



2020 WASA / WSSDA / WASBO LEGISLATIVE CONFERENCE

DAY ON THE HILL • OLYMPIA, WA • FEBRUARY 10, 2020

# HOT TOPICS

## Legislator Contact Form



Name: \_\_\_\_\_

School District: \_\_\_\_\_

Legislators contacted / summary of discussion: \_\_\_\_\_

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Please provide us with your feedback:

- Log your activities and meetings during the "Day on the Hill."
- Return the form to a WSSDA/WASA staff member, or fax, email, or mail your comments to us.

By taking the time to record your activities, you support the ongoing advocacy efforts of our organizations. Thank you.

## STAFFING ALLOCATIONS

A 1975 legislative study on education funding conducted by Miller and Associates recommended specific staffing ratios based on the actual staffing ratios in school year 1974–75. The funding ratios of fifty certificated instructional staff per one thousand students and 16.67 classified staff per one thousand students were adopted by the Legislature in the Basic Education Act of 1977.

In 2009, the Legislature adopted ESHB 2261, establishing the framework of a new education funding system, including a new distribution formula for the allocation of staffing funds called the Prototypical School Funding Model. This new model would replace the staff-ratio-per-1,000-students paradigm. The following session, the Legislature adopted SHB 2776, implementing the technical details of the new basic education distribution formula, providing specific building-level staff for each prototypical school. The original staffing allocations were funded at artificially low ratios, based on historic staffing ratios, in order to ensure the conversion to a new system was cost neutral—with a stated intent to phase-in and provide for “adequate” staffing levels. The Legislature has only provided for minor changes in the allocations since the model was first implemented, however.

Washington’s voters adopted Initiative 1351 in 2014 to amended the state’s basic education funding formulas by increasing the minimum K–12 staffing ratios in the Prototypical School Funding Model. The new staffing allocations were set to begin to be implemented in the 2015–17 biennium, with full funding being completed by the end of 2017–19; however, the 2015 Legislature

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 Finally, the 2017 Legislature repealed phase-in schedule for new allocations in EHB 2242 (the *McCleary* “solution”).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

Legislation requested by Superintendent Reykdal, SB 6615/HB 2897, would implement the phase-in schedule, as recommended by the Staffing Enrichment Workgroup. The recommendations call for a 6-year phase-in, beginning in the 2020–21 school year and culminating with full funding in the 2025–26 school year. As recommended by the Workgroup, the SB 6615/HB 2897 phase-in plan would begin by focusing on meeting students’ needs for safety as well as mental, social, emotional, and behavioral health. Additionally, the bill would establish a phase-in schedule for additional professional development for all staff, culminating in ten days by the 2025–26 school year.

WASA/WSSDA/WASBO request the Legislature **begin phasing in updated staffing ratios to achieve more realistic state-funded staffing levels** by adopting the Staffing Enrichment Workgroup recommendations—and SB 6615/HB 2897 to implement those recommendations. At the minimum, we strongly urge the Legislature to **provide a “down payment” to begin a phase-in process this year.**

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## EDUCATION INVESTMENTS

In 2012, the Supreme Court ruled in *McCleary vs. State of Washington* that the state was failing to provide ample funding of its constitutional paramount duty, which was also forcing an unconstitutional reliance on school district levies. Over the next several years, legislators struggled to come to consensus on legislation that would implement a new education funding system as envisioned by ESHB 2261 (2009) and SHB 2776 (2010) and that would ultimately comply with the Court’s mandate in the *McCleary* decision.

The Legislature finally adopted EHB 2242 in 2017 just in time to respond to the Court’s expectation for a solution. This decision resulted in major changes to K–12 financing, significantly impacting both state and local funding related to: educator salary allocations; local levies and Local Effort Assistance (LEA); collective bargaining and supplemental contracts; accountability and transparency; and health benefits. Following the 2017 session, the Supreme Court ruled

that EHB 2242, along with funding provided in the 2017–19 Operating Budget, “satisfied the Court’s mandate to fully fund the program of basic education.”

The Legislature provided significant additional investments in basic education in 2017 through EHB 2242 and the 2017–19 Operating Budget; however, those enhancements do not fully fund the actual cost to school districts to offer an appropriate basic education program for all Washington school children. EHB 2242 included a number of specific deficiencies and WASA/WSSDA/WASBO urged the 2018 Legislature to address and update a number of components in EHB 2242, including special education and the new levy/LEA policies.

The 2018 and 2019 Legislature did review and adjust a number of the education finance components adopted the year before; however, many of the adjustments did not go far enough and some of our concerns were not addressed. The special education multiplier was increased by a modest

amount, a Safety Net work group was tasked with making recommendations to improve accessibility and funding of the special education Safety Net, and the new levy/LEA structure was slightly modified.

**Special Education.** Special education has been significantly underfunded for a long time. The 2017 Legislature provided increased funding to support an expansion of the state's special education program, increasing maximum state-funded enrollment from 12.7 percent to 13.5 percent. Most districts were still dramatically underfunded, forcing them to backfill the hole with local levy dollars.

In 2018, the Legislature increased the special education excess cost multiplier from 0.9309 to 0.9609, providing for a minor increase of \$26.9 million. While appreciated, this was still significantly below the projected need. In October, 2018, OSPI pegged the underfunded need in special education at over \$308 million. These projections were made before salary increases were including, however, which increases the underfunding to almost \$400 million.

A number of bills were introduced in 2019 that would have increased funding for special education significantly and also addressed necessary systems-level needs such as program models, professional development, family advocates, and community engagement. At the end of the day, SB 5091 was adopted and took steps toward closing the funding gap by increasing the special education funding multiplier and making important adjustments to safety net funding. In addition, starting in the 2020–21 school year, districts will receive differentiated funding based on the amount of time students spend in general education classrooms. In addition to providing approximately \$126 million per year in additional funding (includes multiplier increases and safety net adjustments), the final operating budget included \$25 million for the biennium to OSPI to support statewide professional development regarding inclusionary practices for classroom teachers.

In the 2020 Legislative Session, SB 6117 proposes to increase the multiplier for students enrolled in special education who are in the general education setting for 80 percent or more of the school day to 1.0251 rather than 1.0075, beginning in the 2020–21 school year. In addition, the average per-pupil expenditure used to determine safety net award eligibility for high-need students is the lesser of the state average or the average among districts within the same regionalization tier as the high-need student. The bill is moving through the Senate with possible momentum to get to the House.

**School Employees' Benefits Board (SEBB).** EHB 2242 created the School Employees' Benefits Board to consolidate

all school employees into a single, active employee risk pool, effective January 1, 2020. Legislation was adopted in 2018 (ESSB 6241) that made policy adjustments to SEBB. First, it was clarified employee premiums for full family medical coverage may not be more than three times the premiums for individual coverage for the same plan. Second, it was clarified that all school employees who work or *are anticipated to work* 630 hours in a school year are eligible for full benefits, as are their dependents. When the bills were adopted, state costs to implement the program were expected to be around \$300 million; school district costs were indeterminate.

Over the course of 2018, the SEBB met on a regular basis to build the system. WASA, WASBO, and WSSDA were engaged as stakeholders throughout the process leading up to negotiations in the late summer with the Governor. In early Fall, the SEBB Coalition took the results of the SEBB work to negotiate a Tentative Agreement (TA) with Governor Inslee.

There was much debate leading into and during the 2019 session about what the true cost of funding the new SEBB program would be to the state, and to districts for non-state-funded employees. Over the course of the session the Health Care Authority continued its work to refine the anticipated premium costs, while everyone watched eagerly to the bottom line cost. At the end of the day, the estimated amount of state funding needed was much less than was initially communicated and ultimately the Legislature ratified the SEBB agreement and funded the anticipated state portion of SEBB through the 2019–21 Operating Budget.

Since the entire system is just starting to be implemented, and since districts are still on the hook for providing benefits to non-state-funded employees working 630 hours or more, legislators are requesting more information to fully understand the cost impact. SB 6189 was initially introduced in 2020 to reduce the impact of SEBB by releasing districts from paying costs for intermittent employees and those opting out. The bill was amended to respond to concerns from WEA and now would require OSPI to lead a study that would collect impact data.

WASA/WSSDA/WASBO urge the Legislature to **provide sufficient funding for special education** (over \$300 million) to eliminate the current underfunding, thereby relieving school districts from using local levy dollars for this basic education obligation; and **fund the full cost of providing health benefits for all eligible school employees** as the SEBB program is implemented. If the state cannot afford the full cost of providing benefits to all eligible employees, the next collective bargaining agreement should be ratified so that school districts do not need to use local levy funds for this underfunded mandate.

## TEACHER DUTIES & EXPECTATIONS

In the last few years, the Washington Education Association (WEA) began using a collective bargaining strategy which centered around the definition of a “school day.” Their strategy has been to go to the bargaining table stating that certificated instructional staff should be compensated for a 5.7 hour workday, with any additional work to be compensated as “enrichment.” WEA cites the definition of enrichment adopted in EHB 2242 (2017’s *McCleary* “solution”) as a rationale supporting a 5.7 hour day. EHB 2242, Sec. 501, states: “Enrichment activities are permitted...if they provide supplementation beyond the state minimum instructional offerings...”. The calculation used by WEA to determine the 5.7 hour day is based on state law specifying a district-wide annual average of 1,027 instructional hours: 1,027 hours/180 days = 5.71 hours/day.

In an attempt to address this issue, the 2018 Legislature required the creation of a School Day Task Force to provide recommendations to “define the duties and responsibilities that entail a ‘school day’.” The School Day Task Force, convened by Superintendent Reykdal, met in the fall of 2018 and submitted a report with recommendations to the Legislature in late 2018. The Task Force found that most teacher contracts generally land on 7.5 hours as a standard work day. Research, however, indicates teachers work significantly longer—approximately 9.9 hours a day or 1,782 hours per year—and the Task Force acknowledged teachers are “highly trained professionals performing complex, full time work, compressed in the traditional 180-day school calendar.”

Using input from the Task Force, Superintendent Reykdal provided three recommendations in 2019. The first recommendation gets to the heart of the school day question. The recommendation recognizes three specific segments of

time that should be the standard expectation for describing the time of a professional educator totaling approximately between 1,600–1,950 hours: (1) actual time providing direct instruction; (2) additional teacher work time in the school building; and (3) actual teacher work time outside of the school building (non-directed). This seems reasonable and straightforward. Unfortunately, as recommended, the second segment (additional work beyond instruction within the school building) would be subject to local collective bargaining. This could leave school districts with a scenario that is status quo—or worse.

Through hard bargaining the last two years, teachers across the state have received significant raises—providing them with professional, competitive, market-level salaries. Even with these historic raises, teachers continue to bargain for additional pay for work that is not “extra,” but actually a part of a professional teacher’s duties. Put bluntly, teachers are either hourly employees or salaried professionals; they cannot have it both ways.

WASA/WSSDA/WASBO urge the Legislature to **clearly define the minimum professional duties and expectations for teachers** and not leave this to collective bargaining. The statutory definition we seek must explicitly state the professional responsibilities, time, and effort required to provide the state’s program of basic education exceeds the required number of instructional hours and includes such things as: preparing, planning, and coordinating instruction; collaborating with other teachers or staff; meeting with parents; and evaluating student learning. Supplemental contracts would still be allowed; however, additional compensation would have to be tied to defined extra time or responsibilities that are uniquely associated with a specific assignment above and beyond the tasks of all other teachers.