



2019 WASA / WSSDA / WASBO LEGISLATIVE CONFERENCE

DAY ON THE HILL • OLYMPIA, WA • FEBRUARY 11, 2019

HOT TOPICS

Legislator Contact Form



Name: _____

School District: _____

Legislators contacted / summary of discussion: _____

Please provide us with your feedback:

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

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

STUDENT/SCHOOL HEALTH & SAFETY

Background:

While there are many federal and state statutes and rules that set expectations for schools and school districts regarding school safety issues, there is still important work to be done. In 2016, the Washington State Legislature enacted legislation that steps toward addressing school safety to include: a research review of funding for safety and security in schools completed by the Washington State Institute for Public Policy; annual school safety summits hosted by OSPI; and development and dissemination of social and emotional training modules by OSPI.

In 2018, the Legislature took three actions through state operating and capital budget provisos to move forward with some school safety efforts. These included: funding to support a workgroup convened by the Washington Association of Sheriffs and Police Chiefs (WASPC) to develop strategies for identification of and intervention against potential perpetrators of mass shootings with a focus on K–12 schools; funding for grants to ESDs for regional student safety programs; and funding to the Dept. of Natural Resources (DNR) to develop prioritized seismic risk assessments, including seismic safety surveys of public facilities. In December, the Mass Shooting Work Group convened by WASPC submitted several recommendations in the areas of: school resource officers (K–12); multi-stage threat assessment processes; extreme risk protection orders; increased investments in key student support staff positions (including school counselors, psychologists, mental health professionals, family engagement coordinators, etc.); access to mental health intervention services; and the physical design of school facilities.

With the increasing number of school shootings, the growing awareness of student mental health issues, and the continued lack of dedicated funding to address these issues statewide, WSSDA and WASA members adopted legislative positions related to student and

school health, safety, and security for the 2019 Legislative Session.

What's Happening Now:

To-date over 25 bills have been introduced that run the gamut of student/school safety issues ranging from increasing student support staffing levels, to regional safety centers, to safety in school facilities through seismic testing. There are many ideas found in multiple bills that we believe are important steps the 2019 Legislature should take. Bills that have received hearings to date include those focused on:

- Increased funding for student support staff: guidance counselors, school nurses, psychologists, and social workers. (SB 5315, HB 1265, SB 5465 (Sec. 1))
- A state and regional support structure that includes safety centers to support districts in every ESD region. (SB 5317/HB 1216, SB 5216)
- Multi-stage threat assessment processes and support systems. (SB 5317/HB 1216, SB 5216)
- School safety personnel/school resource officer definitions, training, and resources. (SB 5052, SB 5141)

Key Message:

WASA/WSSDA/WASBO urge the Legislature to:

- **Enhance funding for student support staff personnel** by increasing allocations within the prototypical model for Health and Social Service Personnel (specifically for school nurses, counselors, and school psychologists), Guidance Counselors, and Student/Staff Security personnel.
- **Establish a statewide safety support system** to assure every district has access to support developing and implementing safety plans, threat assessments, and coordinating support/crisis services among school districts, regional mental health providers, community partners, emergency management, and law enforcement.

EQUITABLE EDUCATION INVESTMENTS

Background:

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

After many fits and starts, the Legislature—rapidly approaching the Court's deadline for a solution—adopted EHB 2242 in 2017. The legislation implemented major changes in K–12 financing, significantly impacting both state and local funding with once-in-a-generation changes in: educator salary allocations; local levies and Local Effort Assistance (LEA); collective bargaining and supplemental contracts; accountability and transparency; and health benefits. Following the 2017 Legislative Session, the Supreme Court ruled that EHB 2242, along with funding provided in the 2017–19 Operating Budget, “satisfied the Court's mandate to fully fund the program of basic education.” (The only exception was basic education salaries. EHB 2242 provided funding of “education salaries sufficient to recruit and retain competent teachers, administrators, and staff,” but the legislation allocated half of the necessary funding in the 2018–19 school year and pushed the remaining half into the 2019–20 school year, which was

beyond the Court's deadline of September 1, 2018, to comply with the Court's order.)

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

The 2018 Legislature did review and adjust a number of the education finance components adopted the year before; however, many of the adjustments did not go far enough and some of our concerns were not addressed. The special education multiplier was increased by a modest amount, a Safety Net Work Group was tasked with making recommendations to improve accessibility and funding of the special education Safety Net, and the new levy/LEA structure was not adjusted at all.

What's Happening Now:

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

to backfill the hole with local levy dollars.

In 2018, the Legislature increased the special education excess cost multiplier from 0.9309 to 0.9609, providing for a minor increase of \$26.9 million. While appreciated, this was still significantly below the projected need.

In October, 2018, OSPI pegged the underfunded need in special education at over \$308 million. These projections were made before salary increases were included, however, which increases the underfunding to almost \$400 million.

There are several bills this session regarding special education that address the challenges and underfunding in different ways. The Governor and OSPI propose a multi-tiered model of special education delivery and funding phased in over six years. Other proposals simply increase the multiplier to get closer to funding the actual need. There are also bills to enact recommendations for improving the Safety Net process and funding.

Levies/Local Effort Assistance (LEA). EHB 2242 drastically altered the state's levy and LEA policies. Rather than providing for a local levy lid based on a percentage of a district's state and federal revenues (28% in 2017, and scheduled to go down to 24% in 2019), the new lid is based on property values. A district's levy cap is \$1.50 per \$1,000 of Assessed Valuation or \$2,500 per student—whichever is less. The previous state policy for LEA was half of the levy lid (14% in 2017, set to go down to 12% in 2019). Under the new provisions, LEA is funded at a maximum \$1,500 per student. The maximum is a total of levy collected and state provided LEA.

The 2017 policy changes caused a reduction in school district levy collections of over \$1.0 billion. The 2018 Legislature publicly committed to address and reform the new levy/LEA policies "to ensure that those policies do not negatively impact our schools and our students," but no changes were made.

There are currently three primary proposals under consideration this session. The Governor's proposal moves levy policy to a percentage (28%) of a district's budget with LEA factored at 14%, or 50% of the levy rate. Superintendent Reykdal has a proposal that would establish a levy lid of 22% with a maximum of \$3,500/student, and LEA eligibility for districts that have levy rates above \$3.75/\$1,000 AV. There is also a proposal that would allow districts to choose from \$1.50/\$1,000 levy or \$2,500/student. Finally, there is talk about ways districts can be held harmless based on the differential impacts of state funding and levy reductions. Many in the Legislature realize action needs to be taken to

address this issue; however finding a solution that meets the needs of the majority will not be easy.

School Employees' Benefits Board (SEBB). EHB 2242 created the School Employees' Benefits Board to consolidate all school employees into a single, active employee risk pool, effective January 1, 2020.

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

During the past year, the SEB Board met regularly to build the system. At the same time, a Coalition of school employees began collective bargaining negotiations with the Office of Financial Management over health benefits and costs. Ultimately, they reached a Tentative Agreement (TA).

The 2019 Legislature is now in the position to fund and ratify the TA as it was negotiated, or deny the agreement, with potential provisions. State costs are now projected to be over \$900 million—and local school district costs are expected to be \$200–\$300 million.

Key Message:

WASA/WSSDA/WASBO request the Legislature:

- **Provide sufficient funding for special education** (between \$300–\$400 million) to eliminate the current underfunding, thereby relieving school districts from using local levy dollars for this basic education obligation.
- **Increase local school district levy capacity and access to Local Effort Assistance** to allow districts to continue to fund local community priorities in their schools. Any additional levy capacity must include: clear limits to ensure levy funding doesn't get bargained away; and a commensurate increase in Local Effort Assistance.
- **Fund the full cost of providing health benefits for all eligible school employees** as the SEBB program is implemented. If the state cannot afford the full cost of providing benefits to all eligible employees, the current collective bargaining tentative agreement should not be ratified, thereby delaying implementation. School districts should not be required to use local levy funds for this unfunded mandate.

SCHOOL FACILITIES

Background:

It is hard to teach and learn in dark, stuffy, cramped classrooms. Group learning and hands-on project-based learning is tough when there is not enough space for students to spread out or include the wrong kinds of fixtures and equipment. It's impossible to achieve the benefits of reduced class-size if there are not enough classrooms. While schools may be built with "bricks and mortar," they are all about teaching and learning. State law stipulates that the state will pay an average of half the cost of school construction. To improve the level of state support for building and modernizing our schools we must connect requests for increased capital budget spending on K–12 with the goal of improved student learning.

WASA/WSSDA/WASBO believe there is a need to secure additional facility space necessary to accommodate all-day kindergarten and K–3 class size reductions; enhance the state's investment in K–12 construction by updating the School Construction Assistance Program (SCAP) formulas (that is, Construction Cost Allowance and Student Space Allocations); and to advance a constitutional amendment to the people authorizing school district bond issues to be approved with a simple majority vote.

What's Happening Now:

The 2018 Legislature created a **Joint Legislative Task Force to Improve State Funding for School Construction**. The Task Force issued their report in December and unanimously prioritized funding for small rural schools, increasing the SCAP space allocation for K–6

to 130 square feet per student, and providing capital funding to expand facilities to meet K–3 class size reductions. A majority of task force members supported a constitutional amendment permitting a simple majority for passage of school construction bonds.

This session, the Legislature has three primary proposals to consider:

- **Small Rural Schools Grant Program.** SB 5572 creates a new grant program to modernize schools in districts under 1,000 students. These districts have such low property values they can't raise the amount of local funds required under SCAP to repair and modernize their schools. In 2017, a similar bill passed the Senate 44 to 5.
- **Simple Majority.** SJR 8201/SB 5066 along with HJR 4203/HB 1184 would reduce the 60% required for bond passage to a simple majority. This requires a constitutional amendment, which means it must pass the House and the Senate with a two-thirds yes vote and then be ratified by the voters. WASA/WSSDA/WASBO

support this legislation. A possible compromise is also under consideration by the Senate to reduce the 60% supermajority for school bonds to 55% (SJR 8202/SB 5252).

- **Improving School Construction Assistance Program (SCAP) Funding.** The Governor's budget included \$80 million for small rural school modernization, but did not make any improvements to the space allocation or construction costs. There also was no new money in the Governor's Capital Budget for K–3 class size reduction.

Key Message:

Improved state funding for school construction improves student learning. Legislators who served on the Joint Legislative Task Force should be thanked for their efforts. The Capital Budget writers should be encouraged to follow the priorities in the Task Force report and begin to make progress on improving state financing of school construction.

SCHOOL DAY DEFINITION

Background:

During the 2018 Legislative Session, WASA, WSSDA, and other K–12 education partners advocated for more explicit legislative language to be included in updates to EHB 2242 (2017's *McCleary* "solution") that would provide a clear description of the professional responsibilities and duties of full-time educators, beyond direct instruction. Instead of adopting language that would provide more clarity, the Legislature directed OSPI to convene a School Day Task Force to define the duties and responsibilities that entail a "school day" under the state's program of basic education.

Also, the Washington Education Association (WEA) began discussing their collective bargaining strategy which centered around the definition of a "school day." Their strategy was to go to the bargaining table stating that certificated instructional staff should be compensated for a 5.7 hour workday, with any additional work compensated as "enrichment."

WEA cited the definition of enrichment adopted in EHB 2242 as a rationale supporting a 5.7 hour day. EHB 2242, Sec. 501, states: "Enrichment activities are permitted...if they provide supplementation beyond the state minimum instructional offerings..." The calculation used by WEA to determine the 5.7 hour day is based on State Board of Education rules specifying a district wide average of 1,027 instructional hours: 1,027 hours/180 days = 5.71 hours/day.

WASA/WSSDA/WASBO believe the intent of the current law is to create a minimum baseline of student contact time—not to define a state-funded contract day. To counteract the WEA strategy and clarify the issue, we requested amendments to last session's *McCleary* "fix" bill (E2SSB 6362) prior to final adoption. The language would have explicitly stated that the Legislature recognizes that the professional responsibilities, time, and effort required to provide the state's statutory program of basic education exceeds the required number of instructional hours and includes such things as planning, collaboration with other teachers, meeting with parents, and evaluation of student learning. Rather than adopting this language, the Legislature required the creation of a School Day Task Force to examine the issue and provide recommendations to "define the duties and responsibilities that entail a 'school day'."

What's happening now:

The School Day Task Force, convened by Superintendent Reykdal, met three times last fall. The Task Force found that although most teacher contracts generally land on 7.5 hours as a standard work day, research indicates teachers work significantly longer—approximately 9.9 hours a day or 1,782 hours per year. The Task Force acknowledged teachers are "highly trained professionals performing complex, full time work, compressed in the traditional 180 day school calendar"—and following a round of collective bargaining in 2018, teacher salaries have increased to competitive, market levels across the state.

Using this input, Superintendent Reykdal provided three recommendations in early January. The first recommendation gets to the heart of the school day question. The recommendation recognizes three specific segments of time that should be the standard expectation for describing the time of a professional educator totaling approximately between 1,600–1,950 hours: (1) actual time providing direct instruction; (2) additional teacher work time in the school building; and (3) actual teacher work time outside of the school building (non-directed). This seems reasonable and straightforward. Unfortunately, as recommended, the second segment (additional work beyond instruction within the school building) would be subject to local collective bargaining. This could leave school districts with a scenario that is status quo—or worse.

Key Message:

WASA/WSSDA/WASBO believe the area of "additional teacher work time in the school building beyond instruction" should be defined with a clear articulation of minimum expectations for teachers during this time. They would include, but not be limited to direct instruction; preparations, planning, and coordination for that instruction; meeting with and collaborating with parents, teachers, and other staff; and evaluating student learning. We request these minimum expectations be defined by the Legislature in statute, not collectively bargained.