definition
HB 1834	Mental health absences	2SSB 5720	Student financial literacy
SHB 1867	Dual credit data	ESSB 5761	Wage/salary information
SHB 1878	CEP expansion	E2SSB 5796	Cannabis revenue
2SHB 1890	Behavioral Health Work Group	ESSB 5878	Arts instruction
SHB 1902	Workers’ compensation	SSB 5933	School Seismic Safety Grants
HB 1927	Legislative service leave	ESSB 5974	Move Ahead WA—Resources
SHB 1941	Active shooter drills	SSB 5975	Move Ahead WA—Spending
SHB 1955	Dependency/education		

*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

E2SHB 1153—Language access

(Representative Orwall)

C107 L22—Partial Veto

Title II of the Americans with Disabilities Act requires that public schools ensure meaningful communication with students' parents in a language that they can understand. Additionally, Title VI of the Civil Rights Act of 1964 requires that public schools provide aids and services needed to communicate effectively with students' parents who are deaf, deaf and blind, blind, hard of hearing, or need other communication assistance.

In 2019, the Legislature directed OSPI and the Office of the Education Ombuds to jointly convene a Language Access Work Group, with the purpose of improving meaningful, equitable access for public school students and their family members who have language access barriers. The Work Group submitted a report of its findings and recommendations to the Legislature in October 2020.

The 2021 Legislature directed the Work Group to reconvene to make recommendations on 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. The Work Group submitted its second report to the Legislature in December 2021. One of the many recommendations was to establish an ongoing Language Access Advisory Committee.

E2SHB 1153 establishes four principles of an effective language access program for culturally responsive, systemic family engagement: accessibility and equity; accountability and transparency; responsive culture; and focus on relationships. Each principle is described in the legislation. Requirements and activities outlined in the remainder of the bill must take into consideration the recommendations in the 2020 and 2021 reports of the Language Access Work Group and also adhere to the adopted principles of an effective language access program.

The bill requires the Center for the Improvement of Student Learning, within OSPI, to implement a Language Access Technical Assistance Program that includes seven activities that are subject to state funding. Specifically, the Program must:

- a. Adhere to the principles of an effective language access program for culturally responsive, systemic family engagement established in E2SHB 1153;
- b. Provide training and technical assistance to support the implementation of language access programs for culturally responsive, systemic family engagement;
- c. Develop and maintain training modules for interpreters on interpreting for students' families

and students in educational settings outside the classroom;

- d. Develop, periodically update, and publish a language access toolkit that includes specified components;
- e. Develop, periodically update, and publish bilingual glossaries of education terminology;
- f. Analyze and publish language access and language access service information submitted by school districts, charter schools, the State School for the Blind, and the Washington State Center for Deaf and Hard of Hearing Youth. In addition to disaggregation by student race and ethnicity categories and subcategories, the published information must be disaggregated, to the extent possible, by language, school district and school, type of meeting, and other demographics or categories; and
- g. Provide staff support for a new Language Access Advisory Committee.

WSSDA is required, by August 1, 2022, and periodically thereafter, to collaborate with OSPI to update a model policy and procedures for implementing a language access program for culturally responsive, systemic family engagement. Among other things, the model policy and procedure must include procedures for annual review of spending on and the need for language access services. When updating the model policy and procedures, WSSDA must perform a racial equity impact analysis that involves the community. The model policy and procedures must be maintained on the websites of WSSDA and OSPI.

The bill also requires school districts, charter schools, the State School for the Blind, and the Washington State Center for Deaf and Hard of Hearing Youth to annually collect and submit to OSPI: (1) the language in which each student and student's family prefers to communicate; and (2) whether a qualified interpreter for the student's family was requested for and provided at specified school meetings. The statutory definition of "qualified interpreter" applies until OSPI and the Professional Educator Standards Board (PESB) establish a different definition in rule.

Beginning with the 2023–24 school year, participants in each interpreted meeting must have the opportunity to provide feedback on the effectiveness of the interpretation and the provision of language access services.

Except for schools that have less than 1,000 enrolled students and less than ten percent English learners, a school district, charter school, the State School for the Blind, and the Washington State Center for Deaf and Hard of Hearing Youth are required to:

- Designate a language access liaison, who may be the

language access coordinator, to facilitate compliance with state and federal laws related to family engagement;

- Adopt, by October 1, 2022, a language access policy and procedures that incorporates the model policy and procedures; and
- Implement, beginning with the 2023–24 school year, a language access program for culturally responsive, systemic family engagement. Implementation of a language access program requires the completion of, at a minimum, the following activities:
 - Adopt a language access plan that outlines how the school district identifies language access needs, allocates resources, establishes standards for providing language access services, and monitors the effectiveness of the language access program;
 - Administer the self-assessment for evaluating the provision of language access services, which is part of the toolkit described in the bill;
 - Use the toolkit’s guide for the development, implementation, and evaluation of a language access policy, procedures, and plan. The processes for developing and evaluating the language access policy, procedures, and plan must engage staff, students’ families, and other community members in ways likely to result in timely and meaningful feedback;
 - Review, periodically, the required language access policy and procedures to incorporate updates made to the model policy and procedures;
 - Collaborate with community-based organizations on how to work effectively with interpreters; and
 - Review, update, and publish, at least annually, information about the school district’s language access plan, policy and procedures, and language access services, including the need for, and expenditures for, language access services. The information must include notice to families about their right to free language access services and the contact information for any school district language access coordinator and any building points of contact for language access services. This information is required to be translated into common languages understood by students’ families.

Beginning with the 2023–24 school year, school districts, charter schools, the State School for the Blind, and the Washington State Center for Deaf and Hard of Hearing Youth, with at least 50 percent English learner enrollment or greater than 75 languages used by students or families, must either have a full-time language access coordinator or annually report to OSPI the total number of hours district staff spent performing the language access coordinator duties.

The duties of a language access coordinator are specified and include serving as the primary contact for families, community members, school district staff, and agency staff and delivering language assistance training and support to school staff.

OSPI and PESB are required to collaborate to establish credentialing requirements for spoken language and sign language interpreters working in public schools to interpret for students’ families, students, and communities in educational settings outside the classroom. Credentialing requirements for these interpreters, which must include minimum employment requirements, may be phased in as training and testing options become available and may be tiered based on the structure and significance of the interaction between school staff and the student’s family. Any activities provided by OSPI or PESB, however, that are required to meet credentialing requirements, including training, testing, and applications, must be made available at no cost to people who want to be interpreters.

Finally, E2SHB 1153 requires OSPI to establish a new, ongoing Language Access Advisory Committee to guide and monitor the implementation of the provisions of this legislation and to recommend changes to requirements, policies, and procedures related to language access and language access services for students’ families, students, and communities in educational settings outside the classroom. At a minimum, the Advisory Committee must guide, monitor, and make recommendations on the following topics:

- The effectiveness of language access policies, procedures, and programs;
- Family and community engagement, with a focus on multicultural families, families whose students have multiple barriers to student achievement, and families least engaged with their schools;
- The definition of “qualified interpreter”;
- Supply of and demand for interpreters;
- Training for interpreters;
- Credentialing requirements for interpreters, including a code of professional conduct;
- Grants to cover nonstate controlled interpreter credentialing requirement costs;
- Language access and language access service data collection and analysis; and
- Evidence-based practices regarding language access, including best practices for using state and federal funding to provide language access services.

The new Advisory Committee is required to collaborate with specified entities including the state Office of Equity and the Educational Opportunity Gap Oversight and Accountability Committee. By November 1, 2024, and periodically

thereafter, the Advisory Committee is required to submit a report on the implementation of this legislation to OSPI, PESB, the governor, and the Legislature.

The final 2022 Supplemental Operating Budget appropriates \$409,000 to implement E2SHB 1153. The funding is distributed as follows: OSPI receives \$367,000; \$13,000 is provided to PESB; \$24,000 is provided to the State School for the Blind; and the Washington State Center for Childhood Deafness and Hearing Loss receives \$5,000.

E2SHB 1153 included a “null and void” clause, which would have nullified the bill if specific funding to implement the bill was not provided in the Operating Budget. As discussed above, funding was provided to OSPI, the School for the Blind, and the Center for Childhood Deafness and Hearing Loss—but there was no funding to support the Office of Equity. Governor Inslee was concerned the lack of funding for the Office of Equity could trigger the null and void clause, wiping the bill out. To ensure this doesn’t happen, Inslee vetoed the null and void clause before signing the bill.

HB 1280—Greenhouse gas/facilities

(Representative Ramel)

C178 L22

Under current law, it is the public policy of the state to ensure that energy conservation practices and renewable energy systems are employed in the design of major publicly owned or leased facilities and that the use of at least one renewable energy or combined heat and power system is considered.

HB 1280 expands the state’s public policy statement by including greenhouse gas emissions. As adopted in the bill, the updated public policy of the state is to ensure that greenhouse gas emissions reduction practices are included in the design of major publicly owned or leased facilities, and that the use of all-electric energy systems and at least one renewable energy or combined heat and power system is considered.

A “major facility” is defined as any publicly owned or leased building having twenty-five thousand square feet or more of usable floor space. “Public agency” is defined to include every state office, officer, board, commission, committee, bureau, department, and all political subdivisions of the state.

The Department of Enterprise Services is responsible, under current law, for developing guidelines to define a procedure and method for the performance of life-cycle cost analyses to promote the selection of low life-cycle cost alternatives. At a minimum, the guidelines must contain provisions that:

- address energy considerations during the planning phase of the project;
- identify energy components and system alternatives, including energy management systems, renewable energy systems, and combined heat and power, prior to commencing the energy consumption analysis;

- identify simplified methods to assure the lowest life-cycle cost alternatives for selected buildings with between 25,000 and 100,000 square feet of usable floor area;
- establish times during the design process for preparation, review, and approval or disapproval of the life-cycle cost analysis;
- specify the assumptions to be used for escalation and inflation rates, equipment service lives, economic building lives, and maintenance costs;
- determine life-cycle cost analysis format and submittal requirements; and
- provide for review and approval of life-cycle cost analysis.

The bill adjusts the life-cycle cost analysis guidelines by requiring them to include provisions that identify all-electric energy systems as a system alternative.

The bill also amends the current definition of “energy-consumption analysis” to remove and replace the reference to a system alternative that complies with the sustainable design guidelines of the LEED silver standard with a system alternative that includes all-electric energy systems.

ESHB 1329—Public meetings

(Representative Wicks)

C115 L22

Under current law, meetings of the governing body of a public agency (including school district boards of directors) are required, with limited exceptions, be open to the public. Meetings of the governing body require a physical location for the public to attend, though a governing body is not required to take public testimony during a meeting.

Governing bodies are prohibited from adopting any ordinance, resolution, rule, regulation, order, or directive outside of a meeting that is open to the public and for which the required notice has been provided. Any action taken at a meeting that violates these requirements is void. However, during a meeting, a governing body may enter into executive session for deliberations, and exclude the public from the executive session, under certain, limited, and specific circumstances.

Governing bodies are required to establish a regular meeting time through an ordinance, resolution, bylaw, or other rule, and a schedule of these meetings must be published in the state register. For agencies that have a website or employ 10 or more full-time equivalent employees, agendas of regular meetings must be posted online at least 24 hours in advance of the meeting.

Special meetings outside of regularly scheduled meetings may be held if certain notice requirements are met, including the posting of notice on an agency’s website and the prominent display of notice outside of its principal location

at least 24 hours prior to the meeting. If the meeting will be held somewhere other than the agency's principal location, then notice must also be posted at that location at least 24 hours prior to the meeting. An agency is not required to post notice of the special meeting on its website if it does not have a website, has fewer than 10 full-time equivalent employees, or does not employ anyone whose job description or contract includes maintaining or updating the website. When a meeting is adjourned, notice of the adjournment must be conspicuously posted near the door of the place where the meeting was held.

ESHB 1329 encourages public agencies to provide for increased public access and participation in governing body meetings through real-time telephone, internet, or other readily available means of remote access to the meeting that does not require an additional cost for accessing the meeting. Public agencies are also encouraged to make an audio or video recording of, or to provide a streaming option for, all regular governing body meetings, and to make the recordings of such meetings available online for at least six months.

When the public is excluded from a meeting because a governing body is holding an executive session, the purpose for excluding the public that is announced at the meeting must be entered into the minutes of the meeting. Except in an emergency situation, the governing body of a public agency must provide an opportunity for public comment at or before every regular meeting at which final action is taken. Public comment can be taken orally at the meeting, or by providing an opportunity for submitting written comment prior to the meeting; the governing body is permitted to set a reasonable deadline for the submission of written comments before the meeting. Written comments must be distributed to the members of the governing body.

The requirement to accept public comment does not limit the authority of the governing body to deal with interruptions or to place limitations on the time or nature of the public comments. A governing body is not required to accept public comment that prevents the orderly conduct of a meeting.

When an individual requests the opportunity to provide oral comment at a meeting remotely because of disability, limited mobility, or another reason that makes physical attendance at a meeting difficult, the governing body is required to, when feasible, provide the opportunity to provide oral comment remotely if other members of the public will be allowed to provide oral comment at the meeting.

If a public agency determines, after the declaration of an emergency by a local or state government or agency, or by the federal government, that a meeting of the governing body with public in-person attendance cannot be held with reasonable safety, then the governing body may limit public attendance at the meeting or may hold the meeting remotely.

If the meeting is held either with limited public attendance or remotely, the public agency must provide an option for

the public to listen to the meeting. This may be through the telephone, on a local cable television station, over the internet, or through some other means. Whatever option is chosen, it cannot require any additional cost, outside of the basic cost of the service itself, to access to the meeting. If the public agency has not provided such an option, then no action may be taken at the meeting, though an executive session may be held. Notice provided for a remote meeting or a meeting with limited public attendance must include instructions for how the public may attend remotely.

A governing body that held some of its meetings remotely prior to March 1, 2020, may continue to do so as long as an option for the public to listen to the meeting is provided.

When there is a need for expedited action by a public agency to respond to an emergency, the agency may meet at a meeting site other than the regular meeting site, or may meet remotely or with limited public attendance, and the normal notice requirements are suspended during the emergency.

A governing body may impose generally applicable conditions on meeting attendance that it determines to be reasonably necessary to protect public health or safety, or to protect against interruption of the meeting. A governing body may also impose such conditions on a remote meeting or a meeting with limited in-person attendance.

A public agency may share a website with, or have its website hosted by, another public agency. Most public agencies must post regular meeting agendas online at least 24 hours prior to the scheduled meeting. The only agencies not subject to this requirement are special purpose districts, cities, and towns with less than \$400 million of taxable property and fewer than 3,000 people in the district, city, or town that provide confirmation to the State Auditor that posting notice online would cost more than 0.1 percent of the district, city, or town's budget.

Unless a public agency does not have or share a website, notice of a special meeting must be posted on the agency's website if the meeting will be held remotely or with limited in-person attendance due to a declared emergency. Notice of other special meetings must also be posted online, unless the public agency does not have or share a website, has no full-time equivalent employees, or has no personnel whose duty it is to maintain or update the website.

Finally, notice of a special meeting does not need to be physically posted at the agency's principal location if the meeting will be held remotely or with limited in-person attendance due to a declared emergency if notice of the meeting is instead posted on the agency's website. Physical notice does not need to be posted when the posting cannot be done with reasonable safety under the circumstances. A notice of adjournment does not need to be physically posted when a remote meeting is adjourned.

SHB 1590—Enrollment stabilization (Representative Dolan) **C108 L22**

The COVID-19 pandemic had major impacts on almost all facets of life, including public schools. When the pandemic was first declared in March of 2020, schools were forced to be closed and learning shifted to an online mode. When the 2020–21 school year began, most school districts continued virtual learning, causing many families to seek other options, including private schools, home schooling, and online programs not associated with their local school district.

This enrollment decline caused untenable funding declines and, after a tremendous struggle, the 2021 Legislature ultimately provided funding to assist school districts that were experiencing enrollment declines. One-time funding was appropriated in the 2021 Supplemental Operating Budget and along with additional funds in the 2021–23 Operating Budget providing for enrollment stabilization in the 2020–21 school year—although school districts were required to first use federal ESSER II funds (as provided in the federal 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 before being able to access state stabilization dollars.

As the pandemic began to ease last summer, most school districts planned to return to in-person learning; however, a new variant of the virus spiked as the school year was beginning, forcing many districts to maintain on-line learning. Districts that returned to in-person learning encountered difficulties, including universal mask-wearing requirements. The result was continued enrollment declines in many districts. We again looked to the Legislature to provide financial support to school districts that continued to experience enrollment declines—and resultant funding impacts.

Many legislators rejected the idea of providing funding for “ghost students,” arguing that enrollment declines were not a short-term blip due to the pandemic, but a new “trend.” The education community argued that whether the declines were a short-term event or a longer-term trend, legislators had provided funding to school districts in the 2021–23 Operating Budget based on assumptions that enrollment would stabilize. In turn, school districts had adopted budgets and hired staff based on that funding (as well as projections from the Caseload Forecast Council). Due to continuing contract laws in our state, districts were prohibited from simply laying off those “extra” staff members, which meant student programs needed to be trimmed to balance budgets. Because the Legislature had already appropriated funding assuming higher enrollment, we were not asking for additional funding—what we asked the Legislature was to maintain funding they had already agreed upon.

After a session-long debate, the Legislature finally adopted SHB 1590 (along with necessary funding in the budget) to

support a second round of enrollment stabilization. As adopted, if a school district’s combined state revenue generated in the 2021–22 school year is less than what its combined state revenue would be using the 2019–20 annual average enrollment values and formulas in place for the 2021–22 school year, then OSPI is required to provide enrollment stabilization to the district. The amount provided, however, is 50 percent of the difference in combined state revenues using 2019–20 enrollment and 2021–22 enrollment. Many key legislators remained resistant to providing any stabilization funding and providing support for half of a district’s enrollment loss was as far as they were willing to go.

Combined state revenue, as noted in the bill, includes funding allocations from:

- General Apportionment;
- special education;
- Learning Assistance Program;
- Transitional Bilingual Instructional Program;
- Highly Capable Program;
- Career and Technical Education and Skills Centers;
- institutional residential schools and detention facilities;
- Dropout Reengagement;
- Alternative Learning Experience; and
- Running Start.

Provisions of the bill apply to school districts, charter schools, and state-tribal compact schools. Amounts allocated may be used for any allowable cost within any of the programs and are not part of the state’s program of basic education.

Under current law, districts must use enrollment figures from the “prior school year” to calculate levy lids and to determine Local Effort Assistance (LEA or “levy equalization”) eligibility and calculate the maximum funding. Enrollment, however, also impacts levy and LEA calculations and the bill provides adjustments to stabilize levy lids and LEA. As provided by SHB 1590, districts may use enrollment calculations from the 2019–20 school year in place of the “prior school year” (that is, 2021–22 enrollment) in the 2023 calendar year, if the 2019–20 enrollment was greater than the 2021–22 enrollment, and the district was open for in-person instruction to all students by the beginning of the 2021–22 school year.

Similarly, for purposes of determining LEA eligibility and calculating the maximum LEA in the 2022 and 2023 calendar years, districts may use 2019–20 school year enrollment in place of “prior school year” enrollment, if the 2019–20 enrollment is greater than the 2020–21 enrollment.

Finally, as noted above, many legislators were resistant to providing a second round of enrollment stabilization and two provisions were added to the bill to address this opposition. The first provision, as discussed above, was to limit support

for enrollment stabilization to only half of a district's loss in funding. The second was added language in the bill to address the Legislature's intent. The language states:

“With this act and in the omnibus operating appropriations act, the Legislature intends to extend stabilizing funding to districts that have seen temporary enrollment declines due to the COVID-19 pandemic **for the final time.**”
[emphasis added]

The final 2022 Supplemental Operating Budget provides a total of \$346.5 million to support SHB 1590. \$280.9 million is appropriated to the approximately 230 districts with continued enrollment declines (another \$1.7 million in stabilization funding goes to public charter schools). \$63.9 million is also appropriated to stabilize LEA payments.

HB 1613—PFML privacy

(Representative Sells, by request of Employment Security Department)

C18 L22

With some specific exceptions, the Employment Security Department (ESD) is required to keep information regarding individuals and employers under the Paid Family and Medical Leave (PFML) program private and confidential. ESD may disclose this information in the following instances:

- a third party acting on behalf of an individual or employer, with a signed release;
- to the Legislature under certain conditions, with a signed release;
- to other specified governmental agencies when necessary for certain official purposes;
- to the federal Internal Revenue Service for administration of the PFML program; and
- in certain instances, for the performance of contracts with other governmental organizations, private organizations, or persons.

Additionally, in 2019 the Legislature created the Long-Term Services and Supports Trust Program (also known as “Washington Cares Fund”) to provide long-term services and supports benefits to persons who have paid into the program. The Employment Security Department is tasked with determining individual eligibility, and assessing and collecting employee premiums through employers, in administration of the Trust Program.

HB 1613 clarifies that information or records on individuals or employers obtained through the collection of premiums and qualification determinations for the Long-Term Services and Supports Trust Program must be kept private and confidential in the same manner as in the PFML program.

Confidential information or records in the PFML program may be disclosed to the Department of Social and Health Services, the Health Care Authority, and the Office of the State Actuary

for the purposes of administering ESD's responsibilities under the Trust Program.

ESD is specifically allowed to enter into data sharing agreements in order to conduct program evaluations of the Trust Program; and the Trust Program may disclose confidential information or records in certain instances to allow for contracted assistance in the operation, management, and implementation of the program.

SHB 1617—Juneteenth holiday

(Representative Morgan)

C198 L22

The 2021 Legislature adopted SHB 1016, changing Juneteenth (June 19) from a state “day of remembrance” to a state, legal holiday. In addition to being designated as a legal holiday, the Legislature encouraged “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 conversations that uplift every Washingtonian.”

While last year's legislation made Juneteenth a state, legal holiday, the Legislature neglected to amend the state statute (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 was confusion about the impact of Juneteenth on school districts and whether or not this may become a bargaining issue.

SHB 1617 specifically clarifies that Juneteenth is a state, legal holiday as well as a school holiday on which “school may not be taught.”

To ensure the confusion between state holidays and school holidays never again occurs, the bill removes the specific list of school holidays from RCW 28A and notes, “All of the state legal holidays set forth in RCW 1.16.050(1) are also school holidays and school may not be taught on these days.”

NOTE: Like all state and school holidays, whenever a holiday falls on a Sunday, the following Monday is the legal holiday; and whenever a holiday falls on a Saturday, the preceding Friday is the legal holiday. For example, in 2022, Juneteenth (June 19) is a Sunday and will be observed on June 20.

Finally, it is important to know that the bill's effective date is July 1, 2022 (after this year's Juneteenth, in other words). If your school district includes Juneteenth as a holiday in your bargained school calendar, you are encouraged to stay the course and take the day off. If, however, Juneteenth is not included in your district's bargained school calendar, you are not required to observe the holiday in 2022—and unless you have an agreement with your union(s), the safer course of action is likely to not take the holiday this year. In addition to keeping the peace with your employees, you should also consider impacts on your constituents in determining whether or not you will take the holiday this year.

ESHB 1629—Aerial imaging

(Representative Dolan)

C261 L22

Along with the state government, many local and tribal governments are using—and expanding the use of—aerial imagery (this includes school districts which, among other things, use aerial imagery to develop school safety plans and to site future buildings). As the use of this technology proliferates, concerns of its use continues to increase, including questions about: possible duplicate payments for imaging services; potential data breaches and unauthorized disclosure; and infringement on privacy rights.

ESHB 1629 requires the Department of Commerce, in collaboration with the Office of the Chief Information Officer (OCIO), to conduct a comprehensive study regarding the use of aerial imaging technology for state, local, special purpose district, and tribal government purposes, leveraging the state's existing geospatial imaging program. The study must, at a minimum, include the following:

- an assessment of the ways in which state agencies, local governments, special purpose districts, and tribal governments currently use aerial imaging technology and benefit from having access to aerial imaging technology;
- an assessment of the types of imagery currently used or needed and the frequency of use;
- a determination of the minimum resolution level of aerial imaging that would best serve the majority of users statewide;
- an estimate of the current expenditures by local governments for aerial image acquisition and organization and of the cost of procuring, once per biennium, and administering a high-quality aerial imagery program on a statewide basis;
- an estimate of the economies of scale between individual flights procured by individual jurisdictions and the cost of procuring a single flight to obtain aerial imaging of the entire state;
- a determination of the best available mechanism for cost sharing between jurisdictions for the acquisition and management of aerial imagery; and
- recommendations about current sources that provide imaging data, further steps to improve the collection of aerial imaging data, and the steps necessary to implement a statewide aerial imaging collection and distribution system through the state's existing geospatial program.

In conducting the study, the Department of Commerce is required to seek recommendations from the OCIO regarding ways in which the use of aerial imaging technology could be limited by state law to strike an appropriate balance between effective and efficient utilization for legitimate government

purposes and doing no more imaging than is necessary at no higher resolution than is necessary.

The final 2022 Supplemental Operating Budget provides \$500,000 to the Department of Commerce to conduct the required study. Under provisions of ESHB 1629, the Department is allowed to conduct the study directly or may contract the study to a third party. The final report is required to be submitted to the Legislature by June 1, 2023.

ESHB 1630—Weapons in meetings

(Representative Senn)

C106 L22

Although, under current law, it is illegal for a person to possess firearms or other weapons on elementary or secondary school premises, school-provided transportation, or areas of facilities that are being used exclusively by schools (each legally declared as “gun free zones”), ESHB 1630 clarifies and expands the prohibition to include areas used in connection with meetings of school district boards of directors. (NOTE: the bill also addresses weapons prohibitions where other local government governing bodies meet, as well as certain election-related facilities.)

Under provisions of the bill, a person is prohibited from knowingly carrying or possessing firearms or other weapons in areas of facilities while being used for official meetings of a school district board of directors. Prohibited weapons include: nun-chu-ka sticks; throwing stars; air guns; stun guns; devices intended to injure a person with an electric shock, charge, or impulse; and weapons listed under the dangerous weapons statute.

A school district board of directors must post signs providing notice of the restrictions on possession of firearms and other weapons at facilities being used for meetings of the school district board of directors.

The bill also clarifies exemptions, including: law enforcement officers; any person engaged in military, law enforcement, or school district security activities; and any concealed pistol license (CPL) holder while picking up or dropping off a student. In addition, CPL holders and persons exempt from CPL requirements are exempt from the prohibition on possessing a pistol while attending a meeting that is held off school district owned or leased property.

Finally, the current penalty provisions for violations of statutes restricting weapons on elementary and secondary school premises are revised to make a first offense a misdemeanor (rather than a gross misdemeanor), and second and subsequent offenses a gross misdemeanor. Penalties for violating the provisions of this bill are the same.

SHB 1644—Electric school buses

(Representative Senn)

C200 L22

School district Transportation Vehicle Funds generally include state depreciation payments to reimburse school districts for vehicle purchases, proceeds from the sale of vehicles, and two-year levies for Transportation Vehicle Funds authorized by voters. Under current law, allowable uses of money within the Transportation Vehicle Fund include purchases and repairs of pupil transportation vehicles.

SHB 1644 permits school district Transportation Vehicle Funds to be used for electric and other clean pupil transportation vehicle feasibility planning and fueling station infrastructure. Specifically, the bill expands allowable uses of Transportation Vehicle Funds to include the following additional uses:

- purchase, installation, and repair of electric pupil transportation vehicle charging stations and other zero-emission fueling stations, and other costs necessary for their installation;
- to complete feasibility plans to transition from gas or diesel pupil transportation vehicles to electric or zero-emission pupil transportation vehicles; and
- to convert or repower existing gas or diesel pupil transportation vehicles to electric or zero emission pupil transportation vehicles.

2SHB 1664—Staffing allocations

(Representative Rule)

C109 L22

In 2009, the Legislature adopted a new education funding system and established a distribution formula based on minimum staffing in “prototypical schools.” Legislation adopted in 2010 began to implement the new Prototypical School Funding Model (PSFM), providing new staffing allocations. The new allocations were intended to translate then-current levels of funding into the different staff classifications in the PSFM, with no adjustments, to ensure the conversion was cost neutral. The stated intent, however, was to regularly review and update the provided staffing ratios even so, funding levels for most staff positions have remained the same since the Model was first implemented.

Ultimately, due to the Legislature’s lack of movement, citizens introduced Initiative 1351 in 2014 to get the process moving. The Initiative, which was overwhelmingly adopted in November 2014, provided for phased-in increases in staffing allocations in the PSFM. The Initiative required funding for increased staffing allocations to begin in the 2015–17 biennium, with full implementation by the end of the 2017–19 biennium. Legislation adopted in 2015, however, delayed the funding of I-1351 by four years. Then, in 2017, as a part of the “McCleary solution,” the I-1351 implementation schedule was repealed.

Even though the Legislature repealed the updated staffing

ratios, they signaled their intent to eventually provide for updated allocations. In the same legislation, OSPI was charged with convening a working group to review staffing allocations detailed in I-1351 and make recommendations on a possible phase-in plan of staffing enhancements.

At the end of 2019, the Staffing Enrichment Workgroup submitted its report to the Legislature, recommending a six-year phase-in of staffing enhancements in the PSFM, essentially mirroring the values adopted in I-1351. Legislation introduced in 2020 to implement the Workgroup’s recommendations was summarily rejected.

Prior to the 2022 Session, Superintendent Reykdal’s 2022 Decision Package included enhancements to staffing ratios in the Prototypical School Funding Model. His request was fairly narrow, specifically seeking phased-in allocations for additional school nurses. The stars seemed to align when Governor Inslee submitted his 2022 Budget Request, going beyond Reykdal’s request. Inslee’s budget package included funding to provide increased allocations in a new category of Physical, Social, and Emotional support staff—which included nurses, but also social workers, counselors, and psychologists.

2SHB 1664, as adopted, phases in over three years—2022–23 school year, 2023–24 school year, and 2024–25 school year—increases in minimum allocations for Physical, Social, and Emotional support staff in the Prototypical School Funding Model.

The minimum allocations for each school level and staff position are adopted as follows:

Elementary/Middle/High, 2022–23:

Nurses: 0.246/0.336/0.339

Social Workers: 0.132/0.033/0.052

Psychologists: 0.046/0.009/0.021

Counselors: 0.660/1.383/2.706

Elementary/Middle/High, 2023–24:

Nurses: 0.416/0.612/0.582

Social Workers: 0.222/0.060/0.089

Psychologists: 0.075/0.016/0.035

Counselors: 0.827/1.550/2.882

Elementary/Middle/High, 2024–25:

Nurses: 0.585/0.888/0.824

Social Workers: 0.311/0.088/0.127

Psychologists: 0.104/0.024/0.049

Counselors: 0.993/1.716/3.039

Compliance language was also adopted in 2SHB 1664. As noted in the bill, funding, up to the combined minimum allocations, for Physical, Social, and Emotional support staff (nurses, social workers, psychologists, and counselors) as well as classified staff providing student and staff safety, and parent involvement coordinators may be allocated only to the extent of and proportionate to a school district’s demonstrated actual ratios of: full-time equivalent Physical, Social, and Emotional support staff to full-time equivalent students.

“Physical, Social, and Emotional support staff” include nurses, social workers, psychologists, counselors, classified staff providing student and staff safety, parent involvement coordinators, and other school district employees and contractors who provide physical, social, and emotional support to students as defined by OSPI.

OSPI is required to adopt rules to implement these provisions and the rules must require school districts to prioritize funding allocated for Physical, Social, and Emotional support staff who hold a valid Educational Staff Associate (ESA) certificate appropriate for the staff’s role.

2SHB 1664 also requires OSPI to provide regular implementation reports. By February 1, 2023, 2025, 2027, and 2029, OSPI must submit to the Legislature a report that:

1. compares the staffing units provided for nurses, social workers, psychologists, counselors, classified staff providing student and staff safety, and parent involvement coordinators through the Prototypical School Funding Model to the actual school district staffing levels for Physical, Social, and Emotional support staff, disaggregated by school district; and
2. analyzes trends with respect to: employed Physical, Social, and Emotional support staff and contract Physical, Social, and Emotional support staff; and the percentage of Physical, Social, and Emotional support staff with a valid ESA certificate. These trends must be disaggregated by assignment duty code, as well as analyzed year over year and by school district size and geography.

For the analysis, OSPI is required to use personnel data reported on or around October 1 of the report year and the prior year, and any other relevant data. For the report due February 1, 2023, OSPI must complete the analysis only to the extent that relevant data are available.

The final 2022 Supplemental Operating Budget provides \$90.6 million in Fiscal Year 2023 (2022–23 school year) to increase staffing allocations, as described above. A projection of \$548.3 million was included in the Four-Year Outlook, which will provide the second (2023–24 school year) and third (2024–25 school year) increase in allocations of Physical, Social, and Emotional support staff.

ESHB 1699—Workforce shortage relief
(Representative Bergquist)
C110 L22

Under current law, individuals retired from the Public Employees’ Retirement System (PERS), the Teachers’ Retirement System (TRS), and the School Employees’ Retirement System (SERS) are permitted to work for a school district; however, they are limited to working a maximum of 867 hours per year without negatively impacting their pension benefits. ESHB 1699 was introduced as an option to provide school districts with some relief from the current staffing shortage.

The bill temporarily increases the number of hours a PERS, TRS, or SERS retiree may work from the current limit of 867 to 1,040 hours per school year, without negatively impacting their pension benefits. To be eligible for these provisions, retirees must have at least a one-month break in service.

The bill’s provisions apply to retirees working in a non-administrative position; however, a TRS retiree may work up to 1,040 hours per year in a school district as a district superintendent or a building administrator. To be eligible, the retiree must have retired prior to January 1, 2022. Additionally, these provisions only apply to positions in Second Class school districts (that is, districts with less than 2,000 students).

Provisions in the bill are temporary and expire on July 1, 2025; however, language specifically clarifies the Legislature reserves the right to amend or repeal these benefits in the future at any time. Additionally, language clarifies that no member or beneficiary has a contractual right to be employed for more than 867 hours in a year without a reduction of their pension.

NOTE: Unless a bill includes a specific effective date, adopted legislation is effective 90 days after adjournment of the session in which the bill is passed (June 9 for legislation passed in 2022). ESHB 1699, however, includes an emergency clause, which made the bill effective immediately upon the governor’s signature, which was March 23, 2022.

E2SHB 1723—Digital Equity Act
(Representative Gregerson)
C265 L22

The statutory role of the Statewide Broadband Office (SBO) is to encourage, foster, develop, and improve affordable, quality broadband within the state to promote innovation, serve the growing needs of Washington’s education, healthcare, public safety systems, industries and business, governmental operations, and citizens, and improve broadband accessibility for unserved communities. SBO has a duty to serve as the central broadband planning body for the state and to coordinate with local governments, tribes, public and private entities, nonprofit organizations, and utilities to develop strategies to promote deployment of broadband infrastructure and greater broadband access.

E2SHB 1723, known as the Digital Equity Act, was introduced and adopted with the goal of closing the digital equity divide by increasing the accessibility and affordability of telecommunications services, devices, and training.

The bill requires SBO, in consultation with the Digital Equity Forum (established in the 2021–23 Operating Budget to develop recommendations to advance digital connectivity in Washington), the Utilities and Transportation Commission, and the Department of Social and Health Services, to develop a State Digital Equity Plan. In developing the State Digital Equity Plan, SBO is required to identify measurable objectives for documenting and promoting digital equity among underserved communities.

By December 1, 2023, SBO must submit a report to the Legislature, including the following:

- the State Digital Equity Plan and measurable objectives for documenting and promoting digital equity among underserved communities;
- a description of how SBO collaborated with the membership of the Digital Equity Forum, state agencies, and key stakeholders to develop the State Digital Equity Plan including, but not limited to, the following: community anchor institutions, local governments, local educational agencies, entities that carry out workforce development programs, and broadband service providers;
- a description of federal funding available to advance digital equity in the state, including any available information on the extent to which state residents have enrolled in the affordable connectivity program through an approved provider; and
- recommendations of additional state law or policy that can be targeted to help improve broadband adoption and affordability for state residents.

The Community Technology Opportunity Program (CTOP), administered by the Department of Commerce, was established to provide organizational and capacity-building support for community technology programs throughout the state and identified and facilitated the availability of other public and private sources of funds to enhance the work of community technology programs.

E2SHB 1723 renames CTOP to become the Digital Equity Opportunity Grant Program. The Opportunity Grant Program is created to advance broadband adoption and digital equity and is required to provide organizational and capacity-building support to digital equity programs throughout the state and additional support for the purpose of: (1) evaluating the impact and efficacy of activities supported by grants awarded under the covered programs; and (2) developing, cataloging, disseminating, and promoting the exchange of best practices in order to achieve digital equity.

The Opportunity Grant Program includes a competitive grant program to provide grants for community technology programs to advance digital equity and digital inclusion by providing:

- training and skill-building opportunities;
- access to hardware and software;
- internet connectivity;
- digital media literacy;
- assistance in the adoption of information and communication technologies in low-income and underserved areas of the state;
- development of locally relevant content and delivery of vital services through technology; and
- technical support.

The Digital Equity Forum is required to review grant applications to provide input to the Department of Commerce regarding the prioritization of applications in awarding grants. The Department must consider the input provided by the Forum and the extent to which the mix of grants awarded would increase the number of prekindergarten through grade 12 students gaining access to greater levels of digital inclusion.

The Department of Commerce is also required to establish a Digital Equity Planning Grant Program to provide grants to local governments, institutions of higher education, workforce development councils, or other entities to fund the development of a digital equity plan for a discrete geographic region of the state. In evaluating and ranking applications, the Department of Commerce must give priority to applications accompanied by express support from certain nonprofit organizations, public development authorities, federally recognized Indian tribes, or other certain community partners that intend to use community-based participatory action research methods. Additionally, the Department must also consider input from the Digital Equity Forum in awarding grants and how the grants awarded would increase the number of prekindergarten through grade 12 students gaining greater access to digital inclusion.

The statutory purpose of the State Broadband Office is modified to include improving broadband accessibility and adoption for unserved and underserved communities and populations. SBO must coordinate outreach to hard-to-reach and low-income communities across the state to provide information about broadband programs available to consumers in these communities. This required outreach effort will be reviewed by the Office of Equity annually.

The bill creates a new Digital Equity Account in the State Treasury. The Legislature may appropriate moneys in the account only for the purposes of the Opportunity Grant Program, and the Planning Grant Program.

The final 2022 Supplemental Operating Budget provides \$1.8 million to implement E2SHB 1723, distributed as follows, \$953,000 to the Department of Commerce; \$667,000 to the Utilities and Transportation Commission; and \$175,000 to the Office of the Governor. An additional \$70,000 is also provided to the Statewide Broadband Office, through the Department of Commerce, to continue administering the work of the Digital Equity Forum.

SHB 1732—WA Cares Fund delay (Representative Sullivan) **C1 L22**

In 2019, the Legislature established the Long-Term Services and Supports Trust Program (informally known as the “Washington Cares Fund”) 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.

Under the program, beginning on January 1, 2022, a premium of 0.58 percent on the wages of all employees in Washington who have worked at least 500 hours during the year was set to begin. 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.

Last year, companies in Washington that offered long-term care insurance were overwhelmed with employees seeking private insurance in order to avoid being locked into the new long-term care program, along with required premium assessments collected by the state. Because of the overwhelming demand, most insurance companies implemented a moratorium on offering long-term care insurance—and many companies quit operating in Washington all together. This meant many employees who sought private long-term care options were unable to purchase the necessary insurance to be exempted from the state’s program and the accompanying required premiums.

Many other employees were able to access private long-term insurance before the moratorium hit and the Employment Security Department was overwhelmed with requests for exemptions. With the number of requested exemptions, there were concerns that the new long-term care program would not be able to remain solvent.

Just prior to the 2022 Session, legislative leaders in all four caucuses agreed to promptly address concerns about the Washington Cares Fund. SHB 1732 was the result. The bill delays implementation of most of the activities related to the Long-Term Services and Supports Trust Program—including the collection of premium assessments.

The date for beginning the collection of premium assessments under the Trust Program for both employees and self-employed persons is delayed by 18 months from January 1, 2022, until July 1, 2023, allowing legislators and others an opportunity to review necessary changes to the program in the 2023 legislative session.

The employer outreach program the Employment Security Department and the Department of Social and Health Services must conduct under the original legislation is updated to account for the delayed collection of premium assessments. The availability of approved services under the Trust Program is delayed by 18 months from January 1, 2025, until July 1, 2026. The Department of Social and Health Services is prohibited from accepting applications for eligible beneficiary determinations before July 1, 2026. The first biennial actuarial audit and valuation of the Trust Program is due July 1, 2026, rather than January 1, 2024.

There was much public discussion about delaying the collection of premiums before the 2022 session began;

however, until the Legislature adopted amendments to the current law, premiums were required to be collected beginning January 1, 2022. Due to the anticipated delay, many school districts chose not to begin collecting premiums, while other districts were more cautious and began collecting employee premiums to be safe. It is important to note that SHB 1732 requires employers to refund premiums collected from employees and those refunds must be made within 120 days of collection by the employer.

The bill also makes a change for employees born before January 1, 1968. If these employees do not pay the premium for the required ten years needed to become vested in the full number of benefit units, they may receive partial benefits under the Trust Program. For each year individuals in this population make the premium payments for the minimum 500 hours, they may receive ten percent of the maximum number of benefit units. These individuals may still qualify for full benefits if they have paid the premium for three years within the last six years.

ESHB 1733—WA Cares Fund exemptions

(Representative Paul)

C2 L22

In 2019, the Legislature established the Long-Term Services and Supports Trust Program (informally known as the “Washington Cares Fund”) 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.

Due to concerns about employees being unable to access private long-term care insurance if they chose to do so and additional concerns about the potential insolvency of the Trust Program, the Legislature adopted SHB 1732 to delay the collection of required employee premiums and other activities associated with the program. This delay provides time for legislators and others to fully review the program and make necessary revisions in the 2023 legislative session.

Although legislators will continue to discuss needed amendments in 2023, legislators made a series of exemption adjustments in ESHB 1733. As adopted, voluntary exemptions from the payment of premiums under the Trust Program are established for employees in one of four categories:

- An employee who is a veteran of the United States military who has been rated by the United States Department of Veterans Affairs as having a service-connected disability of at least 70 percent may apply for an exemption from the Trust Program;
- An employee who is the spouse or registered domestic partner of an active duty service member of the United States Armed Forces may apply for an exemption from the Trust Program. The exemption must be discontinued within 90 days of either the employee’s spouse or registered domestic partner

being discharged or separated from military service, or the dissolution of the employee's marriage or registered domestic partnership;

- An employee who holds a nonimmigrant visa for temporary workers who is employed by an employer in Washington may apply for an exemption from the Trust Program. The exemption must be discontinued within 90 days of an employee's nonimmigrant visa for temporary workers status being terminated and the employee becoming a permanent resident or citizen employed in Washington; and
- An employee who is employed in Washington, but maintains a permanent residence outside of Washington as the employee's primary location of residence may apply for an exemption from the Trust Program. The exemption must be terminated within 90 days of the employee establishing a permanent address within Washington as the employee's primary location of residence.

Employees who qualify for an exemption may apply to the Employment Security Department for the exemption. Unless a specified condition for termination of the exemption occurs, employees who are approved for an exemption are not required to pay the premium assessment, may not become a qualified individual or eligible beneficiary, and are permanently ineligible for the Trust Program.

The bill clarifies that exempt employees are not entitled to refunds of premiums paid prior to being granted exempt status. Exempt employees are responsible for notifying current and future employers of their exempt status. If an exempt employee fails to notify an employer of an exemption, the employee is not entitled to a refund of premiums deducted prior to the notification.

Employers are prohibited from deducting premiums once an employee has notified them of the employee's exempt status. If an exempt employee fails to begin paying premiums within 90 days of a condition that discontinues the exemption, the employee must pay any unpaid premiums, with interest, from the date on which the premiums should have begun.

ESHB 1752—Deferred compensation/Roth

(Representative Stokesbary, by request of LEOFF Plan 2 Retirement Board)

C72 L22

The Washington State Deferred Compensation Program (DCP) is a supplemental tax-deferred savings program under Section 457 of the federal Internal Revenue Code (IRC) offered to state employees and to the employees of local governments that elect to participate in the program. In an effort to encourage employee savings, legislation was adopted in 2016 which automatically enrolls new state employees in the Deferred Compensation Program with a three percent employee contribution unless they choose not to participate.

Some Deferred Compensation Program plans operated under Section 457 of the federal Internal Revenue Code allow members to make after-tax contributions, referred to as "Roth" contributions. The principle and earnings from Roth contributions are not taxed when a member makes a qualified distribution from the plan. The Deferred Compensation Program plans offered in Washington, however, do not include the option of making Roth contributions.

ESHB 1752 requires the Department of Retirement Systems to offer a Roth option as part of the Deferred Compensation Program beginning no later than December 1, 2023.

ESHB 1795—Nondisclosure agreements

(Representative Berry)

C133 L22

Under current law, employers are prohibited from requiring an employee, as a condition of employment, to sign a nondisclosure agreement that prevents the employee from disclosing sexual harassment or sexual assault occurring in the workplace, at work-related events coordinated by or through the employer, or between employees, or between an employer and an employee, off the employment premises. This prohibition does not apply to confidential settlement agreements.

ESHB 1795 repeals and replaces the current statute prohibiting nondisclosure agreements regarding sexual harassment and sexual assault occurring in the workplace.

The bill includes new language which states a provision in an agreement by an employer and employee not to disclose conduct, or a settlement involving conduct, that the employee "reasonably believed" under state, federal, or common law to be illegal discrimination, illegal harassment, illegal retaliation, a wage and hour violation, or sexual assault, or that is recognized as against a clear mandate of public policy, is void and unenforceable.

Prohibited nondisclosure and nondisparagement provisions concern conduct that occurs at the workplace, at work-related events coordinated by or through the employer, between employees, or between an employer and an employee, whether on or off the employment premises.

Prohibited provisions include those contained in employment agreements, independent contractor agreements, agreements to pay compensation in exchange for the release of a legal claim, or any other agreement between an employer and employee. "Employee" is defined to include current, former, and prospective employees or independent contractors.

The bill stipulates it is a violation of this act for an employer to:

- discharge or otherwise discriminate or retaliate against an employee for disclosing or discussing conduct that the employee is allowed to disclose or discuss under the act;

- request or require an employee to agree to a prohibited provision; or
- attempt to enforce a prohibited provision.

An employer who violates the act is liable in a civil cause of action for actual or statutory damages of \$10,000, whichever is more, as well as reasonable attorneys' fees and costs.

Enforcement of provisions prohibiting disclosure of the amount paid in a settlement of a claim is still allowed. Agreements protecting trade secrets, proprietary information, or confidential information that does not involve illegal acts are also allowed.

Language clarifies the repeal of the statute on nondisclosures of sexual harassment and sexual assault does not affect any existing right or liability or obligation acquired or incurred under the repealed statute and does not affect any proceeding instituted under that statute.

Nondisclosure or nondisparagement provisions in agreements signed by an employee who is a Washington resident is governed by Washington law. The provisions of the bill are to be liberally construed to fulfill its remedial purpose.

The act applies prospectively AND retroactively to invalidate provisions in agreements created before the effective date of the act and that were agreed to at the outset of employment or during the course of employment. The retroactivity clause allows recovery of damages only to prevent enforcement of those provisions. The retroactivity clause does not apply to a nondisclosure or nondisparagement provision in an agreement to settle a legal claim.

SHB 1800—Behavioral health services

(Representative Eslick)

C134 L22

The Children and Youth Behavioral Health Work Group was established to identify barriers to, and opportunities for, accessing behavioral health services for children and their families and advise the Legislature on statewide behavioral health services for those children and families. The Work Group is comprised of 38 members, including legislators, representatives from state agencies, providers, parent and child representatives, and advocates. OSPI also is represented on the Work Group. The Work Group is required to submit annual recommendations to the governor and the Legislature.

Additionally, the Health Care Authority (HCA) is required to conduct an annual survey of a sample group of parents, youth, and behavioral health providers to measure the impacts of implementing minor behavioral health policies that were established in law in 2019. These annual surveys must be completed for three years ending on July 1, 2022. HCA is required to submit a report on the results of the surveys to the governor and the Legislature, with a final report due November 1, 2022.

In addition to the creation of the Children and Youth Behavioral Health Work Group and required surveys from the Health Care Authority, the Legislature also created the State Office of Behavioral Health Consumer Advocacy (SOBHCA) in 2021. It was created to establish rules, standards, and procedures for behavioral health consumer advocacy services across the state. The SOBHCA is required to contract with a private nonprofit organization to provide behavioral health consumer advocacy services including certifying and coordinating the activities of behavioral health advocates across the state.

SHB 1800 requires the Health Care Authority to dedicate at least one full-time employee to:

- connecting families, behavioral health providers, educators, and other stakeholders with current information about law and policy related to behavioral health services for minors;
- creating shareable content appropriate for communicating policy and resources related to behavioral health services for minors;
- designing and maintaining a communications plan related to behavioral health services for minors involving social media and other forms of direct outreach to providers, families, and youth; and
- monitoring the HCA website to make sure that the information included on the website is accurate and designed in a manner that is accessible to families.

HCA is directed to convene stakeholders, including Washington State Community Connectors, and consider the website prototype already under development to design, further define, and implement a parent portal, which is a method for connecting families to their community's service and education infrastructure related to behavioral health services for minors. By November 1, 2022, HCA must provide a report to the Legislature and the governor that describes:

- the stakeholder process used to design the parent portal;
- the design of the parent portal; and
- other relevant information about successfully implementing the parent portal.

HCA's current work measuring the effects of implementing policies related to behavioral health services for minors is modified to require stakeholder engagement efforts instead of an annual survey of a sample group. The stakeholder engagement efforts must include live events soliciting feedback from stakeholders and alternative methods for stakeholders to submit feedback. The deadline for completing these stakeholder efforts are delayed until October 1, 2022, followed by subsequent efforts completed by July 1, 2023, and July 1, 2024. HCA reports on these efforts are required to occur annually, with a final report delayed from 2022 until November 1, 2024.

The bill requires additional members to be added to the statewide advisory council for the State Office of Behavioral Health Consumer Advocacy: two parents or caregivers of a child who received behavioral health services, including one parent or caregiver of a child who received complex, multi-system behavioral health services; one parent or caregiver of a child ages one through twelve; or one parent or caregiver of a child ages thirteen through seventeen.

Two representatives of Medicaid managed care organizations, one of which must provide managed care to children and youth receiving child welfare services, are also added to the statewide advisory council for the SOBHCA.

Finally, the SOBHCA is required to: develop and deliver educational programs and information statewide regarding family-initiated treatment and other behavioral health service options for minors; and include behavioral health services for minors in its training and certification process for behavioral health consumer advocates.

HB 1833—School meals/electronic information

(Representative Berg)

C111 L22

The National School Lunch Program (NSLP) and the School Breakfast Program (SBP) are child nutrition programs funded by the United States Department of Agriculture. In Washington, OSPI administers the programs. The two Programs are designed to promote the health and well-being of children by providing nutritionally balanced, low-cost or no-cost meals to children each school day.

Household applications submitted by families to schools are used to determine eligibility for Free or Reduced-Price Meals (FRPM). As an alternative to using the household application process, qualifying schools may use the Community Eligibility Provision (CEP) of the federal Healthy, Hunger-Free Kids Act. CEP permits schools with high numbers of low-income students to serve free meals to all students for a four-year cycle without collecting household applications. A school, group of schools, or school district is eligible for CEP if at least 40 percent of its students are identified as eligible for free meals through means other than household applications. Alternatives include: students directly certified through the Supplemental Nutrition Assistance Program or Temporary Assistance for Needy Families, and foster, homeless, and migrant students. The percentage of eligible students identified without using household applications is the Identified Student Percentage (ISP).

In addition to reimbursements for school meals, FRPM eligibility can impact state school funding formulas, including the Learning Assistance Program (LAP). LAP allocations to schools are determined by the percentages of students eligible for FRPM.

Because schools participating in CEP do not collect family income information through household applications, they must use an alternate method to collect the needed annual data. To

assist with this need, OSPI has developed a family income survey, in multiple languages, that can be used to collect household income data. Parents and guardians who receive the one-page form from their child's school or school district are asked to voluntarily complete and return it, but the forms are not used to determine an individual student's eligibility for receiving FRPMs.

HB 1833 directs OSPI to initiate and oversee the development and implementation of a statewide electronic repository of household income information that is required for a student's enrollment in, or eligibility for, the NSLP, the SBP, or both programs for the purpose of:

- removing barriers that diminish access to FRPM by students enrolled in eligible schools;
- providing parents and legal guardians of students enrolled in eligible schools with a voluntary, secure, and convenient online portal for providing household information for school meal programs;
- providing student household income information to schools and school districts that provide meals at no charge to students without using school meal applications to determine eligibility for low-income programs for students and schools; and
- ensuring an accessible, simplified process for enrolling students in, and administering, related nutrition programs.

It is stipulated that OSPI must ensure that the electronic repository meets specified requirements, including:

- complying with any applicable requirements necessary for schools and school districts to access repository data;
- complying with any applicable standards and requirements necessary to ensure that the repository data connects to the direct certification system and streamlines the process to maximize the number of eligible students directly certified for free school meals;
- having robust safeguards to ensure that the income information is secure and accessed only by individuals with express authorization to do so; and
- being accessible online and easily navigable by parents and legal guardians, and in multiple languages, for the purpose of voluntarily providing the pertinent household income data.

The bill clarifies that household income information received by OSPI, school employees, school district employees, or their designees, is not subject to disclosure under the Public Records Act and may not be disseminated except as provided by law.

Beginning in 2022, OSPI is required to annually report to the Legislature by December 1 on the electronic repository, including:

- the number of schools and school districts accessing the data for providing household information that is required for a school's participation in the NSLP, the SBP, or both; and
- recommendations for increasing the number of repository users and improving the technical functionality of the repository.

For the report due by December 1, 2022, rather than providing participant data and recommendations, OSPI is required to include a plan, timeline, and cost estimate for:

- implementing the development of the repository;
- securing any needed vendors for its development and, if necessary, operation; and
- making the repository accessible to schools, school districts, and the public through appropriate electronic interfaces.

HB 1834—Mental health absences

(Representative Callan)

C31 L22

By administrative rule, OSPI has established thirteen categories for which student absences from school must be excused, including because of illness, health condition, or medical appointment for the student or person for whom the student is legally responsible. The rule also permits school districts to define additional categories for excused absences and gives the school principal or designee the authority to determine if an absence meets the state categories and the school district policy for an excused absence.

HB 1834 requires, by the beginning of the 2022–23 school year, the rules of OSPI to categorize a student absence from school for a mental health reason as an excused absence due to illness, health condition, or medical appointment. Prior to filing a public notice of the proposed rules, OSPI must consult with the Graduation: A Team Effort Partnership Advisory Committee (known as the GATE Committee).

OSPI is also required to develop and publish guidelines for public schools to implement the definition of student absence from school. OSPI must consider including guidance for schools to integrate their responses to student excused absences for physical and mental health into their support systems for student well-being.

In developing the guidelines, OSPI must also consult with a student advisory group whose members are directly impacted by student absence rules and policies and who represent the diversity of the public school population, including diversity in gender identity, family income, race and ethnicity, and geography, among other characteristics. The student advisory group must also include a member of the Legislative Youth Advisory Council appointed by the Lieutenant Governor.

SHB 1867—Dual credit data

(Representative Paul)

C75 L22

Annually, OSPI, in collaboration with the State Board for Community and Technical Colleges, the Washington State Apprenticeship and Training Council, the Workforce Training and Education Coordinating Board, the Washington Student Achievement Council, the public baccalaureate institutions, and the Education Research and Data Center (ERDC), are required to report to the Legislature regarding student participation in dual credit programs. The report must include: (1) data about student participation rates and academic performance in dual credit programs; (2) data on the total unduplicated head count of students enrolled in at least one dual credit program course; and (3) the percentage of students who enrolled in at least one dual credit program as a percent of all students enrolled in grades 9 through 12. The data on student participation must be disaggregated by race, ethnicity, gender, and receipt of free or reduced-price lunch.

SHB 1867 makes revisions to the current requirements related to the annual dual credit report provided to the Legislature.

The Education Data and Research Center, rather than OSPI, is required to collaborate with the other entities to prepare the annual dual credit report to the Legislature. The State Board of Education is added to the list of entities that must be collaborated with in preparing the report.

The list of data that must be in the report is also expanded to include: award of high school credit and award of postsecondary credit at an institution of higher education. In addition to other disaggregation requirements, the data in the report must be disaggregated by: students who are dependent, students who are homeless, and Multilingual/English learners. The report must also recommend additional categories of data reporting and disaggregation. For each additional category, the report must describe: (1) the purpose for reporting on, or disaggregating by, the category; (2) the specific metric or indicator to be used; (3) whether the specific metric or indicator is a new data point; and (4) which educational entities should be responsible for collecting the data.

The 2022 report must recommend whether to require: (1) reporting of data related to application of postsecondary credits earned through a dual credit program towards postsecondary credentials and degrees; and (2) comparison of postsecondary credential and degree attainment between students who did or did not participate in a dual credit program, and between students who participated in different dual credit programs.

SHB 1878—CEP expansion

(Representative Riccelli)

C7 L22

The Community Eligibility Provision (CEP) of the federal Healthy, Hunger-Free Kids Act provides an alternative to household applications for Free and Reduced-Price Meals

(FRPM) by allowing schools with high numbers of low-income students to serve free meals to all students. A school, group of schools, or school district is eligible for the CEP if at least 40 percent of its students are identified as eligible for free meals through means other than household applications, such as students directly certified through the Supplemental Nutrition Assistance Program or Temporary Assistance for Needy Families, and foster, homeless, and migrant students. The percentage of eligible students identified without using household applications is the identified student percentage (ISP).

Legislation adopted in 2020 mandated participation in CEP for schools with certain characteristics. As provided in the legislation, each school with students in or below grade eight that has an ISP of at least 62.5 percent, as determined annually by each April 1, must participate in the CEP in the subsequent school year and throughout the duration of the CEP's four-year cycle. Schools that provide meals to all students and at no cost to the students through an arrangement with a local entity are exempted from the mandatory CEP participation requirements.

SHB 1878 expands mandated participation in CEP. Each public school that has an ISP of at least 40 percent (rather than the current 62.5 percent), or a lower percentage if authorized by federal law, as determined annually by each April 1, must participate in the CEP in the subsequent school year and throughout the duration of the CEP's four-year cycle. Public schools that provide meals to all students and at no cost to the students through an arrangement with a local entity are exempted from the mandatory CEP participation requirements.

School districts, to the extent practicable, must group public schools for purposes of maximizing the number of schools eligible to participate in the CEP. Individual schools participating in a group may have less than 40 percent identified students, provided the average ISP for the group is at least 40 percent.

Provisions mandating participation in the CEP for qualifying schools are expressly extended to charter schools and state-tribal education compact schools.

Expanding required participation in CEP requires additional funding. The final 2022 Supplemental Operating Budget provides \$21.7 million for reimbursements to school districts for schools and groups of schools required to participate in CEP under the provisions of this bill.

2SHB 1890—Behavioral Health Work Group (Representative Callan) **C76 L22**

The Children and Youth Behavioral Health Work Group was established to identify barriers to, and opportunities for, accessing behavioral health services for children and their families and advise the Legislature on statewide behavioral health services for those children and families. The Work Group is comprised of 38 members, including legislators,

representatives from state agencies, providers, parent and child representatives, and advocates. OSPI also is represented on the Work Group. The Work Group is required to submit annual recommendations to the governor and the Legislature.

2SHB 1890 requires a Medicaid managed care organization providing managed care to children and youth receiving child welfare services to be added as a member of the Children and Youth Behavioral Health Work Group. The bill also: increases the maximum number of meetings of the Work Group from four to six meetings; and provides stipends of up to \$200 per day to members of the Work Group with lived experience, if the member participates in the meeting and does not receive compensation from the member's employer or contractor for participation in the meeting.

Under provisions of the bill, the Work Group is required to convene a Strategic Plan Advisory Group for the purpose of developing a behavioral health strategic plan for children, youth transitioning to adulthood, and their caregivers. The strategic plan must describe:

- the current landscape of behavioral health services available to families in the perinatal phase, children and youth transitioning into adulthood, and the caregivers of those children and youth;
- the vision for the behavioral health service delivery system for families in the perinatal phase, children and youth transitioning into adulthood, and the caregivers of those children and youth; and
- a comparison of the current behavioral health system for families in the perinatal phase, children and youth transitioning into adulthood, and the caregivers of those children and youth and the vision created by the strategic planning process.

The Work Group co-chairs may invite nonwork group members to participate as advisory group members, but the Strategic Plan Advisory Group must include, at least thirteen specified members, including a representative from OSPI.

The Health Care Authority (HCA) is required to conduct competitive procurements to select a third party facilitator to facilitate the Strategic Plan Advisory Group. HCA must also select, in consultation with the Work Group co-chairs, an entity to conduct:

- a behavioral health landscape analysis for families in the perinatal phase, children and youth transitioning into adulthood, and the caregivers of those children and youth;
- a gap analysis estimating the prevalence of needs for behavioral health services for families in the perinatal phase, children and youth transitioning into adulthood, and the caregivers of those children and youth; and
- an analysis of peer-reviewed publications, evidence-based practices, and other existing practices and

guidelines with preferred outcomes regarding the delivery of behavioral health services to families in the perinatal phase, children and youth transitioning into adulthood, and the caregivers of those children and youth.

The Strategic Plan Advisory Group is directed to:

- hold its first meeting by September 1, 2022;
- provide a progress report on the development of the strategic plan to be included in the Work Group’s 2022 and 2023 annual reports; and
- provide a draft of the strategic plan to the Work Group by October 1, 2024.

The Work Group is required to discuss the draft strategic plan and adopt a final strategic plan that must be submitted to the governor and the Legislature by November 1, 2024.

The final 2022 Supplemental Operating Budget appropriates a total of \$653,000 to support implementation of 2SHB 1890: \$36,000 is provided to the Mental Health Program in the Department of Social and Health Services; \$54,000 is provided to the Developmental Disabilities Program in the Department of Social and Health Services; and \$563,000 is provided to the Community Behavioral Health Program in the Health Care Authority.

SHB 1902—Workers’ compensation

(Representative Schmick)

C269 L22

Workers who, in the course of employment, are injured or disabled are entitled to workers’ compensation benefits.

Under current law, once a workers’ compensation claim is closed, it may be reopened due to a change in circumstances warranting an adjustment of compensation. When granted, a reopened claim allows for compensation and other benefits up to 60 days before receipt of the reopening application.

The Department of Labor and Industries (L&I) provides a form for workers to use as a reopening application, with the first page to be filled out by the worker and the second page to be filled out by the medical provider. In addition to other parameters, the medical provider information page includes notices that benefits will not be paid for services more than 60 days before the application is received, and that benefits may be delayed for incomplete forms. The worker information page does not include similar notices.

SHB 1902 provides for reopening a workers’ compensation claim where the provider fails to submit the application.

Under provisions of the bill, a claimant may receive compensation and other benefits more than 60, but not to exceed 120, days before submission of the reopening application when the following applies:

- the application was not received by L&I or the self-insurer within 60 days due to a failure of the provider; and
- the worker demonstrates that the worker information page was completed and submitted to L&I, the self-insurer, or the provider within 30 days of provision of the relevant medical services.

L&I or the self-insurer must provide notice of the submission deadlines on any forms provided for use as claim reopening applications.

HB 1927—Legislative service leave

(Representative Riccelli)

C271 L22

Washington’s Legislature is considered a “citizen’s Legislature,” meaning that legislative service is not expected to be a career job. By having legislators from all walks of life, there is diverse representation.

HB 1927 was introduced to ensure public employees can serve in the Legislature. It provides that a state or local government employer (including a school district) must grant a temporary leave of absence, without loss of job status or seniority, to an employee who is a member of the state Legislature. The leave granted may be unpaid, or the employee may substitute earned paid leave.

An employer is prohibited from discharging or threatening to discharge an employee for taking the leave. An employee seeking a temporary leave of absence must provide notice:

- at least 30 days in advance for a regular legislative session; or
- as soon as the session is proclaimed for a special session.

An employee may bring a civil action for reinstatement of their position. No public resources may be used, directly or indirectly, to bring or maintain the action.

SHB 1941—Active shooter drills

(Representative Walen)

C77 L22

Under current law, schools must conduct at least one safety-related drill per month and must teach students basic functional drill responses for shelter-in-place, lockdown, and evacuation. “Lockdown” is used to isolate students and staff from threats of violence, such as suspicious trespassers or armed intruders, that may occur in a school or in the vicinity of a school.

SHB 1941 maintains current requirements for safety-related drills as described above; however, schools are prohibited from conducting lockdown drills that include live simulations or reenactments of active shooter scenarios that are not trauma-informed and age and developmentally appropriate.

SHB 1955—Dependency/education
(Representative Rule)
C78 L22

SHB 1955 makes several changes to education and other requirements regarding students who are the subject of a dependency proceeding, including:

- **Education Records.** Education records of students who are the subject of a dependency proceeding must be transmitted to the Department of Children, Youth, and Families (DCYF), the appropriate federally recognized Indian tribe, or the state agency responsible for the implementation of the federal US Department of Health and Human Services Unaccompanied Refugee Minors (URM) Program, within two days after receiving the request, provided that DCYF or an applicable entity certifies that it will not disclose the education records without prior written consent of the parent or student or unless authorized by state law.

The bill defines “students who are the subject of a dependency proceeding” as a child or youth who is located in Washington and is:

- o the subject of a shelter care or dependency order issued under statutory requirements governing dependency proceedings or an equivalent order of a tribal court of a federally recognized Indian tribe; or
- o eligible for benefits under the URM Program.

Current provisions directing the K–12 Data Governance Group to, among other requirements, create a comprehensive needs requirement document pertaining to the education records of students who are dependent, are repealed.

- **Absence Reviews.** Current provisions mandating unexpected absence reviews by school district representatives or school employees are modified and extended to “students who are the subject of a dependency proceeding.”
- **Student Information for Enrollment.** Current provisions barring schools from enrolling transferring students if certain student information is not provided in timely manner are extended to “students who are the subject of a dependency proceeding.”

Upon enrollment of a student who is the subject of a dependency proceeding, the school district must make reasonable efforts to obtain and assess the child’s education history within two business days in order to meet the child’s unique needs.

If the student who is the subject of a dependency proceeding is subject to an order in a federally recognized tribal court that is the equivalent of a shelter care or dependency order, or the student is eligible for benefits under the URM Program, the school may not prevent the student from enrolling

if there is incomplete information during the ten business days from the date the equivalent order is entered or from a date determined by the Department of Social and Health Services (DSHS).

- **Educational Continuity.** Current provisions mandating best interest determinations for qualifying students are modified and extended to “students who are the subject of a dependency proceeding.”

The best interest determinations for students who are the subject of a dependency proceeding may also be applied to students who are the subject of a federally recognized tribal court shelter care or dependency order that is the equivalent of a shelter care or dependency order, and students who are eligible for benefits under the URM Program.

- **Student Transportation.** If the student’s care placement changes to an area served by another school district, and it is determined to be in the best interest of the student to remain in the school of origin, the school district of origin and the school district in which the student is living must agree upon a method to apportion the responsibility and costs for providing the student with transportation to and from the school of origin. If the school districts are unable to agree upon an apportionment method, the responsibility and costs for transportation shall be shared equally between the districts.

For student transportation provisions, “school of origin” is defined to mean the school in which a child is enrolled at the time of placement in foster care. If a child’s foster care placement changes, the school of origin must be considered the school in which the child is enrolled at the time of the placement change.

Additionally, DCYF must reimburse school districts for half of all excess transportation costs for students under the placement and care authority of DCYF.

- **Foster Care Liaison.** Current provisions mandating the designation of foster care liaisons by school districts to facilitate school district compliance with pertinent state and federal laws for qualifying students are modified and extended to “students who are the subject of a dependency proceeding.”
- **On-time Grade Level Progression.** Current provisions that require school districts to incorporate procedures for the purpose of eliminating barriers and facilitating on-time grade level progression and graduation for qualifying students are modified and extended to “students who are the subject of a dependency proceeding.”
- **Continued Enrollment in Current School.** A provision in child welfare laws that reiterates a state policy of generally having children in foster care remain enrolled in the schools they were attending at the time they entered foster care is modified

and extended to “children who are the subject of a dependency proceeding.” Current provisions referencing “schools they were attending at the time they entered foster care” are changed to “their schools of origin.”

- **DCYF Requirements.** Provisions requiring DCYF to develop protocols for educational continuity and achievement for children placed in out-of-home care are modified and extended to “children who are the subject of a dependency proceeding.” References to “the school he or she was attending prior to out of home placement” are changed to “their school of origin.”

Current provisions requiring DCYF, consistent with the provisions for making best interest determinations, to generally provide youth residing in out-of-home care with the opportunity to remain enrolled in the school the youth was attending prior to out-of-home placement, are modified and extended to “students who are the subject of a dependency proceeding.”

HB 1974—Education elections

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

C79 L22

The State Board of Education is comprised of sixteen members: five members elected by geographic regions by school directors, one member elected by private school directors, seven members appointed by the governor, the state Superintendent of Public Instruction, and two nonvoting student members.

Currently, the elections of the State Board members by school directors and private school board members, including duties pertaining to the calling of elections, are conducted by OSPI, as required by law.

Washington’s nine ESDs are governed by seven- or nine-member boards that are elected by school directors within each of the ESDs. The elections of the ESD board members by school directors, including duties pertaining to the calling of elections, are conducted by OSPI, as required by law. The tallying of votes cast in the ESD board member elections is conducted by the state Superintendent and a three-person election board appointed by the state Superintendent.

Additionally, if there are more than three vacancies in a seven-member board, or four vacancies in a nine-member board, the state Superintendent must appoint members so that a quorum is serving on the applicable board.

HB 1974, as requested by the state Superintendent of Public Instruction, transfers to WSSDA the current OSPI duties to conduct the elections of State Board members by school directors and private school board members, including the calling of elections. WSSDA is directed to adopt related procedures for the elections.

Further, the current duty of OSPI to conduct the elections of ESD board members by school directors is also transferred to WSSDA, and the responsibility for the calling of elections is transferred from the state Superintendent to the executive director of WSSDA. WSSDA is directed to adopt related procedures for the elections and the executive director of WSSDA is made responsible for assisting with the count and appointing a three-person election board to tally votes cast in ESD board member elections.

Other related duties pertaining to the ESDs are also transferred from OSPI to WSSDA, including filling board vacancies. In the event there are more than three vacancies in a seven-member board, or four vacancies in a nine-member board, the WSSDA president, instead of the state Superintendent, must appoint members so that a quorum is serving on the applicable board.

Finally, statutory provisions governing the general authority of WSSDA are modified to expressly provide that WSSDA is empowered to prepare and adopt materials for the election of State Board of Education members and for ESD elections.

SHB 2019—Careers in retail

(Representative Boehnke)

C278 L22

SHB 2019 states the Legislature’s intent to help employees be successful in retail and to provide a skilled workforce for retail employers by increasing and clearly identifying education and training opportunities for careers in the retail industry.

The bill requires the Workforce Training and Education Coordinating Board (Workforce Board), in consultation with the State Board for Community and Technical Colleges (SBCTC) and statewide retail employer organizations, to:

- identify core skills needed for employment in the retail industry;
- identify existing courses, educational pathways, and apprenticeships for students and entry-level job seekers to gain the core skills identified;
- map educational pathways and apprenticeships that retail workers may use to pursue promotions and job advancement opportunities;
- identify where there are gaps in educational courses, trainings, and apprenticeships for retail workers; and
- identify in-demand, higher wage, nonindustry specific professions within the retail industry that experience and education in retail may lead to.

The Workforce Board must use this information to engage stakeholders, including the SBCTC, OSPI, the Department of Corrections, the Employment Security Department, the Career Connected Learning CrossAgency Work Group, and statewide retail employer organizations to identify and make recommendations to the Legislature on strategies to increase education and training for retail workers. Specifically,

recommendations must include:

- strategies to develop additional courses, pathways, and apprenticeships to make retail certifications and credentials available for job seekers and current retail employees;
- strategies to build a network for students and job seekers who complete retail certification courses to connect with potential employers;
- options for engaging and partnering with retail employers to provide courses to incumbent front-line workers for the purpose of up-skilling and promotions, including in-demand, higher paid, nonindustry specific positions within the retail industry; and
- options for increasing training and job opportunities in the retail industry for underserved communities and previously incarcerated individuals.

The Workforce Board is required to submit two reports to the Legislature: a progress report by December 1, 2022; and a final report with recommendations by December 1, 2023.

The final 2022 Supplemental Operating Budget provides \$223,000 to implement SHB 2019. \$187,000 is provided to the Workforce Training and Education Board; and \$36,000 is provided to the State Board for community and Technical Colleges.

SHB 2068—Imagination Library Program

(Representative Stonier)

C39 L22

In 1995, the Dollywood Foundation, a nonprofit organization located in Tennessee, established Dolly Parton's Imagination Library for the purpose of sending books to children from birth to age 5 and their families at no cost to the family. The Imagination Library partners with local affiliates who enroll children in their area while the Imagination Library negotiates wholesale pricing for the books. The local affiliate programs pay the cost that is negotiated for those books and the shipping fees.

SHB 2068 requires the Department of Children, Youth, and Families (DCYF), in coordination with OSPI, to select a qualified nonprofit organization physically located in the State of Washington to create and operate the Imagination Library of Washington Program. This nonprofit organization must:

- manage the daily operations of the Imagination Library of Washington Program;
- establish affiliate Imagination Library of Washington Programs across the state;
- advance and strengthen the affiliate Imagination Library of Washington Programs with the goal of increasing enrollment in those Imagination Library of Washington Programs;

- develop, promote, and coordinate a public awareness campaign to make donors aware of the opportunity to register children from birth through age five in the Imagination Library of Washington Program and make the public aware of the opportunity for these children to receive books through the program; and
- contract with a national nonprofit foundation that exists for the purpose of working with local entities to identify eligible children and mail age-appropriate, high quality books each month to those children at no cost to families.

The Washington nonprofit organization selected to operate the Imagination Library of Washington Program must provide payment to the national nonprofit foundation that equals 50 percent of the cost to provide books to eligible children enrolled in the program. Each affiliate program must provide payment to the Imagination Library of Washington Program that equals the remaining cost to provide books to eligible children. Nothing in the bill requires that state funding be provided to the nonprofit organization selected to run the Imagination Library of Washington Program or the Imagination Library of Washington Program itself.

DCYF may seek and accept gifts, grants, or endowments from public or private sources for the Imagination Library of Washington Program and may spend any gifts, grants, or endowments or income from public or private sources on the Imagination Library of Washington Program according to their terms.

The nonprofit organization operating the Imagination Library of Washington Program must submit a report to the Legislature by November 1, 2022, and annually thereafter describing:

- the number of affiliate programs established by the Imagination Library of Washington Program;
- the number of children enrolled in each affiliate Imagination Library of Washington Program; and
- the number of children statewide enrolled in the Imagination Library of Washington Program.

2SHB 2078—Outdoor Learning Grant Program

(Representative Rule)

C112 L22

2SHB 2078 establishes the Outdoor Learning Grant Program. The stated purpose of the Grant Program is to develop and support educational experiences for students in Washington public schools. In implementing the Grant Program, school districts and outdoor education providers should ensure equitable access for students in all geographic regions, and high levels of accessibility for students with disabilities.

OSPI is directed to administer the Grant Program, beginning in the 2022–23 school year. OSPI is required to award grants to eligible school districts, federally recognized tribes, and outdoor education providers. Eligible school districts include

state-tribal education compact schools. OSPI may consult with the Washington Recreation and Conservation Office in awarding grants.

The Grant Program consists of two types of grants:

- allocation-based grants for school districts to develop or support educational experiences; and
- competitive grants for federally recognized tribes and outdoor education providers to increase capacity for outdoor learning experiences.

Beginning in 2024, OSPI is required to submit an annual report to the Legislature with an evaluation of the Grant Program. The report may include information on other outdoor education and instructional time efforts, and how they compare with other programs funded through the Grant Program.

In support of the Grant Program, OSPI may partner with the Washington State Parks and Recreation Commission, the Department of Natural Resources, the Washington Department of Fish and Wildlife, the Washington Department of Agriculture, and the Washington Conservation Commission to provide relevant expertise on land management and work-integrated learning experiences and opportunities.

2SHB 2078 also establishes the Outdoor Education Experiences Program within the Outdoor Learning Grant Program. The stated purpose of the Experiences Program is to develop and support outdoor learning opportunities for fifth and sixth grade students in Washington public schools, with related opportunities for high school students to volunteer as counselors. OSPI is required to consider the Experiences Program as instructional days for the purposes of basic education requirements. The program must consist of hands-on learning experiences that:

- are three to five days in duration and up to four nights;
- are overnight or day programs when overnight programs are impractical due to health, cultural, or capacity considerations; and
- have a focus on environmental education aligned with the Washington learning standards and the development of social and emotional learning skills.

OSPI may work with AWSP to create guidelines for the Experiences Program. In implementing the program, OSPI must give priority focus to schools that have been identified for improvement through the Washington School Improvement Framework and communities historically underserved by science education. These communities include but are not limited to:

- federally recognized tribes, including state-tribal education compact schools;
- migrant students;
- schools with high free and reduced-price lunch populations;
- rural and remote students;

- students in alternative learning environments;
- students of color;
- English language learning students; and
- students receiving special education services.

\$10.0 million is provided in the final 2022 Supplemental Operating Budget to support the implementation of 2SHB 2078. \$195,000 of the appropriation is to support OSPI's administration of the Outdoor Learning Grant Program; \$3.9 million of the appropriation is to support the allocation-based and competitive grants; and \$5.9 million of the appropriation is provided to support the Outdoor Education Experiences Program.

ESB 5017—School district procurement (Senator Wellman)

FULL VETO

Under current law, when the estimated cost of furniture, supplies, equipment, building, improvements, repairs, or other work or purchase exceeds a certain threshold, a school district must follow a public notification and bidding process. The contract for the work or purchase must be awarded to the lowest responsible bidder after considering the following:

- the ability, capacity, and skill of the bidder to perform the contract;
- the character, integrity, reputation, judgment, experience, and efficiency of the bidder;
- whether the bidder can perform the contract within the timeframe required;
- the quality of performance from previous contracts;
- the bidder's past compliance with state law regarding contracts and with state wage payment laws; and
- other relevant information.

Currently, a contractor bidding on a public works project must meet certain responsible bidder criteria, to be awarded a public works contract. To be a responsible bidder, the bidder must:

- be a registered contractor;
- have a current Unified Business Identifier number; have applicable industrial insurance coverage, an Employment Security Department number, and a state excise tax registration number;
- not be disqualified from bidding due to previous non-compliance with registration or prevailing wage requirements; and
- not have been found out of compliance with certain apprenticeship requirements, if the project is subject to apprenticeship utilization requirements.

ESB 5017 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.

As defined in the bill, “construction work” would not have included construction management services, value engineering, constructability review, building commissioning, and other construction-related professional and personal services. As provided in the bill, beginning January 1, 2023, these services outside the definition of construction work would have been subject to the following requirements:

- requests for proposals or qualifications, advertisements, bids, or calls for bids for such services must include the standard clauses required by the Office of Minority and Women’s Business Enterprises;
- requests for proposals or qualifications, advertisements, bids, or calls for bids for such services are subject to the alternative public works procurement requirements or architectural and engineering service contract requirements, as applicable to the method of delivery; and
- school districts may use interlocal agreements to procure such services only if the agreements are executed following a competitive, qualification-based procurement process pursuant to the alternative public works procurement requirements or architectural and engineering service contract requirements.

School districts go through a standard “Request for Proposal” process to hire professional architectural and engineering services; however, a recent Attorney General Opinion interpreted that these professional services must go through the public bidding process. ESB 5017 was intended to clarify the statute’s intent and codify a historic practice that certain professional services are outside the lowest responsible bidding requirements; it would not have altered the current standard of the competitive bid process.

There appeared to be little public opposition to the bill, as no one testified in opposition this year. In the Senate, there was a party-line vote, with all 28 Majority Democrats supporting the bill and all 21 Minority Republicans opposing; however, the bill was adopted by the House with an overwhelming 96–2 vote (with two Minority Republicans opposing). Even so, when ESB 5017 reached the governor’s desk, he vetoed the bill. His rationale for rejecting the bill was vague at best; his veto message simply noted, “Public notification and transparency of school district purchases are important to maintain. It is not clear that this change meets the public’s expectation of transparency.”

SSB 5252—Tribal consultation

(Senator Wellman)

C9 L22

SSB 5252 requires OSPI, the Office of Native Education (ONE) in conjunction with the Washington State Native Education Advisory Committee, and WSSDA’s Government-to-Government Task Force to collaborate with the Tribal Leaders Congress on Education to develop a tribal consultation training and schedule. The consultation and training must

be developed and finalized by January 1, 2023, and must incorporate, at a minimum:

- identification of Native students, including federal identification guidelines for American Indian and Alaskan Native students;
- data sharing from school districts to federally recognized tribes; and
- implementation of the tribal history, culture, and government curriculum.

The training must be made available to all school district directors and ESD board members. School board members, superintendents and any other school district staff required to perform specific additional consultation under federal law must take and certify completion of the tribal consultation training by September 1, 2024. Individuals required to perform tribal consultation must renew the certification of completion of the training every three years.

Beginning in 2023, WSSDA is required to convene annual meetings regionally and invite tribal councils from the federally recognized tribes in the region to establish government-to-government relationships and dialogue between councils and school district boards of directors. Participants should discuss issues of mutual concern, and should work to:

- identify the extent and nature of the achievement gap and strategies to close it;
- emphasize the importance of creating an inclusive educational environment where all Native students will receive educational resources and support required to have the opportunity to succeed in the pursuit of their educational goals; and
- ensure that school boards understand the importance of adopting curriculum that includes tribal experiences and perspectives.

Meetings are allowed to be conducted virtually, but must include discussions of:

- tribal consultation training and training requirements created under the bill;
- identification of Native students, including federal identification guidelines;
- data sharing from school districts to federally recognized tribes; and
- consultations between individual school boards and local federally recognized tribes.

By December 1, 2024, and every two years thereafter through 2028, WSSDA, in partnership with ONE, must report to the Legislature about the progress made on the issues covered by the regional meetings, any obstacles encountered, and any strategies under development to overcome them. WSSDA is required to, at a minimum, partner with ONE to obtain data from districts to inform the legislative report.

The final 2022 Supplemental Operating Budget provides OSPI with \$294,000 to implement the bill and collaborate with the multiple entities to develop a tribal consultation training schedule.

SSB 5376—Education ombuds

(Senator Wilson, C.)

C222 L22

In 2006, the Office of the Education Ombuds (OEO) within the Office of the Governor was created, with the purpose of providing information to parents, students, and others regarding their rights and responsibilities with respect to the state's public elementary and secondary system and advocating on behalf of students. OEO has the following powers and duties:

- develop parental involvement materials and identify obstacles and recommend strategies for greater parent and community involvement;
- identify and recommend strategies for improving the success rates of ethnic and racial student groups and students with disabilities, with disproportionate academic achievement;
- refer complainants and others to appropriate resources, agencies, or departments;
- facilitate the resolution of complaints made by parents and students;
- consult with representatives of certain organizations and groups;
- serve as lead agency to provide resources and tools about public school antiharassment policies and strategies; and
- perform such other functions consistent with the purpose of OEO.

SSB 5376 requires public schools, including charter schools and state-tribal compact schools, and institutional education providers, beginning August 1, 2023, to provide students and their parents or guardians with a description of the services available through OEO and OEO's contact information at the time of initial enrollment or admission.

Public schools and institutional education providers must either:

- include on their website a description of OEO services and link to OEO's website; or
- provide this information in existing materials shared annually such as welcome packets, orientation guides, and newsletters.

Public schools and institutional education providers are encouraged to take both of these actions.

By July 1, 2022, OEO is required to develop and make a template of the required information available upon request

and updated as needed. OEO must translate this template into Spanish and include other languages as resources allow.

SSB 5497—SBE student members

(Senator Wilson, C., by request of State Board of Education)

C44 L22

The State Board of Education is a sixteen member board comprised of five members elected by geographic regions by school board directors, one member elected by private school directors, seven members appointed by the governor, the Superintendent of Public Instruction, and two non-voting student members.

SSB 5497 makes all State Board members a voting member, including student members. Accordingly, the current quorum requirement for the transaction of business is changed from eight voting members to nine members.

A student member must excuse themselves from voting on matters directly relating to graduation requirement changes that apply to the student's school and graduating class. If a student member excuses themselves, eight voting members of the board constitute a quorum for the transaction of business.

SB 5498—Posthumous diplomas

(Senator Wilson, C.)

C224 L22

In 2002, the Legislature gave districts the ability to issue a high school diploma to certain groups of veterans of the armed forces, including to an individual on behalf of a deceased veteran. SB 5498, known as Evitan's Law, expands these provisions allowing additional students to be issued a high school diploma posthumously.

Under provisions of the bill, a school district may issue a high school diploma to a deceased student at the request of the parent, guardian, or custodian, if the student:

- was enrolled in a public school in the district at the time of death;
- was deemed on-track to graduation before the time of death; and
- died after matriculating into high school.

The high school diploma must bear the inscription "honoris causa" and may not be issued before the graduation date of the class in which the student was enrolled.

The bill clarifies that school districts are not required to award the diploma at the same ceremony or event as other students. Further, the bill does not limit the retroactive issuance of a high school diploma.

Finally, diplomas issued under this process may not be applied toward student graduation counts or for any other purpose of federal and state accountability data collection.

SB 5539—ESD funding

(Senator Hunt)

C87 L22

In 2017, the Legislature created the School Employees' Benefits Board (SEBB). Originally, all school districts, ESDs, and charter schools were required to provide health care and related benefits to employees through the SEBB program, administered by the Health Care Authority, beginning January 1, 2020. In 2019, participation in the SEBB by non-represented ESD employees was delayed from January 1, 2020, to January 1, 2024.

SB 5539 requires state funding to be provided to each ESD for the employer cost of the school employees' benefits provided to the employees of the ESD that are covered by a collective bargaining agreement.

The final 2022 Supplemental Operating Budget appropriates \$1.0 million in Fiscal Year 2023 to implement this bill.

SSB 5564—Employee assistance programs

(Senator Keiser)

C11 L22

Employee Assistance Programs (EAP) are offered by some employers to assist employees with work and life concerns, including support for depression, stress, addictions, anger, parenting, relationships, and grief and loss. EAPs may also provide support regarding legal and financial concerns.

SSB 5564 stipulates it is unlawful for an employer to obtain individually identifiable information regarding an employee's participation in an Employee Assistance Program. Individually identifiable information gathered in the process of conducting an EAP must be kept confidential.

The prohibition does not apply to:

- authorized disclosures under the state EAP;
- disclosures to an employer regarding an employee's attendance in an EAP, which the employee was required to attend as a condition of continued employment; and
- disclosures that are made to prevent or lessen a perceived threat to the health or safety of an individual or the public, or permitted or required under state law.

An employee's participation or nonparticipation in an EAP must not be a factor in a decision affecting an employee's job security, promotional opportunities, corrective or disciplinary action, or other employment rights.

2SSB 5649—Paid Family and Medical Leave

(Senator Robinson)

C233 L22

In 2017, 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. Employees are eligible for PFML benefits after working 820 hours in a

qualifying period. Premium collection began on January 1, 2019, and benefits were payable as of January 1, 2020. The Employment Security Department (ESD) administers the PFML program.

Qualified employees are eligible for the following maximum leave amounts per calendar year:

- up to 12 weeks of paid family or medical leave;
- up to 16 weeks of leave when family and medical leave are used in combination; and
- an additional two weeks of leave due to pregnancy complications.

Paid Family Leave benefits are provided when an employee is bonding after the birth or placement of a child under the age of 18; because of a family member's serious health condition; or for a military exigency.

Paid Medical Leave benefits are provided for an employee's own serious health condition. A serious health condition is defined by statute and has the same meaning as in the federal Family and Medical Leave Act and its regulations. A serious health condition includes, among other things, any period of incapacity due to pregnancy or for prenatal care.

2SSB 5649 modifies various components of the Washington State Paid Family and Medical Leave Act.

Paid Family Leave. Paid family leave benefits are provided during the seven calendar days following the death of the family member for whom the employee would have qualified for medical leave for the birth of their child; or would have qualified for family leave to bond with their child during the first 12 months after birth, or during the first 12 months after the placement of a child under age 18 with the employee.

Paid Medical Leave. Any paid leave benefits used in the postnatal period by an employee eligible for benefits based on a period of incapacity due to pregnancy or for prenatal care must be medical leave unless the employee chooses to use family leave during the postnatal period. The maximum and minimum weekly benefits, duration, and other conditions and limitations established in the PFML program still apply.

The bill specifically defines "postnatal" as the first six weeks after birth.

Certification of Serious Health Condition. A certification of a serious health condition form is no longer required for paid leave benefits used in the postnatal period by an employee eligible for benefits based on a period of incapacity due to pregnancy or for prenatal care.

Collective Bargaining Agreements. Under the current PFML program, no party to a collective bargaining agreement (CBA) in existence on October 19, 2017 is required to reopen negotiations of the CBA or to apply any of the rights and responsibilities under the PFML program unless and until the

existing CBA is reopened, renegotiated by the parties, or expires.

2SSB 5649 provides an expiration date of December 31, 2023 for this CBA exception.

Confidential Records. Information or records relative to the administration of the PFML program are private and confidential, and as a result, the Employment Security Department currently does not publicly list employers that have approved voluntary plans under the PFML program. As adopted in 2SSB 5649, ESD is required to publish, on its website, a current list of all employers that have approved voluntary plans under the PFML program.

Actuarial Services, Reports.

- **Calendar Year 2022.** The Office of Financial Management (OFM) must enter into a contract with a public or private entity for actuarial services to provide a report to the Legislature by October 1, 2022, on the following:
 - the experience and financial condition of the account;
 - recommendations to modify the premium provisions in the PFML program to maintain long-term stability and solvency of the account; and
 - comparing PFML premium provisions with similar provisions in other states with both Paid Medical and Family Leave insurance.

This contract is specifically exempt from competitive procurement requirements. OFM and ESD may request assistance from the Office of the State Actuary (State Actuary), including forming a data-sharing agreement between the State Actuary and ESD for PFML actuarial purposes. ESD may share PFML program data with OFM to conduct actuarial services.

- **Calendar Year 2023.** The Office of Actuarial Services (Office) is established within ESD. Beginning January 1, 2023, the Office must report annually, by November 1st, to the Paid Family and Medical Leave Advisory Committee on the:
 - financial condition of the Family and Medical Leave Insurance Account (Account); and
 - lowest future premium rates necessary to maintain Account solvency in the next four years while limiting premium rate fluctuations.

The report must be submitted to the Legislature in calendar years 2023 through 2028. Beginning October 1, 2023, ESD must report quarterly to the Advisory Committee on premium collections, benefit payments, the Account balance, and other program expenditures.

Legislative Task Force. A legislative task force on PFML program premiums is created with members from both houses and both parties of the Legislature, the voting members of the PFML Advisory Committee, and governor appointees

representing the Governor's Office and ESD. The Task Force must issue a final report to the governor and Legislature by January 4, 2023.

Joint Legislative Audit and Review Committee. By October 1, 2024, the Joint Legislative Audit and Review Committee is charged with conducting a performance audit analyzing the implementation of the PFML program. The analysis is required to include, at a minimum, the following components:

- evaluation of ESD's decision making and communication methods;
- determination of whether current organization and service delivery models are the most efficient available, and whether they meet the needs of current and future workers;
- evaluation of whether ESD prepares financial information in accordance with generally accepted accounting principles;
- evaluation of Account solvency; and
- recommending administrative and legislative changes to improve PFML program efficiency.

Other. Beginning July 1, 2022, and until 12 months after the COVID state of emergency, ESD must ask PFML program applicants whether their requested leave is related to the COVID-19 pandemic. Such disclosures are limited to monitoring potential impacts on the solvency and stability of the Account and subject to certain privacy and data sharing provisions.

The final 2022 Supplemental Operating Budget provides \$42,000 for Joint Legislative Audit and Review Committee to conduct the required performance audit. The Employment Security Department is appropriated \$1.7 million and the Office of Financial Management is appropriated \$200,000 to implement 2SSB 5649.

SSB 5651—2022 Supplemental Capital Budget

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

C296 L22

This is the 2022 Supplemental Capital Construction Budget. For details, see Capital Budget section, earlier in this Report.

SB 5657—Computer science courses

(Senator Wellman)

C234 L22

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, counties, and cities, but the basic education services are generally provided by local school districts and regionally based ESDs.

Six types of institutions receive institutional education funding, including state long-term juvenile institutions maintained by DCYF for the diagnosis, confinement, and rehabilitation of juveniles committed by the courts. A school district conducting a program of education in a state long-term juvenile institution must provide the same courses of instruction and school related student activities as are provided to nonresidential students to the extent it is practical and judged appropriate.

In 2019, the Legislature instituted a requirement that, beginning no later than 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 available to all high school students. Districts may also award academic credit for computer science based on student completion of a competency examination aligned with state learning standards.

SB 5657 extends this computer science course requirement to each school district operating an institutional education program for youth in state long-term juvenile institutions. These school districts must provide an opportunity to access an elective computer science course aligned to the state learning standards for computer science or mathematics. This requirement is subject to amounts appropriated for this purpose and amounts appropriated through institutional education funding formulas, and subject to staffing availability (NOTE: the final 2022 Supplemental Operating Budget appropriates \$200,000 to support this requirement).

If, due to facility or technology security limitations, a school district cannot provide a computer science course fully aligned with all state computer science learning standards, the school district must adapt the course curriculum and instructional activities to align with as many standards as possible.

Each school district operating an institutional education program for youth in state long-term juvenile institutions must annually report the following information to OSPI:

- data indicating the number of students who enrolled in a computer science course in the prior school year, disaggregated by gender, race, ethnicity, and age;
- a brief description of each computer science course and whether the course is fully aligned to state computer science learning standards; and
- a brief description of any facility or technology security limitations that prevent the school district from offering a course fully aligned with state computer science learning standards, and the actions the district is taking to address those limitations.

SB 5676—PERS/TRS 1 benefit increase

(Senator Conway, by request of Select Committee on Pension Policy)

C52 L22

SB 5676 provides a one-time, three percent benefit increase to Public Employees' Retirement System Plan 1 and Teachers'

Retirement System Plan 1 retirees up to a maximum of \$110 per month. The benefit increase goes into effect on July 1, 2022.

To be eligible for the increase, the member must be retired on or before July 1, 2021. This increase only applies for members that are not receiving a minimum benefit.

The final 2022 Supplemental Operating Budget provides the Department of Retirement Services with \$48,000 to implement the bill.

ESSB 5689—2022 Supplemental Transportation Budget (Senator Liias, by request of Office of Financial Management) **C186 L22—Partial Veto**

This is the 2022 Supplemental Transportation Budget. The bill provides appropriations for state transportation agencies, road projects, and programs by amending the 2021–23 Transportation Budget adopted last session. Other than the positive, indirect impact provided by safe roads, K–12 education is not greatly affected by this budget. As usual, however, there is some minor funding for education-related issues.

The underlying 2021–23 Transportation Budget provided \$36.7 million for newly selected Safe Routes to School projects. The 2022 Supplemental Transportation Budget provides an additional \$11.0 million (total of \$47.7 million for the biennium) for additional Safe Routes to School projects.

Additional funding (total is \$12.6 million) is set aside for a SR 3 Freight Corridor project to “safeguard against inflation and supply/labor interruptions” to ensure the project continues. Included in the project is funding for safety improvements to provide connections to North Mason School District and provide safe routes to schools.

The Supplemental Transportation Budget also provides \$150,000 for the Joint Transportation Committee to examine options and provide recommendations for a state program to assist with the establishment of powered micromobility device lending libraries. The purpose of the powered micromobility device lending libraries is to provide low-cost or no-cost, reliable, and healthier modes of transportation to vulnerable communities. Proviso language notes it is anticipated that the powered micromobility device lending libraries would be managed by community nonprofit organizations, local governments, higher education institutions, school districts, or federally recognized tribal governments. The Joint Transportation Committee is required to provide a report with its findings to the Legislature by June 30, 2023.

NOTE: While ESSB 5689 provides minor education funding, the Legislature also adopted a \$17.0 billion, 16-year transportation revenue/spending package which includes additional funding for education-related projects. See ESSB 5974/SSB 5975 later in this section of the Report.

ESSB 5693—2022 Supplemental Operating Budget
(Senator Rolfe, by request of Office of Financial Management)
C297 L22—Partial Veto

This is the 2022 Supplemental Operation Budget. For details, see Operating Budget section, earlier in this Report.

SB 5715—Broadband definition
(Senator Wellman)
C237 L22

The Statewide Broadband Office was established with the purpose to encourage, foster, develop, and improve affordable, quality broadband within the state. Under current law, “broadband or broadband service” means any service providing advanced telecommunications capability and internet access with transmission speeds that, at a minimum, provide 25 megabits per second (Mbps) download and 3 Mbps upload.

The Statewide Broadband Office currently defines “unserved areas” as areas of Washington in which households and businesses lack access to broadband service, except that the state’s definition for broadband service may not be actual speeds less than 25 Mbps download and 3 Mbps upload.

SB 5715 revises the current law definition of “broadband or broadband service” to mean any service providing advance telecommunications capability and internet access with transmission speeds that, at a minimum, provide 100 Mbps download and 20 Mbps upload rather than 25 Mbps download and 3 Mbps upload.

In the definition of “unserved areas,” the current restriction that the state’s definition of broadband service may not be actual speeds less than 25 Mbps download and 3 Mbps upload is removed.

By changing these definitions in law, Washington’s statutes align with federal program requirements, making the goal of providing all Washington residents with access to affordable, reliable broadband more realistic.

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

2SSB 5720—Student financial literacy
(Senator Mullet)
C237 L22

OSPI is required to develop state learning standards that identify the knowledge and skills all public school students need to know and be able to do. In 2009, the Legislature directed OSPI to integrate financial education skills and content knowledge into the state learning standards.

In 2015, the Legislature established the Financial Education Public-Private Partnership (FEPPP). FEPPP is comprised

of members of the Legislature, representatives from the private for-profit and nonprofit financial services sector, the Washington State Department of Financial Institutions, OSPI, the State Treasurer, and teachers. FEPPP has a variety of responsibilities, including, among others:

- seeking out and determining the best methods of equipping students with the knowledge and skills they need to make critical decisions regarding their personal finances;
- developing and communicating financial education standards to school districts;
- reviewing financial education curriculum; and
- monitoring, creating, and providing guidance for professional development for educators.

2SSB 5720 requires the Financial Education Public-Private Partnership to establish a grant program for integrating financial literacy education into professional development for certificated staff, subject to appropriation. For a school district to qualify for a grant, the grant proposal must provide that the grantee integrate financial literacy education into at least seven hours of its current in-person professional development schedule over the course of the entire school year for which the district receives the grant. Grants must be allocated at \$7.50 per enrolled student and must be made available for the 2023–24, 2024–25, and 2025–26 school years. A school district that receives a grant for one school year is prohibited from receiving a grant in subsequent grant cycles.

Additional activities permitted for the use of the grants include, but are not limited to:

- coordinating teachers from across a school district to develop new instructional strategies and to share successful strategies;
- sharing successful practices across a group of school districts; and
- facilitating coordination between ESDs and school districts to provide training.

The bill adds additional tasks to the statutory list of FEPPP’s responsibilities subject to appropriation. FEPPP may perform additional tasks in support of financial literacy, including, but not limited to:

- hiring support staff, contracting with ESDs;
- facilitating the creation and implementation of professional development for certificated educational staff relating to financial literacy and education;
- working to facilitate outreach for financial literacy training to foster students, homeless youth, students receiving special education services, and tribal communities; and
- coordinating with providers in the early childhood education and assistance program.

Each school district, charter school, and state-tribal compact school, by March 1, 2023, is required to adopt one or more goals for expanding financial education instruction to students in their district. Examples of goals that school districts may adopt include:

- increasing the number of financial education courses available to students in grades 9 through 12;
- increasing the number of grades, schools, or both that provide students with instruction in, or access to instruction in, financial education; and
- expanding the amount of financial education professional development training available to certificated staff.

Finally, the bill requires the Financial Education Public-Private Partnership to develop a nonexhaustive menu of model goals, by September 1, 2022, that school districts may consider when complying with this requirement. The model goals must be published on OSPI's website by September 10, 2022.

The final 2022 Supplemental Operating Budget provides a total of \$3.0 million to implement 2SSB 5720. Of the total, \$2.0 million is provided to establish the required financial literacy education professional development grant. \$1.0 million is provided to enhance funding provided in the underlying 2021–23 Operating Budget, further supporting the Financial Education Public-Private Partnership in its efforts to promote financial literacy of students.

ESSB 5761—Wage/salary information

(Senator Randall)

C242 L22

Under current law, if an applicant for employment requests the minimum wage or salary for the position for which the applicant is applying after the employer has initially offered the applicant the position, the employer must provide the information. Additionally, upon request of an employee offered an internal transfer to a new position or promotion, the employer must provide the wage scale or salary range for the employee's new position. If no wage scale or salary range exists, the employer must provide the minimum wage or salary expectation set by the employer prior to posting the position, making a position transfer, or making the promotion.

ESSB 5761 repeals the current requirement for an employer to provide salary information after an initial job offer, upon request of the applicant. Instead, beginning January 1, 2023, an employer must disclose in each posting for each job opening the wage scale or salary range, and a general description of all of the benefits and other compensation to be offered to the hired applicant.

“Posting” means any solicitation intended to recruit job applicants for a specific available position, including recruitment done directly by an employer or indirectly through a third party, and includes any postings done electronically,

or with a printed hard copy, that includes qualifications for desired applicants.

Additional clarifying language is added to specify that an applicant or employee, rather than “an individual,” is entitled to remedies.

E2SSB 5796—Cannabis revenue

(Senator Saldaña)

C169 L22

The Legislature has established a dedicated Cannabis Account in the custody of the State Treasurer to deposit all moneys received by the Liquor and Cannabis Board (LCB) from cannabis-related activities. These moneys include cannabis excise taxes collected on sales of cannabis and cannabis products, license fees, penalties, and forfeitures from cannabis producers, processors, researchers, and retailers. Moneys from the account are distributed to agencies, local governments, and to the Basic Health Plan Trust Account. At the end of each fiscal year, unappropriated amounts in the Cannabis Account are transferred into the state General Fund.

The current structure and amounts of cannabis appropriations are stipulated in statute. Included in the long laundry list of required appropriations is funding for OSPI. Under current law, up to 0.3 percent, but not less than \$511,000, must be provided to OSPI to fund Building Bridges Program grants.

E2SSB 5796 restructures, modifies, and removes certain appropriations to agencies, local governments, and the State General Fund. Among other changes, the required funding to OSPI is adjusted to provide a flat \$550,000 to grants to Building Bridges Programs.

Additionally, the Joint Legislative Audit & Review Committee is required to conduct a review of the appropriation and expenditure of cannabis revenues and report to the Legislature by December 1, 2023. The report is required to evaluate how the funds have been appropriated and expended, whether the appropriations and expenditures are consistent with the law, and whether information related to the appropriations and expenditures is readily available to the general public. The report must also include options for increasing the transparency and accountability of the appropriations and expenditures of cannabis-related revenues.

ESSB 5878—Arts instruction

(Senator Rolfes)

C250 L22

Students in Washington must meet various requirements to graduate high school and receive a diploma. Currently, students must:

- complete 24 credits in specified subject areas as determined by the State Board of Education;
- complete a High School and Beyond Plan;

- meet the requirements of at least one graduation pathway; and
- satisfy any local requirements.

Of the 24 credits required for graduation, 17 credits are considered core credits and cannot be waived. The remaining seven credits are considered flexible credits that are either an elective credit or personalized pathway requirements. Personalized pathway requirements are up to three credits chosen by a student determined by the student's High School and Beyond Plan.

The rules also specify that one arts credit is considered a core credit, while one credit is considered a flexible credit which may be replaced with a personalized pathway requirement.

ESSB 5878 adds visual and performing arts to the areas in which all common schools must give instruction.

Beginning in the 2023–24 school year, school districts with more than 200 enrolled students must offer regular instruction in at least one visual art or at least one performing art throughout the academic school year. Each student must receive instruction in at least one arts discipline throughout their K–8 education experience. For grades 9 through 12, all students must be given the opportunity to take arts coursework each academic year.

Every student is required to have access to arts education, as part of basic education. Arts instruction must be accessible by all students, in a manner that is commensurate with instruction in other core subject areas.

The bill requires arts instruction to be provided by either a certificated teacher with an endorsement in the relevant arts discipline or a certificated teacher actively pursuing an endorsement in the relevant arts discipline.

A person holding a limited teaching certificate may provide arts instruction while either:

- the school district recruits and hires a certificated teacher with the defined qualifications; or
- the qualified certificated teacher takes leave as provided in the school district's written leave policy.

Arts instructors must be consulted and given an equal part in the decision process to determine which specific visual and performing arts courses to offer at given grade levels.

The bill clarifies that arts instruction requirements also apply to charter schools with more than 200 enrolled students and state-tribal compact schools with more than 200 enrolled students.

SSB 5933—School Seismic Safety Grants

(Senator Frockt)

C113 L22

Along with other school construction programs, the Legislature has funded a School Seismic Safety Retrofit

Program to provide seismic retrofit planning and construction grants to school districts for the improvement of school buildings used for the instruction of students. OSPI is required to prioritize school districts with the most significant building deficiencies and the greatest seismic risks as determined by the most recent geological data and building engineering assessments, beginning with facilities classified as very high risk.

In the project development process, OSPI is also required to consider:

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

SSB 5933 establishes a School Seismic Safety Grant Program for school districts and state-tribal compact schools for remediation of seismic or tsunami hazards in qualifying buildings.

Under provisions of the bill, a qualifying building must be located within a high seismic hazard area and must have been constructed before 1998 and not received a seismic retrofit to 2005 seismic standards. A high seismic hazard area means:

- any location identified by a USGS national seismic map with a two percent probability of exceedance in 50 years, and a national earthquake hazards reduction program site class D that are 0.3 peak horizontal acceleration or greater; or
- any area located within a Washington tsunami design zone map that requires structures in risk category three or four to be designed for tsunamis.

Eligible projects are remediation solutions that mitigate or eliminate site specific seismic or tsunami hazards and may include building relocation or vertical evacuation towers if related to a tsunami hazard.

OSPI is required to award state and federal grants to eligible school districts and state-tribal education compact schools an amount equal to at least two-thirds of the total project cost. The total project cost is the direct and associated indirect costs for the remediation solution as recommended by the advisory committee. The combined direct and associated indirect costs cannot exceed an equivalent project participating in the School Construction Assistance Program (SCAP).

If funds are appropriated, OSPI must provide technical assistance and planning grants to assist schools interested in applying for a School Seismic Safety Grant.

OSPI is required to appoint an advisory committee with experience in financing, managing, or planning seismic remediation projects at school facilities. The advisory committee must prioritize applications that achieve the greatest improvement in school facilities, in school districts and state-tribal education compact schools with the most limited financial capacity, for projects likely to improve student health, safety, and academic performance for the largest number of students for the amount of state grant support.

OSPI must propose a list of prioritized school seismic safety grants to the governor by September 1 of each year, beginning September 1, 2022. OSPI and the governor may determine the level of funding in their funding requests to the Legislature, but their funding requests must follow the prioritized list unless new information determines a specific project is no longer viable as proposed.

OSPI may streamline the administrative and procedural process of the School Safety Seismic Program, Small School District Modernization Grant Program, and SCAP. Funding from all three programs may not exceed the total project cost.

The final 2022 Supplemental Capital Budget appropriated \$100.0 million to implement SSB 5933. \$8.6 million of the appropriation will support for unanticipated school seismic safety retrofit costs for projects identified as very high risk within the 2019–21 School Seismic Safety Retrofit Program. The remaining \$91.4 million is specifically provided to implement the newly established School Seismic Safety Grant Program, as required by SSB 5933.

ESSB 5974—Move Ahead WA—Resources (Senator Liias) **C182 L22**

The Legislature adopted a \$17.0 billion, 16-year transportation package, dubbed “Move Ahead WA.” This bill is the revenue part of the package. Revenues to support the package come from: carbon tax revenues (\$5.4 billion); federal funds from the Infrastructure & Jobs Act (\$3.7 billion) a broad range of new and increased fees (\$2.4 billion); existing bond authority (\$956.0 million); and annual transfers from the Public Works Trust Fund (\$855.0 million). The remaining \$3.3 billion is siphoned out of the state’s General Fund, setting a troubling precedent: a one-time transfer of \$2.0 billion from the state’s General Fund to the Transportation Budget; an annual transfer (beginning 2026) of the sales tax collected on transportation projects, shifting \$400.0 million (approximately \$31.0 million per year from Fiscal Year 2026 to Fiscal Year 2038) to the Transportation Budget; annual transfers of \$57.0 million from the state’s General Fund to the Transportation Budget (\$850.0 million over the life of the package); and eliminating a currently required “backfill” to address an electric vehicle fuel cell tax credit, shifting approximately \$80.0 million over the

life of the transportation package.

ESSB 5074 creates a new Climate Active Transportation Account. Expenditures from the account may be used only for the following active transportation grant programs:

- Safe Routes to Schools;
- School-Based Bike programs;
- Bicycle and Pedestrian Grants;
- The Complete Streets Grant Program;
- The Connecting Communities Grant Program; and
- Pedestrian and bicycle, or other active transportation projects identified in Move Ahead WA.

School-Based Bicycle Education Grants. The Washington State Department of Transportation (WSDOT) is required to establish a new statewide School-Based Bicycle Education Grant Program. The Grant will support two programs: one for elementary and middle school; and one for junior high and high school-aged youth to develop the skills and street safety knowledge to be more confident bicyclists for transportation and/or recreation. In development of the Grant Program, WSDOT is encouraged to consult with the Environmental Justice Council and the Office of Equity.

For the elementary and middle school program, WSDOT is required to contract with a nonprofit organization with relevant reach and experience, including a statewide footprint and demonstrable experience deploying bicycling and road safety education curriculum via a train the trainer model in schools. The selected nonprofit must identify partner schools that serve target populations, including:

- Population impacted by poverty, as measured by Free and Reduced Lunch population or 200 percent federal poverty level;
- People of color;
- People of Hispanic heritage;
- People with disabilities;
- Environmental health disparities, such as those indicated by the diesel pollution burden portion of the Washington environmental health disparities map developed by the Department of Health, or other similar indicators;
- Location on or adjacent to an Indian reservation;
- Geographic location throughout the state;
- Crash experience involving pedestrians and bicyclists;
- Access to a community facility or commercial center; and
- Identified need in the state active transportation plan or a regional, county, or community plan.

Partner schools will receive from the nonprofit: in-school bike and pedestrian safety education curriculum, materials,

equipment guidance and consultation, and physical education teacher trainings. Youth, grades 3 through 8 are eligible for the program.

Selected school districts shall receive and maintain a fleet of bicycles for the youth in the program. Youth and families participating in the School-Based Bicycle Education Grant Program will have an opportunity to receive a bike, lock, helmet, and lights free of cost.

For the junior high and high school program, WSDOT must contract with a nonprofit organization with relevant reach and experience, including a statewide footprint; demonstrable experience developing and managing youth-based programming serving youth of color in an after-school and/or community setting; and deploying bicycling and road safety education curriculum via a train the trainer model. The selected nonprofit must use the equity-based criteria, as described above, to identify target populations and partner organizations including, but not limited to, schools, community-based organizations, housing authorities, and parks and recreation departments, that work with the eligible populations of youth ages 14 to 18. Partner organizations shall receive from the nonprofit: Education curriculum, materials, equipment guidance and consultation, and initial instructor/volunteer training, as well as ongoing support.

WSDOT is required to submit a report for both programs to the Legislature by December 1, 2022, and each December 1st thereafter identifying the selected programs and school districts for funding by the Legislature. The report must also include the status of previously funded programs.

Transit Support Grants. WSDOT is required to establish a Transit Support Grant Program for the purpose of providing financial support to transit agencies for operating and capital expenses only. Public transit agencies must maintain or increase their local sales tax authority on or after January 1, 2022, in order to qualify for the grants.

Grants for transit agencies must be prorated based on the amount expended for operations in the most recently published report of “Summary of Public Transportation” published by the Department. No transit agency may receive more than 35 percent of these distributions; fuel type may not be a factor in the grant selection process.

To be eligible to receive a grant, the transit agency must have adopted, at a minimum, a zero-fare policy that allows passengers 18 years of age and younger to ride free of charge on all modes provided by the agency. Transit agencies must submit documentation of a zero-fare policy for 18 years of age and under by October 1, 2022, to be eligible for the 2023–25 biennium. Transit agencies that submit such fare policy documentation following the October 1, 2022, deadline will become eligible for the next biennial distribution.

While these grants do not have any specific connection to K–12 education, it seems that it would be in the best interest

of transit agencies to get their 18-and-under ridership up. It might be wise for school districts to connect with local transit agencies, perhaps resulting in a “win-win” scenario.

Traffic Safety Cameras. Automated traffic safety cameras have been in use in many school speed zones. ESSB 5974 expands the use of these cameras to include speed violations on any roadway “identified in a school walk area.”

SSB 5975—Move Ahead WA—Spending (Senator Liias) **C187 L22**

The Legislature adopted a \$17.0 billion, 16-year transportation package, dubbed “Move Ahead WA.” This bill is the spending part of the package.

Safe Routes to School Grants. The bill provides \$10.7 million for newly selected Safe Routes to School Grants. The transportation package commits to provide \$290.0 million to Safe Routes to School Grants, over the 16-year life of Move Ahead WA.

School-Based Bicycle Education Grants. The bill provides an intent that the School-Based Bicycle Education Grants, discussed above, will be provided with \$216.0 million over the 16-year life of Move Ahead WA.

Transit Support Grants. The bill provides \$33.6 million to fund Transit Support Grants, as discussed above. To be eligible for Transit Support Grants, transit agencies must submit documentation of fare-free policy for 18 years and under by October 1, 2022, to be eligible for the 2023–25 biennium. Transit agencies that submit fare policy documentation following the October 1, 2022 deadline shall become eligible for the next biennial distribution. It is anticipated, Move Ahead WA will provide \$1.5 billion for Transit Support Grants over the 16-year life of the package (another \$32.0 million is expected to be expended to support ferries 18-and-under free fares).

Education-Related Bills That Died—Titles

As noted in the previous section, more than 2,200 bills, resolutions, and memorials were introduced in the 2021 and 2022 Sessions. 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 two key motives:

1. While we can never be 100 percent successful in advancing our priorities, we can take solace in the fact that many, many negative bills never make it to the finish line either. In fact, there are times when it is more important and positively impactful to kill a bad bill, than it is to get a good bill adopted; and
2. By reviewing bills that were unsuccessful (along with those bills that passed), you can gain some insight into priorities of legislators—which can provide a bit of a preview of what may be coming in the future. Seldom is a bill a one-and-done proposition. Even the simplest, noncontroversial bill can take three or four years to be adopted. And especially for those bad bills, we can be better prepared when they creep back out of the swamp.

Washington operates on a biennial cycle with a two-year Legislature; 2022 is the second year of the Legislature’s 67th Biennial Session. Remember, bills that died at the end of the first year of the biennial session are carried over and automatically reintroduced in the Legislature’s second-year session. The following list includes all of the education-related bills we followed from 2022 which ultimately failed to be adopted; however, bills introduced in 2021 are only included if any action was taken on the bill during the 2022 Session.

HB 1043.....	Audiology & speech compact	HB 1665.....	DCYF board
HB 1067.....	State dinosaur	HB 1693.....	Home School Day
HB 1162.....	Graduation pathways	HB 1702.....	Broadband connectivity
HB 1306.....	Bond training	HB 1714.....	Impact fee deferrals
HB 1453.....	Voters’ pamphlets	HB 1722/SB 5775	Broadband deployment
HB 1536.....	Regional apprenticeship programs	HB 1727.....	Odd-numbered elections
HB 1544.....	Agriculture education	HB 1746.....	Student supports/COVID-19 pandemic
HB 1591.....	Charter school LEA	HB 1759.....	School websites/DOH information
HB 1592.....	Military spouse employment	HB 1760.....	Dual credit program access
HB 1594/SB 5965	WA Cares Fund—repeal	HB 1775.....	Small school capital assistance
HB 1596/HB 1742.....	WA Cares Fund—nonresidents	HB 1791.....	Educator reprimands
HB 1597.....	WA Cares Fund—hardship	HB 1801.....	Electronic equipment repair
HB 1598.....	WA Cares Fund—death	HB 1803.....	School director compensation
HB 1599.....	WA Cares Fund—graduates	HB 1807.....	Civic education
HB 1601.....	Homeless/foster care pilot	HB 1808.....	Pupil Transportation funding
HB 1603.....	Transportation funding	HB 1810.....	Electronic equipment repair
HB 1604/SB 5223	Motor vehicle sales tax	HB 1829.....	African American studies
HB 1607.....	Safe Routes to School program	HB 1842.....	School director qualifications
HB 1611.....	Highly capable students	HB 1843.....	Child care licensing
HB 1625.....	Space Force military leave	HB 1865.....	Certified peer specialists
HB 1628.....	Voters’ pamphlets	HB 1875.....	Budget Stabilization Account
HB 1633.....	K–12 education scholarships	HB 1883.....	Lifeline program
HB 1658.....	DCYF principles	HB 1886.....	Critical Race Theory

HB 1887.....	COVID-19/student sports	SB 5520	Nondisclosure agreements
HB 1898.....	State School Levy	SB 5537	Compulsory school attendance
HB 1900.....	Discrimination policies	SB 5540	Election dates
HB 1911.....	Health benefits/Plan 2	SB 5562/HB 1757	ESDs/PEBB
HB 1938.....	Student financial education	SB 5581	Pupil Transportation funding
HB 1942.....	Paraeducator training	SB 5584	Ranked choice voting
HB 1962.....	Charter school time frame	SB 5594	Bone marrow donation
HB 1968.....	Student immunization	SB 5595/HB 1985	Staffing allocations
HB 1969.....	Traffic safety cameras	SB 5601/HB 1986	Empowering school boards
HB 1973.....	School board recordings	SB 5630	Early learning/basic education
HB 1976.....	Eating outside	SB 5638	Mental health licensure
HB 1992.....	Vacation leave	SB 5643	Youth development programs
HB 2000.....	Basic education funds	SB 5680	COVID-19 vaccine mandate
HB 2011	Skills Center funding	SB 5682	COVID-19 vaccine choice
HB 2014/SB 5905	Outdoor school	SB 5696/HB 1912	Capital Gains Tax
HB 2016.....	Sex trafficking	SB 5718	Retired/disabled insurance
HB 2018.....	Sales and Use Tax Holiday	SB 5719	Dual credit costs
HB 2040.....	Behavioral health licensing	SB 5734	Physical & health education
HB 2052.....	Community service organization contracts	SB 5735	Asynchronous instructional
HB 2053.....	Behavioral Health Work Group	SB 5768/HB 2039	Vapor products
HB 2082.....	Child care access report	SB 5777	COVID-19 vaccine/students
HB 2090.....	Tribal activities/credit	SB 5805	Sexual health education
HB 2093/SB 5921	Timber tax distribution	SB 5806	Instructional materials
HJR 4200	Simple majority for bonds	SB 5831	State & local taxation
HJR 4204	Property tax exemption	SB 5833	School director compensation
SB 5098	Public records exemptions	SB 5848	Music therapists
SB 5155/HB 1754	Prejudgment interest	SB 5858/HB 2087	Education/parent rights
SB 5181	Low-income school districts	SB 5864	Unemployment/unvaccinated
SB 5201	DNR timber sales	SB 5871	Microschool pilot project
SB 5202	Depreciation subfund	SB 5902	High school graduation credits
SB 5216	Tax preferences	SB 5913	Property tax exemption
SB 5264	Chinese American history	SB 5922	Education funding equity
SB 5326	Pupil transportation contracts	SB 5959	PFML solvency
SB 5487	School consolidation incentive	SJR 8206.....	Property tax exemption
SB 5501	SBE members	SJR 8212.....	Appointed SPI
SB 5517	Cannabis/employment		

Education-Related Bills That Died

HB 1043—Audiology & speech compact (Representative Leavitt)

Would have enacted the Audiology and Speech-Language Pathology Interstate Compact, authorizing an audiologist or speech-language pathologist licensed in one member state to practice in all other member states.

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 1162—Graduation pathways (Representative Stonier, by request of State Board of Education)

Would have established an additional graduation pathway option enabling students to meet graduation pathway requirements by completing a performance exhibition.

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 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 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 1591—Charter school LEA (Representative Dolan)

Would have provided state Local Effort Assistance (LEA or "levy equalization") funding to public charter schools to improve access to extracurricular activities and enrichments beyond the program of basic education for their students.

HB 1592—Military spouse employment (Representative Leavitt)

Would have authorized licensing authorities to expedite the issuance of a regular or temporary professional license to military spouses. This authority would have been extended to the Professional Educator Standards Board for teacher certification.

HB 1594—WA Cares Fund—repeal (Representative Abbarno) and **SB 5965** (Senator Braun)

Would have repealed Washington's recently adopted Long-Term Services and Supports Trust program—known as the "Washington Cares Fund"—which requires an assessment of a premium of 0.58 percent on the wages of most employees in Washington to pay for long-term care benefits to qualified individuals. While this bill failed to be passed, the Legislature adopted: SHB 1732, which delays the implementation of the program by eighteen months; and ESHB 1733, which establishes a series of exemptions from the payment of premiums.

HB 1596—WA Cares Fund—nonresidents (Representative Abbarno) and **HB 1742** (Representative Schmick)

Would have allowed eligible beneficiaries residing outside of Washington to receive long-term care services under Washington's Long-Term Services and Supports Trust program—known as the "Washington Cares Fund."

HB 1597—WA Cares Fund—hardship (Representative Abbarno)

Would have established a hardship exemption from the payment of premiums under Washington's Long-Term Services and Supports Trust program—known as the "Washington Cares Fund."

HB 1598—WA Cares Fund—death (Representative Abbarno)

Upon the death of a qualified individual under Washington's Long-Term Services and Supports Trust program—known as the "Washington Cares Fund"—this bill would have allowed unclaimed benefits to be transferred to an identified beneficiary.

HB 1599—WA Cares Fund—graduates
(Representative Abbarno)

Would have established an exemption from the payment of premiums under Washington’s Long-Term Services and Supports Trust program—known as the “Washington Cares Fund”—for recent high school, college, or university graduates.

HB 1601—Homeless/foster care pilot
(Representative Leavitt)

Would have: changed the Homeless and Foster Care Students Pilot Program to a permanent program; and expanded the program to allow Community and Technical Colleges to participate.

HB 1603—Transportation funding
(Representative Barkis)

Would have shifted funding obligations for various transportation programs from the biennial Transportation Budget to the biennial Operating Budget, using revenue from the state’s General Fund. While this bill failed to be adopted, the new 16-year, \$17.0 billion transportation package, dubbed “Move Ahead Washington,” includes a \$2.0 billion, one-time transfer from the state’s General Fund, along with another \$1.3 billion in General Fund revenues spread over the lifetime of the transportation plan.

HB 1604—Motor vehicle sales tax
(Representative MacEwen)
and **SB 5223** (Senator Fortunato)

Would have dedicated sales tax revenue on vehicle sales to the Transportation Budget, rather than the state’s General Fund.

HB 1607—Safe Routes to School program
(Representative Rude)

Beginning after July 1, 2025, would have funded the Safe Routes to Schools program out of the state’s General Fund, rather than the biennial Transportation Budget.

HB 1611—Highly capable students
(Representative Dolan)

Would have advanced equity in programs for highly capable students by establishing new requirements for the identification of students who may be eligible for highly capable services, including conducting universal screenings once in or before second grade and again in or before sixth grade.

HB 1625—Space Force military leave
(Representative Bronoske)

Would have extended access to paid military leave to state and local government employees and officers that are members of the United States Space Force.

HB 1628—Voters’ pamphlets
(Representative Jacobsen)

For each ballot measure from a local government that is included in a local voters’ pamphlet—including school district levies and bonds—this bill would have required County Auditors to appoint a committee to prepare arguments advocating voters’ approval of the measure and a committee to prepare arguments advocating voters’ rejection of the measure.

HB 1633—K–12 education scholarships
(Representative Walsh)

Would have established the Family Empowerment Scholarship Program to provide vouchers and scholarship funds to empower parents and families to choose an educational environment and program that would prepare their students for postsecondary education, gainful employment or entrepreneurship, and a successful future.

HB 1658—DCYF principles
(Representative Klippert)

Would have required the Department of Children, Youth, and Families (DCYF) to incorporate principles of equality (rather than equity) in performing its duties, with the goal of treating every family or child equally.

HB 1665—DCYF board
(Representative Rule)

Would have modified the membership of the Oversight Board for the Department of Children, Youth, and Families, by adding one subject matter expert on education for youth who are placed in a juvenile facility or are dependent.

HB 1693—Home School Day
(Representative Chase)

Would have designated the first day of May as Home School Day to recognize and celebrate home schooling.

HB 1702—Broadband connectivity
(Representative Boehnke)

Would have expanded the Legislature’s recent efforts to meet its broadband internet connectivity goals by: supporting emerging innovations in low earth orbit satellites; and lowering the cost of new wireline and wireless broadband connections through a business and occupation tax credit offered for new residential connections that meet Washington state service standards.

HB 1714—Impact fee deferrals
(Representative Duerr)

Would have amended current law by repealing provisions requiring a lien to be imposed on a property receiving an impact fee deferral and repealing the option to defer collection of an impact fee until the time of closing of the first sale of the property.

HB 1722—Broadband deployment

(Representative Boehnke)
and **SB 5775** (Senator Wellman)

Would have accelerated broadband deployment by requiring cities and counties to allow microtrenching for the installation of underground fiber.

HB 1727—Odd-numbered elections

(Representative Gregerson)

Would have eliminated the statewide general election in odd-numbered years. Additionally, would have eliminated local government general elections (including school director elections) in odd-numbered years; however, local government special elections (including school district levies/bonds) would still have been allowed in either odd- or even-numbered years.

HB 1746—Student supports/COVID-19 pandemic

(Representative Ortiz-Self)

Would have required WSU to create reports that: (1) summarize educational services and supports offered since the beginning of the COVID-19 pandemic and describe the implementation of social-emotional learning standards; and (2) update a 2015 report identifying the prevalence of resilience factors relevant to student success.

HB 1759—School websites/DOH information

(Representative Callan)

Would have required school districts to prominently post links to Department of Health (DOH) information about substance use trends, overdose symptoms and response, and the secure storage of prescription drugs, over-the-counter medications, and firearms and ammunition.

HB 1760—Dual credit program access

(Representative Paul)

Would have expanded access to dual credit programs by subsidizing costs for low-income students. Additionally, would have made the Running Start Summer School Pilot Program a permanent program and increased both the number of community colleges that may participate and the number of college credits that may be earned by high school graduates.

HB 1775—Small school capital assistance

(Representative McEntire)

Would have provided capital financial assistance to small school districts, with less than 1,000 students, which have demonstrated funding challenges.

HB 1791—Educator reprimands

(Representative Harris)

Would have required the Professional Educator Standards Board to adopt rules providing for reviewing and vacating reprimands issued to certificated professional educators.

HB 1801—Electronic equipment repair

(Representative Gregerson)

Would have established a Commission on Digital Electronic Equipment Repairability to review local, national, and global repairability standards for digital electronic equipment, and provide recommendations to the Legislature regarding the creation, implementation, management, and enforcement of repairability standards for digital electronic equipment in Washington.

HB 1803—School director compensation

(Representative Callan)

Would have increased the maximum daily compensation that school directors may receive from \$50 to \$128, and the annual compensation limit from \$4,800 to \$12,288. Additionally, would have allowed school directors to receive reimbursement for childcare costs associated with attending meetings.

HB 1807—Civic education

(Representative Walsh)

Would have required each public school to annually provide to each K–8 student a mandatory stand-alone, age-appropriate, year-long course in civic education that supports students' functional understanding of specific topics, including: the function of governmental institutions; historical documents of the United States; and the history of white supremacy. Additionally, would have prohibited public education employees from being required to participate in any form of training, certification, or continuing education that involves specified propositions or assertions, such as: one race or sex is inherently superior to another race or sex; or the United States is fundamentally or "structurally" racist or sexist.

HB 1808—Pupil transportation funding

(Representative Stonier)

Would have required OSPI to fully reimburse school districts for reported excess costs to transport special passengers, including students that are homeless, in foster care, or receiving special education. While this bill—and a similar bill, SB 5581—failed to be adopted, the final 2022 Supplemental Operating Budget provides funding to implement similar provisions.

HB 1810—Electronic equipment repair

(Representative Gregerson)

Would have required original manufacturers of digital electronic products sold on or after January 1, 2023, to make certain documentation, parts, and tools available to owners and independent repair providers on fair and reasonable terms.

HB 1829—African American studies

(Representative Johnson)

Would have required an African American studies specialty endorsement and directed the Professional Educator Standards Board to develop essential learnings for the endorsement that are aligned with the framework for African American studies currently being developed by OSPI.

HB 1842—School director qualifications

(Representative Taylor)

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.

HB 1843—Child care licensing

(Representative Eslick)

Would have established minimum child-to-staff ratio requirements for child care centers and square footage requirements for licensed indoor early learning programs.

HB 1865—Certified peer specialists

(Representative Davis)

Would have addressed the behavioral health workforce shortage and expanded access to peer services by creating the profession of certified peer specialists as new health professions to be certified by the Department of Health.

HB 1875—Budget Stabilization Account

(Representative Stokesbary)

Would have transferred the entire balance of the Washington Rescue Plan Transition Account, created in 2021, back to the Budget Stabilization Account, restoring the funding transferred last session.

HB 1883—Lifeline program

(Representative Chopp)

Would have established the Lifeline for Independent Living program for youth and young adults who have experienced or are at risk of entering into public systems of care.

HB 1886—Critical Race Theory

(Representative Klippert)

Would have prohibited the teaching of Critical Race Theory and related curricula in public schools.

HB 1887—COVID-19/student sports

(Representative Klippert)

Would have prohibited any requirement for children participating in sport practices or competitions to wear masks or other face coverings not related to participation in the sport or to be tested for COVID-19, unless the COVID-19 mortality rate was five percent or higher.

HB 1898—State School Levy

(Representative Orcutt)

Would have reduced both parts of the State School Levy and established a new basis for the state levies to ensure extra revenues collected in past years is not carried forward in future years' levy calculation.

HB 1900—Discrimination policies

(Representative Senn)

Would have required school districts to include in any student, parent, employee, and volunteer handbook information about policies and complaint procedures related to discrimination, including sexual harassment, and information about policies and complaint procedures related to harassment, intimidation, and bullying.

HB 1911—Health benefits/Plan 2

(Representative Bronoske)

Would have allowed certain individuals who separate from service from positions covered by the Public Employees', School Employees', and Teachers' Retirement System Plans 2, but do not retire, the opportunity to participate in the retiree benefits of the Public Employees' Benefits Board.

HB 1938—Student financial education

(Representative Stonier)

Would have adjusted goals of the Financial Education Public-Private Partnership to focus on the support of efforts to provide all students with the opportunity to develop the knowledge and skills necessary for making informed judgments and effective decisions about earning, spending, and the management of money and credit. As part of that goal, the Partnership would have been tasked with preparing school districts and teachers in their efforts to provide, and increase the prevalence of, effective and impactful instruction in financial education.

HB 1942—Paraeducator training

(Representative Donaghy)

Would have changed current deadlines and in-person requirements for providing the paraeducator fundamental course of study.

HB 1962—Charter school time frame

(Representative Entenman)

Would have extended the period of time the state's maximum number of charter schools could be established from the current deadline of April 2021 to April 2027.

HB 1968—Student immunization

(Representative Klippert)

Would have enacted the Students' Medical Freedom Act and prohibited the State Board of Health from establishing a list of minimum required immunizations for children to attend schools or day care centers.

HB 1969—Traffic safety cameras

(Representative Fey)

Would have authorized the limited use of automated traffic safety cameras for speed violations outside of school speed zones.

HB 1973—School board recordings

(Representative Rude)

Would have required all school district board meetings to be audio recorded, subject to exceptions for executive sessions and emergencies, with recordings kept for five years.

HB 1976—Eating outside

(Representative Corry)

Would have prohibited public schools from requiring students to eat or drink outside school buildings.

HB 1992—Vacation leave

(Representative Bateman)

Would have: increased the current cap on accrued vacation leave for state employees from 240 hours to 280 hours; and required school districts to establish a leave pool for staff who become ill or need to quarantine.

HB 2000—Basic education funds

(Representative Rule)

Would have clarified and limited OSPI's authority to halt or otherwise interrupt the distribution of federal funds and state basic education funds to school districts, in order to rebut and resolve assertions of broad and inferred withholding authority.

HB 2011—Skills Center funding

(Representative Rule)

Would have required OSPI to develop procedures for funding Skills Center students for 1.0 FTE when specific criteria are met, including: the total headcount of the sending district is fewer than 3,000 students; and at least ten percent of the sending district's combined eleventh- and twelfth-grade student headcount is enrolled at the Skills Center.

HB 2014—Outdoor school

(Representative Rule, by request of Office of the Governor) and **SB 5905** (Senator Hunt, by request of Office of the Governor)

Would have established a statewide program to develop and support outdoor school experiences for all fifth- and sixth-grade students in Washington public schools with opportunities for high school students to volunteer as counselors.

HB 2016—Sex trafficking

(Representative Morgan)

Would have required sexual health education to include teaching students how to prevent, and avoid being recruited into, sex trafficking.

HB 2018—Sales and Use Tax Holiday

(Representative Paul)

Would have established a Sales and Use Tax Holiday for Labor Day Weekend 2022, exempting qualified items from sales and use taxes. Qualified purchases would have included clothing, computers and related products, Energy Star qualified appliances, health care equipment, over-the-counter drugs, and school supply items.

HB 2040—Behavioral health licensing

(Representative Callan)

Would have streamlined the licensing processes of behavioral health professionals to ensure there is an adequate number of mental health professionals available to treat Washington residents with behavioral health needs.

HB 2052—Community service organization contracts

(Representative Orwall)

Would have expanded the projects for which a public entity (including school districts) may contract with a community service organization without regard to competitive bidding laws for public works to include making improvements to other public spaces and providing maintenance for equipment or artworks.

HB 2053—Behavioral Health Work Group

(Representative Dent)

Would have created a Behavioral Health Work Group to study the root causes of rising behavioral health issues in Washington communities.

HB 2082—Child care access report

(Representative Klippert)

Would have required the Department of Children, Youth, and Families to partner with the Office of the Developmental Disabilities Ombuds and OSPI to assess and make recommendations to increase the availability, affordability, and accessibility of child care for families of children with development delay or disabilities.

HB 2090—Tribal activities/credit

(Representative Lekanoff)

Would have established a process for students to earn academic credit by participating in activities of federally recognized Indian tribes.

HB 2093—Timber tax distribution

(Representative Abbarno)
and **SB 5921** (Senator Braun)

Would have increased county timber tax distributions by limiting the percentage of timber excise tax retained by the Department of Revenue to two percent.

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

(Representative Harris-Talley)

This constitutional amendment (and its necessary implementing bill, HB 1579) would have provided for a \$250,000 residential real property tax exemption from the State Property Tax. A \$250,000 exemption would have applied to: each residential tax parcel consisting of fewer than three residences; and each residence within a multiunit residential dwelling wherein each residence is owned and taxed separately. The exemption would have been required to increase annually by the percentage growth in the state levy.

SB 5098—Public records exemptions

(Senator Hunt, by request of Public Records Exemptions Accountability Committee)

Would have implemented recommendations of the Public Records Exemptions Accountability Committee, including a recommendation that statistical reports on behavior problems of children and numbers of children in state institutions no longer be confidential.

SB 5155—Prejudgment interest

(Senator Kuderer)
and **HB 1754** (Representative Hackney)

For individuals, entities, and public agencies (including school districts), would have changed current law by starting interest on damages to accrue from the date of tortious conduct, rather than from the date a judgment is entered.

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 5201—DNR timber sales

(Senator Van De Wege, by request of Department of Natural Resources)

Would have modified Department of Natural Resource (DNR) procedures and requirements for notifying the public regarding land and valuable materials sales in an effort to be more efficient and effective in generating revenues for the trust beneficiaries.

SB 5202—Depreciation subfund

(Senator Schoesler)

Would have required school districts to establish a depreciation subfund for the purposes of preventative maintenance.

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 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 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 5487—School consolidation incentive

(Senator Hawkins)

Would have provided a ten percent “bonus” in School Construction Assistance Program funding for ten years, if two or more school districts voluntarily reorganized to form a new school district. At least one of the participating school districts would have been required to have 1,000 or fewer students enrolled at the time the consolidation was approved.

SB 5501—SBE members

(Senator Fortunato)

Would have reorganized the State Board of Education (SBE) by replacing current elected and appointed board members with two nonpartisan members from each Congressional district of the state, which would be elected by the voters in each district.

SB 5517—Cannabis/employment
(Senator Keiser)

Would have prohibited any employer in the state to: refuse to hire a prospective employee because the prospective employee submitted to a screening test and the results of the screening test indicated the presence of cannabis; or terminate a current employee because the current employee submitted to a screening test and the results of the screening test indicated the presence of cannabis. These provisions would not have applied if compliance would have caused an employer to lose a monetary benefit under federal law. School districts are “drug free” zones, which would have presumably exempted them from complying with the law; however, that is unclear.

SB 5520—Nondisclosure agreements
(Senator Keiser)

Would have: prohibited an employer from requiring an employee, as a condition of employment, to sign a document preventing the disclosure of harassment or discrimination occurring in certain work environments; and provided that an employer retaliating against an employee disclosing or discussing harassment or discrimination is an unfair labor practice.

SB 5537—Compulsory school attendance
(Senator Wellman)

Would have lowered the minimum age for compulsory school attendance from eight to six years old.

SB 5540—Election dates
(Senator Hunt)

Would have moved the primary election, currently held on the first Tuesday in August, to the third Tuesday in May.

SB 5562— ESDs/PEBB
(Senator Wellman)
and **HB 1757** (Representative Cody)

Would have required non-represented employees of ESDs to be covered by Public Employees’ Benefits Board health insurance programs beginning January 1, 2024.

SB 5581—Pupil Transportation funding
(Senator Wellman)

Would have required OSPI to fully reimburse school districts for reported excess costs to transport special passengers, including students that are homeless, in foster care, or receiving special education. While this bill—and a similar bill, HB 1808—failed to be adopted, the final 2022 Supplemental Operating Budget provides funding to implement similar provisions.

SB 5584—Ranked choice voting
(Senator Trudeau)

Would have authorized the use of ranked choice voting in elections for offices in counties, cities, towns, school districts, fire districts, and port districts.

SB 5594—Bone marrow donation
(Senator Short)

Would have encouraged school districts that serve students in any of grades 9–12 to offer instruction in awareness of bone marrow donation in at least one health class necessary for graduation.

SB 5595—Staffing allocations
(Senator Wellman, by request of Office of Financial Management)
and **HB 1985** (Representative Dolan, by request of Office of Financial Management)

Would have increased the minimum staffing allocations for Physical, Social, and Emotional support staff as a part of the Prototypical School Funding Model. These bills were requested as a part of Governor Inslee’s 2022 Supplemental Operating Budget proposal. While neither bill was adopted, 2SHB 1664—and funding appropriated in the final 2022 Supplemental Operating Budget—supports a three-year phase-in of enhanced staffing allocations for Physical, Social, and Emotional support staff.

SB 5601—Empowering school boards
(Senator Short)
and **HB 1986** (Representative Klippert)

Would have clarified that the primary duty of the Superintendent of Public Instruction is one of support, not supervision, and that school boards are vested with the final responsibility to set policies that serve their students.

SB 5630—Early learning/basic education
(Senator Hasegawa)

Would have expanded the statutory program of basic education to include the basic education program of early learning.

SB 5638—Mental health licensure
(Senator Wagoner)

To help ease the mental health worker shortage, this bill would have accelerated the licensure process by allowing an applicant for associate licensure as a social worker, mental health counselor, or marriage and family therapist to work while their application for licensure is pending.

SB 5643—Youth development programs
(Senator Schoesler)

Would have established that voluntary, grassroots organizations representing the social and economic interest

of farm and ranch families at the local, state, and national levels may sponsor youth development programs to promote participation in agricultural fairs, youth shows, and exhibitions.

SB 5680—COVID-19 vaccine mandate
(Senator McCune)

Would have restored the jobs and volunteer positions of individuals (including educators) who were terminated from employment due to the governor's COVID-19 vaccination requirement, despite exercising their personal medical and religious rights to decline the vaccine.

SB 5682—COVID-19 vaccine choice
(Senator McCune)

Would have protected the freedom of all citizens of the state to choose whether to receive a COVID-19 vaccination and would have clarified if the COVID-19 vaccine is added to the list of required student vaccinations, any parent or legal guardian of the child may exempt the child from the requirement for any reason.

SB 5696—Capital Gains Tax
(Senator Braun)
and **HB 1912** (Representative Dufault)

Would have repealed the Capital Gains Tax, adopted by the 2021 Legislature. While these bills failed to be adopted or otherwise acted upon, a Douglas County Superior Court Judge recently declared last year's adopted Capital Gains Tax to be unconstitutional. Washington's Attorney General has requested a direct appeal to the Washington State Supreme Court.

SB 5718—Retired/disabled insurance
(Senator Conway, by request of Health Care Authority)

Would have clarified that retired or disabled school employees who are not eligible for parts A and B of Medicare and who are not enrolled in Public Employees' Benefits Board benefits as of December 31, 2022, may continue their participation in insurance plans and contracts after retirement or disablement.

SB 5719—Dual credit costs
(Senator Mullet)

Would have: established a grant program to cover the per credit tuition fee for College in the High School (CHS) courses for low-income students; lowered the per credit tuition fee for CHS courses from \$65 per credit to \$35 per credit; and required institutions of higher education to waive all mandatory fees for Running Start students.

SB 5734—Physical & health education
(Senator Dhingra)

Would have: required high schools to emphasize the work of health in addition to physical education; and required minimum graduation requirements to include one credit of physical education and one credit of health.

SB 5735—Asynchronous instructional
(Senator Dhingra)

Would have allowed school districts to provide up to 20 percent of asynchronous instructional hours to count towards the required basic education instructional hours per week.

SB 5768—Vapor products
(Senator Kuderer)
and **HB 2039** (Representative Pollet)

Would have allowed the Department of Health to restrict the sale of any flavored vapor product if the Secretary of Health determined a flavored vapor product may injure human health or pose a significant risk to public health. Additionally, would have required the State Board of Health to determine the allowable nicotine concentration for any product sold or offered for sale in the state, considering various risk factors including addiction increase, underage use, or limited efficacy of nicotine addiction cessation efforts.

SB 5777—COVID-19 vaccine/students
(Senator Braun)

Would have prohibited the attendance of a child in a public or private school to be conditioned upon proof of vaccination for COVID-19, unless the school district affirmatively adopted a COVID-19 vaccination requirement for that district.

SB 5805—Sexual health education
(Senator McCune)

Would have required parental or legal guardian approval before a child participates in comprehensive sexual health education.

SB 5806—Instructional materials
(Senator McCune)

Would have required each school district to post all core instructional materials used within its curricula on its website within fourteen days of adoption by the school district board of directors. Additionally, each school building would have been required to post all supplemental instructional materials used within its curricula on its website at least fourteen days before they are used in a classroom.

SB 5831—State & local taxation

(Senator Wilson, L.)

Would have required the Department of Revenue to make publicly available an online searchable database of all taxes and tax rates in the state for each taxing district.

SB 5833—School director compensation

(Senator Carlyle)

Would have allowed, if authorized by a school district's board of directors, school board members to receive compensation of up to either \$50 per day and \$5,000 per year, or at a tiered level based on district enrollment, with compensation limits increasing by inflation every five years.

SB 5848—Music therapists

(Senator Cleveland)

Would have established music therapists as a new health profession certified by the Secretary of Health.

SB 5858—Education/parent rights

(Senator Dozier)

and **HB 2087** (Representative Klippert)

Would have established a Parents' Bill of Rights related to their child's public education requiring parents' access to curricula and instructional materials, and information on who is teaching their child, as well as requiring notice when there is a situation or incident affecting their child's health, safety, or well-being in school. Additionally, would have required WSSDA to update model policies regarding school board meetings to include: increased public access and participation in meetings through real-time telephonic, electronic, internet, or other remote access to the meeting; required audio or video recording of all regular board meetings; and making recordings of board meetings available online.

SB 5864—Unemployment/unvaccinated

(Senator Wilson, L.)

Would have provided that unemployed workers are eligible for unemployment benefits, if the claimant is not fully vaccinated from COVID-19 and was terminated from work or left work due to a COVID-19 vaccination mandate.

SB 5871—Microschool pilot project

(Senator Wilson, J.)

Would have established a microschool pilot project, to provide certificated educators with the opportunity to showcase unique professional approaches and customized education services to improve the student academic experience.

SB 5902—High school graduation credits

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

Would have directed the State Board of Education to adjust subject-matter credit requirements for graduation to provide greater flexibility to high school students so that they can better tailor their education to their interests and career goals.

SB 5913—Property tax exemption

(Senator Sefzik)

Would have increase the current base income thresholds for the senior citizen and disabled persons property tax exemption program by \$5,000.

SB 5922—Education funding equity

(Senator Braun)

Would have made permanent enhancements to the basic education formula to increase equity by: increasing special education funding; enhancing staffing allocations for nurses and mental health counselors; lowering class sizes for vocational education classes and Skills Centers; and enhancing gifted education programs.

SB 5959—PFML solvency

(Senator Wilson, L.)

Would have required the Office of the State Actuary to provide Paid Family and Medical Leave (PFML) actuarial assistance to the Employment Security Department and prepare biennial reports regarding PFML financial stability. Further, would have: appropriated \$125 million of federal Coronavirus State Fiscal Recovery funds into the Family and Medical Leave Insurance Account (FMLIA); and required the transfer of Dedicated Marijuana Account funds into the FMLIA to eliminate, or reduce to maximum extent, a PFML solvency surcharge in Fiscal Year 2023 thru 2028.

SJR 8206—Property tax exemption

(Senator Wilson, L.)

This constitutional amendment (and its necessary implementing bill, HB 5463) would have provided for a \$250,000 homestead exemption from the State Property Tax. Additionally, state levy collections would have been required to be reduced as necessary to prevent the exempted value from increasing the State Property Tax rate for other property owners.

SJR 8212—Appointed SPI

(Senator Carlyle)

This constitutional amendment would have required the governor to appoint the Superintendent of Public Instruction, subject to confirmation by the Senate, instead of this being a separately elected statewide office. SB 5820 would have implemented the provisions of this constitutional amendment, if adopted by the voters.

Health Care, Pensions, Financials, and Other Issues

Fred Yancey – The Nexus Group

*Definition of “An embarrassment of riches”:
So many good things that it is difficult to fund just one.*

The legislative session has concluded, the Governor has acted, and now as the show goes on, districts have to adjust.

The Supplemental Budget (ESSB 5693) approved by the Legislature and the Governor increased general fund spending to \$64 billion, an increase of \$5 billion over the budget approved in April 2021. The final budget increased state spending by 24 percent over the previous biennium and by more than 50 percent since 2017.

The spending growth was fueled by stronger than expected tax collections and an infusion of Federal one-time dollars. The Legislature chose to dedicate more than 80 percent of these unexpected revenues towards new spending programs.

The final budget only maintains \$821 million, or 2.8 percent of the budget, in reserves. However, it is also important to consider the general fund’s ending balance, the budget stabilization account (BSA) balance, as well as the new Washington Rescue Plan Transition Account (WARPTA). There is a cushion of sorts. But even so, should the economy ‘tank,’ then next session could be one of cutbacks.... or as some call them, ‘claw backs’.

Similar to last session, dollars were spread like peanut butter among many different entities, K–12 being one.

So, what happened regarding pensions, health care, financials, and other issues? Listed, unless stated otherwise, are bills that have passed both Houses and signed by the Governor.

Pension/Retirement Related Bills

SB 5676: This bill will provide a one-time 3 percent benefit increase to certain retirees of the Public Employees’ Retirement System Plan 1 and the Teachers’ Retirement Systems up to the first \$44,000 of pension income. (\$110/month/maximum). This bill passed and was signed by the Governor. Effective July 1, 2022.

EHB 1699: passed. It will permit individuals retired from the PERS, TRS, and SERS retirement systems additional opportunities to work for a school district for up to 1,040 hours per school year while in receipt of pension benefits until July 1, 2025, including administrators in districts less than 2,000 students. The Governor signed the bill and because of its emergency clause it became effective March 23, 2022.

EHB 1752: Adds the option of Roth-qualified contributions to the public employee deferred compensation plan operated

by the Department of Retirement Systems. It has been signed by the Governor and becomes effective June 9, 2022.

School Employees’ Benefits Board (SEBB) Health and Other Health Related Bills

Last session (2021), Section 1212 (3) of the 2020 budget read “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.” The HCA submitted a study that recommended a consolidation and **SB 5718** was introduced in the 2022 session. The concept was to keep K–12 non-Medicare retirees in the SEBB pool rather than currently moving them into PEBB. But there was too much complexity to making what was assumed to be an easy change, so the Health Care Authority withdrew the proposal. It is likely to be reintroduced in the 2023 session.

Other Bills

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.

Both bills died in their respective houses last session, but the Senate version was reintroduced in 2022 and put immediately on the floor calendar. The Senate chose to place it in the “X” file (which is, the graveyard for proposed bills), but it is expected to rise from the dead again in some form during the 2023 session. (See future projections below.)

Bills That May Have Fiscal/HR Impacts for Districts

SHB 1617: Specifies that all state holidays are also school holidays on which school may not be taught clarifying that Juneteenth is to be a school holiday. This bill was signed by the Governor and becomes effective July 1, 2022.

SHB 1732: The implementation of many of the activities related to the Long-Term Services and Supports Trust Program (Trust Program) are delayed. The date for beginning the collection of premium assessments under the Trust Program for both employees and self-employed persons is delayed by 18 months from January 1, 2022, until July 1, 2023. Premiums collected from employees before July 1, 2023, must be refunded to the employee within 120 days of collection by the employer or by the Employment Security

Department through the employer. Persons born before January 1, 1968, who do not pay the premium for the required ten years needed to become vested in the full number of benefit units may receive partial benefits under the Trust Program. For each year that persons in this population make the premium payments for the minimum 500 hours, they may receive ten percent of the maximum number of benefit units. Persons in this population may still qualify for full benefits if they have paid the premium for three years within the last six years. This bill signed by the Governor on January 27, 2022 became effective immediately.

ESHB 1733: Voluntary exemptions from the payment of premiums under the Long-Term Services and Supports Trust Program (Trust Program) are established for employees in one of four categories. An employee who is a veteran of the United States military who has been rated by the United States Department of Veterans Affairs as having a service-connected disability of at least 70 percent may apply for an exemption from the Trust Program. An employee who is the spouse or registered domestic partner of an active-duty service member of the United States Armed Forces may apply for an exemption from the Trust Program. An employee who holds a nonimmigrant visa for temporary workers who is employed by an employer in Washington may apply for an exemption from the Trust Program. An employee who is employed in Washington but maintains a permanent residence outside of Washington as the employee's primary location of residence may apply for an exemption from the Trust Program. Unless a specified condition for termination of the exemption occurs, employees approved for an exemption are not required to pay the premium assessment, may not become a qualified individual or eligible beneficiary, and are permanently ineligible for the Trust Program. This bill signed by the Governor on January 27, 2022 becomes effective June 9, 2022.

ESHB 1795: Silenced No More Act. Non-disclosure agreements (NDA's) are often standard parts of dismissal settlements. This act makes void and unenforceable provisions in agreements between an employer and employee that prohibit the disclosure of conduct that is illegal discrimination, harassment, retaliation, a wage and hour violation, or sexual assault, or that is against a clear mandate of public policy, occurring in the workplace. The bill signed by the Governor becomes effective June 9, 2022.

SHB 1902: Provides for reopening a workers' compensation claim where the provider fails to submit the application. This bill signed by the Governor becomes effective June 9, 2022.

ESSB 5115: Creates an occupational disease presumption for frontline employees during a public health emergency for the purposes of workers' compensation. Requires employers to notify L&I when a certain percentage of their workforce becomes infected during a public health emergency. 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. 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. This bill signed by the Governor becomes effective May 11, 2022.

SB 5539: State funding shall be provided to each ESD for the employer cost of the school employees' benefits provided to the employees of the ESD covered by a collective bargaining agreement. This bill signed by the Governor becomes effective June 9, 2022.

ESSB 5628: This is an act relating to cyber harassment, addressing concerns in the case of Rynearson v. Ferguson, and adding a crime of cyberstalking. It also specifies level of charge/alleged violation if done against named persons in the act such as election officials. It places in statute the criminal offense that school employees or students can claim occurred. This bill signed by the Governor is effective June 9, 2022.

2SSB 5649: Changes were made to the Paid Family Medical Leave program. Benefits are to be provided during the seven calendar days following the death of the family member for whom the employee would have qualified for medical leave for the birth of their child; or would have qualified for family leave to bond with their child during the first 12 months after birth, or during the first 12 months after the placement of a child under age 18 with the employee. The CBA exception in the PFML program expires December 31, 2023. An audit is required to determine the financial situation within the program. This bill signed by the Governor is effective June 9, 2022.

ESSB 5761: The requirement for an employer to provide salary information after an initial job offer, upon request of the applicant, is removed. Instead, beginning January 1, 2023, an employer must disclose in each posting for each job opening the wage scale or salary range, and a general description of all the benefits and other compensation to be offered to the hired applicant. "Posting" means any solicitation intended to recruit job applicants for a specific available position, including recruitment done directly by an employer or indirectly through a third party, and includes any postings done electronically, or with a printed hard copy, which includes qualifications for desired applicants. This bill signed by the Governor is effective January 1, 2023.

Selected Financials ESSB 5693 State Budget

Below are selected financial figures from the adopted 2021–23 Supplemental Budget:

	<u>2021–22</u>	<u>2022–23</u>
Fringe Benefit Allocation	22.71% 22.75%	22.98% / Allocated Certificated 22.80% / Allocated Classified
Incremental Fringe Benefit	22.07% 19.25%	22.34% / Allocated Certificated 19.30% / Allocated Classified
Insurance Health Benefit (SEBB)	\$968 / Month	\$1,026 / Month

The Benefit Allocation Factor/Multiplier remains at: Certified staff units x 1.02; Classified staff units x 1.43.

Medicare Insurance (Subsidy for Retirees)	\$183 / Max / Month	\$183 / Max / Month
Substitute Rate (Four subs/classroom teacher unit)	\$151.86	\$151.86
Health Care Carve-out (Retiree Remittance)	\$72.08 / Began 9/2021	\$80.04 / Begins 9/2022

(Includes pro-rated payment by district for eligible part-time employees)

Pension Rates	2021–23
TRS 2 Employee	8.05%
Employer	14.24%

(Normal cost 8.05% / UAAL Surcharge 6.19%)

PERS 2 Employee	6.36%
Employer	10.07%

(Normal cost 6.36% / UAAL Surcharge 3.71%)

SERS 2 Employee	7.76%
Employer	11.47%

(Normal cost 7.76% / UAAL Surcharge 3.71%)

The employer rates do include the UAAL surcharge but do not include the 0.18 percent administrative rate.

Note: The adopted budget indicates that PERS/SERS employer rates will increase 0.14 percent; TRS will increase 0.27 percent to fund SB 5676, the 3 percent one-time COLA for TRS/PERS 1 members. And as an aside, the investment return assumption that affects future rate charges has been decreased from 7.5 percent to 7.0 percent.

What will the future hold?

Although many policy bills proposed during the session failed to advance, some components will likely be re-introduced through either new legislation or rewriting a previous bill proposed during the recently concluded 2022 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

and cohesive 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 a few Democrat Senators are not fully in support of leadership. For example, the long-term goal of tax reform will need 60 percent majorities at a minimum. So, a larger majority would assist in passage.

Currently, the D's hold a strong majority in the House, but as previously stated, a weaker one in the Senate. There is a strong chance that the D's may lose the Senate majority and even possibly their House majority. Some legislative districts to watch are the 10th (Island, Skagit, Snohomish), 19th (Cowlitz, Grays' Harbor, Lewis), 24th (Clallam, Grays' Harbor), and the 42nd (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, their 'profligate' spending with no relief for the average taxpayer, 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. Although many of these organizations continue to get 'one-time' Federal dollars, when these funds are spent, they will be urging the Legislature to continue to fund these programs. Issues like homelessness, mental health services, poverty, and equity to name a few will continue to be priorities.
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 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. In addition, there is a 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, revived during the 2022 Legislature, and then 'killed' 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 again 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. Efforts will continue to increase the Medicare insurance subsidy for retirees. Insurance and medical costs have gone up substantially. The current \$183/month is not 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 transferred to the PEBB program/pool. The HCA has studied the issue and recommend consolidating school retirees into the SEBB program. This, however, is complex and will take revised legislation to accomplish.

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), were quite positive about the 67th Legislature’s response to our 2022 priorities.

This report will review: (1) **ESSB 5693: 2022–23 Supplemental Operating Budget**; (2) **2SSB 5651, 2022–23 Supplemental Capital Budget**; (3) several bills that AEA supported or watched with keen interest which passed and didn’t pass; and (4) WAMOA’s and WSNA’s interim plans.

ESSB 5092: 2022–23 Supplemental Operating Budget General Elements of Operating Budget (\$6.3 billion)

- The \$6.3 billion addition brings the 2021–23 Operating Budget to \$64.1 billion.
- The budget would leave \$212 million in the unrestricted Ending Fund Balance, and \$609 million in the Budget Stabilization Account (Rainy Day Fund), for a total reserves of \$821 million.
- K–12 portion of the budget is \$433 million for a total of \$34.1 billion for the 2021–23 biennium; also \$400 million is added in federal funding (one-time federal funding). However, as student enrollment is down, there is an actual decrease of \$89.2 million for K–12.

K–12 Expenditures (Selected)

- **Student Support Staffing (\$90.57 million) (AEA Priority)**
Funding is provided for student support, including phase-in increased Social, Emotional Health staffing allocations for nurses, social workers, counselors, and psychologists in 2SHB 1664. The enhanced ratios are phased in over three years, SY 2022–23 to 2024–25.
- **Social Workers Support Staff (\$70,000) (AEA Priority)**
Funding is provided to OSPI to provide centralized support and coordination for school workers hired by contracting with school districts.
- **Community Eligibility Provision (\$21.66 million) (AEA Priority)**
Funding is provided for reimbursements for schools and groups of schools required to participate in the CEP program in SHB 1878, but not eligible for the full federal reimbursement rate. OSPI is provided \$167,000 for necessary staff to implement the bill.

- **Plant-Based School Meals Pilot Program (\$150,000) (AEA Priority)**
Funding is provided to OSPI to administer grants to school districts for a plant-based school meals pilot program. Plant-based school meals use a “meat alternative” in their menus. Grant recipients may use the funding for food supplies, delivery costs, equipment purchases, education, and other expenditures to increase access to plant-based school meals. Grant awards to school districts may not exceed \$10,000 per district.
- **Local Food Procurement (\$3.645 million) (AEA Priority)**
Federal funding is provided by USDA to school districts for food assistance purchases of domestic local foods available for distribution through the USDA Local Food Purchase Assistance Cooperative Agreement Program.
- **Supply Chain Assistance (\$18.223 million) (AEA Priority)**
One-time federal funding is provided by USDA Commodity Credit Corporation for supply chain assistance funds, which will reimburse schools for the acquisition of unprocessed or minimally processed domestic food products.
- **School District Transportation Allocations (\$13 million) (AEA Priority)**
Funding is provided as excess cost reimbursement to school districts with a demonstrated need for funding beyond the amounts provided by the STARS allocation to transport special needs and homeless students.
- **Learning Device Grants (\$19,000) (AEA Priority)**
Additional funding is provided for school district grants to implement E2SHB 1365 (2021), learning devices in schools.
- **Enrollment Stabilization (\$346.45 million)**
OSPI is provided with an allocation for school districts that experienced enrollment declines as a result of COVID-19 that led to a loss of revenue in SY 2021–22 when compared to SY 2019–20 revenue in SHB 1590. Such reimbursement will be equal to 50 percent of that loss (One-time only). This funding applies to 230 of the 295 school districts (\$281 million). Also, districts are able to use their 2019–20 enrollment for calculating their CY 2023 levy and CY 2022 and 2023 levy equalization (\$64 million for levy equalization).

- **Learning Assistance Program Hold Harmless Provision (\$28.1 million)**
Funding is provided to allow school districts to use SY 2019–20 free/reduced-price lunch percentages when calculating LAP funding as a hold harmless provision.
- **Inflation Rebasing (\$236.3 million)**
Inflation is increased to 5.5 percent in SY 2022–23 to align with the actual Price Deflation Inflation since SY 2017–18. MSOC is also increased. The statewide minimum salary allocation for Certificated Instructional Staff is \$72,728, Certificated Administrative Staff is \$107,955, and Classified Staff is \$52,173.
- **SEBB Rate Adjustment**
A rate adjustment is made in the monthly employee rate for benefits. The current rate of \$1,032 is reduced to \$1,026 per month. The new rates are sufficient to cover the cost to provide virtual access to behavioral health resources and interventions as well as case management.
- **Residential Outdoor School (\$10 million)**
Fifth and sixth grade students will now be able to have a residential outdoor education experience, which is administered by OSPI.
- **Paraeducator Training (\$1.45 million)**
Funding is provided for new paraeducators to receive four days of training in the Paraeducator Certificate program during their first year.
- **School Consultation with Tribes (\$294 million)**
Funding is provided to implement SSB 5252, school consultation with tribes, which requires OSPI to collaborate with multiple entities to develop a tribal consultation training and schedule.
- **Native American Mascots (\$4.5 million)**
Additional funding is provided to continue the grant program for schools to discontinue the use of Native American mascots as required by SHB 1356 (2021).
- **State Board of Education Engagement (\$263,000)**
Funding is provided for an engagement coordinator focused on SBE's engagement of students, families, and communities statewide in the development of policies and practices.
- **State Board of Education School Climate Survey (\$100,000)**
Additional funding is provided for the SBE to work with OSPI and school districts to implement a school-climate survey.
- **Behavioral Health Program Pilot (\$1 million)**
One-time funding is provided for OSPI to collaborate with a non-profit entity for a pilot program to provide behavioral health support for

youth, and provide trauma-informed, culturally responsive staff training.

- **Crisis Response Work Group (\$200,000)**
Funding is provided for OSPI to convene a work group to identify crisis response protocols, trainings, and approved curricula to address the continuum of challenging student behaviors and expand technical assistance in schools to reduce instances of removal from the classroom, restraint, and isolation.

Partial Vetoes by Governor

- **OSPI Out of State Special Education Services, Allergic Reactions Report, and Services for Pre-School Students with Disabilities**—OSPI is required to collect and disseminate school district data on these three items, which would be an administrative burden on both OSPI and school districts. More clarity is needed regarding the problems solved by these data.
- **OSPI Transitional Kindergarten**—OSPI is required to establish rules regarding exceptions to uniform entry qualifications for K admission. This section caps the appropriations for transitional K at FY 2022 level, while allowing school districts to use levy funds to expand the program, which would limit services for young learners both now and after the pandemic. The Governor requests that OSPI, upon completion of the Washington State Institute for Public Policy study, work with agencies and stakeholders to further define how school districts may grant exceptions to the uniform entry qualifications based on the ability, need or both, of an individual student.

2SSB 5651: 2022–23 Supplemental Capital Budget

Total K–12 Portion is -\$84.9 million due to SCAP reduction, yet adds \$157.43 million in additional appropriations.

School Construction Assistance Program (SCAP) (-\$189.9 million)

- A number of the school construction projects scheduled to be funded have dropped off creating a savings of -\$189.9 million.
- The original biennial amount for SCAP was \$787.7 million, and that amount is reduced to \$537.8 million due to a fewer number of eligible projects being ready to receive SCAP assistance.
- Sunnyside school district is provided with \$20 million within the SCAP allocation for the transfer of the Yakima Valley Technical Skills Center Sunnyside Satellite Campus and its related property and equipment.

- No proposed increase in student square footage or construction cost allowance drivers due to the limited bond capacity of the overall capital budget.

West Sound Technical Skill Center—Bremerton School District (\$10.9 million)

- Funding is provided to complete the design and begin the construction to modernize the center and add new learning space.
- In coordination with OSPI, Bremerton school district must: (a) ensure that high demand and high sector program needs are addressed; (b) space needs are appropriate for enrollment projections; (c) evaluate the proposed project budget using value engineering and life-cycle cost analysis techniques; and (d) utilize this information to inform the proposed design.
- OSPI must approve the skill center programs, design, and budget prior to releasing the state funds.

Distressed Schools (\$30.42 million) (AEA Priority)

- Funding is provided for Almira school district to design and rebuild the Almira Elementary School, which was destroyed by fire in October 2021 (\$12.933 million). Insurance proceeds will provide the remaining funds to complete the project (\$17 million).
- Funding is provided for a school-based health center at Spanaway Middle School, Bethel school district (\$772,000).
- Funding is provided for Republic school district to complete, design, and renovate projects at Republic Jr-Sr High School (\$2.85 million).
- Funding is provided for a facilities accessibility and security improvement project for Wahkiakum school district (\$515,000).
- Funding is provided for Nooksack Valley school district for facility improvement due to flood damage and future flood risks (\$2 million). Funds must be repaid to OSPI depending on receipt of FEMA insurance settlement.
- Funding is provided for the completion of a two-classroom early learning addition at John Muir Elementary School, Seattle Public School (\$2.6 million).
- Funding is provided for a roof replacement project at Oakville Elementary School, Centralia school district (\$750,000).

School Seismic Safety Retrofit Program (\$91.439 million) (AEA Priority)

Continuation of school seismic safety retrofit grants for districts to make improvements in school buildings located in high seismic hazard areas, built before 1998 and not retrofitted to the 2005 standards. SSB 5933 has

passed both Houses, which enables these funds to be allocated by OSPI.

School Seismic Safety Retrofit Program (\$8.561 million) (AEA Priority)

This appropriation authorizes OSPI to fund the following projects that were previously identified as having very high seismic risk: (1) Pacific Beach Elementary School, North Beach school district; (2) South Bend Junior/Senior High School, South Bend school district; (3) Boisfort Elementary School, Boisfort school district; (4) Cosmopolis Elementary School, Cosmopolis school district, and (5) Totem Middle School, Marysville school district.

Healthy Kids/Healthy Schools Grants (\$1.5 million)

Grants are available to public schools, including charter and state-tribal compact schools, for the removal, disposal, and replacement of T-12 lighting fixtures and ballasts, manufactured in or before 1979 with energy-efficient LED lighting.

School District Health and Safety (\$1.7 million)

Funding is enhanced for emergency repair grants to address unexpected and imminent health and safety hazards at K–12 public schools, including skill centers, that will impact the day-to-day operations of the school facility. Together with the \$3 million in the 2021–23 Capital Budget, there is now a total of \$4.7 million in this grant.

Small District and Tribal Compact Schools Modernization Grant (\$7.612 million) (AEA Priority)

Funding is provided for three school districts, Brewster school district (\$933,000), Creston school district (\$5.018 million), and Oroville school district (\$1.661 million), as part of the Small District and Tribal Compact Schools Modernization Grant program.

Pierce College/Bethel High School (\$1.6 million)

Funding is provided Bethel school district to begin construction on four classrooms and an office for operations by Pierce College within the new Bethel High School. If Pierce College doesn't occupy this space and offer college credit classes to the community at large as well as Running Start opportunities for BHS students by June 30, 2025, any funds expended under this appropriation must be repaid to the State.

Department of Commerce Early Learning Facilities (\$30 million)

Funding is provided for early learning facilities grants that increase access to early learning opportunities for low-income children, including \$1 million for early learning classrooms at Logan Elementary School, Spokane Public School.

Department of Children, Youth, and Families (\$181,000)

Provides \$181,000 for the replacement of the recreation building at Green Hill School in Chehalis, which is a juvenile rehabilitation facility. Signed by the Governor on March 31.

Passed: AEA Policy Bills—AEA Supported

2SHB 1664: Prototypical School Formulas for Physical, Social, and Emotional Support

- Increases the minimum allocations for nurses, social workers, psychologists, and counselors in the prototypical school funding model over the next three school years.
- Designates certain positions as “physical, social, and emotional staff (PSES), and specifies that OSPI may only allocate funding to the extent of and proportionate to a school district’s demonstrated actual ratios of PSES staff.
- Requires that funding for PSES staff be prioritized to staff with a valid educational staff associate certificate.
- Signed by the Governor on March 23.

SHB 1699: Increasing Hours of School Retiree Employment

- Until July 1, 2025, all PERS, TRS, and SERS retirees may work for a school district for up to 1,040 hours per year in a non-administrative position while continuing to receive benefits.
- Also, until July 1, 2025, a TRS retiree that retired prior to January 1, 2022 may work up to 1,040 hours per year for a district of less than 2,000 FTE as the superintendent or a principal.
- The Legislature reserves the right to amend or repeal these benefits in the future. No member or beneficiary has a contractual right to be employed for more than 867 hours in a year with a reduction of their pension.
- Signed by the Governor on March 23.

SHB 1590: Enrollment Stabilization Funding to Address Enrollment Declines due to COVID-1

- Provides enrollment stabilization amounts in SY 2021–22 equal to 50 percent of the difference in combined state revenues using SY 2019–20 enrollment and SY 2021–22 enrollment if a district’s combined state revenue generated in SY 2021–22 is less than what its combined state revenue would be using SY 2019–20 enrollment.
- Authorizes the use of 2019–20 enrollment values to calculate enrichment levy limits in CY 2023, and to

calculate Local Effort Assistance in CY 2022 and 2023.

- Signed by the Governor on March 23.

SHB 1941: Prohibiting Active Shooter Scenarios for School Safety-Related Drills

- Prohibits schools from conducting lockdown drills that include live simulations of or reenactments of active shooter scenarios that are not trauma-informed and age and developmentally appropriate.
- Signed by the Governor on March 17.

HB 1280: Greenhouse Emissions used in Public Buildings

- Declares that it is the public policy of the state to ensure that greenhouse emissions reduction practices are included in the design of major publicly owned or leased facilities, and that the use of all-electric energy systems and at least one renewable energy or combined heat and power system is considered.
- Requires life-cycle cost analysis guidelines developed by the Department of Enterprise Services for public facilities to include provisions that identify all-electric energy systems as a system alternative.
- Replaces the reference to a system alternative that complies with the sustainable design guidelines of the LEED silver standard with a system alternative that includes all-electric energy systems.
- Signed by the Governor on March 25.

SB 5017: School District Procurement Requirements for Personal Service Contracts for Construction Management, Value Engineering, Constructability Review, and Building Commissioning

- Modifies 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, rather than “other work” generally.
- Requires that by January 1, 2023, specified types of school district solicitations, advertisements, and bids issued for these services must include standard clauses required by the Office of Minority and Women’s Business Enterprises.
- Further requires that by January 1, 2023, requests for proposals or qualifications, advertisements and calls for bids are subject to the alternative public works procurement requirements or architectural and engineering service contract requirements.
- Finally, requires that by January 1, 2023, school districts may use interlocal agreements to procure such services only if the agreements are executed

following a competitive, qualification-based procurement process for these services.

- Vetoed by the Governor on March 31. The Governor stated that “public notification and transparency of school district purchases are important to maintain.” It is not clear that his change meets the public’s expectation of transparency.

SSB 5933: School Seismic Safety Grant Program

- Establishes a school seismic safety grant program for districts and state-tribal compact schools for remediation of seismic or tsunami hazards in qualifying buildings.
- Requires qualifying buildings located in high seismic hazard areas, must have been built prior to 1998, and have not received a seismic retrofit to the 2005 seismic standards.
- Signed by the Governor on March 23.

SSB 5722: Reducing Greenhouse Emissions in Buildings

- Requires Department of Commerce (DOC) to adopt state energy management and benchmarking requirements for buildings between 20,000 and 50,000 square foot and to multi-family residential buildings larger than 50,000 square foot (Tier 2) by December 1, 2023.
- Requires DOC to evaluate benchmarking data to determine energy use and greenhouse gas emissions averages by building type by July 1, 2029.
- Requires DOC to adopt rules for performance standards for Tier 2 buildings by December 31, 2030.
- Signed by the Governor on March 25.

HB 1833 Electronic Free/Reduced Meal Applications

- Requires OSPI to initiate and oversee the development and implementation of a state-wide electronic repository of household income information that is required for a student’s enrollment, or eligibility for, the National School Lunch Program or School Breakfast Program or both.
- This online program will be available to parents, and the information will be safeguarded.
- Beginning in 2022, OSPI shall annually report to the Legislature by December 1, on the electronic repository.
- Household income received by OSPI, employees or said designees is exempt from disclosure.
- Signed by the Governor on March 23.

SHB 1878: Increasing Public School Participation in USDA’s Community Eligibility Provision (CEP)

- Requires each public school that has an identified student percentage (ISP) of at least 40 percent per federal law, to

participate in CEP in the next school year, and throughout CEP’s four-year cycle.

- Districts, when practicable, shall group schools for purposes of maximizing numbers of schools eligible for CEP.
- Individual schools participating in the group may have less than 40 percent ISP, provided the average ISP for the group is at least 40 percent. This provision also applies to public charter schools.
- A null and void clause was added, as well as an emergency clause. The emergency clause allows schools time to apply for CEP by June 30 deadline in order to implement it in SY 2022–23.
- Governor signed the bill on March 4.

Did Not Pass: AEA Policy Bills—AEA Supported

HB 1226 Simple Majority for School Bonds

- Authorizes school districts to issue general obligation bonds for capital purposes, levy taxes to make payment on those bonds, and exceed the statutory debt limit with an approval of a simple majority of the voters voting at the election, rather than an approval of 60 percent of the voters voting, where the total number of voters is at least 40 percent of the total number of voters voting in the last general election.
- Provides that the bill is void unless a constitutional amendment to this effect is approved by a majority of voters at the next general election.
- Died in the House Capital Budget Committee.

HJR 4200: Simple Majority for School Bonds (Constitutional Amendment)

- Proposes a constitutional amendment to authorize school districts to issue general obligation bonds for capital purposes, levy taxes to make payment on those bonds, and exceed the statutory debt limit with an approval of a simple majority of the voters voting at the election, rather than an approval of 60 percent of the voters voting, where the total number of voters is at least 40 percent of the total number of voters voting in the last general election.
- Died in the House Capital Budget Committee.

EHB 1837: Restoring the State’s Ability to Address Work-Related Musculoskeletal Injuries

- Removes the restriction on the regulation of work-related musculoskeletal disorders and ergonomics, except for home offices.
- Prohibits the Department of Labor and Industries from adopting more than one industry or occupation standard per year until January 1, 2027.

- Limits the first rule to employers with employees performing janitorial and building cleaning services.
- Died in the Senate Rules Committee.

SHB 1770: Strengthening Energy Codes

- Updates the minimum State Energy Code requirements for residential and non-residential construction.
- Requires the State Building Code Council ensuring that residential and non-residential construction must have at least a 70 percent reduction in annual net energy consumption by December 1, 2031.
- Died in the Senate Rules Committee.

SB 1775: Capital Financial Assistance to Small School Districts with Funding Challenges

- Creates a supplementary capital grant program for school districts with enrollments of 1,000 or less FTE for comprehensive instructional facility or modernization.
- Requires that grants be coordinated with the SCAP program.
- Requires school districts receiving the grants to fund 30 percent of the total project cost from local funds.
- Died in House Capital Budget.

SHB 1918: Reducing Emissions from Outdoor Power Equipment

- Exempts small engine zero-emission outdoor power equipment from state and local sales taxes through January 1, 2033.
- Died in the Senate Ways & Means Committee.

SB 5181: Providing School Districts with Low Income Communities with Flexibility in Financing School Facilities

- Authorizes school districts to create partnerships and limited liability companies, and enter into leases, loans, and other agreements with public or private agencies for the purpose of financing school facilities through federal tax credit programs.
- Excludes school district indebtedness related to a district's financing of school facilities through federal tax programs from indebtedness prescribed in statute.
- Died in the House Education Committee.

SSB 5202: Depreciation Sub-Funds for School Maintenance

- Requires schools to establish a depreciation sub-fund within their general fund to reserve monies for future facility needs, including preventative maintenance and emergency facility needs.

- Allows school districts to transfer up to 2 percent of their general fund monies to this sub-fund.
- Prohibits districts from using sub-funds for salary and benefit purposes.
- Died in House Education Committee.

SSB 5326: Health and Pension Benefits for School Bus Drivers Employed by Private Non-Governmental Entities

- Provides that school districts may only enter into pupil transportation service contracts with non-governmental entities that provide health and retirement benefit contributions to their employees' equivalent to those received by school employees.
- Died in the Senate Rules Committee.

WAMOA 2022 Interim Plans

- Coordinate with Rep. Lisa Callan (D-Issaquah) on revising the SCAP funding formula.
- Coordinate requested school visits during the spring and fall with the following legislators: Sen. Ron Muzzall (R-Oak Harbor); Sen. Mark Mullet (D-Issaquah); Sen. Chris Gildon (R-Puyallup); and Sen. Mark Schoesler (Ritzville). (4 Senators).
- Rep. Cyndy Jacobsen (R-Tacoma); Rep. Carolyn Eslick (R-Sultan); Rep. Jessica Bateman (D-Olympia); Rep. Mari Levitt (D-University Place); Rep. Sharon Shewmake (D-Bellingham); Rep. Lisa Callan; Rep. Mike Volz (R-Spokane); Rep. David Hackney (D-Tukwila); Rep. Peter Abbarno (R-Centralia); Rep. Shelley Kloba (D-Kirkland); Rep. Greg Gilday (R-Camano Island); Rep. Strom Peterson (D-Edmonds); Rep. Drew MacEwen (R-Union); Rep. Mary Dye (R-Pomeroy); Rep. Joel McEntire (R-Cathlamet); Rep. Mike Steele (R-Chelan); Rep. Alicia Rule (D-Blaine); and Rep. Jim Walsh (R-Aberdeen). (18 Representatives)
- Review the continuing work and eventual recommendations of the K-12 Basic Education Compensation Advisory Committee, due to the Governor and the legislative fiscal committees by September 30, 2022.

WSNA 2022 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.

- Donna Parsons, WSNA PP&L chair, presented a WSNA glass apple at Olympia School District office on March 28 to the retiring Rep. Laurie Dolan (D-Olympia), as she has been a strong champion in the House Democratic Caucus for feeding hungry kids since 2019.
- A WSNA representative will present to the retiring Rep. Pat Sullivan (D-Covington) with a WSNA glass apple, in Covington on May 10, as he has been a strong champion in the House Democratic Caucus for feeding hungry kids since 2006.

ALLIANCE OF EDUCATIONAL ASSOCIATIONS

Washington Association of Maintenance and Operations Administrators (WAMOA) www.wamoa.org

Washington School Nutrition Association (WSNA)
www.washingtonsna.org

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2021–22 LEGISLATION AND FINANCE COMMITTEE

Region 101	Jim Kowalkowski, Davenport (Chair)
Region 105	Kevin McKay, Sunnyside
Region 108	James Everett, Meridian
Region 109	Patty Dowd, Mukilteo
Region 110	Alan Spicciati, Auburn
Region 111	Tom Seigel, Bethel
Region 112	Mary Templeton, Washougal
Region 113	Cal Brodie, ESD 113
Region 114	Dana Rosenback, North Mason Monica Hunsaker, ESD 114
Region 123	Traci Pierce, Kennewick
Region 171	Greg Goodnight, Pateros
BPAC	Sarah Thornton, Pasco
ESDs	Michelle Price, North Central ESD 171
IPAC	Jennifer Bethman, Bethel
Principals.....	Matt Yarkosky, Bethel
Small Schools.....	Jake Dingman, Oakesdale
Special Education.....	John Sander, Franklin Pierce
Superintendents.....	Jeff Snell, Camas
Federal Liaison.....	Robert Bowman, Naches Valley Curt Guaglianone, Mount Adams Michelle Price, North Central ESD 171 Nathan McCann, Ridefield Krestin Bahr, Eatonville
WASA	Joel Aune, Executive Director Dan Steele, Assistant Executive Director Aaron Leavell (President) Sheila Chard, Administrative Assistant
Consultants.....	Mitch Denning (AEA) Fred Yancey (Pension/Health Benefits) Melissa Gombosky (AESD)

Approaching the 2021 Legislative Session, in the midst of the COVID-19 pandemic, it was feared that K–12 budgets would suffer. Fortunately, the economy began to stabilize—along with the provision of significant federal stimulus funds—and catastrophic reductions were set aside. In fact, the Legislature was able to sustain most education funding, along with some additional key investments to get school districts through the pandemic. School administrators recognize and appreciate our legislators’ efforts. While K–12 budgets were largely protected, however, most of our school districts’ critical needs hit the back burner. During the 2022 Legislative Session, it is urgent that K–12 education’s ongoing concerns are addressed. After reviewing our needs and requests from a position of equity, school administrators are committed to pursuing the following priorities:

Update Staff Allocations

In the 2011 transition to the Prototypical School Funding Model, original staffing allocations were funded at artificially low ratios based on historic staffing levels that had been in place since the late 1980’s to ensure the conversion was cost neutral. Since then, the need for student supports in local school districts has grown exponentially, yet the funding ratios for most staff positions have remained the same since the Model was first implemented. WASA urges the Legislature to begin fulfilling its commitment by phasing in updated ratios to achieve more realistic state-funded staffing levels in all schools, beginning first with investments to meet students’ needs for: mental health, social health, emotional health, and behavioral health.

Provide Consistent, Equitable, and Ample Education Resources

Several components of K–12’s funding structure are underfunded or have embedded inequities between districts that urgently need to be addressed. WASA urges the Legislature to promptly take action on the following components:

- **Fix Pupil Transportation.** Under the current Pupil Transportation funding model (STARS), many districts experience significant funding gaps; in the last four years many districts received an allocation below their costs. OFM recently found in most situations, the STARS model will not provide adequate resources to school districts and recommends, at the very least, that more funding be provided to the system. It is time to fix this formula.
- **Fully Fund Special Education.** Prior to the 2019 Session, OSPI identified a special education underfunded need of at least \$300 million. In 2019, the excess cost multiplier was increased; in 2020, additional funding was provided for safety net awards; in 2021, funding was provided for additional transition services, for professional development, and for family liaisons. While these incremental steps to reduce the special education funding gap are appreciated, the 2022 Legislature must take more deliberate action to eliminate the current underfunding.
- **Adjust Regionalization/Experience Factors.** Regionalization and Experience Factors are intended to ensure school districts can provide fair and equitable salaries to staff, allowing districts to hire the best teachers available. Regionalization Factors, however, have intensified rather than lessened inequities between districts. Similarly, Experience Factors were intended to lessen inequities; however, as currently implemented, additional funding only assists one-fifth of the state’s school districts because the calculation is overly limiting. The calculation and application of both factors need to be evaluated and adjusted.
- **Provide State-of-the-Art Technology and Connectivity.** The COVID-19 outbreak 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.

Advance Equity

Closing opportunity gaps for students is critical. WASA urges the Legislature to provide school districts the resources, tools, and flexibility to: ensure equitable learning opportunities, and fair treatment for each student; and recruit, support, and retain effective classroom, building, and district staff who reflect the diversity of our student populations, including ethnicity, and gender.

Invest in Learning Recovery

The COVID-19 pandemic, forcing school closures and long-term use of remote learning, was detrimental to many students. The 2021 Legislature recognized this, providing significant investments to support learning recovery and acceleration. Unfortunately, most of those programs are supported with one-time funds. Additional resources are needed to enhance, or at least sustain, learning recovery efforts to assist students academically and with mental health or social-emotional learning needs when the initial funds are exhausted.

Support Capital Facilities

WASA urges the Legislature to: give Washington’s citizens the opportunity to decide whether school district bond issues should be approved with a simple majority vote; and enhance the state’s investment in K–12 construction by updating the current, outdated funding formulas for the Construction Cost Allowance and Student Space Allocation to ensure funding more closely reflects actual construction costs and educational space needs.