

2019 LEGISLATIVE REPORT

A PUBLICATION OF THE WASHINGTON ASSOCIATION OF SCHOOL ADMINISTRATORS

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2019 Session Overview

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Following the 2017 *McCleary* “solution” (EHB 2242) and last session’s *McCleary* “fix” (E2SSB 6362), the 2019 Legislative Session was the first, official post-*McCleary* session, wherein the education funding lawsuit was not the major focus. That was positive because legislators and the education community could concentrate on the future and how best to ensure Washington’s one million students received the best education possible. Unfortunately, this was also negative because it gave many legislators an excuse to say the education funding conversation was done—and it was time to shift their attention away from K–12 education (the state’s constitutional paramount duty) to other priorities.

In 2018, it was clear many legislators suffered from “*McCleary* fatigue.” In 2019, the effort to avoid K–12 education issues was not very subtle. The first clear signal that 2019 was about all-things-but-education was Governor Inslee’s State of the State Address. The annual State of the State Address is one of the few opportunities a governor has to use the bully pulpit and lay out priorities for the Legislature and Washington’s citizens. The other major opportunity to share priorities is the release of a two-year budget request. Given where Governor Inslee focused his attention in his budget proposal, released in December, there were no real surprises in his annual Address. The governor used neither opportunity to highlight the continued funding needs of K–12 education. In fact, since the end of the 2018 Session, Inslee has proudly proclaimed that the Legislature successfully reached full funding of basic education—and reiterated that in his speech.

Governor Inslee presented a nine-page speech, but his conversation of K–12 education was limited to a mere three paragraphs. He discussed four priorities for 2019: climate change; mental health; and Southern Resident orcas. Trailing behind those issues was the fourth priority: education. He declared the issue is “still at the forefront,” even though it appeared to be an afterthought. He started his conversation of education by thanking legislators who had been a part of the “years-long effort to fully fund basic education,” which “we accomplished last year.”

As noted above, the governor’s speech is one of the few major opportunities to express his priorities for the Legislative Session. After hearing or reading his speech (and reviewing his two Operating Budget proposals), it is fairly clear where the state’s paramount duty ranks in the governor’s mind—and it is

certainly not in first place. In his defense, most legislators had the same attitude. Inslee's shift away from K–12 was just a bit of foreshadowing of what was to come this session.

WASA and the rest of the education community understand that *McCleary* is done—as a court case—but also know that much more work remains to be done, whether legislators are tired of working on K–12 or not. Our job was to keep K–12 education in the spotlight during the 2019 Session—and we had our work cut out for us.

How WASA's Priorities Fared

As usual there was a boatload (or two) of education-related budget and policy issues to address (the remainder of this Report provides a review of those many issues); however, WASA maintained focus on a short list of priorities recommended by WASA's Legislation & Finance Committee and adopted by WASA's Board of Directors. What follows is an overview of the 2019 Session, viewed through the lens of WASA's 2019 Legislative Platform (the full Platform is available on the last page of this Report).

Improve School Safety and Security

A highlight of the Platform was the support for safe and secure schools. Our focus was on prevention—and we strongly supported state-funded staff allocation enhancements (via the Prototypical School Funding Model) for: school nurses, psychologists, social workers, and other mental health professionals; guidance counselors; and School Resource Officers. The Platform explicitly provided our support for a longtime ESD priority: investments in a system of comprehensive Regional Safety Centers.

Mental/behavioral health issues was one of the major topics in 2019 and we argued that schools, supporting over one million students, should be a key focus area in solving the current health crisis. Legislators, of course, had other ideas. An overhaul of Western State Hospital (the subject of a major lawsuit against the state—which Washington lost) was high on the agenda, as was the discussion of enhanced community-based treatment. There was little discussion of tackling mental/behavioral health issues in the early stages—in our schools, with troubled youth.

There was also a strong focus on addressing the shortage of mental health professionals. Successful legislation will: expand training for a behavioral health provider workforce (E2SHB 1593); and establish a reciprocity program for behavioral health licenses to increase the number of psychologists, mental health counselors, social workers, and health professionals who are already trained in another state (SB 5054). While this does not directly benefit K–12 education, an expansion of available behavioral health professionals will help. A third bill, 2SSB 5903, also addresses the mental health workforce shortage, specifically including children's behavioral health professionals.

WASA's priority to update the Prototypical School Funding Model to specifically enhance state support for additional staffing allocations for safety-related positions was a hot topic, with multiple bills to address the issue. Superintendent Reykdal requested legislation to phase-in increased allocations for nurses, guidance counselors, and family engagement coordinators (HB 1547/SB 5465) and Governor Inslee requested legislation to phase-in increased allocations for nurses, social workers, psychologists, and guidance counselors (SB 5315). Still other legislation would have provided funding for: additional guidance counselors (HB 1265); Educational Staff Associates at every school to promote a safe learning environment (HB 1943); and School Resource Officers (HB 1035). HB 2084 would have overhauled the entire Prototypical School Funding Model and would have updated allocations throughout the Model. Taking a different approach, HB 1479/SB 5777 would have required current school staff to be trained to address student mental health needs, rather than increase funding allocations to hire new staff. Most of these bills were heard, but none of them were adopted. And most did not move very far through the process. While we couldn't move the needle on this issue this year, we have laid the groundwork for what will likely be one of the focal points of a long-term solution to the on-going underfunding of K–12 education.

It should be noted that there was one area where legislators did make adjustments to staff allocations: guidance counselors. The issue is embedded in the 2019–21 Operating Budget and not linked to any particular bill. Funding is provided for additional staffing allocations for guidance counselors; however, a total of \$1.8 million is appropriated for 20 elementary and middle schools larger than 150 students. Budget provisos clarify that eligible schools must demonstrate actual staffing for guidance counselors that meets or exceeds the current funding staff allocations to be eligible for the additional allocations. For the 20 schools that will receive this funding, the “for allocation purposes only” policy becomes a funding directive. Take notice of this, as this could be a preview of what it could look like if the Legislature ever provides enhancements to the current Prototypical School Funding Model.

There was also much discussion about school safety in general in 2019. Ultimately, the Legislature adopted a comprehensive school safety bill, 2SHB 1216, which addresses a number of key issues. The bill makes the State School Safety Center within OSPI a statutory entity and establishes Regional ESD School Safety Centers. Together, they will form a statewide network to provide coordination of school safety efforts. The bill further requires: OSPI to establish a School Safety and Student Well-Being Advisory Committee; and WSSDA to develop a model policy to establish a School-Based Threat Assessment Program. School Resource Officers (SROs) are also addressed and a grant program is established to fund training of SROs. These are all positive steps, yet it is unclear how robust this safety network will be and how much other work will be completed. The 2019–21 Operating Budget provides \$2.5 million to establish the

new statewide safety network, even though OSPI's request was \$13.0 million. OSPI and ESDs continue to discuss strategies to address the situation.

Provide Equitable Education Investments

The 2017 Legislature adopted EHB 2242, implementing a comprehensive revision of Washington's K–12 education funding system. Administrators recognized serious deficiencies with many components of the bill and set their sights on a series of priority fixes in 2018. The 2018 Legislature did act to revise EHB 2242 by adopting E2SSB 6362; however, some of the identified deficiencies were not addressed, others received minor adjustments, and some provisions further complicated the job of school administrators. WASA's 2019 Platform once again sought a series of revisions to the state's new education funding system. Priority fixes identified were: Special Education Funding; Levies and Local Effort Assistance; Salary Allocations, State Salary Schedule, and SEBB; and Regionalization Methodology.

Special Education. While the Legislature provided additional special education funding in 2018 (including an increase in the special education multiplier to 0.9609), there continues to be a clear underfunding of required services. Prior to the 2019 Session, OSPI calculated the underfunded special education need to be at least \$308 million (and potentially as much as \$400 million). The stars aligned on this issue in a way that rarely happens: all the major education associations included special education funding on their legislative platforms, and most legislators publicly expressed their intent to quickly address and solve the issue.

Right from the start—before the Legislature even convened—the issue got bogged down. Superintendent Reykdal, after OSPI released data showing the \$300–\$400 million underfunding of special education, requested \$87 million in his 2019–21 budget request, with a plan to phase-in additional funding over three biennia. Shortly after, Governor Inslee released his budget request with an \$89 million special education ask.

As expected, there was a tremendous amount of conversation and activity around special education funding. The first bill to get attention was SB 5736, which would have increased the multiplier to 0.98. Most in the education community, including WASA, publicly expressed our appreciation for the recognition of the continued underfunding of special education, as indicated by the desire to increase the multiplier again; however, we also expressed our strong concerns that the proposed increase (approximately \$42 million) would be a mere drop in the bucket of needed funding. Unfortunately, while most legislators were committed to solving the special education funding problem, many of them truly believed a \$42 million increase would do the trick. There was a conversation about fast-tracking this bill through the Senate and quickly through the House, but that never happened. In fact, SB 5736 never moved at all.

E2SSB 5091 eventually was the vehicle to address special education. As adopted, it increased the special education multiplier to from 0.9609 to 0.995—in the 2019–20 school year. In the 2020–21 school year, a two-tiered multiplier is in

place, funded at: 1.0075 for students in a general education setting for 80 percent or more of the school day; and 0.995 for students in a general education setting for less than 80 percent of the school day. This increases the multiplier funding by \$77 million. There may be a legitimate, educationally valid rationale for providing a higher multiplier for students who spend more time in a general education setting; however, there is some concern that, due to the continued underfunding of special education, some districts may place special education students in general education classes for financial reasons, rather than for educational purposes.

Levies/LEA policy. The issue of amending the EHB 2242 levy and Local Effort Assistance policies was just as complicated and controversial as expected. Like special education, there were conversations about fast-tracking levy/LEA adjustments, so the issue could quickly be off the table. Not only was a fix not fast-tracked, the final solution was not adopted until literally the 11th hour before this session ended—around 11:00 p.m. on *Sine Die* night. Until a deal was struck at this late hour, the betting window was open, and the odds were increasing that a final levy/LEA bill would force a Special Session.

One of the difficulties was that the Senate and House did not see eye-to-eye. And there were struggles to get enough votes in the Senate, with moderate Democrats making specific demands of Leadership to secure their votes. This horse-trading caused more than a few blow-ups in the Senate Democratic Caucus. It was not until two days before the end of session that the Senate locked up the necessary 25 votes to pass a bill, ESSB 5313. That seems late, and it was, but the Senate had been wrestling with levy/LEA proposals since early in the session. A public hearing on the first set of proposals was on January 23—the second week of session. The House did not have much difficulty securing the 50 votes they needed in the end. Instead, their initial trouble was finding enough consensus to even introduce a bill. The House's proposal, HB 2140, was not unveiled until April 1.

Understanding that WASA members had diverse opinions on increasing levy capacity—some desperately needing additional authority, with the ability to access higher levies if authorized; with others who may have funding needs, but likely would not have the ability to collect additional revenue, even if the lid was increased—the WASA Board of Directors adopted a compromise position on the issue. Rather than sit out the fight—and be conspicuous by our absence—the Board essentially took a neutral position on additional levy capacity. The position stated that WASA would support an increase in levy authority, so long as: the increase was modest in size; it included clear limits to ensure any new money is not simply bargained away; and an enhancement in LEA was provided.

In testimony and in conversations with legislators we reiterated over and over that any levy lid increase had to be accompanied by at least a commensurate increase in LEA and specifics limits. Early versions of levy proposals included enhancements to LEA, but with reduced LEA eligibility as additional local levy

Editor's Note:

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Last, but not least, thanks go to my WASA staff colleagues for their support, in particular Sheila Chard, for her steadfast and ever-reliable assistance, good humor, humility, and friendship, and for making my job easier—and more fun.

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dollars are collected. The issue of levy limits was rejected in the early stages of the fight.

Eventually, limits on the use of levy dollars was discussed publicly by legislators. When SB 5313, having passed out of the Senate Early Learning & K–12 Education Committee, was set to be adopted by the Senate Ways & Means Committee, Leadership was forced to do some horse-trading, as noted above. One of the amendments that was necessary to secure passage of the bill, was a limitation on the use of levy dollars for supplemental contracts. The Committee adopted the amended bill—causing WEA to hit the panic button and causing an absolute meltdown in the Senate Democratic Caucus.

Further action on levies/LEA stalled for almost a month (from April 2 to April 26). Given the reaction, it was very doubtful the amendment that was adopted in the Senate Ways & Means Committee would ever pass muster in the Senate (let alone the more progressive House). It did provide WASA, along with WSSDA and some of our other partners, an opportunity to continue to work the issue. The supplemental contract amendment that was adopted was not exactly what we sought; however, we were fully supportive of the intent and we provided alternative language to legislators that was not quite as explosive, but would have addressed our concerns.

In the end, legislators adopted a bill, ESSB 5313, that increased levy capacity, enhanced LEA, and provided for levy limits (for full details on the bill, see ESSB 5313, Bills Passed, later in this Report). Time will tell, but it does not appear the adopted levy limits will do much to change behavior because the definition of “enrichment” continues to be very broad and subject to interpretation. Superintendent Reykdal and State Auditor Pat McCarthy continue to have conversations about required audits to ensure they are on the same page. We have also been meeting with Superintendent Reykdal to ensure we are also on the same page—and so we can provide school districts with the necessary information about any guidance that may be forthcoming. We hope to have at least some preliminary guidance soon.

Salary Allocations, State Salary Schedule, and SEBB. WASA continued to discuss our concerns with legislators about the new state salary allocation system, with locally developed and adopted salary schedules; however, those appear to be locked in, at least for the near-term. The only exception is continued conversations about adjusting or expanding the new Experience Factor that goes into effect beginning this upcoming school year. No legislation was introduced; however, it appears there is a growing interest in addressing this issue. This session, we spent the larger amount of time and energy on the implementation of the School Employees' Benefits Board (SEBB) insurance program.

For the entire length of the session, we regularly tried to hammer home the potentially enormous costs to local school districts in implementing SEBB—and encouraged legislators to slow this train down. We requested that the Legislature delay SEBB (which would have required a rejection of the tentative Collective

Bargaining Agreement negotiated this past fall), providing school districts more time to prepare for implementation and legislators more time to fully review state and local costs. This was an uphill battle in a Legislature with strong Democratic majorities in both houses—Democrats who are labor supporters and who are traditionally supported by WEA and PSE.

Understanding a SEBB delay (and a rejection of the CBA) was unlikely, our main focus was on the threshold to access full benefits—630 hours of work. We expressed our strong support of quality and affordable health care benefits for our employees, but also expressed our concerns that forcing untenable costs onto districts would have a negative impact on our employees (especially if they lost their jobs).

After being stonewalled on SEBB most of session, in the last two weeks of session the conversation finally broke open publicly about other options. It was clear there were behind-the-scenes conversations about options to accepting the SEBB Collective Bargaining Agreement, but it was entirely unclear if those conversations were productive. The public conversation started with the introduction of SB 6011. The bill would have dissolved SEBB and effectively rejected the SEBB CBA. Instead, all school district, ESD and charter school employees would have been moved to the current Public Employees' Benefits Board (PEBB). Further, the threshold for eligibility would have been moved from the current 630 hours to 1,040 hours. Employees that worked between 630 and 1,040 hours would have still received benefits; however, the funding would be pro-rated. The bill also specifically clarified that substitutes are NOT benefit-eligible (one of the many concerns about SEBB).

There were no specific indications legislators were looking to reject the SEBB CBA—in fact, both houses included funding in their respective budgets to accept the CBA, indicating their intent to implement SEBB. Moving forward with SEBB was contingent on funding and there were still outstanding questions about whether the Legislature would adopt new revenue. If new revenue failed to be adopted, the House budget would have had a huge hole to fill and would have impacted budget negotiations. Bypassing SEBB would dramatically reduce the hole in one fell swoop. And SB 6011 sat ready with an option to provide health care for school employees in a preexisting program.

Shortly after SB 6011 was introduced, a second major option was put on the table: SB 6020. SB 6020, introduced with less than a week left in the session, would have accepted the SEBB Collective Bargaining Agreement, but similar to SB 6011, it would have changed the eligibility threshold from 630 hours to 1,040 hours worked and allowed pro-rated benefits for workers with between 630 and 1,040 hours.

WASA, WSSDA, WASBO, WSPA, and AESD sent a “Call to Action” to our respective members and they flooded legislators with calls, e-mails and personal visits. The activity had some impact, but from the responses we received it became clear that budget-writers had already committed to accepting the CBA

without changes. There were also several not-so-subtle messages that the Legislature would be increasing the local levy lid (although negotiations on that were still on-going and somewhat contentious) as the solution to local costs to SEBB. This was one of the fears we had since well-before session began. If levy capacity was going to be increased, we wanted to ensure that districts could use that additional capacity for the community priorities and intended purposes in which voters authorized the levies—and not be diverted to cover the cost of an unfunded mandate.

As frustrating as it was to have legislators reject—or flat-out ignore—our concerns about the implications of passing such huge unfunded costs onto districts, we did achieve two huge wins in the SEBB debate. The first was the defeat of HB 1813. This bill would have required school district contracts for pupil transportation services to include sufficient funds to provide employees of the contracting employer with health benefits and pension contributions equivalent to those of school district classified employees. The concern, of course, is that if this bill passed, contractors would not eat these additional costs—they would pass them onto school districts. The other concern was the slippery slope argument: if legislators adopted this bill, would they pass similar legislation in the future for food service contractors or for maintenance contractors or other contracted service providers? It seems it would be very likely.

The second win was the adoption of ESHB 2140, specifically the section addressing ESD health benefits. The bill delays the enrollment of non-represented ESD employees in the new SEBB insurance program until January 1, 2024. This was a huge priority for AESD; however, it has direct impacts on school districts. If ESDs were not provided with this delayed enrollment, they would have had to reduce or eliminate many services and/or programs—or dramatically increase their fees to districts. Either action would negatively impact school districts that are dependent on those services.

In addition to the ESDs delayed enrollment in SEBB, ESHB 2140 also requires the Health Care Authority to study the impacts of ESD enrollment in SEBB, with a report due to the Legislature by December 31, 2020.

One more note about SB 6011. The bill, which would have moved school employees into PEBB, rather than the new SEBB, was DOA in the Senate. Even so, there is at least a bit of legislative curiosity about having a single public employee/school employee health care pool. Budget language requires the Health Care Authority to “study the potential cost savings and improved efficiency in providing insurance benefits to the employers and employees participating in the Public Employees’ and School Employees’ Benefits Board systems that could be gained by consolidating the systems.” A report is due November 15, 2020. Will SEBB be a short-lived program? Time will tell.

Regionalization Methodology. There was virtually NO conversation about revisiting regionalization this session. The only conversation about regionalization was the request from individual districts that sought assistance. HB 1111 would

have provided additional regionalization for island school districts in King County; and HB 1627/SB 5773 would have increased regionalization of the Federal Way School District.

Two other districts (Evergreen School District and Vancouver School District) requested an adjustment to their regionalization factor and received additional funds, in the form of a one-time increased payment of Local Effort Assistance (ESSB 5313). The idea was to quickly open the door, let these districts in, then quickly close the door. The hope now is that by adjusting funding for two specific districts, it will continue to put pressure on the Legislature to overhaul the process and/or methodology, rather than continue making these piecemeal decisions.

Support School Facilities

The school construction plank in WASA's 2019 Legislative Platform had four components:

- Advance a constitutional amendment to the people to authorize school district bond issues to be approved with a simple majority vote;
- Update the current, outdated construction funding formulas (Construction Cost Allowance and Student Space Allocation) to ensure funding more closely reflects actual construction costs and educational space needs;
- Provide assistance to school districts that have difficulty passing local bonds to support necessary new construction or modernization; and
- Seek a state investment in safety-related school facility costs.

Simple Majority. Simple majority constitutional amendments were introduced in and received action in both houses (HJR 4203/SJR 8201). HJR 4203 was heard in the House Education Committee, but died lacking further action. SJR 8201 was heard in and adopted by the Senate Early Learning & K–12 Education Committee and the Senate Ways & Means Committee. After being brought before the full Senate, SJR 8201 received “Yes” votes from 28 senators; however, a constitutional amendment requires a two-thirds supermajority approval of both houses in order to advance to the ballot.

While the simple majority for bonds fell short, the issue received a tremendous amount of public support with many news stories and newspaper articles being regularly produced across the state to discuss the issue. Multiple newspaper editorial boards also came out in support of the issue. We still have a big, uphill battle, but the sustained momentum of this issue has been positive.

It should also be noted another player entered this game: SJR 8202. This constitutional amendment would authorize local school district bonds to be approved with a 55 percent vote. Getting a two-thirds vote in the House and Senate to support a 55 percent bond threshold would also be difficult; however, as this option continues to float, school administrators and the rest of the education community will likely need to decide whether they can support a 55 percent constitutional amendment.

At this point, it appears that 55 percent is more of a distraction than a “real” proposal. Opponents of simple majority continue to offer up 55 percent as a compromise, but it does not look like most of those legislators supporting 55 percent would actually vote for it if it came time to do so. One distinction: Senator Mark Mullet (D-Issaquah), sponsor of SJR 8202, really does want to assist school districts and he sincerely believes 55 percent might be a viable win-win compromise to help schools and garner the necessary two-thirds votes. Sen. Mullet’s motives seem pure—some of his colleagues’ motives are more questionable.

Construction Funding Formulas. A long-term, ongoing priority of WASA’s is to advocate for updates and enhancements in the School Construction Assistance Program (SCAP) funding formulas: the Student Space Allocation (SSA) and the Construction Cost Allowance (CCA). Following the December release of the report from the Joint Legislative Task Force on Improving State Funding for School Construction it appeared we might finally see some positive movement. One of the charges of the bicameral, bipartisan Task Force was to provide recommendations regarding “essential updates” to SCAP. The Task Force unanimously adopted bold recommendations to bring SCAP formulas up-to-date.

One of the bills resulting from the Task Force meetings and final recommendations was SB 5853. Sponsored by 39 of the Senate’s 49 members, the bill would phased in dramatic improvements to both SSA and CCA. The bill would have been exceptionally costly, so it was no surprise when it was scaled back a bit before being adopted by the Senate Ways & Means Committee. It was even further reduced before being adopted by the full Senate. The combined amendments eliminated the increases in CCA and dramatically reduced the increases in SSA. Even more disturbing, however, is a mechanism added to the bill which would cause the Construction Cost Allowance to be reduced!

Some of the SB 5853 amendments were made to appease the House, yet the only action they took was to hold a perfunctory public hearing in the House Capital Budget Committee. The bill was never added to an executive session list. One of the most positive, impactful K–12 bills of the session was unceremoniously gutted, then died a silent death.

Small District Assistance. SB 5572 would have established a small district modernization grant program for school districts that have less than 1,000 students. The funds would have assisted smaller, mostly rural school districts that cannot access SCAP funding because they cannot get voter support for bonds, due to the high tax rates that would be necessary. The bill, which WASA has support for a few years, did not pass.

The 2019–21 Capital Budget funds a small district modernization grant program (\$20 million), based on SB 5572. We had hoped the program would have been embedded in the statutes, but we will take this partial, temporary win and be back again.

Safety-Related Facilities Costs. This issue did not receive much play. Two bills, both of which failed to be adopted, fall under this heading. HB 1245 would have required school districts to conduct comprehensive engineering surveys every four years and would have allowed SCAP funds to be used for identified safety upgrades. HB 1507 would have required school districts to consider school building plans and designs that promote effective physical safety and security through natural surveillances, natural access controls, and territorial reinforcements, or other safety-focused environmental design elements.

Expand Available State Revenues

WASA's position on the revenue is that the state's current budget structure simply cannot accommodate the required increases in basic education and still meet other state needs. Many tax increase bills were introduced this session, with several of them being adopted. New revenue in 2019–21 totals about \$1.1 billion, increasing to just under \$2.8 billion in 2021–23.

One of WASA's criteria for supporting revenue is sustainability—and there are open questions about whether the revenue adopted this session is sustainable, especially as local and nation economists warn about a coming recession. And whether revenue legislation met our criteria for support or not, much of the revenue was difficult to support—given that legislation was introduced late and advanced quickly.

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. We also had some losses, but in many of those losses, we took positive steps towards future success.

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

Give legislators a tour of your schools. Meet with them for coffee. Invite them to a meeting of your Board. 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—and many of them will be perplexed why a multi-billion dollar increase in basic education funding in recent years and an overhaul in the finance system hasn't solved your problems.

Now, you cannot sit back and assume necessary changes will just happen in 2020. You must remain vigilant—and continue to ramp up your advocacy activities. We hope that you will join with WASA—and our education association colleagues—as we raise our collective voices in unison to fight for our public schools. You are WASA—and we can't do it without you.

2019–21 Operating Budget: ESHB 1109

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

Prior to the 2019 Legislative Session, in November, the Economic & Revenue Forecast Council released its final quarterly revenue forecast of the year. The Council projected that the state would collect approximately \$360.0 million in the remainder of the 2017–19 biennium (ending June 30, 2019) and the upcoming 2019–21 biennium above what was anticipated in the previous forecast. This is a total increase of \$1.7 billion in new revenue for 2017–19 and 2019–21, beyond what was originally projected in February.

An “unexpected” \$1.7 billion is a lot of money to play with (to put it into context, the 2017–19 budget appropriated \$44.7 billion).

That was good news and shows the state’s economy continues to grow—and that is the headline that everyone reads. The story that is not normally told is that while revenues will continue to grow in the near term, there are trends in the November forecast that signal that growth may be slowing. Revenue from Property Tax collections were up significantly (mostly due to increases adopted to fund the Legislature’s *McCleary* “solution”); however, most other tax sources (Sales Tax, B&O Tax, Utility Tax—comprising 75 percent of the state’s revenue sources) were revised downward. Additionally, while personal income continued to grow, it was growing more slowly than in recent years; and Real Estate Excise Taxes are assumed to have reached their peak.

Positive revenue forecasts make the headlines, but another part of the untold story is the projection on expenditures. Total revenues in the current two-year budget were \$46.4 billion and revenues in the upcoming 2019–21 budget were expected to reach \$51.4 billion—an increase of over \$5.0 billion. Yet, Maintenance Level spending (that is, the cost—positive or negative—of mandatory caseload, enrollment, inflation, and other legally unavoidable costs to maintain the current budget) was expected to increase current 2017–19 expenditures by over \$6.0 billion (with K–12 accounting for more than \$4.0 billion of that total).

So, before the Legislature even had a chance to determine which new or expanded programs they wanted to fund, the Maintenance Level budget gobbled up more than the expected increase in revenues. There are many ways to tackle this situation; however, revenue increases have been the governor’s policy choice in the last few years. That continued to be Governor Inslee’s go-to strategy in his proposal released in December.

To counter a projected deficit—and provide additional resources for additional programs—Inslee included three revenue proposals (new Capital Gains Tax; increased Business & Occupation Tax; and reconstituted Real Estate Excise Tax) in his budget, which were projected to raise \$3.7 billion.

His 2019–21 Operating Budget would have increased total state spending from \$44.7 billion in 2017–19 to \$54.6 billion. This increase of just under \$10.0 billion (\$9.97 billion) was comprised of \$6.4 billion in Maintenance Level costs and another \$3.6 billion in policy-related spending. The \$54.6 billion spending level was approximately \$3.2 billion above the revenues Washington was projected to receive in 2019–21. As noted above, Inslee has proposed a revenue package raising approximately \$3.7 billion to cover that additional spending.

For K–12 education, Inslee proposed \$1.2 billion in Policy Level increases. This was significantly higher than Superintendent Reykdal’s budget request (which he released in September). About half of Inslee’s request included funding to accept the School Employees’ Benefits Board Collective Bargaining Agreement and implement the SEBB insurance program, beginning in January 2020.

In March, the Economic & Revenue Forecast Council released its quarterly update of the state’s Revenue Forecast. Most observers assumed the forecast would be somewhat positive. What was revealed, however, was much better than most anticipated. Estimated revenues for the 2019–21 biennium increased by \$554 million beyond projections in the November forecast. Additionally, there was expected to be another \$307 million in the current 2017–19 biennium. This means legislative budget-writers had an additional

\$861 million to play with. (It should be noted that the 2019–21 biennium increase includes projected revenues of \$115 million from the early adoption of SB 5581—online sales taxes.)

The response to the news was mixed, as you could expect. Representative Timm Ormsby (D-Spokane), member of the Council and Chair of the House Appropriations Committee, noted that the forecast included good news, but “it does not take away from the arithmetic problem that we came here with.” He went on to say, “To maintain our current commitments, we will need additional revenue,” and indicated that the bulk of the current and projected revenue growth will be needed to fund the Maintenance Level budget (with *McCleary*-related ripple effects in K–12 being the biggest required expenditure).

On the other side, Senator John Braun (R-Chehalis), member of the Council and Ranking Minority Member of the Senate Ways & Means Committee, disagreed with Ormsby’s assessment. He stated flatly that the state is in the “best budget situation we have seen in the 21st Century,” and Maintenance Level funding can be covered by existing revenue, leaving “more than enough money for new policy.”

Compounding the good revenue news was the previous month’s official forecast of state entitlement costs (e.g., special education, children’s services, long-term care, Medicaid, etc.) from the Washington State Caseload Forecast Council. The forecast indicated the costs for K–12 Bilingual Education and the Early Childhood Education and Assistance Program (under the Department of Children, Youth, and Families) were slightly higher than the November forecast; however, every other entitlement program had projected caseloads that were either lower than the November forecast or had either negligible or no change since November.

After making adjustments for decreases in the February 2019 Caseload Forecast and increases in the March 2019 Revenue Forecast, the state was estimated to have \$50.56 billion to spend. This is \$4.5 billion above the 2017–19 levels. The Maintenance Level is estimated to be \$50.50 billion (\$5.8 billion over 2017–19—almost \$4.2 billion of which is for *McCleary*-related ripple effects in K–12 Education).

Shortly after the Revenue update, House budget-writers released their budget proposal (it was the House’s turn to

start the budget process). The House’s Operating Budget proposal would have appropriated \$52.8 billion, including \$2.3 billion (net) of Policy Level increases. Obviously, doing the simple math, you can see the proposed spending is above the estimated available revenues. To help even this imbalance, the House proposed four major revenue sources: a new Capital Gains Tax; an adjustment to the Real Estate Excise Tax; a set of B&O Tax preferences, including preferential rates for bullion dealers, and travel agents and tour operators, and a change to the current out-of-sales tax exemption; and an increase in the B&O tax rate for a set of specific business categories. Adoption of each of these proposed tax changes was estimated to increase revenues by \$979 million in 2019–21, increasing to \$2.17 billion in 2021–23.

As noted above, the Operating Budget proposal would provide \$2.3 billion in Policy Level increases. Of that total, the state’s constitutional Paramount Duty, K–12 Education, would only receive \$664 million. And of that \$664 million, a full 70 percent of the increase would go to fund the implementation of the School Employees’ Benefits Board insurance program.

Wasting no time (and not waiting for the House to act on its budget), Senate budget-writers released their plan later in the same week. The Senate’s budget proposal would have increased spending over the 2017–19 budget by almost \$7.5 billion, compared to the House’s total increase of \$8.1 billion. The full spending package would be \$52.2 billion, compared to the House’s \$52.8 billion proposal. Both budget packages included approximately \$5.8 billion in Maintenance Level spending. In Policy Level spending, the Senate proposed \$1.6 billion in new or enhanced programs, while the House would have added \$2.3 billion in Policy Level increases. For K–12 education, the Senate budget would have increased current spending by just over \$1.0 billion; however, almost half of that increase would go to fund implementation of the School Employees’ Benefits Board insurance program.

Both the Senate and the House proposals would have included additional resources—including tax increases. As noted above, the House proposed new taxes that would have raised \$979 million in 2019–21, increasing to \$2.17 billion in 2021–23. The Senate budget also would have raised revenue through: a graduated Real Estate Excise Tax; an elimination

of tax preferences; a reduction in the current tax preference for prescription drug resellers; and an insurance premium surtax for wildfire prevention. In total, the Senate’s revenue package would have raised \$518 million in 2019–21. The House’s budget was clearly reliant on the projected revenues from a new Capital Gains Tax bill; if it failed to be adopted there would have been a half-a-billion hole in the House budget. (This is where the conversation about the “SEBB alternative” SB 6020 (see the 2019 Session Overview) became interesting—a way to salvage budget proposals and not whack K–12 in the process of implementing a huge unfunded mandate.)

The two competing budgets had different spending levels and a different level of new resources. This left a difference in a third important area: how much revenue is left in the bank for future needs. The House budget would have left \$241 million in the Ending Fund Balance, while the Senate would have saved \$564 million. Put simply, the House proposed to raise more money, allowing them to spend more money, but proposed to leave less revenue for the future.

At this point budget talks went underground as budget-writers from the House and Senate met to negotiate a final, compromise budget. Even though the Legislature has rules to keep this process transparent and open, legislators in recent years have circumvented their own rules, keeping the public in the dark until budget-writers choose to turn the lights on and let everyone in on the secret. This year, everyone was kept guessing until April 27—one day before the end of the session. Two days earlier, budget-writers from both houses issued a joint statement declaring a breakthrough and that a deal had been struck. They also announced, however, that actual details of the deal would not be released until the eve of *Sine Die*. This is no way to run a railroad.

In the end, the final 2019–21 Operating Budget, ESHB 1109, appropriates \$52.8 billion. This is an overall increase of almost \$8.0 billion over the 2017–19 budget. That increase includes almost \$6.0 billion in Maintenance Level costs (of which about \$4.2 billion is for K–12 education). Policy Level increase in this budget total \$1.9 billion. Of that \$1.9 billion in Policy Level increases, just over \$600 million is dedicated to K–12 Education—about one-third of the total increase. Unfortunately, this includes a \$330 million increase to

implement the School Employees’ Benefits Board insurance program. Removing funding for that program—which includes damaging unfunded mandates—K–12 increases less than \$300 million. \$300 million out of \$1.9 billion for Washington State’s constitutional Paramount Duty. Hmm.

Complete details of the K–12 section of the budget (and additional provisions that impact K–12) as adopted by the 2019 Legislature and signed by Governor Inslee follow.

For additional budget information, please use the following links:

- 2019–21 Operating Budget: [ESHB 1109](#)
- Legislative Evaluation & Accountability Program ([LEAP](#)) Committee:
 - Budget Agency Detail—[House/Senate](#)
 - K–12 LEAP Document 3: [Regionalization Factors & Experience Factors](#) (Dec. 10, 2018)
- OSPI Budget Updates: [School Apportionment & Financial Services](#)
- [OSPI Multi-Year Budget Comparison Tool](#) (formerly “Pivot Tables”)
- OSPI Budget Driver Summary: [John Jenft Rate Sheet](#)
- ESHB 2163: [Hold Harmless estimates](#)
- [Economic & Revenue Forecast Council](#)
 - [Forecasts](#)
 - [Four-year Outlook](#)

BUDGET DETAILS: K–12 ENHANCEMENTS

SEBB Implementation—\$328.7 million

The final budget provides funding to implement the School Employee's Benefits Board (SEBB) insurance program, beginning January 1, 2020. (Note: The \$329 million appropriation does not include assumed Maintenance Level increases of at least \$500 million.) Appropriations for allocations to school districts are considered "sufficient" to implement the provisions of the 2019–21 Collective Bargaining Agreement between the governor and the School Employee Coalition, and for procurement of a benefit package similar to benefits provided by the Public Employees' Benefits Board program.

The insurance funding rate will be \$994 per employee per month from January 1, 2020 to June 30, 2020 (Fiscal Year 2020) and \$1,056 per employee per month from July 1, 2020 to August 31, 2020 (Fiscal Year 2021). Insurance funding prior to implementation of SEBB—from September 1, 2019 to December 31, 2019—will be \$973 per employee per month. The retiree remittance (that is, "carve out") is included in these allocation numbers. (Note: There has been a concern that these rates are underfunded. In fact, Budget Notes state the rates used are a "best estimate of the actual projected cost" prior to enrollment and plan procurement, and are based on the funding rates for the Public Employee Benefits' Board program net of surplus funds. Further, it is clarified rates will be adjusted as needed in the 2020 Supplemental Operating Budget.)

The funded rates include Benefit Allocation Factors negotiated in the SEBB Collective Bargaining Agreement. When the SEBB insurance program is implemented January 1, 2020, for purposes of distributing insurance benefits, Certificated Staff units will be multiplied by 1.02 and Classified Staff units will be multiplied by 1.43.

Proviso language in the budget clarifies that in order to achieve the level of funding provided for health benefits, the School Employees' Benefits Board must require any or all of the following: employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with current law. Additionally, SEBB is required to collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge

payment of not less than fifty dollars per month from members who cover a spouse or domestic partner who has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the Public Employees' Benefits Board plan with the largest enrollment. The surcharge payments will be collected in addition to the member premium payment. These surcharges also must be included in the 2021–23 SEBB Collective Bargaining Agreement.

The Health Care Authority is required to deposit any moneys received on behalf of the school employees' medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior Uniform Medical Plan claims payments, into the school employees' and retirees' insurance account to be used for insurance benefits. Proviso language specifies these funds may not be used for administrative expenditures.

Finally, separately adopted legislation delays the enrollment of non-represented ESD employees in the new SEBB insurance program until January 1, 2024 and allows ESDs to enroll those employees in the Public Employees' Benefits Board insurance program until December 31, 2023. (See ESHB 2140 in the Bills Passed section later in this Report.)

Special Education—\$150.9 million

The final budget increases special education funding in total by \$150.9 million to implement E2SSB 5091. E2SSB 5091 and the 2019–21 Operating Budget include four special education funding adjustments:

- The current special education excess cost multiplier for enrolled students is increased from 0.9609 to 0.9925 in the 2019–20 school year. Beginning in the 2020–21 school year, a two-tiered multiplier is implemented. For K–12 students receiving special education and reported to be in the general education setting for 80 percent or more of the school day, the multiplier will be 1.0075; and for K–12 students receiving special education and reported to be in the general education setting for less than 80 percent of the school day, the multiplier will be 0.995. (Note: Although there were multiple attempts to eliminate the special education funding cap, funding is

still limited to 13.5 percent of resident student enrollment.)

Prior to the start of this session, the projected statewide underfunded special education need was estimated to be at least \$308.6 million (and as much as \$400 million). The adjusted multiplier in E2SSB 5091 and funded in the final budget provides an increase of only \$77.2 million.

- Under federal law, in order to access special education safety net awards for high-need students, districts are required to expend at least three times the statewide average per-pupil expenditure as a cost threshold. The state, however, has the authority to lower the safety net threshold using state resources. Since the 2012–13 school year, a high-need student has been eligible for safety net awards if the student's Individualized Education Program costs exceed 2.7 times the average per-pupil expenditure. The final budget provides additional funding (\$16.0 million) to implement a further reduction of the safety net threshold, as provided for in E2SSB 5091. Beginning in the 2019–20 school year, a high-need student will be eligible for safety net awards if the student's Individualized Education Program costs exceed 2.3 times the average per-pupil expenditure.
- Due to enrollment growth and the lowering of the safety net threshold, the final budget provides an additional \$32.7 million in anticipation of increased safety net awards for the 2018–19 and 2019–20 school years.
- E2SSB 5091 also impacts Professional Learning Days. OSPI is required to calculate each school district's professional learning allocation separately from the minimum state allocation for salaries and associated fringe benefits. The allocation must be equal to the proportional increase in professional learning days required by statute. For programs funded on a per-student basis—such as special education—professional learning allocations must be included in per-pupil calculations.

In addition to the revised calculations for Professional Learning Day allocations, the budget also includes proviso language—and

funding—regarding professional development. OSPI is provided with \$25.0 million to support professional development in inclusionary practices for classroom teachers. The primary form of support to public school classroom teachers must be for mentors who are experts in best practices for inclusive education, differentiated instruction, and individualized instruction. Funding for mentors must be prioritized to the public schools with the highest percentage of students with Individualized Education Programs aged six through twenty-one who spend the least amount of time in general education classrooms.

Additionally, the State Auditor is provided with an \$8,000 appropriation (in addition to its Maintenance Level appropriation) to conduct a financial or accountability audit as required by E2SSB 5091. The one-time audit must be completed by June 1, 2020 for the 2018–19 school year and include a review of:

- Special education revenues and the sources of those revenues, by school district; and
- Special education expenditures and the object of those expenditures, by school district.

Special education data reported for each school district through these audits must be compiled and submitted to the Legislature by December 1, 2020.

One additional note on special education. The budget includes a transfer (\$512,000) from the Special Education section to OSPI to provide staff support for the Safety Net Committee (as discussed below). There is no net change in funding from the transfer; however, OSPI is also provided with an additional \$450,000 for 1.5 FTE to support the Safety Net Committee.

Local Effort Assistance—\$61.6 million

With the passage of ESSB 5313, funding is provided to increase Local Effort Assistance (LEA or “levy equalization”) payments beginning in Calendar Year 2020. (It should be noted, however, there is a Maintenance Level reduction of \$184.1 million, which means the 2019–21 budget includes a net reduction of \$122.5 million, even with the new funding for LEA.)

As required by ESSB 5313, this funding also includes a one-time additional increase in Local Effort Assistance for

Vancouver School District and Evergreen School District in the 2019–20 school year.

Forest Revenue Deduction—\$26.4 million

For the 2019–21 biennium, school districts receiving federal forest revenues will be allowed to retain those revenues without incurring a reduction to state allocations. The final budget provides sufficient funding to provide full General Apportionment payments to school districts eligible for federal forest revenues.

Paraeducator Training—\$12.0 million

Current law requires school districts to provide paraeducators a four-day “fundamental course of study.” The law, however, specifically notes that school districts must only provide the course in school years for which state funding is appropriated specifically for this purpose and only for the number of days that are funded by the appropriation. SHB 1658, adopted this session, requires two days of comprehensive training on the fundamental paraeducator standards to begin in the 2019–20 school year.

\$12.0 million is provided to the Professional Educator Standards Board (PESB) to support grants to districts to provide two days of training in the fundamental course of study to all paraeducators, but funds provided are for reimbursement to school districts that provide the required training during the 2019–20 school year.

Budget proviso language requires the PESB, no later than December 1, 2020, to submit a report to the Legislature including the following:

- The total number of trainings that districts provided;
- The number of paraeducators that completed the training, by district; and
- The total expenditures reimbursed to school districts, by district.

High-Skilled Program Grants—\$4.1 million

Funding is provided to expand the current Core Plus grant program for secondary Career and Technical Education to include support for the maritime and construction industries, in addition to current funding for aerospace programs (\$3.4 million). Additional funding is provided to implement HB 1424, providing outreach and administrative support, and grants to assist districts in expanding course

equivalencies for Career and Technical Education courses (\$727,000).

Student Mental Health & Safety—\$3.0 million

Funding is provided to implement 2SHB 1216:

- \$2.5 million is provided to ESDs to establish Regional Safety Centers to coordinate: behavioral health support; school-based threat assessments; training and technical assistance; and partnership development and collaboration. The appropriation is expected to support 1.0 FTE at each of the nine ESDs.
(Note: This funding is significantly less than was originally projected to be needed and may only fund 0.8 FTE at each ESD. In fact, OSPI’s budget request was \$13.0 million to support a comprehensive school safety network by bolstering its State Safety Center and establishing ESD Regional Safety Centers. 2SHB 1216 also increases OSPI responsibilities, including establishing OSPI’s role in the new school safety network, the convening of a new Student Well-Being Committee and new monitoring and data collection duties. Some of these additional requirements are “subject to funding,” yet no specific funding was provided (only Section 7 regarding monitoring has a separate appropriations clause). It is unclear if OSPI will cobble together other resources to accomplish these tasks or if they will simply be disregarded. Conversations continue between OSPI and ESDs to determine how best to address the underfunding and next steps.)
- \$100,000 is provided for grants to school districts and other entities to provide School Resource Officer training; and
- \$266,000 is provided (from the Performance Audits of Government Account, rather than the General Fund) to the Joint Legislative Audit and the Review Committee to conduct a study of school districts’ use of the first responder mapping information system. A report to the Legislature is due by January 31, 2020.

Institutional Education—\$2.9 million

\$2.7 million is provided to increase the capacity of institutional education programs to differentiate instruction

to meet students' unique educational needs, including, but not limited to, one-on-one instruction, enhanced access to counseling for social-emotional needs of the student, and services to identify the proper level of instruction at the time of student entry into the facility.

An additional \$200,000 is provided to support one student records coordinator in the Issaquah School District to manage the transmission of academic records with the Echo Glen Children's Center.

Next Generation Science—\$2.0 million

Funding is provided for professional development in the Next Generation Science standards. OSPI will provide grants to school districts and ESDs for science training in the Next Generation Science standards, including training in the Climate Science standards. At a minimum, school districts must ensure teachers in one grade level in each elementary, middle, and high school participate in this science training. Additionally, \$1.0 million of the appropriation is provided to support community-based nonprofits to partner with public schools for Next Generation Science standards.

Achievers Scholars—\$2.0 million

Funding is increased for expansion of the Washington State Achievers Scholarship and the Washington Higher Education Readiness Program. The programs: support community involvement officers that recruit, train, and match community volunteer mentors with students selected as Achievers Scholars; and to identify and reduce barriers to college for low-income and underserved middle and high school students.

The funding increase provided in this budget (\$2.0 million) must be used for the College Success Foundation to establish programming in new regions throughout the state. OSPI is permitted to require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington School Improvement Framework.

Foster Youth Outcomes—\$2.0 million

Funding is increased for Foster Youth Educational Outcomes. The program provides services to dependent youth (ages 13–21) to improve their educational outcomes with individualized education services and monitoring.

Guidance Counselors—\$1.8 million

Funding is provided for additional staffing allocations for guidance counselors in 20 elementary and middle schools, which have enrollments greater than one 150 students, with the lowest overall school score for all students in the 2018–19 school year, as determined by the Washington School Improvement Framework. Eligible schools will receive: an increased staffing allocation for guidance counselors of 0.307 (for a total of 0.8) per prototypical elementary school; and an increased staffing allocation for guidance counselors of 0.512 (for a total of 1.7) per prototypical middle school.

Proviso language clarifies, to receive additional allocations, eligible schools must have demonstrated actual staffing for guidance counselors for its prototypical school level that meets or exceeds the current staffing for guidance counselors for its prototypical school level as provided for in law and funded by the budget. School districts are required to distribute the additional guidance counselor allocation to the schools that generate the allocation. Finally, it is clarified that this enhanced funding is not part of the state's program of basic education.

Regional Apprenticeship Pilot—\$1.5 million

Funding is provided for the Marysville School District to collaborate with the Arlington School District, Everett Community College, other local school districts, local labor unions, and local industry groups to develop apprenticeship programs within the building and construction trades.

Dual Language Grants—\$950,000

Funding is provided to support expansion of the K–12 Dual Language Grant Program, as established in 2017 (SHB 1445).

High School Graduation Requirements—\$948,000

Funding is provided to OSPI (\$596,000) to establish an electronic/online platform for statewide High School and Beyond Plans, as required by E2SHB 1599.

Additional funding is provided to the State Board of Education (\$352,000) to convene and staff a Mastery-Based Learning Work Group, required by E2SHB 1599. The Work Group is directed to inform the governor, the Legislature, and the public about barriers to mastery-based learning in Washington.

Career Connected Learning—\$850,000

Funding is provided to implement Career Connected Learning, intended to prepare students for jobs.

Educator Workforce—\$811,000

Funding is provided to OSPI, the Professional Educator Standards Board, and the Washington Student Achievement Council to implement E2SHB 1139. The bill is a comprehensive effort to expand the current and future educator workforce supply.

\$120,000 is provided to OSPI for the Beginning Educator Support Team (BEST) Program. The funding will be used for BEST grants, allowing districts to provide professional development and mentor support for beginning teachers. The grant funds are to be provided on a competitive basis to individual school districts or consortia of districts. In allocating funds, OSPI must give priority to districts with challenged schools in need of improvement and districts with a large influx of beginning classroom teachers.

An additional \$680,000 of federal funds are provided to allow OSPI to administer the Regional Educator Recruitment Program. OSPI must provide grants of up to \$100,000 to the three ESDs whose school districts have the least access to alternative route teacher certification programs. Beginning September 1, 2019, the ESDs receiving grants must employ a regional recruiter for two years. By December 1, 2021, OSPI, in collaboration with the Association of ESDs, must report to the Legislature with a summary of the recruitment activities of the ESD grant recipients in comparison to other ESDs, including relevant outcome data, and recommend whether the grant program should be modified, expanded to all ESDs, or discontinued.

\$422,000 is provided to the Professional Educator Standards Board (PESB) to support grants for an ESD to pilot an Alternative Route Program for the purpose of providing financial assistance to teacher candidates enrolled in the program with the intent to pursue an initial teacher certificate. Grants of \$5,000 of financial assistance are to be provided to 20 teacher candidates in the 2019–20 school year and to 30 teacher candidates in the 2020–21 school year.

\$269,000 is provided to the Washington Student Achievement Council (WSAC) to assist local school districts, submit reports, and administer conditional

scholarship and loan repayment programs related to the current and future education workforce supply.

\$3.3 million is also transferred from PESB to WSAC (as described later in this section). That funding supports the Student Teaching Grant Program, the Teacher Endorsement and Certification Help Program, and the Educator Conditional Scholarship and Loan Repayment Programs, including the Pipeline for Paraeducators Program, the Retooling to Teach Conditional Loan Program, the Teacher Shortage Conditional Scholarship Program, the Career and Technical Education Conditional Scholarship Program, and the federal Student Loan Repayment in Exchange for Teaching Service Program.

Kitsap Apprenticeship Pathways—\$700,000

Funding is provided to the South Kitsap School District to develop pathways for high school diplomas and post-secondary credentials through controls programmer apprenticeships.

Math Improvement Pilot Program—\$510,000

One-time funding is provided for a Math Improvement Pilot Program. Equal amounts (\$170,000 each) are appropriated to the Spokane, Bremerton, and Chehalis School Districts to help the districts improve math scores.

Seattle Education Access—\$500,000

One-time funding is provided to the Seattle Education Access program to ensure students on non-traditional educational pathways have the mentorship and technical assistance needed to navigate higher education and financial aid. OSPI is permitted to require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington School Improvement Framework.

FIRST Robotics Program—\$500,000

Funding is increased to support FIRST robotics programs in grades four through twelve.

Career-Integrated Mentoring—\$500,000

Funding is provided for OSPI to contract with Washington state based nonprofit organizations that provide career-integrated one-to-one mentoring programs for disadvantaged high school students facing academic and personal challenges with the goal of keeping them on track for graduation and post-high school success. The

mentoring must include a focus on college readiness, career exploration, and social-emotional learning. An applicant requesting funding for these dollars must successfully demonstrate to OSPI that it currently provides a career-integrated one-to-one volunteer mentoring program and has been mentoring high school youth for at least twenty years in the state.

Educational Interpreters—\$450,000

Funding is provided for OSPI to develop or expand a mentoring program for persons employed as educational interpreters in public schools. The funds provided may only be used for recruiting, hiring, and training persons to be employed by Washington Sensory Disability Services who must provide mentoring services in different geographic regions of the state, with the goals of: providing services, beginning with the 2019–20 school year, to any requesting school district; and assisting persons in the timely and successful achievement of performance standards for educational interpreters.

Social-Emotional Learning—\$400,000

Funding is provided to implement SSB 5082. The appropriation will be used to:

- Create a Social-Emotional Learning (SEL) Committee (with staff support from OSPI) to promote and expand SEL. SEL is expected to help students build awareness and skills in managing emotions, setting goals, establishing relationships, and making responsible decisions that support success in school and life; and
- Support OSPI’s creation and publication on its website of a list of resources available for professional development of staff.

Science on Wheels—\$380,000

Funding is provided for a grant to the Pacific Science Center to continue providing Science on Wheels activities in schools and other community settings. The funding will allow the development of a new computer science program and outfit a van with program resources in order to expand statewide outreach.

Public Schools Language Access—\$322,000

Funding is provided to OSPI (\$231,000) and to the Office of the Governor (\$91,000) to implement ESHB 1130. Under provisions of the bill, OSPI and the Office of the Education

Ombuds (housed in the Governor’s Office), must jointly convene a Work Group to improve meaningful, equitable access for public school students and their family members who have language access barriers. The Work Group must provide a report with recommendations to the Legislature by October 1, 2020.

Media Literacy Grant Program—\$300,000

One-time funding is provided for OSPI to establish and administer a Media Literacy Grant Program.

Extracurricular Activities Grant—\$250,000

HB 1660 would have established goals for high schools related to the opportunity gap for Associated Student Body (ASB) card acquisition and the opportunity gap for extracurricular activity participation. As part of the bill’s provisions, OSPI would have been required to allocate grants to high schools impacted by discounts on ASB card fees charged to high school students who are low income. While HB 1660 failed to be adopted, funding is provided in the budget for OSPI to administer a grant program. (See also “Extracurricular Activities” below.)

OSPI is provided with \$250,000 (Fiscal Year 2021) to create and administer a grant program for districts to reduce Associated Student Body fees for students who are eligible to participate in the federal Free and Reduced-Price Meals program. OSPI is required to distribute grants for the 2020–21 school year to school districts by August 10, 2020.

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

- High schools implementing the United States Department of Agriculture community eligibility provision;
- High schools with the highest percentage of students in grades nine through twelve eligible to participate in the federal Free and Reduced-Price Meals program; and
- High schools located in school districts enrolling 5,000 or fewer students.

Additional proviso language stipulates that OSPI must award grants of up to \$5,000 per high school per year. OSPI is permitted to award additional funding if:

- The appropriations provided are greater than the total amount of funding requested at the end of the

application cycle; and

- The applicant shows a demonstrated need for additional support.

Dropout Early Warning Data—\$250,000

Funding is provided to OSPI to conduct a pilot program in five school districts of a dropout early warning and intervention data system to identify students beginning in grade eight who are at risk of not graduating from high school and require additional supports. The system, at a minimum, must measure attendance, behavior, and course performance. By December 15, 2020, OSPI is required to provide a report to the Legislature regarding the progress of all participating schools.

Student Athletes Learning—\$250,000

Funding is provided for OSPI to provide learning experiences for student-athletes in the Science, Technology, Engineering, and Math sectors. OSPI must contract with a nonprofit organization to offer student-athlete classes, programs, and scholarships to improve school performance and advancement across diverse communities.

Military Student Mentoring—\$250,000

Funding is provided for OSPI to contract with Washington-based nonprofit organizations to create a mentoring program for military-connected students. The goal of the mentoring is to build resiliency in military-connected students and increase their ability to cope with the stress of parental deployment and frequent moves, which will help promote good decision-making by youth, help increase attachment and a positive attitude toward school, and develop positive peer relationships. An applicant requesting funding for these dollars must successfully demonstrate to OSPI that it currently provides direct one-to-one volunteer mentoring services to military-connected elementary students in the state and has been providing military mentoring to students in the state for at least twenty-four months.

Kip Tokuda Memorial Fund—\$250,000

The final budget provides increased funding to support the Kip Tokuda Memorial Civil Liberties Public Education Fund. OSPI must award grants consistent with current law, as established by E2SHB 1572 (2000).

Graham-Kapowsin High School—\$250,000

One-time funding is provided for the Bethel School District to expand post-secondary education opportunities at Graham-Kapowsin High School.

Holocaust Education Support—\$183,000

One-time funding is provided to implement SSB 5612, which encourages every public middle, junior high, and high school to include instruction on the events of the Holocaust.

OSPI must collaborate with an expert Washington nonprofit organization that teaches the lessons of the Holocaust, to:

- Develop best practices and guidelines for high quality instruction;
- Encourage and support middle, junior high, and high school teachers in implementing best practices; and
- Train teachers who teach in subjects relevant to the topic.

Agriculture History Curriculum—\$150,000

Funding is provided for OSPI to create a series of articles, videos, and educational curriculum on the history of agriculture in Washington, including the role and impact of indigenous and immigrant farmers. The materials will be required to be made available for free to schools, educators, and students.

NonViolence Leadership—\$150,000

The final budget increases funding for the Nonviolence and Ethical Leadership Program provided by the Institute for Community Leadership.

School Lunch Duration—\$126,000

HB 1272 would have: directed OSPI to designate six public schools as demonstration sites to implement and evaluate seated lunch duration procedures for school lunch periods; and required WSSDA to adopt a model policy and procedure related to lunch durations. While the bill failed to be adopted, much of the bill's requirements are embedded in the 2019–21 Operating Budget.

\$126,000 is provided to OSPI to evaluate and implement best practices and procedures for ensuring that student lunch periods include a seated lunch duration of at least twenty minutes. Proviso language requires OSPI to select six public schools through an application-based process to serve as demonstration sites.

Of the total funding appropriated for this purpose:

- \$30,000 of the appropriation for Fiscal Year 2020 and \$30,000 of the appropriation for Fiscal Year 2021 are provided for annual grant awards of \$5,000 each provided to the six school districts selected to serve as school demonstration sites;
- \$20,000 of the appropriation for Fiscal Year 2020 and \$20,000 of the appropriation for Fiscal Year 2021 are provided for OSPI to hire a consultant with expertise in nutrition programs to oversee the demonstration projects and provide technical support;
- \$10,000 of the appropriation for Fiscal Year 2020 and \$10,000 of the appropriation for Fiscal Year 2021 are provided for OSPI to provide technical support to the demonstration sites and report its findings and recommendations to the Legislature by June 30, 2021; and
- \$6,000 of the appropriation for Fiscal Year 2020 is provided for WSSDA, in consultation with OSPI, to adopt and make publicly available by February 14, 2020, a model policy and procedure that school districts may use to ensure that student lunch periods include a seated lunch duration of at least twenty minutes. In developing the model policy and procedure, WSSDA must, to the extent appropriate and feasible, incorporate pertinent recommendations from the Office of the State Auditor.

Reduce Use of Restraint—\$120,000

Additional funding is provided to OSPI to collect and monitor restraint and isolation data as required by current law. The additional funding will allow OSPI to provide training, technical assistance, and other support to schools and districts to reduce the use of restraint and isolation of students.

Financial Literacy—\$100,000

The budget provides increased funding for the Financial Education Public-Private Partnership to continue to promote the financial literacy of students.

Project Citizen Increase—\$100,000

Funding is increased for the Project Citizen and the We the People: The Citizen and the Constitution programs sponsored by the National Conference of State Legislatures

and the Center for Civics Education to promote participation in government by middle and high school students.

\$30,000 of the appropriation must be used to award a travel grant to the winner of the We the People: The Citizen and the Constitution state competition.

State Data Center Backup—\$92,000

One-time funding is provided to pay for a new server and backup application due to the move to the state data center.

State Data Center Network—\$88,000

Funding is provided to pay consolidated technology services for space in the state data center and networking charges.

Extracurricular Activity Reporting—\$75,000

HB 1660 would have established goals for high schools related to the opportunity gap for Associated Student Body (ASB) card acquisition and the opportunity gap for extracurricular activity participation. School districts with high schools that failed to meet or exceed any of these goals would have had to develop, submit, and implement an opportunity gap reduction plan. While HB 1660 failed to be adopted many of the bill's reporting requirements are embedded in the 2019–21 Operating Budget. (See also "Extracurricular Activities Grant" above.)

Funding is provided to OSPI to support their collaboration with Associated Student Body executive boards. School districts did not receive any direct funding to support their data collection and reporting requirements; however, OSPI is required to provide support to ensure that all districts comply with the data reporting requirements described below.

Proviso language requires OSPI, by December 19, 2020, to publish a list of schools and districts that are not complying with current law requirements to: post ASB program fund information on the school district's website; and/or adopt regulations for waiving or reducing ASB or extracurricular activities fees for students whose families would have difficulty in paying the entire amount of such fees due to their low income.

Additional proviso language requires OSPI to:

- Collaborate with ASB executive boards statewide regarding district policies to reduce the

extracurricular opportunity gap; and

- Require school districts to collect and report to the ASB executive board the 2018–19 school year data related to students in possession of ASB cards and student participation in school-based athletic programs by January 15, 2020. School districts with more than one high school are required to provide each high school’s ASB executive board only the data from each ASB executive board’s respective high school.

Proviso language also requires each school district with a high school to collect and publish on its website the following school-level data from each high school for the 2018–19 school year by January 15, 2020, for the 2019–20 school year by April 15, 2020, and for the 2020–21 school year by April 15, 2021:

1. The number of high school students who are eligible to participate in the federal Free and Reduced-Price Meals program;
2. The purchase amount of an Associated Student Body card for high school students;
3. The discounted purchase amount of an Associated Student Body card for high school students who are eligible to participate in the Federal Free and Reduced-Price Meals program;
4. Athletic program participation fees and any discounted fees for high school students who are eligible to participate in the federal Free and Reduced-Price Meals program;
5. The number of high school students who possess an Associated Student Body card;
6. The number of high school students who are eligible to participate in the federal Free and Reduced-Price Meals program and possess an ASB card;
7. The number of high school students participating in an athletic program; and
8. The number of high school students participating in an athletic program who are eligible to participate in the federal Free and Reduced-Price Meals program.

The data for the April 2020 and April 2021 reports must include at least two weeks of data from the beginning of the spring athletics season.

Ethnic Studies—\$71,000

Funding is provided to OSPI (\$61,000) to implement SSB 5023. As required by the bill, OSPI will convene an Advisory Committee to develop ethnic studies materials and resources for use in grades seven through twelve. The materials and resources must be designed to prepare students for global citizenship in a global society, with an appreciation for the contributions of multiple cultures.

The Commission on Asian Pacific American Affairs and the Commission on Hispanic Affairs are provided \$5,000 each (\$10,000 total) to support their participation in OSPI’s Advisory Committee. (Note: The Commission on African-American Affairs will be a participant in the Advisory Committee; however, they received no additional funding for this purpose.)

Immigrants in the Workplace—\$70,000

Funding is provided to implement E2SSB 5497 for legal services to review confidentiality policies and to develop model policies related to immigration enforcement at public schools.

Civics Education Materials—\$55,000

Funding is provided to OSPI to develop civics education materials for grades kindergarten through five. OSPI is required to contract for the production of the materials with an experienced Washington state organization that produces civics education materials currently posted as an open education resource at OSPI.

OSPI Website Maintenance—\$50,000

Funding is provided to pay consolidated technology services to host the OSPI website and for website maintenance and support services.

Civic Education Grant—\$20,000

Funding is provided for the Civic Education Travel Grant Program which was established to provide travel grants to students participating in statewide, regional, national, or international civic education competitions or events.

BUDGET DETAILS: K–12 TRANSFERS

The 2019–21 Operating Budget reorganizes multiple K–12 statewide programs, transferring funding from one area of the K–12 budget to another. For example, Dual Credit programs—and its related funding—has been transferred

from the “OSPI & Statewide Programs” section of the budget to the “Grants & Pass-Through Funding” section of the budget. This transfer moved \$9.8 million from one section of the K–12 budget to another, with a net zero funding impact on the overall funding of K–12 education.

Office of the Superintendent of Public Instruction and Statewide Programs

\$49.7 million of program funding is transferred between Statewide Programs and other areas of the K–12 education budget. While almost all the transfers result in a net zero impact in the K–12 education section of the budget, one transfer provides a small increase. \$392,000 is transferred from the Criminal Justice Training Commission budget (outside of K–12 education) and into the OSPI Statewide Program section of the budget. \$200,000 of the transferred funds are provided for a school safety program to provide school safety training for all school administrators and school safety personnel. The School Safety Center Advisory Committee must develop and revise the training program, using the best practices in school safety. The remaining \$192,000 of the transferred funds is provided for administration of the School Safety Center. The Safety Center must act as an information dissemination and resource center when an incident occurs in a school district in Washington or in another state, coordinate activities relating to school safety, review and approve manuals and curricula used for school safety models and training, and maintain a school safety information website.

State Board of Education

The State Board of Education and related funding is moved from OSPI’s Statewide Programs to its own program in OSPI. \$2.6 million is transferred; however, the transfers result in a net zero impact in the K–12 education section of the budget.

Professional Educator Standards Board

The Professional Educators Standards Board and related funding is moved from OSPI’s Statewide Programs to its own program in OSPI. Funding for a variety of Conditional Scholarship Awards, totaling \$3.3 million, is transferred to the Washington Student Achievement Council. A total of \$7.1 million is transferred, with a net reduction of \$3.8 million to the K–12 education section of the budget, due to the transfer to the Higher Education section of the budget.

Grants and Pass-Through Funding

A total of \$55.6 million is transferred into the Grants and Pass-Through Funding of OSPI’s budget, for a net zero impact to the K–12 education section of the budget. \$42.3 million is transferred from OSPI’s Statewide Programs, \$13.1 million is transferred from the Education Reform program, and \$170,000 is transferred from the Highly Capable program to the new Grants and Pass-Through Funding program in OSPI.

BUDGET DETAILS: STATE AGENCY ADJUSTMENTS

The budget makes a series of funding adjustments for all state agencies, including OSPI. While OSPI’s share of the funding enhancements or reductions are minimal, the total adjustments impact the overall funding level of the K–12 portion of the budget; agency adjustments result in a net increase of \$565,000.

OFM Central Services—\$397,000

Agency budgets are adjusted to reflect each agency’s allocated share of charges from the Office of Financial Management (OFM).

DES Central Services—\$161,000

Agency budgets are adjusted to reflect each agency’s allocated share of charges from the Department of Enterprise Services (DES).

Administrative Hearings—\$99,000

Agency budgets are adjusted to reflect each agency’s anticipated share of billing charges for the Office of Administrative Hearings.

Legal Services—\$68,000

Agency budgets are adjusted to reflect each agency’s anticipated share of billing charges for agency legal services from the Office of the Attorney General.

Audit Services—\$24,000

Agency budgets are adjusted to reflect each agency’s allocated share of charges for state government audits from the State Auditor’s Office.

Consolidated Mail Rate Increase—\$13,000

Agency budgets are adjusted to reflect each agency’s estimated portion of increased Fee for Service charges

from the Department of Enterprise Services (DES) to fully cover the Consolidated Mail Services program.

Self-Insurance Liability Premium—\$13,000

Agency budgets are adjusted to reflect updated self-insurance liability premium rates for the 2019–21 biennium.

Fleet Program Rate Increase—\$7,000

Agency budgets are adjusted to reflect each agency's estimated portion of increased Fee for Service charges, paid through increased rental rates from Department of Enterprise Services' (DES) to fully cover the cost of state Motor Pool vehicles and operations.

Archives/Records Management—\$1,000

Funding is adjusted in agencies' budgets to reflect each agency's allocated share of charges for the state archives and records management through the Secretary of State's Office.

CTS Central Services—(\$218,000)

Agency budgets are adjusted to reflect each agency's allocated share of charges from Consolidated Technology Services (CTS).

Levy Spending Plans—(\$700,000)

EHB 2242 (2017's *McCleary* "Solution") required school districts to receive OSPI approval of an enrichment levy expenditure plan before submission of the proposition to the voters to ensure the use of local revenues complied with enrichment requirements (that is, using local revenues only for "enrichment" and not basic education). The 2017–19 Operating Budget provided OSPI \$1.0 million in Fiscal Year 2019 to review school district enrichment levy expenditure plans.

BUDGET DETAILS: K–12 REDUCTIONS OR "SAVINGS"

The funding provided in the previous budget proved to be more than was required. The 2019–21 Operating Budget provides \$300,000 to OSPI to review the use of local revenues for compliance with enrichment requirements, including the preballot approval of enrichment levy spending plans—thereby reducing the previous funding by \$700,000.

Performance Based Evaluations—(\$496,000)

Since 2010, the budget has provided funding for the

implementation of a new performance-based evaluation for certificated educators. The 2019–21 Operating Budget continues this funding, but it has been reduced due to earlier underspending of the appropriated funds.

School Emergencies—(\$458,000)

The 2017–19 Operating Budget provided funding for school district emergencies, as certified by OSPI. Funding provided was conditioned upon the written commitment and plan of the school district board of directors to repay the grant with any insurance payments or other judgments that may be awarded, if applicable. At the close of the Fiscal Year, OSPI was required to report to the Office of Financial Management and the Legislature on the allocations provided to districts and the nature of the emergency.

The previous funding was underspent in 2017–19 and is eliminated in the 2019–21 budget.

Children's Mental Health—(\$204,000)

Legislation adopted in 2017 created a pilot program for ESDs to deliver and coordinate children's mental health services. The pilot program has expired and the 2019–21 Operating Budget discontinued funding for the program.

Innovation Schools—(\$20,000)

Legislation adopted in 2011 established Innovation Schools. Since then, funding has been provided to OSPI to convene a committee for the selection and recognition of Washington Innovative Schools. Due to a lack of activity since 2017, the 2019–21 Operating Budget discontinued funding for this program.

ADDITIONAL DETAILS

Compensation Adjustments

The 2019–21 Operating Budget provides funding for inflationary adjustments for school employees based on the Implicit Price Deflator (IPD). (Note: School employees receive annual inflationary increases; Cost of Living Adjustments, or "COLAs," are no longer provided.) The salary increases provided are 2.0 percent for the 2019–20 school year and 2.1 percent for the 2020–21 school year. (While NOT official, the IPD for the 2021–22 and the 2022–23 school years are projected to be 2.1 percent and 2.0 percent, respectively.)

In addition to salary allocations provided, the funding includes two days of professional learning for each of the funded full-time equivalent Certificated Instructional Staff units in the 2019–20 school year and three days of professional learning for each of the funded full-time equivalent Certificated Instructional Staff units in the 2020–21 school year.

Funding provided for school employee compensation also include associated incremental fringe benefit allocations at 23.16 percent for the 2019–20 school year and 23.16 percent for the 2020–21 school year for Certificated Instructional and Certificated Administrative Staff and 20.83 percent for the 2019–20 school year and 20.83 percent for the 2020–21 school year for Classified Staff.

Budget language clarifies the funding provided includes no salary adjustments for substitute teachers.

Hold Harmless

Based on a request from WASA, the Legislature has provided \$58.4 million to a set of school districts (a total of 95) that were most negatively impacted by the Legislature's *McCleary* legislation. This funding, however, is NOT appropriated in the 2019–21 Operating Budget. Separately adopted legislation transfers \$58.4 million from the state's Budget Stabilization Account to support these districts. For more details, see ESHB 2163, Bills Passed, later in this Report.

Collective Bargaining Agreements

Proviso language in the budget requires school districts to report to OSPI the results of each Collective Bargaining Agreement for Certificated Staff within their district using a uniform template as required by OSPI, within thirty days of finalizing contracts.

The data must include but is not limited to: Minimum and maximum base salaries, supplemental salary information, and average percent increase for all Certificated Instructional Staff. Within existing resources by December 1st of each year, OSPI is required to produce a report for the Legislative Evaluation and Accountability Program Committee summarizing the district level Collective Bargaining Agreement data.

School Employees' Benefits Board

Administrative funding for the School Employees' Benefits Board (SEBB) has been provided to the Health Care Authority

(\$25.3 million) with a set of conditions. Proviso language states:

- For health benefits payments to the Health Care Authority for benefits provided to school employees in January 2020, school districts must provide payment to the Health Care Authority within three business days of receiving the January 2020 allocation for insurance benefits. The Health Care Authority and OSPI are required to coordinate with school districts to enable timely payment to the Health Care Authority.
- By February 5, 2020, the Health Care Authority shall report to the Legislature on the total amount by school district, ESD, and charter school billed for January benefits and a detailed list of school districts, ESDs, and charter schools that have not remitted payment for January coverage as of January 31, 2020.
- \$2,000 of the appropriation is provided to implement E2SSB 5497 (immigrants in the workplace). (Note: Additional funding is provided to the Health Care Authority to implement the bill; this funding is specifically for the SEBB portion of the HCA budget section.)
- 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' and School Employees' Benefits Board systems that could be gained by consolidating the systems. The consolidation options studied must maintain separate risk pools for Medicare-eligible and non-Medicare eligible employees and retirees, assume a consolidation date of January 1, 2022, and incorporate the experiences gained by the Health Care Authority during the initial implementation and operation of the School Employees' Benefits Board Program. The study must be submitted to the Legislature by November 15, 2020.

Under a separate appropriation, the Health Care Authority (via a Special Appropriation to the Governor, by way of the Office of Financial Management) receives \$10.0 million. Because health care premium payments for the School Employees' Benefits Board insurance program will not begin until January 2020, the Health Care Authority requires continuing start-up funding for the period of July 2019 to January

2020. Budget language clarifies that it is the intent of the Legislature that this funding and additional funding provided in the 2017–19 Operating Budget (\$8.0 million) be repaid—with interest—to the General Fund by June 30, 2022.

The Health Care Authority also receives four additional appropriations regarding the School Employees' Benefits Board insurance program:

- \$150,000 is provided for the preparation and distribution of information to assist school employees enrolling in the School Employees' Benefits Board insurance program.
- Approximately 150,000 individuals who are dependents of school employees must be verified to confirm eligibility to be enrolled in the School Employees' Benefits Board insurance program. \$512,000 is provided to complete this verification.
- \$1.0 million is provided for additional staffing for the Public Employees' Benefits Board and School Employees' Benefits Board programs for customer service, contract management, and program and benefit support in response to increasing enrollment and complexity in employee and retiree insurance programs.
- \$17.3 million is provided for third party administrator fees for the new School Employees' Benefits Board program.

Truancy Petitions

Under current law, school districts are required to take certain actions to reduce a student's unexcused absences from school. One of the obligations is filing a truancy petition in juvenile court when a student has seven unexcused absences within a month or ten unexcused absences within a school year. Truancy petitions are referred to a Community Truancy Board (CTB) in school districts with over 250 students. If CTB intervention fails, the case must be returned to juvenile court for a hearing and the court can issue an order requiring the child to attend school, if deemed necessary. If the child fails to comply with the court order, the court may commit the child to remedial detention for up to seven days or impose alternatives to detention, such as community restitution.

This session, the Legislature adopted E2SSB 5290, which eliminates the ability of the court to place youth in detention for noncriminal behavior. Among other things, this means

no student may be placed in detention as a contempt sanction or based on a warrant pursuant to laws related to truancy. Similarly, no student may be placed in detention as a contempt sanction or based on a warrant pursuant to laws related to Children in Need of Services and At-Risk Youth.

Due to the adoption of this bill, the filing of petitions is expected to be reduced. The budget reduces funding to the Administrator for the Courts by \$626,000 for processing truancy, Children in Need of Services, and At-Risk Youth petitions.

Proviso language requires each county each Fiscal Year to report to the Administrator for the Courts the number of petitions processed and the total actual costs of processing truancy, Children in Need of Services, and At-Risk Youth petitions. The Administrator for the Courts, in turn, must transmit the information to the Legislature.

Prepaid Election Ballots

The Secretary of the State is provided with \$4.8 million to implement SSB 5063, which requires counties to provide prepaid postage on return envelopes for all elections. This funding will be used to reimburse costs to counties as they comply with the new law.

Children's Mental Health

Multiple appropriations are provided in the budget to implement 2SSB 5903, which addresses the state's mental health workforce shortage. Appropriations are as follows:

- \$477,000 is provided to WSU (\$264,000) and UW (\$213,000) to support additional positions for residents specializing in child and adolescent psychiatry.
- \$1.1 million is provided to the Health Care Authority to develop a statewide plan to implement evidence-based Coordinated Specialty Care programs to provide early identification and intervention for psychosis in licensed or certified community behavioral health agencies.
- \$1.5 million is provided to the Department of Child, Youth, and Families to support one qualified mental health consultant in each of six regions designated by DCYF in support of the work of coaches and child providers.

Public Records Act

In 2017, the Legislature adopted legislation that updated the Public Records Act. Among other things, the legislation required:

- The Division of Archives and Records Management (State Archives) within the Office of the Secretary of State to establish a one-time competitive grant program for local agencies to improve technology information systems for public record retention, management, and disclosure, and any related training;
- The Division of Archives and Records Management to offer consultation and training services for local agencies on improving record retention practices; and
- Required the Office of the Attorney General to establish a consultation program to assist local governments with best practices for managing records requests, updating technology, and mitigating costs and liability.

Legislation adopted this session, ESHB 1667, removes the expiration date of: the State Archive’s grant program; the requirement that the State Archives provide training services for local agencies on improving retention practices; and the Attorney General’s consultation program.

The 2019–21 Operating Budget appropriates \$1.6 million to implement ESHB 1667. \$1.3 million (\$1.2 million from the Local Government Archives Account and \$28,000 from the Public Records Efficiency, Preservation, and Access Account) is provided to the Office of the Secretary of State; and \$330,000 (from the Local Government Archives Account) is provided to the Office of the Attorney General.

Collective Bargaining

The Legislature adopted SHB 1575, clarifying collective bargaining rights following the federal Janus decision. Among other things, the bill creates provisions for employees to provide electronic or recorded voice authorization to deduct membership dues and authorizes a cross-check process to determine union representation for public employees, upon a showing of interest of 50 percent of the employees in the bargaining unit.

The Public Employment Relations Commission (PERC) anticipates additional workload demands with the implementation of SHB 1575, including adjudicating cases related to dues authorization cards and representation

elections/cross checks. The final budget provides PERC with \$67,000 to meet the expected increase in workload.

Homeless Youth

The Department of Commerce is provided with \$157,000 to implement SSB 5324 which, among other things, establishes a grant program to encourage the development of collaborative strategies between housing and education partners. OSPI must assist in the implementation of SSB 5324; however, they did not receive any additional appropriation—they must utilize “existing resources.”

Another \$4.0 million is provided to the Department of Commerce to support homeless youth by expanding youth housing and services. Funding will be used to: increase shelter beds, outreach, and housing; and support the Anchor Community Initiative to build infrastructure and services to support a continuum of interventions including but not limited to prevention, crisis response, and long-term housing in reducing youth homelessness.

Safe Streets

\$250,000 is provided to the Department of Commerce for a grant to a nonprofit organization which cultivates police-community relations to help reduce crime and violence in neighborhoods and school communities within the City of Tacoma.

After-School Programs

\$150,000 is provided to the Department of Commerce for a contract with the City of Federal Way to support after-school recreational and educational programs.

Computer Science

Within existing resources, OSPI is required to consult with the Washington Student Achievement Council to adopt rules to implement SB 5088. The bill requires OSPI to adopt rules on competency testing for computer science credits.

Life Annuity Benefits

SB 5350 permits members of the Public Employees’ Retirement System, the Public Safety Employees’ Retirement System, and the School Employees’ Retirement System to purchase an actuarially equivalent life annuity benefit. The budget provides the Department of Retirement Systems with \$106,000 for the expected administrative costs associated with the implementation of the bill.

Retirement System Default

Under current law, new members employed by a Public Employees' Retirement System, Teachers' Retirement System, or School Employees' Retirement System that do not choose to be a member of Plan 2 or Plan 3 are automatically enrolled in Plan 3 by default. SB 5360, adopted this session, provides that new members that do not choose a retirement plan (Plan 2 or Plan 3) within 90 days, are enrolled in Plan 2 by default. The budget provides the Department of Retirement Systems with \$139,000 for the expected administrative costs associated with the implementation of the bill.

Lead Testing

\$1.0 million is provided to the Department of Health (DOH) for lead testing in public schools. DOH must determine which school districts have the highest priority and test those districts first. The Department of Health and the school districts for which tests are conducted must provide to parents, educators, school staff, and the public clear communications regarding the test results, the consequences of even low levels of exposure or ingestion, such as cognitive deficits, reduction in IQ, and neurological development, and the information that no level of lead in drinking water is safe.

DOH communications must include a comparison of the results to the recommendation of the American Academy of Pediatrics (August 2017) and the National Toxicology Program of the National Institutes of Health and the Center for Disease Control, regardless of whether the level exceeds the standard for action pursuant to the federal lead and copper rule. Communications regarding test results where levels exceed the level recommended by the American Academy of Pediatricians must be accompanied by examples of actions districts may take to prevent exposure, including automated flushing of water fountains and sinks, and installation of certified water filters or bottle filling stations.

Sexual Health Education

SB 5395/HB 1407 would have required schools to provide comprehensive sexual health education to all students, kindergarten through twelfth grade and would have required school districts to annually report to OSPI the curricula used to provide comprehensive sexual health education. The legislation failed to be adopted and proviso language in the budget now requires a full review of the issue.

OSPI is required to convene a Work Group to:

- Review provisions related to sexual health education in the Health and Physical Education learning standards adopted in 2016;
- Review existing sexual health education curricula in use in the state for the purpose of identifying gaps or potential inconsistencies with the Health and Physical Education learning standards;
- Consider revisions to sexual health education provisions in statute; and
- Consider the merits and challenges associated with requiring all public schools to offer comprehensive sexual health education to students in all grades by September 1, 2022. Proviso language clarifies that "comprehensive sexual health education" means instruction in sexual health that, at a minimum, is evidence-informed, medically and scientifically accurate, age appropriate, and inclusive for all students.

OSPI must submit findings and recommendations to the State Board of Education, the Department of Health, and the Legislature by December 1, 2019.

The Work Group is required to consult with a broad array of stakeholders representing diverse opinions. The Work Group must consist of the following members:

- The State Superintendent of Public Instruction or the superintendent's designee;
- Three representatives of school districts recommended by WSSDA. To the extent possible, the school district representatives must reflect a diversity of student enrollment, geographic location, and urban, suburban, and rural locations;
- Three school principals recommended by AWSP, one each representing an elementary school, a middle school, and a high school. The three principals must represent the geographic diversity of urban, suburban, and rural locations;
- Three public school health educators recommended by WEA, one each representing grades kindergarten through five, grades six through eight, and grades nine through twelve. The three public school health educators must represent the geographic diversity of urban, suburban, and rural locations;
- Three public health officials, at least two of whom

are local public health officials with expertise in developing or presenting comprehensive sexual health education materials and resources, as recommended by the Department of Health. The three public health officials must represent the geographic diversity of urban, suburban, and rural locations; and

- Three parents, one with a child enrolled in a public school west of the crest of the Cascade mountain range, one with a child enrolled in a public school east of the crest of the Cascade mountain range, and one with a child enrolled in a public school who is also receiving special education services.

OSPI and WSSDA are required to collaborate with the Department of Health to conduct a data survey of the availability of sexual health education in public schools. All school districts are required to submit to OSPI, through the Washington School Health Profiles Survey or other reporting mechanisms, the curricula used in the district to teach sexual health education. The data survey must include a list of the schools within the boundaries of each school district that offer sexual health education and in which grade levels, and the curricula used to teach sexual health education. In addition, the data must include, for each school district, the rate of teen pregnancy, sexually transmitted infections, suicide, depression, and adverse childhood experiences in each of the previous five years for which data is available. To the extent that the data allows, the information must be collected by school district. To the extent allowed by existing data sources, the information must be disaggregated by age, race, ethnicity, Free and Reduced Lunch eligibility, sexual orientation, gender identity and expression, and geography, including school district population density. The data survey may combine multiple years of data, if necessary, to comply with student privacy requirements.

OSPI is required to use the information collected from the data survey to inform the Work Group. OSPI must also submit the data survey to the Legislature and the governor by December 1, 2019.

Dual Credit Programs

Proviso language in the budget—without any funding—requires OSPI to study and make recommendations for how Washington can make dual credit enrollment cost-free

to students who are enrolled in Running Start, College in the High School, Advanced Placement, International Baccalaureate, or other qualifying dual credit programs. While developing recommendations, OSPI must collaborate and consult with K–12 and higher education stakeholders with expertise in dual credit instruction, transcription, and costs. OSPI must provide recommendations to the Legislature by November 1, 2019.

The recommendations must, at a minimum, consider:

- How to increase dual credit offerings and access for students that aligns with the student’s High School and Beyond Plan and provides a pathway to education and training after high school, including careers, professional-technical education, apprenticeship, a college degree, or military service, among others.
- How to ensure transfer of college credits earned by dual credit students to institutions of higher education.
- How basic education funding will be used to provide for fees, books, and other direct costs charged by institutions of higher education and K–12 districts.
- How K–12 and postsecondary institutions will equitably expand dual credit opportunities for students.
- How K–12 and postsecondary institutions will ensure coordinated advising and support services for students enrolled in, or considering enrollment in, dual credit programs.

Dual Credit Scholarship

The Washington Student Achievement Council is provided with \$1.6 million to implement 2SHB 1973, which establishes the Washington Dual Enrollment Scholarship Pilot Program.

Tobacco/Vapor Prevention

The Department of Health is provided a one-time, \$1.0 million appropriation to implement EHB 1074. The funding will be used to support local health jurisdictions to provide youth tobacco and vapor prevention programs, including the necessary outreach and education for youth under the age of 21.

Vaccine Preventable Diseases

\$44,000 is provided to the Department of Health to implement EHB 1638, which prohibits exemptions from the measles, mumps, or rubella vaccines, based upon philosophical or personal objection.

Paid Family and Medical Leave

The Legislature adopted SHB 1399, which makes technical corrections to the Paid Family Medical Leave program enacted in 2017. The purpose of the amendments is to improve the customer experience, avoid unnecessary adverse impacts on employees, and implement the law.

The final budget provides:

- \$162,000 to the Employment Security Department for legal services in anticipation of an increase in appeals;
- \$63,000 to the Office of the Attorney General for anticipated additional legal services for the Employment Security Department; and
- \$2.3 million to the Office of Administrative Hearings for an increased workload, due to anticipated appeals from employers and employees.

ECEAP Expansion

The 2017–19 Operating Budget provides funding to the Department of Children, Youth, and Families (DCYF) to provide an increase of 13,491 slots in Early Childhood Education and Assistance Program (ECEAP). The 2019–20 Operating Budget provides an additional \$19.6 million to DCYF to support additional ECEAP slots. Funding will support at least 14,000 slots in Fiscal Year 2020 (an increase of 509) and 14,662 slots in Fiscal Year 2021 (a total increase of 1,171). 88 percent of these slots are full day and the remainder are extended day.

Added proviso language requires DCYF to develop a methodology to identify, at the school district level, the geographic locations of where ECEAP slots are needed to meet the entitlement in law. The methodology must be linked to the caseload forecast produced by the Caseload Forecast Council and must include estimates of the number of slots needed at each school district and the corresponding facility needs required to meet the entitlement in accordance with current law. The methodology must also be included as part of the agency's budget submittal documentation to the Office of Financial Management.

Early Learning Outcomes

No additional funding is provided; however, proviso language requires the Department of Children, Youth, and Families (DCYF) to provide to the Education Research and Data Center, information on all state-funded early childhood programs. These programs include the Early Support for Infants and Toddlers, the Early Childhood Education and Assistance Program (ECEAP), and the Working Connections and seasonal subsidized childcare programs. The data provided by DCYF must include information on children who participate in these programs, including their name and date of birth, and dates the child received services at a particular facility.

The Education Research and Data Center is required to provide an updated report on early childhood program participation and K–12 outcomes to the Legislature using available data every March for the previous school year.

Finally, DCYF, in consultation with the Department of Social and Health Services, must withhold payment for services to early childhood programs that do not report on the name, date of birth, and the dates a child received services at a particular facility.

Early Intervention Services

No additional funding is provided; however, proviso language requires the Department of Children, Youth, and Families (DCYF), in consultation with OSPI, the Office of Financial Management, and the Caseload Forecast Council to develop a proposal to transfer the annual allocations appropriated in the Operating Budget for early intervention services for children with disabilities from birth through two years of age, from OSPI to DCYF, beginning July 1, 2020. DCYF must submit a model detailing how allocations for this program will be determined and identifying the necessary statutory changes to the Office of Financial Management and the Legislature no later than September 31, 2019.

Additional proviso language implements, beginning July 1, 2019, an administrative limit of five percent on all state funds allocated to school districts for early intervention services for children with disabilities from birth through two years of age.

Regional Markets Program

The Department of Agriculture is provided with \$500,000 to support its Regional Markets Program, which includes

the Small Farm Direct Marketing Program and the Farm-to-School Program.

Northwest Washington Fair

\$250,000 is provided to the Department of Agriculture to support youth education programs at the Northwest Washington Fairgrounds.

Tax Structure Study

The 2017–19 Operating Budget created a Tax Structure Work Group to facilitate a statewide discussion of Washington’s tax structure. The 2019–21 Operating Budget provides the Department of Revenue with \$2.0 million to facilitate a re-authorized and re-organized Tax Structure Work Group.

Budget language outlines the membership and a required timeline of the Work Group. As established in 2017, the Work Group was comprised of only members of the House of Representatives. The new Work Group will include both House and Senate members, along with a representative of the governor. Three nonvoting members have also been added: representatives of the Department of Revenue; the Association of Washington Cities; and the Washington State Association of Counties. Staff support will be provided by the Department of Revenue.

The Work Group is required to convene no less than quarterly each year. The minimum timeline of the Work Group follows:

- By December 1, 2019, the Work Group must have its first meeting.
- By December 1, 2020, the Department of Revenue and a Technical Advisory Group must prepare a summary report of the Work Group’s preliminary findings.
- By May 1, 2021, the Work Group must:
 - Hold no less than one meeting in Olympia to review preliminary findings;
 - Begin to plan strategies to engage taxpayers and key stakeholder groups to encourage participation in the public meetings;
 - Present the summary report to the Legislature;
 - Be available to deliver a presentation to legislative committees; and
 - Finalize the logistics of engagement strategies.
- After the conclusion of the 2021 Legislative Session,

the Work Group must:

- Hold no less than five public meetings in geographically dispersed areas of the state;
- Present findings and alternatives to the state’s current tax structure at the public meetings;
- Provide an opportunity at the public meetings for taxpayers to engage in a conversation about the state tax structure including, but not limited to, providing feedback on possible recommendations for changes to the state tax structure and asking questions about the report and findings and alternatives to the state’s current tax structure presented by the Work Group;
- Utilize methods to collect taxpayer feedback before, during, or after the public meetings that may include, but is not limited to: small group discussions, in-person written surveys, in-person visual surveys, online surveys, written testimony, and public testimony;
- Encourage legislators to inform their constituents about the public meetings that occur within and near their legislative districts;
- Inform local elected officials about the public meetings that occur within and near their communities; and
- Summarize the feedback that taxpayers and other stakeholders communicated during the public meetings and other public engagement methods, and submit a final summary report to the Legislature.

The Summary Report described above, compiled by the Department of Revenue, with the assistance of one or more Technical Advisory Groups, must:

- With respect to the final report of findings and alternatives submitted by the Washington State Tax Structure Study Committee (established in 2001; final report submitted November 2002):
 - Update the data and research that informed the recommendations and other analysis contained in the final report;
 - Estimate how much revenue all the revenue replacement alternatives recommended in the final report would have generated for the 2017–19 fiscal biennium if the state had implemented

- the alternatives on January 1, 2003;
- Estimate the tax rates necessary to implement all recommended revenue replacement alternatives in order to achieve the revenues generated during the 2017–19 fiscal biennium as reported by the Economic and Revenue Forecast Council;
 - Estimate the impact on taxpayers, including tax paid as a share of household income for various income levels, and tax paid as a share of total business revenue for various business activities; and
 - Estimate how much revenue would have been generated in the 2017–19 fiscal biennium, if the incremental revenue alternatives recommended in the final report would have been implemented on January 1, 2003, excluding any recommendations implemented before the effective date of this requirement.
- With respect to the recommendations in the final report of the 2018 Tax Structure Work Group:
 - Conduct economic modeling or comparable analysis of replacing the Business and Occupation Tax with an alternative, such as corporate income tax or margins tax, and estimate the impact on taxpayers, such as tax paid as a share of total business revenue for various business activities, assuming the same revenues generated by Business and Occupation Taxes during the 2017–19 fiscal biennium as reported by the Economic and Revenue Forecast Council; and
 - Estimate how much revenue would have been generated for the 2017–19 fiscal biennium if the one percent revenue growth limit on regular property taxes was replaced with a limit based on population growth and inflation if the state had implemented this policy on January 1, 2003.
 - To analyze our economic competitiveness with border states:
 - Estimate the revenues that would have been generated during the 2017–19 fiscal biennium, had Washington adopted the tax structure of those states, assuming the economic tax base for the 2017–19 fiscal biennium as reported by the Economic and Revenue Forecast Council; and
 - Estimate the impact on taxpayers, including tax paid as a share of household income for various income levels, and tax paid as a share of total business revenue for various business activities.
 - To analyze our economic competitiveness in the context of a national and global economy, provide comparisons of the effective state and local tax rate of the tax structure during the 2017–19 fiscal biennium, and various alternatives under consideration, as they compare to other states and the federal government, as well as consider implications of recent changes to federal tax law;
 - To the degree it is practicable, conduct tax incidence analysis of the various alternatives under consideration to account for the impacts of tax shifting, such as business taxes passed along to consumers and property taxes passed along to renters;
 - To the degree it is practicable, present findings and alternatives by geographic area, in addition to statewide; and
 - Conduct other analysis as directed by the Work Group.

Common School Construction Account

The Department of Natural Resources is authorized to purchase land to be held in the Community Forest Trust; however, any investment in the land purchased with funds belonging to the Common School Trust constitutes a loan from the irreducible principal of the Common School Trust and requires an annual interest payment on the loan of nine percent. Six percent of the interest is deposited into the Common School Construction Account and three percent is deposited into the Real Property Replacement Account.

Under the Special Appropriations section of the budget, a \$1.2 million deposit is made to the Common School Construction Account as interest payments for 2019 and 2020.

Washington Award for Vocational Excellence

Current law requires the Workforce Training and Education Coordinating Board to annually grant the Washington Award

for Vocational Excellence to selected students. Due to budget constraints, however, provision of the Award has been limited in recent years. The budget specifically precludes the Board from designating Award recipients or recognizing them in any way during the 2019–21 biennium. Additional language states the Legislature’s intent to continue the policy of not granting the Awards in the 2019–20 and 2020–21 school years.

2019–21 Capital Budget: SHB 1102

School construction is often prioritized by legislators; however, that prioritization has not resulted in significant changes in the structure of school facility funding. Coming into the 2019 Legislative Session, there was the potential—and a bit of optimism—that scenario would finally change. Last year, as part of the 2018 Supplemental Capital Construction Budget, the Legislature created the Joint Legislative Task Force on Improving State Funding for School Construction. This bicameral, bipartisan Task Force was charged with providing recommendations to the Legislature on a series of school construction issues, including essential updates to the long-outdated School Construction Assistance Program (SCAP).

The final report from the Task Force was issued just prior to the start of the new session on December 15 and included many recommendations that align with WASA’s long-term requests. Those recommendations included: enhancements in the Student Space Allocation and the Construction Cost Allowance—the main funding drivers of SCAP; and assisting rural school districts that cannot qualify for SCAP. Even the simple majority approval of school bonds was recommended (albeit with a seven-to-two vote).

With Task Force recommendations that were strongly supported by Democrats and Republicans in both the House and Senate, school facility issues got a jump-start in the Capital Budget conversation. The first issue out of the gate was a constitutional amendment, SJR 8201, to authorize the simple majority approval of bonds. The resolution was prefiled before session and was followed shortly after by a House companion, HJR 4203. SJR 8202, which would have authorized the approval of bonds with a 55 percent vote, was also introduced early on.

The Senate Early Learning & K–12 Education Committee held a public hearing on SJR 8201 and SJR 8202 on February 6. The constitutional amendments garnered a tremendous amount of support from administrators (of big and small districts), teachers, school directors, and others. There was some skepticism by a few legislators about the need or the rationale for approval, indicating it would be as difficult as expected to achieve the necessary two-thirds

approval of the Senate and House to advance this issue to the ballot; however, the issue had more momentum than we had ever seen before. That momentum started to occur outside the education community and outside the legislative halls as well. Simple majority caught the attention of the media and many news stories and newspaper articles were being regularly produced across the state to discuss the issue—and multiple newspaper editorial boards came out in support of the issue.

HJR 4203 was scheduled for a public hearing in the House Education Committee to coincide with the Annual WASA/WSSDA/WASBO Legislative Conference, but due to the snow-cancellation of the event, we were a bit disappointed to not have a pre-assembled crowd for the hearing. In fact, all legislative hearings were cancelled that day, so HJR 4203 was postponed and heard later that week. There were several superintendents on-hand to testify, along with a number of students, and the host of education associations.

The House Education Committee moved the bill to executive action (twice), but never acted upon the bill. Meanwhile, SJR 8201 was adopted by the Senate Early Learning & K–12 Education Committee. At the same time, there was a motion to adopt SJR 8202 (bond approval at 55 percent); however, the motion was defeated. The simple majority amendment was forwarded to the Senate Ways & Means Committee, where it was again heard and adopted.

The simple majority constitutional amendment sat in the Senate Rules Committee while debate occurred behind-the-scenes about potential amendments. The 55 percent approval was the Floor amendment that garnered the most attention; however, in a bit of a strategic error, the amendment also would have prohibited prevailing wage from applying to school construction projects. The amendment was ruled to be “out of order” (because it expanded the “scope” of the bill). A second 55 percent amendment was quickly put on the bar, but not soon enough, as Democrats objected to its late introduction and moved to table it—effectively killing it. The “clean” simple majority bill then advanced to Third Reading, for final debate and passage. Following a hearty debate, SJR 8201

failed 28–21, unable to achieve the necessary two-thirds vote to continue onto the House.

It continues to appear the 55 percent issue was just a red herring that was never intended to pass, but because of the tactical error on the Floor of the Senate, the issue was never able to get a full hearing or a vote. (It should be noted, there are still questions about whether the Floor action was a legislative gaffe, or actually an ultra-strategic, deliberate “mistake,” resulting in a victory without a fight.)

The issue will continue to linger and conversations have already begun this interim about whether support of a 55 percent approval of school bonds is the right choice for school administrators and the rest of the education community. There are multiple reasons to support, with just as many reasons to oppose (along with a host of reasons to be cautious), but school administrators will likely have to have that internal debate soon.

While the Legislature has consistently “fully funded” all school district requests for SCAP funding for many years (it has been over thirty years since OSPI has been forced to develop a prioritized waiting list because requests were greater than state funding), the funding that is provided is based on antiquated funding drivers. So that “full funding” does not provide for school district space needs or actual construction costs.

WASA—along with many of the education associations and OSPI—has consistently included school facility support on our legislative Platforms for many years. There are often active discussions in the Legislature about positively adjusting K–12 formulas, both the Student Space Allocation (square-foot-per-student) and the Construction Cost Allowance (cost-per-square-foot), yet there has been little movement.

This year, we saw one of the most positive, bold, and impactful school construction funding bills that we have seen introduced in a long, long time. Using the recommendations from the Joint Legislative Task Force on Improving State Funding for School Construction as a launching pad, SB 5853 would have implemented a major overhaul of school construction funding. The bill would have:

- Increased the minimum funding assistance percentage eligible districts receive from the

current 20 percent to 30 percent beginning in the 2019–21 biennium;

- Added five percent to the funding assistance percentage for school projects with historic buildings applying for SCAP funding;
- Phased-in a dramatic increase in the Construction Cost Allowance (CCA) over four biennia; and
- Phased-in dramatic increases in the Student Space Allocation (SSA) for students in grades kindergarten through six over two biennia and phased-in additional increases in SSA for students in grades seven through eight, nine through twelve, and students with disabilities over three biennia, beginning in 2024.

The education community strongly supported this bill—and many legislators jumped on the bandwagon. SB 5853 had broad bi-partisan support and was sponsored by thirty-nine (out of the Senate’s forty-nine) members—Democrats and Republicans; liberals, conservatives, and moderates; urban and rural legislators; and members representing districts west of the Cascades, as well as east of the mountains. Even with that kind of support, one of the best bills of the session was amended multiple times becoming weaker with each change, and was eventually gutted. This hollow shell, which would have made little change to school construction in the end, could not even reach the finish line. This was one of the biggest disappointments of the session.

A third school facilities issue, which WASA has championed for the last few sessions, finally saw some success. SB 5572, another issue included in the Joint Task Force’s recommendations, would have established a small school district modernization grant program for school districts that have 1,000 or fewer students. This grant program was intended to assist smaller school districts that cannot access current School Construction Assistance Program grants, usually because they cannot garner the necessary voter-approved bonds because the tax burden would be too great. Unfortunately, the bill ultimately failed to be adopted; however, the 2019–21 Capital Budget provides \$20.0 million for Small Rural Modernization Grants. The program will carry forward, which is positive, but because this is simply a budget issue, we will have to fight for this program again in two years. If SB 5572 had

been adopted, the program would have been embedded in the law and would have been a permanent program.

In the end, SHB 1102 “fully funds” school construction requests—but because no changes were made to the funding formulas, that full funding continues to fail to reflect actual construction costs or educational space needs. Additional capital funding beyond SCAP amounts to about \$71 million for K–12 education. This is better than nothing, but this minor increase is certainly not a game-changer.

FINAL 2019–21 CAPITAL BUDGET

The final 2019–21 Capital Budget, SHB 1102, provides \$4.9 billion for capital construction across the state. \$3.2 billion in General Obligation bonds are appropriated for the 2019–21 biennium. Of this amount, \$2.97 billion is from new bond authorization (SHB 1101 authorizes \$3,200,926 in bonds) and \$100 million is from existing bond authority. A total of \$1.29 billion is appropriated from other funding and \$204 million is authorized in alternative financing. K–12 education is provided with a total appropriation of \$1.112 billion, with \$1.04 billion going to the School Construction Assistance Program (SCAP).

K–12 EDUCATION DETAILS

- As noted above, \$1.04 billion is provided for the **School Construction Assistance Program**. \$879 million of the appropriation comes from state General Obligation bonds and \$163 million comes from the Common School Construction Account (CSCA). This funding is expected to “fully fund” the expected requests for K–12 construction in the biennium; however, the final appropriation for SCAP is 90 percent of the funding level requested by OSPI (\$1.145 billion). Of the total SCAP funding, \$1.0 million is provided solely for study and survey grants and for completing inventory and building condition assessments for public school districts every six years.
- \$23.0 million is provided for **Distressed Schools**. \$18.0 million of the appropriation is specifically provided to three projects in the Seattle School District: classroom additions and other modernizations at Leschi Elementary School

(\$4.4 million); classroom additions at Madison Middle School (\$10.5 million); and heating and ventilation upgrades at North Beach Elementary School (\$3.1 million).

The remaining \$5.0 million appropriated for Distressed Schools is provided for competitive grants for modular classrooms made with mass-timber products, including cross-laminated timber, for the purpose of replacing portables in school districts with space challenges due to unavailable land for new school facilities to accommodate enrollment growth or with an overdependent use of portables to provide classroom space.

Proviso language provides the following conditions and limitations:

- School districts are responsible for the costs of site preparation; required permits; delivery and installation of the modular classrooms; furnishings, fixtures, and equipment; utility connections; and any other infrastructure costs related to the modular classrooms; and
- OSPI must prioritize projects based on the following criteria in the following order:
 - School districts with high ratios of portable classrooms to permanent classrooms;
 - School districts with low acreage of land available for new construction;
 - Projects that achieve lowest cost per classroom with highest percentage of mass timber products in the overall construction of the project; and
 - Projects that demonstrate multistory application of mass-timber products.
- \$20.0 million is provided for **Small Rural Modernization Grants**—similar to the program embodied in SB 5572, which failed to be adopted—with the stated understanding that small school districts with enrollments of one thousand students or less may have school facilities with significant building systems deficiencies and low property values, and that raising enough funds to participate in the School Construction Assistance Program to replace or modernize their school

facilities would present an extraordinary tax burden on property owners or would exceed allowable debt.

\$200,000 of the overall appropriation is provided solely for OSPI to administer the grant program and provide technical assistance to small school districts seeking Small Rural Modernization Grants.

\$1.0 million of the overall appropriation is provided solely for planning grants for small school districts interested in seeking modernization grants for small school districts with significant building system deficiencies and limited financial capacity. OSPI is allowed to prioritize planning grants for school districts with the most serious building deficiencies and the most limited financial capacity. Proviso language specifies that planning grants may not exceed \$50,000 per district.

The remaining funding is provided solely for modernization grants. Proviso language provides the following conditions:

- OSPI is required to appoint an advisory committee whose members have experience in financing and managing school facilities in small school districts to assist OSPI in designing the grant application process, developing the prioritization criteria, and evaluating the grant applications. Language clarifies that advisory committee members may not be involved in developing projects or applying for Small District Modernization Grants.
- In addition to prioritization criteria developed by OSPI and the advisory committee, projects must be prioritized that:
 - Improve student health, safety, and academic performance for the largest number of students;
 - Provide the most available school district resources, including in-kind resources; and
 - Make use of mass-timber products, including cross-laminated timber, or aggregates and concrete materials.

OSPI is required to submit a list of small school district modernization projects, as prioritized by the advisory committee, to the Legislature by January 15, 2020. Budget language stipulates that grant

funding cannot be awarded to school districts until the Legislature approves the list. The list must include:

- A description of the project;
- The proposed state funding level, not to exceed \$5.0 million;
- Estimated total project costs; and
- Local funding resources.

Additional budget language clarifies that for small district modernization projects that are also eligible for funding through the School Construction Assistance Program, OSPI must expedite and streamline the administrative requirements, timelines, and matching requirements so the grant funds provided can be used promptly. Funds provided for this grant program plus state funds provided in the School Construction Assistance Program grant may not exceed total project costs minus available local resources.

- \$7.7 million is appropriated for a **STEM Grant** to be provided to the Laser Interferometer Gravitational-Wave Observatory (LIGO) STEM Observatory in Richland, Washington.
- \$6.0 million is provided for School District Health and Safety grants. Proviso language requires the funding to be divided among three specific grant programs:
 - \$2.0 million is provided for **Emergency Repair Grants** to address unexpected and imminent health and safety hazards at K–12 public schools—including Skills Centers—that will impact the day-to-day operations of the school facility. To be eligible for these grants, an emergency declaration must be signed by the school board and submitted to OSPI. The declaration must include a description of the imminent health and safety hazard, the possible cause, the proposed scope of emergency repair work and related cost estimates, and identification of local funding to be applied to the project. Grants of emergency repair moneys are conditioned upon the written commitment and plan of the school board to repay the grant with any insurance payments or other

judgments that may be awarded, if applicable. Additional proviso language requires OSPI to notify the Office of Financial Management, the Legislative Evaluation & Accountability Program Committee, the House Capital Budget Committee, and the Senate Ways & Means Committee as Emergency Repair projects are approved for funding.

- \$3.0 million is provided for **Urgent Repair Grants** to address non-reoccurring urgent small repair projects at public schools—excluding Skills Centers—that could impact the health and safety of students and staff if not completed. OSPI must consult with school district maintenance and operations administrators before developing criteria for providing funding for specific projects through a competitive grant program, including: school districts are to be limited to one grant, not to exceed \$200,000, per three-year period; applications must be prioritized based on limited school district financial resources for the project; and school districts must demonstrate a consistent commitment to addressing school facility needs. Grant applications must include a detailed description of the remedy, with a detailed cost estimate of the repair or replacement, and identification of local funding which will be applied to the project. Grants can be used for: repair or replacement of failing building systems; abatement of potentially hazardous materials; and safety-related structural improvements.
- \$1.0 million is provided for **Equal Access Grants** for facility repairs and alterations at public schools—including Skills Centers—to improve compliance with the federal Americans with Disabilities Act (ADA) and Individuals with Disabilities Education Act (IDEA). OSPI must develop criteria for providing funding for specific projects through a competitive grant program, including: school districts are to be limited to one grant, not to exceed \$100,000, per three-year period; applications must be prioritized based on limited school district financial resources for the project; and school

districts must demonstrate a consistent commitment to addressing school facility needs. Grant applications must include a description of the ADA or IDEA deficiency, with a detailed description of the remedy and a detailed cost estimate of the repair or replacement. Any local funding to be applied to the project must also be identified. School districts that demonstrate a lack of capital resources to address the compliance deficiencies must be given priority for grant funding.

- OSPI is provided with \$3.9 million for administration of the **Capital Projects Program**. Proviso language requires \$261,000 of the appropriation to be used to automate the SCAP grant application process in the Inventory and Condition of Schools (ICOS) database. OSPI must consult with its School Facilities Technical Advisory Committee and apply lean management principles prior to automating the grant process to reduce undue administrative burdens on school districts seeking state funding assistance for school construction. OSPI must submit a report to the Office of Financial Management and the Legislature on the progress and implementation of automating the application process by December 1, 2020.

Additional proviso language requires OSPI to consult with its School Facilities Technical Advisory Committee and its School Facilities Citizens Advisory Panel and apply lean management principles to the study and survey process to reduce undue administrative burdens on school districts seeking state funding assistance for school construction. OSPI must submit a report to the Office of Financial Management and the Legislature on policy recommendations to streamline the study and survey process by December 1, 2020.

- \$3.6 million is provided for **Skills Centers**. Included is: \$3.0 million for Skills Centers minor works; \$500,000 for modernization of the West Sound Technical Skills Center; and \$146,000 for the modernization of the Evergreen Building at the Pierce County Skills Center.

- \$3.3 million is provided to fund **Healthy Kids, Healthy Schools Grants**. \$250,000 is provided solely for Washington Green Schools for planning and developing green stormwater infrastructure on public school properties that have been identified as needing to reduce stormwater runoff. OSPI must prioritize schools with high percentages of enrollments eligible for the Free and Reduced-Price Meals program to provide equity of opportunity in high need communities. It is the stated intent of the Legislature that these projects be used to engage students and be completed in conjunction with K–12 STEM education curriculum developed to meet next generation climate standards.

OSPI, after consulting with maintenance and operations administrators of school districts and the Department of Health, must develop or use its previously developed criteria for providing funding for specific projects that are consistent with the Healthiest Next Generation priorities. The criteria must include, but are not limited to, the following:

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

The remaining portion of the appropriation may be used:

- For water bottle filling stations, which may include replacement of lead-contaminated drinking water fixtures;
- To purchase equipment or make repairs related to improving children's physical health which may include, but is not limited to: fitness playground equipment, covered play areas, and physical education equipment or related structures or renovation; and
- To purchase equipment or make repairs related to improving children's nutrition which may

include, but is not limited to: garden-related structures and greenhouses to provide students access to fresh produce, and kitchen equipment or upgrades.

- \$1.8 million is provided for an **Agricultural Science in Schools Grant**. The Grant will be provided to the FFA Foundation.
- \$1.0 million is appropriated to OSPI for **Career Preparation and Launch Equipment Grants**. OSPI will provide competitive grants to school districts to purchase and install Career and Technical Education equipment that expands work-integrated learning opportunities. Proviso language requires OSPI, after consulting with school districts and the Workforce Training and Education Coordinating Board, to develop criteria and assurances for providing funding and outcomes for specific projects through a competitive grant program to stay within the appropriation level provided in this section consistent with the following priorities. The criteria must include, but not be limited to:
 - Districts or schools must demonstrate that the request provides necessary equipment to deliver Career and Technical Education; and
 - Applicants with a high percentage of students who are eligible and enrolled in the Free and Reduced-Price Meals program must be prioritized.

Budget language also stipulates that no single district may receive more than \$100,000 of the appropriation.

OTHER DETAILS

Early Learning Facilities. \$4.2 million is provided, via the Department of Commerce, to school districts and other entities to assist with early learning facility projects. The school district funding is divided as follows:

- Toppenish School District—\$111,000
- Manson School District—\$400,000
- Kettle Falls School District—\$395,000
- North Thurston School District—\$324,000
- Ellensburg School District—\$800,000
- Everett School District—\$800,000
- Tukwila School District—\$196,000

- Richland School District—\$800,000
- Lake Quinalt School District—\$360,000

Proviso language requires the Department of Children, Youth, and Families to develop methodology to identify, at the school district boundary level, the geographic locations of where Early Childhood Education and Assistance Program slots are needed to meet the entitlement specified in law. The methodology must be linked to the caseload forecast produced by the Caseload Forecast Council and must include estimates of the number of slots needed at each school district. The methodology must also inform any early learning facilities needs assessment conducted by the Department of Commerce and the Department of Children, Youth, and Families. The methodology must be included as part of the budget submittal documentation as stipulated in law and required by the Office of Financial Management.

Additional proviso language in the same section of the budget requires the Department of Commerce, in consultation with OSPI and the Department of Children, Youth, and Families, to identify buildings in the Inventory and Condition of Schools (ICOS) database that are no longer included in the inventory of K-12 instructional space for purposes of calculating school construction assistance, but could be repurposed as early learning facilities and made available to eligible organizations. The Department of Commerce must report its findings and the list of buildings identified to the Office of Financial Management and the Legislature by January 15, 2020.

Energy Efficiency and Solar Grants Program. \$1.8 million in Fiscal Year 2020 and another \$1.8 million in Fiscal Year 2021 is provided to the Department of Commerce for grants to be awarded in competitive rounds to local agencies, public higher education institutions, school districts, and state agencies for operational cost savings improvements to facilities and related projects that result in energy and operational cost savings. For school district applicants, priority consideration must be given to school districts that demonstrate improved health and safety through reduced exposure to polychlorinated biphenyl. Priority consideration must be given to applicants that have not received grant awards for this purpose in prior biennia.

An additional \$3.6 million is provided for grants to be awarded in competitive rounds to local agencies, public higher education institutions, school districts, and state agencies for projects that involve the purchase and installation of solar energy systems,

including solar modules and inverters, with a preference for products manufactured in Washington.

Proviso language requires the Department of Commerce to develop metrics that indicate the performance of energy efficiency efforts.

Local and Community Projects. The Department of Commerce is provided with \$162.8 million for a series of community projects, including a handful of school district projects:

- Chief Leschi Schools Safety & Security—\$250,000
- Chief Leschi Schools Facilities and Safety Project—\$250,000
- Evergreen High School Health Center (Vancouver)—\$388,000
- Ki-Be School Parking Lot Improvements—\$268,000
- Mt. Adams School District Athletic Fields—\$242,000
- Naselle School District Flooring—\$237,000

Washington Broadband Program. \$21.6 million is provided to the Department of Commerce for grants, loans, and administrative expenses related to implementation of the new broadband program adopted in 2SSB 5511. \$14.4 million of the total appropriation is provided solely for loans, and \$7.1 million is provided solely for grants.

~~The Public Works Board must collaborate with the Community Economic Revitalization Board on at least:~~

- ~~● Existing Universal Communications Account funding that will be used for grant or loan distributions in the 2019-21 biennium; and~~
- ~~● New grants and loans from the Statewide Broadband Account created in 2SSB 5511.~~

Prior to signing the Capital Budget, Governor Enslee vetoed this proviso. He noted that it required the Public Works Board to collaborate with the Community Economic Revitalization Board to implement funding provided in the Universal Communications Services account; however, by statute only the Utilities and Transportation Commission may authorize expenditures from this account.

2SSB 5511 requires regular reporting to the Legislature. The first required report must be submitted by January 1, 2021. As part of the first report, the governor's Statewide Broadband Office is required to include a list of potential regional projects that will accelerate broadband access by providing connections

to local jurisdictions, along with recommendations for how to fund such larger scale projects.

Environmental Education. The State Parks and Recreation Commission is provided \$750,000 for the St. Edward Environmental Education and Research Center (EERC). EERC is a regional research and education hub that provides field learning and environmental research opportunities for K–12 students, local colleges, and neighboring communities.

Trust Land Transfers. The Department of Natural Resources is provided \$6.4 million to transfer from trust status certain trust lands of statewide significance deemed appropriate for state parks, fish and wildlife habitats, natural area preserves, natural resources conservation areas, Department of Natural Resources community forest open spaces, or recreation purposes.

Property transferred must be appraised and transferred at fair market value. By September 30, 2019, the Department of Natural Resources must deposit in the Common School Construction Account the portion of the appropriation in this section that represents the estimated value of the timber on the transferred properties. The transfer is required to be made in the same manner as timber revenues from other Common School Trust Lands and no deduction may be made for the Resource Management Cost Account. The portion of the appropriation in this section that represents the value of the land transferred must be deposited in the Natural Resources Real Property Replacement Account.

Proviso language allows all reasonable costs incurred by the Department of Natural Resources to implement these transfers are authorized to be paid out of the appropriation provided. Authorized costs include the actual cost of appraisals, staff time, environmental reviews, surveys, and other similar costs, but may not exceed one and nine-tenths percent of the appropriation.

By June 30, 2021, land within the Common School Trust is required to be exchanged for land of equal value held for other trust beneficiaries. Also, by June 30, 2021, the State Treasurer is required to transfer to the Common School Construction Account any unexpended balance of the appropriation provided.

School Seismic Safety Assessments. \$2.2 million is provided to the Department of Natural Resources (DNR) to conduct seismic risk assessments of school districts and other facilities. The Department of Natural Resources, in consultation with the

Office of Emergency Management, OSPI, and the State Board of Education must develop a prioritized seismic risk assessment that includes seismic safety surveys of public facilities that are subject to high seismic risk because of high earthquake hazard and soils that amplify that hazard.

The survey must be a representative sample of public facilities located in high priority areas as determined in the 2017–19 Survey of Public School Seismic Safety Assessments and Tsunami Inundation Zones. The surveys must use the results of the 2017–19 survey’s findings to prioritize school buildings based on geologic and engineering results.

The seismic safety surveys must be conducted for the following types of public facilities in the following order:

1. A portion of public school facilities that are routinely used for the instruction of students in kindergarten through twelfth grade and in school districts that have held successful bond elections within the previous three years;
2. A portion of the remaining public school facilities that are routinely used for the instruction of students in kindergarten through twelfth grade; and
3. Fire stations located within a one-mile radius of a facility described above.

The Department of Natural Resources must collect and submit survey data to OSPI in a format compatible with the Inventory and Condition of Schools database. DNR must also share the data with the school districts where the surveys were conducted, the schools where the surveys were conducted, the governor, and the Legislature.

DNR and OSPI must jointly provide technical assistance to the school facilities sampled to incorporate survey information into their safety plans.

Finally, the statewide seismic needs assessment must be submitted to the Office of Financial Management and the Legislature by June 30, 2021.

Debt Service Costs. Current law requires the biennial Capital Budget to disclose the estimated debt service costs associated with new capital bond appropriations. The estimated debt service costs for the appropriations contained in the 2019–21 Capital Budget are \$48,618,218 for the 2019–21 biennium, \$306,902,996 for the 2021–23 biennium, and \$433,259,573 for the 2023–25 biennium.

Trust Lands Valuation. Several “miscellaneous provisions” are included in the Capital Budget. One of those provisions requires the Department of Natural Resources (DNR) to conduct an asset valuation of state lands and state forestlands held in trust and managed by DNR.

As part of the analysis, the Department of Natural Resources must describe all trust lands, by trust, including timber lands, agricultural lands, commercial lands, and other lands, and identify revenues from leases or other sources for those lands. DNR must briefly describe the income from these trust lands, and potential enhancements to income, including intergenerational income, from the asset bases of these trusts.

The analysis must also estimate the current fair market value of these lands for each trust beneficiary, including the separate beneficiaries of state lands and the beneficiaries of state forestlands. The estimation of current fair market values must specify the values by the various asset classes including, but not limited to, the following asset classes: Timber lands; irrigated agriculture; dryland agriculture, including grazing lands; commercial real estate; mining; and other income production. The analysis must estimate the value of ecosystem services and recreation benefits for asset classes that produce these benefits. The Legislature encourages DNR to develop methods and tools to allow tracking of the estimated fair market values over time.

For each of the different asset classes and for each of the various trusts, the analysis must calculate the average annual gross and net income as a percentage of estimated current asset value.

The Department of Natural Resources is required to provide a progress report to the Legislature by December 1, 2019, which may include initial recommendations. A final report is due by June 30, 2020, and must include options to:

- Improve the net rates of return on different classes of assets;
- Increase the reliability of, and enhance if possible, revenue for trust beneficiaries; and
- Present and explain factors that either: define; constrict; or define and constrict DNR’s management practices and revenue production. The factors that must be considered include, but are not limited to, statutory, constitutional, operational, and social factors.

Education-Related Bills That Passed—Titles

During the 2019 Legislative Session, almost 2,800 bills, resolutions, and memorials were introduced. Of those, almost 500 were adopted by the Legislature. WASA monitored over 400 bills, resolutions, or memorials that had a direct or potentially indirect impacts on K–12 education. Ultimately, 61 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 its session law chapter number. *

EHB 1074.....Tobacco/vapor prevention	HB 1803..... School year waivers
SHB 1095..... Marijuana in schools	2SHB 1973..... Dual Enrollment Scholarship
SHB 1101.....Capital construction bonds	EHB 2020..... Employment investigation records
SHB 1102..... 2019–21 Capital Budget	HB 2062..... Seattle Storm license plates
ESHB 1109..... 2019–21 Operating Budget	ESHB 2140..... K–12 education funding
E2SHB 1114..... Food waste reduction	E2SHB 2158..... Career Connected Learning
ESHB 1130..... Language access	ESHB 2163..... Hold harmless
E2SHB 1139..... Educator workforce supply	SSB 5023..... Ethnic studies
SHB 1151..... Education reporting requirements	SSB 5028..... Month of the Kindergartner
ESHB 1160..... 2019–21 Transportation Budget	SB 5054..... Behavioral health workforce
SHB 1210..... Military family school enrollment	SSB 5063..... Elections, prepaid postage
2SHB 1216..... School safety	2SSB 5082..... Social-emotional learning
E2SHB 1311..... College Bound Scholarship	SB 5088..... Computer science
SHB 1399..... Paid Family and Medical Leave	E2SSB 5091..... Special education funding
2SHB 1424..... CTE course equivalencies	SSB 5106..... Natural disaster mitigation
SHB 1575..... Collective bargaining/dues	SSB 5266..... Election timing under WVRA
SHB 1577..... Computer science data	E2SSB 5290..... Noncriminal youth detention
E2SHB 1593..... UW behavioral health campus	ESSB 5313..... School levies
E2SHB 1599..... High school graduation requirements	SSB 5324..... Supporting homeless students
SHB 1621..... Teacher preparation skills assessments	SB 5350..... Life annuity benefit
EHB 1638..... Vaccination	SB 5360..... Retirement system defaults
HB 1657..... Homeless youth services	SSB 5380..... Opioid overdose medication
SHB 1658..... Paraeducators	ESSB 5410..... Dual credit exams
HB 1667..... Public Records Act	E2SSB 5497..... Immigrants in the workplace
ESHB 1696..... Wage and salary information	2SSB 5511..... Expanding broadband service
HB 1714..... High school diplomas by CTCs	SSB 5514..... School threats notification
SHB 1734..... College in the High School	SB 5612..... Holocaust education
SHB 1742..... Depictions of minors	ESSB 5688..... Athletic trainers

SSB 5689.....HIB and discrimination
SSB 5851.....Regional Transit Authority revenues
SB 5865.....Filipino American history month
ESSB 5874..... Rural Satellite Skill Centers
2SSB 5903.....Children’s mental health

*NOTE: Much of the text in the following descriptions has been adapted from bill reports prepared by non-partison committee staff. Their assistance is appreciated.

Education-Related Bills That Passed

EHB 1074—Tobacco/vapor prevention

(Representative Harris, by request of Attorney General and Department of Health)

C15 L19

Current law prohibits the sale of cigarettes, tobacco products, and vapor products to a person under the age of eighteen. It is also unlawful under current law for a person under the age of eighteen to purchase, possess, obtain, or attempt to purchase or obtain cigarettes, tobacco, or vapor products.

The Legislature finds that restricting youth access to addictive and harmful products furthers the public health, safety, and welfare. Additionally, the Legislature finds that youth under eighteen obtain tobacco products with ease, often from minors between the ages of eighteen to twenty; and recognizes that by decreasing the number of eligible buyers in high school, raising the minimum legal age to sell tobacco and vapor products will decrease the access of students to tobacco products.

EHB 1074 attempts to protect youth from tobacco products and vapor products by increasing the minimum legal age of sale of tobacco and vapor products. The bill specifically prohibits the sale of cigarettes, tobacco products, and vapor products to persons under the age of twenty-one.

The 2019–21 Operating Budget provides the Department of Health \$1.0 million from the Youth Tobacco and Vapor Products Prevention Account to implement this bill, including the collection and reporting of data regarding enforcement and the extent to which access to tobacco products and vapor products by youth has been reduced.

SHB 1095—Marijuana in schools

(Representative Blake)

C204 L19

Marijuana is classified as a Schedule I substance under the Controlled Substances Act and under federal law, the manufacture, possession, or distribution of Schedule I substances is a criminal offense. To receive federal funding, school districts must be compliant with federal requirements to have a drug and tobacco-free workplace.

Since 1998, Washington law has allowed qualifying patients

to use limited amounts of marijuana for medicinal purposes. A qualifying patient must either have an authorization from a health care professional or be entered in the Department of Health's Medical Marijuana Authorization Database. In the case of a qualifying patient who is under 18 years old, the minor's parent or guardian must participate in the minor's treatment and agree to the minor's use of marijuana. In addition, the parent or guardian must act as the minor's designated provider and maintain sole control over the minor's marijuana.

Under current law, schools are not required to accommodate the use of marijuana on school grounds or in a school bus; however, they may permit a student who is a qualifying patient to consume marijuana on school grounds in accordance with policies regarding the use of medications at school.

SHB 1095 modifies current laws regarding marijuana use at school. Upon the request of a parent or guardian of a student who is a qualifying patient, school districts must adopt policies to allow parents and guardians to administer marijuana-infused products to a student for medical purposes while the student is on school grounds, on a school bus, or at a school-sponsored activity. The policy must:

- Require that the student meet the requirements related to the medical use of marijuana-infused products by a minor;
- Require that the parent or guardian be the student's designated provider and assist the student with the consumption of the marijuana-infused products;
- Establish protocols to verify that the student is authorized to use marijuana for medical purposes and the parent or guardian is the student's designated provider;
- Authorize parents or guardians to administer marijuana-infused products to a student while on school grounds at an identified location, in a school bus, or at a school-sponsored event;
- Identify locations on school grounds where marijuana-infused products may be administered for medical purposes; and
- Prohibit the administration of marijuana to a

student by means of smoking or inhalation.

Under provisions of the law, schools must permit students who are in compliance with the requirements for minors who are qualifying patients to consume marijuana-infused products for medical purposes while on school grounds, in a school bus, or at a school-sponsored event. Civil, criminal, and professional protections are established for school district officials, employees, volunteers, students, parents, and guardians who act in accordance with the school district's policy. OSPI and school districts are required to suspend implementation of this new law if the federal government issues a communication that suggests that implementation will result in the withholding of federal education funds and the Attorney General finds that it has been reasonably demonstrated that implementation of the law would reasonably jeopardize future federal funding.

SHB 1101—Capital construction bonds

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

C414 L19

This is the bill to authorize the issuance of state General Obligation bonds to support appropriations in the 2019–21 Capital Construction Budget (SHB 1102). The State Finance Committee is authorized to issue General Obligation bonds to finance up to \$3.2 billion for capital construction projects and to pay expenses incurred in the issuance and sale of the bonds.

SHB 1102—2019–21 Capital Budget

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

C413 L19—Partial Veto

This is the 2019–21 Capital Construction Budget. The budget funds \$4.9 billion for capital projects across the state, of which \$3.2 billion are financed with state General Obligation bonds. For details, see Capital Budget section, earlier in this Report.

ESHB 1109—2019–21 Operating Budget

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

C415 L19—Partial Veto

This is the 2019–21 Operating Budget. For details, see Operating Budget section, earlier in this Report.

E2SHB 1114—Food waste reduction

(Representative Doglio)

C255 L19

E2SHB 1114 is intended to reduce the wasting of food in order to fight hunger and reduce environmental impacts, as the Legislature finds that the wasting of food represents a misuse of resources, including the water, land, energy, labor, and capital that go into growing, harvesting, processing, transporting, and retailing food for human consumption. The bill includes K–12 impacts.

The bill establishes a goal of reducing food waste in the state by 50 percent by 2030, relative to 2015 levels and requires the Department of Ecology to consult with the Department of Health and the Department of Agriculture to develop a wasted food reduction and food waste diversion plan by 2020 to achieve the 2030 food waste reduction goal. The plan must be designed to, among other things, support the development and distribution of equitable materials to support food waste and wasted food educational and programmatic efforts in K–12 schools, in collaboration with OSPI. It must also be aligned with the Washington state science and social studies learning standards.

In the process of developing the wasted food reduction and food waste diversion plan, the Department of Ecology must solicit feedback from the public and interested stakeholders. The Department of Ecology may also designate a Stakeholder Advisory Panel. If a Stakeholder Advisory Panel is established, K–12 public education stakeholders are one of the required participants.

ESHB 1130—Language access

(Representative Orwall)

C256 L19

ESHB 1130 requires OSPI and the Office of the Education Ombuds (within the Office of the Governor) to jointly convene a Work Group to improve meaningful, equitable access for public school students and their family members who have language access barriers. The Work Group is required to advise OSPI and WSSDA on the following topics:

- The elements of an effective language access program for systemic family engagement and a plan for the implementation of this program;
- The components of a technical assistance

program for language access and a plan for the implementation of this program;

- The development and sharing of a tool kit to help public schools assess the language needs of their communities and develop, implement, and evaluate their language access plans and language services;
- The development and sharing of educational terminology glossaries that improve all families' access to the public school system; and
- The development and sharing of best practices or strategies for improving meaningful, equitable access for public school students and their family members who have language access barriers, including effective use of interpreters and when to provide translated documents in other formats.

The Work Group is required to develop recommendations for practices and policies that should be adopted at the state or local level to improve meaningful, equitable access for public school students and their family members who have language access barriers, including recommendations on the following topics:

- Standards for interpreters working in education settings, including familiarity with legal concepts related to, and service requirements of federal special education laws;
- Development and assessment of interpreters' knowledge of education terminology;
- The feasibility and cost-effectiveness of adapting another state agency's interpreter program to test, train, or both, interpreters for educational purposes;
- Updates to the WSSDA's model language access policy;
- Use of remote interpreter services including, the conditions under which remote interpreter services may be used to provide high quality interpreter services; and
- Data collection and use necessary to create and improve state and local language access programs.

By October 1, 2020, the work group must report its findings and recommendations to the Legislature.

Up to 25 Work Group members must be selected who:

(a) are geographically diverse and represent people with a variety of language access barriers; and (b) represent the

following: the Educational Opportunity Gap Oversight and Accountability Committee; the School for the Blind; the Childhood Center for Deafness and Hearing Loss; OSPI's Special Education Advisory Council; WSSDA; a state association of teachers; a state association of principals; a state association of parents; the state commissions on African-American Affairs, Asian Pacific American Affairs, and Hispanic Affairs; the Governor's Office of Indian Affairs; interpreters working in education settings; interpreter unions; families with language access barriers; and community-based organizations supporting families with language access barriers.

The establishment of the Work Group in this bill is subject to funding. The 2019–21 Operating Budget provides \$322,000 to: OSPI (\$231,000); and the Office of the Governor (\$91,000) to staff and support the Work Group.

Under provisions of ESHB 1130, school districts are required to document the preferred language of families of special education students and whether a qualified interpreter was provided at any planning meeting related to a student's Individualized Education Program or Section 504 plan or meetings related to school discipline and truancy. "Qualified interpreter" is defined to mean someone who is able to interpret effectively, accurately, and impartially, both receptively and expressively using any necessary specialized vocabulary.

E2SHB 1139—Educator workforce supply

(Representative Santos)

C295 L19—Partial Veto

E2SHB 1139 is a comprehensive bill that takes a multi-pronged approach to addressing Washington's current and future educator workforce supply. The bill is divided into multiple segments.

Part I—Recruitment

ESDs are permitted to employ a regional recruiter to:

- Serve as a liaison between local school districts, educator preparation programs, and agencies that may be helpful in educator recruitment efforts;
- Provide outreach and support to community members who may be interested in becoming educators; and
- Provide resources and technical assistance to local districts on best hiring processes and practices.

Subject to state funding, OSPI is required to provide grants of up to \$100,000 to the three ESDs whose school districts have the least access to Alternative Route Programs. Beginning September 1, 2019, the ESDs receiving grants must employ a regional recruiter for two years. By December 1, 2021, OSPI, in collaboration with the Association of ESDs, must report to the Legislature with a summary of the recruitment activities of the ESD grant recipients in comparison to other ESDs, including relevant outcome data, and recommend whether the grant program should be modified, expanded to all ESDs, or discontinued.

The bill expands the current Recruiting Washington Teachers Program to encourage high school students to enter the field of education, rather than teaching in specific subjects. In addition to current components, the program must include instruction and support services related to post high-school success. When determining grant recipients, the Professional Educator Standards Board (PESB) must prioritize partnerships that have a Running Start Program. PESB is required to conduct a periodic evaluation of the effectiveness of programs for recruiting educators and use the findings to revise the Recruiting Washington Teachers Program.

PESB is required to use the evaluations of effectiveness of current strategies and programs for recruiting educators, especially multilingual, multicultural educators, performed for the Recruiting Washington Teachers Program, and to revise the Bilingual Educator Initiative, as necessary.

PESB's rules for an Alternative Route Program must prioritize program designs tailored to the needs of candidates with occupational industry experience relevant to the subject area they intend to teach.

By December 1, 2019, PESB is required to report to the Legislature with recommendations from a Recruiting Military Personnel Work Group convened to examine issues around recruitment of military personnel and their spouses into educator positions, such as barriers to obtaining academic credit for prior learning and financial need. The Work Group must include representatives from OSPI, the Washington State Department of Veterans Affairs and Military Department, United States Department of Defense, educator preparation programs, educator associations, and a superintendent from a district near a military installation.

Subject to state funding, PESB must distribute grants to an

ESD that volunteers to pilot an Alternative Route Program for the purpose of providing financial assistance to teacher candidates enrolled in the program with the intent to pursue an initial teacher certificate. PESB must provide a grant sufficient to provide \$5,000 of financial assistance to 20 teacher candidates in the 2019–20 school year and to 30 teacher candidates in the 2020–21 school year. In piloting the program, the ESD must perform specified activities, for example: use experts to develop the program, provide support through the first three years of a teacher's career using the Beginning Educator Support Team (BEST) Program, and help school staff and community members become teachers.

By November 1, 2024, the volunteer ESD must report to the PESB with the outcomes of the pilot and any recommendations for implementing Alternative Route Programs in other ESDs. The report must include specific data and feedback as described in the bill. By December 1, 2024, PESB is required to submit the ESD's report to the Legislature with recommendations for whether the pilot program should be expanded, modified, or terminated.

Part II—Financial Incentives, Assistance, and Supports

All teacher preparation programs, not just Alternative Route Programs, are required to develop field placement plans for student teachers. Certain goals related to targeting high-need subject and geographic areas, and using highly effective mentors must be considered during plan development. The plans must be submitted to PESB and posted on its website. By December 1, 2019, the Washington Student Achievement Council (WSAC), in cooperation with stakeholders, must report to the Legislature with policy recommendations to encourage or require teacher preparation programs to develop relationships with, and provide supervisory support for, field placements of student teachers in nonlocal school districts.

Eligibility for the current Student Teaching Residency Grants is narrowed to student teachers at Title I public common schools, rather than all Title I public schools. Beginning December 1, 2020, WSAC must report biennially to the Legislature with the specified application and outcome data, and recommendations for modifying the grant program. The state Education Research and Data Center must collaborate with WSAC to provide any data needed for the report.

The ESD's role in selecting applicants to and distributing funds for the Principal Internship Program is eliminated. Additionally, the current requirement that school districts identify a mentor principal for each applicant and agree to provide release time for the applicant is removed.

Subject to state funding, Central Washington University (CWU) must acquire the necessary audiovisual technology and equipment for university faculty to remotely supervise student teachers in 10 schools. Selected schools must be rural, public schools that are unable to have student teachers from CWU's teacher preparation program due to geographic location.

The Teacher Endorsement and Certification Help Program Pilot Project is converted to a permanent program, with implementation and reporting dates extended. Rather than requiring a preliminary and final report, program data must be reported to the Legislature biennially, beginning December 1, 2020.

The Future Teachers Conditional Scholarship and Loan Repayment Program is modified and restructured to apply to all educators and is renamed the Educators Conditional Scholarship and Loan Repayment Program and is administered by WSAC.

The Educator Retooling Conditional Scholarship Program is made available to persons who hold a current Washington teacher certificate or an expired Washington teacher certificate issued after 2005, rather than persons with current teacher certificates in specific areas. Participants are eligible for this Conditional Scholarship for up to two academic years, rather than being required to obtain an endorsement in two years or less.

The Pipeline for Paraeducators Conditional Scholarship Program is made available to paraeducators without a college degree:

- Who have one, rather than three, years of successful student interaction and leadership or who have completed two years of a Recruiting Washington Teachers Program; and
- Who have an intention to enroll in any PESB-approved teacher preparation program (not just an Alternative Route Program).

Paraeducators have up to four academic years, rather than

two years or less, to complete an associate of arts degree at a Community and Technical College. WSAC is required to prioritize applicants in the following order:

1. To applicants recruited and supported by their school districts to become teachers;
2. Second, to applicants who completed two years of a Recruiting Washington Teachers Program; and
3. Third to applicants intending to complete an associate of arts degree in two academic years or less.

The Teacher Shortage Conditional Grant Program is renamed the Teacher Shortage Conditional Scholarship Program. To qualify for the program an applicant must be accepted into, and maintain enrollment in, a teacher preparation program leading to an initial teacher certificate and intend to pursue an initial teacher certificate with an endorsement in a shortage area. The term "shortage area" means an endorsement or geographic area as defined by PESB, in consultation with OSPI, with a shortage of certificated employees. The shortage areas must be defined biennially using quantitative and qualitative measures. Participants are eligible to receive this Conditional Scholarship for up to four academic years. Statutory direction to WSAC to consider specific elements when developing the framework for the program is removed.

A Career and Technical Education Conditional Scholarship Program is created to encourage persons to become Career and Technical Education (CTE) teachers by providing financial aid for obtaining the necessary certificates and endorsements. To qualify for the program, an applicant must be accepted into, and maintain enrollment in, a teacher preparation program and be pursuing the necessary certificates and endorsements to teach CTE courses. WSAC must give priority to applicants who: possess a professional license and occupational industry experience applicable to the CTE endorsement being pursued; or are accepted into an Alternative Route Program. Participants are eligible to receive a CTE Conditional Scholarship for up to two academic years.

The Federal Student Loan Repayment program is limited to certificated teachers who: (1) hold an endorsement in the content area in which they are assigned to teach; and (2) serve in a shortage area in a common school. In addition, it is clarified that WSAC may not reimburse participants for loan repayments made before the participant became part of the program.

~~The Washington Student Achievement Council, in consultation with the Professional Educator Standards Board, is required to determine candidate eligibility requirements for educator Conditional Scholarships and loan repayment programs. Candidate eligibility must be based in part upon whether the candidate plans to teach in a shortage area. Prior to signing the bill, Governor Inslee vetoed this section. In his veto message, he explained that the section provided conflicting direction to three agencies (PESB, OSPI, and WSAC) about financial aid program implementation, participant selection and identification of educator shortages. He also stated it conflicted with other sections of the bill and was “superfluous” to implementation.~~

~~PESB must also consider the relative degree of shortages when determining candidate eligibility and any specific requirements for the programs. PESB may also add or remove endorsements from eligibility requirements based upon the determination of geographic, demographic, or subject matter shortages. If an endorsement in a geographic, demographic, or subject matter shortage no longer qualifies for a Conditional Scholarship or loan repayment program, participants and candidates who have received scholarships and meet all other eligibility requirements are eligible to continue to receive Conditional Scholarships or loan repayments until they no longer meet eligibility requirements or until their service obligation has been completed.~~

~~For eligibility for the Alternative Route Conditional Scholarship, WSAC, in consultation with PESB, must consider candidates who have been accepted into an awarded Alternative Route Partnership Grant Program and who have declared an intention to teach upon completion of an Alternative Route Teacher Certification Program.~~

~~Prior to signing the bill, Governor Inslee vetoed the section in which the previous three paragraphs are contained. In his veto message, he explained that the section provided conflicting direction to three agencies (PESB, OSPI, and WSAC) about financial aid program implementation, participant selection, and identification of educator shortages. He also stated it conflicted with other sections of the bill and was “superfluous” to implementation.~~

WSAC is required to maximize the impact of the Conditional Scholarship and Loan Repayments awarded in light of shortage areas, and in response to the trending financial

needs of the applicant pool. The maximum award is \$8,000 per academic year for each program; however, beginning in the 2020–21 academic year, WSAC may adjust the maximum award by the average rate of resident undergraduate tuition and fee increases at the state universities.

WSAC may also adjust the number, and amounts, of the Conditional Scholarships and Loan Repayments made each year. In addition, the award of a Conditional Scholarship may not result in reduction of a participant’s federal or other state financial aid. Uses of a Conditional Scholarship award include the cost of attendance as determined by WSAC, for example: tuition, room, board, and books.

A Conditional Scholarship awarded under these provisions is forgiven when the participant fulfills the terms of his or her service obligation. WSAC must develop the service obligation terms for each Conditional Scholarship program, including that participants must either:

- Serve as a certificated employee in a common school for two full-time school years for each year of Conditional Scholarship received; or
- Serve as a certificated employee in a shortage area in a common school for one full-time school year for each year of Conditional Scholarship received.

Participants who do not fulfill their service obligation have an obligation to repay the Conditional Scholarship award, with interest and other fees. WSAC must develop repayment terms for each Conditional Scholarship Program, including interest rate, other fees, minimum payment, and maximum repayment period.

WSAC must establish a process for forgiveness, deferment, or forbearance for participants who fail to complete their service obligation due to circumstances beyond their control.

Beginning November 1, 2020, and by November 1, each even year thereafter, WSAC must submit a report to the Legislature recommending whether the Educator Conditional Scholarship and Loan Repayment Programs should be continued, modified, or terminated. The report must include information about the number of applicants for, and participants in, each program, and should be disaggregated. The report must include information about participant deferments and repayment, and moneys received by and disbursed from the associated account.

Space Available Tuition Waivers are made available to:

- All teachers and other certificated instructional staff at public common and vocational schools, rather than only those holding or seeking a valid endorsement and assignment in a shortage area; and
- Classified staff employed at public common schools, rather than kindergarten through grade twelve public schools, when used for coursework that is part of a teacher preparation program, in addition to coursework relevant to the work assignment.

Institutions of higher education must report annually to WSAC with data on these waivers compared to other tuition and fee waivers awarded by the institutions.

Through the Operating Budget, the Legislature intends to prioritize the expansion of teacher preparation program enrollments in high-need subjects and high-need locations, taking into consideration the community and technical colleges' capacity to contribute to teacher preparation.

Part III—Retention Strategies

The Beginning Educator Support Team Program (BEST) is expanded to beginning principals and beginning Educational Staff Associates. Changes are made to mentor eligibility requirements. For example, a mentor must be selected using mentor standards developed by OSPI and must be participating in ongoing mentor skills professional development.

State-tribal compact schools are made eligible for BEST Program grants. When allocating funds for the BEST Program, OSPI must also prioritize school districts that demonstrate an understanding of the research-based standards for beginning educator induction developed by OSPI.

Additional components are added to the BEST Program, for example: an appropriate assignment, written feedback, support in understanding and participating in the evaluation processes, and adherence to research-based standards. The required program evaluation is no longer required to be done using a standard tool, instead it must identify program strengths and gaps using the induction standards, retention of beginning educators, and positive impact on student growth.

The Teachers and Principals Evaluation Program (TPEP) is modified. Except for those who require it annually, the required comprehensive performance evaluation frequency for classroom teachers and principals is reduced, from every four years, to every six years. Classroom teachers and principals may apply focused performance evaluation professional growth activities toward a professional growth plan for any level of teacher or principal certificate renewal, not just for professional certificate renewal. Training on the evaluation system is no longer required as a condition for renewal of a continuing or professional certificate.

The TPEP steering committee must include professional learning that addresses issues of equity through the lens of the selected instrumental and leadership frameworks when examining implementation and refining tools. The steering committee's work is extended indefinitely.

OSPI is required to report on school district use of evaluation results for classroom teachers and principals as one of multiple factors in making human resource and personnel decisions by December 1, 2019, and December 1, 2020.

By October 31, 2019, PESB must report to the Legislature on the results of the three microcredential pilot grant programs the PESB conducted during the 2018–19 academic year. The report must also include recommendations for continuing, modifying, or expanding the use of microcredentials.

PESB is prohibited from expanding the use of microcredentials beyond the Microcredential Pilot Grant Programs unless and until the Legislature directs it to do so.

E2SHB 1139 modifies current postretirement employment options. Educators that are members of Teachers' Retirement System (TRS) Plans 2 or 3 that retired under the 2008 Early Retirement Factors are permitted to return to work before age 65 in any nonadministrative position—not just in substitute teaching and instructional positions—and work for up to 867 hours per year without suspension of pension benefits. The ending date on the current provisions of August 1, 2020, as well as the separate section expiring the section of law, are removed, making the section effective indefinitely. A provision similar to the TRS provision is created for members of the School Employees' Retirement System (SERS).

The bill requires that OSPI and PESB jointly report to the Legislature by December 1, 2020, regarding the effect that discipline issued against professional educator certificates has on recruitment and retention of educators. The report must include:

- A comparison of the laws governing educator certificate discipline to the uniform disciplinary act;
- Recommendations regarding alternative forms of discipline that may be imposed on certificates of professional educators, including probation, the payment of a fine, and corrective action;
- Recommendations regarding the improvement of the administration of professional educator certificate discipline in Washington; and
- A recommendation regarding whether PESB should be authorized to establish a process for review and expungement of reprimands issued against educator certifications.

School district employment applications are prohibited from including a question asking whether the applicant has ever been placed on administrative leave.

Part IV—Strengthening and Supporting Professional Pathways for Educators

The Professional Educator Collaborative is established to make recommendations on how to improve and strengthen state policies, programs, and pathways that lead to highly effective educators at each level of the public school system.

The Collaborative must examine issues related to educator recruitment, certification, retention, professional learning and development, leadership, and evaluation for effectiveness.

The Collaborative must consider what incentives and supports could be provided at each stage of an educator’s career to produce a more effective educational system. The Collaborative is directed to review issues related to educator recruitment, certification, retention, professional learning and development, leadership, and evaluation for effectiveness.

The examination must consider what barriers and deterrents hinder the recruitment and retention of professional educators, including those from underrepresented populations. The Collaborative must also consider what incentives and supports could be provided at each stage of an educator’s career to produce a more effective educational system.

The members of the Collaborative must include representatives of the Legislature, education agencies, educator preparation programs, and educator associations. Staff support must be provided by the PESB, and other state agencies if requested. The Collaborative is required to contract with a nonprofit, nonpartisan institute that meets certain requirements, for example, conducting independent, high quality research to improve education policy and practice.

By November 1, 2020, the Collaborative must submit a preliminary report to the Legislature that makes recommendations on specific educator certificate types, tiers, and renewal issues. By November 1, 2021, the Collaborative must submit a final report with recommendations to the Legislature.

Funding

The 2019–21 Operating Budget provides \$811,000 to implement E2SHB 1139. Appropriations are as follows:

- \$120,000 is provided to OSPI for training of student teacher mentors;
- \$422,000 is provided to PESB to, among other things, support the Regional Recruiters Pilot Program and the ESD Alternative Route Teacher Certification Program. The funding will also support the Recruiting Military Personnel Work Group and the Professional Educator Collaborative; and
- \$269,000 is provided to WSAC to, among other things, assist local school districts, submit reports, and administer Conditional Scholarship and Loan Repayment programs.

The budget also transfers \$3.3 million from PESB to WSAC (net zero impact) to administer several Conditional Loan Scholarships, as required by E2SHB 1139.

SHB 1151—Education reporting requirements

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

C208 L19

SHB 1151 modifies deadlines of three specific education reporting requirements:

- **Learning Assistance Program (LAP).** School districts must report specific LAP data to OSPI by September 30 each year, rather than August 1. If required by OSPI, school districts must also report

data demonstrating the efficacy of LAP expenditures to show student academic growth. OSPI is required to compile the LAP data and report gains for specific practices, activities, and programs used by school districts and schools. The data and report must be submitted to the Legislature by January 1, 2020, and each January 1 thereafter.

- **Community Eligibility Provision (CEP) Reporting Requirement.** OSPI is required to annually report the number of schools that have implemented CEP, to the Legislature by December 1 each year, rather than September 1.
- **School District Budget Submission Requirement.** School districts are required to submit a copy of their proposed (rather than final) budget and four-year budget plan summary to their ESD by July 10, as is currently required; however, they no longer need to submit this information to OSPI by July 10. The new deadline for school districts to submit their four-year budget plan summary to OSPI is September 10, along with their final budget.

ESHB 1160—2019–21 Transportation Budget

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

C416 L19—Partial Veto

This is the 2019–21 Transportation Budget. The bill provides appropriations for state transportation agencies, road projects, and programs for the 2019–21 fiscal biennium. 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:

- \$19.2 million is provided for newly selected Safe Routes to Schools projects. \$9.8 million is re-appropriated for Safe Routes to School Projects selected in the previous biennia. Proviso language allows the Department of Transportation (DOT) to consider special situations facing high-need areas, as defined by schools or project areas in which the percentage of the children eligible to receive Free and Reduced-Price Meals is equal to, or greater than, the state average, when evaluating Safe Routes to Schools project proposals against established funding criteria.

Additional proviso language requires the Department of Transportation to submit a report to the Legislature by December 1, 2019, and December 1, 2020, on the status of projects funded as part of the Pedestrian Safety/Safe Routes to School Grant Program. The report must include, but is not limited to, a list of projects selected and a brief description of each project's status.

- \$485,000 is provided to King County to: expand a 2017 pilot program to provide certain students in the Highline, Tukwila, and Lake Washington school districts with an ORCA card during the summer. To be eligible for an ORCA card under this program, a student must be in high school, be eligible for Free and Reduced-Price Meals, and have a job or other responsibility during the summer; provide administrative support to other interested school districts in King County to prepare for implementing similar programs for their students. King County is required to provide a report to the Department of Transportation and the Legislature by December 15, 2021, regarding:
 - The annual student usage of the pilot program;
 - Available ridership data;
 - A cost estimate, including a detailed description of the various expenses leading to the cost estimate, and any other factors relevant to expanding the program to other King County school districts;
 - A cost estimate, including a detailed description of the various expenses leading to the cost estimate, and any other factors relevant to expanding the program to student populations other than high school or eligible for Free and Reduced-Price Meals;
 - Opportunities for subsidized ORCA cards or local grant or matching funds; and
 - Any additional information that would help determine if the pilot program should be extended or expanded.

SHB 1210—Military family school enrollment

(Representative Kilduff)

C72 L19

In 2009, Washington entered the Interstate Compact on Educational Opportunity for Military Children, with the purpose of removing barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents. Two of the eight goals of the Compact are to facilitate: (1) the timely enrollment of children of military families and ensuring that they are not placed at a disadvantage due to difficulty in the transfer of education records from the previous school districts or variations in entrance and age requirements; and (2) the student placement process through which children of military families are not disadvantaged by variations in attendance requirements, scheduling, sequencing, grading, course content, or assessment. The Compact, however, does not address residency requirements.

SHB 1210 allows nonresident children from military families to enroll in Washington’s public schools prior to arrival in the state. Under provisions of the bill, a child of a military family complies with the residency requirements for enrollment in a school district if a parent of the child is transferred to, or is pending transfer to, a military installation within the state while on active duty pursuant to official military orders. “Parent” is specifically defined to mean a parent, guardian, or other person or entity having legal custody of a child of a military family.

A parent of the child must provide to the school district proof of residence in the school district within 14 days of the arrival date provided on official military documentation. The parent may use the address of any of the following as proof of residence in the school district: a temporary on-base billeting facility; a purchased or leased residence, or a signed purchase and sale agreement or lease agreement for a residence; or any federal government housing or off-base military housing, including off-base military housing that may be provided through a public-private venture.

For a child of a military family who meets the requirements described above, a school district must accept, on a conditional basis, the child’s application for enrollment and course registration, including enrollment in a specific school or program within the school district, by electronic means.

Upon receipt of proof of residency, the school district must finalize the child’s enrollment.

2SHB 1216—School safety

(Representative Dolan)

C333 L19

The 2018 Supplemental Operating Budget directed the Washington Association of Sheriffs and Police Chiefs (WASPC) to convene the Preventing Mass Shootings Work Group to develop strategies for identification and intervention against potential perpetrators of mass shootings, with an emphasis on school safety. The Work Group reported its recommendations for prevention to the Legislature in December 2018. Many of the key recommendations were introduced as legislation in 2019.

2SHB 1216 is a comprehensive school safety bill with multiple components.

Statewide Network for School Safety. 2SHB 1216 requires OSPI to establish the State School Safety Center and ESDs to establish Regional School Safety Centers. These requirements are subject to funding; the 2019–21 Operating Budget provides \$2.5 million for this purpose. Together these centers form a statewide network to provide coordination of school safety efforts throughout the state and to provide school safety resources to the school districts in each ESD region.

The duties of the State School Safety Center are codified, to: serve as a clearinghouse for, and disseminate, information regarding school safety; develop model policies and procedures, identify best practices, and provide training and technical assistance; and serve as the lead center and work with the Regional School Safety Centers to help school districts meet state school safety requirements.

The Regional School Safety Centers have specific duties, including coordinating:

- Behavioral health coordination;
- School-based threat assessments;
- Training and technical assistance; and
- Partnership development and collaboration.

School Safety and Student Well-Being Advisory Committee. The bill also requires OSPI to establish a School Safety and Student Well-Being Advisory Committee. The duties and membership of the Advisory Committee are codified. The

purpose of the Advisory Committee is to advise OSPI, the Regional School Safety Centers, school districts, and public and private schools on all matters related to comprehensive school safety and student well-being. The Advisory Committee is required to meet at least quarterly and has specified duties to:

- Make recommendations on policies and strategies;
- Identify emerging issues;
- Establish priorities; and
- Engage the public.

School-Based Threat Assessment Program. 2SHB 1216 requires WSSDA, in collaboration with OSPI, to develop a model policy and procedure to establish a School-Based Threat Assessment Program by January 1, 2020. In developing the model policy and procedure, WSSDA and OSPI must consult with the School Safety and Student Well-Being Advisory Committee and other organizations with expertise in school safety, behavioral health, the rights of students with disabilities, and protecting civil liberties. Multilevel threat assessment programs implemented in schools in Washington must also be considered.

By the beginning of the 2020–21 school year, school districts are required to adopt policies and procedures to establish School-Based Threat Assessment Programs that include specified minimum components. The policies and procedures must be consistent with the model policy and procedure, and with other school district policies, procedures, and plans addressing safe and supportive learning environments.

School Safety Data Collection and Monitoring. At least every five years, OSPI must monitor public school and school district compliance with requirements related to comprehensive safe school plans; plans for recognition, initial screening, and response to emotional or behavioral distress in students; and school-based threat assessment programs. OSPI must consult with stakeholders to develop data collection and submission requirements for school districts. By December 1, 2020, OSPI is required to report to the Legislature regarding its plans for data collection and monitoring and describing any implementation issues that could be fixed through legislation.

First Responder Building Mapping Information System. By January 31, 2020, the Joint Legislative Audit and Review Committee (JLARC) is required to report to the Legislature with the results of a study of school districts' use of this mapping information system. OSPI and the Washington Association of Sheriffs and Police Chiefs must provide advice and assistance to the JLARC's effort to collect information from school districts, law enforcement, and emergency first responders. The study must address a number of specified topics including: who can access it, who uses it, its costs, what is helpful, and what could be improved. The 2019–21 Operating Budget provides funding to JLARC to complete this study.

Emergency Management Council. Membership of the Emergency Management Council (EMC) is modified by adding a representative of OSPI. On issues that involve early learning, kindergarten through grade twelve, or higher education, the EMC must consult with: The Department of Children, Youth, and Families; OSPI; the State Board for Community and Technical Colleges; and an association of public baccalaureate degree granting institutions.

Safe School Plans and School Safety Drills. 2SHB 1216 requires school safe school plans to include a family-student reunification plan. Schools must also incorporate into their annual school safety drills the following: (1) a pedestrian evacuation drill for schools in lahar hazard zones; and (2) an earthquake drill for all schools using the state-approved earthquake safety technique “drop, cover, and hold.”

School Resource Officer Programs. Language from another bill (SB 5141) was amended onto 2SHB 1216 regarding School Resource Officers (SRO). The bill clarifies it is not the intent of the Legislature to require SROs to work in schools; however, if a school district chooses to have a School Resource Officer program, it is the intent of the Legislature to create statewide consistency for the minimum training requirements that SROs must receive and ensure that there is a clear agreement between the school district and local law enforcement agency in order to help establish effective partnerships that protect the health and safety of all students.

The bill requires school districts, if they choose to have a School Resource Officer program, to confirm that every SRO has received training on twelve specific topics:

- Constitutional and civil rights of children in

schools, including state law governing search and interrogation of youth in schools;

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

By the beginning of the 2020–21 school year, school districts must annually review and adopt an agreement with the local law enforcement agency that incorporates specified elements, such as defining the duties of an SRO, confirmation that SROs are trained, and a complaint process. The State Safety Center and others must identify and make publicly available SRO training materials. OSPI must establish and implement, subject to state funding, a grant program to fund training for SROs, and report to the governor and the Legislature each year that the grant program is funded. The 2019–21 Operating Budget provides \$100,000 for this grant program.

E2SHB 1311—College Bound Scholarship

(Representative Bergquist)

C298 L19

The College Bound Scholarship program was established in 2007, to provide guaranteed four-year tuition to students from low-income families. Eligible students for the scholarship include those who: qualify for Free or Reduced-Price Meals in the seventh grade; or are dependent from parents or guardians, or are receiving extended foster care services; and are in grades seven through twelve; or are between the ages of 18 and 21 years and have not graduated from high school.

In the seventh grade, students become eligible for the College Bound Scholarship. To be eligible to receive the scholarship, a student must sign a pledge during the seventh or eighth grade that includes a commitment to graduate from high school with at least a C-average and no felony convictions. To receive the scholarship, the student must graduate high school having fulfilled the pledge requirements. Upon graduation, the student's family income will be assessed, and if it does not exceed 65 percent of the state median family income, the student will receive a scholarship.

The State Need Grant is the state's largest financial aid program and grants are awarded to students based on financial need. A student may receive a grant if their family income does not exceed 70 percent of state median family income.

E2SHB 1311 allows eligible students to sign a College Bound Scholarship pledge in the ninth grade if the student was previously ineligible in the seventh or eighth grade as a Washington student. Additionally, eligible College Bound Scholarship students are prioritized for a State Need Grant if they have a family income that exceeds 65 percent of the state median family income range.

SHB 1399—Paid Family and Medical Leave

(Representative Robinson, by request of Employment Security Department)

C13 L19

In 2017, the Legislature passed a comprehensive program to provide Paid Family and Medical Leave (PFML) to all qualifying employees working in the state. An employee must work at least 820 hours in the qualifying period to be eligible

for the benefits. Premiums to support the program began on January 1, 2019, and qualifying employees will be eligible for benefits beginning January 1, 2020.

SHB 1399, requested by the Employment Security Department, includes a series of technical fixes that were agreed upon by the Paid Family and Medical Leave Advisory Committee.

The bill:

- Authorizes an employer to waive the qualifying hours requirements to allow an employee to be immediately eligible for coverage;
- Clarifies the current seven-day waiting period begins when the employee takes leave for the minimum eight-hour claim duration and is stated to be seven consecutive calendar days;
- Allows an employer to waive the requirement for the employee to provide notice of leave; and
- Authorizes an employer to offer supplemental benefit payments, such as vacation, sick, or other paid time off, to an employee on leave. The employee may choose whether to receive these payments.

SHB 1399 also adds specific provisions regarding disclosure of private information under the Paid Family and Medical Leave program. Information concerning an individual or employer is generally private and confidential, including records and files of the PFML Ombuds. If all details identifying an individual or employer are deleted, the information may be disclosed. Individuals have access to all information concerning the individual, and employers have access to their own records, information relating to a decision to allow or deny benefits if the decision is based on material information provided by the employer, and information related to the employer's premium assessment. The Department may disclose records to a third party acting on behalf of an individual or employer with a signed release. Such a release must:

- Identify the information to be disclosed;
- State that state government files will be accessed to obtain the information;
- State the specific purpose for which the information is sought and that the information will only be used for that purpose; and
- Indicate all the parties who may receive the information.

2SHB 1424—CTE course equivalencies

(Representative Steele, by Superintendent of Public Instruction)

C221 L19

Until September 1, 2021, 2SHB 1424 requires each school district board of directors to provide high school students with the opportunity to access at least one Career and Technical Education (CTE) course that is considered a statewide equivalency course, rather than equivalent to a mathematics or science course, as determined by OSPI. Exemptions to this course access requirement may be granted by OSPI to school districts with fewer than 2,000 students.

Until September 1, 2021, each school district board of directors is required to grant academic course equivalency for at least one statewide equivalency high school CTE course from the list of courses approved by OSPI. Additionally, high schools and school district boards of directors are authorized to adopt local course equivalencies for CTE courses that are not on the list of courses approved by OSPI.

Beginning September 1, 2021, 2SHB 1424 requires any statewide equivalency course offered by a school district or accessed at a Skills Center to be offered for academic credit. Exemptions to this course offering requirement may be granted by OSPI to school districts with fewer than 2,000 students.

The 2019–21 Operating Budget provides OSPI with \$727,000 to implement this bill by providing outreach and administrative support, and grants to assist districts in expanding course equivalencies for Career and Technical Education courses.

SHB 1575—Collective bargaining/dues

(Representative Stonier)

C230 L19

On June 27, 2018, the United States Supreme Court ruled in *Janus v. AFSCME*, a landmark US labor case concerning the power of labor unions to collect fees from nonunion members. The Court held that it is unconstitutional to require public employees who are not members of the union to pay fees to the union. Union security agreements which required an employer to automatically deduct fees from a nonunion employee's salary as a condition of employment were also held to be invalid. A result of the case is that an employee's

clear consent is required before union dues or fees may be deducted from the employee's pay.

SHB 1575 is intended to clarify the relationship between union members and their union and align Washington's laws with the *Janus* decision. Opponents of the bill are concerned the new law will make it more difficult for employees to stop paying dues, while it makes it easier for unions to collect dues. More importantly, opponents contend the new law still interferes with employees' fundamental rights by restricting how and when workers can exercise their rights.

Because union security agreements and automatic deduction of dues/fees from an employee's pay was declared unconstitutional, there is a belief that the practice has always been unconstitutional and did not simply become unconstitutional on June 27, 2018. Therefore, there was a concern the employees would have standing to sue for dues that were illegally collected before the case was decided. SHB 1575 specifically clarifies that public employers and an employee organization are not liable in, and have a complete defense to, any claims or actions for requiring, deducting, receiving, or retaining agency or fair share fees from public employees, if the fees were permitted under state law and paid before June 27, 2018. This provision applies to all claims and actions pending and to claims and actions filed on or after the effective date of the bill. Union security provisions in various collective bargaining statutes are stricken.

New provisions are established regarding an employee's authorization to deduct membership dues from the employee's salary. An employee's authorization may be written, electronic, or by recorded voice and must be made to the exclusive bargaining representative. The employer is required to deduct from the employee's salary membership dues and remit those amounts to the exclusive bargaining representative once it receives the employee's authorization from the exclusive bargaining representative.

This authorization will remain in effect until expressly revoked by the employee in accordance with the terms and conditions of the authorization. The request to revoke must be in writing. The employer must end payroll deduction of dues no later than the second payroll.

These authorization provisions are added to the Personnel System Reform Act, which covers certificated school district

employees, among others; and the Public Employees Collective Bargaining Act.

A provision is added for the deduction of payments made to individual providers (IP). The exclusive bargaining representative may designate a third-party entity to act as an IP's agent in receiving payment from the state to the IP, so long as the IP entered into an agreement with a third-party entity for purposes of deducting and remitting voluntary payments to the exclusive bargaining representative.

The bill also authorizes a cross-check process to determine union representation for certain public employees, upon a showing of interest of 50 percent of the employees in the bargaining. The Public Employee Relations Commission (PERC) is allowed to adopt rules to implement cross-check procedures.

PERC anticipates additional workload demands with the implementation of SHB 1575, including adjudicating cases related to dues authorization cards and representation elections/cross checks. The 2019–21 Operating Budget provides PERC with \$67,000 to meet the expected increase in workload.

SHB 1577—Computer science data

(Representative Callan)

C27 L19

The Comprehensive Education Data and Research System (CEDARS) is a longitudinal data system managed by OSPI to collect, store, and report data related to students, courses, and teachers. The data collected is either mandated by state or federal law, or approved by the Data Governance Group at OSPI.

Beginning June 30, 2020, and by June 30 annually thereafter, all school districts are required to submit to OSPI—and OSPI must post conspicuously on its website—a report for the preceding academic year that must include the following data:

- The total number of computer science courses offered in each school and whether these courses are Advanced Placement classes;
- The number and percentage of students who enrolled in a computer science program, disaggregated by: gender; race and ethnicity; special education status; English learner status; eligibility for

- Free and Reduced-Price Meals; and grade level; and
- The number of computer science instructors at each school, disaggregated by: certification, if applicable; gender; and highest academic degree.

E2SHB 1593—UW behavioral health campus

(Representative Chop, by request of Governor Inslee)

C323 L19

The University of Washington School of Medicine (UWSOM) Department of Psychiatry and Behavioral Sciences provides training to medical students, a residency program for students specializing in psychiatry, and mental health services, consultations and telepsychiatry, and other services to patients and the community.

The focus of E2SHB 1593 is two-fold:

1. Expanding behavioral health services within the University of Washington School of Medicine, including inpatient treatment and outpatient care for individuals with behavioral health needs; and
2. Enhancing the training for a behavioral health provider workforce.

While E2SHB 1593 is not directly related to K–12 education, there is a health care provider workforce shortage and providing training for additional behavioral health specialists will expand the availability of these valuable employees, presumably assisting school districts to find and hire these needed specialists.

The bill creates the Behavioral Health Innovation and Integration campus is within the UWSOM. The campus must include inpatient treatment capacity and focus on inpatient and outpatient care for individuals with behavioral health needs, while training a behavioral health provider workforce. The training must include an interdisciplinary curriculum and programs that support and encourage professionals to work in teams. The siting and design for the new campus should take into account local community needs and resources, with attention to diversity and cultural competence, a focus on training and supporting the next generation of health care providers, and close coordination with existing local and regional programs, clinics, and resources.

By December 1, 2019, the UWSOM must consult with collective bargaining representatives of the UW health system workforce and report to the Office of Financial

Management and the Legislature a plan to develop and site a teaching facility that will provide inpatient care for up to 150 individuals receiving care under the Involuntary Treatment Act. The plan may also include:

- Adding psychiatry residency training slots;
- Initiating telepsychiatry consultations to community-based hospitals and other facilities;
- Initiating fellowship programs, internships, and residency opportunities for various health professionals;
- Developing integrated workforce development programs and other workforce development efforts;
- Expanding the UW Forefront Suicide Prevention’s efforts; and
- Incorporating transitional services for mental health and substance use disorders and other transitional care programs.

E2SHB 1599—High school graduation requirements

(Representative Stonier)

C252 L19

E2SHB 1599 “delinks” statewide assessments from high school graduation requirements. Under provisions of the bill, the requirement that graduating students earn a Certificate of Academic Achievement (CAA) to demonstrate meeting standard on statewide assessments is discontinued after the Class of 2019. The requirement that qualifying students earn a Certificate of Individual Achievement (CIA) as a prerequisite to graduation is discontinued after the Class of 2021.

OSPI and the State Board of Education (SBE) remain obligated to maintain and continue to develop and revise a statewide assessment system for students in the content areas of reading, writing, mathematics, and science, but numerous provisions related to assessments and the earning of a CAA are modified or scheduled for repeal to reflect the discontinuation of the CAA and the CIA. For example:

- All alternative assessment options for earning a CAA are discontinued after the Class of 2019;
- A temporary provision governing End-of-Course assessments for high school mathematics is discontinued; and
- References to CAAs or CIAs in provisions that govern International Baccalaureate diplomas, the Running Start Program, high school transcripts, private schools, and interventions, academic

supports, and courses for qualifying students are modified to reflect the discontinuation of the CAA and the CIA.

Additionally, the statewide assessment system is expressly required to include the Washington Access to Instruction and Measurement Assessment for students with significant cognitive challenges.

The bill establishes new graduation pathway options beginning with the Class of 2020. With the exception of students who qualify for a CIA, students in the Class of 2020 and subsequent classes who qualify for graduation from a public high school must:

- Satisfy the graduation requirements established by the State Board of Education and any graduation requirements established by the applicable public high school or school district;
- Satisfy the credit requirements for graduation;
- Demonstrate career and college readiness through completion of the High School and Beyond Plan; and
- Meet the requirements of at least one of eight authorized graduation pathway options. A student may choose to pursue more than one pathway option, but any option used by a student to demonstrate career and college readiness must align with the student's High School and Beyond Plan.

The graduation pathway options, which are to be implemented through rules adopted by the State Board, are as follows:

- Meet or exceed the graduation standard established by the State Board on the statewide high school assessments in English language arts (ELA) and mathematics;
- Complete and qualify for college credit in dual credit courses in ELA and mathematics;
- Earn high school credit in a high school transition course that meets specific requirements in ELA and mathematics;
- Earn high school credit with an appropriate grade or exam score in specified Advanced Placement, International Baccalaureate, or Cambridge international courses in ELA and mathematics;
- Meet or exceed the scores established by the State Board for the mathematics portion and the reading, English, or writing portion of the SAT or ACT;

- Meet any combination of at least one ELA option and at least one mathematics option established in the previous bullets;
- Meet standard in the Armed Services Vocational Aptitude Battery; and
- Complete a sequence of Career and Technical Education courses that are relevant to the student's postsecondary pathway and that meet specific criteria.

School districts are encouraged to make all graduation pathway options available to their students, and to expand their list of options until all are offered, but districts are granted discretion in determining which options they offer to students.

As noted above, the requirement that qualifying students earn a CIA as a prerequisite to graduation is discontinued after the Class of 2021. Until then, students who are not appropriately served by the graduation pathway options and who qualify for a CIA may use multiple measures to demonstrate their skills and abilities that are commensurate with their Individualized Education Programs (IEPs). The determination of whether the graduation pathway options are appropriate for the student must be made by the student's IEP team.

OSPI, in consultation with the State Special Education Advisory Council, is required to develop guidelines for determining which types of multiple measures are appropriate for qualifying students, as well as the graduation pathway options that might be added to support the achievement of these students.

OSPI is required to collect from each school district a list of the graduation pathways available to students and the number of students using each pathway for graduation purposes. Beginning January 10, 2021, OSPI must report this information annually to the Legislature.

Beginning August 1, 2019, the State Board of Education must survey interested parties regarding the creation of additional graduation pathways and whether modifications should be made to any of the existing pathways. At a minimum, the following must be surveyed:

- Representatives from the State Board for Community and Technical Colleges and four-year higher education institutions;

- Representatives from the Apprenticeship and Training Council;
- Associations representing business;
- Members of the Educational Opportunity Gap Oversight and Accountability Committee; and
- Associations representing educators, school board members, school administrators, superintendents, and parents.

The State Board is required to provide a report to the Legislature summarizing the information collected in the surveys by August 1, 2020.

Using the annual information reported by OSPI beginning in January of 2021, the State Board is required to survey a sampling of school districts that are unable to provide all of the eight graduation pathway options for the purpose of identifying the types of implementation barriers of school districts. Using these survey results and the results from the surveys conducted by the State Board for its August 1, 2020 graduation pathways report, the State Board must review the graduation pathways, the suggested changes to those graduation pathways, and the options for additional graduation pathways, and provide a report to the Legislature by December 10, 2022. The report must include the following:

- Recommendations on whether changes to the existing pathways should be made and what those changes should be;
- The barriers school districts have to offering all of the graduation pathways and recommendations for ways to eliminate or reduce those barriers for school districts;
- Information regarding whether all students have equitable access to all of the graduation pathways and, if not, recommendations for reducing the barriers students may have to accessing all of the graduation pathways; and
- Provisions indicating whether additional graduation pathways should be included and recommendations for what those pathways should be.

E2SHB 1599 includes multiple additional provisions. The current expedited appeals process that allows OSPI, following approval by the local school district, to waive requirements for the CAAs and the CIAs for qualifying students is extended by two years to apply to eligible

students in the Class of 2019 and Class of 2020.

Requirements directing rules of the State Board of Education to include authorizations that allow school districts to waive up to two credits for individual students based on unusual circumstances are modified to specify that the waiver must be based on a student's circumstances, and that none of the waived credits may be ones identified as mandatory by the State Board of Education.

Opt-in provisions for earning pre-high school credit are changed to opt-out provisions. Unless requested otherwise by the student and the student's family, a student who completed high school courses before attending high school must be given high school credit that applies to high school graduation requirements.

Numerous modifications are made to provisions governing the High School and Beyond Plans. The stated purpose of the High School and Beyond Plan is revised to specifying it is intended to guide the student's high school experience and inform course taking that is aligned with the student's goals for education or training and career after high school. Also, each student's High School and Beyond Plan must be updated to inform junior year course taking. The four-year plan for high school course taking that is part of a student's High School and Beyond Plan must identify a course sequence to inform academic acceleration that meets specified requirements. Additionally, each student's High School and Beyond Plan must include evidence that the student has received specific information about federal and state financial aid programs that provide financial assistance for postsecondary education programs.

Beginning in the 2020–21 school year, each school district must ensure that an electronic High School and Beyond Plan platform is available to all students who are obligated to have a Plan. OSPI, subject to specific legislative funding, is directed to facilitate the creation of a list of available electronic platforms for the High School and Beyond Plans (funding is provided in the budget for this purpose). OSPI is authorized to adopt and revise rules related to the development of the list.

Current law encouraging school districts to adopt an Academic Acceleration policy is reconstituted as a directive. By the 2021–22 school year, each school district board of directors must adopt an Academic Acceleration policy

that satisfies specified requirements for high school students. The mandatory Academic Acceleration policies of districts must require that students who meet or exceed the state standard on the grade eight or high school ELA or mathematics statewide student assessments automatically enroll in the next most rigorous level of advanced courses or program offered by the high school. School districts may adopt additional eligibility criteria for students to participate in an Academic Acceleration program if the criteria does not create inequities among student groups in the advanced courses or programs.

Additional changes to Academic Acceleration policies are included in the bill:

- References to assessments are updated to reflect current terminology related to ELA and mathematics assessments;
- Beginning in the 2021–22 school year, students who meet or exceed the state standard on the Washington comprehensive assessment of science are made eligible for enrollment in advanced science courses;
- School district notification requirements are modified; and
- Opt-out provisions are altered to specify that districts must provide parents or guardians with an opportunity to opt their student out of the Academic Acceleration programs and instead enroll in an alternative course or program that aligns with the student’s High School and Beyond Plan.

By August 1, 2019, the State Board of Education is required to convene and staff a Mastery-Based Learning Work Group to inform the governor, the Legislature, and the public about barriers to mastery-based learning in Washington whereby:

- Students advance upon demonstrated mastery of content;
- Competencies include explicit, measurable, transferable learning objectives that empower students;
- Assessments are meaningful and a positive learning experience for students;
- Students receive rapid, differentiated support based on their individual learning needs; and
- Learning outcomes emphasize competencies that include application and creation of knowledge

along with the development of important skills and dispositions.

The Work Group is directed to examine opportunities to increase student access to relevant and robust mastery-based academic pathways aligned to personal career goals and postsecondary education. They must also review the role of the High School and Beyond Plans in supporting mastery-based learning, and must consider:

- Improvements in the High School and Beyond Plans as an essential tool for mastery-based learning;
- Development of mastery-based pathways to the earning of a high school diploma;
- The results of competency-based pathways previously approved by the State Board; and
- The expansion of mastery-based credits to meet graduation requirements.

The State Board, along with the Work Group in collaboration with OSPI, is required to develop enrollment reporting guidelines to support schools operating with waivers that delay the requirement to implement the 24-credit graduation requirement. The State Board is required to submit an interim report outlining preliminary findings and potential recommendations of the Work Group to the governor and the Legislature by December 1, 2019. A final report detailing all findings and recommendations related to the Work Group’s purpose and tasks is due by December 1, 2020.

Current requirements for the statewide high school assessment in science are modified to specify that the assessment must be a comprehensive assessment that measures the state standards for the application of science and engineering practices, disciplinary core ideas, and crosscutting concepts in the domains of physical sciences, life sciences, Earth and space sciences, and engineering design.

Specific provisions related to statewide assessments, assessments for special education students, and the earning of the CAA or the CIA that existed on January 1, 2019, continue to apply to students in the Class of 2018 and prior graduating classes.

SHB 1621—Teacher preparation skills assessments

(Representative Ybarra, by request of Professional Educator Standards Board)

C121 L19

Under current law teacher applicants must achieve the minimum score established by the Professional Educator Standards Board (PESB) on the following assessments:

- Basic skills assessment for admission to a teacher preparation program;
- Uniform, externally administered assessment for professional teacher certification; or
- Subject knowledge assessment for adding an endorsement to a teacher certification.

On an individual basis, teacher preparation programs may admit students who have not achieved the minimum basic skills assessment score, though passage of the assessment is required to receive a teacher certification. In addition, people from out-of-state who are applying for a teacher certification or for a master's degree level teacher preparation program may demonstrate that they have the requisite basic skills based on completion of an assessment or alternative assessment approved by PESB.

SHB 1621 provides that an applicant for an approved teacher preparation program must take the basic skills assessment, or an alternative or equivalent assessment as determined by the Professional Educator Standards Board. Achieving a minimum assessment score on the basic skills assessment, however, is no longer required for admission to a teacher preparation program. Instead, the applicant must report the assessment results to PESB and the teacher preparation program, and the teacher preparation program may use the assessment result as a formative assessment of academic strengths and weakness in determining the applicant's readiness for the program.

Additionally, the bill removes the current requirement that PESB set the acceptable score for admission to teacher preparation programs at no lower than the average national scores for the SAT or ACT.

EHB 1638—Vaccination

(Representative Harris)

C362 L19—Partial Veto

Under current law, a child is prohibited from attending

a school or licensed day care center unless one of the following is presented prior to the child's first day:

- Proof of full immunization;
- Proof of the initiation and compliance with a schedule of immunization; or
- A Certificate of Exemption.

Currently, the law provides for three exemptions from the immunization requirement:

1. The Medical Exemption: to claim a medical exemption, a written certification signed by a health care practitioner that a particular vaccine is not advisable for the child must be presented.
2. The Religious Exemption: to claim a religious exemption, a written certification signed by a parent or legal guardian that the signatory's religious beliefs are contrary to the required immunization must be presented.
3. The Philosophical/Personal Exemption: to claim a philosophical/personal exemption, a written certification signed by a parent or legal guardian that the signatory has either a philosophical or personal objection to immunization of the child must be presented.

EHB 1638 provides another method to show proof of immunization. The bill states: "Proof of disease immunity through documentation of laboratory evidence of antibody titer or a health care provider's attestation of a child's history of a disease sufficient to provide immunity against that disease constitutes proof of immunization for that specific disease."

Prior to signing the bill, Governor Inslee vetoed this new language. In his veto message, Inslee argued the provision allowing for the exemption for proof of immunity based on an antibody test is written too broadly because it applies to all vaccines, not just to Measles, Mumps, and Rubella. Additionally, he noted the State Board of Health already allows the use of an antibody test for those vaccines in which the test is reliable, so this provision is unnecessary.

The bill states that a philosophical or personal objection may not be used to exempt a child from the Measles, Mumps, and Rubella vaccine (the medical exemption and the religious exemption remain, however).

EHB 1638 also provides authority for the Department of Health to adopt rules to implement the vaccination requirements. Prior to signing the bill, Governor Inslee also vetoed this language. He argued current law already permits the State Board of Health to perform these rulemaking functions, so the rulemaking clause is unnecessary.

A final section of the bill deals with child care centers. EHB 1638 says a child day care center may not allow on the premises an employee or volunteer who has not provided the day care center with immunization records indicating that he or she has received the Measles, Mumps, and Rubella vaccine or proof of immunity from measles through documentation of antibody titer or a history of measles sufficient to provide immunity against the disease. The child day care center may, however, allow a person to be employed or volunteer on the premises for 30 days if the person signs a written attestation that he or she has received the Measles, Mumps, and Rubella vaccine or is immune, but needs additional time to obtain the required documentation. Additionally, the child day care center may allow a person to be employed or volunteer on the premises if he or she provides the child day care center with a written certification signed by a health care practitioner that the Measles, Mumps, and Rubella vaccine is not advisable for the person. The child day care center must maintain the required documentation regarding the immunization or exemption of its employees and volunteers in its personnel files.

SHB 1658—Paraeducators

(Representative Paul)

C268 L19

Current law requires school districts to provide paraeducators a four-day “fundamental course of study.” The law, however, specifically notes that school districts must only provide the course in school years for which state funding is appropriated specifically for this purpose and only for the number of days that are funded by the appropriation. SHB 1658 modifies this requirement and adjusts deadlines.

For paraeducators hired for the 2020–21 school year and subsequent years, the deadlines for school districts to provide the fundamental course of study to paraeducators are modified as follows:

- In all districts, for paraeducators hired on or before September 1: the first two days of the course must

be provided by September 30 of that year, and the second two days of the course must be provided within six months of the date of hire; and

- In districts with 10,000 or more students, for paraeducators hired after September 1: the first two days of the course must be provided within four months of the date of hire, and the second two days of the course must be provided within six months of the date of hire or by September 1 of the following year, whichever is sooner.

School districts are encouraged to provide at least one day of the 10 days of general courses on the state paraeducator standards of practice as a professional learning day, where paraeducators collaborate with certified staff and other classified staff on applicable courses.

The Paraeducator Board must promote the use of paraeducators to meet educator workforce needs by:

- Communicating to school districts and ESDs the requirements for requesting a limited teaching certificate on behalf of a paraeducator;
- Encouraging and supporting paraeducators to take on the role of teacher under a limited teaching certificate or by enrolling in an Alternative Route Teacher Certification Program; and
- Supporting school districts and the ESDs in using paraeducators in teacher roles.

By December 10, 2019, the bill requires the Paraeducator Board to report to the Legislature with recommendations on reducing barriers to school districts and the ESDs using paraeducators on limited teaching certificates in teacher roles or supporting paraeducators to become fully certificated teachers.

Under provisions of the bill, to qualify for the Pipeline for Paraeducators Conditional Scholarship Program, a paraeducator must: (a) have one, rather than three, years of successful student interaction and leadership; and (b) be accepted and maintain enrollment at a community and technical college for no more than four, rather than two, years. In addition, it is anticipated that candidates enrolled in the program will become eligible for an endorsement in a subject matter shortage area via a teacher certification program, rather than route one in the Alternative Routes Teacher Certification Program.

The 2019–21 Operating Budget provides \$12.0 million to support grants to school districts to provide two days of training in the fundamental course of study to all paraeducators. The funding, however, will be provided as a reimbursement to school districts that provide the required training during the 2019–20 school year.

HB 1667—Public Records Act

(Representative Springer)

C372 L19

Legislation was adopted in 2017 (HB 1594) to improve the administration of public records. The bill required the Attorney General to establish a consultation program to assist local governments with best practices for managing public records requests. Additionally, the Division of Archives and Records Management (State Archives) was required to provide consultation and training to local agencies on records retention practices, as well as administer a competitive grant program for local agencies to improve technology information systems for public record retention, management, and disclosure, and any related training. By statute, the Attorney General’s consultation program, the requirement that State Archives offer and provide consultation and training services for local agencies on improving retention practices, and the grant program are scheduled to end on June 30, 2020.

Under the 2017 law, any agency, including school districts, with at least \$100,000 in annual staff and legal costs during the prior fiscal year associated with fulfilling public records requests were required to report to the Joint Legislative Audit and Review Committee (JLARC) by July 1 of each subsequent year on certain metrics measured over the preceding year. Agencies with less than \$100,000 in estimated costs may report voluntarily.

HB 1667 removes the June 30, 2020 expiration date for the grant program and the Attorney General’s consultation program, and the requirement that State Archives offer and provide consultation and training services for local agencies on improving retention practices.

The bill also provides funding for the programs. The \$1 surcharge funding structure, adopted in 2017, is made permanent.

Finally, agencies are no longer required to report to JLARC

on the following metrics:

- The leading practices and processes for records management and retention, and what percentage of such practices were implemented by the agency;
- The average length of time taken to acknowledge receipt of a public records request, and the estimated agency staff time spent on a request;
- The proportion of records provided within five days of the request and the proportion of requests estimated beyond five days;
- The agency’s initial estimate for providing records as compared with the actual time in providing such records; and
- Measures of requestor satisfaction with agency responses, communication, and processes relating to the fulfillment of public records requests.

Agencies required to report to JLARC, however, must report on the following:

- The number of requests where the agency provided the requested records within five days of receipt, and number of requests where the agency provided an estimated time for responding beyond five days after receipt, rather than a comparison of the proportion of these metrics;
- The average and median number of days from receipt of request to the date the request is closed; and
- The number of requests denied in full or in part.

The 2019–21 Operating Budget appropriates \$1.6 million to implement ESHB 1667. \$1.3 million provided to the Office of the Secretary of State and \$330,000 is provided to the Office of the Attorney General.

ESHB 1696—Wage and salary information

(Representative Dolan)

C345 L19

ESHB 1696 adopts the Washington Equal Pay and Opportunities Act. It is an effort to provide for gender equality by prohibiting long-held business practices that have contributed to persistent earning inequalities.

The bill prohibits an employer—private or public—from seeking the wage or salary history of an applicant or require that the applicant’s prior wage or salary history meet certain criteria, with limited exceptions. A prospective employer is

permitted to confirm an applicant's wage or salary history if the applicant has voluntarily disclosed the applicant's wage or salary history, or after an offer of employment with compensation has been negotiated and made to the applicant.

Employers with 15 or more employees must follow certain requirements with respect to providing wage and salary information. An employer must provide to an applicant the minimum wage or salary for the position upon request after the employer initially offers the position to the applicant. Upon request of an employee offered an internal transfer or promotion, an employer must provide the wage scale or salary range for the new position. If a wage scale or salary range does not exist, the employer must provide the minimum wage or salary expectation set by the employer.

The remedies in the current Equal Pay and Opportunities laws apply to the new wage and salary provisions of this bill.

HB 1714—High school diplomas by CTCs

(Representative Entenman, by request of State Board for Community and Technical Colleges)

C269 L19

Under current law, a community or technical college may issue a high school diploma to:

- An individual who satisfactorily meets the requirements for high school completion, subject to rules adopted by OSPI and the State Board of Education;
- An individual enrolled in the Running Start program who satisfactorily completes an associate degree, upon written request from the student;
- An individual 21 years or older who satisfactorily completes an associate degree, upon written request from the student; and
- An individual who enrolls in a technical college for occupational and academic programs as a high school student who satisfactorily completes an associate degree, upon written request from the student.

HB 1714 expands this list, requiring a community or technical college to issue a high school diploma to an individual aged 16 through 20 who satisfactorily completes an associate degree, upon written request from the student.

SHB 1734—College in the High School

(Representative Leavitt)

C272 L19

SHB 1734 requires any college or university offering concurrent enrollment program courses at a public high school or under the College in the High School program to obtain accreditation by a national accrediting body for concurrent enrollment by the 2027–28 school year. Any college or university engaged in concurrent enrollment program courses at a public high school or under the College in the High School program on or before the 2019–20 academic year that is not accredited must continue to meet the same quality and eligibility standards and obtain approval to offer concurrent enrollment program courses through procedures established in rules until accredited. After the 2027–28 school year, any college or university not accredited or without an active application pending is prohibited from offering concurrent enrollment programs. New college and university concurrent enrollment program courses implemented after the 2019–20 academic year have seven years from the beginning of the first term of classes to apply for accreditation. Colleges and universities are encouraged to provide institutional resources to support the transition to accreditation.

Finally, the bill provides definitions of “public high school” and “concurrent enrollment program.”

SHB 1742—Depictions of minors

(Representative Frame)

C128 L19

Legislative findings state that exchange of intimate images by minors is increasingly common, and that such actions may lead to harm and long-term consequences. The intent of SHB 1742 is to develop age-appropriate prevention and interventions to prevent harm and to hold accountable youth who harm others through exchange of intimate images. To that end, the bill requires the creation of the Exchange of Intimate Images by Minors Work Group. The Washington Coalition of Sexual Assault Programs, in consultation with OSPI; the Washington Association for the Treatment of Sexual Abusers; the Department of Children, Youth, and Families; the Department of Social and Health Services; the juvenile court administrators; the Washington Association of Prosecuting Attorneys; representatives from the Office of Public Defense; youth representatives; and

other relevant stakeholders, must convene a work group to make recommendations to the Legislature regarding age-appropriate prevention and intervention strategies to address potential harms caused by exchange of intimate images by minors. The recommendations are due by December 1, 2019.

In the meantime, SHB 1742 exempts minors from the dealing in depictions of minors engaged in sexually explicit conduct offense. Instead, new offenses are created that are specific to minors dealing in depictions of another minor.

A new offense, Minor Dealing in Depictions of Another Minor age 13 or Older Engaged in Sexual Conduct is committed when a minor knowingly distributes, publishes, transfers, disseminates, or exchanges a visual or printed matter that depicts another minor age 13 or older engaged in an act of sexually explicit conduct. The offense is categorized as either a simple or gross misdemeanor offense based on the type of conduct depicted. This offense is not considered a sex offense for purposes of sex offender registration.

A new offense, Minor Dealing in Depictions of Another Minor Age 12 or Younger Engaged in Sexually Explicit Conduct, is committed when a minor knowingly develops, duplicates, publishes, prints, disseminates, exchanges, finances, attempts to finance, sells, or possesses with intent to develop, publish, print, disseminate, exchange, or sell a visual or printed matter that depicts another minor age 12 or younger engaged in an act of sexually explicit conduct. This offense is categorized as a class B felony and is considered a sex offense for purposes of sex offender registration.

A new offense, Minor Financing or Selling Depictions of Another Minor Engaged in Sexually Explicit Conduct is committed when a minor finance, attempts to finance, or sells a visual or printed matter that depicts a minor engaged in an act of sexually explicit conduct. This offense is categorized as a class B felony and is considered a sex offense for purposes of sex offender registration.

Minors are exempted from these offenses when the visual or printed matter is of himself or herself, except if selling an image of himself or herself. A minor selling a visual or printed matter that depicts himself or herself engaged in an act of sexually explicit conduct is a misdemeanor offense and a prosecutor must divert a minor's first offense.

A minor who knowingly sends or causes to be sent, or brings

or causes to be brought, into this state for distribution, visual or printed matter depicting any minor age 13 or older engaged in sexually explicit conduct is exempt from the crime of Sending or Bringing into the State Depictions of a Minor Engaged in Sexually Explicit Conduct. Persons under age 13 are also exempted from this offense if the visual or printed matter depicts himself or herself.

A minor who possesses visual or printed matter depicting any minor age 13 or older engaged in sexually explicit conduct is exempt from the crime of Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct. Persons under age 13 are also exempted from this offense if the visual or printed matter depicts himself or herself.

A minor who views over the Internet visual or printed matter depicting a minor age 13 or older engaged in sexually explicit conduct is exempt from the crime of Intentionally Viewing over the Internet Visual or Printed Matter Depicting a Minor Engaged in Sexually Explicit. Persons under age 13 are also exempted from this offense if the visual or printed matter depicts himself or herself.

Prosecutors are directed to divert an offender's first offense for a distribution, transfer, dissemination, or exchange of sexually explicit images of other minors age 13 or older.

A minor who possesses any depiction of any other minor engaged in an act of sexually explicit conduct or which constitutes an intimate image forfeits any right to continued possession of that depiction and any court shall order forfeiture of that depiction.

HB 1803—School year waivers

(Representative Orcutt)

C274 L19

School districts are required to provide a minimum of 180 days per school year; however, current law allows OSPI to grant waivers from the 180-day school year requirement to districts that "propose to operate one or more schools on a flexible calendar for purposes of economy and efficiency." A school district seeking a waiver from the 180-day school year requirement must submit an application to OSPI that includes the following:

- A proposed calendar for the school day and school year that demonstrates how the instructional hour requirement will be maintained;

- An explanation and estimate of the economies and efficiencies to be gained from compressing the instructional hours into fewer than one hundred eighty days;
- An explanation of how monetary savings from the proposal will be redirected to support student learning;
- A summary of comments received at one or more public hearings on the proposal and how concerns will be addressed;
- An explanation of the impact on students who rely upon free and reduced-price school child nutrition services and the impact on the ability of the child nutrition program to operate an economically independent program;
- An explanation of the impact on employees in education support positions and the ability to recruit and retain employees in education support positions;
- An explanation of the impact on students whose parents work during the missed school day; and
- Other information that the superintendent of public instruction may request to assure that the proposed flexible calendar will not adversely affect student learning.

Under current law, OSPI is limited to issuing these waivers to five districts, and eligible districts may not have more than 500 students.

HB 1803 increases the number of 180-day school year waivers OSPI may grant to ten, rather than five. Of the ten waivers that may be issued, two must be reserved for districts with fewer than 150 students. All of the requirements for the previous waiver program remain in place for this expanded program.

2SHB 1973—Dual Enrollment Scholarship

(Representative Paul)

C176 L19

2SHB 1973 requires the Washington Student Achievement Council (WSAC), in consultation with the institutions of higher education and OSPI, to establish the Washington Dual Enrollment Scholarship Pilot Program. Students who are eligible to receive a scholarship are those who qualify for Free or Reduced-Price Meals, are enrolled in one or more dual credit programs, and have at least a 2.0 grade point

average. WSAC may provide scholarships to students as follows:

- For students in Running Start, the award must cover mandatory fees, prorated based on credit load, course fees and laboratory fees, and a textbook voucher to be used at the institution's bookstore. The textbook voucher must be worth \$10 for each credit per quarter the student is enrolled, up to a maximum of 15 credits per quarter or the equivalent, per year.
- For students in College in the High School courses, the award must cover tuition fees.

The 2019–21 Operating Budget provides WSAC with \$1.6 million to implement the scholarship pilot program required by this bill.

Beginning with the 2020–21 school year, school districts are required to provide documentation of a student's low-income status directly to the institution of higher education for the purpose of the Running Start fee waiver when the school district has knowledge of a low-income student's enrollment in Running Start. Subject to appropriation, OSPI, in consultation with WSAC, must develop a centralized process for school districts to provide students' low-income status to institutions of higher education for the Running Start fee waiver (no funding was provided for this effort).

Finally, the Joint Legislative Audit and Review Committee must conduct a sunset review of the Pilot Program, and if the Pilot Program is not renewed by the Legislature following the sunset review, the Pilot Program is set to expire July 1, 2025.

EHB 2020—Employment investigation records

(Representative Dolan)

C349 L19

The Washington Law Against Discrimination (WLAD) prohibits discrimination based on a protected characteristic in employment, public accommodations, and real estate, credit, or insurance transactions. With respect to employment, it is an "unfair practice" under the WLAD to:

- Refuse to hire;
- Discharge or bar from employment;
- Discriminate in compensation or other terms or conditions of employment; or
- Include limitations in employment advertisements

or inquiries because of a person’s protected characteristics.

Federal law, under Title VII of the Civil Rights Act of 1964, also precludes employers from refusing to hire, discharging, or otherwise discriminating in compensation or other terms or conditions of employment because of an employee’s protected characteristics.

Case law in Washington and at the federal level holds that sexual harassment in the workplace is an unfair practice prohibited by the WLAD when it affects the terms or conditions of employment and is imputed to the employer. Harassment is imputed to the employer when an owner, manager, partner, or corporate officer personally participates in it, or when the employer knew or should have known of the harassment and failed to take prompt and adequate corrective action.

Currently, the Public Records Act (PRA) exempts from disclosure investigative records compiled by a state or local agency, acting as an employer, in connection with an investigation of an unfair employment practice or a violation of federal, state, or local laws prohibiting employment discrimination. This exemption is temporary, however. Information is exempt from disclosure only while the investigation is active and ongoing.

EHB 2020 updates the Public Records Act by continuing to allow the disclosure of the records of an investigation after an employer-agency has notified the complaining employee of the outcome of the investigation records of the investigation, but only if the names of complainants, other accusers, and witnesses are redacted. The employer-agencies must notify complainants, other accusers, and witnesses that their name will be redacted from the investigation records unless they consent to disclosure.

The bill also expands the exemption for investigative records to include investigations into violations of an agency’s internal harassment and discrimination policies.

HB 2062—Seattle Storm license plates

(Representative Slatter)

C384 L19

The Department of Licensing (DOL) issues special vehicle license plates that may be used in lieu of standard plates. An organization seeking to sponsor a special license plate must

be a nonprofit organization, a professional sports franchise working in conjunction with a nonprofit organization, or a government agency.

HB 2062 creates a special license plate for the Seattle Storm. Proceeds from the sale of the plates will provide funding to the Washington State Legislative Youth Advisory Council (LYAC) and the Association of Washington Generals. Of the annual net proceeds derived from the sale of the Seattle Storm special license plates, \$25,000 will be provided to the LYAC, and the remaining net proceeds will be provided to the Association of Washington Generals for the purpose of providing grants to support and enhance athletic, recreational, and other opportunities for women and girls, especially those with disabilities.

ESHB 2140—K–12 education funding

(Representative Sullivan)

C411 L19

ESHB 2140 was originally introduced as a “Title Only” bill and was later used as the vehicle for the House’s levy/LEA plan. Because of its broad title, it ultimately was adopted on the last day of the session with a set of “left over” issues that had not found a home. The bill includes five components with little connection to one another—except that they each fall under the heading of “K–12 education funding.”

ESD Health Benefits. The 2019–21 Operating Budget provides funding to approve the School Employees’ Benefits Board (SEBB) Collective Bargaining Agreement and implement the SEBB insurance program, beginning January 1, 2020. ESHB 2140 delays the enrollment of non-represented ESD employees in the new SEBB insurance program until January 1, 2024, and allows ESDs to enroll those employees in the Public Employees’ Benefits Board insurance program until December 31, 2023.

The bill also requires the Health Care Authority (HCA), in consultation with OSPI, ESDs, and the Office of Financial Management, to study the impacts of ESD enrollment in SEBB. The study must analyze ESD and SEBB health benefits and costs, and ESD revenue sources’ ability to support SEBB rates. The HCA must report findings to the Legislature by December 31, 2020.

Career Connected Learning Grant Program. ESHB 2140 amends the Career Connected Learning Grant Program

created in E2SHB 2158 to require that sufficient funding be provided from the program to OSPI for employees at ESDs to support the expansion of career connected learning opportunities.

State Property Tax. As adopted last year, \$935.0 million of the second State Property Tax collected in Fiscal Year 2019 were scheduled to go to the Education Legacy Trust Account for the support of K–12 education. As amended by ESHB 2140, all proceeds from the second State Property Tax collected in Fiscal Year 2019, rather than a portion, will be deposited into the Education Legacy Trust Account.

Capital Projects Fund. ESHB 2140 allows school districts to use money deposited in a Capital Projects Fund for preventative maintenance and infrastructure improvement during the 2019–21 fiscal biennium.

Hold Harmless. Last session’s E2SSB 6362 (*McCleary* “fix” bill) included a “hold harmless” provision. SHB 2140 revises the hold harmless calculation, using base payments for the current school year on levies collected during that school year, rather than levies collected during the previous calendar year. This is a technical correction necessary to align with amounts already budgeted.

E2SHB 2158—Career Connected Learning

(Representative Tarleton)

C406 L19

E2SHB 2158 is primarily a higher education bill, funded by a Business and Occupation Tax surcharge on income from services and other activities of select business. While it deals with higher education issues, it expands upon Governor Inslee’s Career-Connected Learning initiative—and will have impacts on K–12 education.

The heart of the bill is the establishment of a Workforce Education Investment Accountability and Oversight Board. The purpose of the 17-member Board is to provide guidance and recommendations to the Legislature on which workforce education priorities should be funded and to ensure accountability that the workforce education investments that were funded are producing the intended results. The Board is required to report to the Legislature annually.

A new Washington College Grant is established to replace the current State Need Grant financial aid program. The Washington Student Achievement Council (WSAC) will

administrate the program. Beginning with the 2020–21 academic year, all eligible students are entitled to a grant. Eligible students must be residents, file a financial aid application, not already have a bachelor’s degree, be enrolled in a higher education institution or apprenticeship program, and demonstrate financial need. Until the 2020–21 academic year, students with family incomes at or below 70 percent of the state median family income (MFI) qualify as demonstrating financial need. Beginning with the 2020–21 academic year, students with family incomes at or below 100 percent of state MFI qualify. A maximum Washington College Grant covers tuition fees, building fees, and services and activities fees at the public institutions of higher education.

Career Connected Learning (CCL) is defined in the bill as a learning experience that is integrated with work-related content and skills in the following three categories: career awareness and exploration; career preparation; and career launch. A Career Connected Learning cross-agency work group is established. The Work Group’s purpose is to coordinate agency functions and external partnerships to carry out a variety of CCL responsibilities, such as creating a statewide CCL system, expanding participation in CCL, making budget recommendations to the Office of Financial Management regarding CCL education programs, supporting the formation and operation of regional networks to guide CCL, and developing a data enclave for CCL. A CCL grant program is also established to support regional CCL networks in rural and urban areas and to support CCL program intermediaries. The CCL grant program is administered by the Employment Security Office, with consultation provided by the Office of the Governor.

Beginning in the 2019–20 school year, school districts must be funded up to 1.2 full-time equivalent students for career launch programs to allow students to engage in learning outside of the school day.

E2SHB 2158 also creates the Workforce Education Investment Account. All revenues from the Workforce Education Investment surcharges (that is, the B&O Tax surcharge) are to be deposited in the Workforce Education Investment Account. The Account may be used only for higher education programs, higher education operations, higher education compensation, and state-funded student aid programs—except for the 2019–21 biennium in which funds can be used for K–12 Career Connected Learning.

Appropriations supporting the implementation of E2SHB 2158 total \$374.7 million for the 2019–21 biennium; however, no funding comes from the state’s General Fund. This entire amount comes from the new Workforce Education Investment Account (funded by the new B&O Tax surcharge). Some of the larger appropriations for the biennium include:

- \$160.3 million for the Washington College Grant;
- \$65.5 million in foundational support for the public higher education institutions;
- \$60.8 million for increasing nurse educator salaries and high-demand program faculty salaries at the community and technical colleges;
- \$32.1 million for implementing Guided Pathways at the community and technical colleges;
- \$17.1 million for new degrees and expanded enrollments in high-demand programs;
- \$14.4 million for the Washington State University Elson S. Floyd College of Medicine;
- \$11.5 million for Career Connected Learning initiatives; and
- \$4.2 million for Working Connections Child Care program.

ESHB 2163—Hold harmless

(Representative Stokesbary)

C419 L19

Prior to the start to the 2019 Legislative Session, WASA formed a School Funding Committee, comprised of superintendents and school business officials, to analyze the financial impacts of the Legislature’s actions to address the *McCleary* decision, including EHB 2242 (2017), and E2SSB 6362 (2018). In late January, WASA began the roll-out of the Committee’s recommendations for the Legislature to consider regarding a “Hold Harmless” for those districts most severely impacted by the *McCleary* legislation. The Committee’s analysis initially revealed that 93 school districts would have less funding for basic operations in the 2019–20 school year than in the 2017–18 school year and another 22 districts would receive negligible funding above the break-even point under the new legislation.

WASA proposed a short-term solution that would increase state funding to get these districts to a financial break-even point. It is important to emphasize the proposal was a one-time only, short-term solution that would minimize,

not resolve, the budget challenges these 115 districts were facing.

While it was difficult to get much traction on the issue with legislators, the proposal garnered a tremendous amount of support from the news media, from the Seattle Times and the Tacoma News Tribune to smaller, local circulation papers like The Daily World (Aberdeen) and the Columbia Basin Herald (Moses Lake). As the session continued, school administrators and school directors continued the drumbeat on this issue, legislators finally started to take notice.

Finally, two-and-a-half months into the session, the Hold Harmless conversation broke publicly in the Legislature with the unveiling of House amendments to the first legislative Operating Budget proposal. An amendment was adopted to provide over \$58 million to the set of districts being most hard-hit by the *McCleary* solution. The funding was embedded in the budget proposal that was adopted by the House, but the actual funding came from the Budget Stabilization Account (BSA), informally known as the Legislature’s “Rainy Day Account.” This funding, however, was contingent on adoption of a separate bill, HB 2163. The budget would make the transfer, but because appropriating money from the BSA takes a supermajority approval of both houses, a second bill was necessary to authorize the transfer.

Unfortunately, the Senate did not support the issue and left the funding out of their budget response. When a final, compromise budget was unveiled, the funding was again absent. Legislators who supported the issue turned HB 2163 from a simple authorizing bill to the vehicle to spell out the Hold Harmless process, along with the necessary transfer and the appropriation. Ultimately, ESHB 2163 was adopted on the last day of session, alongside the Operating Budget.

ESHB 2163 transfers \$58,424,000 from the Budget Stabilization Account into the state’s General Fund. Then the bill appropriates that \$58.4 million (\$42.6 million in the first year of the biennium and \$15.8 in the second year) to OSPI for distribution.

A third section of the bill breaks down the process for calculating Hold Harmless payments. It is fairly technical, but in short, a district is eligible for Hold Harmless if funding in the 2019–20 and 2020–21 school years, based on general apportionment amounts in the 2018–19 and 2019–20 school years and levy and Local Effort Assistance (LEA) payments

in the 2019 and 2020 calendar year, is less than the 2017–18 school year general apportionment and the 2018 calendar year levy and LEA.

It is important to understand that, while ESHB 2163 uses the same methodology to calculate Hold Harmless payment as WASA's Committee used, the final payments to districts are different. WASA's original estimation was an approximate need of \$120 million for 115 school districts; however, these were calculations made before we knew what the Legislature would provide in new funding in the 2019–21 Operating Budget; before we knew what, if anything, the Legislature would adopt regarding levies or levy equalization (the changes in ESSB 5313 impact the final Hold Harmless payments); and before we knew actual enrollment numbers from school districts. Each of these factors impacted the final outcome of the Hold Harmless payments.

OSPI has calculated projected payments to districts in the first year (below); however, they will not be able to determine final Hold Harmless payments until the 2018–19 school year data is final. Therefore, they will not have final Hold Harmless amounts until January 2020. OSPI has decided, however, to begin making payments in September 2019, using the monthly apportionment schedule—that is, amounts will not be paid out in a single, lump sum payment. This will allow districts to start receiving the funds in September, without the fear of OSPI having to claw back funds in January if enrollment or other variables change. OSPI will determine final amounts in January 2020 and will reconcile annual amounts as part of the January apportionment payment process.

2019–20 School Year Estimated Hold Harmless Payments

(OSPI, May 24, 2019)

Aberdeen	\$531,775
Almira	\$45,711
Asotin-Anatone	\$543,491
Benge	\$27,162
Bethel	\$6,973,922
Carbonado	\$220,549
Cashmere	\$159,465
Centerville School District	\$91,572
Central Valley School District	\$686,510
Clarkston School District	\$520,102
Colton School District	\$18,915

Columbia (Walla Walla)	\$635,225
Conway	\$15,853
Cosmopolis	\$417,933
Creston	\$86,778
Damman	\$75,526
Darrington	\$337,726
Davenport	\$173,881
Dieringer	\$1,720,940
Dixie	\$67,535
East Valley (Spokane)	\$4,065,262
Easton	\$53,761
Eatonville	\$788,061
Elma	\$931,604
Endicott	\$46,629
Entiat	\$251,692
Ephrata	\$332,845
Ferndale	\$766,702
Finley	\$544,492
Franklin Pierce	\$1,712,336
Glenwood	\$44,383
Goldendale	\$25,179
Great Northern	\$70,425
Green Dot	\$320,960
Green Mountain	\$40,191
Harrington	\$203,421
Hood Canal	\$380,319
Hoquiam	\$541,778
Kiona-Benton	\$227,624
Klickitat	\$20,952
LaCrosse	\$177,765
Lake Quinalt	\$139,808
Lamont	\$106,150
Liberty	\$124,365
Longview	\$1,832,373
McCleary	\$263,180
Montesano	\$297,927
Moses Lake	\$175,890
Mount Baker	\$240,392
Naches Valley	\$330,025
Nine Mile Falls	\$369,050
North Thurston	\$2,811,726
Oakesdale	\$201,793
Ocasta	\$248,856
Odessa	\$96,302
Olympia	\$3,405,180
Onion Creek	\$54,233

Orient	\$161,558
Orondo	\$138,999
Palouse	\$47,463
Pateros	\$203
Pe Ell	\$201,223
Port Angeles	\$104,912
Prosser	\$91,930
Queets-Clearwater	\$124,736
Reardan-Edwall	\$214,069
Ritzville	\$2,620
Riverside	\$162,593
Rochester	\$56,594
Rosalia	\$99,079
Satsop	\$97,210
Shelton	\$752,219
Southside	\$174,694
Spokane	\$5,097,879
Starbuck	\$15,240
Steptoe	\$7,412
Summit Public: Atlas	\$95,609
Tacoma	\$7,830,408
Tekoa	\$135,806
Tenino	\$309,961
Touchet	\$189,084
Tukwila	\$97,008
Tumwater	\$283,947
Wakkiakum	\$141,050
Waitsburg	\$33,118
Walla Walla	\$2,097,352
Washtucna	\$97,990
Waterville	\$168,821
West Valley (Spokane)	\$1,201,523
White River	\$451,838
White Salmon Valley	\$115,765
Wilbur	\$345,361
Willapa	\$81,734
Wishkah	\$130,050
Yelm	\$291,337

SSB 5023—Ethnic studies

(Senator Hasegawa)

C279 L19

Under provisions of SSB 5023, OSPI is required, by September 1, 2020, to adopt Essential Academic Learning Requirements (EALR) and grade-level expectations that identify the knowledge and skills that all public school

students need to be global citizens in a global society with an appreciation for the contributions of diverse cultures. The EALRs and grade-level expectations must be periodically updated to incorporate best practices in ethnic studies.

By September 1, 2020, OSPI is required to identify and make available ethnic studies materials and resources for use in grades seven through twelve. The materials and resources must be designed to prepare students for global citizenship in a global society, with an appreciation for the contributions of multiple cultures. The materials and resources must be available on OSPI's website.

Public schools with students in grades seven through twelve are encouraged to offer an ethnic studies course incorporating the materials and resources.

SSB 5023 requires OSPI to establish an Ethnic Studies Advisory Committee. The Advisory Committee is charged with advising, assisting, and making recommendations regarding the identification of materials and resources for use in elementary schools and grades seven through twelve. The Advisory Committee must also develop a framework to support the teaching of ethnic studies in grades seven through twelve. The 2019–21 Operating Budget provides \$61,000 to OSPI to support the work of this Advisory Committee.

The Advisory Committee must include a majority of educators with experience in teaching ethnic studies and include educators representing the Washington State Commissions on African-American Affairs, Asian Pacific American Affairs, and Hispanic Affairs.

Finally, it is clarified that nothing in SSB 5023 is intended to supersede the use of the Since Time Immemorial state curriculum.

SSB 5028—Month of the Kindergartner

(Senator Hunt)

C179 L19

SSB 5028 declares September to be the Month of the Kindergartner. Each September, elementary schools are encouraged to determine a method to celebrate new kindergartners as they begin their life in K–12 education.

SB 5054—Behavioral health workforce

(Senator O’Ban)

C351 L19—Partial Veto

In an effort to increase the behavioral health workforce, SB 5054 establishes a reciprocity program to increase the portability of behavioral health licenses and certifications.

The Department of Health (DOH) is required to establish a reciprocity program for psychologists, chemical dependency professionals, mental health counselors, social workers, and marriage and family therapists. DOH must issue a probationary license or certification to any individuals who holds, or has held within the past twelve months, a license or certification in good standing from another state or territory of the United States that has a substantially equivalent or greater scope of practice to the corresponding Washington state license or certification, and has no disciplinary record or disqualifying criminal history.

Following the issuance of the probationary license or certification, DOH must determine if any training or education deficiencies exist between the foreign license requirements and Washington State requirements. If a deficiency in the applicant’s background exists, DOH must determine whether, considering the experience and capabilities of the applicant, additional training or education is necessary to maintain the probationary license or certification, and within a reasonable time transition to full licensure or certification.

DOH must maintain and publish a list of states and territories that it has determined have an equivalent or greater scope of practice, training, and education requirements to the corresponding Washington license or certification.

The bill also would have required DOH to explore options for adoption of interstate compacts supporting license portability for psychologists, chemical dependency professionals, mental health counselors, social workers, and marriage and family therapists. Prior to signing the bill, however, Governor Inslee vetoed this requirement (contained in Sections 4, 5, and 6). In his veto message, he argued that, while he agreed with the intended purpose of the study, the final budget did not provide the necessary funding for the Department of Health to perform the work—and the cost of the study could not be absorbed.

SSB 5063—Elections, prepaid postage

(Senator Nguyen, by request of Governor Inslee)

C161 L19

All counties in the state conduct elections entirely by mail. For each election, county auditors are required to send each voter a ballot with a voter declaration that must be signed, a security envelope to conceal the ballot after voting, and a larger envelope to return the security envelope. The voter also must receive instructions on how to obtain information about the election, how to complete the ballot, and how to return the ballot to the county auditor. For a ballot to be counted, the voter must either return the ballot to the county auditor no later than 8:00 p.m. on election day or mail the ballot to the county auditor with a postmark on the larger envelope, dated no later than election day.

In SSB 5063, the Legislature declares its findings that voting by mail has many advantages; however, the cost of ballot return postage is an unnecessary barrier to fully participate in the democratic process. Further, the Legislature finds that voting should be free for all citizens.

The bill requires that return envelopes for all election ballots must include prepaid postage. SSB 5063 also requires the state to reimburse counties for the cost of return postage for ballots in all elections.

The 2019–21 Operating Budget provides \$4.8 million to the Secretary of the State to implement this bill. The funding will be used to reimburse costs to counties as they comply with the new law.

2SSB 5082—Social-emotional learning

(Senator McCoy)

C386 L19

In 2015, OSPI was directed to convene a Work Group to recommend comprehensive benchmarks for developmentally appropriate interpersonal and decision-making knowledge and skills of social-emotional learning (SEL) for grades kindergarten through twelve. In 2017, OSPI was directed to continue this Work Group to:

- Identify and articulate grade-level developmental indicators for each of the SEL benchmarks;
- Solicit feedback from stakeholders; and
- Develop a model of best practices or guidance for schools on implementing the benchmarks and indicators.

2SSB 5082 creates a Social-Emotional Learning (SEL) Committee to promote and expand SEL, subject to appropriation (the 2019–21 Operating Budget provides OSPI with \$400,000 to implement this bill). The SEL Committee will be a permanent Committee to continue and expand on the work of the two previous required OSPI SEL Work Groups (the 2017 Work Group is scheduled to release recommendations by June 30, 2019). OSPI must provide staff support for the new Committee.

SEL will help students build awareness and skills in managing emotions, setting goals, establishing relationships, and making responsible decisions that support success in school and life. The SEL Committee is required to:

- Develop and implement a statewide framework for SEL that is trauma-informed, culturally sustaining, and developmentally appropriate;
- Review and update the SEL standards and benchmarks and align them with other relevant standards and guidelines;
- Identify best practices or guidance for schools implementing SEL;
- Identify and update professional development opportunities;
- Consider systems for collecting data about SEL and monitoring implementation efforts;
- Identify strategies to improve coordination between early learning, K–12 education, youth-serving community partners and culturally-based providers, and higher education; and
- Engage with stakeholders and seek feedback.

The SEL Committee will be comprised of members described in the bill, representing a number of entities including the state ethnic commissions, tribes, state agencies, schools, families, and others. The SEL Committee is required to include a representative from the Educational Opportunity Gap Oversight and Accountability Committee (EOGOAC) and have a joint meeting with the EOGOAC once a year.

Beginning June 1, 2021, the SEL Committee is required to provide an annual report with accomplishments, state-level data, identification of systemic barriers or policy changes necessary to promote and expand SEL, and recommendations.

2SSB 5082 requires OSPI to review the recommendations of the 2017 SEL Work Group and the new SEL Committee. OSPI must adopt SEL standards and benchmarks by January 1, 2020 and revise as appropriate. OSPI must align the programs it oversees with the SEL standards and integrate where appropriate.

In order to ensure that principals, teachers, and paraeducators can recognize signs of emotional or behavioral distress in students and appropriately refer students for assistance and support, the Professional Educator Standards Board (PESB) is required to incorporate into the knowledge, skill, and performance standards the social-emotional learning standards, benchmarks, and related competencies for principals, teachers, and paraeducators by January 1, 2020. Related competencies include trauma-informed practices, consideration of adverse childhood experiences, mental health literacy, antibullying strategies, and culturally sustaining practices. PESB is also required to periodically review approved preparation program to assess whether and to what extent the programs are meeting knowledge, skill, and performance standards, and publish on its website the results of the review in a format that facilitates program comparison.

Subject to appropriations, OSPI is required to create and publish on its website a list of resources available for professional development of staff on the following topics:

- Social-emotional learning;
- Trauma-informed practices;
- Recognition and response to emotional or behavioral distress;
- Consideration of adverse childhood experiences;
- Mental health literacy;
- Antibullying strategies; and
- Culturally sustaining practices.

(Funding in the 2019–21 Operating Budget described above will support OSPI in carrying out this requirement.) Beginning in the 2020–21 school year, and every other school year thereafter, school districts must use one of the Professional Learning Days to train school district staff on these topics.

SB 5088—Computer science

(Senator Wellman)

C180 L19

SB 5088 authorizes school districts to award academic credit for computer science based on completion of a competency examination, beginning in the 2019–20 school year. School districts that award this credit must develop a written policy that addresses equivalency approval, skills learned partially or wholly outside the classroom, and computer science courses taken before high school. In addition, OSPI is required to create rules that address competency testing in lieu of graduation requirements and electives. Prior to the use of any competency examination used to award computer science academic credit, OSPI must review the exam to ensure it is aligned with the state learning standards for computer science or mathematics and course equivalency requirements adopted by OSPI.

Each school district board of directors in districts that award credit under provisions of this bill are required to develop a written policy for awarding credit that includes:

- A course equivalency approval procedure;
- Procedures for awarding competency-based credit for skills learned partially or wholly outside of a course; and
- An approval process for computer science courses taken before attending high school.

The bill also requires each school district that operates a high school, beginning no later than the 2022–23 school year, to provide, at a minimum, the opportunity to access an elective computer science course that is available to all high school students. School districts are encouraged to consider community-based or public-private partnerships to establish and administer a course, but any such course must be aligned to the state learning standards for computer science or mathematics.

E2SSB 5091—Special education funding

(Senator Wellman)

C387 L19

Special education was a hotly debated topic this session. E2SSB 5091 (and related funding in the budget) was the only positive outcome of these conversations. E2SSB 5091 includes changes to the special education excess cost multiplier, the threshold to access special education safety net funding, Professional Learning Days, and auditing

requirements.

E2SSB 5091 increases the current special education excess cost multiplier for enrolled students from 0.9609 to 0.995 in the 2019–20 school year. Beginning in the 2020–21 school year, a two-tiered multiplier is implemented as follows:

- A 1.0075 multiplier will be used for K–12 students receiving special education and reported to be in the general education setting for 80 percent or more of the school day; and
- A multiplier of 0.995 for K–12 students receiving special education and reported to be in the general education setting for less than 80 percent of the school day.

Under federal law, in order to access special education safety net awards for high-need students, districts are required to expend at least three times the statewide average per-pupil expenditure as a cost threshold. The state, however, has the authority to lower the safety net threshold using state resources. Since the 2012–13 school year, a high-need student has been eligible for safety net awards if the student's Individualized Education Program costs exceed 2.7 times the average per-pupil expenditure. E2SSB 5091 further lowers this threshold to 2.3 times the average per-pupil expenditure, beginning in the 2019–20 school year.

Under provisions of the bill, OSPI is required to calculate each school district's professional learning allocation separately from the minimum state allocation for salaries and associated fringe benefits. The allocation must be equal to the proportional increase in professional learning days required by statute. For programs funded on a per-student basis, such as special education, professional learning allocations must be included in per-pupil calculations.

As required by E2SSB 5091, the State Auditor will review special education data during audits of districts in the 2018–19 school year. The following information must be reviewed:

- Special education revenues and the sources of those revenues; and
- Special education expenditures and the object of those expenditures.

The State Auditor is required to compile and submit the data reported under the audits to the Legislature by December 1, 2020.

SSB 5106—Natural disaster mitigation

(Senator Das, by request of Insurance Commissioner)

C388 L19

The Legislature finds that it is critical to better prepare the state for disasters and to put in place strategies to mitigate the impacts of disasters. SSB 5106 creates a Natural Disaster and Resiliency Activities Work Group to review disaster mitigation and preparation projects in this state and other states, make recommendations regarding how to coordinate and expand state efforts to mitigate the impacts of natural disasters, and evaluate whether an ongoing disaster resiliency program should be created.

Specifically, the Work Group is required to:

- Review activities by public and private entities, other states, and the federal government in regards to disaster mitigation and resiliency;
- Review uptake in this state for disaster related insurance, such as flood and earthquake insurance;
- Review how other states coordinate disaster mitigation, specifically the California Earthquake Authority;
- Review how other states and the federal government fund disaster mitigation and resiliency activities and programs; and
- Make recommendations to the Legislature and the Office of the Insurance Commissioner.

The Work Group must be comprised of at least 24 members, including the following:

- The insurance commissioner, or a designee, who shall serve as chair of the work group;
- One member from each of the two major caucuses of the House of Representatives, appointed by the Speaker of the House;
- One member from each of the two major caucuses of the Senate, appointed by the President of the Senate;
- A representative from the Governor's Resilient Washington Work Group;
- A representative from the Washington State Association of Counties;
- A representative from the Association of Washington Cities;
- A representative from the State Building Code Council;

- The commissioner of the Department of Natural Resources or a designee;
- The director of the Washington State Military Department or a designee;
- The Superintendent of Public Instruction or a designee;
- The secretary of the Department of Transportation or a designee;
- The director of the Department of Ecology or a designee;
- The director of the Department of Commerce or a designee;
- A representative from the Washington Association of Building Officials;
- Two representatives from the property and casualty insurance industry, to be selected by the Insurance Commissioner or designee, through an application process;
- A representative of emergency and transitional housing providers, appointed by the Office of the Insurance Commissioner;
- A representative from public utility districts, to be selected by the State Association of Public Utility Districts;
- A representative of water and sewer districts, selected by an association of water and sewer districts;
- A representative selected by the Washington State Commission on African-American Affairs, the Washington State Commission on Hispanic Affairs, the Governor's Office of Indian Affairs, and the Washington State Commission on Asian Pacific American Affairs to represent the four commissions on the Work Group;
- A representative from the Washington State Department of Agriculture;
- A representative from the State Conservation Commission;
- Two representatives from federally recognized tribes, one from the east and one from west side of the Cascade Mountains; and
- Other state agency representatives or stakeholder group representatives, at the discretion of the Work Group, to participate in specific topic discussions or subcommittees.

Work Group recommendations must include particular information and proposals related to the functioning of the Work Group and to improving Washington State's natural disaster and resiliency activities. A preliminary report of recommendations to the Legislature, the Office of the Insurance Commissioner, the governor, OSPI, and the commissioner of the Department of Natural Resources is due by November 1, 2019. A final report is due by December 1, 2020.

SSB 5266—Election timing under WVRA

(Senator Saldaña)

C454 L19

In 2018, the Legislature adopted ESSB 6002, establishing the Washington Voting Rights Act (WVRA). WVRA prohibits any voting practice or procedure that effectively impairs the equal opportunity for members of a minority group to participate in the nomination and election of candidates. The law stipulates a violation occurs when elections—in any local jurisdiction, including school director elections—exhibit polarized voting and where there is a significant risk that members of a protected class (race, color, or language minority group) do not have an equal opportunity to elect candidates of choice as a result of dilution or abridgement of their rights.

Any political subdivision may take corrective action to change its election system in order to preemptively remedy a potential violation of the WVRA. One remedy is the implementation of a district-based (as opposed to an at-large) election system. Districts must be reasonably equal in population, compact, and geographically contiguous, must coincide with natural boundaries, and must preserve communities of related and mutual interest as much as possible. Cities or towns with fewer than 1000 people and school districts with fewer than 250 students are exempt from the provisions of the Washington Voting Rights Act and may not be sued for violations; however, they may voluntarily take corrective action to change election systems.

Under WVRA, if a political subdivision adopts a new election plan or the court issues a final order between the date of the General Election and January 15th of the following year, the new election system must be used in the next General Election. If a political subdivision adopts a new election plan or the court issues a final order between January 16th and the next General Election date, the new election system must

be used in the General Election of the following year.

SSB 5266 updates the 2018 Washington Voting Rights Act by adjusting the timing of reorganization of governing boards. All positions on the governing body of a jurisdiction adopting a new election plan either voluntarily or as a result of a court order filed under the WVRA must be subject to election at the subsequent General Election. For school director elections specifically, if the district is changing its director district boundaries, all director positions are subject to election at the next regular election.

Additionally, a jurisdiction adopting a new election plan either voluntarily or as a result of a court order filed under the WVRA may subsequently choose to stagger the terms of governing body seats.

E2SSB 5290—Noncriminal youth detention

(Senator Darneille)

C312 L19

Under current law, school districts are required to take certain actions to reduce a student's unexcused absences from school. One of the obligations is filing a truancy petition in juvenile court when a student has seven unexcused absences within a month or ten unexcused absences within a school year. Truancy petitions are referred to a Community Truancy Board (CTB) in school districts with over 250 students. If CTB intervention fails, the case must be returned to juvenile court for a hearing and the court can issue an order requiring the child to attend school, if deemed necessary. If the child fails to comply with the court order, the court may commit the child to remedial detention for up to seven days or impose alternatives to detention, such as community restitution.

E2SSB 5290 establishes the policy of the state of Washington to eliminate the use of juvenile detention for contempt of a valid court order for noncriminal behavior. Beginning July 1, 2020, no youth may be placed in detention as a contempt sanction or based on a warrant pursuant to laws related to Children in Need of Services or dependency. Beginning July 1, 2021, no youth may be placed in detention as a contempt sanction or based on a warrant pursuant to laws related to truancy. Beginning July 1, 2023, no youth may be placed in detention as a contempt sanction or based on a warrant pursuant to laws related to At-Risk Youth.

Until July 1, 2023, any At-risk Youth committed to juvenile detention for noncriminal behavior must be detained in such a manner so that no direct communication or physical contact may be made between the youth and any youth who is detained to juvenile detention pursuant to a violation of criminal law, unless these separation requirements would result in a youth being detained in solitary confinement. After July 1, 2023, at-risk youth may be committed to a secure residential program with intensive wraparound services as a remedial sanction for contempt or for failure to appear at a court hearing.

Prior to committing any youth to juvenile detention, the court must:

- Consider, on the record, the mitigating and aggravating factors used to determine the appropriateness of detention for enforcement of its order;
- Affirm that it considered all less restrictive options, that detention is the only appropriate alternative, including its rationale and the clear, cogent, and convincing evidence used to enforce the order;
- Afford the same due process considerations that it affords all youth in criminal contempt proceedings; and
- Seek input from all relevant parties, including the youth.

For Children in Need of Services and At-Risk Youth proceedings, the court may impose graduated contempt sanctions such as community restitution, or mentoring, with detention as the last resort if a less restrictive alternative has been attempted and another violation has occurred or after a formal finding that no less restrictive alternative is available. A maximum stay in detention is 72 hours and the court may not impose more than two remedial sanctions during a 30-day period. The court must issue a summons to the child prior to issuing an arrest warrant for violation of an order. Arrest warrants may not be served on school grounds during school hours.

ESSB 5313—School levies

(Senator Wellman)

C410 L19

ESSB 5313 modifies the levy and Local Effort Assistance (LEA) policies adopted in EHB 2242 (2017 *McCleary*

“solution”)—and adds new data reporting and new auditing requirements.

Levies. Under current law, enrichment levies are limited to the lesser of \$1.50 per \$1,000 of Assessed Valuation or \$2,500 per student. ESSB 5313 limits enrichment levies to the lesser of \$2.50 per \$1,000 of Assessed Valuation or \$2,500 per student, for school districts with less than 40,000 students. For districts with more than 40,000 students (only Seattle School District currently), enrichment levies are limited to the lesser of \$2.50 per \$1,000 of Assessed Valuation or \$3,000 per student.

Current law inflationary adjustments remain in place: Per pupil values (but NOT the rate per \$1,000) are adjusted by inflation (previous calendar year’s annual average Seattle-area Consumer Price Index or CPI) beginning with property taxes levied for collection in 2020.

Local Effort Assistance. Under current law, to qualify for Local Effort Assistance, a school district must have a maximum enrichment levy that is less than \$1,500 per pupil. LEA was provided on a per-pupil allocation basis so the sum of the district’s levy funding and LEA is \$1,500 per pupil.

ESSB 5313 provides LEA to districts that have an enrichment levy that collects less than \$1,550 per pupil when levying at a rate of \$1.50 per \$1,000 of Assessed Valuation levy. To qualify for maximum LEA payments, a district must run a levy equal to \$1.50 per \$1,000 and collect less than \$1,550 per pupil. (As with the levy lid, per pupil values are adjusted by inflation (CPI). The LEA threshold beginning in Calendar Year 2020 is \$1,593.) If a district approves an enrichment levy with a rate of less than \$1.50, the maximum LEA is reduced proportionately. Unlike other proposals introduced this session, a district will continue to receive the maximum LEA, even if they run a levy above the \$1.50 per \$1,000 of Assessed Valuation.

Additional language in the bill provides an increase in Local Effort Assistance payments for districts west of the Cascades that border another state. If the district’s enrollment is more than 25,000 annual FTE, an additional \$246 per pupil of LEA is provided (Evergreen School District). If the district’s enrollment is less than 25,000 annual FTE, an additional \$286 per pupil of LEA is provided (Vancouver School District).

The additional Local Effort Assistance payments for these districts is a one-time exception for the 2019–20 school year.

Supplemental Expenditures. ESSB 5313 provides additional district data reporting, additional auditing authority, and potential penalties.

Beginning in the 2019–20 school year, school districts are required to provide a supplemental expenditure schedule by revenue source that identifies the amount expended by object for each of the following supplementary enrichment activities beyond the state funded amount:

- Minimum instructional offerings under RCW 28A.150.220 (basic education instructional offerings) or 28A.150.260 (allocations of state funding) not otherwise included on other lines;
- Staffing ratios or program components under RCW 28A.150.260 (prototypical funding model), including providing additional staff for class size reduction beyond class sizes allocated in the prototypical school model and additional staff beyond the staffing ratios allocated in the prototypical school formula;
- Program components under RCW 28A.150.200 (program of basic education), 28A.150.220, or 28A.150.260, not otherwise included on other lines;
- Program components to support students in the program of special education;
- Program components of professional learning, as defined by RCW 28A.415.430 (professional learning definitions), beyond that allocated under RCW 28A.150.415 (state-funded professional learning days);
- Extracurricular activities;
- Extended school days or an extended school year;
- Additional course offerings beyond the minimum instructional program established in the state’s statutory program of basic education;
- Activities associated with early learning programs;
- Activities associated with providing the student transportation program;
- Any additional salary costs attributable to the provision or administration of the enrichment activities allowed under RCW 28A.150.276 (local revenues and enrichment);
- Additional activities or enhancements that OSPI determines to be a documented and demonstrated

enrichment of the state’s statutory program of basic education under RCW 28A.150.276; and

- All other costs not otherwise identified in other lines.

School districts must also maintain a record describing how salary and related benefit costs for certain supplementary enrichment activities are documented, and demonstrate enrichment of the state’s program of basic education. School districts must maintain these records until the State Auditor has completed required audits (as described below).

Beginning with the 2019–20 school year the State Auditor must review the expenditures of local funds, including the supplemental expenditure schedule (as described above). If OSPI receives a report of findings from the State Auditor that an expenditure of a school district is out of compliance with the prohibition of using local revenues for non-enrichment activities, and the finding is not resolved in a the subsequent audit, the school district’s maximum enrichment levy collection authorized under law must be reduced by the unauthorized expenditure amount in the following year.

SSB 5324—Supporting homeless students

(Senator Frockt)

C412 L19

Current state law requires each school district that has identified more than ten unaccompanied youth to establish a building point of contact in middle and high schools. These points of contact are responsible for identifying homeless and unaccompanied youth and connecting them with the school district’s liaison. SSB 5324 modifies this provision by requiring all K–12 public schools to establish a building point of contact regardless of the number of unaccompanied youth. The requirement applies to elementary, middle, and high schools. OSPI is required to make available best practices for choosing and training building points of contact.

In 2016, OSPI created a competitive process to evaluate and award state-funded grants to school districts to identify and support students experiencing homelessness. New language about the grant program adopted in SSB 5324 says funding provided through the grant program may be used in a manner complementary to federal McKinney-Vento funding and is consistent with allowable uses as determined by OSPI. Additional award criteria for the grant program specifies the grantees must reflect geographic diversity and greater weight

be given to school districts demonstrating a commitment to:

- Partnering with local housing and community-based organizations with experience in serving the needs of students experiencing homelessness or students of color;
- Serving the needs of unaccompanied youth; and
- Implementing evidence-informed strategies to address the opportunity gap and other systemic inequities that negatively impact students experiencing homelessness and students of color.

Specific strategies may include, but are not limited to:

- Enhancing the cultural responsiveness of current and future staff;
- Ensuring all staff, faculty, and school employees are actively trained in trauma-informed care;
- Providing inclusive programming by intentionally seeking and utilizing input from the population being served;
- Using a multidisciplinary approach when serving students experiencing homelessness and their families;
- Intentionally seeking and utilizing input from the families and students experiencing homelessness about how district policies, services, and practices can be improved; and
- Identifying data elements and systems needed to monitor progress in eliminating disparities in academic outcomes for students experiencing homelessness with their housed peers.

These grants may be for two years. At the end of each academic year, school districts receiving grants are required to monitor and report on the academic outcomes for students served by the grants. The academic outcomes are those recommended by OSPI. OSPI is required to review the reports submitted by the districts and assist school districts in using these data to identify gaps and needs, and develop sustainable strategies to improve academic outcomes for students experiencing homelessness.

SSB 5324 also makes changes to a Department of Commerce grant program. The goal of the current program is to provide educational stability for students experiencing homelessness by promoting housing stability. An added goal is to encourage the development of collaborative strategies between housing and education partners. To

ensure that innovative strategies between housing and education partners are developed and implemented, the Department of Commerce may contract and consult with a designated vendor to provide technical assistance and program evaluation, and assist with making grant awards. If the Department of Commerce contracts with a vendor, the vendor must be selected by the director and:

- Be a nonprofit vendor;
- Be located in Washington state; and
- Have a demonstrated record of working toward the housing and educational stability of students and families experiencing homelessness.

Additionally, the Department of Commerce, or the Department in partnership with its designated vendor, must consult with OSPI as the program is implemented.

Organizations eligible for grant awards include local governments, local housing authorities, regional support networks, behavioral health organization, nonprofit community or neighborhood-based organizations, federally recognized Indian tribes in the state of Washington, or regional or statewide nonprofit housing assistance organizations. SSB 5324 adds behavioral health organizations as an eligible entity for the grant program.

Applications for the grant program must include a memorandum of understanding (MOU) between the housing providers and school districts. The MOU must include how they will address gaps and needs, develop sustainable strategies, and collect data. Additional award criteria for this grant program specifies the grantees must reflect geographic diversity and greater weight be given to eligible organizations that demonstrate a commitment to: partnering with local schools or districts; and developing and implementing evidence-informed strategies to address racial inequities.

Specific strategies listed include, but are not limited to:

- Hiring direct service staff who reflect the racial, cultural, and language demographics of the population being served;
- Committing to inclusive programming by intentionally seeking and utilizing input from the population being served;
- Ensuring eligibility criteria does not unintentionally screen out people of color and further racial inequity; and

- Creating access points in locations frequented by parents, guardians, and unaccompanied homeless youth of color.

All beneficiaries of the grant program must be from households that include at least one homeless student, which includes unaccompanied homeless youth. Grantees are required to track and report on the following measures including, but not limited to:

- Length of time enrolled in the grant program;
- Housing destination at program exit;
- Type of residence prior to enrollment in the grant program; and
- Number of times homeless in the past three years.

Grantees must also include in their reports a narrative description discussing its partnership with school districts as set forth in the MOU described above. Reports must also include the kinds of supports grantees are providing students and families to support academic learning.

Funding is provided in the 2019–21 Operating Budget to implement this bill.

SB 5350—Life annuity benefit

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

C189 L19

Retirees of the Teachers' Retirement System, the Washington State Patrol Retirement System, and the Law Enforcement Officers' and Fire Fighters' Retirement System have the option to purchase an annuity with funds from a government plan such as deferred compensation.

SB 5350 makes a similar option available to members of the Public Employees' Retirement System, the Public Safety Employees' Retirement System, and the School Employees' Retirement System may purchase an actuarially equivalent life annuity benefit. A minimum purchase of \$5,000 is required. A member purchasing an annuity must pay all costs related to rollover or transfer funds.

Language in the bill specifically clarifies the Legislature reserves the right to amend or repeal this option.

SB 5360—Retirement system defaults

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

C313 L19—Partial Veto

Under current law, new employees in the Public Employees' Retirement System (PERS), the Teachers' Retirement System (TRS), and the School Employees' Retirement System (SERS), have 90 days to make an irrevocable choice between becoming a member of Plan 2 (defined benefit) or Plan 3 (hybrid defined benefit/defined contribution) of the retirement system. If a member does not choose membership in either Plan 2 or Plan 3, the member is enrolled in Plan 3 by default.

SB 5360 makes a change to the default retirement plan. Members that first become employed by a PERS, TRS, or SERS employer on or after July 1, 2020, have 90 days to make an irrevocable choice between becoming a member in Plan 2 or Plan 3. If a choice is not made within 90 days, the employee is enrolled in Plan 2 by default.

The bill contained an emergency clause, making the bill immediately effective upon the governor's signature. Prior to signing the bill, Governor Inslee vetoed this emergency clause. In his veto message, Inslee noted that the bill's provisions do not become effective until July 1, 2020 (a year later than the original version of the bill), so the emergency clause is unnecessary.

SSB 5380—Opioid overdose medication

(Senator Cleveland, by request of Governor Inslee)

C314 L19

SSB 5350 is a comprehensive bill dealing with opioid use disorder treatment, prevention, and related services. The bill has implications for K–12 education.

Public high schools are authorized to obtain and maintain opioid overdose reversal medication through a standing order prescribed and dispensed in accordance with law. The opioid overdose reversal medication may be obtained from donation sources, but must be maintained and administered in a manner consistent with a standing order issued in accordance with law.

A school district with two thousand or more students is required to obtain and maintain at least one set of opioid overdose reversal medication doses in each of its high schools. A school district that demonstrates a good faith

effort to obtain the opioid overdose reversal medication through a donation source, but is unable to do so, is exempt from the requirement to obtain and maintain the medication.

The bill authorizes the following personnel to distribute or administer the school-owned opioid overdose reversal medication to respond to symptoms of an opioid-related overdose pursuant to a prescription or a standing order issued in accordance with law:

- A school nurse;
- A health care professional or trained staff person located at a health care clinic on public school property or under contract with the school district; or
- Designated trained school personnel.

Under provisions of SSB 5380, opioid overdose reversal medication may be used on school property, including the school building, playground, and school bus, as well as during field trips or sanctioned excursions away from school property. A school nurse or designated trained school personnel may carry an appropriate supply of school-owned opioid overdose reversal medication on field trips or sanctioned excursions.

Training for school personnel who have been designated to distribute or administer opioid overdose reversal medication must meet the requirements for training outlined in the bill (and describe below) and any rules or guidelines for such training adopted by OSPI. Each high school is encouraged to designate and train at least one school personnel to distribute and administer opioid overdose reversal medication if the high school does not have a full-time school nurse or trained health care clinic staff.

The liability of a person or entity who complies with this law is limited. If a student is injured or harmed due to the administration of opioid overdose reversal medication that a practitioner has prescribed and a pharmacist has dispensed to a school under this section, the practitioner and pharmacist may not be held responsible for the injury unless he or she acted with conscious disregard for safety.

To prevent opioid-related overdoses and respond to medical emergencies resulting from overdoses, by January 1, 2020, OSPI, in consultation with the Department of Health and WSSDA, must develop opioid-related overdose policy guidelines and training requirements for public

schools and school districts. The opioid-related overdose policy guidelines and training requirements must include information about:

- The identification of opioid-related overdose symptoms;
- How to obtain and maintain opioid overdose reversal medication on school property issued through a standing order in accordance;
- How to obtain opioid overdose reversal medication through donation sources;
- The distribution and administration of opioid overdose reversal medication by designated trained school personnel;
- Free online training resources that meet the training requirements in this law; and
- Sample standing orders for opioid overdose reversal medication.

The opioid-related overdose policy guidelines may: Include recommendations for the storage and labeling of opioid overdose reversal medications that are based on input from relevant health agencies or experts; and allow for opioid-related overdose reversal medications to be obtained, maintained, distributed, and administered by health care professionals and trained staff located at a health care clinic on public school property or under contract with the school district.

By March 1, 2020, WSSDA is required to collaborate with OSPI and the Department of Health to either update existing model policy or develop a new model policy that meets the requirements of this law. Beginning with the 2020–21 school year, school districts with a school that obtains, maintains, distributes, or administers opioid overdose reversal medication; and school districts with two thousand or more students must adopt an opioid-related overdose policy.

OSPI and WSSDA must maintain the model policy and procedure on each agency's web site at no cost to school districts.

ESSB 5410—Dual credit exams

(Senator Mullet)

C316 L19

There are several dual credit opportunities for students in high school to earn college credits. ESSB 5410 directs Washington's institutions of higher education to award as

much credit as possible and appropriate for scores of:

- Three on an Advanced Placement (AP) exam (current law);
- Four on a standard-level or higher-level International Baccalaureate (IB) exam; or
- E or higher on A and AS level Cambridge International (CAIE) exams.

Higher education institutions must develop a process for retroactively awarding IB credit for students who first enrolled in the 2018–19 academic year.

If an institution is unable to award general education course equivalency, the student may request in writing an evidence-based reason as to why the course equivalency cannot be granted. Institutions of higher education must conduct biennial reviews of their credit awarding policies and report noncompliance to the Legislature by November 1 each biennium, beginning November 1, 2019.

Finally, institutions of higher education must provide an update on credit awarding policies to the Joint Legislative Audit and Review Committee by December 31, 2019.

E2SSB 5497—Immigrants in the workplace

(Senator Wellman)

C440 L19

E2SSB 5497 establishes a statewide policy supporting Washington state’s economy and immigrants’ role in the workplace. The bill impacts all state and local governments, including school districts.

The bill establishes the Keep Washington Working Work Group is within the Department of Commerce. The Work Group is comprised of eleven members from geographically diverse immigrant advocacy groups, professional associations representing business, labor organizations, agriculture, immigrant legal interests, academia, and law enforcement. The Work Group is required to develop strategies and methods to strengthen immigrants’ career pathways, support organizations to provide workforce stability for the agriculture industry, and recommend approaches to attract immigrant-owned business providing new business and trade opportunities.

The state Attorney General, working with interested parties, is directed to develop model policies limiting immigration enforcement in public schools, health facilities operated

by the state or its political subdivisions, courthouses, and shelters to ensure safe access for Washington residents regardless of immigration or citizenship status. State agencies are required to review and update their policies and information systems to limit the personal information an agency requests and retains to only the information necessary to perform agency duties. All public employees must serve all Washington residents without regard to citizenship or immigration status or condition receipt of services based on citizenship or immigration status.

State and local law enforcement agencies, School Resource Officers, and security departments are prohibited from providing information to federal immigration authorities for civil immigration enforcement or providing nonpublic personal information about an individual to federal immigration authorities in noncriminal matters unless required by law.

Funding is provided throughout the 2019–21 Operating Budget to implement this bill, including \$70,000 to OSPI for legal services to review confidentiality policies and to develop model policies related to immigration enforcement at public schools.

2SSB 5511—Expanding broadband service

(Senator Wellman, by request of Governor Inslee)

C365 L19

2SSB 5511 is a comprehensive bill intended to increase broadband access to unserved areas of the state to enable access to health care, education, and essential services, providing economic opportunities, and enhancing public health and safety. First, the bill establishes a Statewide Broadband Office, within the Office of the Governor. The purpose of the Statewide Broadband Office is to: encourage, foster, develop, and improve affordable, quality broadband within the state in order to:

- Drive job creation, promote innovation, improve economic vitality, and expand markets for Washington businesses;
- Serve the ongoing and growing needs of Washington’s education systems, health care systems, public safety systems, industries and business, governmental operations, and citizens; and
- Improve broadband accessibility for unserved communities and populations.

Beginning January 1, 2021, and every two years after that, the State Broadband Office must report to the Legislature on the Office's activities during the previous two years including an analysis of the current availability and use of broadband in the state; information collected from anchor institutions (including schools) determining the actual speed and capacity of broadband currently in use and the need for increases; an overview of incumbent state broadband infrastructure; and suggested policies and legislation to accelerate the achievement of state broadband speed goals.

2SSB 5511 establishes the following long-range goals for the state of Washington:

1. By 2024, all Washington businesses and residences have access to high-speed broadband that provides minimum download speeds of at least twenty-five megabits per second and minimum upload speeds of at least three megabits per second;
2. By 2026, all Washington communities have access to at least one gigabit per second symmetrical broadband service at anchor institutions like schools, hospitals, libraries, and government buildings; and
3. By 2028, all Washington businesses and residences have access to at least one provider of broadband with download speeds of at least one hundred fifty megabits per second and upload speeds of at least one hundred fifty megabits per second.

The Public Works Board (PWB), in collaboration with the State Broadband Office, is required to establish and administer a competitive grant and loan program to promote expanding access to broadband service in unserved areas of the state. Grants and loans may be awarded to assist funding middle mile and last mile infrastructure that supports broadband services and strategic planning for deploying broadband service to unserved areas. Eligible applicants include local governments, tribes, nonprofit organizations, cooperative associations, multiparty entities comprised of public entity members, limited liability corporations organized for the purpose of expanding broadband access, and incorporated businesses or partnerships.

SSB 5514—School threats notification

(Senator Padden)

C84 L19

SSB 5514 updates current statutory provisions regarding safe school plans and procedures. The bill stipulates that whenever a first responder agency notifies a school of a situation that may necessitate an evacuation or lockdown, the agency must also determine if other schools in the vicinity, including private schools, are similarly threatened. The first responder agency is required to notify every other known school in the vicinity for which an evacuation or lockdown appears reasonably necessary to the agency's incident commander unless the agency is unable to notify schools due to duties directly tied to responding to the incident occurring.

Additionally, a first responder agency and its officers, agents, and employees are not liable for any act, or failure to act, regarding this requirement unless they acted with willful disregard.

SB 5612—Holocaust education

(Representative Thai)

C85 L19

SB 5612 strongly encourages every public middle, junior high, and high school to include instruction on the events of the Holocaust, which is defined as the systemic, German state-sponsored persecution and murder of Jews and other innocent victims by the Nazi regime and its collaborators between the years 1933–1945. The instruction may also include other examples of genocide and crimes against humanity.

In addition to this study being a reaffirmation to never again permit such occurrences, studying this material is intended to examine the ramifications of prejudice, racism, and intolerance and prepare students to be responsible citizens in a pluralistic democracy.

OSPI, in collaboration with an expert Washington nonprofit organization that teaches the lessons of the Holocaust, is required to:

- Develop best practices and guidelines for high quality instruction;
- Encourage and support middle, junior high, and high school teachers in implementing the best practices; and

- Train teachers who teach in subjects relevant to the topic subject to appropriations.

The 2019–21 Operating Budget provides \$183,000 to OSPI to implement this bill.

OSPI must electronically publish the best practices and guidelines on an annual basis and, beginning September 1, 2020, middle, junior high, and high schools offering this instruction must follow the best practices and guidelines that are developed.

By November 14, 2022, OSPI is required to collect feedback from expert Washington nonprofit organizations about:

- How the best practices and guidelines for high quality instruction are being implemented statewide;
- Whether and how the best practices and guidelines should be modified;
- The number of teachers trained and supported in the past two years; and
- Whether instruction should be required in public schools, and if so, in which grades.

By December 12, 2022, OSPI is required to work with expert Washington nonprofit organizations to summarize the feedback and report it to the Legislature with a recommendation about whether instruction should be required in public schools, and if so, in which grades.

ESSB 5688—Athletic trainers

(Senator Cleveland)

C358 L19

Under current law, athletic trainers are licensed by the Department of Health to provide:

- Risk management and prevention of athletic injuries;
- Recognition, evaluation, and assessment of athletic injuries;
- Immediate care of athletic injuries, including through the application of first-aid and emergency procedures;
- Treatment, rehabilitation, and reconditioning of athletic injuries in accordance with guidelines established with a licensed health care provider;
- Treatment, rehabilitation, and reconditioning of work-related injuries, under the direct supervision of and in accordance with a plan of care for

an individual worker established by a provider authorized to provide physical medicine and rehabilitation services; and

- Referral of an athlete to an appropriately licensed health care provider if the athletic injury requires further definitive care or the injury or condition is outside an athletic trainer’s scope of practice.

ESSB 5688 prohibits any person from using the title “athletic trainer,” the letters “ATC” or “LAT,” the terms “sports trainer,” “team trainer,” or any other words, abbreviations, or insignia in connection with their name to indicate or imply, directly or indirectly, they are an athletic trainer without being licensed as an athletic trainer.

A personal or fitness trainer employed by an athletic club or fitness center may not perform any of the duties of a licensed athletic trainer except performing risk management and prevention of athletic injuries through preactivity screening and evaluation, educational programs, physical conditioning and reconditioning programs, application of commercial products, use of protective equipment, promotion of healthy behaviors, and reduction of environmental risks.

An athletic trainer is permitted to purchase, store, and administer over-the-counter medications such as hydrocortisone, fluocinonide, topical anesthetics, silver sulfadiazine, lidocaine, magnesium sulfate, zinc oxide, and other similar medications, as prescribed by an authorized health care practitioner for the practice of athletic training. An athletic trainer is specifically prohibited from administering any medications to a student in a public or private school, but may administer over-the-counter medications to a minor in other settings with written consent from the minor’s parent or guardian. An athletic trainer who has completed an anaphylaxis training program may administer an epinephrine autoinjector.

Finally, athletic trainers must complete a one-time training in suicide assessment, treatment, and management.

SSB 5689—HIB and discrimination

(Senator Liias)

C194 L19

Current law requires each school district to have adopted or amended a policy and procedures that prohibits harassment,

intimidation, or bullying (HIB). School districts must also designate a primary contact regarding the policy with certain responsibilities.

SSB 5689 expands upon the current HIB requirements. By September 1, 2019, and periodically thereafter, WSSDA is required to collaborate with OSPI to develop and update a model transgender student policy and procedure. At a minimum, it must:

- Incorporate OSPI's rules and guidelines to eliminate discrimination in public schools on the basis of gender identity and expression;
- Address the unique challenges and needs faced by transgender students in public schools; and
- Describe the application of the model HIB policy and procedure to transgender students.

By January 31, 2020, school districts are required to adopt or amend, if necessary, policies and procedures, that at a minimum, incorporate all the elements of the model transgender student policy and procedure. School districts must share this policy with parents or guardians, students, volunteers, and school employees in accordance with rules adopted by OSPI.

School districts must also designate one person in the district as the primary contact regarding the policy who is required to:

- Ensure the implementation of the policy and procedure;
- Receive copies of all formal and informal complaints;
- Communicate with employees responsible for monitoring compliance; and
- Serve as the primary contact between the school district, the Office of the Education Ombuds, and OSPI.

By December 31, 2020, SSB 5689 requires OSPI to develop a statewide training class for primary contacts. The training class must be offered on an annual basis by ESDs in collaboration with OSPI. The training class must be based on the model policies and include materials related to hazing. The primary contacts for the transgender student policy and HIB policies must attend at least one training class when the training is available.

Additionally, also by December 31, 2020, OSPI must develop online training material available to all school staff based on

the model transgender student policy and procedure and OSPI's rules and guidance, which is required to:

- Describe the role of school district primary contacts for monitoring school district compliance; and
- Include best practices for policy and procedure implementation and cultural change that are guided by school district experiences.

OSPI must annually notify school districts of the availability of the online training material.

OSPI, in collaboration with the Department of Health, the Health Care Authority, and the Liquor and Cannabis Board, is required to review and align the questions in the Healthy Youth Survey with the model transgender student policy and procedure created by WSSDA.

Finally, a teacher's evaluation may not be negatively impacted if a teacher chooses to use curriculum or instructional materials that address subject matter related to sexual orientation including gender expression or identity so long as the subject matter is age-appropriate and connected to the teacher's content area.

SSB 5851—Regional Transit Authority revenues

(Senator Frockt)

C196 L19

Under current law, Sound Transit (A Regional Transit Authority (RTA)) is authorized to use its tax revenues to plan, construct, and operate high-capacity transportation, such as express bus service and light rail. King, Pierce, and Snohomish counties receive distributions from the Puget Sound Taxpayer Accountability (PSTA) Account. The counties are authorized to use distributions from the PSTA Account only for education services to improve educational outcomes in early learning, K–12, and higher education, including, but not limited to, for youth that are low-income, homeless, or in foster care, or other vulnerable populations.

SSB 5851 modifies the use of funds disbursed to counties from the PSTA Account to include:

- Facilities and programs for children and youth that are low-income, homeless, or in foster care, or other vulnerable populations; and
- To start endowments to support improving educational outcomes in early learning, K–12, and higher education.

SB 5865—Filipino American history month

(Senator Hasegawa)

C283 L19

The Filipino American National History Society proposed the first Filipino American History Month to be celebrated in October 1992. October was chosen because the earliest documented proof of Filipino presence in the continental United States was on October 18, 1587.

SB 6865 declares October of each year as Filipino American History Month, a time for people of this state to commemorate the contributions of Filipino Americans to the history and heritage of Washington state and the United States.

ESSB 5874—Rural Satellite Skills Centers

(Senator Warnick)

C197 L19

Skills Centers are operated by a host school district, and may serve as a core campus for satellite Skills Center programs in underserved rural areas. Under state rule, state apportionment funding based on monthly student enrollment is paid to satellite programs through the core campus host district. Currently, there are 14 Skills Centers in Washington State: Cascadia Technical Academy, Vancouver; Columbia Basin Technical Skills Center, Moses Lake; New Market Skills Center, Tumwater; NEWTECH Skills Center, Spokane; Northwest Career and Technical Academy, La Conner; Pierce County Skills Center, Bethel; Puget Sound Skills Center, Burien; Seattle Public Schools Skills Center, Seattle; Sno-Isle Tech Skills Center, Everett; Tri-Tech Skills Center, Kennewick; WaNIC Skills Center, Kirkland; Wenatchee Valley Technical Skills Center, Wenatchee; West Sound Technical Skills Center, Bremerton; and Yakima Valley Technical Skills Center, Yakima.

ESSB 5874 requires a Rural Satellite Skills Center to report direct enrollment and receive direct funding if:

- The Skills Center is located at least 30 miles from a core campus or other satellite program and enrolls students from a minimum of two school districts;
- The Skills Center is solely responsible for hiring staff and covering all staffing costs; the center is solely responsible for providing facilities, equipment, materials, supplies, and training;
- The Skills Center has demonstrated the ability to

build successful community and local business partnerships;

- The Skills Center has been operational and has secured agreements for at least one year with two or more rural school districts to accept and enroll students at the center, has completed the required feasibility study, and has secured commitments from local businesses or industries;
- The Career and Technical Education Advisory Committee and local school district board of directors recommend and support the direct funding; and
- The Skills Center shares liability of all reviews for the purposes of auditing and the consolidated program review, including state and federal monitoring of Career and Technical Education programs.

A core campus Skills Center may receive up to seven percent of the rural satellite Skills Center funding for administrative purposes, and may charge an annual per-pupil facility fee related to the Minor Repair and Maintenance Capital Account as negotiated in the interdistrict cooperative agreement.

For purposes of the bill, “rural” is defined as:

- A Local Education Agency that serves only schools that have a National Center for Education Statistics school locale code of 41, 42, or 43;
- A Local Education Agency that is located entirely within counties with a population density less than 100 persons per square mile; or
- Local Education Agency that is located entirely within counties smaller than 225 square miles.

2SSB 5903—Children’s mental health

(Senator Darneille)

C360 L19

2SSB 5903 addresses the mental health workforce shortage, including the need to increase the cultural and linguistic diversity among children’s behavioral health professionals.

Subject to funds appropriated, WSU and the UW must each offer one additional 24-month residency position to residents specializing in child and adolescent psychiatry (The 2019–21 Operating Budget provides \$264,000 to WSU and \$213,000 to UW for this purpose). The WSU residency must be located in eastern Washington, effective July 1, 2020, and the UW residency must be located in western Washington, effective

July 1, 2022. The minimum amount of training for these psychiatric residency programs is increased from 12 to 18 months.

The Health Care Authority is required to collaborate with UW and the Washington Council on Behavioral Health to develop a statewide plan to implement evidence-based Coordinated Specialty Care (CSC) programs that provide early identification and intervention for psychosis in licensed or certified community behavioral health agencies. The plan is due to the governor and the Legislature by March 1, 2020, and must include an analysis of existing benefit packages, payment rates, and resource gaps, including needs for non-Medicaid resources; development of a discrete benefit package and case rate for CSC; identification of costs for statewide start-up, training, and community outreach; determination of the number of CSC teams needed in each regional service area; and a timeline for statewide implementation. (The 2019–21 Operating Budget provides the Health Care Authority with \$1.1 million to develop and implement this plan.)

Under provisions of the bill, school districts are required to use one of their professional learning days, starting in the 2020–21 school year, and every other year thereafter, to train district staff in one or more of the following topics: social-emotional learning, trauma-informed practices, recognition and response to emotional or behavioral distress, consideration of adverse childhood experiences, mental health literacy, antibullying strategies, or culturally sustaining practices.

The Department of Child, Youth, and Families (DCYF) is required to contract with an organization providing coaching services to Early Achievers Program participants to provide one qualified mental health consultant in each of six regions designated by DCYF to support the work of coaches and child care providers in areas including challenging behavior, expulsions, and children with severe behavioral needs. DCYF must report on services provided and outcomes of consultant activities to the governor and Legislature by June 30, 2021. (The 2019–21 Operating Budget provides DCYF with \$1.5 million for this purpose.)

Finally, the Children’s Mental Health Work Group is directed to form an advisory group to develop a funding model by

December 1, 2019, for expansion of the Partnership Access Line to include additional client groups.

Education-Related Bills That Died—Titles

As noted in the previous section, almost 2,800 bills, resolutions, and memorials were introduced in the 2019 Session and WASA actively tracked over 400 of those pieces of legislation that had either direct or potentially indirect impacts on K–12 education. Obviously, many more bills died than were adopted, but by reviewing those bills that were unsuccessful (along with those bills that passed), you can gain some insight into priorities of legislators. This also provides a bit of a preview of what may be coming. Remember, Washington operates on a biennial cycle with a two-year Legislature; 2019 is the first year of the Legislature’s 66th Biennial Session. It is technically more accurate to refer to the following bills as being “dormant,” rather than dead, because ALL of these bills will be automatically reintroduced in the Legislature’s second-year session in 2020. Bills that had any movement in their original house will remain at the highest level they achieved in 2019 and bills that moved to the opposite house will revert to their original house’s Rules Committee and be placed on the Third Reading Calendar, ready for final passage.

HB 1003.....	Marijuana business siting	HB 1256.....	Distracted driving
HB 1035.....	School Resource Officers	HB 1264.....	Secondary traumatic stress
HB 1038.....	School employee firearms	HB 1265.....	School guidance counselors
HB 1039.....	Opioid overdose medication	HB 1272.....	School lunch durations
HB 1051.....	Growth Management Act	HB 1304/SB 5448.....	Vocational ALE courses
HB 1052.....	Agency rule-making	HB 1314.....	Ethnic studies
HB 1057.....	School bus safety	HB 1322/SB 5607.....	Dual language learning
HB 1060.....	Medical marijuana	HB 1327/SB 5379.....	School-age parents
HB 1089.....	Graduation requirements	HB 1362.....	Postretirement employment
HB 1106.....	Truancy	HB 1384.....	Learning Assistance Program
HB 1111.....	Regionalization adjustments	HB 1387.....	Lottery proceeds
HB 1119/SB 5158.....	Educator evaluations	HB 1388/SB 5430.....	Postretirement options
HB 1120/SB 5068.....	Essential Academic Learning Requirements	HB 1390/SB 5400.....	PERS/TRS 1 benefit increase
HB 1132/SB 5178.....	TRS & SERS early retirement	HB 1414/SB 5335.....	Retirement benefits
HB 1156/SB 5192.....	K–12 employee benefits	HB 1425/SB 5159.....	TBIP definitions
HB 1163/SB 5188.....	Expanded Learning Grant Program	HB 1454.....	Students with disabilities
HB 1164/SB 5427.....	Dual credit programs	HB 1459.....	Running Start pilot program
HB 1172/SB 5314.....	Capital Gains Tax	HB 1467.....	Graduation requirements
HB 1173/SB 5071.....	Common school provisions	HB 1475.....	Leadership grant program
HB 1182.....	Learning Assistance Program	HB 1478.....	High school assessments
HB 1191/SB 5554.....	School notifications	HB 1479/SB 5777.....	Student mental health
HB 1214.....	Growth Management Act	HB 1481/SB 5500.....	Election costs
HB 1221.....	Youth suicide	HB 1507.....	School building designs
HB 1240.....	Suicide review teams	HB 1515/SB 5513/SB 5690.....	Employee classifications
HB 1245.....	School safety planning	HB 1538.....	Sunshine Committee recommendations

HB 1547.....	Basic education funding	HB 2096.....	ESD health benefits
HB 1559.....	Sales tax holiday	HB 2108.....	K–3 class size compliance
HB 1596.....	Flexibility schools	HB 2012/SB 5821.....	National certification bonuses
HB 1623.....	Sign language	HB 2116.....	Institutional education
HB 1627/SB 5773.....	Regionalization adjustments	HB 2117/SB 5973.....	State tax structure
HB 1660.....	Extracurricular activities	HB 2128.....	Career and Technical Education reporting
HB 1674.....	Alternative Learning Experiences	HB 2145.....	Property tax revenue growth
HB 1685.....	School meal payment	HB 2147.....	Access to foundational texts
HB 1715/SB 5669.....	Withholding of transcripts	HB 2150.....	State spending
HB 1721.....	Behavioral health certificate programs	HB 2155.....	State dinosaur
HB 1755.....	Education doctorate degrees	HB 2156.....	Tax increases
HB 1758.....	School construction taxes	HB 2157.....	State tax structure
HB 1760/HB 1761.....	Homeschooled foster youth	HJR 4206.....	Tax increase requirement
HB 1763.....	Active shooter events	SB 5014/HB 1720.....	Student assessments
HB 1779/SB 5834.....	Student immigration status	SB 5052.....	School Resource Officers
HB 1782.....	Open Public Meetings Act	SB 5053.....	Behavioral health licensure
HB 1783/SB 5776.....	Office of Equity	SB 5067/HB 1076.....	Common school provisions
HB 1787.....	Filipino American history	SB 5070/HB 1468.....	Bilingual educators
HB 1813.....	Pupil transportation contracts	SB 5086.....	School surplus equipment
HB 1833.....	School volunteers	SB 5087.....	Language competency grants
HB 1845.....	Union dues	SB 5092.....	School district waivers
HB 1860.....	Lead in drinking water	SB 5129/HB 1343.....	Tax increases
HB 1863/SB 5804.....	Vocational Agricultural Education	SB 5141.....	School Resource Officers
HB 1891/SB 5803.....	CTE resources	SB 5146/HB 1121.....	Flexible graduation requirements
HB 1910.....	Special education funding	SB 5169.....	Collective bargaining rights
HB 1914/SB 5908.....	Equity and cultural competency	SB 5170.....	Collaborative school governance
HB 1943.....	Educational Staff Associates	SB 5187.....	Compost and recycling
HB 1955.....	PEBB & SEBB health premiums	SB 5216.....	Multistage threat assessment
HB 1969.....	School Choice Scholarship	SB 5226.....	Off-duty employee conduct
HB 2023.....	Bond training	SB 5236.....	Apprenticeships
HB 2029.....	Learning Assistance Program	SB 5238.....	Concussions in youth sports
HB 2040.....	Nonhigh school districts	SB 5247/HB 1200.....	Catastrophic incident plans
HB 2045.....	Interdistrict transfers	SB 5262.....	Special education
HB 2056.....	Sexual health education	SB 5263.....	School bus drivers
HB 2073.....	Learning Assistance Program	SB 5264.....	School construction funding
HB 2084.....	Prototypical School Funding Model	SB 5269.....	School district reorganization

SB 5270.....	Election dates and timelines	SB 5650/HB 2006.....	Teaching cursive
SB 5312/HB 1093.....	Special education funding	SB 5665.....	Youth Development Work Group
SB 5315.....	Student support staff	SB 5685.....	Student distress
SB 5316.....	School enrichment levies	SB 5686.....	Retired school employees
SB 5327/HB 1336.....	Career Connected Learning	SB 5687.....	Retirement opt-out
SB 5343.....	High school success	SB 5704/HB 1592.....	Children's education savings
SB 5348.....	Construction taxes	SB 5727.....	Dual enrollment scholarship
SB 5367.....	Purple Star Award	SB 5729.....	Dual credit enrollment
SB 5389.....	Telehealth treatment program	SB 5731.....	School district territory
SB 5395/HB 1407.....	Sexual health education	SB 5736.....	Special education funding
SB 5413.....	Pipeline for Paraeducators Scholarship	SB 5757.....	Early learning as basic education
SB 5414/HB 1409.....	School employee leave	SB 5758.....	Property tax exemption
SB 5464.....	Opioid overdose medication	SB 5770.....	Failure to stop for school buses
SB 5465.....	Basic education funding	SB 5787.....	Public Records Act
SB 5466.....	School district levies	SB 5801.....	Postretirement employment
SB 5475.....	Migrant Education Program	SB 5853.....	School construction formulas
SB 5532.....	Special education	SB 5859/HB 1281.....	Educational mentors
SB 5541.....	Revenue Reform Task Force	SB 5882.....	Homeless encampments
SB 5547/HB 1546.....	Marbled murrelet strategy	SB 5884.....	Evergreen Promise Pilot Program
SB 5548.....	Graduation requirements	SB 5933.....	Teacher school workday
SB 5572.....	School modernization grants	SB 5934.....	K–12 school construction
SB 5576/HB 1496.....	Climate science education	SB 5938.....	State Debt Reduction Account
SB 5590.....	School depreciation subfund	SB 5945/HB 1895.....	Youth gang reduction pilot
SB 5593.....	Running Start fee waivers	SB 5961.....	State tax structure
SB 5594.....	Media literacy	SB 5977.....	School employee firearms
SB 5598.....	Student internet data privacy	SB 5991.....	Real Estate Excise Tax
SB 5603.....	Enrolling military children	SB 5999.....	TRS underfunded liability
SB 5609.....	State spending limit	SB 6011.....	School employee health care benefits
SB 5618.....	Small Works Roster	SB 6020.....	SEBB modifications
SB 5631.....	State and local taxes	SJR 8201/HJR 4203.....	Simple majority for bonds
SB 5633.....	Behavioral health pathways	SJR 8202.....	School district bonds
SB 5635/HB 1850.....	Behavioral health professions	SJR 8207.....	Four-year balanced budget

Education-Related Bills That Died

HB 1003—Marijuana business siting

(Representative Klippert)

Would have included preschools, school bus stops, and expanded types of playgrounds and child care centers in the 1,000 foot “buffer zone” in which licensed marijuana businesses are generally prohibited from locating.

HB 1035—School Resource Officers

(Representative Walsh)

Would have provided every public school in Washington with the resources to employ a full-time School Resource Officer.

HB 1038—School employee firearms

(Representative Walsh)

Would have allowed school districts to adopt policies authorizing permanent employees of a school district to possess firearms on school grounds.

HB 1039—Opioid overdose medication

(Representative Pollet)

Would have required high schools in school districts with over 2,000 students, and allowed other public schools, to obtain and store opioid overdose medication to assist a person at risk for an opioid-related overdose.

HB 1051—Growth Management Act

(Representative Walsh)

Would have made Growth Management Act planning requirements applicable only to counties and cities that meet certain growth criteria.

HB 1052—Agency rule-making

(Representative Walsh)

Would have limited future state agency rule-making and would have established an August 1, 2020 expiration date for all agency rules unless they were extended or enacted into law by the Legislature prior to the deadline.

HB 1057—School bus safety

(Representative Mosbrucker)

Would have required: every school bus manufactured or assembled after September 1, 2020, to be equipped with

a shoulder harness-type safety belt assembly for each passenger position; and every school bus to be equipped with an automated school bus safety camera for detecting vehicle infractions involving the overtaking of a school bus that has stopped on the roadway to load or unload school children.

HB 1060—Medical marijuana

(Representative Blake)

Would have required a school district to permit a student authorized to consume marijuana for medical purposes on school grounds, aboard a school bus, or while attending a school-sponsored event, if the student was authorized by a health professional to use marijuana for medical purposes.

HB 1089—Graduation requirements

(Representative MacEwen)

Beginning with the Class of 2015, this bill would have “de-linked” high school graduation requirements from statewide high school assessments by discontinuing the Certificate of Academic Achievement and the Certificate of Individual Achievement.

HB 1106—Truancy

(Representative Orwall)

Would have eliminated the statutory authority of the court to order detention for noncompliance with a truancy-related court order and would have encouraged juvenile courts to use funding received for truancy petitions to engage in collaborative efforts with schools and community truancy boards.

HB 1111—Regionalization adjustments

(Representative Fitzgibbon)

Would have provided an additional six percentage points to current regionalization factors of each King County school district located on islands only connected to the mainland by ferry.

HB 1119—Educator evaluations

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

and **SB 5158** (Senator Hunt, by request of Superintendent of Public Instruction)

Would have modified the Beginning Educator Support Team (BEST) Program and would have reduced the required comprehensive performance evaluation frequency for most classroom teachers and principals from every four years to every five years.

HB 1120—Essential Academic Learning Requirements

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

and **SB 5068** (Senator Wellman, by request of Superintendent of Public Instruction)

Would have replaced statutory references to the “Essential Academic Learning Requirements” with the term “state learning standards.”

HB 1132—TRS & SERS early retirement

(Representative Appleton)

and **SB 5178** (Senator Hunt)

Would have revised early retirement options for members of the Teachers’ Retirement System and the School Employees’ Retirement System Plans 2 and 3.

HB 1156—K–12 employee benefits

(Representative Appleton)

and **SB 5192** (Senator Hunt)

Would have prohibited a contract year for K–12 employee benefits from exceeding 265 days.

HB 1163—Expanded Learning Grant Program

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

and **SB 5188** (Senator C. Wilson, by request of Superintendent of Public Instruction)

Would have established the Expanded Learning Grant Program to create demonstration projects in recipient schools that support additional instruction time and opportunities for academic enrichment.

HB 1164—Dual credit programs

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

and **SB 5427** (Senator Wellman, by request of Superintendent of Public Instruction)

Would have authorized qualifying high schools to receive competitive grants from the Academic Acceleration Incentive Program more than once and would have made

a series of changes to the funding provisions for College in the High School programs.

HB 1172—Capital Gains Tax

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

and **SB 5314** (Senator Wellman, by request of Superintendent of Public Instruction)

Would have implemented a new Capital Gains Tax. Half of the new revenues would have been used to reduce the State Property Tax by \$.35 per \$1,000 of assessed valuation, and the remaining half would have been used to assist with the funding of K–12 education.

HB 1173—Common school provisions

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

and **SB 5071** (Senator Zeiger, by request of Superintendent of Public Instruction)

Would have repealed a series of obsolete common school provisions, including provisions establishing duties for the Task Force on Gangs in Schools and provisions related to the certification and operation of Education Centers.

HB 1182—Learning Assistance Program

(Representative Santos)

Would have required school districts to use the Washington Integrated Student Supports Protocol in planning for and expending Learning Assistance Program funds. Additionally, would have expanded the Extended Learning Opportunities program to ninth and tenth grades.

HB 1191—School notifications

(Representative Goodman)

and **SB 5554** (Senator C. Wilson)

Would have modified current requirements governing notifications from criminal justice entities to schools and school districts for students who have committed certain crimes, including violent or sex offenses, by establishing uniformity in notice requirements and in the required duties of school personnel after a notification is received.

HB 1214—Growth Management Act

(Representative Shea)

Would have repealed the Growth Management Act (GMA) and directed the Department of Commerce to prepare

recommendations to modify or repeal statutory provisions that are affected by the repeal of GMA.

HB 1221—Youth suicide

(Representative Orwall)

Would have required: each ESD to provide behavioral health coordination; notifications when school district staff have information about possible student self-harm; and school mental health professionals to be trained on safety planning with the families of students identified as at-risk for suicide. Additionally, would have created a two-year Mental Health Promotion and Suicide Prevention Program and funded the development of youth-informed mental health promotion and suicide prevention resources.

HB 1240—Suicide review teams

(Representative Mosbrucker)

Would have established the Washington Youth Suicide Review Team to review the circumstances related to suicides occurring among youth up to age 24.

HB 1245—School safety planning

(Representative Pollet)

Would have required OSPI to publish guidelines for comprehensive engineering safety surveys of public school buildings and required school districts and ESDs to conduct comprehensive engineering surveys every four years. Additionally, would have allowed state school construction assistance awards for renovations to include identified safety upgrades.

HB 1256—Distracted driving

(Representative Lovick)

Would have increased monetary penalties for the unlawful use of a personal electronic device while driving a motor vehicle in a school, playground, or crosswalk speed zone and directed revenue from the increased penalties to uses related to improving school zone and transportation-related safety for students.

HB 1264—Secondary traumatic stress

(Representative Ortiz-Self)

Would have required OSPI to develop online training modules to support teachers affected by secondary traumatic stress.

HB 1265—School guidance counselors

(Representative Ortiz-Self)

Would have phased-in increased allocations for guidance counselors and required guidance counselors to spend at least 80 percent of their time providing direct services to students.

HB 1272—School lunch durations

(Representative Thai)

Would have directed OSPI to designate six public schools as demonstration sites to implement and evaluate seated lunch duration procedures for school lunch periods. Additionally, would have required WSSDA to adopt a model policy and procedure related to lunch durations.

HB 1304—Vocational ALE courses

(Representative MacEwen)

and **SB 5448** (Senator Wellman)

Would have required state funding for vocational Alternative Learning Experience courses to include the vocational program funding enhancement.

HB 1314—Ethnic studies

(Representative Ortiz-Self)

Would have required OSPI to: adopt Essential Academic Learning Requirements (EALRs) that identify the knowledge and skills that all public students need to be global citizens in a global society with an appreciation for the contributions of diverse cultures; and develop a model ethnic studies curriculum for use in grades seven through twelve.

HB 1322—Dual language learning

(Representative Ortiz-Self)

and **SB 5607** (Senator Wellman)

Would have established grant programs: to grow capacity for high quality dual language learning in the public schools, and in child care and early learning programs; and to grow capacity for students to receive high quality heritage language learning. Additionally, OSPI would have been required to adopt learning standards for biliteracy development.

HB 1327—School-age parents

(Representative Kilduff)
and **SB 5379** (Senator C. Wilson)

Would have: required authorization for full day Working Connections Child Care during the school year for a minor parent who meets certain education requirements; established grants to school districts for Graduation, Reality, and Dual-Roles Skills programs; and required school districts to provide transportation for parenting students who are transporting an infant.

HB 1362—Postretirement employment

(Representative Klippert)

Would have revised early retirement options for members of the Teachers' Retirement System and the School Employees' Retirement System Plans 2 and 3. Additionally, would have repealed current law provisions allowing early retired teachers in Plans 2 or 3 to return to work without suspending retirement benefits.

HB 1384—Learning Assistance Program

(Representative Jenkin)

Would have reduced the high poverty Learning Assistance Program threshold to the state average percentage for Free or Reduced-Price Meals student eligibility.

HB 1387—Lottery proceeds

(Representative Stanford)

Would have changed the disbursement of lottery proceeds from the Shared Lottery Account. Rather than being distributed to the State's General Fund, lottery revenue would have been distributed solely to the Problem Gambling Account and the Opportunity Pathways Account.

HB 1388—Postretirement options

(Representative Doglio)
and **SB 5430** (Senator Conway)

Would have authorized the use of postretirement options before reaching age sixty-five for retirees who retired under alternate early retirement factors.

HB 1390—PERS/TRS 1 benefit increase

(Representative Leavitt, by request of Select Committee on Pension Policy)
and **SB 5400** (Senator Conway, by request of Select Committee on Pension Policy)

Would have provided a one-time three percent increase to the retirement benefits of retirees in the Public Employees' Retirement System and the Teachers' Retirement System Plans 1, up to a maximum of \$62.50.

HB 1414—Retirement benefits

(Representative Volz, LEOFF Plan 2 Retirement Board, Select Committee on Pension Policy)
and **SB 5335** (Senator Bailey, LEOFF Plan 2 Retirement Board, Select Committee on Pension Policy)

Would have removed the current proration of the final month's benefit when a state retirement system member dies, and instead would have provided a full month of public pension benefits.

HB 1425—TBIP definitions

(Representative Lekanoff, by request of Superintendent of Public Instruction)
and **SB 5159** (Senator McCoy, by request of Superintendent of Public Instruction)

Would have expanded the definition of an "eligible pupil" for the purposes of the Transitional Bilingual Instruction Program.

HB 1454—Students with disabilities

(Representative Pollet)

Would have required OSPI to: identify, and report biennially on, meaningful indicators of progress toward eliminating the most significant barriers to success, and disparities in outcomes, for students with disabilities or special needs within ten years; and establish a technical assistance program tasked with making recommendations to the Legislature on inclusive education practices and improving outcomes for students with disabilities.

HB 1459—Running Start pilot program

(Representative Sullivan)

Would have established the Running Start Summer School Pilot Program and required the State Board for Community and Technical Colleges to report findings and recommendations on the Pilot Program to the Legislature.

HB 1467—Graduation requirements

(Representative Sells)

Would have: required school district to prepare student learning plans and notify parents about the information

in the plan that includes, if applicable, the student's Individualized Education Program team; and required the student learning plan to include achieving educational and career goals established in the student's High School and Beyond Plan. Additionally, would have required OSPI to implement an expedited process for authorizing eligible students who have not met the state standard on one or more assessments to satisfy the unmet requirements by demonstrating that they possess the skills and knowledge necessary for postsecondary success.

HB 1475—Leadership grant program

(Representative Young)

Would have directed OSPI to establish a temporary competitive grant program to award grants to school districts for the promotion of confidence, public speaking, and leadership skills of students in grades two through five.

HB 1478—High school assessments

(Representative Volz)

Would have required each elected official in the legislative, executive, or judicial branch of state government, and each member of the State Board of Education, to complete all statewide high school assessments required for graduation from a public school. Individual results from the completed assessments would have been publicly available on the internet.

HB 1479—Student mental health

(Representative Senn)

and **SB 5777** (Senator Brown)

Would have required the Professional Educator Standards Board to convene a work group to recommend standards and professional development courses on student mental health and well-being for educators and paraeducators. Additionally, would have required school districts to use one state-funded professional learning day, every four years, to improve the effectiveness of district staff in addressing student mental health needs and in implementing best practices in social-emotional learning.

HB 1481—Election costs

(Representative Dolan, by request of Secretary of State)

and **SB 5500** (Senator Hunt, by request of Secretary of State)

Would have required prepaid postage to be included on all election ballot return envelopes for all elections and would have required the state to reimburse counties in all elections for the cost of return postage.

HB 1507—School building designs

(Representative Walsh)

Would have required school boards to consider school building plans and designs that promote effective physical safety and security through natural surveillances, natural access controls, and territorial reinforcements, or other safety-focused environmental design elements.

HB 1515—Employee classifications

(Representative Riccelli)

SB 5513 (Senator Keiser) and **SB 5690** (Senator Saldaña)

Would have created the Employee Fair Classification Act, with new statutory provisions prohibiting the misclassification of employees—including employees of the state and local governments—as independent contractors.

HB 1538—Sunshine Committee recommendations

(Representative Springer)

Would have implemented recommendations from the Sunshine Committee. Included was an elimination of the current blanket exemption of personal information from public disclosure. The bill would have allowed personal information, including information in files of public school students, to be disclosed if an agency received consent.

HB 1547—Basic education funding

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

Would have: increased the current school district levy lid and adjusted the current Local Effort Assistance policy; phased-in increases in the allocations for nurses, guidance counselors, and family engagement coordinators; adjusted dates for required submission of district budgets and four-year budget plans; required school districts to select professional development topics from an OSPI menu when providing professional learning days; and required school districts to maintain an unrestricted minimum general fund balance of 8.5 percent.

HB 1559—Sales tax holiday

(Representative MacEwen)

Would have created a back-to-school sales tax holiday, providing a sales and use tax exemption for clothing and school supplies purchased during the second weekend in August.

HB 1596—Flexibility schools

(Representative Kirby)

Would have allowed school districts to apply for a designation as flexibility schools or zones. Flexibility schools and schools within flexibility zones would have been exempt from most statutes and rules applicable to other schools and districts.

HB 1623—Sign language

(Representative Dolan)

Would have required: OSPI to award grants to qualifying institutions of higher education to establish programs of study that prepare students to become educational interpreters and sign language interpreters in other employment sectors; and the Washington State Center for Childhood Deafness and OSPI to examine options for developing, expanding, supporting, and coordinating regionally delivered educational services for children who are deaf or hard of hearing.

HB 1627—Regionalization adjustments

(Representative Reeves)

and **SB 5773** (Senator C. Wilson)

Would have adjusted the current regionalization factor of Federal Way School District from 12 percent to 18 percent.

HB 1660—Extracurricular activities

(Representative Bergquist)

Would have established goals for high schools related to the opportunity gap for associated student body (ASB) card acquisition and the opportunity gap for extracurricular activity participation and would have required school districts with high schools that do not meet or exceed one or more of these goals to develop, submit, and implement an opportunity gap reduction plan. While this bill failed to pass, most of the bill's data collection and reporting requirements are embedded in ESHB 1109, the 2019–21 Operating Budget (see Operating Budget section earlier in this Report).

HB 1674—Alternative Learning Experiences

(Representative Rude)

Would have changed statutory references to Alternative Learning Experiences, and associated provisions, to Personalized Learning Experiences.

HB 1685—School meal payment

(Representative Peterson)

Would have modified the Hunger Free Students' Bill of Rights Act of 2018. It would have: changed timelines; allowed the serving of qualifying alternative meals; and allowed school districts to deny a student in grades nine through twelve access to a meal or ala carte food item if the Legislature has not provided funding to school districts.

HB 1715—Withholding of transcripts

(Representative Entenman, by request of State Board for Community and Technical Colleges)

and **SB 5669** (Senator Liias, by request of State Board for Community and Technical Colleges)

Would have prohibited school districts from withhold the grades and transcript of a student who is responsible for damaging school property, or property belonging to a contractor of the district, an employee, or another student.

HB 1721—Behavioral health certificate programs

(Representative Orwall)

Would have established certificate programs to educate behavioral health care professionals at the University of Washington. While not directly related to K–12 education, establishment of these programs would have helped address the current shortage of trained behavioral health care professionals in the state, presumably assisting school districts to find and hire these needed specialists.

HB 1755—Education doctorate degrees

(Representative Leavitt)

Would have authorized the state's regional universities to offer applied—but not research—doctorate level degrees in education.

HB 1758—School construction taxes

(Representative Young)

Would have exempted school districts from the state portion of sales and use taxes on school construction.

HB 1760—Homeschooled foster youth

(Representative Young)

and **HB 1761** (Representative Young)

Would have overturned a current rule prohibiting the provision of home-based instruction to children in the custody of the state and allowed foster parents to provide home-based instruction to foster youth.

HB 1763—Active shooter events

(Representative Young)

Would have authorized school employees, except for classroom teachers, to possess and carry a concealed pistol on school premises if the employee holds a concealed pistol license and has been certified as completing two specialized training courses, including a course on how to safely use a firearm to prevent, stop, and respond to an active shooter event or other act of mass violence at a school, and a course on children's mental health awareness and conflict de-escalation.

HB 1779—Student immigration status

(Representative Doglio)

and **SB 5834** (Senator Hunt)

Would have required school districts to provide information to the parents and guardians of enrolled students regarding students' rights to a free public education, regardless of immigration status or religious beliefs.

Additionally, would have required: WSSDA to develop, and publish on its web site, a model policy and procedure relating to immigrant students; and OSPI to develop, and publish on its web site, a brief presentation, guidance, or other training materials describing certain requirements in this act. Further, would have prohibited school district officials and employees from collecting information or documents regarding the citizenship or immigration status of students or their family members.

HB 1782—Open Public Meetings Act

(Representative Pollet)

Would have expanded the scope of the Open Public Meetings Act (OPMA) to include meetings of advisory boards, committees, or other entities established by a public agency—including school districts—to provide advice or recommendations to the agency.

HB 1783—Office of Equity

(Representative Gregerson)

and **SB 5776** (Senator Dhingra)

Would have created a new Washington State Office of Equity to promote access to equitable opportunities and resources that reduce disparities, including racial and ethnic disparities, and improve outcomes statewide across all sectors of government.

HB 1787—Filipino American history

(Representative Chandler)

Would have established October of each year to be Filipino American History Month.

HB 1813—Pupil transportation contracts

(Representative Sullivan)

Would have required school district contracts for pupil transportation services to include sufficient funds to provide employees of the contracting employer with health benefits and pension contributions equivalent to those of school district classified employees.

HB 1833—School volunteers

(Representative Ryu)

Would have prohibited schools from denying prospective volunteers who will not have unsupervised access to children based on criminal history if the prospective volunteer has received a Certificate of Restoration of Opportunity (CROP) or a vacated conviction, provided the prospective volunteer signs a disclosure statement stating there has been no conviction since the issue of the CROP or date the conviction was vacated, respectively.

HB 1845—Union dues

(Representative Stokesbary)

Following the Janus decision, this bill would have clarified the requirements under which employers may deduct union dues or representation fees from employees under a collective bargaining agreement.

HB 1860—Lead in drinking water

(Representative Pollet)

Would have required every school to develop and adopt a plan of action to prevent elevated lead levels in all water used for drinking or cooking.

HB 1863—Vocational Agricultural Education

(Representative Blake)
and **SB 5804** (Senator Warnick)

Would have reconstituted the Vocational Agriculture Education Service Area Program of OSPI as a program in the Agriculture, Food, and Natural Resource Career Cluster Area. Additionally, would have required OSPI to provide every student enrolled in an approved agriculture, food, and natural resource education course with membership to the corresponding Career and Technical Student Organizations.

HB 1891—CTE resources

(Representative Paul)
and **SB 5803** (Senator Rivers)

Would have required any excess Career and Technical Education allocations provided to school districts to be expended for Career and Technical Education purposes.

HB 1910—Special education funding

(Representative Pollet)

Would have increased the special education excess cost multiplier from 0.9609 to 1.07 and eliminated the 13.5 percent funded enrollment cap.

HB 1914—Equity and cultural competency

(Representative Doglio)
and **SB 5908** (Senator Das)

Would have established the Center for Equity and Cultural Competency within OSPI to increase equity, diversity, inclusion, and cultural competency within all aspects of the public school system.

HB 1943—Educational Staff Associates

(Representative Santos)

Would have provided funding to ensure one additional Educational Staff Associate is provided to every school to promote a safe learning environment and provide support in meeting the academic and social-emotional needs of all students.

HB 1955—PEBB & SEBB health premiums

(Representative Stokesbary)

Would have provided that premium contributions authorized by the Public Employees' Benefits Board and the School Employees' Benefits Board must: require that for participating public/school employees, the employee

premium payments represent on average no less than 20 percent of the premiums paid by employers and employees, and that employer premium payments represent on average not more than 80 percent.

HB 1969—School Choice Scholarship

(Representative Corry)

Would have created and funded a School Choice Scholarship program for foster students.

HB 2023—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 2029—Learning Assistance Program

(Representative Paul)

Would have changed the determination of eligibility for high poverty Learning Assistance Program (LAP) funding. A school would have qualified for high poverty LAP funding if the total annual average enrollment of Free or Reduced-Price Meals is equal to or exceeds 50 percent of the school's total annual average enrollment, based on a three-year rolling average, using enrollments two to four years prior to the school year for which qualification is determined, rather than the current practice of calculating the three-year rolling average, using the prior year's total average enrollment.

HB 2040—Nonhigh school districts

(Representative MacEwen)

Would have changed the calculation of a nonhigh school district's payments to a high school district to serve a nonhigh student. A nonhigh school district's payment per student to a high school district would have been the lesser of the enrichment levy rate per student levied by the high school district or the enrichment levy rate per student levied by the nonhigh school district.

HB 2045—Interdistrict transfers

(Representative Kilduff)

Would have clarified that one of the criteria for transfer requests—attendance at the school in the nonresident district is more accessible to the parent's residence or

place of work—includes a students' guardian and their residence or place of work.

HB 2056—Sexual health education

(Representative Shea)

Would have required sexual health education courses to include information about age of consent, capacity to consent, and child support.

HB 2073—Learning Assistance Program

(Representative Volz)

Rather than having one threshold to access high poverty Learning Assistance Program funding, this bill would have established multiple thresholds with scaled additional support depending on the percentage of Free or Reduced-Price Meal eligibility.

HB 2084—Prototypical School Funding Model

(Representative Ortiz-Self)

Would have revised and updated the funding values throughout the Prototypical School Funding Model.

HB 2096—ESD health benefits

(Representative Bergquist)

Would have delayed required participation of non-represented ESD employees in the School Employees' Benefits Board insurance program until January 1, 2024. While this bill failed to pass, similar provisions were adopted in ESHB 2140.

HB 2108—K-3 class size compliance

(Representative Callan)

Would have delayed the requirement—and therefore, compliance—that school districts meet kindergarten through third grade class size ratios of 17 students to one classroom teacher until the 2020–21 school year.

HB 2012—National certification bonuses

(Representative Boehnke)
and **SB 5821** (Senator Das)

Would have provided bonuses to Certificated Instructional Staff who are not eligible for certification through the National Board for Professional Teaching Standards, but who attain national certification through relevant national professional associations.

HB 2116—Institutional education

(Representative Callan)

Would have established a Legislative Task Force on Improving Institutional Education Programs and Outcomes.

HB 2117—State tax structure

(Representative Frame)
and **SB 5973** (Senator Wellman)

Would have reauthorized and expanded the Tax Structure Work Group, created within the 2017–19 Operating Budget.

HB 2128—Career and Technical Education reporting

(Representative Leavitt)

Would have established a series of new reporting requirements regarding the delivery and improvement of Career and Technical Education.

HB 2145—Property tax revenue growth

(Representative Pollet)

Would have modified—and increased—the annual regular property tax revenue growth limit.

HB 2147—Access to foundational texts

(Representative Kraft)

Would have required that every school district ensure that students have access, either electronically or in printed form, to texts that contextualize the establishment of our nation and state, and the concepts and principles of our society, including the bible, the Constitution of the United States, and the Washington State Constitution.

HB 2150—State spending

(Representative Stokesbary)

Would have required legislation that enacts a new statutory state spending program to include a state spending performance statement and include an expiration date no more than ten years from the effective date of the spending program.

HB 2155—State dinosaur

(Representative Morgan)

Requested by fourth graders at Elmhurst Elementary School (Franklin Pierce School District), would have designated the Sucasaurus Rex as the official dinosaur of Washington.

HB 2156—Tax increases

(Representative Jinkins)

Would have implemented a new Capital Gains Tax and modified the current Real Estate Excise Tax. Additional revenue raised would have been deposited in the Education Legacy Trust Account—which would have been amended to authorize expenditures for early learning programs along with currently allowed K–12 and higher education expenditures.

HB 2157—State tax structure

(Representative Tarleton)

Would have reauthorized and expanded the Tax Structure Work Group, created within the 2017–19 Operating Budget, along with making a series of changes to current tax preferences.

HJR 4206—Tax increase requirement

(Representative Young)

This constitutional amendment would have required a two-thirds majority vote of the Legislature to raise taxes.

SB 5014—Student assessments

(Senator McCoy)

and **HB 1720** (Representative Young)

Would have “de-linked” high school graduation requirements from statewide high school assessments by eliminating the requirement students receive a Certificate of Academic Achievement or a Certificate of Individual Achievement to graduate. Further, would have reduced state assessment requirements to only those required for purposes of state and federal accountability.

SB 5052—School Resource Officers

(Senator O’Ban)

Would have defined School Resource Officer (SRO) and required the Criminal Justice Training Commission to develop training for SROs. Additionally, would have established a grant program to fund SROs.

SB 5053—Behavioral health licensure

(Senator O’Ban)

Would have increased behavioral health workforce participation by addressing certification and licensure requirements. While not directly related to K–12 education, efforts to address the current shortage of trained behavioral

health care professionals in the state would presumably assist school districts to find and hire these needed specialists.

SB 5067—Common school provisions

(Senator Zeiger, by request of Superintendent of Public Instruction)

and **HB 1076** (Representative Dolan, by request of Superintendent of Public Instruction)

Would have: changed requirements for the Building Bridges Program; allowed civics content and instruction to be embedded in Career and Technical Education equivalency courses; and modified provisions for second grade reading assessment by removing the requirement that OSPI provide the passages used.

SB 5070—Bilingual educators

(Senator Wellman, by request of Superintendent of Public Instruction)

and **HB 1468** (Representative Thai, by request of Superintendent of Public Instruction)

Would have created annual bonuses for Certificated Instructional Staff with a bilingual education endorsement and paraeducators with an English Language Learner (ELL) certificate. Additionally, would have allowed new teachers without bilingual education or ELL endorsements to be funded by the Transitional Bilingual Instruction Program for up to 24 months if the teacher is enrolled in an endorsement program within six months of transfer or hire.

SB 5086—School surplus equipment

(Senator Wellman)

Would have required the Department of Enterprise Services and OSPI to establish and maintain an inventory of surplus equipment and materials. Additionally, would have given students priority to purchase surplus school computer equipment.

SB 5087—Language competency grants

(Senator Wellman)

Would have established the World Language Competency Grant Program to cover costs associated with world language proficiency tests for low-income students.

SB 5092—School district waivers

(Senator Fortunato)

Would have authorized the State Board of Education to grant waivers for most state laws and rules. Additionally, would have authorized school districts to use any of the resultant savings.

SB 5129—Tax increases

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

and **HB 1343** (Representative Tarleton, by request of Office of Financial Management)

Would have implemented a new Capital Gains Tax and increased the Business & Occupation (B&O) Tax rate on service-related activities. Revenues raised from the new Capital Gains Tax would have been deposited in the state General Fund. Eighty percent of the B&O Tax revenues would have been deposited in the Education Legacy Trust Account and the remainder would have been deposited in the state General Fund.

SB 5141—School Resource Officers

(Senator Wellman)

Would have: defined School Resource Officer (SRO); required school districts that choose to have an SRO program to confirm that the SRO has received specific training; and directed school districts with an SRO program to annually review and adopt an agreement with local law enforcement with specific minimum elements.

SB 5146—Flexible graduation requirements

(Senator Wellman, by request of State Board of Education)

and **HB 1121** (Representative Dolan, by request of State Board of Education)

Would have revised current rule requirements for the State Board of Education to include new standards for when graduation credit requirements may be waived. Additionally, would have required the expedited appeal process for assessment waivers to include students who have not passed the science statewide student assessment.

SB 5169—Collective bargaining rights

(Senator Hasegawa)

Would have made it an unfair labor practice for an employer to not maintain neutrality with regard to

employees seeking to exercise their collective bargaining rights.

SB 5170— Collaborative school governance

(Senator Hasegawa)

Would have authorized school districts to voluntarily use a collaborative school-based governance model intended to: increase the involvement of all staff and parents in the school-based team that develops the design of a school to meet the unique needs of the students, families, and school staff; advance school and student success; and improve the school's climate.

SB 5187—Compost and recycling

(Senator Kuderer)

Would have: allowed public schools to offer students the opportunity to compost their food waste and to recycle; and permitted the state to provide free pickup of compost and provide composting supplies.

SB 5216—Multistage threat assessment

(Senator O'Ban)

Would have: required school districts to develop and implement a multistage threat assessment process; and required ESDs to develop and maintain the capacity to offer training, coordination, and evaluation on the multistage threat assessment process.

SB 5226—Off-duty employee conduct

(Senator Kuderer)

Would have prohibited employers from refusing to hire someone, treating an employee unfairly, or firing an employee who participates in a lawful activity, or exercises their constitutional rights, on their own time and away from the workplace.

SB 5236—Apprenticeships

(Senator Keiser)

Would have required OSPI, the Department of Labor and Industries, the Office of Financial Management, and the Department of Health to hire a coordinator to do outreach and assist in establishing registered apprenticeship programs where they do not exist in state government, public education, and the health care industry.

SB 5238—Concussions in youth sports

(Senator Carlyle)

Would have: required the University of Washington and Harborview Medical Center to collect and synthesize research, data, and best practices on concussion recognition, education, and protocols; and directed the University of Washington to develop a website to host this information and to coordinate with the Washington Interscholastic Athletics Association to promote the site.

SB 5247—Catastrophic incident plans

(Senator Frockt, by request of Military Department) and **HB 1200** (Representative Dolan, by request of Military Department)

Would have: added a catastrophic incident emergency response plan to the required plans the Washington Military Department Adjutant General must develop for the state; and required the Adjutant General to develop guidance that may be used by local school districts in developing, maintaining, training, and exercising catastrophic incident plans.

SB 5262—Special education

(Senator Zeiger)

Would have required each school district to post on its website a plain language description of each of the special education service delivery models either implemented or contracted for by the school district.

SB 5263—School bus drivers

(Senator Zeiger)

Would have required OSPI to adopt rules that lessen burdens in hiring and training school bus drivers.

SB 5264—School construction funding

(Senator Zeiger)

Would have required annual transfers from the state's General Fund to the Education Construction Fund to assist the funding of school construction, modernization, and asset preservation.

SB 5269—School district reorganization

(Senator Hunt)

Would have required WSSDA to work with school districts to develop and implement a comprehensive statewide

reorganization initiative to streamline and provide efficiencies in the administration and operation of school districts and ESDs. One of the specific efficiency strategies that would have been required to be considered is the consolidation of districts.

SB 5270—Election dates and timelines

(Senator Hunt)

Would have moved the Primary Election date to the third Tuesday in May and moved the candidate filing period to the third week in March.

SB 5312—Special education funding

(Senator Wellman, by request of Superintendent of Public Instruction)

and **HB 1093** (Representative Dolan, by request of Superintendent of Public Instruction)

Would have replaced the current special education excess cost multiplier of 0.9609 with a tiered-multiplier based on weekly minutes of service and service environment.

SB 5315—Student support staff

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

Would have phased-in increased staffing ratios for school nurses, social workers, psychologists, and guidance counselors in elementary and middle schools.

SB 5316—School enrichment levies

(Senator Wellman)

Would have changed the current levy lid to be either \$1.50/\$1,000 of Assessed Value or \$2,500 per pupil, at the districts option, rather than the lesser of the two.

SB 5327—Career Connected Learning

(Senator Wellman, by request of Governor Inslee) and **HB 1336** (Representative Slatter, by request of Governor Inslee)

Would have: created a cross-agency work group to coordinate a statewide system of Career-Connected Learning (CCL); instituted a CCL grant; and established coordinators to develop and expand opportunities for academic credit for career launch programs at institutions of higher education.

SB 5343—High school success

(Senator Mullet)

Would have modified current Academic Acceleration policy requirements and required all districts to adopt an Academic Acceleration policy by the 2021–22 school year.

SB 5348—Construction taxes

(Senator Ericksen)

Would have provided for a sales and use tax exemption for construction related to public schools, institutions of higher education, and local public safety.

SB 5367—Purple Star Award

(Senator Wagoner)

Would have created the Purple Star Award to recognize military friendly schools.

SB 5389—Telehealth treatment program

(Senator Becker)

Would have established a telehealth training and treatment program to assist youth. Additionally, all certificated and classified staff would have been required to be trained in the identification of students at risk for substance abuse, violence, or youth suicide in schools. Further, would have required school districts to, subject to consent, schedule two psychiatric teleconsultations for students determined to be at risk.

SB 5395—Sexual health education

(Senator C. Wilson, by request of Superintendent of Public Instruction)

and **HB 1407** (Representative Stonier, by request of Superintendent of Public Instruction)

Would have required every public school to provide comprehensive sexual health education that is consistent with the Washington state health and physical education K–12 learning standards. Additionally, would have required public schools to annually report to OSPI the curricula used to provide comprehensive sexual health education.

SB 5413—Pipeline for Paraeducators Scholarship

(Senator Keiser)

Would have modified the Pipeline for Paraeducators Conditional Scholarship, including: the requirement that candidates have at least one year of classroom experience, rather than three; and the expectation that candidates will

complete their associate of arts degree in no more than four years, rather than two years or less.

SB 5414—School employee leave

(Senator Hunt)

and **HB 1409** (Representative Appleton)

Would have increased the maximum amount of annual leave that may be accumulated by a part-time employee under contract with a school district from 180 days to 260 days.

SB 5464—Opioid overdose medication

(Senator Frockt)

Would have required public schools with grades seven through twelve in school districts with over 2,000 students to obtain and store opioid overdose medication to assist a person at risk for an opioid-related overdose.

SB 5465—Basic education funding

(Senator Wellman, by request of Superintendent of Public Instruction)

Would have: phased-in increases in the allocations for nurses, guidance counselors, and family engagement coordinators; required school districts to select professional development topics from an OSPI menu when providing professional learning days; required school districts to maintain an unrestricted minimum general fund balance of 8.5 percent; and required the governor to recommend a formula for the distribution of institutional education allocations based on a prototypical school model.

SB 5466—School district levies

(Senator Wellman, by request of Superintendent of Public Instruction)

Would have: changed the current levy lid to 22 percent of state and federal revenues from the prior year, or \$3,500 per pupil, whichever is less; restructured Local Effort Assistance eligibility and funding limits; and removed the current requirement that school districts submit an expenditure plan to OSPI before submitting a levy to voters.

SB 5475—Migrant Education Program

(Senator Keiser)

Would have permitted a school district that receives funds under the federal Elementary and Secondary Education Act to select a program of their own choosing for student credit retrieval under the Migrant Education Program.

SB 5532—Special education

(Senator Braun)

Would have required: professional development and teacher preparation programs to address specific special education topics; ESDs to provide special education advocates to serve as resources for children with disabilities and their families; and school districts to convene an ongoing special education advisory committee to advise the district of special education needs. Additionally, would have allowed the special education funded enrollment percent for small school districts to exceed 13.5 percent and would have required the state allocation for the special education safety net to be at least five percent of the total special education excess costs allocated to school districts for enrolled students.

SB 5541—Revenue Reform Task Force

(Senator Hasegawa)

Would have created the State Revenue Reform Task Force, charged with reviewing the state tax system and making recommendations to the Legislature on a comprehensive state revenue reform plan to better serve the people of the state.

SB 5547—Marbled murrelet strategy

(Senator Van De Wege)

and **HB 1546** (Representative Blake)

Would have directed the Joint Legislative Audit and Review Committee (JLARC) to analyze the harvest volume and revenue impacts of strategies for the long-term conservation of the marbled murrelet and would have prevented the Forest Practices Board from adopting a long-term conservation strategy for the marbled murrelet until the JLARC analysis is complete.

SB 5548—Graduation requirements

(Senator Wellman, by request of Superintendent of Public Instruction)

Would have “de-linked” high school graduation requirements from statewide high school assessments and replaced current graduation requirements with a pathway framework.

SB 5572—School modernization grants

(Senator Honeyford)

Would have established a Small School District Modernization Grant Program for small, economically disadvantaged school districts that have under 1,000

enrolled students. While this bill failed to pass, the final 2019–21 Capital Budget includes \$20 million for Small Rural Modernization Grants (see Capital Budget section earlier in this Report).

SB 5576—Climate science education

(Senator C. Wilson)

and **HB 1496** (Representative Dolan)

Would have modified the required common school curriculum in science to include special reference to environmental and sustainability standards. Additionally, would have required OSPI to establish and manage a grant program to create and implement plans to provide teacher training in Next Generation Science Standards, including climate science standards.

SB 5590—School depreciation subfund

(Senator Schoesler)

Would have required school districts to establish a depreciation subfund within their general fund. School districts would have been allowed to deposit up to two percent of their general fund into the depreciation subfund for preventative maintenance of facilities.

SB 5593—Running Start fee waivers

(Senator Liias)

Would have required school districts, upon knowledge of a low-income student’s enrollment in Running Start, to coordinate with higher education institutions to provide documentation of low-income status to allow those students access to automatic fee waivers.

SB 5594—Media literacy

(Senator Liias)

Would have required OSPI to: establish a grant program for supporting media literacy and digital citizenship; and convene two regional conferences on the subject of media literacy and digital citizenship.

SB 5598—Student internet data privacy

(Senator Rolfes)

Would have provided additional authority to the Attorney General to help ensure student data is safeguarded and that the privacy of students and parents is honored, respected, and protected when they use digital educational services.

SB 5603—Enrolling military children

(Senator Randall)

Would have required school districts to conditionally accept applications of children of military families for enrollment and course registration by electronic means in circumstances when their parent is transferred or pending transfer to a military installation in the state while on active military duty.

SB 5609—State spending limit

(Senator Ericksen)

Would have established a “responsible” state spending limit to protect essential programs and taxpayers from unsustainable state budgets.

SB 5618—Small Works Roster

(Senator Wagoner)

Among other things, this bill would have allowed state agencies and local governments to use the Small Works Roster process for projects estimated to cost \$500,000 or less. Additionally, governments would have been allowed to choose to solicit bids from less than all the appropriate contracts on an appropriate Small Works Roster for projects estimated to cost between \$150,000 and \$500,000.

SB 5631—State and local taxes

(Senator Brown)

Would have required the Department of Revenue to make available an online searchable database of all state and local taxes and tax rates for each taxing district.

SB 5633—Behavioral health pathways

(Senator Brown)

Would have provided funding to the Department of Health to support area Health Education Centers. The funding would have been required to be spent for supporting and expanding behavioral health workforce academic and career pathway programs. While not directly related to K–12 education, establishment of these programs would have helped address the current shortage of trained behavioral health care professionals in the state, presumably assisting school districts to find and hire these needed specialists.

SB 5635—Behavioral health professions

(Senator Brown)

and **HB 1850** (Representative Senn)

Would have extended the Opportunity Grant Scholarship from 45 to 90 credits for students pursuing a certificate or degree required for employment in a behavioral health profession. While not directly related to K–12 education, efforts to address the current shortage of trained behavioral health care professionals in the state would presumably assist school districts to find and hire these needed specialists.

SB 5650—Teaching cursive

(Senator Warnick)

and **HB 2006** (Representative Rude)

Would have required public schools to give instruction in cursive writing.

SB 5665—Youth Development Work Group

(Senator C. Wilson)

Would have created a Youth Development Work Group within the Department of Children, Youth, and Families with the purpose of developing a mission, vision, and goals to support youth ages five to young adulthood with a racial equity and inclusion lens.

SB 5685—Student distress

(Senator Bailey)

Would have required school districts to identify one person in each school building as the student health and well-being primary contact to recognize, screen, and respond to emotional or behavioral distress in students and identify students who are at risk for substance abuse, violence, or youth suicide.

SB 5686—Retired school employees

(Senator Bailey)

Would have authorized retired or disabled school employees, and their dependents, who are receiving a retirement allowance under the Teachers’ Retirement System and served as a locally elected official to enroll in medical and dental plans under the state Health Care Authority.

SB 5687—Retirement opt-out

(Senator Bailey)

Would have allowed public employees that first become eligible for coverage in PERS, TRS, or SERS at age 60 or older, to opt out of retirement coverage.

SB 5704—Children’s education savings

(Senator Liias)

and **HB 1592** (Representative Kilduff)

Would have created the Washington Children’s Education Savings Program and deposited \$100 per eligible beneficiary in a Washington Children’s Education Savings Account. Eligible beneficiaries would have been state residents who are kindergartners enrolled in a public school and eligible for Free or Reduced-Price Meals.

SB 5727—Dual enrollment scholarship

(Senator Palumbo)

Would have created the Washington College Bound Dual Enrollment Scholarship program as a subprogram of the Washington College Bound Scholarship and would have permitted students to pay College in the High School and Running Start fees and textbook costs with the funds.

SB 5729—Dual credit enrollment

(Senator Rivers)

Would have prohibited schools from giving enrollment priority for dual credit programs based on student distance from a higher education institution or state funding priorities.

SB 5731—School district territory

(Senator Short)

Would have changed the current process of transferring school district territory from one school district to another by allowing a petitioner to request a hearing by the Regional Committee on School District Organization if a school district dismisses a proposed transfer of territory initiated by citizen petition.

SB 5736—Special education funding

(Senator Wellman)

Would have increased the special education excess cost multiplier from 0.9609 to 0.98.

SB 5757—Early learning as basic education

(Senator Hasegawa)

Would have phased in an expanded definition of basic education to include certain early learning programs for children who are three and four years of age.

SB 5758—Property tax exemption

(Senator Fortunato)

Would have exempted single-family dwellings from state property taxes if the property owner has one or more children between the ages of five and eighteen and all of the children attend private school.

SB 5770—Failure to stop for school buses

(Senator Palumbo)

Would have increased the total penalty for failure to stop for a stopped school bus displaying flashing red lights.

SB 5787—Public Records Act

(Senator Walsh)

Would have allowed cities, towns, and special purpose districts—including school districts—that customarily do not maintain office hours for a minimum of 30 hours per week, to not maintain a minimum number of office hours for purposes of the Public Records Act.

SB 5801—Postretirement employment

(Senator Wellman)

Would have expanded postretirement employment options for early-retired teachers. In addition to returning to work as a substitute teacher, an early-retired teacher would have been able to be employed as an athletic coach, a mentor to teachers, an adviser to students in teacher preparation programs, or a counselor for up to 867 hours per school year without suspension of pension benefits.

SB 5853—School construction formulas

(Senator Pedersen)

Would have: phased-in increases in the Construction Cost Allowance (CCA) and the Student Space Allocation (SSA) formula; and increased the minimum funding assistance percentage floor.

SB 5859—Educational mentors

(Senator Mullet)

and **HB 1281** (Representative Pettigrew)

Would have created the Educational Mentor Grant Program to expand community-based mentor programs and increase the number of participating high school students from underrepresented populations with the intent of improving high school graduation success.

SB 5882—Homeless encampments

(Senator King)

Would have prohibited counties, cities, and towns from authorizing, or allowing through inaction, a sanctioned or unsanctioned homeless encampment to be established within 1,000 feet of a school or early learning facility.

SB 5884—Evergreen Promise Pilot Program

(Senator Frockt)

Would have created the Evergreen Promise Pilot Program providing scholarships to students in select pilot high schools from those in the bottom quartile for high school to college matriculation rates.

SB 5933—Teacher school workday

(Senator Mullet)

Would have established yearly base compensation hours for full-time Certificated Instructional Staff as: 1,000 hours of direct instructional time with students; 400 hours of structured in-building time; and 250 hours of additional time outside of the building.

SB 5934—K–12 school construction

(Senator Ericksen)

Would have specified prevailing wage requirements do not apply to: off-site fabrication performed for any public works undertaken by, or under contract for, a school district if: the off-site fabrication takes place at a permanent facility; and the location and existence of the facility is determined independent of the particular public works project.

SB 5938—State Debt Reduction Account

(Senator Rolfes)

Would have established a new State Debt Reduction Account used for payment of interest and principal on bonds and other financing obligations for projects authorized in the Capital Budget. Additionally, between July 1, 2019

and June 30, 2023, the portion of revenues from the Real Estate Excise Tax and the solid waste collection tax that was directed to the Education Legacy Trust Account would have been deposited into the State Debt Reduction Account.

SB 5945—Youth gang reduction pilot

(Senator Warnick)

and **HB 1895** (Representative Dent)

Would have created a pilot project to reduce youth gang involvement, crime, and violence in eastern Washington.

SB 5961—State tax structure

(Senator Saldaña)

Intended to improve the equity and sustainability of Washington's tax structure, this bill would have: implemented a new Capital Gains Tax; increased the Working Families Tax Exemption Program; increased the small business Business & Occupation Tax credit; provided sales and use tax exemptions for feminine hygiene products, diapers, durable medical and mobility enhancing equipment, and over-the-counter drugs; and expanded the property tax relief program for senior citizens, individuals with disabilities, and veterans. Additionally, it would have reauthorized and expanded the Tax Structure Work Group, created within the 2017–19 Operating Budget.

SB 5977—School employee firearms

(Senator Fortunato)

Would have allowed public school districts and private schools to adopt a policy authorizing permanent employees to possess firearms on school grounds.

SB 5991—Real Estate Excise Tax

(Senator Rolfes)

Would have reconstituted the current, flat Real Estate Excise Tax (REET) as a graduated tax. Proceeds from increased revenues would have been divided among several programs, with 28.1 percent being deposited into the Education Legacy Trust Account (ELTA). Between July 1, 2019 and June 30, 2020, however, 19.64 percent of the proceeds would have been deposited into the ELTA. After July 1, 2023, 16.7 percent of the REET proceeds would have been deposited into the ELTA.

SB 5999—TRS underfunded liability

(Senator Braun)

Would have appropriated \$184 million from the Budget Stabilization Account to be used to reduce the Teachers' Retirement System Plan 1 underfunded actuarially accrued liability.

SB 6011—School employee health care benefits

(Senator Mullet)

Would have rejected the School Employees' Benefits Board Collective Bargaining Agreement and required all school employees to be moved to the Public Employees' Benefits Board insurance program.

SB 6020—SEBB modifications

(Senator Mullet)

Would have approved School Employees' Benefits Board Collective Bargaining Agreement, but would have increased the eligibility threshold for full benefits from 630 hours to 1,040 hours. Employees that worked between 630 and 1,040 hours would have had prorated benefits.

SJR 8201—Simple majority for bonds

(Senator Wellman, by request of Superintendent of Public Instruction)

and **HJR 4203** (Representative Stonier)

These constitutional amendments (and necessary implementing bills, SB 5066/HB 1184) would have permitted the passage of local school district bond issues with a simple majority approval of voters.

SJR 8202—School district bonds

(Senator Mullet)

This constitutional amendment (and its necessary implementing bill, SB 5252) would have permitted the passage of local school district bonds issues with a 55 percent affirmative vote.

SJR 8207—Four-year balanced budget

(Senator Braun)

This constitutional amendment would have put current statutory language requiring the Legislature to enact a four-year balanced budget in the state constitution.

Health Care, Pensions, Financials, and Other Issues

Fred Yancey – *The Nexus Group*

“No individual raindrop ever considers itself responsible for the flood.” John Ruskin

The Legislative Session and governor’s actions have concluded. This was a session that was akin to a sprint to the finish line with the Democrat majorities in both houses pushing many pieces of legislation, particularly pro-labor, that had stalled in previous sessions.

Some statistics may be of interest: 2,762 bills introduced; 484 passed both chambers and were sent to the governor.

So, what happened regarding pensions, health care, financials and other issues?

Note: Bills that were proposed but did not pass this session will revert to their last position and remain ‘alive’ and actionable for the 2020 Session.

Pension/Retirement Related Bills

SB 5360—Revises provisions in the Public Employees’ Retirement System, the Teachers’ Retirement System, and the School Employees’ Retirement System with regard to plan membership default. It changes the present retirement plan default for new hires, after July 1, 2020, from Plan 3 to Plan 2. The governor signed the bill.

Health Insurance Benefit—In a separate part of the budget, the Medicare health insurance benefit subsidy was increased from the current \$168/month to \$183/month in 2020.

Substitute Options for Early Retirees

E2SHB 1139—Educators that are members of Teachers’ Retirement System (TRS) Plans 2 or 3 that retired under the 2008 Early Retirement Factors are permitted to return to work before age 65 in any non-administrative position, not just in substitute teaching and instructional positions, and work for up to 867 hours per year without suspension of pension benefits. The ending date on the current provisions of August 1, 2020, as well as the separate section expiring the section of law, was removed, making the section effective indefinitely. A provision similar to the TRS provision is created for School Employees’ Retirement

System, which is for classified school employees. The governor signed the bill vetoing one section that did not affect this issue.

SB 5400/HB 1390—Requires beneficiaries who are receiving a monthly benefit from the Public Employees’ Retirement System Plan 1 or the Teachers’ Retirement System Plan 1 on July 1, 2018, to receive, effective July 1, 2019, an increase to their monthly benefit of three percent multiplied by the beneficiaries’ monthly benefit, not to exceed \$62.50. Neither bill passed. However, HB 1390 did have a hearing and was passed out of committee. SB 5400 had no hearing.

SB 5350—Similar to the annuity purchase option available to members of TRS, WSPRS, and LEOFF, members of the Public Employees’ Retirement System, the Public Safety Employees’ Retirement System, and the School Employees’ Retirement System may purchase an actuarially equivalent life annuity benefit. A minimum purchase of \$5,000 is required. A member purchasing an annuity must pay all costs related to rollover or transfer funds. The governor signed the bill.

School Employees’ Benefits Board (SEBB) Health Related Bills

HB 2096—Concerning educational service district health benefits was a bill that asked for a two-year delay in SEBB implementation for ESD’s. The bill did not pass, but separate legislation delayed the enrollment of non-represented ESD employees until January 1, 2024.

The Budget—Simply put, this whole SEBB cost projection and process is all built on assumptions. There are few, if any, facts available and until the plan is up and running on January 1, 2020, the real effects and costs will not be known. So, a cynic might say, “One set of figures is as good as any other”. That is certainly the case here.

Projections show that the Health Care Authority, because of assumption changes made in the budget, is likely to run a deficit in excess of \$180 million. Its claims will outnumber its cash position. In addition, it has been suggested that the state will be around \$190 million short in covering its share

of benefit costs, and that districts will be excess funding in the neighborhood of \$250 million dollars. Once the program becomes operative, facts will set these amounts.

Ultimately, as a staffer said, “The supplemental budget process during the next shorter session will be used to correct any errors in assumptions.” Districts don’t have it that easy.

Meanwhile, both SEBB and PEBB (Public Employees’ Benefits Board) are continuing to meet.

Specifics on these meetings have been posted on earlier *TW/O* editions. The most recent actions/summary of post-session meetings are given in the links below.

[SEBB/PEBB REPORTS HERE.](#)

Bills That May Have Fiscal/HR Impacts for Districts

ESHB 1813—Incorporating the costs of employee health benefits and pension contributions into school district contracts for pupil transportation.

This bill passed the House 56–39 and a public hearing was held on March 25th. It had no action in the Senate but will remain alive in the next session, particularly as it is a pro-labor/union issue.

2SSHB 1087—Concerns long-term services and supports. Establishes the Long-Term Services and Supports Trust Program (Trust Program) to provide benefits for long-term services and supports to qualified individuals who need assistance with at least three activities of daily living. Establishes eligibility requirements for the Trust Program for persons who pay a premium of 0.58 percent of a person’s wages beginning January 1, 2022. An individual must work for a specific amount of time detailed in the legislation.

SHB 1399—Makes technical corrections requested by the Employment Security Department in the Family and Medical Leave Act passed last session. This bill has been signed by the governor.

What Will The Future Hold?

Many policy bills proposed during the long session failed to advance. However, the key themes represented by them will likely be re-introduced through either new legislation or reviving a previous bill during the 2020 Session(s).

Moving into speculation on the future, some key activities may occur:

1. Maintaining Democrat majorities in both houses. The Democrats currently hold a strong majority in the House, and a weaker one in the Senate. The replacement for Senator Palumbo (District 1/Maltby) who was a swing voter is likely to be Representative Derek Stanford, a strong, partisan Democrat. This helps the Senate majority.
2. Reshuffling committee assignments and leadership positions in both houses. Of particular importance is the retirement of Speaker Frank Chopp. Representative John Lovick is currently acting Speaker until an election is held, tentatively in December. All indications are that a woman Speaker will be elected. Names bandied about include: Representatives Jenkins, Stonier, Frame, and Tarleton.
3. Seeking full funding of the SEBB benefits for districts. The law says that districts are to fund benefits on a per-head basis, rather than the standard pro-rata basis. Once premiums are established and enrollments are done, districts and the state will know the exact unfunded cost of this benefit. It is likely to be significant and districts will turn to the state to ‘fix’.
4. Legislation was passed to allow employees to bargain for insurance benefits for employees working less than 630 hours. Unions may be asking for this benefit for its members. (See remarks above regarding the provision of benefits for private transportation providers.)
5. The Legislature will continue to make the implicit price deflator (IPD) the future measure when looking at inflationary increases. The traditional consumer price index (CPI) generates a higher rate of inflation using a different set of assumptions. The IPD generates a lower rate which stretches State dollars wider helping those that create budgets and allocate dollars. This potentially hurts those who are impacted by inflationary increases not measured by the IPD, like school districts.
6. Efforts will be made to continue to increase the Medicare insurance subsidy. Rates have gone up substantially and the \$183 restoration of the amount

- paid prior to 2011 is not nearly enough to offset the increased costs.
7. Continued work toward putting school retirees in the largest risk pool available which would reduce their current insurance costs. Currently, K–12 retirees remain in the PEBB program/pool.
 8. Fundamentally changing the state’s current pension system into a defined contribution model (401-K). Senator Braun, the current ranking Republican on the Senate Ways & Means Committee, is a leading advocate of making changes. Recently, Sen. Braun sent a request to the Select Committee on Pension Policy (SCPP) to consider “the viability, practicality, and policy merits” of making a lump sum payment option available in the defined benefit (DB) programs. DB recipients could cash out or convert their benefit to other uses. The SCPP took no action yet on Sen. Braun’s request, but the Legislature could see a bill to propose such.
 9. Merging of the LEOFF 1 and TRS 1 pension funds. This proposal never surfaced during the session. However, this merger would decrease the unfunded liability in both Plans 1, an issue dear to the Republican leaders and also decrease the added surcharge employers are currently paying to decrease this liability. See selected financials below.
 10. Moving to a state-wide collective bargaining contract for all K–12 employees. (This is a real ‘pie-in-the-sky’ projection.) The statewide SEBB program and bargaining model can be adapted to the wider arena on salaries and other benefits. The current model allowing districts to develop their own salary schedules has already lead to disparities and inequalities between districts and regions.

Selected Financials ESHB 1109 State Budget

Below are selected financial figures from the adopted 2019–21 Operational Budget:

	<u>2019–20</u>	<u>2020–21</u>
Fringe Benefit Allocation	23.16% 20.83%	23.16% / Allocated Certificated 20.83% / Allocated Classified
Insurance Health Benefit (SEBB funding rates beginning 1/1/20)	\$994	\$1,056
Insurance Health Benefit (Prior to SEBB: 9/1/19–12/31/19)	\$973	
Medicare Insurance (Subsidy for Retirees)	\$183	\$183
Employee Retirement Contributions		
• TRS		15.33%
• PERS		12.68%
• SERS		13.01%
<small>(Note: These rates include an amount ranging from 4.76% to 7.18% added to employers to fund the unfunded liability of Plans 1.)</small>		
Substitute Rate (4 subs/classroom teacher unit)	\$151.86	\$151.86
Health Care Carve-out	\$69.56 Begin 9/2019	\$76.13 Begin 9/2020

Alliance of Educational Associations

Mitch Denning, Ph.D., AEA Consultant – AEA is an affiliate of WASA

Alliance of Educational Associations (AEA), comprised of Washington Association of Maintenance and Operation Administrators (WAMOA) and Washington School Nutrition Association (WSNA), felt somewhat positive about the 66th Legislature's response to our 2019 priorities. The funding in the Capital Budget was sincerely appreciated, yet increased levy capacity may have added to the funding inequities, and lack of levy parameters and School Employees' Benefits Board (SEBB) funding unfortunately, languished.

This report will review (1) ESHB 1109, 2019–21 Operating Budget; (2) SHB 1102, 2019–21 Capital Construction Budget; (3) several bills that AEA supported or watched with keen interest, and (4) WAMOA's and WSNA's interim plans.

ESHB 1109—2019–21 Operating Budget

General Aspects of the Budget

- The overall forecast through 2019–21 indicates about \$50.56 billion.
- The Maintenance Level is estimated to be \$50.5 billion, with almost \$4.2 billion is from the ripple effects of *McCleary* in K–12.
- The conference budget is \$52.4 billion, including \$1.9 billion in policy level increases and \$5.8 billion in maintenance level increases, with \$636 million to K–12, about 33 percent of the total increase; however, that includes a \$349 million increase to implement the SEBB program, and leaves a mere \$287 million to K–12 increases, only 15 percent of the increase.
- There is approximately \$800 million in new revenue.
- The difference between the overall forecast (\$50.56 billion) and the operating budget (\$52.4 billion) will come primarily from four revenue sources, including; (1) changing the Real Estate Excise Tax from a flat tax to a graduated tax based on property values (SB 5998), (2) a 1.2 percent increase on certain financial institutions (HB 2167), (3) modifying the qualifications for international

investment management services B&O preferred tax rate (SB 6016), and (4) a B&O tax on selected business whose annual income in between \$25 billion and \$100 billion, and above \$100 billion (HB 2158).

- Projected ending fund balance would be \$446 million.

K–12 Major Policy Enhancements

Materials, Supplies, Operating Costs (MSOC)

1. 2019–20: \$1,293.16 per FTE student
- 2020–21: \$1,320.32 per FTE student

Classified Salaries—State Funded Employees

2. 2019–20 minimum \$47,720 plus regionalization factor, if any.
3. 2020–21 minimum \$48,722 plus regionalization factor, if any.

School Employees' Benefits Board—\$319 million

4. For school year 2019–20, from 9/1/19 to 12/31/19, the monthly rates are \$973 per employee (at least 630 hours per year); from 1/1/20 to 6/30/20 the monthly rates are \$994; and from 7/1/20 to 8/31/20, the monthly rates are \$1,056.
5. During school year 2020–21, the monthly rates are \$1,056.
6. No funding for levy or grant funded employees.

Special Education—\$155 million

7. Funding is provided through 2SSB 5091 to increase the current excess cost multiplier for special education students (\$77.1 million); for anticipated growth in safety net awards for school year 2018–19 and school year 2019–20 (32.7 million); for professional development to promote inclusion of special education students with the general education classroom (\$25 million); and to lower the state safety net threshold from 2.7 times the average per pupil expenditure to 2.3 times the average per pupil expenditure (\$16 million).
8. District underfunding estimated to be between \$300 and \$400 million.

Local Effort Assistance and Levy Policy—\$61.6 million

9. Funding is provided through ESSB 5313 for the levy lid of (a) the lesser of \$2.50 per \$1,000 AV or \$2,500 per student for school districts with fewer than 40,000 FTE students; and (b) the lesser of \$2.50 per \$1,000 AV or \$3,000 per student with school districts with greater than 40,000 FTE students. LEA is provided to school districts where the amount generated by a \$1.50/\$1,000AV levy rate is less than \$1,550 per student.
10. Provides enrichment funding to state-tribal compact schools based on the local enrichment levy collected by the school district in which they're located, up to \$1,550 per student.
11. Requires school districts, beginning in school year 2019–20, to provide an expenditure schedule that identifies the amount expended on certain supplemental enrichment activities.
12. Requires, should the State Auditor find that a school district has used local revenues for non-enrichment activities, the school districts maximum levy collect must be reduced in the following school year.
13. Note: Unfortunately, adequate safeguards to prevent levy dollars to be bargained away are not included.

Student Safety—\$2.356 million

14. Funding is provided to allow OSPI to maintain the State Safety Center and convene a Safety and Well-Being Committee; each ESD would have funding for a 1.0 FTE for behavioral health coordination.
15. School Resource Officers Training Grant Program through OSPI (\$100,000); both items are in 2SHB 1216, student health and safety.

Seated Lunch Duration—\$126,000

16. OSPI is funded to select and provide technical assistance to six demonstration schools, who will ensure that student lunch periods include a 20-minute seated lunch duration; WSSDA will complete a model policy based on the schools' best practices.

Guidance Counselor Targeted Schools—\$1.8 million

17. Funding is provided to increase staffing for guidance counselors to 0.8 FTE per prototypical

elementary school and 1.7 FTE per prototypical middle school in 20 schools receiving targeted supports as part of the Washington School Improvement Framework and to receive funding. Schools must staff at or above the prototypical school staffing level for guidance counselors.

ESHB 1102—2019–21 Capital Construction Budget**General Aspects of the Budget**

- Total budget is \$4.4 billion, with \$3.1 billion coming from general obligation bonds, \$1.29 billion from other funding sources, another \$100 million from existing bond authority, and \$200 million from alternative financing.
- SHB 1101, bond bill, authorizes up to \$3.207 billion in general obligation bonds to finance projects.
- \$70 million in bond capacity would be reserved for the 2020 Supplemental Capital Budget.
- K–12 would receive a total appropriation of \$1.112 billion with \$879 million from bonds and \$223 million from the Common School Construction Account (cash).

School Construction Assistance Program and Capital Administration

- 2019–21 School Construction Assistance Program (SCAP)—Maintenance Level (\$1.042 billion), including \$1.005 million for study and survey grants, and for completing inventory and building condition assessments for public school districts every six years.
- No stated changes in SCAP funding drivers.
- Capital Administration (\$3.924 million), including OSPI must apply lean management principles to the D-Form process, in consultation with their Technical Advisory Committee, and to the Study and Survey process, in consultant with the TAC and their Citizens Advisory Panel, to reduce undue administrative burdens on school districts seeking SCAP funds.

Skill Centers—\$3.646 million

- West Sound Technical Skill Center Modernization (Bremerton)—\$500,000

- Pierce County Skill Center—Evergreen Building Modernization—\$146,000
- Skills Centers Minor Works—\$3 million

School District Health and Safety—\$6 million

- Emergency Repair Grants (\$2 million) to address unexpected and imminent health and safety hazards at K–12 public schools, including skill centers, that impact the daily operation of the facility.
- Urgent School Repair Grants (\$3 million) to address nonrecurring urgent small repair projects at K–12 public schools, excluding skill centers, that could impact the health and safety of the students and staff if not completed.
- WAMOA consults with OSPI on the grant process.
- Districts are limited to one grant in a three-year period, not to exceed \$200,000.
- Equal Access Grants (\$1 million) to improve compliance with AEA and IDEA regulations in facility repair and alterations.
- Grants are limited to districts once in a three-year period and may not exceed \$100,000.

Career Preparation and Launch Equipment Grants—\$1 million

- OSPI to provide competitive grants to districts to purchase and install equipment that expand career connected learning opportunities.
- Maximum for grant award is \$100,000.

Agricultural Science in Schools Grant to FFA Foundation—\$1.75 million

Healthy Kids/Healthy Schools Grants—\$3.25 million

- \$250,000 is allocated for Washington Green Schools for grants for planning and developing green stormwater infrastructure on public school properties that have been identified as needing to reduce stormwater runoff.
- The remaining \$3 million, is allocated to provide grants which fund specific projects within Washington’s Healthiest Next Generation priorities.
- WAMOA is to work with OSPI and the Department of Health on management of the grant.
- No district shall receive more than \$200,000 of the appropriation.

- Grants may include: (1) water bottle filling stations, which may include replacement of lead-contaminated drinking water fixtures; (2) purchase equipment or make repairs to improve children’s physical health, including, but not limited to, fitness playground equipment, covered play areas, and physical education equipment or related structures or renovation; and (3) purchase equipment or make repairs related to improving children’s nutrition, which may include, but is not limited to, garden related structures as greenhouses to provide students access to fresh produce, and kitchen equipment or upgrades.

Small District Modernization Grants—\$20 million

- Applies to small districts of 1,000 FTE or less which have significant building systems deficiencies, low assessed valuation, and unable to pass a bond issue.
- OSPI to administer the grant program—\$200,000.
- Planning grants for small districts interested in the grant—\$1 million.
- Remainder of funds (\$18.8 million), are allocated to small districts with significant building systems deficiencies and limited financial capacity.

STEM Grants—\$7.7 million

Grant allocated to Laser Interferometer Gravitational Wave Observatory (LIGO) STEM observatory in Richland, Washington.

Distressed Schools Grants—\$23 million

- Classroom additions and modernizations at Leschi ES (Seattle School District)—\$4.4 million.
- Classroom additions at Madison Middle School (Seattle School District)—\$10.5 million.
- Heating and ventilation upgrades at North Beach Elementary School (Seattle School District)—\$3.1 million.
- Remainder of grant allocation is for competitive grants for modular classrooms made with mass timber products, including cross-laminated timber, for the purpose of replacing portables in school districts with space challenges or overdependent use of portables—\$5 million.

Early Learning Facilities (Department of Commerce)**—\$4.186 million**

Funding is provided for early learning facilities in the following school districts at the following amounts:

1. Toppenish School District—\$111,000;
2. Manson School District—\$400,000;
3. Kettle Falls School District—\$395,000;
4. North Thurston School District—\$324,000;
5. Ellensburg School District—\$800,000;
6. Everett School District—\$800,000;
7. Tukwila School District—\$196,000;
8. Richland School District—\$800,000; and
9. Lake Quinault School District—\$360,000.

Energy Efficiency and Solar Grants (Department of Commerce)—\$12.5 million

- Competitive grants to local agencies, public higher education institutions, school districts, and state agencies for operational and energy cost saving improvements to facilities—\$1.785 million in FY 2020; \$1.785 million in FY 2021.
- For school district applicants, priority consideration must be given to school districts that demonstrate improved health and safety through reduced exposure to polychlorinated biphenyl; priority consideration must be given to applicants that have not received grant awards for this purpose in prior biennia.
- Competitive grants are to be awarded to local agencies, public higher education institutions, school districts, and state agencies for projects that involve the purchase and installation of solar energy systems, including solar modules and inverters, with a preference for products manufactured in Washington—\$3.573 million.
- Grant awards are available for state efficiency and environmental performance improvements to minor works and stand-alone projects at state-owned facilities that repair or replace existing building systems, including HVAC, lighting, windows, and other mechanical systems.
- Eligibility for this funding is dependent on an analysis using OFM's life-cycle cost tool that compares project design alternatives for initial and long-term cost-effectiveness.

- Assuming a reasonable return on investment, DOC shall provide grants in the amount required to improve the project's energy efficiency compared to the original project request; prior to awarding funds, DOC shall submit to OFM a list of all proposed awards for review and approval—\$3.357 million.

School Safety Seismic Assessments (Department of Natural Resources)—\$2.2 million

- DNR, in consultation with OSPI, Office of Emergency Management, and SBE, shall provide a prioritized seismic risk assessment that includes seismic safety surveys of public facilities that are subject to high seismic risk because of high earthquake hazards and soils that amplify that hazard.
- The survey must be a representative sample of public facilities located in high priority areas as determined in the 2017–19 Survey of Public School Seismic Safety Assessments and Tsunami Inundation Zones.
- The seismic surveys must be conducted for the following types of public facilities in this order: (1) a portion of public school facilities that are routinely used for the instruction of K–12 students and in school districts that have held successful bond elections in the last three years; (2) a portion of the remaining public school facilities that are routinely used for K–12 instruction; and (3) fire stations located within a one-mile radius of a facility described above.

Local and Community Projects (Department of Commerce)—\$79.5 million

Includes a series of community projects, and several school district projects which are:

1. Chief Leschi Schools (Puyallup) safety and security—\$250,000;
2. Chief Leschi Schools (Puyallup) facility and safety project—\$250,000;
3. Evergreen High School (Vancouver) health Center—\$388,000;
4. Kiona-Benton School parking lot improvements—\$268,000; and
5. Mt. Adams School District athletic fields—\$242,000.

AEA Policy Bills Passed

ESSB 5874—Rural Satellite Skills Centers

A rural satellite skill center must report direct enrollment and receive direct funding if the center:

1. Is located at least 30 miles from a core campus or other satellite program and enrolls students from a minimum of two school districts;
2. Is solely responsible for hiring staff and covering all staff costs;
3. Is solely responsible for providing facilities, training, equipment, supplies, and materials;
4. Has demonstrated the ability to build successful community and local business partnerships;
5. Has been operational and has secured agreements for at least one year with two or more rural school districts to accept and enroll students at the center;
6. Has completed the required feasibility study;
7. Has secured commitments from local businesses or industries;
8. Shares liability for all reviews for the purpose of auditing and the consolidated program review, including state and federal monitoring of CTE programs; and
9. The CTE Advisory Committee and the school board recommend and support the direct funding.

A core campus may receive up to seven percent of the rural satellite skill center funding for administrative purposes and may charge an annual per-pupil facility fee related to the minor repair and maintenance capital account as negotiated in the interdistrict cooperative agreement.

According to the fiscal note, the skill center enhancement for 1.0 FTE would be about \$1,894 in SY 2019–20, and \$1,935 in SY 2020–21.

2SHB 1216—Non-firearm measures (increase school safety and student well-being)

- Establishes a statewide network for school safety with a state center, regional centers through the ESDs, and an advisory committee.
- Requires school districts to establish school-based threat assessment programs.
- Directs OSPI to monitor safety plans and threat assessment programs.

- Directs JLARC to complete a study on the first responder building mapping information system.
- Adds a safe school plan and safety drill requirement.
- Requires school districts that choose to have an SRO program, adopt an agreement with local law enforcement and confirm that an SRO has received training on specific topics.
- Creates a grant program to fund SRO training and requires the state school safety to make training materials available.

SB 5514—First responder agency notifications

Whenever a first responder agency notifies a school of a situation that may necessitate an evacuation or lockdown, the agency must determine if other schools in the vicinity, including private schools, are similarly threatened.

The agency must notify every other known school in the vicinity for which an evacuation or lockdown appears reasonably necessary to the agency’s incident commander unless the agency is unable to notify schools due to duties directly related to responding to the occurring incident; the agency and its officers, agents, and employees are not liable for any act or failure to act regarding this requirement unless they acted with willful disregard.

SSB 5106—Work Group (natural disaster mitigation and resiliency activities)

The Work Group’s duties include reviewing activities by public and private entities, other states, and the federal government regarding disaster mitigation and resiliency; review disaster-related insurance; review how other states coordinate disaster mitigation; and make recommendations to the Legislature. OSPI will be the K–12 representative on the work group.

ESHB 2140—K–12 funding

- Allows funds to be deposited into a capital projects fund to be used for preventative maintenance and infrastructure improvement in 2019–21.
- Delays the enrollment of ESD employees that are not covered by a collective bargaining agreement in SEBB until January 1, 2024 and allows ESDs to enroll non-represented employees in the PEBB until December 31, 2023.

- Requires the HCA, in consultation with OSPI, ESDs, and OFM, to study the impacts of ESD enrollment in SEBB and report back to the Legislature.
- Amends the Career Connected Learning Grant Program created in E2SHB 2158, to require that sufficient funding be provided from the program to OSPI for ESD employees to support the expansion of career connecting learning opportunities.

ESHB 2163—K–12 hold harmless funding

Passed the House on April 26, the Senate on April 28, and delivered to the governor on April 30.

Transfers from the Budget Stabilization Account (BSA) a total of \$58.4 million (\$42.6 million in FY 2020 and \$15.8 million in FY 2021) to the General Fund for hold harmless payments to school districts who have experienced shortfalls due to the new K–12 funding system going into effect (Not included in the operating budget).

AEA Policy Bills Not Pass

SHB 2108—K–3 class size compliance

Extend the requirement that K–3 class size funding will be based on actual enrollment, rather than on an allocation from September 1, 2019 to September 1, 2020; null and void clause added.

Effect: K–13 class size funding will be based on actual enrollment on September 1, 2019.

HB 1685—Implementing the Hunger-Free Students Bill of Rights Act

WSNA sought language that would limit the meal debt, as it is significantly increasing since the passage of SHB 2610 in 2018. The bill would have allowed schools to withhold meals from 9–12 grade students with meal debt, providing the Legislature had not reimbursed districts for meal debt; unfortunately, the House Appropriations Committee members couldn't agree on language that would have limited meal debt, and the bill died in that committee.

HB 1892—Reduce lunch copay for grades Pre–K and 4–12

This bill would have eliminated the reduced-price lunch copay for grades Pre–K and 4–12; unfortunately, it didn't move out of House Appropriations.

WAMOA Interim Plans

- Coordinate with OSPI on Urgent School Repair Grants, and the Department of Health on Healthy Kids/Healthy Schools Grants.
- Coordinate requested school visits during spring and fall with the following legislators: Senators Keith Wagoner (R-Sedro Woolley); Hans Zeiger (R-Puyallup); and Guy Palumbo (D-Maltby); and Representatives Mike Steele (R-Chelan); Jacqueline Maycumber (R-Republic); Chris Gildon (R-Puyallup); Jim Walsh (R-Aberdeen); Norma Smith (R-Clinnton); Jared Mead (D-Mill Creek); Beth Doglio (D-Olympia); Morgan Irwin (R-Enumclaw); Lisa Callan (D-Issaquah); Chris Corry (R-Yakima); Strom Peterson (D-Edmonds); Lauren Davis (D-Seattle); and Richard DeBolt (R-Chehalis).

WSNA Interim Plans

- Work with Representative Strom Peterson (D-Edmonds) on HB 1685 language that can curb meal debt based on school year 2018–19 district data.
- Work with Representative Melanie Morgan (D-Tacoma) on HB 1892, to develop a strategy on how to move forward the elimination of the Pre–K and 4–12 reduced price lunch copay.
- Encourage other WSNA members to join our Meals for Kids Legislative Committee through a WSNA presentation at the WSNA summer conference.

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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2018–19 LEGISLATION AND FINANCE COMMITTEE

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Principals	Devin McLane, Mukilteo
BPAC	Corine Pennington, Puyallup
Special Education	Jennifer Traufler, Tacoma
Superintendents	Shane Backlund, Selah
ESDs	John Welch, Puget Sound ESD
Federal Liaison	Randy Russell, Freeman/AASA Board Michelle Price, North Central ESD/AASA Board Anthony Smith, Riverview /AASA Board
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WASA	Joel Aune, Executive Director Dan Steele, Assistant Executive Director Randy Russell (President) Sheila Chard, Administrative Assistant
Consultants	Mitch Denning (AEA) Fred Yancey (Pension/Health Benefits) Melissa Gombosky (AESD)

2019 LEGISLATIVE PLATFORM

IMPROVE SCHOOL SAFETY AND SECURITY

School districts need to support their students and staff before—and after—a crisis occurs and providing sufficient nurses, mental and behavioral health counselors, and school security is an effective strategy. Unfortunately, current funding does not provide sufficient staffing support for schools. WASA urges the Legislature to enhance staff allocations, with a priority of providing additional staff in the categories of Health and Social Services (including school nurses and mental health counselors), Guidance Counselors, and Student and Staff Security. The Legislature is strongly encouraged to invest in the state's nine Educational Service Districts to create and support comprehensive Regional Safety Centers.

PROVIDE EQUITABLE EDUCATION INVESTMENTS

The Legislature has provided significant increases in K–12 education funding to comply with the constitutional paramount duty. The additional investments in basic education provided to implement EHB 2242 (2017) and E2SSB 6362 (2018) are appreciated; however, the Legislature must provide consistent and equitable resources to all school districts that will positively impact opportunities and learning of all K–12 children. Portions of the new education funding structure continue to need revisions, including:

- **Special Education.** The 2018 Legislature increased the special education excess cost multiplier, which increased per student funding; however, the increase was minimal. Special education continues to be underfunded, forcing many districts to use limited—and decreasing—local levy funds to backfill the state's funding gap.
- **Levies and Local Effort Assistance.** Inequities between districts were exacerbated by capping levy authority of property rich districts at a higher level than neighboring property poor districts—while diminishing levy capacity for all districts at the same time. While legislators stated their intent to “reform” levy/LEA policies in 2018, no action was taken.
- **Salary Allocations and State Schedule.** The new education funding model eliminated the state Salary Allocation Model and instituted a new one-size-fits-all statewide average salary allocation, while also eliminating the staff mix factor. The 2018 Legislature reconsidered the decision to eliminate staff mix and instituted a new Experience Factor. Assisting less than 60 districts, however, the adjustment is not as broad-based as desired or needed. Another compensation consideration is health benefits; as the new School Employees' Benefits Board is implemented, the Legislature must ensure school employee health benefit costs for all covered employees are borne by the state, preventing unfunded mandates on school districts.
- **Regionalization.** Legislators generally understood EHB 2242's regionalization plan forced inequities and would likely pit districts against one another; however, the final “correction” adopted in 2018, only assisted six districts. Regionalization methodology and application of regionalization factors must continue to be evaluated and corrected.

SUPPORT SCHOOL FACILITIES

WASA urges the Legislature to: advance a constitutional amendment to the people authorizing school district bond issues to be approved with a simple majority vote; 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; provide school districts that have difficulty passing local bonds with capital funds to support necessary new construction or modernization; and invest in safety-related school facility costs.

EXPAND AVAILABLE STATE RESOURCES

The current state budget structure cannot accommodate both stable and ample basic education funding and sufficient resources for other vital state programs. WASA supports expanded state resources or a restructured tax system to ensure ample, sustainable, and equitable revenues to enable the Legislature to support K–12 education and also prevent drastic reductions of other necessary government services—which would have significant impacts on K–12 education.

WASA believes that the commitment of resources to the education and welfare of the children of Washington State is an investment in the quality of our future.

We believe that effective school leaders initiate and manage change resulting in a system of K–12 education in which all students receive a quality education.

*Approved by the WASA Legislation and Finance Committee 5–2018, Revised 9–2018
Approved by the WASA Board of Directors 5–2018, Revised 10–2018*