



TWIO

This Week In Olympia

Special Edition: *Sine Die*

March 8, 2024



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.

This *Sine Die* Special Edition is the last TWIO of the 2024 Regular Session. TWIO's are archived on WASA's website at <https://wasa-oly.org/WASA/TWIO>.



Last night, shortly before 6:00 p.m., the 68th Biennial Legislature adjourned its 2024 Supplemental Session, *Sine Die*. *Sine Die* is Latin for “without day,” or “without any future date being designated,” meaning the legislative session has concluded, without setting a day to reconvene. Technically, *Sine Die* does not really work for our Legislature, given that the state constitution dictates the Legislature annually convene a session, beginning the second Monday in January. But why quibble over tradition?

Over the past 60-day sprint, the Legislature: introduced almost 1,200 bills, resolutions, and memorials; addressed a total almost 2,400 pieces of legislation (from 2023 and 2024, but not including bills adopted last session); and adopted 399 bills. A significant number of these bills were adopted in the last couple of weeks. We will not take the time to address all of the action; as always, we will update you on the highlights here.

Negotiations on the three Budgets—2024 Supplemental Operating ([SB 5950](#)); 2024 Supplemental Capital ([SB 5949](#)); and 2024 Supplemental Transportation ([HB 2134](#))—came to a close this week (or this past weekend) and final, compromise bills were released and addressed. The final Capital Budget was the first to be acted upon, passing the House and Senate on Wednesday, with no dissenting votes in either Chamber. Next came the final Operating Budget, with budget-writers meeting for a perfunctory Conference Committee (to discuss an already agreed upon compromise) yesterday, followed by Floor votes. The House adopted the Conference Report on a straight party-line vote, with all 58 Democratic members supporting and 39 Republicans opposing (with one Republican excused). The Senate then adopted the Conference Report with a 39-8 vote. All 29 Democratic senators were joined by ten Republicans to support, while eight Republicans opposed (with two Republicans excused). Shortly after came the final Transportation Budget. Prior to negotiations, there were rumblings that budget-writers would not be able to come to an agreement; however, they released a compromise over the weekend. And for a Budget that was surrounded by questions about viability, it was interesting to see the Conference Report (following a perfunctory Conference Committee meeting, similar to Operating Budget Conferees) be adopted with no dissenting votes in the House, then followed by passage in the Senate with no dissenting votes.

For K–12 details of the Budgets, see the March 7, [Special Budget Edition TWIO](#); or for complete details, including bill text, summaries, agency detail, and other information, see the Legislature's [budget website](#).

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WASA Legislative Report Podcast



The Podcast will be available on a regular basis on the [WASA website](#), or [subscribe to the Report](#) via multiple podcast apps.

There are a large number of important bills (adopted or not) that we do not have time to discuss in these newsletters (they would be 50-page monsters that you likely would not read, even if we could produce them). We do actively watch and/or engage in other legislation, much of which you should be aware—because they have implications (positive or negative) for students, staff, and your school districts.

To get you completely caught up, each year we report on ALL of the bills on our tracking list in our End of Session Report; which WASA staff has begun to work on. The 2024 Report will include complete details on the 2024 Supplemental Operating and Capital Budgets (not just the highpoint summaries we provide in our Special Edition TWIOs), along with a comprehensive review of the many education-related bills the Legislature addressed this session. It will be emailed to all TWIO subscribers (and available on the WASA website) as soon as it is completed.

Today’s update will focus on the legislation that has been moving recently and not delve into the Budgets—unless the bills addressed are budget-related. We provided summaries of the final 2024 Supplemental Operating Budget and the 2024 Supplemental Capital Budget in a [Special Budget Edition TWIO](#) yesterday.

In an effort to quickly produce these special editions—because we want to get you the information as quickly as possible—we can miss a few things, or make an error or two. We provided some incorrect information on an issue on which many of you have been engaged: providing small school districts with access to Skills Centers. Legislation in the last few years has been introduced to deal with the issue, but it has not been able to get over the hump. This year, a budget proviso and funding has been included in the final 2024 Operating Budget. In our summary, we noted funding has been provided (\$1.4 million) for grants to small school districts to enable student access to regional Skills Centers for Career and Technical Education. We noted that “small school districts” are defined as having 750 students or less. Unfortunately, an earlier proposal pegged support for districts with 750 students; however, the final Budget provided support to school districts with enrollment of fewer than 2,750 students. As we have more time to thoroughly review the Budgets for our End of Session Report, hopefully, we can eliminate those errors.

In yesterday’s Special Budget Edition of *TWIO*, we noted three bills that were referenced in the Operating Budget, but the legislation had not yet been adopted and were in dispute:

1. [HB 1044](#) would have provided capital assistance to school districts that have demonstrated funding challenges. The Senate Ways & Means Committee adopted a [striking amendment](#), which made two major changes. First, the amended bill would have made the prioritized project list of the Small School District Modernization Grant Program the first priority of the Common School Construction Account after payment of principal and interest for Skills Center bonds. Second, it would have provided a funding stream in statute. Starting in 2025–27, the amendment required no less than \$60 million in new appropriations in the Capital Budget to be used to fund the Small School District prioritized list, and any remaining amounts in the Common School Construction Account fund could have been appropriated for other common school construction purposes. The \$60 million appropriated in 2025–27 would be increased to \$70 million in 2027–29 and to \$80 million in 2029–31 and every biennium thereafter.

The amendment mirrored [SB 5126](#), which passed the Senate last year and was bottled up in the House. You might recall, in an effort to move the bill, the Senate tacked language from SB 5126 onto HB 1044 before they passed the bill back to the House. HB 1044 ping-ponged between the houses in the latter days of the 2023 Session and ultimately both bills died.

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In this session, after the Senate adopted HB 1044 with its amendment (on February 28), the House Capital Budget Chair, Representative Steve Tharinger (D-Port Townsend), refused to act on it. The bill likely would have ping-ponged between the houses like last year; however, Chair Tharinger held the bill and would not let it move. In the waning days of session, there was a full court press to persuade Tharinger to move the bill and an effort to get his colleagues to pressure and/or persuade the Chair to positively act. Finally, in a last ditch effort, Senator Mark Mullet (D-Issaquah), the Capital Budget lead for the Senate Democrats, told Tharinger they wanted HB 1044 to pass and the Senate would drop its amendments. Still Tharinger refused to move and the bill died.

Unlike many budget provisos, the funding for a dead HB 1044 will not lapse. Instead, Capital Budget language stipulates, in the event of HB 1044 not being adopted, the funding (\$2.0 million) will be added to the pot of money available for the Small District & Tribal Compact Schools Modernization grant program.

2. [SB 6031](#) originally would have allowed school districts to use their pupil transportation allocation to purchase “the vehicle type that the district deems to be the safest and most cost-effective,” rather than only a big, yellow school bus. When the bill reached the House Appropriations Committee, it was amended. A [striking amendment](#) eliminated the underlying bill and inserted language requiring OSPI to perform an analysis of pupil transportation and make recommendations regarding a new transportation funding formula. This requirement was similar to the language contained in [SB 5873](#), which the House Appropriations Committee heard, but never otherwise acted upon, allowing it to die at the opposite house fiscal committee cutoff.

As the clock continued to advance towards the end of session, we reached out to key members in the House; however, they were unwilling to budge from their position. Ultimately, the bill died, killing a review of the current transportation formula and a review of alternative models—and the original idea: providing flexibility in the use of pupil transportation allocations.

The funding provided in the 2024 Supplemental Operating Budget will lapse (and as a clean-up maneuver, the governor will likely veto this language from the Budget).

3. [HB 1915](#), as originally introduced, would have made financial education instruction a graduation requirement. We continue to be concerned about the lack of flexibility students have in gaining 24 credits in order to graduate—and we continue to be concerned that many school districts do not have the capacity to tack on yet another required course. On top of the graduation requirement, the bill would have also required all school districts to provide financial education instruction to students in elementary and middle school grades.

Before moving out of the House, the tight timelines for a new graduation requirement were pushed back to 2031; however, all school districts were still required to provide high school students with access one-half credit of financial education instruction by the 2027–28 school year.

The Senate had different ideas. They maintained the requirement to provide high school students access to financial education instruction—but dropped the graduation requirement. And the fight was on. When the Senate-amended HB 1915 arrived back in the House, they refused to concur with the Senate amendments. Rather than simply send the bill back to the Senate, however, the House also immediately requested a Conference Committee to negotiate on a compromise (they also

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appointed their Conferees before even waiting for the Senate to respond). The Senate decided to play hardball and insisted on their position—and asked the House to concur. The Senate never accepted the motion to create a Conference Committee. Instead, they continued negotiating informally behind-the-scenes. Finally, yesterday, the House formally responded to the Senate with a motion to “adhere to its position.”

With time running out and legislators not seeing eye-to-eye, the bill finally was left for dead. The funding provided in the 2024 Supplemental Operating Budget will lapse (and as a clean-up maneuver, the governor will likely veto this language from the Budget).

This issue continues to be a priority for some members in the House, so we can expect this fight to resume in 2025—with a new bill and new legislators in a new Biennial Legislative Session.

To close, we will provide a shot-gun review of some of the key bills adopted in the last few days—in no particular order. More details about these (and other) bills will be provided in our End of Session Report.

- [**SB 5852**](#)—Provisions regarding the special education safety net award are modified, stipulating that safety net applications cannot be rejected simply for errors in the application. Additionally, OSPI is required to survey small school districts (3,000 student or less) and use the feedback to implement a simplified, standardized safety net application for all school districts that reduces barriers to safety net funding.
- [**SB 5462**](#)—Several requirements are implemented regarding the promotion of inclusive learning standards and instructional materials. OSPI is directed to review and update learning standards at all grade levels to include the histories, contributions, and perspectives of LGBTQ people, by December 1, 2024. WSSDA is required to review and update a model policy and procedure to require school districts to adopt inclusive curricula and select diverse, equitable, inclusive, age-appropriate instructional materials that include the histories, contributions, and perspectives of historically marginalized and underrepresented groups. School districts are required to amend their policies and procedures to incorporate all the elements of the model by October 1, 2025.
- [**HB 2331**](#)—Provisions regarding public school instructional and supplemental instructional material are amended. Specifically, school districts are prohibited from refusing to approve or prohibit the use of any instructional or supplemental instructional material on the basis that it relates to or includes the study of the role and contributions of any individual or group who is part of a protected class unless the content contains discriminatory bias. Further, it requires policies and procedures governing requested reviews and removals of instructional and supplemental instructional materials.

**Just a note about SB 5462 and HB 2331. These two bills are very controversial and caused significant consternation and conversation among many school districts and school boards. There has already been conversation about some districts rejecting the required changes in one of both of these bills. Neither has any real “teeth” or specific consequences for not following the requirements put forward; however, please be very aware that the Legislature is watching what school districts are doing—or NOT doing. Previous adoption of legislation usurping local control and specifically requiring sexual health education, tribal curriculum, or required masking during the pandemic (as a few examples), have caused similar concerns among many school districts—and, again, these bills do not have any specific consequences for rejecting the requirements (although districts were threatened with

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the withholding of state apportionment for not following masking directives).

Because legislators have seen some school district reject certain requirements, legislation was introduced last session ([SB 5237](#)) to specifically enact consequences for noncompliance with the law. The bill did not go very far because legislators realized the proposed consequences would be difficult to implement or may just go too far; however, understanding legislators contemplated these consequences should be enough to give you pause. **(We would encourage you to read this bill to get an idea about what the conversation looks like.)**

Also, note the funding in the 2024 Supplemental Operating Budget to fund a “compliance review”:

“Funding is provided for OSPI to conduct a one-time compliance review of every school district in Washington between July 2024 and July 2025 related to compliance with state nondiscrimination laws, Chapters 28A.640 RCW and 28A.642 RCW, and federal nondiscrimination laws”

This review specifically addresses nondiscrimination laws; however, if districts continue to willfully reject complying with laws they do not like, what will legislators do next?

- [HB 1248](#)—Requires that school district contracts for pupil transportation services must require the contracting employer to provide health benefits and pension contributions equivalent to those of school district classified employees. \$425,000 is provided in the Operating Budget for supplemental allocations to districts that demonstrate higher costs because of these new contract requirements; however, it is unclear if this will be enough. And with adoption of this requirement, what is next? Food service contracts? Groundskeeping contracts? We fought this requirement for several years, but finally lost the battle and will have to be on the lookout the next steps.
- [HB 2180](#)—Under this bill, the special education enrollment funding cap increases to 16.0 percent (and is funded in the Budget). Every little bit helps; however, this IS a “little bit.” School districts are still woefully underfunded for a required basic education requirement and the Legislature needs to stop nibbling around the edge and step up to their constitutional obligations. This will be a major point of discussion for WASA and other education associations in 2025.
- [HB 1368](#)—The zero-emission bus bill was adopted. After starting as a mandate with tight timelines, the bill was rolled back and adopted in a form we could live with. Grant funding will be available (funding is provided in the 2024 Supplemental Transportation Budget) for districts that choose to start transitioning their bus fleets from diesel to electric (or other zero-emission) buses, but there is a pause for other districts and we continue to fight for the necessary infrastructure to support the program (among other things). The final bill does include a requirement that (with limited exceptions) as soon as the total cost of ownership of zero-emission buses are at or below the total cost of ownership of diesel buses, depreciation payments will only be provided for zero-emission buses. We will work with OSPI and the Department of Ecology to ensure the definition of “total cost of ownership” includes the TOTAL COST, not just the cost of a bus. Costs for infrastructure, maintenance, electricity need to be accounted for.
- [HB 1272](#)—This is a comprehensive election bill, which for the most part does not impact school districts. One important provision is included that will impact school districts and is a provision we have been strongly supporting for several years.

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The provision specifies that people appointed by the governing body of a jurisdiction to write arguments for and against ballot measures (including school district levies and bond issues) in local voters' pamphlets must reside within the jurisdictional boundaries. There are potential ways to get around this requirement; however, it provides some protections and recognition that anti-education cranks should not be allowed to have a platform to influence (and provide misinformation) when passage of a ballot issue will not even impact them.

- **HB 1239**—The Office of the Education Ombuds (within the governor's office) is directed to create a simple and uniform access point for the receipt of complaints involving the elementary and secondary education system. Additionally, the Professional Educator Standards Board and the Paraeducator Board is required advise the Legislature about a Code of Educator Ethics for certificated administrative staff, certificated instructional staff, and paraeducators. **HB 1479**, regarding student restraint or isolation did not survive the process; however, it has impacts elsewhere. Funding is provided for professional development is in the Budget and HB 1239 includes provisions regarding the use of force on children. The defense to use of force on a child by any person other than the parents and their authorized agents is expanded, to clarify that use of force on a child is not unlawful if, when occurring in an educational setting and involving an educator, it actually or substantially complies with limitations on the use of student isolation and restraint, including that it is used only when a student's behavior poses an imminent likelihood of serious harm.

Again, there are many, many other bills to report on—and we will provide a complete and comprehensive review in our End of Session Report. Stay tuned.

NOTE: Barring any unforeseen catastrophe, this will be the last *This Week in Olympia* newsletter for 2024. We appreciate your attention to these weekly (and special) reports of legislative action—and for using this tool to engage in the legislative process.



By Mitch Denning

The 68th Legislature has adjourned *Sine Die*, and here's a quick update on how the major bills that AEA supported fared this session.

One, **SHB 2494, increasing state funding for operating costs for public schools**, passed and was delivered to the Governor. The final bill and operating budget increases in SY 2023–24 the MSOC per student funding by \$21 per student. The categories that are specifically increased on Utilities and Insurance, Instructional Professional Development for Certificated and Classified Staff, and Security & Central Office Administration. This funding is adjusted annually for inflation and directs school districts these funds only on the MSOC categories.

Two, **SHB 2180, increasing the special ed funding cap**, passed, and was delivered to the Governor. The final bill increases the cap from 15 percent to 16 percent and directs the State Auditor's Office to review the prevalence of disabilities and whether the provisions and funding for evaluating students and providing services replace the prevalence of disabilities, including whether any populations are disparately under evaluated or under served. Their report is due Nov. 30, 2025.

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Three, **[2SSB 5882](#)**, **increasing the prototypical school staffing to better meet student needs**, passed, and the Speaker has signed the bill. The next step will be the Governor. The final bill increases the minimum staff allocations for paraeducators, office support and non-instructional aides by 0.076 for each type and provides this funding for the current school year.

Four, **[SHB 1044](#)**, **capital financing assistance to small school districts with funding challenges**, passed the Senate on February 29. Sen. Jaime Pedersen's amendment was adopted which changes the criteria for the Small District Modernization Grant committee to select grants to be recommended for funding, makes this prioritized project list the first priority of the Common School Construction Fund (CSCF) after payment of principal and interest on the skills center bonds, and starting in 2025–27, no less than \$60 million in new appropriations in the capital budget must be used on these projects, with that amount increasing to \$70 million in 2027–29, to \$80 million in 2029–31, and in every biennium thereafter.

However, this bill as amended did not move off the House Concurrence Calendar yesterday and has died. In the 2023 session, the same thing happened, and AEA will work with Rep. Joel McEntire (R-Cathlamet) if he decides to propose the bill in the 2025 session.

Five, **[SHB 2301](#)**, **improving the outcomes associated with waste material management systems**, passed, and was delivered to the Governor. AEA's key interest in the bill will increase school district grants for establishing food waste reduction and organic material management from \$5,000 to \$10,000 through Waste Not WA. This increase would take place on January 1, 2026.

In terms of **[SSB 5950](#)**, **2024–25 supplemental operating budget**, the Community Eligibility Provision (\$45 million) fully funds all eligible schools for meals not reimbursed at the federal free meal rate.

In the DSHS section, funding is provided for administrative expenses associated with implementing the Summer Electronic Benefit Transfer program in summer 2024. This provision increases food benefits by \$40 per child during summer months for families that are at or below 185 percent of the federal poverty level, and who have school-aged children that would typically receive free or reduced-price meals during the school year.

In terms of **[SSB 5949](#)**, **2024–25 supplemental capital budget**, the SCAP Construction Cost Allowance is increased from \$271.61 per SF to \$375 per SF in FY 2025 using bonds (\$79.2 million), and the Legislature's intent is to increase the CCA annually by the state agency inflation rate. Also, SCAP revision planning (\$1 million) is provided for OSPI to contract with a consultant to develop with stakeholder input a proposal to modify and improve efficiency within and access to SCAP. WAMOA is looking forward to providing stakeholder input in this process.

Doug Vanderleest, director of maintenance and operations, Franklin Pierce SD, and WAMOA legislative chair, worked with Rep. Lisa Callan (D-Issaquah) on the budget proviso language of School District Indoor Air Quality and Efficiency Grants, which are funded at \$45 million.

Finally, in the Healthy Kids/Healthy Schools Grant, an increase of \$1.5 million is provided for equipment, repairs or updates to physical education, nutrition-related greenhouses and kitchen equipment or upgrades.