

TWIO

This Week In Olympia

Special Edition: Opening Day

January 8, 2024

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About TWIO

This Week in Olympia (TWIO) is published by WASA in support of our members and members of our partners in WASBO, WSPA, and AEA.

TWIO is emailed each Friday during the Legislative Session and archived on WASA's website at <https://wasa-oly.org/WASA/TWIO>.



2024 Session Preview

This afternoon, January 8, 2024, the Legislature convened its second year of the 68th Biennial Session. This “short” session is limited to 60 days. Typically, second-year supplemental sessions have a heavy focus on policy issues and budget actions are limited to making minor tweaks to the two-year budgets (Operating, Capital, and Transportation) adopted in the previous long session.

You might recall two years ago—still in the midst of the COVID-19 pandemic—the 2022 Session was anything but typical. The Legislature ended up adopting a Supplemental Operating Budget that appropriated \$5.1 billion beyond the underlying 2021–23 Operating Budget. This was a significant increase, especially when compared to historical increases in a Supplemental Budget, normally in the \$300-\$500 million range. To put that increase in context, the full two-year 2021–23 budget “only” increased \$5.5 billion above the previous biennial budget.

As we discussed in the Pre-Session Legislative Update ([TWIO, December 15, 2023](#)), state revenues continue to be collected well-above [Economic and Revenue Forecast Council](#) predictions and adding the current Ending Fund Balance and reserve funds, legislators will have significant available revenue (potentially over \$5.0 billion) to play with. Presumably, legislators will be somewhat conservative given the substantial forecast risks and predictions that revenue growth will begin to slow in the next few years. There will, however, be tremendous pressure to make major investments from legislators, who will have a whole host of budget requests that would quickly gobble up available revenue, if adopted. While it is just an initial proposal to start the budget discussion, Governor Inslee’s 2024 Supplemental Operating Budget plan would appropriate an increase of just under \$2.0 billion (\$1.96 billion) above the current budget.

While things could change once serious budget discussions begin, budget-writers are already signaling they intend to be more conservative with increased spending. Last week, in a session preview, Senator June Robinson (D-Everett), recently appointed as the new Chair of the Senate Ways & Means Committee and the Senate Democrat lead budget-writer, noted she would push back on plans that create significant new spending. She said, “I know my [Democratic colleagues] have a lot of additional ideas that they would like to see funded; however, I just don’t think we’re going to be able to do a lot of additional, new initiatives.” She also said that while current state revenue is positive, the Legislature should “address

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WASA Legislative Report Podcast



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current financial obligations before creating new ones.” This is a philosophy you seldom hear from legislators.

Another issue that may force legislators to be more cautious than normal is the introduction of several citizen Initiatives that, if adopted in November, would blow a big hole in the budget. (More on those Initiatives below.)

Along with a lot of budget talk, legislators will have more than enough policy-related legislation to keep them busy. In addition to the 1,200 “holdover” bills from last session that were automatically reintroduced this morning, legislators pre-filed almost 600 new bills before the session even convened. (NOTE: Almost 1,700 bills, resolutions, and memorials were introduced in the 2023 Session; however, almost 500 of them were adopted and are now current law, leaving about 1,200 holdover pieces of legislation still in play in 2024.)

Given the short session and the lengthy To Do list, legislators will waste no time getting down to business. During a long, marathon-like session, action in the first couple of weeks is usually limited to ceremonial activities (swearing in new legislators, for example) and work sessions in most Committees in an attempt to bring everyone up to speed on key issues. During this short 60-day session, which will be more like a frenzied sprint, legislators are already primed to start hearing bills and a few Committees have already scheduled executive action later this week. Additionally, there are a number of bills in the House or Senate Rules Committees, ready to be debated and adopted by the full bodies. It is unclear whether either house will take Floor action this week; however, it is likely.

With a combination of a laundry list of potential action—bills and budgets—and a short, 60-day window, it will continue to be imperative that school administrators fully engage in the process. Without your voices, legislators will be forced to make, often uninformed, decisions that will impact you.

Engaging in the 2024 Session

WASA continues to encourage an increased involvement of our members in advocacy—specifically, our non-superintendent members. Superintendents generally are in the lead for most, if not all, of your district’s advocacy efforts—and they should continue to be the lead in terms of direction, voice, and priorities. We strongly encourage non-superintendents, however, to join with their superintendents to enhance your district’s voice—and WASA’s impact—by getting more involved in telling your district’s “Story.”

When the Legislature was forced to hold mostly virtual sessions during the pandemic, new—and easier—opportunities to engage in the process were opened. The 2024 Session will be fully open, with legislators meeting face-to-face in Olympia and with constituents and lobbyists meeting in Committee rooms and roaming the halls. The ability to engage remotely, however, continues. While meeting in-person, with legislators individually or to provide testimony in Committees, is the most effective approach, coming to Olympia can be a burden. This is especially true for administrators representing school districts which are far from the Capitol. Rather than taking a full day for travel (sometimes in bad winter weather) to meet with your legislators or provide testimony on a bill, you can participate from your office desk or kitchen table.

Both the House and Senate will continue its pandemic-established system to allow for remote participation in legislative Committee hearings. As they have been for several years, all hearings (and Floor sessions) will be streamed on TVW. Most of the activities will be live and all legislative activities will be archived to watch later. You can access live or recorded events directly from the [TVW website](#), although links to individual hearings are also available from the Legislature’s [Committee schedule](#) website (discussed below).

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Additionally, all Committee hearings will continue with in-person and virtual options, allowing remote testimony, written testimony, and an option to simply note for the record your position (support or oppose) on legislation. In order to participate in a particular hearing, you must first register for the meeting.

If you wish to participate in either a House or Senate hearing, navigate to the [Committee Sign In](#) website. At this point, click “[House](#)” for House Committee hearings, or “[Senate](#)” for Senate Committee hearings. Whether you are looking to participate in either a House or Senate Committee, the next page is the same for each:

Use the drop-down menu to choose the appropriate Committee and meeting time, then click on a button for the bill you would like to act upon. (NOTE: If you want to take action on multiple bills, you must repeat this process for each bill.)

- At this point, you have the option to provide live testimony, submit written comments, or state your position for the record.
- On the next page, you must note your position on the bill and provide your name and contact information.
- Finally, click the “Submit Registration” button at the bottom.

The “[House](#)” and “[Senate](#)” links (same as above) have detailed instructions on how to connect to the meetings. In addition to the process discussed above or available on the weblinks, there are some guidelines that you should be aware of. To provide live testimony, you must register at least one hour before the hearing begins. You will then be e-mailed a Zoom link with instructions on how to connect to the meeting. It is important to remember that your testimony time will likely be very limited (potentially as little as one or two minutes)—and registering does not guarantee that you will be allowed to testify. There are also time limits for written testimony; the window for written testimony will close 24 hours after the start time of the hearing.

In addition to the direct links above, you can also visit the Legislature’s “[Participating in the Process](#)” page. This page includes links to the registration sites noted above, as well as two additional links. On the left side, the [first link](#) takes you to a list of legislators that you can email. Find the legislator you would like to communicate with and click on their name. A form will pop up for you to fill out with your message, which will be emailed directly to that legislator. Sending an email from your own account probably is more likely to catch a legislator’s attention; however, this is a quick and easy option to connect. If you do not know who your legislators are, the Legislature’s website provides a “[district finder](#).” When you fill in your address, the site will display your three legislators, with links to their webpage. If you use the district finder, you will have to determine if you should use your home address or the address of your school district. Remember that your school district may be represented by multiple legislative districts; however, the district finder will only display legislators that represent the specific address you provide.

The [second additional link](#) sends you to the “Bill Information” page. Enter a bill number and on the bill’s webpage, hit the green “Send a Comment on this Bill to your Legislators” button (highlighted on the right). This will send you to a form for the bill on which you wish to provide comments. Again, it is more personal and impactful to send an email from your own account; however, this is another quick and easy way to submit comments.

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To keep track of when bills of interest will be heard, you can follow the Legislature’s [Committee schedule](#) page. You can check schedules each day, a week, or longer. (Note, however, that Committee weekly hearing schedules become available on the previous Thursday. In other words, if you look too far ahead, you will likely receive a notice saying, “No Meetings Found.”) These *TWIO* newsletters will also provide scheduling information for many of the key bills that need to be addressed by administrators.

To see the full list of bills of interest to administrators, see the end of every regular edition of the *TWIO* newsletter—or visit WASA’s Bill Watch page on the WASA website. WASA’s Bill Watch page includes two lists. The first is the *TWIO* list of priority bills and/or bills that have direct impacts on K–12 education. The second list, Comprehensive Bill Watch, includes the *TWIO* list bills, as well as other bills that may have an indirect impact on K–12 education—or have the potential of being amended to impact K–12 education.

The Committee schedule page also includes agendas and Committee documents (including bill language, bill reports, amendments, and staff or agency presentations) which may be of interest. The posted documents, however, are usually not available to the public until the hearing has started.

Virtual participation is a simple process and the Legislature’s webpage provides easy to follow instructions. Of course, if you run into trouble or cannot find a particular bill, please contact us and we can provide assistance. Your engagement is crucial to our success, and we want to make it as easy and comfortable for you as possible. To support your advocacy efforts, WASA will continue to provide resources and assistance, including our 2024 Legislative Platform (discussed below); these *TWIO* newsletters (published Fridays); and our legislative podcast (available Monday or Tuesday each week).

Issues of Concern

WASA’s 2024 Legislative Platform (discussed later in this newsletter) includes several key issues to support K–12 education; however, no Platform can address the large breadth of issues that legislators will be submitting as bills this session. We consistently remind our members, however, that just because an issue is not included in our Platform, it does not mean we will not support—or oppose—those bills. There are a number of key “non-Platform” issues in which we will fully engage; a handful of these issues are already known and are discussed here.

Initiatives to the Legislature

In the 2024 Session, there are potentially six Initiatives to the Legislature that must be addressed. Registered voter signatures are currently being reviewed by the Secretary of State. Submitted signatures for each Initiative, however, far exceeded the necessary threshold for certification, so it is believed each Initiative will eventually be certified.

First, let’s talk process. Initiatives to the Legislature, if certified, are introduced in the Session to be acted upon. For each Initiative, legislators have three options: (1) Legislators can adopt an Initiative as proposed and the Initiative will become law (the governor has no veto authority); (2) Legislators may reject or refuse to act on an Initiative and it will be placed on the November election ballot; or (3) Legislators may adopt an alternative to the proposed Initiative and, if adopted, both measures (i.e., the original Initiative and the alternative) will be placed on the November election ballot.

Introduced by Representative Jim Walsh (R-Aberdeen), five of the six Initiatives would dramatically alter—or repeal—current laws supported and adopted by the

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Legislature’s Democratic majorities. The sixth Initiative would take action on an issue Rep. Walsh believes legislators should address but has not (in his view). The sixth Initiative, [I-2081](#), is the only one of the six that directly impacts K–12 Education. The Initiative would codify a “parent’s bill of rights.” The measure, in simple terms, would require parents to be able to review educational materials and receive copies of academic and medical records; would require parents to receive written notice and the option to opt their child out of surveys, assignments, questionnaires, that address a child’s “sexual experiences or attractions” or their family religion or political affiliations. Additionally, parents would be required to be notified if their child receives any medications or medical care that could result in a financial impact.

OSPI has review I-2081 and they believe most of the provisions of the Initiative are consistent with existing law. They continue to review the language, however. One of the specific issues is whether the Initiative would conflict with any civil rights protections or guidelines established by the Human Rights Commission.

The other Initiatives:

- [I-2109](#) would repeal the Capital Gains Tax. If adopted, this Initiative would cut off a major revenue stream—funds that were specifically established to support the Early Childhood Education and Assistance Program (ECEAP), which is scheduled to become an entitlement program in the 2026–27 school year, as required by [The Fair Start for Kids Act of 2021](#). Adoption of I-2109 would also impact K–12 construction funding. As discussed in the Pre-Session issue of *TWIO* ([December 15, 2023](#)), revenues received from the Capital Gains Tax that exceed \$500 million in any fiscal year are deposited in the Common School Construction Account to support funding of K–12 facilities. The 2024 Supplemental Capital Budget will likely appropriate several hundred million dollars of Capital Gains revenue to support education construction. It should be noted, however, Capital Gains is a volatile revenue source, so with or without adoption of this repeal, it is very unclear whether—or how much—K–12 construction will receive in the future.
- [I-2111](#) would specifically prohibit the imposition of income taxes throughout Washington. If adopted, the State and any city, county, or local jurisdiction would be barred from taxing any form of personal income. This issue is somewhat linked to the Capital Gains Tax, as opponents believe it was the first step to adopting an income tax—and some supporters have admitted that implementation of the Capital Gains Tax is a test case to determine if an income tax would pass constitutional muster.
- [I-2113](#) would repeal the recently adopted police pursuit law. Police would be provided with additional leeway to pursue suspected criminals by rejecting the current law that bars a police officer from initiating a chase unless they suspect a person has or is committing certain crimes. Legislators wrestled with this issue for at least two years, with an initial swing-and-a-miss, followed a second shot many believe did not solve the problem. While not impactful of K–12 education, this is one of the issues that could occupy a lot of air space.
- [I-2117](#) would repeal the Carbon Credit Trading program (also known as Cap-and-Invest or Cap-and-Trade—and derisively described by opponents as Cap-and Tax). The program caps annual greenhouse gas emissions for major emitters such as oil refiners and utilities, and requires them to obtain allowances for each metric ton of emission. Auctions for those “carbon credit” allowances have raised \$2.2 billion over the first year of the program/s implementation. Whether you support or oppose, the fact is that Governor Inslee and environmental-minded legislators have

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\$2.2 billion of “off-book” funds (not a part of the State’s General Fund) to specifically spend on climate and environmental projects. In the 2023 Session, legislators appropriated \$2.1 billion of the funds. Without this program, legislators potentially would have supported similar spending; however, it would have either inflated the state budget, or limited spending in other areas—including K–12 Education.

- **I-2124** would alter the Long-term Services and Supports Trust Program (also known as, Washington Cares) by making participation in the program optional, rather than mandatory. If adopted, employees would be provided with an avenue out of the new state-Imposed, long-term care program at any time. While this issue is not education-related, it forced all employees—public and private, including school district employees—with limited exemptions, to participate in Washington Cares, with a mandatory payroll tax automatically deducted from paychecks. When the program was first implemented, many school district labor unions attempted to include these mandatory deductions in the discussion of Collective Bargaining Agreements. Although it was a heavy discussion at some bargaining tables, we are not aware of any districts that included the payment of these payroll taxes in any CBA.

Again, other than I-2081, these Initiatives do not have specific K–12 education impacts; however, we will be watching the closely for at least two reasons. First, contentious conversations among legislators about how to address these issues have the potential of sucking all the air out of the room, closing off constructive conversations about other major issues. The second reason is that the issues, if adopted, could have major impacts on the state budget, which would likely have ripple effects in the K–12 portion of the budget.

Paraeducator Compensation

In our review of Superintendent Reykdal’s and Governor Inslee’s Supplemental Operating Budget proposals ([Pre-Session TWIO, December 15, 2023](#)), we discussed the largest requested investment in both plans: a salary increase for paraeducators. Reykdal requested a \$7 per hour increase, adjusted by regionalization and inflation. His request would cost \$193.6 million—occupying 71 percent of the superintendent’s overall Policy Level increase. Inslee requested a \$3 per hour increase, also adjusted by regionalization and inflation. His request would cost \$64.4 million—almost half of the governor’s overall Policy Level increase for K–12 Education.

Both plans would be based on paraeducators hired in the 2022–23 school year. Reykdal’s plan also includes a “compliance mechanism” to ensure the student-to-paraeducator ratio is retained. It should be noted that Reykdal’s Decision Package uses the 2022–23 school year as a baseline for compliance; however, his draft bill to implement his plan indicated the 2018–19 school year is the baseline. It is our understanding that this baseline was adjusted because there were more paraeducators in 2018–19 than in 2022–23, which makes the compliance mechanism that much more difficult.

Both plans also “intend” to provide state funding for “all” paraeducators—that is, state-funded, as well as local, grant, or federally funded staff. This is positive, although the Legislature has NEVER provided state funding for staff hired with non-state funds—and it seems highly unlikely legislators will break with this long-held policy just for paraeducators. If not all paraeducators receive state-funded increases, this becomes a massive unfunded mandate—and given the compliance mechanism, a district cannot simply layoff staff to avoid the mandate.

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Further complicating the proposal from the governor is language in his proposed 2024 Supplemental Operating Budget ([HB 2104/SB 5950](#)) that clearly states the funding provided for paraeducator salary increases “is not part of the state’s program of basic education.” In a sense, this is understandable; however, this is a huge red flag. It is an indication that the governor is not necessary committed to make this funding on-going. Perhaps the worst case scenario is being required to inflate paraeducators salaries, with state funds that are later eliminated; you would be on the hook for the raises.

School administrators want to provide appropriate salaries to their employees; however, school leaders should be given the flexibility to make decisions that match individual district circumstances. Truly, if legislators want to dictate to school districts how much to pay paraeducators, perhaps they should drop the pretense and take over bargaining for all employees—and then pay for it. And, as a practical matter, IF salary increases end up being provided, they should be “market rate” salaries, not a so-called “living wage.”

Among other things, there are two major concerns with both the superintendent’s and the governor’s plans: One, by providing salary increases for ONE set of staff, this will force bargaining difficulties locally, as classified staff and other employees ask for similar increase. Two, school districts are creative when it comes to budget difficulties; however, with these proposals, districts simply will not be able to operationalize either plan.

We are very concerned about the traction either of these proposals have; however, we believe a third option would be more workable. WEA has requested legislation ([HB 1960/SB 5882](#)) to enhance classified staff ratios in the Prototypical School Funding Model. While WEA would like to see additional salary for paraeducators (as well as classified staff as a whole), they believe providing for additional staff would provide students greater support than by arbitrarily increasing salaries.

NOTE: SB 5882 will be heard in the Senate Early Learning & K–12 Education Committee on Wednesday, January 10, at 10:30 a.m. Your input would be appreciated. We intend to support—because it follows our ongoing request to provide realistic staffing allocations in the Prototypical School Funding Model, but also because this option may be a way to get the salary proposals set aside.

Student Restraint or Isolation

In the 2023 Session, this issue was highly controversial—and generally problematic for district and building leaders. The House bill ([HB 1479](#)) had a difficult journey as it moved from the House Education Committee, House Appropriations Committee, and eventually from the full House. The bill was amended multiple times and contentious debate was held at each stop. After it reached the Senate, the Senate Early Learning & K–12 Education Committee heard the bill—then everything went dark as legislators from both houses tried to hammer out a compromise behind-the-scenes. Just prior to the opposite house Committee cutoff, it was announced that an agreement was not forthcoming, and the bill would be set down for the Session.

During the interim, negotiations from several legislators continued. It did not appear the discussions were going to produce a solution. Finally, we heard from the sponsor of the bill that a new bill was not ready for primetime and the issue was not going to be addressed in 2024. We urged all along to go slow, so this was welcome news. Until the next shoe dropped just a few weeks later. We learned that the bill/issue was a priority of Representative Sharon Santos (D-Seattle), Chair of the House Education Committee, and it WOULD be addressed in 2024.

Legislators in the continued to meet to craft potential amendments. At the same time, Senator Claire Wilson (D-Federal Way), who was negotiating amendments on the House bill last year, was working on her own bill. As this Session begins,

we have two bills on the table, HB 1479 from last year, and a pre-filed bill from Sen. Wilson, [SB 5966](#).

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As a clear indication this issue is a priority for Rep. Santos, this week she has set up two work sessions, followed by a public hearing on HB 1479. This afternoon, January 8, at 1:30 p.m., the House Education Committee will hold a work session on student isolation and restraint, with a discussion of the law and background on the issue. Tomorrow, Tuesday, January 9, at 4:00 p.m., the Committee will hold a second work session with presentations from teachers, principals, and school administrators (among others). These two work sessions will be followed up with a public hearing for HB 1479 on Thursday, January 11, at 8:00 a.m. (It should be noted that HB 1479 currently resides in the House Rules Committee; however, it is expected the bill will be rereferred to the House Education Committee for action.)

SB 5966 has not yet been scheduled for action and it is unclear what the strategy will be: wait for HB 1479 to cross the Rotunda and amend the bill; or run SB 5966 concurrently and work on compromises along the way.

You should also understand that, as mentioned above, we urged legislators to go slow on this issue. And after negotiations between the houses fell apart, we thought clearer heads would prevail. The evidence of that happening was some funding in the Operating Budget for professional development to school districts and also grants to a few districts to act as demonstration projects. Additionally, OSPI was provided some funding to create a technical assistance manual to support the elimination of isolation and reduction of restraint and room clears based on the results of the demonstration projects. A report is required by September 1, 2024. One of the requirements is recommendation for statewide policy changes. Wait—a report with recommendations is due in September 2024...but adopting a law on restraint and isolation is a priority THIS Session? Putting the cart before the horse, to say the least.

Insurance Costs

Dramatic and unanticipated increases in insurance have caused financial distress in many districts across the state. We regularly encourage you to “tell your stories” to legislators. This is an area where a story would help; however, cold, hard data in-hand would provide the necessary information legislators need to hear and understand. Unfortunately, like most school finance issues, many legislators do not understand the concern. Sure, insurance costs have gone up, but state funding for Materials, Supplies, and Operating Costs (MSOC) has also increased—what’s the problem? Legislators do not seem to understand (or are unwilling to acknowledge) that insurance rates have increased dramatically, while increases in MSOC have not even matched inflation.

We are still wrestling with a solution; however, it appears the only viable option is for MSOC funding to increase. One of the concerns with this approach is that MSOC is funded at a per-student rate. Even if legislators provided a large increase in MSOC, small school districts likely would not see an appropriate increase to cover their costs. Given that, we are also attempting to see if some kind of funding floor (a minimum, that is) would be workable. Stay tuned.

One of the (many) reasons we have seen insurance rate increases is because insuring in Washington—and school districts, specifically—has become riskier. Understand, insurance companies are not in the business to provide charity and seeking to make a profit is appropriate. The problem, however, is it is becoming harder to make money in Washington due to actions—or inactions—by our Legislature.

One of the issues that scares insurance companies is the issue of Prejudgment Interest ([HB 1649/SB 5059](#)). This is not an “education” issue; however, if it is adopted, it could have massive fiscal implications for school districts. In simple terms, under current law, if an individual, entity, or public agency (including school

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districts) was sued for tortious conduct—and lost—interest on any judgment would begin to accrue from the date the judgment was entered. Under prejudgment interest, if an individual, entity, or public agency (including school districts) was sued for tortious conduct—and lost—interest on any judgment would begin to accrue from the date of the tortious conduct.

One thing that may help slow this issue (at least potentially) is a change in the House. Drew Hansen (D-Bainbridge Island) was the Chair of the House Civil Rights & Judiciary Committee, which had jurisdiction of this issue. Hansen was a major supporter of the issue; however, he left the House—and his Chairmanship—after being appointed to fill a Senate vacancy (Senator Christine Rolfes, who resigned for a County Commissioner seat).

A similar concerning issue, is the proposed elimination of the statute of limitations for civil actions based on childhood sexual abuse ([HB 1618](#)). Can you imagine a child being sexually abused in your school, who files a claim 20 or 30 years after the fact? This issue and prejudgment interest could potentially bankrupt a district.

We are working with our partners with the school risk pools, as well as other education associations and other entities that would be impacted by these issues and hoping to see some positive resolution.

2024 WASA Legislative Platform

NOTE: Below is a description of the six planks in [WASA’s 2024 Legislative Platform](#), along with relevant UPDATES following the development, adoption, and release of the Platform.)

WASA has once again established a set of bold legislative priorities which clearly request what we believe our students and districts NEED, rather than asking for anything less than what is essential. Of course, we will be strategic and pragmatic in an effort to achieve as many “wins” as possible—but not at the expense of being honest with legislators and the public about what is needed to provide each of our students a quality education. Ultimately, it is a question about how “success” is defined. Asking for less than what is needed and achieving it is a defeat. We will ask for exactly what we need and try to gain as much from those requests as possible, all the while laying the groundwork and building momentum for a real win later.

Advance Equity

WASA’s 2024 Legislative Platform comprises specific requests that we believe are needed to ensure each and every student is provided with equitable learning environments where they can learn and achieve their educational goals and aspirations. The overarching theme of the Platform is embodied in the first plank: Advance Equity. Under this plank, WASA is focusing on three equity issues. One is needed assistance from the Legislature to ensure districts have the appropriate tools, resources, and flexibility to ensure each student has the opportunity to achieve successful outcomes. The second is the need of resources to recruit, support, and retain effective classroom, building, and district staff who reflect the diversity of our student populations. The remainder of the Platform links with this overarching position (which mirrors WASA’s [Educational Equity Statement](#), adopted last year).

Research clearly shows that children of color and children in poverty were disproportionately impacted by the pandemic and many students continue to grapple with the resultant learning loss. The third equity issue seeks assistance with learning recovery options. Whatever assistance we receive, whether it be intensive tutoring, extended learning, or some other support, we have to ensure there is equitable access to these options.

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School administrators must acknowledge the increased support the Legislature has provided over the last several years, particularly a significant increase (\$373 million) in 2023. Unfortunately, school district expenditures for special education and related services continue to substantially exceed special education funding. In fact, the need to “fully fund” special education last year was just over \$800 million. So, substantial additional support was provided, yet that substantial support was less than half of the gap.

UPDATE: There will be several special education issues on the table in 2024; however, it appears the appetite is for continuing nibbles at the problem rather than anything close to a full-meal deal. Part of the reluctance comes from the culture of a Supplemental Session. A larger obstacle is that legislators last year, especially in the House, made it clear they were unwilling to provide “full funding” (acknowledging they knew they were unconstitutionally underfunding special education) until they could verify school districts were spending the current appropriations appropriately. In the final special education funding bill ([HB 1436](#)), legislators tacked on a required review by the Joint Legislative Audit & Review Committee (JLARC). Positively, Governor Inslee vetoed this requirement; however, JLARC is controlled by legislators and they can adopt their own workplan—and they added a [special education review](#) to their current workplan, aligned with many of the questions that were to be addressed in the adopted legislation. JLARC will submit a preliminary report in November 2024, but a final report is not due until January 2025. (So, legislators plan to take action on Student Restraint and Isolation, even though a required review will not be completed until September 2024, but Special Education funding cannot be addressed this session because legislators are waiting for completion of a report? A reminder that one should not expect legislators to be consistent.)

Again, there will be much action around special education this year; however, the funding issue will likely be set aside. Even Superintendent Reykdal, who had a nearly \$1.0 billion special education request last year, has completely dropped the overall funding issue and requests \$18.5 million to eliminate the education funding cap and fully fund the Inclusionary Practices Project. Other issues that will be addressed:

- [HB 1914](#)—Among other things, the bill requires school districts to provide information to parents indicating the quantity of each service delivered to the student and the method in which the service was delivered and clarifies that school districts have the burden of proof in due process hearings. Additionally, ESDs are required to contract for speech language pathologists, audiologists, psychologists, physical therapists, orientation and mobility specialists, occupational therapists, and behavior analysts. **HB 1914 is scheduled for a public hearing in the House Education Committee on Thursday, January 11, at 8:00 a.m.**
- [HB 1923](#)—Beginning in 2024–25, the special education funding cap would be increased 0.5 percent each year until 2027–28, at which time the cap would be eliminated. Additionally, school districts with less than 2,500 students, school districts that received safety net awards in the previous year, and school districts which have at least 10 percent students with a military parent would not be subject to an enrollment cap beginning in 2024–25.
- [HB 1973/SB 5852](#)—Addresses the safety net process.
- [HB 2121/SB 5883](#)—Clarifies school districts have the burden of proof in due process hearings.

- [HB 2180/SB 6014](#)—Requested by Governor Inslee, would increase the special education enrollment funding cap to 17.25 percent.

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Fix Pupil Transportation

Like special education, pupil transportation—another basic education item—continues to be underfunded, requiring many districts to backfill the gap with levy funds. We continue to request the current system be overhauled to ensure it is transparent, predictable, and adequately funded.

UPDATE: Fixing the pupil transportation funding system will again be an uphill battle, although Senator Lisa Wellman (D-Mercer Island) will continue to push the issue. She has introduced [SB 5873](#), **which will be heard in the Senate Early Learning & K–12 Education Committee on Wednesday, January 10, at 10:30 a.m.**

[SB 6031](#) has been introduced to modify the current transportation funding formula to accommodate multiple vehicle types. Language states that “school districts are encouraged to use the vehicle type deemed by a district to be the safest and most cost-effective manner of transporting its students, including using school buses and vans.”

Another pupil transportation issue that will get a lot of play this year is electric buses. A returning bill from last year, [HB 1368](#), **will be heard in the House Education Committee on Thursday, January 11, at 4:00 p.m.**

The bill would require buses purchased by public school districts to be zero-emission (not necessarily “electric”) school buses beginning September 1, 2033 (although there has been some talk about shortening that deadline). The bill would also establish a zero-emission school bus grant program that would be administered by the Department of Ecology. The intent is to use Climate Commitment Act proceeds to fund the grant program, and also assist with infrastructure needs.

Provide Consistent and Equitable Education Resources

In 2023, a major portion of WASA’s Legislative Platform was in support of the [K–12 Basic Education Compensation Advisory Committee](#), which was established to provide recommendations on how to “rebase” various components of the McCleary solution. Unfortunately, most of the recommendations were rejected and many of them were outright ignored. Given that the next full rebase will not occur until 2026, WASA’s 2024 Platform focuses specifically on regionalization and the experience factor. We urge the Legislature to immediately revamp the methodology of regionalization and experience factors to ensure school districts receive more consistent and equitable resources. The current regionalization methodology of using housing costs is flawed and the implementation of experience factors is unfair. Even though regionalization and the experience factor were adopted to reduce or eliminate inequities between school districts, the current calculation of these factors has exacerbated inequities.

UPDATE: Updating regionalization continues to be a non-starter for most legislators. Fortunately, adjustments to the experience factor are starting to gain a bit of traction. We continue to support a returning bill, [SB 5671](#). SB 5671 aligns with our position which is to:

- Make districts eligible for an experience factor if they have above average staff experience OR above average staff education (currently a district must be above average in both areas);
- Adjust experience factors annually (currently the factors are only updated with the required McCleary rebase; that is, every four years); and

- Establish a slow step-down for districts that lose the experience factor.

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Last session, the SB 5671 was given a hearing in the Senate Early Learning & K–12 Education Committee, but there was no intention of taking further action on the bill. Senator Wellman, Chair of the Committee, however, indicated later that she understood the issue and wanted to address a solution in 2024. A slimmed down version of the bill is set to be on the table soon. The bill would maintain the second and third points noted above; it does not address the AND/OR issue for district eligibility. We understand the strategy will be to introduce a striking amendment to the current SB 5671 in the Senate Education Committee, rather than introduce a full new bill. Hopefully, Sen. Wellman will maintain her support, hold a public hearing—and adopt the bill.

Updating Staff Allocations

We—and the other education management associations in the [School Funding Coalition](#)—continue to support the recommendations from the [Staffing Enrichment Workgroup](#) (2019). Their recommendations included two phases. In 2022, the Legislature provided funding for a three-year phase in of enhanced staff allocations in the Prototypical School Funding Model for Physical, Social, and Emotional support staff (i.e., nurses, counselors, social workers, and psychologists). This addressed a major portion of one of the recommendations in Phase I. We are advocating the 2024 Legislature complete Phase I by: enhancing the staffing ratio for school principals; increasing professional development; and adding continuous improvement coaches into the Model. This is one of the long-term issues we will have to continue to keep on legislators’ minds. Even if they moved to complete Phase I of the Workgroup recommendations, Phase II still needs to be addressed.

UPDATE: [HB 1741](#), introduced last session by Representative Alicia Rule (D-Blaine), continues to live; however, Rep. Rule has introduced a scaled down version of the bill ([HB 2212](#)), which only addresses enhanced allocations for school principals. The bill has not yet been scheduled for a hearing; however, members of the School Funding Coalition have been getting the word out to legislators about the issue and with a scaled down bill, which addresses critically important principals, the hope is there will be some movement.

As noted above, [HB 1960/SB 5882](#) was introduced to enhance classified staffing allocations. While this is a Phase II issue, under the Staffing Enrichment Workgroup, and we have been asking for the completion of Phase I, any updates to the Prototypical School Funding Model that makes the current ratios more realistic is positive. We can also use this issue to highlight other areas in the Model that need updates.

SB 5882 will be heard in the Senate Early Learning & K–12 Education Committee on Wednesday, January 10, at 10:30 a.m.

Support Capital Facilities

We will again be asking the Legislature to give our citizens the opportunity to finally decide whether school district bonds should be approved by a simple majority vote. We will also again be pushing for reforms of the outdated funding formulas (Student Space Allocation and Construction Cost Allocation) for school construction. The Legislature has “fully funded” school construction for decades; however, they have been fully funding antiquated and inadequate funding formulas. Fully funding an inadequate formula does not appropriately address school district needs. We will also urge the Legislature to assistance for school districts that have difficulty passing local bonds or have limited debt capacity to support necessary new construction or modernization.

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UPDATE: It appears there will be a heavy conversation about school construction this session, even though it is a supplemental year. First, the [Wahkiakum School District construction suit](#) was being watched closely by legislators—and even though the district lost the case, many legislators are scared to death that another district might step up and ask the “right” questions and win the case. If that were to happen, billions of dollars would flow to school construction projects—and higher education and state agency projects would have to be put on the backburner. Second, new revenue is flowing into the Common School Construction Account (CSCA) from the Capital Gains Tax. While those funds can boost spending for school construction, it is important to know that that additional revenue can be supplanted—there is no prohibition from swapping out current construction revenues and replacing them with Common School Construction Account (via Capital Gains) funds. In fact, that is exactly what the governor proposes in his Supplemental Capital Budget plan. He would appropriate \$561.36 million from the CSCA—a fairly large increase. At the same time, however, he would essentially zero out OSPI’s bonding authority—reducing bonds in the K–12 Capital Budget by \$450.81 million. So, under the governor’s plan, new revenue from Capital Gains is not a windfall—it is a zero-sum game. And, by the way, the governor does not capture those previous K–12 funds and put them in the bank—those funds are appropriated to other areas of government.

A new bill has been introduced for the simple majority for bonds and will receive early action. The constitutional amendment, [SJR 8207](#), **along with its necessary implementation bill, [SB 5823](#), authorizing the simple majority approval of school district bonds, will be heard in the Senate Early Learning & K–12 Education Committee on Wednesday, January 10, at 10:30 a.m.**

Another bill, which would allow sales tax on construction projects to be used in the calculation of School Construction Assistance Program funding, [SB 5789](#), **will also be heard in the Senate Early Learning & K–12 Education Committee on Wednesday, January 10, at 10:30 a.m.**