



Washington State
School Directors' Association

Legislative Update

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2013 Legislative Session Summary of Bills Enacted into Law

Gov. Jay Inslee has signed a number of bills into law that will affect what happens in the classroom and at the district level, many of which begin in the 2013-14 school year. Here's a quick summary of these bills with some detail (12 pages). Additional bill information can be found on the [legislative website](#) and also will be provided in the WSSDA 2013 Legislative Session Summary which will be available after an operating budget has been signed into law.

Accountability

For those seeking education reforms, look no further than these two bills. The first would give the Superintendent of Public Instruction more authority over persistently low-performing schools – including setting binding conditions, if it comes to that – and the second sets statewide benchmarks to measure the effectiveness of the state's education system.

E2SSB 5329 – transforming persistently failing schools. Chapter 159, Laws of 2013

This is basically Phase II of the school accountability system that was adopted in 2010 under E2SSB 6696 (Chapter 235, Laws of 2010). It includes the use of state and local intervention models and federal and state funds to provide differentiated support, targeted assistance, and intervention.

The law creates a single system of accountability for Title I, Title I-eligible, and non-Title schools in the state, and answers the question of what happens to a school after three years of focused assistance and funding.

Speaking of funding, changes to RCW 28A.657.060 make it clear that state or federal funding for school improvement must be available before a school district is required to implement a "required action plan." If state and/or federal funds are available, the first round of Required Action Districts (RAD) would begin in the 2014-15 school year or the year following a district's designation as a RAD.

Identification of challenged schools and a subset of schools that are the persistently lowest-achieving schools in the state will begin December 1, 2013, and each December thereafter. OSPI is required to identify schools and notify the State Board of Education (SBE).

Criteria to determine whether a school is a challenged school or persistently lowest-achieving will be adopted by OSPI through rule. The criteria must take into account the school's lack of progress for all students and subgroups of students over a number of years and the level of state or federal resources available to implement a "required action plan." OSPI will also adopt criteria by which to determine whether a school district may be released from RAD or Level 2 status.

If it is approved by the U.S. Department of Education, OSPI is directed to use the Washington Achievement Index that is being revamped by OSPI and the State Board of Education (due in June).

Districts should be aware that the law creates a Level 2 accountability action. Level 2 would apply to school districts with one or more schools that have remained as persistently lowest-achieving for more than three years and have not demonstrated “recent and significant improvement or progress toward exiting that status,” despite implementation of a required action plan. Districts that have been under the federal School Improvement Grant designation would be given an additional year to show progress, or could be designated for Level 2 if sufficient progress isn’t being made, as determined by the SBE.

For districts placed in Level 2, a new “required action plan” would be developed in collaboration with OSPI, and if the school board of directors and OSPI are unable to agree, OSPI would submit the plan to the SBE for approval. An appeals process is available through a group separate from the SBE. The SBE would review the review panel’s recommendations, and the SBE would make the final decision.

The SBE is also directed to propose rules for establishing an accountability framework that creates a unified system of support for challenged schools. The SBE must seek input from the public and interested groups in developing the framework, which is due November 1, 2013.

ESSB 5491 – designating statewide indicators of educational health. Chapter 282, Laws of 2013

This new law sets in place benchmarks to measure the effectiveness of the state education system.

The State Board of Education, OSPI, the Student Achievement Council, the Educational Opportunity Gap Oversight and Accountability Committee, and the Workforce Training and Education Coordinating Board are tasked with developing a process for identifying realistic but challenging system-wide performance goals and measurements for each of the indicators. The performance goals must be set on a biennial basis, and may only be adjusted upward.

The indicators are:

- Percentage of students demonstrating kindergarten readiness, as measured through the Washington Kindergarten Inventory of Developing Skills (WaKIDS) assessment;
- Percentage of students meeting standard on the 4th grade reading assessment;
- Percentage of students meeting standard on the 8th grade math assessment;
- Four-year cohort high school graduation rate;
- Percentage of students during the second quarter after graduation who are either enrolled in post-secondary education or training or are employed, and the percentage during the fourth quarter after graduation who are either enrolled in post-secondary education or training or are employed; and
- Percentage of students enrolled in precollege or remedial courses in college.

An initial report on each indicator is due December 1, 2013, and every “even” year thereafter. If the educational system is not on target to meet the performance goals on any individual indicator, the report must recommend evidence-based reforms intended to improve student achievement in that area.

In the Classroom

A number of bills were signed into law that make changes to curriculum or graduation requirements. None are accompanied by additional funding.

SHB 1397 – adding a requirement to sexual health education. Chapter 85, Laws of 2013

Starting in the 2013-14 school year, public schools that offer sexual health education are encouraged to also include instruction on the legal elements of and consequences of being convicted as a sex offender when the victim is a minor.

OSPI is required to develop and annually update a list of sexual health education curricula consistent with the January 2005 Guidelines for Sexual Health Information and Diseases Prevention. Districts may use the curriculum listed by OSPI or develop their own as long as it complies with the Guidelines.

ESHB 1412 – relating to community service as a graduation requirement. Chapter 176, Laws of 2013

Despite the title, this new law does not make community service a graduation requirement. Instead, by September 1, 2013, school districts are required to adopt a policy that is supportive of community service and provides an incentive, such as recognition or credit, for students who participate in community service.

WSSDA will be developing a model policy for use by districts that do not have community service as a graduation requirement. Districts that have a policy of community service as a graduation requirement are encouraged to send it to Will Clark at w.clark@wssda.org.

SHB 1472 – relating to initiative to improve and expand access to computer science education. Chapter 241, Laws of 2013

Gov. Jay Inslee signed this bill at Rainier Beach High School on May 14th amid smiles and cheers.

Starting next school year, school boards of directors are required to approve AP Computer Science courses as equivalent to high school math or science *provided* the student who is taking AP Computer Science is concurrently enrolled in or has successfully completed Algebra II.

Districts must note on a student's transcript that AP Computer Science qualifies as a math-based quantitative course for students who take the course in their senior year.

SHB 1556 – relating to initiatives in high schools to save lives in the event of cardiac arrest. Chapter 181, Laws of 2013

Starting in the 2013-14 school year, high schools are required to integrate instruction in CPR and the use of automated external defibrillators (AED) into a health course that is required for graduation.

The law requires hands-on practice and the curriculum to be approved by the American Heart Association or Red Cross or based on the most current national evidence-based emergency cardiovascular care guidelines for CPR. The instruction does not have to be provided by a certificated teacher, and certificated teachers are not required to be certified CPR trainers. Students do not have to earn certification in CPR.

In addition, school districts are required to develop a "medical emergency and automated external defibrillator program" for high schools. OSPI will be developing guidance for implementing the program, and guidelines to help school districts seek grants or donations of AEDs to implement this unfunded mandate.

2SHB 1642 – establishing policies to support academic acceleration for high school students. Chapter 184, Laws of 2013

School district boards of directors are encouraged to adopt a policy to automatically enroll a student who passes the reading and writing and/or both math state assessments in the next level of advanced courses

offered at the high school. The objective is that students eventually will be automatically enrolled in courses that offer the opportunity to earn dual credit for high school and college.

The law is permissive, but districts that are interested in applying to the Academic Acceleration Grant Program to be developed by OSPI are required to adopt a policy of automatic enrollment.

We won't know if the grant program will be funded until we see the final operating budget. The House did not include funding in its budget for the new program, while the Senate budget included about \$2 million. At its core, grant funding could be used to support teacher training, curriculum, technology, exam fees, and other costs associated with offering dual credit courses to high school students. More information on the grant program will be available once the 2013-15 operating budget is adopted.

School Operations

This category includes new laws that range from helping prevent youth suicides to stockpiling "epi-pens" to school safety. Some expand authority; some are new requirements, and some create an opportunity to participate in a work group or task force.

SHB 1076 – expanding participation in innovation academy cooperatives. Chapter 192, Laws of 2013

In 2010, a law was enacted that allows two or more non-high school districts to form an interdistrict cooperative to serve high school students who reside in the participating non-high school districts. This new law would allow high school students who reside in other school districts to enroll in the cooperative's reporting district as long as the student is not enrolling exclusively in ALE courses or programs as defined by the ALE statute ([RCW 28A.150.325.](#))

E2SHB 1134 – authorizing state-tribal compact schools. Chapter 242, Laws of 2013

By January 28, 2014, OSPI must establish an application and approval process, procedures, and timelines for the negotiation, approval or disapproval, and execution of state-tribal education compacts.

The compact would be a direct government-to-government agreement between the Tribal Nation and OSPI, and OSPI would apportion funding directly to the tribal education compact school.

The new law allows school districts that have a decline in enrollment due to students attending the state-tribal compact school or that no longer have a contract with a Tribal Nation to continue to count in its district levy base the funding that will go directly to the state-tribal education compact through January 2018.

ESHB 1336 – increasing the capacity of school districts to recognize and respond to troubled youth. Chapter 197, Laws of 2013

Beginning in the 2014-15 school year, each school district must adopt a plan for recognition, initial screening, and response to emotional or behavioral distress in students, including but not limited to, indicators of possible substance abuse, violence, and youth suicide. The district must provide the plan to all district staff each year. The plan may be part of the district plan or policy adopted under the Harassment, Intimidation and Bullying Prevention Policy or the Comprehensive Safe School Plan, and must include at least one MOU between the district and a community organization.

OSPI and the School Safety Advisory Committee are tasked with developing a model school district plan, which is to be posted on the OSPI School Safety Center website by February 1, 2014.

The new law includes a training component for school nurses, social workers, counselors, and psychologists. The training is part of continuing certification, and the Professional Educators Standards Board has the lead in developing the training. The law directs ESDs to develop and maintain the capacity to offer training for educators and other school district staff on youth suicide screening and referral, and on recognition, initial screening, and response to emotional or behavioral distress in students including, but not limited to, indicators of possible substance abuse, violence, and youth suicide.

Finally, OSPI will convene a temporary task force to identify best practices, model programs, and successful strategies for school districts to form partnerships with qualified health, mental health, and social services agencies to coordinate and improve support for youth in need. The report and recommendations are due to the Legislature December 1, 2013.

SHB 1541 – expanding the types of medications that a public or private school employee may administer to include nasal spray. Chapter 180, Laws of 2013

While the title would seem to imply over-the-counter medications, the new law includes the basic sniffle spray and extends to legend drugs and controlled substances used to address epileptic seizures through a nasal spray.

As adopted, the law requires the following for legend drug or controlled substance nasal sprays:

- If a school nurse is on premises, the school nurse must administer the nasal spray.
- If a school nurse is not on premises, the nasal spray may be administered by a trained school employee or a “parent-designated” adult who is not a school nurse.
- The school board of directors shall allow school personnel who have received appropriate training and volunteered for the training, to administer the nasal spray and then summon emergency medical assistance as soon as practicable.
- The school board of directors shall designate a “professional person” (e.g., registered nurse or advanced registered nurse practitioner) to consult and coordinate with a student’s parents and health care provider, and to train and supervise school personnel in proper procedures for care for students with epilepsy. The professional person is not responsible for the supervision of the parent-designated adult for procedures authorized by the parents.
- Parent-designated adults who are school employees are required to receive the school training. Parent-designated adults who are not school employees must show evidence of comparable training and must have training from a health care professional or expert in epileptic seizure care selected by the parents, and who provides care for the child consistent with the individual health plan.

The law goes into effect July 28, 2013. Districts with a policy to allow the administration of oral medication, topical medication, eye drops or ear drops, may want to update the policy to include nasal spray and the administration limits and requirements adopted into statute regarding legend drug or controlled substance nasal sprays.

2SHB 1566 – relating to educational outcomes of youth in out-of-home care. Chapter 182, Laws of 2013

Changes were made for school districts regarding school-aged youth who reside in foster care, including:

- A school may not prevent enrollment in a school if there is incomplete information during the 10 business days the Department of Social and Health Services has to obtain the information. This would include any history of special education programs, disciplinary actions, violent behavior, unpaid fines or fees imposed by other schools and any health conditions affecting the student’s educational needs.

- A school district must make reasonable efforts to obtain and assess a child’s educational history in order to meet the child’s unique needs within two business days.
- A school district must review unexpected or excessive absences with adults involved with the youth.
- A school district representative or a school employee must proactively support the youth’s school work so the student does not fall behind and to avoid suspension or expulsion based on truancy.

ESHB 1633 – modifying school district bidding requirements for improvement and repair projects. Chapter 223, Laws of 2013

This law was brought forward by WSSDA and sponsored by former Issaquah school director Rep. Chad Magendanz.

The bill lifts the threshold for bidding requirements on the total cost of repair and improvement projects using district staff from \$40,000 to \$75,000. The total cost of any building, improvements or repairs that equal or exceed \$75,000 must follow the practices previously used for projects that met or exceeded the \$40,000 limit. Projects more than \$100,000 are required to do the public notice bidding, use a small works roster, or other procedures available to school districts.

ESHB 1688 – reporting incidents of student restraint and isolation in public schools. Chapter 202, Laws of 2013

School districts that have a “Use of Reasonable Force” policy and/or procedures may only need to make a few adjustments to comply with this new law, which focuses on notifying parents or legal guardians when isolation or restraint is used on a student with an IEP or federal 504 Plan. Districts that do not have an existing policy should contact Heidi Maynard, WSSDA’s Policy & Legal Services Director, at h.maynard@wssda.org for the WSSDA model policy on “Use of Reasonable Force.”

The law also defines “isolation,” “restraint,” and “restraint devices.”

The following notice requirements apply to incidents of restraint or isolation that occur while a student is participating in school-sponsored instruction or activities:

- Inform the building administrator or building administrator as soon as possible.
- Within 24 hours, the principal or principal’s designee must make a reasonable effort to verbally inform the student’s parent or guardian.
- Implement follow-up procedures, which include reviewing the incident with the student and the parent or guardian to address the behavior that led to the restraint or isolation and reviewing the incident with the staff member who administered the isolation or restraint to ensure proper procedures were followed.
- Within two business days of the incident, submit a written report to the district office. The written report must include:
 - Date and time of the incident;
 - Name and job title of the individual who administered the restraint or isolation;
 - A description of the activity that led to the incident;
 - The type of restraint or isolation used on the student, including the duration; and
 - Whether the student or staff was physically injured during the restraint or isolation and any medical care provided.
- As soon as practical, but no later than five business days after the incident occurred, send written notification to the student’s parent or guardian.
- If the school or school district customarily provides the parent or guardian with school-related information in a language other than English, the written report must be provided in that language.

- A school that is required to develop an IEP must include within the plan procedures for notification of a parent or guardian regarding the use of restraint or isolation.
- A school must provide a copy of the district policy on the use of isolation and restraint to the parent or guardian when an Individualized Education Program or section 504 Plan is created.

ESHB 1968 – licensing standards for before and after-school programs. Chapter 227, Laws of 2013

Brought forward to address an issue in at least one school district, this new law would require the Washington State Patrol, through the Director of Fire Protection, to adopt minimum licensing standard requirements for before-school and after-school programs in existing buildings approved by the State Fire Marshal.

The minimum standard requirements would be designed to allow children who attend classes in a school building during school hours to remain in the same building to participate in before-school or after-school programs and to allow participation by children who attend other schools but are transported to another school to attend before-school and after-school programs.

ESB 5104 – placing epinephrine autoinjectors in schools. Chapter 268, Laws of 2013

School districts may decide to maintain a supply of epinephrine autoinjectors at a school.

The new law is not mandatory, but districts that decide to stock a supply must follow certain procedures regarding their use on school grounds or during school-sanctioned activities. These include:

- When a student has a prescription for an epinephrine autoinjector on file, the school nurse or designated trained school personnel may use the school district or school supply to respond to an anaphylactic reaction.
- When a student does not have an epinephrine autoinjector or prescription for an epinephrine autoinjector on file, ONLY the school nurse may use the school district or school supply to respond to an anaphylactic reaction.
- School employees who have not agreed in writing to the use of epinephrine autoinjectors as a specific part of their job description may file with the school district a written letter of refusal to use epinephrine autoinjectors. Filing a letter is not grounds for discharge, nonrenewal of an employment contract, or other action that would adversely affect the employee’s contract status.

By December 1, 2013, OSPI is directed to review the anaphylaxis policy guidelines required under RCW 28A.210.380 and make a recommendation to the education committees regarding whether to designate other trained school employees to administer epinephrine autoinjectors to students who do not have a prescription but are demonstrating symptoms of anaphylaxis when a school nurse is not in the vicinity.

Epinephrine autoinjectors may be prescribed by a licensed health professional in the name of the school district or the school. Prescriptions must be accompanied by a standing order for the administration of school-supplied, undesignated epinephrine autoinjectors for potentially life-threatening allergic reactions. Epinephrine autoinjectors that are donated to the school or district must be accompanied by a prescription.

SB 5114 – relating to access to K-12 campuses for occupational or educational information.

Chapter 25, Laws of 2013

School districts must ensure that military recruiters or official recruiters for the AmeriCorps, Jobs Corps, or Peace Corps have the same access to a school property as is provided to representatives of post-secondary occupational or educational representatives.

The access must be equal to and no less than, and include, but not be limited to, the number of days and the type of presentation space.

SSB 5180 – improving access to higher education for students with disabilities.

Chapter 231, Laws of 2013

This 29-person “Task Force on Improving Access to Higher Education for Students with Disabilities” will consider ways to make the transition from high school to post-secondary education more seamless and successful, and select a statewide method for sharing best practices. Among the many items to consider are:

- Whether a statewide inventory of student disability accommodation equipment, software, and resources owned by school districts and post-secondary education institutions is necessary;
- How to ensure students’ interests, goals, and strengths guide the transition planning process;
- How to enable collaboration and communication between and among schools, institutions of higher education, and relevant state agencies;
- How students can plan their high school coursework to sufficiently prepare for the higher education environment.

OSPI will appoint eight members of the task force, including two from OSPI, two from ESDs, and four from local school districts that have high concentrations of students with disabilities enrolled in the district.

A report and recommendations are due December 1, 2013, and annually each December through 2015. School directors who would be interested in serving on the task force should email Marie Sullivan at m.sullivan@wssda.org.

2SSB 5197 – relating to safe school buildings. Chapter 233, Laws of 2013

In the wake of the Newtown, Connecticut tragedy, legislators proposed a number of bills ranging from gun control, guns for school personnel, and school building safety. This new law has three main components:

1. The OSPI School Safety Advisory Committee (SSAC) shall develop model policies and strategies for school districts and local law enforcement agencies to design emergency response systems using evolving technology to expedite the response and arrival of law enforcement in the event of a threat or emergency at a school. The model policy must be posted to the School Safety Center website by December 1, 2013.
2. School districts may use the model policy or coordinate with their local law enforcement to develop their own. Each district must submit a progress report on its implementation of the policy to OSPI by December 1, 2014.
3. The SSAC must also develop recommendations incorporating school safety features into the planning and design of new or remodeled school facilities. At a minimum, the recommendations should address:
 - Options on public access to school buildings and grounds;
 - Interior design features for public access to classrooms;
 - Options and best practices to protect students and staff with a threat during school hours.

In a similar vein, the new law directs district boards of directors to:

- Consider installing a perimeter security control mechanism or system on all school campuses, as appropriate to the design of the campus; and
- For new school construction or remodeling projects of more than 40 percent of an existing school building, consider plans and designs that promote: an optimal level of security for the school site to protect students and staff; direct control and observation of the public entering school grounds; and limiting public entrance to the school through as few entrances as possible.

The Senate 2013-15 capital budget included \$10 million to support school building projects that aligned with the bill.

SSB 5316 – adopting a model policy to require a third person be present during interviews with law enforcement. Chapter 49, Laws of 2013

WSSDA is already working with law enforcement to create a model policy and/or procedures to allow a neutral third party to sit in on an interview on school property between law enforcement and a student regarding issues of abuse.

Districts that are interested in participating in development of this policy should contact Heidi Maynard, WSSDA's Director of Policy & Legal Services, at h.maynard@wssda.org.

ESSB 5563 – training school employees in the prevention of sexual abuse. Chapter 10, Laws of 2013

Certificated and classified school employees who become aware or have cause to believe that a student has been a victim of physical abuse or sexual misconduct by another school employee shall report the abuse or misconduct to the appropriate school administrator. Under this law, existing staff could have the reporting obligations training incorporated into existing training programs and resources.

In addition, as part of a teacher's initial certification, after July 28, 2013, the content of a course on "abuse" is expanded to include sexual abuse, commercial sexual abuse of a minor and sexual exploitation of a minor.

Finally, the Washington Coalition of Sexual Assault Programs, along with law enforcement, education associations, state agencies, OSPI, and other relevant associations, are required to update by June 1, 2014 existing educational materials that can be made available throughout the state to inform parents and other interested community members about:

- Laws related to sex offenses, including registration, community notification, and the classification of sex offenders based on an assessment of risk of reoffending;
- How to recognize behaviors characteristic of sex offenses and sex offenders;
- How to prevent victimization, particularly that of young children;
- How to take advantage of community resources for victims of sexual assault;
- How to prevent children from being recruited into sex trafficking; and
- Other information deemed appropriate.

ESB 5620 – relating to school safety. Chapter 14, Laws of 2013

The idea for this law was brought forward by superintendents in the Yakima valley. Basically the law changes the number and type of drills required at public schools to include three for lockdowns, three for fire evacuation, one using the school mapping information system, one for shelter-in-place, and one other safety-related drill to be determined by the school.

ESSB 5709 – authorizing a pilot program to demonstrate the feasibility of using densified biomass to heat public schools. Chapter 308, Laws of 2013

Subject to receiving federal and private funds for this purpose, the WSU Energy Program must develop and initiate a pilot program to demonstrate the feasibility of using densified biomass to heat public schools by December 1, 2013.

The pilot program must replace the current heating systems in two public schools with heating systems that use densified biomass (wood pellets) as a fuel. One of the schools must be in western Washington and the other must be in Pend Oreille County. Selection factors for a pilot site include:

- The proximity to a currently operating densified biomass manufacturing facility;
- The age and condition of the school's heating system; and
- The school's design resembles other schools of its class.

A summary of the pilot program and report of findings is due December 31, 2015. The report must include an analysis extrapolating the results to other similarly situated schools in the state. The pilot program expires December 15, 2015.

Still to come – Special Session legislation

A number of bills failed to pass during the 105-day session but are either still likely to be considered in the special session due to their impact on the budget (i.e., estimated savings) or have been labeled as "Necessary to Implement the Budget" (NTIB). All bills, regardless of where they ended on April 29, have returned to their chamber of origin.

Bills related to the budget include:

- **ESHB 2038 – investing in the education legacy trust account for K-12 basic education and higher education by narrowing or eliminating tax preferences and extending taxes set to expire.**

This bill forms one prong of the House Democrats' revenue strategy, worth about \$900 million.

- **HB 2043 – relating to temporarily suspending inflationary increases in educational employee compensation.**

This bill would suspend I-732 (teacher COLAs) for the 2013-15 biennium.

- **HB 2046 – transferring funds from the budget stabilization account to the general fund.**

This bill would transfer \$408 million in fiscal year 2014 and \$167 million in fiscal year 2015 from the state's Rainy Day Fund to the general fund. To pass, the bill would require a 60 percent vote in favor.

- **HB 2047 – reducing the costs of the student assessment system by using consortium-developed assessments and reducing the assessments required for graduation to three content areas.**

This bill would reduce the number of assessments required for graduation from five to three, starting with the 2013-14 school year. Beginning with the graduating class of 2015, students would be required to meet state standard in English Language Arts instead of reading and writing, although students could use their scores on the reading and writing assessments administered in the 2013-14 school year if they preferred. The 2012-13 school year would be the last year the geometry end-of-course assessment would be given.

- **SHB 2051 – implementing basic education expenditures.**

This is the House Democrats' answer to the McCleary decision. It would adopt a linear phase-in schedule for funding aspects of ESHB 2261 (Chapter 548, Laws of 2009). Among its many sections, the bill includes full funding for:

- Transportation by FY15
- MSOC by FY16
- Phasing in full-day kindergarten, smaller class sizes, instructional hours

- Additional school counselors, LAP, the Transitional Bilingual Instruction Program (including two years of funding for students who exit the program), and family engagement.
- A 24-credit diploma, starting with the graduating class of 2018, which would include three credits of science.

- **2SSB 5794 – relating to alternative learning experience (ALE) courses.**

The bill would change ALE “programs” to “courses,” set a minimum level of weekly direct instructional interaction with a certificated teacher, and would modify funding for non-resident students enrolled in ALE.

As adopted by the House Appropriations Committee, non-resident students would count at 100 percent funding if any ONE of the following conditions was met:

- All ALE courses identified in the student’s written student learning plan are online courses;
- The ALE course in which the student is enrolled is a “site-based” course, which means a student has in-person instructional contact time for at least 20 percent of the total weekly time for the course;
- At least 90 percent of the school district’s total headcount number of students enrolled in ALE courses consist of students who reside in the district; or
- The student resides in an adjacent school district.

It is expected that the bill will be part of the special session due to the way nonresident students would be counted for full funding. A new fiscal note has been released into the system and is available for review.

- **ESSB 5895 – relating to education funding.**

This is the Senate Majority Caucus education revenue approach. It includes fund transfers from accounts dedicated to other purposes at this time, transferring the trust land revenues from the school construction account to the education legacy account, repealing I-732, decreasing the debt limit, and more. The bill does not include eliminating tax preferences or extending existing taxes set to expire.

- **SSB 5898 – increasing education funding, including adjusting school district levy and state levy equalization provisions.**

This bill would put some of the Senate budget proposals for education funding into statute, including changing the timing for transportation and MSOC, and eliminating the 2007-08 base rate for inflation for MSOC. The bill also would begin to roll back the four percent levy authority increase granted in 2010, starting with January 2015. The Local Effort Assistance matching percentage would decrease accordingly, starting with a half a percent decrease January 2015.

- **ESSB 5905 – modifying employee eligibility for health insurance benefits consistent with the employer shared responsibility provisions of the Patient Protection and Affordable Care Act adopted at the federal level.**

This bill assumes an \$87 million savings in the budget by moving state and school district part-time staff to the new State Health Benefit Exchange that will be open for enrollment starting January 2014. The proposal would leave a three-month gap in coverage for employees moved to the Exchange, and the Exchange does not include dental or vision coverage.

As it passed the Senate, beginning with the 2013-14 school year, school districts would be required to identify opportunities for using the health plans, premium credits, and subsidies available through the Washington Health Benefit Exchange to provide affordable health insurance benefits for part-time employees.

From funding provided in the biennial appropriations act and other funding sources, school districts would establish compensation arrangements to reimburse a portion of premium or out-of-pocket costs of part-time employees who obtain health insurance coverage through the exchange. Compensation could be provided by the school district in a manner that will best promote the bill's legislative goals.

And the rest of the story

The news media recently reported that the Senate Majority Caucus has a list of 33 bills they want to see passed as part of the special session. The Associated Press is reported to have the list, but it hasn't been made public, and some members of the negotiating team have expressed frustration that it was released.

While we don't know exactly what's on the list, we can make an educated guess. Here are a couple of ideas that have been floating around but didn't cross the finish line in 105 days. It is by no means exhaustive.

- **Grading schools.** The two bills that include school grading are SB 5328 and SB 5901. While slightly different, the bills would slap a letter grade on schools based on the State Board of Education's renamed (under SB 5329) "Achievement Index." Grading schools in other states has failed to produce better student outcomes; during testimony former WSSDA President suggested the Legislature get a grade. Failing to adopt a budget in 105 days? Letter grade: F
- **Mutual consent.** SB 5242 would give school principals the authority to say no to a teacher transfer, regardless of the reason. While ed reformers say this will stop "the dance of the lemons," the reality is this bill has unintended consequences and applies to all teachers, not just those receiving an unsatisfactory evaluation. If the goal is to remove poor performing teachers, the Legislature should allow the new teacher evaluation system to do its job. And, by the way, it might want to fund training in the new system outside of the regular school day. The WSSDA Board opposes the bill as written and does not support developing an alternative this session.
- **TRI payments.** Buried in SB 5330 and SB 5901, the Legislature would cap TRI or, even better, give the State Board of Education the authority to decide which teachers get TRI increases based on the letter grade of the school. The Compensation Technical Working Group came up with a solution (which SB 5330 embraces) to allow districts to use funds other than state appropriations up to 10 percent of the state's salary allocation for TRI. Conversations continue on how to get a handle on TRI without addressing the reason TRI is used – regional differences and cost-of-living adjustments. Hmmm ...
- **3rd grade reading.** SB 5237 as it passed the Senate would have required automatic retention of most 3rd graders who score a Level 1 on the reading MSP – or the option of attending summer school or some other remedial program agreed to with the parent or guardian. The Senate bill also would have reprioritized LAP funding, requiring it to be spent on reading. The House significantly changed the bill to focus more on remediation for grades K-3, including diagnostic testing to determine why a student may be struggling in reading. WSSDA's Board recently adopted a position to oppose retention based on a single assessment, and to support additional funding for early intervention.

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