

Legislative Summary 2009

Welcome to the Washington State School Directors' Association Legislative Summary of 2009. This publication is intended to provide an overview of the actions of the 2009 Regular Session of the Washington State Legislature, as they relate to K-12 educational matters.

An assortment of information is contained inside, including:

- The state budgets (Operating and Capital);
- Actions taken on several of WSSDA's member-voted priorities;
- Education-related bills finally adopted;
- Education-related bills that failed to pass; and
- Information about WSSDA's advocacy process.

This end-of-session summary is also a tool for WSSDA members, as our elected Legislative Committee continues to examine our advocacy process. If you have comments or suggestions, please contact a WSSDA Legislative Committee member or a member of the WSSDA staff. Rosters are located at the end of this Summary.

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Session 2009: Taking the Good with the Bad

By Daniel P. Steele, WSSDA Assistant Executive Director, Governmental Relations

The 2009 Legislative Session was another bumpy ride for K-12 education — and WSSDA. With a large budget deficit nobody expected an “easy” session; however, no one could have predicted the dreadful 105 days that first session of the 61st Legislature became. Tensions ran high, tempers often flared and trust was shaken. The focal point of much of the stress was the 2009-11 Operating Budget. Forced to grapple with a \$9 billion budget deficit (the largest in state history), the final budget makes over \$3 billion in programmatic reductions in all areas of state government. K-12 education — the state’s constitutional paramount duty — was cut by \$1.4 billion. The only thing that saved the Legislature from making even more devastating cuts (from K-12 and other areas) was an influx of federal dollars following Congress’ adoption of the American Recovery and Reinvestment Act.

Of course, there were stresses outside of the budget as well. In K-12 education, a restructuring of the state’s education finance system was a major focus — and a major point of contention. Bills were introduced to implement recommendations of the Joint Task Force on Basic Education Finance and additional bills were introduced to implement an education funding plan proposed by the Full Funding Coalition. Many education community members — and many legislators — lined up behind one set of bills or the other and attacked the “other side.” Several legislators took advantage of these divisions and did their best to further fracture the education community (seeking to utilize a classic “divide and conquer” strategy). The fight became extremely contentious and ugly (and it may very well take time for some wounds to heal). In the end, legislation was ultimately adopted committing the state to a major overhaul of its basic education financing system. Unfortunately, the bill does not include funding to support the restructured K-12 finance system it envisions.

The issue of education unfunded mandates finally caught fire in the Legislature; however, in the end little was accomplished. A package of bills was introduced to repeal, suspend or amend a whole series of unfunded mandates. In the end, only one of the bills was successfully adopted, although it had been so watered down before being enacted that it will make little real difference. The most positive impact of the issue was that legislators were actually forced to think long and hard about unfunded mandates and consciously decide whether or not they should introduce or adopt certain bills.

2009 Major Successes

Even though this was a frustrating session and there were multiple disappointments, WSSDA can also point to several “wins,” including:

- The Basic Education Finance Reform bill that was ultimately adopted by the Legislature includes provisions strongly advocated by WSSDA. Those provisions include the prototypical allocation model, and an ongoing oversight group (i.e., Quality Education Council). Additionally, WSSDA is a named

Editor’s Note:

My thanks to WSSDA’s Legislative Committee, Board of Directors, and all our members who participated in our advocacy process. Additional thanks go to: Barbara Mertens, my WASA counterpart, for her continuing counsel, good humor and friendship; and WEA’s Lucinda Young, someone with whom I don’t always agree, personally or professionally, but I never hesitate to trust.

Thank you also to WSSDA’s Communications Team — David Brine and Kate Vikstrom — for their assistance in ensuring the professional look of Impact, the Daily Legislative Updates and this Summary. Last, but not least, thank you to Sheila Chard for her ongoing support, good nature and ability to keep me organized.

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participant in three of the Working Groups that will continue to develop further details of the new education funding system.

- Attempts to drastically reduce levy equalization and/or increase the school levy lid were defeated. We supported the extension of the sunset date of the current enhancement of levy bases and chose not to actively oppose the governor's proposal to temporarily lift the levy lid for school districts that already had a voter-approved levy in place. Legislators, however, tried to take a much bigger bite of the apple and tried to advance legislation that would have both increased the levy lid and reduced levy equalization, while at the same time would have expanded levy bases and allowed for "supplemental" levies to be adopted.
- Legislation to limit attorney-client privilege provisions of the Open Public Meetings Act and the Public Records Act, along with legislation requiring governing bodies to record executive sessions, was rejected.
- Legislation (specifically, amendments included in SB 5880) to alter WSSDA's membership structure by eliminating current law provisions for automatic membership was rejected. Legislators generally understood the need for a statewide organization that can represent the unique perspective of locally elected school board members.

Next Steps

The 2009 Legislative Session is over, but advocacy is a continuous process. And the real work begins now. As the Legislature, the Quality Education Council and multiple working groups begin to implement a new education finance system, it is incumbent upon us to be involved and ensure the system is implemented successfully. As the State Board of Education continues to develop a statewide accountability system, it is incumbent upon us to keep apprised of its work — and express our concerns. As OSPI and the State Board continue to redesign the state's assessment system, it is incumbent upon us to keep an eye on their work.

This End of Session Summary should be viewed as the starting point for the 2010 Legislative Session. Advocacy is based on relationships and continual contact with your legislators is essential for you to be an effective advocate for public education. Contact your legislators now (and often) and continue to build good relationships with them. Help legislators understand the complexities of public education — and your needs. Establish trust and credibility so they will come to you for information and advice.

The 2009-11 Operating Budget (ESHB 1244)

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

Prior to the 2009 Legislature convening in January, there was an expected “deficit” of almost \$6 billion (that is, there was a shortfall between anticipated revenues for the biennium compared to the expected amount of money needed to maintain state services at current levels, plus mandatory caseload increases). Governor Gregoire, as required by law, introduced a budget request in December. With an expected deficit of nearly \$6 billion, Gregoire’s request made significant reductions in almost all areas of government, including K-12 education. Because nearly 80 percent of the K-12 budget is constitutionally protected as “basic education,” much of the K-12 budget was spared the knife in Gregoire’s proposal; however, the 20 percent of “non-protected” education spending became a target for major cuts, as all sectors of government were asked to share the pain of a potentially devastating budget deficit. Gregoire’s proposed K-12 cuts included: a suspension of Initiative 732 cost of living adjustments; a 21 percent reduction of Initiative 728 Student Achievement Funds; a 33 percent reduction in Local Effort Assistance (LEA or levy equalization); and the suspension, reduction or elimination of numerous smaller programs she described as “lower priority.”

When the legislative session began, it was clear that the main focus was going to be the budget — and, specifi-

cally, how to solve the growing deficit predicament. Because of the extraordinary budget circumstances — the state has never faced a budget deficit this large — legislative leaders requested the state’s Economic Revenue & Forecast Council to provide a preliminary revenue forecast update in advance of its official quarterly forecast scheduled for March 19. The Council’s “early guidance” forecast, released on February 19, reduced expected revenues from the November 2008 forecast by \$721 million for 2007-09 (the current biennium that ends June 30) and reduced expected revenues in 2009-11 by \$1.6 billion — for a total of \$2.3 billion. The expected budget deficit then was pegged at approximately \$8.3 billion. Just one month later, the Forecast Council released its official forecast update with an estimated reduction of another \$550 million in anticipated revenue for the 2009-11 biennium. This additional reduction, combined with projected increasing caseloads (K-12 enrollment, prison populations and social services, for example), brought the projected budget deficit for the biennium to almost \$9 billion.

Legislation was introduced and adopted early in the session (see ESHB 1694, Bills Passed) to make some selected budget cuts in the current biennium in an effort to ward off steeper cuts later. Adopting this bill reduced (slightly) the budget gap that the Legislature had to bridge in the 2009-11 budget. Following introductions of budget proposals from the Senate and the House of Representatives — and following lengthy and difficult closed-door negotiations between budgets-writers in each house — the Legislature ultimately adopted a 2009-11 Operating

Budget that appropriates \$31.4 billion, leaving approximately \$822 million in reserve. K-12 education will receive \$13.7 billion, which is a reduction of over \$750 million — not including compensation adjustments. When compensation-related adjustments are included, the total amount of K-12 reductions jumps to over \$1.4 billion.

The 2009-11 Operating Budget uses a seven-step approach to solve the \$9 billion budget problem:

- Employee compensation: Suspending I-732 COLAs and modifying actuarial assumptions and methods used for determining public employee retirement contributions saves \$834 million.
- Federal stimulus funds: The final budget utilizes slightly over \$3 billion in federal economic stimulus funds (made available from the federal government’s adoption of the American Recovery and Reinvestment Act). For K-12 education, “fiscal stabilization” funds are used to fully restore cuts to I-728 in the current biennium and partially restore cuts to I-728 and levy equalization in the upcoming biennium.
- Budget reductions: In addition to compensation savings, the budget makes slightly over \$3.2 billion in programmatic reductions in all areas of state government.
- Capital Budget resources: The Operating Budget utilizes \$777 million of cash-related funds typically appropriated in the Capital Budget. This includes \$194 million of the Education Construction Account, which is then back-filled

with state bonds to fully fund the School Construction Assistance Grant Program (see Capital Budget review in the next section of this Summary).

- Budget Stabilization Account: The budget transfers a total of \$445 million from the “Rainy Day Fund” to the state general fund.
- Other transfers and new resources: In addition to Capital Budget transfers and transfers from the Rainy Day Fund, the budget makes \$160 million in additional transfers from various funds to increase General Fund-State reserves. The final budget also assumes several revenue-related measures that on net will increase revenues by a combined total of \$101 million and another \$141 million in “budget-driven” revenue.
- ESHB 1694 transfers and reductions: The “early action” bill adopted by the Legislature included \$91 million in fund transfers and approximately \$290 million in various reductions or savings measures.

The following information describes the many reductions, along with a few enhancements, made to the K-12 education portion of the budget.

K-12 Reductions and/or “savings”

Initiative 728 Student Achievement Funds – (\$600.0 million)

The per student allocations required by I-728 (for class size reductions, all-day kindergarten, professional development, etc.) are reduced. Funding levels drop from the current rate of \$458 per student to \$131 per student

in the 2009-10 school year and \$99 per student in the 2010-11 school year. This represents a 71.4 percent reduction and a 78.6 percent reduction in the two school years, respectively.

Initiative 732 COLAs – (\$352.6 million)

Initiative 732’s mandatory cost of living adjustments for K-12 employees are suspended for the 2009-11 biennium. The COLAs would have been 4.2 percent in the 2009-10 school year and another 0.1 percent in the 2010-11 school year.

Local Effort Assistance – (\$60.3 million)

LEA or levy equalization, providing additional resources to mitigate the impact local levies can have on property-poor school districts is reduced approximately 15 percent in calendar years 2010 and 2011 on a prorated basis. (NOTE: Current law requires LEA to be fully funded. Because legislation (see HB 1776, Bills Not Passed) amending this current law requirement was not adopted, this reduction cannot be implemented.)

Professional development – (\$39.7 million)

Funding for professional development in the areas of math and science is eliminated. Funding is still provided, however, for the final two months of the 2008-09 school year (July and August), which fall in Fiscal Year 2010. This funding, provided in the 2007-09 biennium, supported additional learning improvement days for middle and high school math and science teachers to receive professional development on new math and science curriculum standards and best practices.

Learning Improvement Days – (\$35.7 million)

State funding for one (of two remaining) Learning Improvement Days allocated through the general apportionment formula is discontinued.

WASL changes – (\$8.5 million)

Funding for the state assessment system is reduced to reflect projected savings from implementing recommendations from the legislative WASL work group (see ESSB 5414, Bills Passed). It is expected that revisions will be made to reduce the number of open-ended questions and extended responses, as well as revisit alternative assessments and the appeals process. It is anticipated that collections of evidence will be limited to only the content areas in which a student has to pass the high school WASL to graduate (reading and writing).

Library services – (\$8.0 million)

Funding for the school library services allocation, which supported per student allocations to school districts for library-related materials and expenses, is discontinued.

LASER – (\$5.0 million)

State support for the Leadership & Assistance for Science Education Reform (LASER) program was expanded in the 2007 Legislative session. Supported by the Pacific Science Center, the LASER program is a statewide project to implement hands-on science curriculum through ten regional school district alliances. The 2009-11 budget reduces funding by 83 percent.

National Board bonus – (\$4.6 million)

The inflationary increase in the value of the National Board for Professional

Teaching Standards (NBPTS) bonus program is temporarily suspended. The bonus program is continued during the 2009-11 fiscal period at the current per-teacher payment level.

Math & science coaches – (\$3.9 million)

Funding for the Math and Science Instructional Coach Program is reduced by 50 percent.

Building Bridges grants – (\$3.7 million)

Funding for the Building Bridges program is reduced by 50 percent. The program, first funded in Fiscal Year 2008, awards grants to local school and community partnerships for drop-out prevention and reduction activities.

Math Helping Corps – (\$3.5 million)

Funding for the Math Helping Corps, supporting the work of teams of coaches providing technical assistance to schools struggling in math, is discontinued.

Administrative reductions – (\$3.2 million)

The OSPI operations budget is reduced by \$2.0 million, and the Educational Service Districts' budgets are reduced by \$1.2 million, as part of statewide administrative reductions.

21st Century After School Program – (\$3.0 million)

Funding for the 21st Century After School Program is discontinued. The funding supported programs supplementing standard instruction with extended day and extended year instructional activities.

Segmented math – (\$2.8 million)

Funding for a segmented math assessment tool is discontinued. The assessment tool separated math content areas into individual tests so that not all areas were tested in one sitting.

Pacific Science Center – (\$2.4 million)

State funding for educational programs provided by the Pacific Science Center is reduced by about 50 percent.

K-3 demonstration projects – (\$2.1 million)

Funding is eliminated for three schools to serve as demonstration projects for full-day kindergarten and class-size ratios of 18:1 from kindergarten through third grade.

Focused assistance – (\$2.0 million)

State funding for the focused assistance program is reduced by \$2.0 million in the 2009-11 fiscal biennium. The remaining state-funded program totals \$6.1 million for the biennium. The focused assistance program provides technical assistance to schools and school districts struggling to meet adequate yearly progress benchmarks established by the federal government who do not qualify for Title I federal funds for the purpose.

Alternate routes – (\$1.7 million)

Funding for alternate route programs for prospective teachers is reduced by approximately 40 percent. The program is administered by the Professional Educator Standards Board and is designed to recruit teachers in shortage areas.

School safety plans – (\$1.6 million)

Funding for school safety planning is eliminated. The funding supported planning grants to districts to develop comprehensive school safety plans and conduct safety drills.

ELL pilot project – (\$1.4 million)

Funding for an English language learner pilot project is discontinued. The funding supported the participation of select districts in piloting curriculum and professional development models in collaboration with a college, university, or other technical assistance provider.

Paraprofessional training – (\$1.1 million)

Funding for paraprofessional training programs is eliminated. The funding supported regional coordination of instructional aide training opportunities in each region, include in-service training, conferences, and on-line training.

WASL graduation requirements – (\$1.1 million)

Savings are assumed from the implementation of HB 1562 (see Bills Passed), which removes the requirement that high school students must continue to take the mathematics WASL, or another appropriate assessment, each year in order to graduate without a Certificate of Academic Achievement.

Math/science standards review – (\$1.0 million)

Funding to support OSPI's review of math and science standards is discontinued. The funding supported the evaluation of mathematics, science, and reading instructional materials

to determine the degree of alignment with state standards.

Accountability institutes – (\$1.0 million)

Funding for OSPI's summer accountability institutes is discontinued. The funding supported conference-style professional development retreats and seminars covering a broad range of issues such as curriculum planning, assessment issues, and research.

Principal mentorships – (\$976,000)

Funding for the Principal Support Program is discontinued. The program provides assistance, assessment, and mentoring to principals in their first three years of service.

Anti-bias training – (\$650,000)

Funding for anti-bias training and cultural competency training programs is eliminated. This demonstration project was first funded in school year 2006-07 to provide anti-bias and cultural-competency training to a select number of district personnel to increase their ability to provide for students.

Local farms & healthy kids – (\$600,000)

Funding for the Washington Grown Fresh Fruits and Vegetables program, which was established in the 2008 Legislative session, is reduced by 50 percent. The program provides funding to schools to purchase Washington-grown fresh and fresh-frozen fruits and vegetables to offer to children as snacks.

Diagnostic testing – (\$500,000)

Funding for allocations to districts to support diagnostic assessment tools is

reduced. Remaining Education Legacy Trust funding totals \$4.4 million.

Washington Achievers Scholars – (\$500,000)

The Washington Achievers Scholars program was implemented in school year 2005-06 to provide mentorship to low-income high school students in their junior and senior years of high school, and as they transition into the first year of college. The program is reduced by 20 percent.

Non-violence training – (\$442,000)

The Non-violence Leadership Program, conducted by the Institute for Community Leadership, provides training to school staff and students regarding non-violence. The program is funded at 18.5 percent of the 2007-09 level.

After-school math programs – (\$400,000)

Funding for grants to support math instruction in after-school programs is discontinued. Currently, five community-based organizations receive grants for after-school programs in the King County area.

Leadership Academy – (\$400,000)

Funding for the Washington Leadership Academy is reduced by 20 percent. The remaining funding is \$1.6 million for the 2009-11 biennium. The Academy supports professional development and training for school administrators.

Administrator internships – (\$350,000)

Funding for administrator internships is reduced. The funding supports the Washington State Educational

Leadership Intern Program, which provides partial release time for district employees to participate in programs designed to mentor future school administrators.

Robotics program – (\$300,000)

The For Inspiration and Recognition of Science and Technology (FIRST) Robotics Program funds grants to high schools to enhance participation in current robotics programs, as well as start up new programs, throughout the state. State funding for the program is discontinued.

Dyslexia pilot project – (\$298,000)

The recommendations from the dyslexia pilot project are implemented. The program will provide curricula, materials, and teacher support to improve the reading skills of students with dyslexia.

Civil liberties education – (\$292,000)

Funding for a civil liberties education program is discontinued. The program creates educational materials, videos, and curriculum guides building awareness of World War II and Japanese internment issues.

Reading diagnostic assessments – (\$250,000)

Funding for the development of reading models and identification of aligned diagnostic assessment tools is discontinued.

Legislative Youth Advisory Council – (\$228,000)

State funding for Legislative Youth Advisory Council, first funded in Fiscal Year 2008, is eliminated. The Council

of 22 statewide members advises legislators on issues of importance to youth.

Center for the Improvement of Student Learning – (\$216,000)

Funding for the Center for the Improvement of Student Learning is reduced.

Classified staff training – (\$200,000)

Classified-instructional assistants' training, implemented in 2008 to provide professional development opportunities to instructional assistants, is eliminated.

Four-day week pilot – (\$154,000)

Savings assumed from the implementation of HB 1292 (see Bills Passed) is reflected in the final budget. There is a projected savings of \$154,000 to the state resulting from a five school district pilot of a four-day school week calendar. Savings are anticipated primarily in transportation and food service formula allocations.

LEAP bilingual pilot – (\$150,000)

The Latino/a Educational Achievement Project (LEAP) bilingual pilot, first funded in Fiscal Year 2008, is reduced by 50 percent. The program is designed to encourage bilingual high school students to pursue public school teaching as a profession, and provides funds for a contract with LEAP to identify and mentor bilingual students in their junior year and encourage them to become school teachers.

Discontinued studies – (\$148,000)

Funding for a study of labor market supply for math and science teachers

by the Professional Educator Standards Board is discontinued. Additionally, \$6,000 in funding for administrative activities by OSPI associated with the implementation of legislation regarding the provision of medically and scientifically accurate sexual health education in schools (ESSB 5297 adopted in 2007) is discontinued.

Second grade reading assessment – (\$140,000)

Funding for second grade reading assessments is discontinued. The funding supports training for teachers in administering a second grade oral reading assessment designed to gauge early literacy levels.

Mentoring AP program – (\$140,000)

Funding to increase the number of students participating in the Mentoring Advanced Placement Program in Southwest Washington is discontinued. This program, funded for Fiscal Years 2008 and 2009, encourages students to take Advance Placement classes and matches them with mentors who are experts in the field.

Bremerton Lighthouse Project – (\$130,000)

Funding for the Bremerton Lighthouse Program is eliminated. Funding supported technical assistance activities of the Bremerton School District in helping other school districts to implement new full-day kindergarten programs.

World War II oral history project – (\$100,000)

Funding for the World War II oral history project coordinated by OSPI and the WWII Memorial Education Foundation is reduced by two-thirds. The project was established to provide oral history presentations, documenta-

tion, and other materials to OSPI for assistance with curriculum development.

Staff Recognition Award – (\$84,000)

The Classified Staff Recognition Award, implemented in 2007 to recognize the work of school and district classified staff, is eliminated.

Internet safety – (\$80,000)

Funding that supported the development of pamphlets on Internet safety for distribution through schools is eliminated.

Civics education – (\$72,000)

Funding to support civics education is discontinued. The funding provided grants to districts for curriculum alignment and lesson planning.

Incarcerated family programs – (\$62,000)

Funding for this program is eliminated. OSPI has reviewed policies and programs, worked to improve data systems, surveyed educators, provided training, and created a toolkit for school districts to provide educators with a better understanding of how to support students with an incarcerated parent.

Cispus – (\$62,000)

Funding for the Cispus Environmental Learning Center is discontinued. The Center provides facilities for outdoor environmental and science education for elementary school students.

Youth Suicide Prevention – (\$60,000)

The Youth Suicide Prevention Program was created to develop pilot projects to assist schools in addressing sui-

cide concerns among students. The program is funded at 70 percent of its 2007-09 level.

College Bound Scholarship coordination – (\$54,000)

Funding for OSPI to generate flyers and other promotional materials for the College Bound Scholarship program is discontinued.

Compana Quetzal – (\$50,000)

Compana Quetzal is a Seattle-based community organization providing a variety of support programs focused on the Latino/a community, including early childhood programs, secondary to post-secondary transition guidance, and parent leadership. Funding for Compana Quetzal is reduced by one-third.

Choice Transportation – (\$10,000)

The Choice Transportation Program provided transportation services to low-income students who transfer to “choice” programs solely for educational reasons; however, the program has been under-utilized in recent years. Funding for the program is removed.

K-12 Policy Enhancements

Conditional National Board bonus – \$3.0 million

During the 2009-10 and 2010-11 school years, certificated instructional staff who have met the eligibility requirements and have applied for certification from the National Board for Professional Teaching Standards shall receive a conditional \$2,000 or the amount set by OSPI for the current assessment fee, not including the initial up-front candidacy payment.

The program is limited to the funding appropriated by the state plus available private or local contributions. If the certification is not earned within three years, the teacher will reimburse the state for the conditional funding.

Education data system – \$2.5 million

Funding is provided to establish a comprehensive education data improvement system for financial, student, and educator data as envisioned in SB 5941 (see Bills Not Passed) and embedded in ESHB 2261 (see Bills Passed).

Education finance system – \$1.9 million

Funding is provided to implement ESHB 2261 (see Bills Passed), designing a new education finance system. Funding is provided to OSPI for research and development activities associated with creating options for new school finance systems, including technical staff, reprogramming, and analysis of alternative student funding formulae. Within this amount is \$150,000 for the State Board of Education for further development of accountability systems, and \$150,000 for the Professional Educator Standards Board for continued development of teacher certification and evaluation systems.

An additional appropriation of \$1.1 million is provided to the Office of Financial Management to convene a technical working group described in ESHB 2261 to: develop the details of the funding formulas; recommend an implementation schedule for phasing in any increased program and instructional requirements; and examine possible sources of revenue. \$70,000 is also provided to the Legislative Evaluation and Program Committee

to assist with a K-12 data governance group.

Middle school CTE – \$1.5 million

Funding is provided to support education programs in middle schools that focus on science, engineering, technology, and math (STEM), as described in 2SSB 5676 (see Bills Passed).

Online learning – \$1.4 million

Funding is provided to implement SSB 5410 (see Bills Passed), creating an Office of Online Learning at OSPI and to review current online courses and programs.

OSPI technology upgrades – \$839,000

OSPI’s apportionment and student enrollment information technology system is being converted to a new platform. The project will improve the capacity of the system and align the data collection and processing with internal budgeting and expenditure systems. Funding provided will complete the project.

K-4 allocation adjustment – \$757,000

School districts that fail to maintain the targeted staffing ratio established in the state Operating Budget for the purpose of allocating class-size reductions have historically forfeited the additional allocated funds. Eligible school districts will now be able to retain those funds.

PESB/OSPI reorganization – \$176,000

Funding is provided to implement SHB 2003 (see Bills Passed), reorganizing the Professional Educator Standards Board. The fiscal impact has two components: projected cost savings

are based on reducing the membership of the PESB from 20 members to 12 members (-\$44,000), and a cost of \$220,000 to support the work of the PESB in assuming new responsibilities for educator certification. The net cost is \$176,000 for 2009-11.

Student achievement gap – \$102,000

Funding is provided for implementation of 2SSB 5973 (see Bills Passed). Funding will support staffing and convening costs of a new Achievement Gap Oversight and Accountability Committee.

Military compact – \$89,000

Funding is provided to implement SSB 5248 (see Bills Passed). The funding primarily supports the per-student fee that member states pay to the Interstate Compact on Educational Opportunity for Military Children.

Assessments and curricula – \$70,000

Funding is provided for implementation of ESSB 5414 (see Bills Passed), as OSPI and the State Board of Education begin redesigning the state assessment system. \$35,000 of the appropriation will fund the analysis of using an End-of-Course assessment in science; \$35,000 will fund an End-of-Course reliability study.

Financial literacy – \$50,000

Enhanced funding is provided to implement SHB 1347 (see Bills Passed). The funding will support the work of the Financial Education Public-Private Partnership supporting financial education instruction in public schools.

Project Citizen – \$50,000

Funding is provided for Project Citizen, a program presented by the National Conference of State Legislatures and the Center for Civic Education to promote participation in government by middle-school students.

Other K-12 Details

Health benefits – \$44.2 million

Funding for employee health care benefits is increased by three percent each year, from the current \$732 per employee per month to \$745 per employee per month in the 2009-10 school year and \$768 per employee per month in the 2010-11 school year. While these increases are less than the expected rate of medical inflation, they are consistent with the funding provided for state employees' coverage.

The remittance or "carve-out" moves from \$60.40 per month to \$59.59 per month beginning September 1, 2009 and then to \$64.90 per month beginning September 1, 2010.

The retiree subsidy is set at \$182.89 per month for both calendar years of the biennium.

Pension rate adjustments – (\$339.4 million)

Funding for employer contributions to state retirement systems is reduced to reflect changes to actuarial assumptions and methods used in the various state retirement systems, as adopted in SSB 6161 (see Bills Passed). The changes are: reduction of the assumed rate of salary growth from 4.25 percent to 4 percent; delay of the adoption of new mortality tables until the 2011-13 fiscal biennium; suspension of contribution rate minimums for the 2009-11 fiscal biennium in all plans except for the Washington State Patrol Retirement

System (WSPRS); modification of the total contribution rate minimum in WSPRS; and the phased adoption of a new funding method for the Plan 1 unfunded liabilities.

Employer/Employee pension contribution rates will be as follows:

- Teachers' Retirement System = 5.98%/3.36%
- Public Employees' Retirement System = 5.13%/3.89%
- School Employees' Retirement System = 5.27%/3.14%

NOTE: The employer rates are for Plans 1, 2 and 3. The employee rates are for Plan 2.

Non-OSPI Items

Truancy petitions – \$3.6 million

The Administrator for the Courts is provided with funding for school districts for petitions to juvenile court for truant students. The Office of the Administrator for the Courts must develop an interagency agreement with OSPI to allocate the funding provided. Allocation of this money to school districts shall be based on the number of petitions filed. This funding includes amounts school districts may expend on the cost of serving petitions by certified mail or by personal service or for the performance of service of process for any hearing associated with truancy violations.

Retirement contributions – \$1.8 million

Funding is provided to the Office of Financial Management to increase agency and institution appropriations and public school funding allocations to reflect increased employer contribution rates in the Public Employees' Retirement System and the School

Employees' Retirement System as a result of passage of SSB 6157 (see Bills Passed).

Residential education programs – \$1.4 million

The Department of Social and Health Services is provided with funding to fulfill its contracts with school districts providing educational programs for students in residential schools. The contracts require the Department to provide transportation, building space, and other support services as are reasonably necessary to support the educational programs of students living in residential habilitation centers.

Future teacher scholarships – \$1.0 million

Funding is provided to the Higher Education Coordinating Board to encourage more students to teach secondary mathematics and science. Half of the funding is for the Future Teacher Scholarship and Conditional Loan Program; the other half is for the State Work Study Program to help aspiring teachers to earn money for college by allowing them to intern in secondary schools and classrooms.

Health benefits study – \$735,000

Funding is provided to the State Actuary to study the provision of health benefits (see SB 5491, Bills Not Passed). The study encompasses all employers connected with the state Department of Retirement Systems, including school districts, cities and counties. The study is to conduct a comparison of the actuarial value of health benefits provided to employees and the cost of those benefits to employees and employers. Employers will be required to provide various data.

NOTE: This funding and study was vetoed by the governor before she signed the budget bill.

Blind students – \$271,000

The State School for the Blind is provided with funding to offer short course programs, allowing students the opportunity to leave their home schools for short periods and receive intensive training. The School for the Blind is required to provide this service to the extent that it is funded by contracts with school districts and ESDs.

Deaf students – \$210,000

The State School for the Deaf is provided with funding for the operation of the Shared Reading Video Outreach Program. The School for the Deaf is required to provide this service to the extent it is funded by contracts with school districts and ESDs.

Kindergarten assessment – \$100,000

Funding is provided to the Department of Early Learning to work with stakeholders and OPSI to identify and test a kindergarten assessment process and tools in geographically diverse school districts. School districts may participate in testing the kindergarten assessment process on a voluntary basis. The Department must report to the Legislature on the kindergarten assessment process not later than January 15, 2011. Expenditure of funds provided in this subsection is contingent on receipt of an equal match from private sources. As matching funds are made available, the Department may expend the amounts provided in this subsection.

Disability benefits study – \$51,000

The Department of Retirement Systems is provided funding to contract with the Washington State Institute for Public Policy for a study of the disability benefits provided to the Plan 2 and Plan 3 members of the Public Employees' Retirement System, the Teachers' Retirement System, and the School Employees' Retirement System. Among the options the Institute shall examine are statutory changes to the retirement systems and insurance products. The Institute is required to report its findings and recommendations to the Select Committee on Pension Policy by November 1, 2009.

Center for Childhood Deafness – \$50,000

The State School for the Deaf is provided with funding to implement E2SHB 1879 (see Bills Passed). The current School for the Deaf will be phased out and replaced with a new Washington State Center for Childhood Deafness and Hearing Loss, created to provide statewide leadership for the coordination and delivery of educational services to children who are deaf or hard of hearing.

Additional Budget Provisos

School size study

Specific funding is not provided for a school size study. However, within its overall appropriation, the Joint Legislative Audit and Review Committee is required to conduct a study of the relationship between the cost of school districts and their enrollment size. The study, which is

required to be completed by June 2010, must include the following:

- An analysis of how categories of costs vary related to size, including but not limited to facility costs, transportation costs, educational costs, and administrative costs;
- A review of other factors that may impact costs, such as revenues available from local levies and other sources, geographic dispersion, demographics, level of services received from educational service districts, and whether districts operate a high school;
- Case studies on the change in cost patterns occurring after school district consolidations and for

school districts operating under state oversight; and

- A review of available research on nonfinancial benefits and impacts associated with school and school district size.

School health rules

The Department of Health and the State Board of Health are specifically prohibited from implementing any of its proposed School Environmental Health and Safety Rules until the rules and a final cost estimate have been presented to the Legislature, and the Legislature has formally funded implementation of the rules through the state Operating Budget or by statute. (See HB 2108 and SB 5779, Bills Not Passed.)

Mercury light recycling

The Department of Ecology is required to develop recommendations by December 1, 2009 for a convenient and effective mercury-containing light recycling program for residents, small businesses, and small school districts throughout the state. The Department is to consider options including but not limited to, a producer-funded program, a recycler-supported or recycle fee program, a consumer fee at the time of purchase, general fund appropriations, or a currently existing dedicated account.

The 2007-09 Capital Budget (ESHB 1216)

School construction funding continues to be a challenge, especially due to a continuing decline in revenues from school trust lands. In recent years, the Legislature has done an admirable job of creatively finding additional resources for K-12 construction. The 2005-07 Capital Budget included the largest K-12 construction budget in Washington's history. The following 2007-09 Capital Budget included an even larger K-12 construction budget. There was little expectation that the 2009-11 appropriation would exceed these record-breaking budgets; however, the Legislature did step up and fully fund the K-12 "base" construction budget — and provided for a few enhancements.

Early in the session, the focus was not on enhancing school construction in the 2009-11 budget. The more important — and immediate — concern was ensuring the School Construction Assistance Grant Program stayed solvent. Although the 2007-09 Capital Budget (and the 2008 Supplemental Capital Budget) fully funded the projected need for K-12 construction assistance for the biennium, the school construction fund ("cash on hand," if you will) was nearly empty at the beginning of this year. That is because construction revenue was lower than expected and because school districts had been asking for funds sooner than planned. The Legislature quickly drafted — and adopted — HB 1113 (see Bills Passed) to address the issue. One of the first bills adopted and signed this session, HB 1113 authorized the issuance of \$133 million in state general fund bonds to support cash flow needs of current projects in the School Construction Assistance

Grant Program. The bill appropriated \$130 million in bonds to OSPI for the Grant Program in a second 2007-09 Supplemental Capital Budget. Passage of this bill allowed currently funded projects to be completed on time, on budget and without work shortages.

The final 2009-11 Capital Budget provides \$3.35 billion in new appropriations. Included is \$877.4 million for K-12 construction. \$689.7 million of this is provided for the School Construction Assistance Grant Program. This funds OSPI's base request and will fully fund the projected need for K-12 construction in the biennium.

The Details

- \$20.0 million is provided for Health, Safety and Small Repair Grants. \$3.0 million of this total is provided to continue the state-level Small Repair Grant Program to assist school districts with nonrecurring costs associated with school facility repairs and renovations necessary for health and safety. OSPI must develop criteria for providing funding for specific projects to stay within this appropriation level. The criteria are to include, but are not limited to, the following: limiting recipient district applications to \$100,000 per three-year period; limiting districts eligible to receive the grant only once in any three-year period; and requiring any district receiving Small Repair Grant funding to demonstrate a consistent commitment to addressing school facilities needs. \$100,000 of the total appropriation is provided

specifically for the Monroe School District for retrofitting the Frank Wagner Elementary chimney. The remaining \$16.9 million are to be used for energy operational cost savings and safety and health infrastructure improvements to school facilities initiated after July 1, 2009. Budget language includes requirements regarding performance-based contracting. It is anticipated that later this summer OSPI will provide information on how to access these funds — and how they can be used. OSPI is also required to report to the Legislature by the end of each fiscal year regarding the timing and use of the funds.

- OSPI is provided with \$3.3 million for administration of the capital projects program.
- \$250,000 is provided to continue the Apple Awards Program. Grants of \$25,000 may be awarded to public elementary schools whose students propose capital projects on school property or on other public property in the community, city, or county in which the school is located. OSPI administers the program and determines competitive criteria for awarding the grants. \$125,000 of the appropriation is available for five awards of \$25,000 each in the 2009-2010 school year and \$125,000 of the appropriation for five awards of \$25,000 each in the 2010-2011 school year. The funds must be used exclusively for capital projects as proposed by the students in the schools and approved by the district's board of directors.

- \$26.8 million is provided for skills centers. Included is: \$3.7 million to fully fund minor capital projects at all of the state's skills centers; \$9.1 million for the Northeast King County Skills Center; \$4.0 million to purchase land for the North Central Technical Skills Center; \$10.0 million for the Pierce County Skills Center; and \$100,000 for the predesign of the Walla Walla branch campus of the Tri-Tech Skills Center.
- Capital Budget provisions require OSPI to do the following:
 1. Work with the Department of Natural Resources on a plan about options for school districts to acquire and lease state trust land for school sites;
 2. Continue to develop an Asset Preservation Program;
 3. Study and make recommendations on appropriate levels for the state Area Cost Allowance and Student Space Allocation for use in the school construction funding formula;
- 4. Convene a Definitions Work Group on the joint use of public school facilities; and
- 5. Develop a tracking system to increase accuracy in predicting the timing of school district claims for reimbursement for School Construction Assistance Grants and improve its communication with school districts regarding the status of grant projects and create requirements regarding the timing of reimbursement claims.
- The Capital Budget also continues the Joint Legislative Task Force on School Construction Funding to explore: changing the state funding assistance ratio used in the School Construction Assistance Grant Program formula; methods to accommodate specialized program space or unique building circumstances (such as all-day kindergarten and science labs); and ways to account for regional cost differences in the School Construction Assistance Grant Program formula.
- Funding is provided to the Department of Community, Trade and Economic Development for several school projects: \$1.4 million to the Greenbridge Early Learning Center; \$5.0 million for the Community Schools Program; \$500,000 for Grand Coulee Dam School District; \$100,000 for Dayton School District; \$250,000 for Longview School District; and \$227,000 for Union Gap School District.
- \$800,000 is provided to the Community and Technical College system to support the Tri-Cities Science, Technology, Engineering and Mathematics (STEM) School.

Special Focus: Basic Education Finance Reform (ESHB 2261)

The 2009 Legislature adopted ESHB 2261 to redefine Basic Education and restructure Washington's education finance system. This is the first comprehensive education reform legislation since 1993's Education Reform Act, embodied in HB 1209. ESHB 2261 is also the Legislature's first major redefinition of Basic Education since the Basic Education Act was adopted in 1977 following the court's declaration that the state had failed its "paramount duty" to make ample provision for the education of all children as required by the state constitution.

The Background

The 2005 Legislature adopted legislation to undertake a comprehensive study of Washington's education system, from early education to K-12 education to higher education. For K-12 education, "Washington Learns" — as the effort was dubbed — was charged with conducting a comprehensive study of education and developing recommendations about how the state can best provide stable funding for student learning. Unfortunately, Washington Learns failed to complete this task. The 2007 Legislature then adopted a bill establishing a Joint Task Force on Basic Education Finance. The Task Force was charged with thoroughly reviewing the current K-12 education finance system and its accompanying formulas — and developing recommendations to redefine Basic Education and update the funding structure.

As a part of the process to develop recommendations, the Task Force accepted proposals from any and all comers. Then-Superintendent of Public Instruction Terry Bergeson submitted a proposal; the League of Education Voters provided a plan; and Dan Grimm, Chair of the Task Force, introduced his own set of ideas. Additionally, a bipartisan group of legislators who sat as members of the Task Force submitted a proposal and the Full Funding Coalition — comprised of the Washington State School Directors' Association, the Washington Education Association, the Association of Washington School Principals, the Washington Association of School Administrators and the Public School Employees of Washington — proposed an education funding package. After 18 months of meeting, the Task Force released its report on Jan. 14, 2009. Unfortunately, the majority of the Coalition's ideas were rejected out-of-hand in favor of the legislators' proposal.

Shortly after the release of the Task Force's recommendations, legislation was introduced (HB 1410/SB 5444) to implement those recommendations. Legislation was also introduced (HB 1817/SB 5607) to implement the Coalition's education funding plan. Both HB 1410 and SB 5444 were given lengthy public hearings to accept public testimony. While the Full Funding Coalition — and WSSDA — fully supported the idea of finally improving Washington's education funding system, the Coalition stopped short of endorsing either bill. The Basic Education Finance Task Force's Final Report (and the implementing bills) failed to address some key issues (levies and levy equalization, for example) and made some recommendations that would be difficult to support (for example, implementing enhanced accountability measures before new resources are contemplated). However, this was the first real opportunity in years to compel the Legislature to

fully review Washington's antiquated, unstable and inadequate K-12 financing structure — and we urged the Legislature to take action on this important issue during the 2009 session.

Because any plan will take time to implement, we argued that now is the time to establish the foundation so a new system can be implemented over time. Of course, the plan we supported was the plan envisioned by the Full Funding Coalition, embodied in HB 1817 and SB 5607. Both bills were given due consideration by their respective legislative committees; however, it was clear early on that neither bill was going to move very far — if at all. The ultimate strategy was to push the Coalition package to: force discussions about HB 1410/SB 5444; highlight those bills' shortcomings; and persuade the Legislature to look beyond the Basic Education Task Force's plan.

After both sets of bills received public hearings, the discussions about the bills became very contentious, as various organizations began strongly advocating for one bill over another. Some were “drawing lines in the sand” and taking shots at those perceived to be on the “other side.” The growing fear was that this in-fighting would actually cause both sets of bills to be rejected as legislators grew weary of the fight and chose to focus on other pressing issues. Fortunately, a group of key legislators decided the fight was unproductive and, rather than give up, they decided to take the higher ground and introduced a new set of bills, HB 2261 and SB 6048. Upon introducing the bills, they declared HB 1410/SB 5444 and HB 1817/SB 5607 to be dead and announced the HB 2261/SB 6048 would be the vehicle to create a new education funding system.

As introduced, the two bills only included one section, an “intent” section; however, the idea was to use these new, untainted bills as the vehicles for action. As the session progressed, details were added to the two bills. Ultimately, HB 2261 was the bill that the Legislature adopted and sent to the governor. Certainly not without controversy, the final bill was adopted by the House with a vote of 67-31 and adopted by the Senate with a vote of 26-23. The bill is lengthy and complicated; however, it is important for educators to understand some of the details embedded in the measure. Rather than summarize this historic legislation in a few paragraphs, this End of Session Summary provides a comprehensive review of ESHB 2261.

The Details

ESHB 2261 begins with a detailed “intent” section which attempts to lay out the Legislature's vision for a new education funding system. The bill declares the Legislature's intent to continue to review, evaluate, and revise the definition and funding of Basic Education in order to continue to fulfill the state's obligation under Article IX of the State Constitution (the “paramount duty” clause). The Legislature, understanding that major changes in the state's education program and funding cannot occur instantaneously, intends to develop a realistic implementation strategy and establish a formal structure for monitoring the implementation of an evolving Program of Basic Education and the financing necessary to support it. The bill expresses the Legislature's intention that a newly redefined Program of Basic Education and the necessary funding be fully implemented by 2018. Importantly, ESHB 2261 asserts that “the policies and formulas

under the bill will constitute the Legislature's definition of Basic Education once fully implemented."

Basic Education definition

The heart of ESHB 2261 is the bill's redefined and expanded Program of Basic Education. The Program of Basic Education is:

- The Instructional Program of Basic Education provided by public schools;
- The program for students in residential schools and juvenile detention facilities;
- The program for individuals under age 18 who are in adult correctional facilities; and
- Transportation and transportation services to and from school for eligible students.

The Program of Basic Education also includes the opportunity for students to develop the knowledge and skills necessary to meet graduation requirements and graduate with a meaningful high school diploma that prepares them for postsecondary education, gainful employment, and citizenship.

The expanded definition of Basic Education and the funding to support it, to be phased in according to an implementation schedule adopted by the Legislature, includes:

- Increased instructional hours, from the current 1,000 hours to 1,080, including the opportunity for students to complete 24 credits for high school graduation;
- Transportation to and from school, using a new funding formula based on predicted costs;
- All-day kindergarten, with a continued phase-in, beginning with highest poverty schools;
- The Highly Capable program, funded at the current 2.314 percent of student enrollment;
- The Supplemental Instruction Program through the Learning Assistance Program; the Transitional Bilingual Instructional Program; and
- Special Education for students with disabilities.

Prototypical allocation model

Beginning September 1, 2011, a new distribution formula is created for the allocation of state funds to school districts to support the Instructional Program of Basic Education. The formula is for allocation purposes only; nothing requires a particular teacher-to-student ratio or requires use of allocated funds to pay for particular types or classifications of staff. The formula is based on minimum staffing and non-staff costs to support prototypical schools. Prototypes illustrate the level of resources needed to operate a school of a particular size with particular types and grade levels of students using commonly understood terms and inputs. Allocations to school districts will be adjusted from the prototypes based on actual full-time equivalent student enrollment in each grade in each school

in the district, adjusted for small schools and to reflect other factors in the state's Operating Budget.

The school prototypes are defined as:

- High school: 600 FTE students in grades 9 through 12;
- Middle school: 432 FTE students in grades 7 and 8; and
- Elementary school: 400 FTE students in grades kindergarten through 6.

For each school prototype, the core allocation consists of four parts:

1. *Class Size*: an allocation based on the number of FTE teachers calculated using the following factors: the minimum instructional hours required for the grade span, one teacher planning period per day, and average class sizes of various types as specified in the state's Operating Budget;
2. *Other Building Staff*: an allocation for principals, teacher-librarians, student health services, guidance counselors, professional development coaches, teaching assistance, office and technology support, custodians, and classified staff providing student/staff safety;
3. *Maintenance, Supplies, and Operating Costs (MSOC)*: a per-FTE student allocation for student technology, utilities, curriculum, instructional professional development, other building costs, and central office administration. The allocation would be enhanced for student enrollment in certain career and technical education and science courses; and
4. *Central Office Administrative Staff*: a staffing allocation calculated as a percentage of the allocations for teachers and other building staff for all schools in the district, with the percentage specified in the appropriations act.

Within the distribution formula for the Instructional Program of Basic Education, enhancements to the core allocation are included for the following categorical programs:

1. *Learning Assistance Program*: an enhancement based on the percent of Free and Reduced-Price Lunch eligible students in each school to provide an extended school day and school year, plus an allocation for MSOC;
2. *Transitional Bilingual Instruction Program*: an enhancement for students eligible for and enrolled in the Transitional Bilingual Instruction Program based on the percent of the school day a student is assumed to receive supplemental instruction, plus an allocation for MSOC;
3. *Highly Capable Program*: an enhancement based on 2.314 percent of each district's FTE student enrollment to provide an extended school day and school year, plus an allocation for MSOC; and
4. *Special Education*: an enhancement made on an excess cost basis that is a specified percentage (1.15 percent for students aged birth to five who are not in kindergarten and .9309 for students in grades kindergarten through 12) of the core allocation for basic class size, other building staff, and MSOC. The excess cost allocation is based on district-wide enrollment not to exceed 12.7 percent of total FTE enrollment in grades kindergarten through 12. (The Special Education Safety Net is also placed into statute.)

A Funding Working Group (discussed below) is created to recommend details of the funding formula.

Quality Education Council

A new, ongoing Quality Education Council is created to recommend and inform the ongoing implementation by the Legislature of an evolving definition of Basic Education and financing. The Council will be comprised of 13 members: eight legislators and five agency representatives. The agency representatives will come from the Governor's Office, the State Board of Education, the Professional Educator Standards Board, and the Department of Early Learning. State Superintendent Randy Dorn, or his designee, will serve as the fifth agency representative.

The Council will be required to develop strategic recommendations on the Program of Basic Education, based on scientific evidence. They must identify measurable goals and priorities for a ten-year period for the educational system, including ongoing strategies to eliminate the achievement gap and reduce drop-out rates. OSPI is to complete a capacity study, which the Council must consider.

By January 1, 2010, the Council must submit an initial report with recommendations on:

- Resolving issues or decisions requiring legislative action during the 2010 legislative session;
- A statewide teacher mentoring and support system;
- An early learning program for at-risk children;
- An implementation schedule for phasing in the new pupil transportation funding formula beginning in 2013;
- An implementation schedule for phasing in any changes in the Basic Education Program and the funding to support the changes, with full implementation to be completed by September 1, 2018.

Working groups

Four Working Groups are established on Finance (to develop recommended revenue sources); Local Funding (to develop recommendations on local levies and levy equalization); Compensation (to develop recommendations regarding a new Salary Allocation Model); and Early Learning (to develop recommendations for a new program of early learning as Basic Education). Each Working Group, along with its composition and purpose, follows.

Finance Working Group. The Office of Financial Management, with assistance from OSPI, must convene a technical working group to develop details of the new funding formulas and propose an implementation schedule for concurrent phase-in of increased program requirements and increased funding. The Working Group must also examine possible sources of revenue to support increased funding and present those options to the Legislature and the Quality Education Council.

The Finance Working Group is comprised of representatives from the Legislative Evaluation and Accountability Program Committee, the Washington Association of School Business Officials, the Washington Education Association, the

Washington Association of School Administrators, the Association of Washington State Principals, the Public School Employees of Washington and WSSDA. The Working Group is to submit its recommendations to the Legislature by December 1, 2009.

Local Funding Working Group. The Office of Financial Management, with assistance from OSPI, must convene a working group to develop options for a new system of supplemental funding through local school levies and levy equalization. The Working Group must recommend a phase-in plan that ensures no school district suffers a decrease in funding from one year to the next due to implementation of the new system of supplemental funding.

The Local Funding Working Group is comprised of representatives from the Department of Revenue, the Legislative Evaluation and Accountability Program Committee, the Washington Association of School Business Officials, the Washington Education Association, the Washington Association of School Administrators, the Association of Washington State Principals, the Public School Employees of Washington and WSSDA. A report to the Legislature is due by December 1, 2011.

Compensation Working Group. The Office of Financial Management must convene a working group to recommend the details of an enhanced salary allocation model that aligns educator development and certification with the compensation system. The working group must present recommendations on:

- A concurrent implementation schedule;
- How to reduce the number of tiers in the salary allocation model;
- How to account for regions of the state where it may be difficult to recruit and retain teachers;
- The role and types of bonuses available;
- Ways to accomplish salary equalization over a set period of years; and
- Cost estimates to implement the recommendations, including permanently grandfathering current staff on the current schedule.

The Working Group must also conduct or contract for a comparative labor market analysis of school employee salaries and other compensation.

The Compensation Working Group is comprised of representatives from the Department of Personnel, the Professional Educator Standards Board, OSPI, the Washington Education Association, the Washington Association of School Administrators, the Association of Washington State Principals, the Public School Employees of Washington and WSSDA. An initial report is due to the Legislature by December 1, 2012, along with a recommendation of whether additional work is necessary.

Early Learning Working Group. OSPI, along with the Department of Early Learning must convene a technical working group to continue developing a proposal for a statewide Washington Head Start Program and to develop the Basic Education program of early learning. The Working Group must:

- Recommend eligibility criteria focusing on children aged 3 and 4 considered most at-risk;

- Develop options for a mixed service delivery system;
- Develop options for shared governance including the Department of Early Learning and OSPI;
- Recommend parameters and minimum standards; and
- Continue development of a statewide kindergarten assessment process.

The Early Learning Working Group is comprised of Head Start and Early Childhood Education and Assistance Program providers, school districts, Thrive-by-Five and other stakeholders. The Working Group is to submit progress reports to the Quality Education Council by September 1, 2010, and September 1, 2011, with a final report due by September 1, 2012.

Education data system

A major component of ESHB 2261 is the establishment of a new K-12 Data Governance Group within OSPI. The purpose is to assist in the design and implementation of a comprehensive K-12 data improvement system for financial, student, and educator data (see SB 5941, Bills Not Passed), including:

- Identifying critical research and policy questions;
- Identifying reports and other information that should be made available on the Internet;
- Creating a comprehensive needs requirement document detailing the specific information and technical capacity needed by districts to meet the Legislature's expectations for a K-12 data improvement system;
- Conducting a gap analysis of current and planned information;
- Focusing on financial and cost data necessary to support the new K-12 financial models and funding formulas;
- Defining the operating rules and governance structure for K-12 data collections; and
- Establishing minimum standards for K-12 data systems.

OSPI must submit a preliminary report to the Legislature by November 15, 2009 and a final report by September 1, 2010.

Additionally, the State Board of Education must work with the Education Data Center in the Office of Financial Management to determine the feasibility of using the prototypical school funding allocation model as a tool for both allocating and reporting expenditures.

Accountability

ESHB 2261 states the Legislature's findings that comprehensive finance reform must be accompanied by a new mechanism for defining relationships and expectations for the state, school districts, and schools. It is the intention of the Legislature to develop a proactive, collaborative system in which the state and school districts share accountability for supporting continuous improvement and achieving state educational standards.

The State Board of Education is directed to continue development of an accountability framework that recognizes progress, provides additional support where

needed, and identifies “intervention strategies” and a “performance incentive system.” The State Board must develop an Accountability Index to identify schools and school districts for recognition and additional state support. The State Board, along with OSPI, is directed to develop a proposal and timeline for implementing a comprehensive system of voluntary support and assistance, taking into account the capacity limitations of the K-12 system. The proposal and timeline must be submitted to the Legislature for review before being implemented, and changes with a fiscal impact on school districts take effect only if authorized by the Legislature.

By December 1, 2009, the State Board of Education must develop a proposal and timeline for a more formalized comprehensive system targeted to schools and school districts that do not improve through the voluntary support system. The proposal takes effect only if formally authorized by the Legislature. The proposal must include:

- An academic performance audit conducted by peer review teams;
- A requirement for the local school board of directors to develop and implement a corrective action plan — a plan that becomes binding on the school district once the plan is approved by the State Board; and
- Monitoring of district progress by OSPI.

The State Board of Education, along with OSPI, must seek federal approval of the Accountability Index and the state system of support, assistance and intervention.

Teacher standards and certification

By January 1, 2010, the Professional Educator Standards Board must:

- Adopt performance standards for effective teaching, including to the extent possible, cultural competency standards;
- Adopt a definition of “master teacher,” consistent with and including certification by the National Board for Professional Teaching Standards;
- Update the Legislature on the status of implementing the professional certification assessments already in development; and
- Recommend a proposal for a classroom-based means of evaluating teacher effectiveness, to be used during student-teaching, which includes multiple measures of performance.

The Standards Board must also recommend the length of time that a residency certificate is valid and the time period for professional certification. The Washington Education Association, the Washington Association of School Administrators, the Association of Washington School Principals and WSSDA must be consulted and the stakeholder comments must be included with the recommendation.

Beginning no earlier than September 1, 2011, professional certification will be based on two years of successful teaching experience and the results of the external assessment. Beginning July 1, 2011, residency certificate programs must demonstrate how the program produces effective teachers.

Pupil transportation

A new pupil transportation funding formula is authorized using a regression analysis to allocate funds to school districts. The funding basis of a radius mile is removed. Ridership counts are increased to three times per year, and extended academic day transportation is included within allowable trips. Implementation of the formula is phased-in beginning with the 2013-14 school year, and a method of allocating any increased funding during the phase-in period is specified. Efficiency reporting also begins in the 2013-14 school year. Individual reviews will be conducted on districts with 90 percent or less efficiency. A report summarizing the efficiency reviews and resulting changes made by districts must be submitted to the Legislature by December 1 of each year.

NOTE: Prior to signing ESHB 2261 into law, Governor Gregoire vetoed the section regarding early learning. An Early Learning Working Group will not be convened and the Legislature's intention of incorporating a program of early learning for at-risk children into the overall Program for Basic Education is set aside. Gregoire, however, has requested State Superintendent Randy Dorn and Department of Early Learning Director Betty Hyde to work together to bring a proposal forward that ensures all Washington children have the benefit of early childhood education.

WSSDA 2009 Legislative Priorities

On September 27, 2008, delegates to WSSDA's annual Legislative Assembly approved 58 proposals for consideration by the Washington State Legislature in 2009. These proposals are in addition to the 36 standing legislative positions previously adopted by the Association.

Per Assembly procedure, delegates concluded the meeting with an advisory vote to rank these 94 proposals and positions in order of priority. The results of this advisory vote were considered by the WSSDA Legislative Committee and the Board of Directors in establishing the Association's 2009 Legislative Package — that is, the "short list" of WSSDA's highest priorities.

The following proposals and positions are listed in order of priority according to the advisory ranking provided by Assembly delegates. Standing legislative positions are indicated by an index number (e.g., 7.1.4).

7.1.4 Unfunded mandates

The WSSDA shall initiate and/or support a requirement that all legislation mandating K-12 programs or services provide full funding for all costs including incidental, administrative and non-employee and other related costs to the programs or services.

(Adopted 2005)

Action:

Numerous bills were again introduced which would have required school districts to do any number of things without additional funding; most of those bills died. For the first time in years, however, legislators engaged in serious conversations about repealing current

unfunded mandates. A package of bills — SB 5880, SB 5889 and SB 5890 — would have repealed, suspended or partially amended a whole series of current education statutes that impose unfunded administrative burdens on school districts. All these bills were passed by the full Senate. Only ESSB 5889 — repealing, suspending or amending education statutes relating to information, notice and reporting requirements and curriculum and assessment mandates — was ultimately adopted by the Legislature. The final version of the bill was just a shell of the original bill and its passage will do little to relieve current burdens on school districts. These bills, however, put a major spotlight on the urgent issue of unfunded mandates. That spotlight shined throughout the session and forced legislators to seriously consider whether or not they should introduce or adopt certain legislation.

HB 2108 would have also relieved school districts from some of the administrative and regulatory burdens that have been placed on them. The bill was not acted upon.

SB 5779/HB 2070 would have prohibited the State Board of Health from implementing its new School Environmental Health and Safety Rules — which include potentially large unfunded mandates similar language was a part of HB 2108 above). SB 5779 was adopted by the full Senate, but was not acted upon in the House. HB 2070 was heard in the House Ways and Means Committee, but was not otherwise acted upon. A provision in the final Operating Budget accomplishes what these bills sought, however. The Board of Health may not implement its new

rules until they have been presented to the Legislature with cost estimates and the Legislature takes action to fund the rules.

Finally, HB 1322, eliminating one specific unfunded mandate on schools, was adopted by the full Legislature and signed into law. HB 1322 repeals current statutes that require school districts to screen students for scoliosis.

7.5.1 Transportation

WSSDA supports a school transportation funding formula that is based on actual operational costs. Such an operational formula will be designed to:

- Account for cost differentials between districts based on geography, congestion, safety and other factors;
- Eliminate underfunding based on once-per-year student rider counts;
- Address the under-utilization of vehicles for kindergarten routes and in rural areas;
- Provide funding for bus monitors when necessary, especially for high-need special education students;
- Permit districts to use funds for adult crossing guards when they are more cost-efficient than transporting students; and
- Allow districts to use bonds or multi-year levies to purchase student transportation equipment.

(Adopted 2001)

Action:

HB 2041/SB 5914 would have implemented a new student transportation

funding formula in the 2011-12 school year. Both bills received some action, but neither moved very far.

ESHB 2261, adopted by the Legislature, authorizes a new pupil transportation funding formula using a regression analysis to allocate funds. The new formula is to be phased in beginning in the 2013-14 school year.

7.2.2 Special education funding

The WSSDA shall initiate and/or support legislation which requires full funding for mandated Special Education (handicapped) programs and services; such programs and services should maximize assistance to children rather than to their various categorizations and assessments. Any state funding formula shall: recognize that costs will vary according to the needs of every child, and therefore, for every district, based upon the I.E.P. of each student; provide adequate funding for all of the required services for eligible special education students without imposing an artificial cap; exclude from any special education program enrollment funding caps, students for whom districts do not receive an annual basic education allocation; and recognize that any funding formula based upon the assumption that every district has the same budget percentage costs for special education is inherently flawed and will not work.

(Adopted 1988; Amended 1990, 1996 and 2005)

Action:

No action was taken on this issue.

Basic Education definition

The WSSDA shall initiate and/or support legislation that establishes a definition of basic education and a basic education funding formula that reflects current education practices

and requirements, especially standards based education reform, and amends the tax system to equitably fund the state's paramount duty.

Action:

With the exception of the 2009-11 Operating Budget, this was the biggest focus of the session. Bills were introduced to implement recommendations from the Joint Task Force on Basic Education Finance (HB 1410/SB 5444) and another set of bills were introduced to implement an education finance plan proposed by the Full Funding Coalition (HB 1817/SB 5607). Eventually all four bills were set aside and replaced by two new bills: HB 2261/SB 6048. These bills started out as "intent only" bills and details were added as they moved through the legislative process.

In the end, ESHB 2261 was adopted and signed into law. The bill redefines and expands the definition of Basic Education. A new allocation model is established based on prototypical schools. A quality Education Council is also created to oversee the implementation of the new definition and future new funding. There is no new revenue included (even though it is estimated the new system will require \$3-4 billion in new funding per year) and the full implementation of the bill's provisions are delayed until 2018.

ESHB 2261 is essentially a "road map" for the future and not a fully complete plan. Four work groups are established to develop recommendations to further define the new funding system.

For complete details on this issue, please see "Special Focus: Basic Education Finance Reform" earlier in the Summary.

Accountability thru local governance

The WSSDA shall initiate and/or support legislation that retains local control over restructuring efforts (school/district improvement), and modifies the teacher evaluation process to allow for accountability at the school level. Specifically, all mandated corrective action shall be solely authorized and implemented by the local school board. The local board may seek assistance and support from the Office of Superintendent of Public Instruction.

Action:

The State Board of Education continues to actively discuss a statewide public education accountability system — including potential takeovers.

ESHB 2261, the Basic Education finance bill, was adopted by the Legislature. A major component of the bill is the development of an accountability system. The bill directs the State Boards to create a system of accountability, identifying schools for recognition and additional support for schools and school districts, as well as identifying a range of "intervention strategies" and a "performance incentive system."

ESHB 2261 also addresses the issue of effective teaching. Earlier versions of the education finance bill (see HB 1410/SB 5444) included a new system of peer evaluation and a new compensation system linked to performance. The final ESHB 2261 directs the Professional Educator Standards Board to adopt performance standards for effective teaching.

7.2.6 All-day kindergarten

The WSSDA shall initiate and/or support legislation for the funding of kindergarten for all districts that choose to offer full-day kindergarten

at 1.0 FTE. Legislation will include provisions to change the space allocation formula for unhoused students to reflect full-time kindergarten.

(Adopted 1990; Amended 2004 and 2006)

Action:

Because of the state's financial situation legislators discussed the possibility of eliminating (or reducing) funding for all-day kindergarten being provided to schools with the highest twenty percent of poverty. No actual proposals to do that were introduced. However, the 2009-11 Operating Budget does not include funding to continue the phase-in of all-day kindergarten first started in the 2007-09 budget either. ESHB 2261, the Basic Education finance bill, redefines Basic Education to include all-day kindergarten.

7.1.5 NERC funding

The WSSDA shall initiate and/or support legislation and appropriations which recognize that school districts' abilities to maintain and enhance quality educational opportunities, for a changing student population, are inhibited by the state's inadequate funding for Non-Employee Related Costs (NERCs). WSSDA supports enhanced NERC funding. NERC funding should be regularly increased recognizing inflationary costs.

(Adopted 2005)

Action:

WSSDA continues to strongly fight for enhancements to the education "base," including increases in Non-Employee Related Costs (NERC). No legislation was introduced on NERC funding; however, the various Basic Education financing bills (HB 1410/SB 5444, HB 1817/SB 5607, and ESHB 2261) included revisions to the state's current

funding model. (HB 1817/SB 5607 would have provided a revenue source to fund Basic Education items, including an enhancement of NERC funding.) As adopted in ESHB 2261, a new prototypical school funding model will be put in place based on staff and non-staff costs to support instruction and operations. The bill established a Funding work group to recommend details of the new formula.

Commission for Quality Education

The WSSDA shall initiate and/or support legislation to establish the Commission for Quality Education to determine the funding required to implement best practices, work to fully fund K-12 education, and link funding levels to accountability measures. The Commission should be an independent, non-partisan organization with representation from core K-12 education groups (such as WSSDA, WASA, PSE, WEA, AWSP and WSPTA).

Action:

HB 1817/SB 5607 would have accomplished this proposal in whole. Both bills, introduced on behalf of the Full Funding Coalition, were heard but were ultimately rejected in favor of another option: ESHB 2261. ESHB 2261 establishes a new, ongoing group, named the Quality Education Council, to oversee the implementation of a new K-12 funding system. Unfortunately, the new Council includes no representation from education's core constituency groups. The Council will be comprised of eight legislators and five agency representatives. Those five individuals will represent the Office of the Governor, the State Board of Education, the Professional Educator Standards Board, the Department of Early Learning and OSPI.

Special education — actual costs

The WSSDA shall initiate and/or support legislation that would provide 100% funding of the actual costs for all of the required services for eligible special education students and recognizes that costs will vary according to the needs of every child based upon the Individualized Education Plan of each student. Remove the arbitrary restriction of the 12.6% limitation to actual number of students in special education in the district.

Action:

No action was taken on this issue.

7.1.3 Tax reform

The WSSDA shall initiate and/or support legislation to restructure the Washington state tax system to establish a stable, broad-based, flexible source of revenue for the state of Washington which is equitable and adequate, in order to ensure better educational funding as well as to provide other essential state services. This tax reform may include a tax on income.

(Adopted 1989)

Action:

Legislation to establish a new state income tax (SJR 8205) was again introduced, but was never seriously considered. Many ideas were floated during the course of the session to raise revenue for specific purposes, but none moved very far — and most of the ideas were never seriously considered. A complete overhaul of the entire tax system was certainly not discussed.

Transportation funding (1)

The WSSDA shall initiate and/or support legislation to adjust the state

funding formulas to fully fund actual student transportation costs.

Action:

HB 2041/SB 5914 would have implemented a new student transportation funding formula in the 2011-12 school year. HB 2041 was heard and adopted by the House Education Appropriations Committee and later heard in the House Ways and Means Committee, but was not otherwise acted upon. SB 5914 was heard and adopted by the Senate Early Learning and K-12 Education Committee, but died without action in the Senate Ways and Means Committee.

ESHB 2261, adopted by the Legislature, authorizes a new pupil transportation funding formula using a regression analysis to allocate funds. The new formula is to be phased in beginning in the 2013-14 school year.

7.4.1 School construction

The WSSDA supports “ample provision” for school construction through state policies that:

- Fund school construction needs when districts are determined eligible;
- Maintain a reliable system of funding that supports adequate planning at the local level;
- Provide specific sources of revenue to support and enhance state trust revenue;
- Give highest priority to projects that address unhoused student needs, either through new construction or remodeling;
- Allocate square footage to meet current and future program needs;
- Recognize realistic construction costs including mandated green building costs; and

- Equalize funding for modernization of existing school facilities in lieu of abandonment and new construction.

(Adopted 2001; Amended 2008)

Action:

The Joint Task Force on School Construction Funding has met over the last two years to develop recommendations on potential new revenue sources and new expenditure practices. The Legislature took at least some action on several of those recommendations.

ESHB 1619, as adopted, expands the type of activities that may be funded with school districts’ capital projects funds. SB 5980, as adopted, will finally provide clarity in the state’s school construction funding formula and grant program by renaming a series of school construction components. SB 5580, as adopted, will extend, from six to ten years, the amount of time that local governments have to expend or encumber impact fees collected for school facilities.

A major recommendation from the Task Force was to ensure that school construction was the first priority for capital budget expenditures. While the Legislature again stepped up and fully funded the projected need for school construction in the biennium, it is questionable if K-12 funding was the priority.

The 2009-11 Capital Budget extended the life of the Task Force and it is hoped more recommendations can be crafted — and adopted into law — to ensure the ample provision of school construction.

Graduation requirements

The WSSDA shall initiate and/or support legislation for full funding of Core 24, provided that full funding for exist-

ing unfunded mandates is addressed first.

Action:

ESHB 2261, as adopted, expands the definition of Basic Education to include the opportunity to complete 24 credits for high school graduation. No additional funding is included to accomplish this — in fact, the new definition is subject to a phased-in implementation, with the schedule to be determined later.

The second part of this proposal certainly was not met, as the expansion of Basic Education, including increased high school credits, was acted upon well before current constitutional requirements and unfunded mandates were addressed.

7.8.3 Strikes and labor disputes

The WSSDA is opposed to strikes as a means of settling disputes in public education. The WSSDA strongly supports decisions by Washington courts that strikes by public employees are illegal. Participants in strikes should suffer economic losses or professional sanctions.

The WSSDA is also opposed to mandatory binding arbitration as the means of resolving impasses in negotiations. It is against the public interest to give final authority over the schools’ operations to an arbitrator, who has no continuing responsibility for implementing an arbitration award.

In order to minimize strikes, penalties should be imposed upon either party who fails to participate in impasse processes and other required procedures designed to promote agreement before the beginning of school.

When a local school district is faced with a strike, the WSSDA recommends that the school board take the action,

including injunctive relief, it deems necessary to fulfill its obligation to students and patrons. During a strike, the WSSDA will provide services or assistance requested by the local school board.

(Adopted 2001)

Action:

No action was taken on this issue.

7.1.2 Levy equalization/levy lid

The WSSDA shall initiate and/or support legislation which would increase the percent of levy impacted by levy equalization (local effort assistance) from 12 percent to 20 percent. The WSSDA opposes raising or repealing the levy lid; however, if an increase in the levy lid were adopted by the Legislature, WSSDA supports requiring that levy equalization be fully funded and a commensurate increase in levy equalization be included.

(Adopted 1994; Amended 1999 and 2005)

Action:

The issues of levy lids and levy equalization proved again to be among the most controversial issues of the session. Given the state's fiscal circumstances and the fact that levy equalization funding falls into the unprotected, "non-Basic Education" category, it became a target for budget reductions even before the session convened.

The governor's budget request, submitted in December, included a 33 percent reduction to levy equalization. The Senate's budget proposal included a 75 percent cut. The House's proposal held the line and included full funding for levy equalization. The final, compromise 2009-11 Operating Budget included a 15 percent reduction to levy equalization — but because a neces-

sary implementing bill failed to pass, this cut cannot be implemented.

HB 1776/SB 5721 would have removed a sunset of current law provisions that inflated school district levy bases. In the last week of the session, HB 1776 was amended to also increase the levy lid by four percent — and allow reductions to levy equalization. The amended bill passed out of the Senate, but in the last few hours of the last day of session the bill failed to be brought to a final vote in the House.

HB 2378 would have implemented a proposal brought forward by Governor Gregoire in the last month of the session. If adopted, the bill would have temporarily lifted the maximum levy lid, by four percent, for school districts that have an M & O levy approved by the voters prior to May 1, 2009. The bill never moved.

Open Public Meetings Act

The WSSDA shall initiate and/or support legislation that protects the current provisions of the Open Public Meetings Act that allow for confidential executive sessions of the governing board for the specified purposes, that allows for the presence of necessary individuals other than board members and does not require minutes, taping or any other record of the discussions that transpire in sessions.

Action:

Legislation was again introduced (HB 1676) regarding the taping of governing board executive sessions. Rather than a blanket requirement that all local government governing bodies must record executive sessions, the bill would have required a court to order a governing body to record its executive sessions if the governing body was found to have violated provisions of the Open Public Meetings Act.

Although the bill was less stringent than last year's legislation — in an attempt to garner support from local government associations — it was still strongly opposed by many groups and was unable to move from its original committee. The compromise version of the bill was not favorable enough for WSSDA to support it; however, we did not testify against the bill either.

Property taxes (regular levy)

The WSSDA shall initiate and/or support legislation allowing local school districts to receive a portion of the state property tax (dedicated to schools) or a portion of the state property tax capacity (the state is currently collecting less than its allowed limit) as a local, flexible revenue source to meet the unique needs of all students in all districts.

Action:

HB 1817/SB 5607 would have dedicated a portion of the unused state property tax capacity to fund a newly created Full Funding Basic Education Account. Funds would have been used to: improve staff per-student ratios; increase funding for Non-Employee Related Costs; phase in all-day kindergarten; enhance funding for pupil transportation; and increase the percentage of local levy revenue being equalized by levy equalization. Both bills were heard, but they were not otherwise acted upon.

7.2.14 Administration funding

The WSSDA shall initiate and/or support legislation designed to reduce or eliminate the inequities and underfunding in the current state funding formula for administration.

(Adopted 1995)

Action:

No action was taken on this issue.

All-day kindergarten

The WSSDA shall initiate and/or support legislation that will allow eligible schools to provide all-day kindergarten programs to the extent that space is available or adequately fund the construction of sufficient additional classrooms.

Action:

No action was taken on this issue.

Technology

The WSSDA shall initiate and/or support legislation which would fully fund the provision and maintenance of technology in school districts, as a part of basic education, to a statewide standard established by OSPI, in consultation with its K-12 technology advisory committee.

Action:

While no legislation was introduced to specifically declare technology as a part of Basic Education, each of the education finance bills (HB 1410/SB 5444, HB 1817/SB 5607 and ESHB 2261) included technology as a part of the new prototypical funding model. The core allocation of the prototypical funding model in ESHB 2261, as adopted by the Legislature, includes allocation for “maintenance, supplies and operating costs.” Those costs are defined to include a per-student allocation for technology.

Salary equity

The WSSDA shall initiate and/or support legislation and a budget proviso that treats all school districts in the state equally when allocating revenue for salaries for certificated/non-administrative staff, classified staff

and administrative staff. The uniform revenue allocation for salaries should be set by using the highest revenue allocation currently applicable to districts receiving the highest allocation from the state in each of the three categories.

Action:

SB 5379/HB 1383 would have accomplished this proposal by equalizing salary allocations to school districts over a six-year period. SB 5379 was adopted by the Senate Early Learning and K-12 Education Committee, but failed to be acted upon in the Senate Ways and Means Committee. HB 1382 was not acted upon.

7.2.9 Funding for technology

The WSSDA shall initiate and/or support legislation that will assure a revision of funding formulas that will allow implementation of the K-20 technology program for school districts on a consistent and equitable basis.

(Adopted 1998)

Action:

No action was taken on this issue.

Local Effort Assistance

The WSSDA shall initiate and/or support legislation which would ensure Local Effort Assistance (or “levy equalization”) funding to eligible school districts remains stable even if assessed valuations dramatically decrease within a district’s levy cycle.

Action:

This specific issue was not addressed. The only serious discussion regarding levy equalization was the effort to reduce funding.

Career and technical education funding

The WSSDA shall initiate and/or support legislative action that will sufficiently fund career and technical education for seventh through 12th grade, including appropriate staff and equipment.

Action:

2SSB 5676 was adopted by the Legislature, and the final 2009-11 Operating Budget provides a \$1.5 million enhancement to middle school career and technology programs in science, technology, engineering and mathematics.

Enrollment decline

The WSSDA shall initiate and/or support legislation that would lessen the negative fiscal impact when districts are adversely impacted by a dramatic decline in student enrollment.

Action:

No action was taken on this issue.

7.4.4 School construction funding

The WSSDA shall support an increase to the state’s funding formulas for school construction so that the allocation of square feet per student at least meets the national average and the cost per square foot allocation reflects actual costs.

(Adopted 2005; Amended 2008)

Action:

The 2009-11 Capital Budget fully funds the projected need for school construction assistance in the biennium, but there was little consideration given to further enhancing the state’s funding formulas. The area cost allowance will be increased for the biennium to an estimated \$174.26 in Fiscal Year 2010 and \$180.17 in Fiscal Year 2011; how-

ever, this is an inflationary adjustment, not a policy change.

The Joint Task Force on School Construction Funding will continue to meet and will continue to review school construction formulas and funding. OSPI is also charged with studying and making recommendations to the Task Force regarding appropriate levels for the area cost allowance and the student space allocation.

7.2.4 Special-needs and at-risk students

The WSSDA shall initiate and/or support legislation that will provide enhanced funding for programs for special-needs and at-risk students and for those districts with proportionately higher numbers or higher costs of such students. Increased funding would include such programs as:

- Counselors and other counseling services at elementary schools;
- Bilingual programs;
- Drug/alcohol prevention, intervention and aftercare programs; and
- Dropout prevention programs.

(Adopted 1990)

Action:

No action was taken on this issue.

7.2.7 Full-time-equivalent computation

The WSSDA shall initiate and/or support legislation which would modify the method of computing a full-time-equivalent secondary student for the purpose of state apportionment for those students who are enrolled in more than twenty-five hours of instruction per week.

(Adopted 1987)

Action:

No specific action was taken on this issue; however, ESHB 2261 will phase in the requirement for school districts to offer 24 credits for high school graduation. When fully funded, high schools will be able to offer an extra class period per day.

Undocumented students — legal status

The WSSDA shall initiate and/or support the enactment of Development, Relief, and Education of Alien Minors (DREAM) Act and/or the Student Adjustment Act, allowing immigrant students to become lawful U.S. residents.

Action:

No action was taken on this issue in the state Legislature. Congress continues to discuss the matter.

7.2.3 Education for gifted

The WSSDA shall initiate and/or support legislation which would assure funding for the education of gifted students at a level of 10 percent of the student population, place that funding within the basic education allocation system and set a minimum number of students to be funded in small school districts.

(Adopted 1987; Amended 2005)

Action:

This proposal is partially achieved by the adoption of ESHB 2261. The bill expands the definition of Basic Education to include programs for highly capable (that is, “gifted”) students. School districts would receive an enhanced allocation, based on 2.314 percent of student enrollment.

Health care bargaining

The WSSDA shall initiate and/or support legislation which would exclude funding of health benefits from being negotiated in school district’s collective bargaining agreements.

Action:

No legislation was introduced to specifically address this issue; however, SB 5491/HB 2177/HB 1940 would have approached this issue from another direction. The bills would have required school districts and ESDs to purchase employee health insurance coverage through the Public Employee Benefits Board. It was hoped this could provide some savings, limiting “hard bargaining” over health benefits.

Student contact time

The WSSDA shall initiate and/or support legislation that allows school districts to meet the requirements of state law for funding purposes through the use of student contact time rather than student contact days without having to seek waivers from either SBE or OSPI.

Action:

SB 5112 would have accomplished this proposal by repealing the current 180-day requirement in law. The current 1,000 instructional hour requirement would have remained, however. The bill was heard, but never moved.

SHB 1292 was introduced to authorize the State Board of Education to waive the 180-day requirement for purposes of “economy and efficiency.” As amended and ultimately adopted, waivers can be provided to five school districts to operate on a flexible schedule.

WASL reporting

The WSSDA shall initiate and/or support legislation that provides if a student does not take the WASL, their

zero score will not be included in the district scores for any purpose.

Action:

No action was taken on this issue.

Employee termination

The WSSDA shall initiate and/or support legislation that updates the laws regarding mandatory termination of school employees or contractors convicted of certain violent felonies, and removal of the requirement that mandatory termination only applies if the victim of the felony was a child, along the lines provided in 2008 legislation, SHB 3103.

Action:

ESHB 1741 accomplishes this proposal. School employees' employment must be terminated for conviction of certain felonies, regardless of the victim's age.

Unprofessional conduct (3)

The WSSDA shall initiate and/or support legislation which would mandate certificate revocation for any certificated employee who indecently exposes, or condones the indecent exposure, of a student as part of a joke, prank, punishment, or initiation rite.

Action:

No action was taken on this issue.

School impact fees

The WSSDA shall initiate and/or support legislation that will create a mechanism for school districts in non-GMA counties to assess and collect school impact fees on new residential construction.

Action:

This specific issue was not addressed. Another school impact fee issue, however, was adopted. SB 5580 extends,

from six to ten years, the amount of time that local governments have to expend or encumber impact fees collected for school facilities.

7.2.15 Administrators for small schools

The WSSDA shall initiate and/or support legislation that would assure stable financial support for the proper and adequate administrative staffing in small schools and small school districts; preferably at least one administrator per district.

(Adopted 1990)

Action:

No action was taken on this issue.

Unprofessional conduct (2)

The WSSDA shall initiate and/or support legislation which would require OSPI to assume financial responsibility for compensation to an employee who is suspended or removed for unprofessional conduct from 30 days after the initial date of suspension until such time that the case has been fully adjudicated. If the employee is found to have been wrongfully suspended or terminated, OSPI shall be reimbursed by the district.

Action:

This specific proposal was not addressed; however, another bill makes some changes regarding employees on paid administrative leave. ESHB 1741, adopted by the Legislature, provides that if a classified or certificated employee is terminated by reason of a plea or conviction of specified felony crimes, a school district is entitled to recover any salary or other compensation provided to the employee for the period between such time as the employee was placed on administra-

tive leave and the time the termination becomes final.

No Child Left Behind

The WSSDA shall support the No Child Left Behind Improvement Act developed by the National School Boards Association with the goal to: (1) provide states with more flexibility to improve accountability for student performance; (2) align the measurement of AYP with student needs; (3) align AYP failures with remedies; and (4) align remedies with federal funding.

Action:

No action was taken on this issue in the state Legislature. Congress and the new Administration continue to discuss reauthorization of No Child Left Behind (the current version of the Elementary and Secondary Education Act); however, there has been no serious movement, yet.

Improved school facility space

The WSSDA shall initiate and/or support the creation of a special formula to calculate the adequate facility space needs of small, non-high school districts.

Action:

No action was taken on this issue.

Pension funding

The WSSDA shall initiate and/or support legislation or budget provisions requiring the state to adequately fund pension programs.

Action:

Because of the state's growing budget deficit, the Legislature took actions in the opposite direction from this proposal. The final 2009-11 Operating Budget "saves" \$448.6 million in pension costs by changing calculation methods and further postponing the

full funding of the state's unfunded pension liabilities. SSB 6161, adopted by the Legislature, implements those pension changes.

Unprofessional conduct (1)

The WSSDA shall initiate and/or support legislation that supports the hiring of two or more additional professional practices investigators of OSPI.

Action:

With the state's budget deficit growing larger throughout the course of the session, the focus was on reducing state agencies — including staff — rather than expanding employment. OSPI, along with all other state agencies has been and/or will be reducing staff, so this proposal was never seriously considered.

7.1.1 School year

The WSSDA shall initiate and/or support legislation which provides state funded training and planning time for staff and more academic time for students, in the following manner:

- Provide for summer school programs;
- Substantially increase the length of the students' school year;
- Assure that staff has planning and in-service time in excess of the students' calendar year; and
- Provide financial flexibility and incentives for local districts to operate year-round instruction in any or all of their school buildings.

(Adopted 1988; Amended 1990, 1992 and 2005)

Action:

No action was taken on this issue.

Public Records Act

The WSSDA shall initiate and/or support legislation clarifying that any notes taken or electronic recordings made during an executive session are exempt from disclosure under the Public Records Act.

Action:

Several bills were introduced regarding the Public Records Act and/or the Open Public Meetings Act; however, this specific issue was not addressed. Recent attempts by the Legislature have been to limit (by repealing) current PRA exemptions, rather than expanding the number of exemptions.

Salary equalization assistance

The WSSDA shall initiate and/or support legislation or budget provisions to provide local school district budget assistance, perhaps in the form of NERCs or other discretionary funding, as grandfathered salaries are phased out and districts receive additional salary equalization funds.

Action:

No action was taken on this issue.

7.2.12 Staffing ratios

The WSSDA shall initiate and/or support legislation which would improve the basic education funding formula regarding staffing ratios. Priority for such improvements should be given to the primary/elementary levels; should include commensurate increases in the formula for administrative and classified staff; but most importantly, should recognize that the formula is for allocation purposes only, and should therefore result in a lower number of pupils per adult rather than specifying classifications of employees.

(Adopted 1988; Amended 1990)

Action:

HB 1410/SB 5444 and HB 1817/SB 5607 would have implemented a new prototypical schools funding formula. As adopted, ESHB 2261 will phase in a new prototypical school funding allocation model based on staff and non-staff costs to support instruction and operations. Included are enhancements for highly capable students, career and technical education programs, Advanced Placement and International Baccalaureate, Bilingual and special education. A funding work group will recommend details of the formula.

School nurses

The WSSDA shall initiate and/or support legislation that seeks to provide state funding for regional training and support for school nurses through the regional Educational Service District and School Nurse Corp infrastructure.

Action:

HB 1502 would have provided Basic Education funding to increase the number of school nurses to a ratio of one school nurse for every 750 students. The bill was heard in the House Education Committee, but was not otherwise acted upon.

School repair and renovation

The WSSDA shall initiate and/or support legislation to statutorily establish and make permanent the Washington Small Repair Grant Program.

Action:

The final 2009-11 Capital Budget includes funding (\$3.0 million) to continue a state-level Small Repair Grant Program; however, because the program remains as a budget proviso only it is not yet permanent. An additional \$16.9 million is provided for additional safety and health infrastructure improvements to school facilities.

HB 2334 would have provided over \$2 billion to school districts based on a per-student allocation if approved by voters. The funds could have been used for safety, health and energy-saving improvements. The authorizing bill was adopted by the House Capital Budget Committee, but died for lack of action in the House Rules Committee.

In-house repairs

The WSSDA shall initiate and/or support legislation which increases the in-house repair limit from \$40,000 to \$75,000.

Action:

No action was taken on this issue.

WASL evaluations

The WSSDA shall initiate and/or support legislation to establish a mechanism for the automatic rescoring of any WASL test for students who have failed to meet the state's passing standard on an assessment, if their score is within 5 percentage points of the standard deviation.

Action:

No action was taken on this issue.

7.7.1 School employee salaries

The WSSDA shall initiate and/or support legislation which would require parity for all educational employee groups whenever state salary increases are provided and which would assure the state of Washington of having salaries for education personnel that would allow them to remain competitive with other states and commensurate with comparable professions.

(Adopted 1988; Amended 1990)

Action:

Given the state's financial situation, no state employees — including teach-

ers — received salary increases (other than annual "step" increases). The Legislature suspended the mandatory Initiative 732 cost of living adjustments for education employees and salary increases for other state employees were rejected.

7.2.1 Poverty-impacted areas

The WSSDA shall initiate and/or support legislation that would provide additional direct state funding to schools or school districts which are located in areas of extreme poverty.

(Adopted 1991)

Action:

No action was taken on this issue.

Tax exemptions (1)

The WSSDA shall initiate and/or support the elimination of sales and/or use taxes for all energy purchases (for example, diesel, natural gas and propane for boilers, electricity).

Action:

Most of the discussion of tax exemptions in this session focused on eliminating exemptions (to enhance revenue), rather than addition to the current list of tax exemptions. This issue was never seriously considered.

Counseling services

The WSSDA shall initiate and/or support legislation that will increase the basic education program funding to include specific funding targeted to counseling services at a ratio of no greater than 400 students per counselor without reducing the BEA ratio of classroom instructors per student.

Action:

No action was taken on this issue.

7.3.1 Passage of school finance issues

The WSSDA believes that passage of all school finance issues should be by a simple majority of the ballots cast on those issues.

(Adopted 1977; Amended 2000, and 2001)

Action:

No action was taken on this issue.

7.2.5 Early childhood education

The WSSDA shall initiate and/or support legislation which would provide funding for all early childhood education and assistance programs.

(Adopted 1991)

Action:

ESHB 2261, as adopted by the Legislature, would have expanded the definition of Basic Education to include early learning for at-risk children. This provision was vetoed by the governor before she signed the bill, however.

Alternative assessments

The WSSDA shall initiate and/or support legislation to require OSPI to fulfill its responsibility to develop and implement alternative assessments.

Action:

ESSB 5414, adopted by the Legislature, requires (among other things) that OSPI "revisit" alternative assessments, the appeals process and alternative assessments for students with significant cognitive disabilities. OSPI must make recommendations for improvements to the Legislature.

Conditional scholarships

The WSSDA shall initiate and/or support legislation that provides policy change to link state conditional college

scholarships and loan repayment with federal conditional scholarship and loan repayment programs. Both programs provide scholarship and loan repayment in exchange of teaching service in Washington state's public K-12 schools in high-need areas — including high-need areas of teaching, such as special education, math, science and teachers with bilingual abilities and high-need districts of the state. These two programs should be linked to maximize the benefit of state dollars.

Action:

No action was taken on this specific issue. The final 2009-11 Operating Budget provides funding for the Future Teacher Scholarship and Conditional Loan Program, however.

Salaries — experience recognition

The WSSDA shall initiate and/or support legislation that would recognize employment as a registered nurse, occupational therapist, physical therapist, communication disorders specialist/speech pathologist, audiologist, psychologist, social worker, counselor or career/technical education professional in a position which requires Washington state licensing, certification or a degree that is comparable to that required for Washington State Teacher Certification.

Action:

HB 1023 would have allowed five years of non-school professional experience to be recognized when calculating years of service for Educational Staff Associates. The bill was not acted upon.

Running Start — standards

The WSSDA shall initiate and/or support legislation that would give local school boards the authority to estab-

lish minimum academic standards a student must achieve prior to and while attending the Running Start program.

Action:

No action was taken on this issue.

Assessment modifications for AYP

The WSSDA shall initiate and/or support legislation requiring OSPI to submit to the Department of Education a request allowing school districts to use a modified assessment for two percent of their special education students, as currently authorized by federal law.

Action:

No action was taken on this issue.

WASL — Performance level

The WSSDA shall support maintaining Washington's high standards by opposing reduction of the level of performance necessary to pass the 10th grade WASL from "proficient" to "basic." However, school board members continue to believe that adequate resources are necessary to ensure all students have the opportunity to achieve success on the WASL.

Action:

No action was taken on this issue.

Community schools

The WSSDA shall initiate and/or support legislation to encourage and incentivize cooperative partnerships and/or joint use of facilities with the local community, such as early learning providers, social service providers, community and technical colleges, and public baccalaureate institutions. The legislation should include revisions in the current calculation of "instruc-

tional space" so school districts are not penalized by the loss of any state construction funding due to the facilities partnership.

Action:

HB 1618 would have established a Community Schools Program, providing grants to entities to acquire facilities — including surplus schools — to be used for non-residential coordinated services for children and families. A ten percent enhancement to the Area Cost Allowance would have been provided to school districts that certified a cooperative partnership that included the joint use of school facilities. The bill passed the full House and was further acted upon in the Senate Government Operations and Elections Committee and the Senate Ways and Means Committee before dying for lack of action in the Senate Rules Committee. The 2009-11 Capital Budget includes funding (\$5.0 million) to support a Community Schools Program; however, school districts would not receive the same type of funding incentive as was embedded in HB 1618.

Advanced Placement and International Baccalaureate

The WSSDA shall initiate and/or support legislation that develops a funding formula and provisions for appropriate funding for Advanced Placement (AP) and International Baccalaureate (IB) honors programs, with a special emphasis on increasing minority student participation in these rigorous programs.

Action:

No action was taken on this issue.

7.8.2 Exclude school calendar from mandatory negotiations

The WSSDA believes that the school calendar is a matter of public concern and should not be a mandatory subject of collective bargaining.

(Adopted 1979; Amended 2001)

Action:

No action was taken on this issue.

7.2.8 Learning improvement allocations

The WSSDA shall initiate and/or support ongoing implementation of HB 1209 including continued and enhanced funding of learning improvement allocations.

(Adopted 1996; Amended 1999)

Action:

No action was taken on this issue.

Student eye exams

The WSSDA shall initiate and/or support legislation providing students entering kindergarten with eye exams. Such legislation should provide additional assistance to students who require further eye care.

Action:

SB 5958 would have intended for students who exhibited striking behavior or discipline changes or a sudden drop in academic performance to be given additional vision screen beyond the currently required vision and auditory acuity screenings. The bill passed out of the Senate Early Learning and K-12 Education Committee, but was not acted upon any further.

7.3.2 Consolidation/erosion of school districts

The WSSDA believes that consolidation of local school districts should occur

only through a process of voting by the affected citizens and not by legislative mandate.

(Adopted 1982; Amended 1986 and 1994)

Action:

Bad economic situations seem to draw out discussions about school district consolidation. The governor's Operating Budget proposal included a proviso requiring OSPI to make recommendations for a "streamlined school district consolidation process" including recommendations with "specific proposals for realigned school districts." As the session progressed, Governor Gregoire was quoted as saying, "I don't get why we have 50 (schools) that have less than 150 students." She followed that by saying that consolidation needed to be on the table. No proposal was ever introduced, however.

The final 2009-11 Operating Budget requires the Joint Legislative Audit and Review Committee to conduct a school size study, including a review of research on non-financial benefits and impacts associated with school and school district size.

Distribution of state funds

The WSSDA shall initiate and/or support legislation to ensure that state funding appropriated to OSPI for allocation to local school districts reaches those districts as intended.

Action:

This specific issue was not addressed. However, ESB 6137 provides OSPI with additional authority to transfer program appropriations within the agency to cover under or over expenditures in other programs.

7.2.11 Remote and necessary schools

The WSSDA shall initiate and/or support legislation which continues to recognize the high-cost nature of providing educational programs and services to school plants designated as being remote and necessary. WSSDA supports the current concept of additional funding for these school plants.

(Adopted 1991)

Action:

No action was taken on this issue.

7.8.4 Continuing employment contracts

The WSSDA shall initiate and/or support legislation that will revise the continuing employment contract laws so that certificated employees contracts may have a term length of three years. With board approval, a contract can be extended for an additional one year after an annual review of the certificated employee's performance or non-renewed after three years with probable cause, solely at the discretion of the board.

(Adopted 1999)

Action:

No action was taken on this issue.

Legal notices Web site

The WSSDA shall initiate and/or support legislation requiring the development of a state-maintained Web site for school districts' required legal notices.

Action:

No action was taken on this issue.

Green buildings

The WSSDA shall initiate and/or support an increase of state funding for school construction to cover the

additional costs of meeting mandatory standards for green buildings and to provide incentives for sustainable design and lower long-term resource costs.

Action:

No action was taken on this issue.

7.8.7 Teacher provisional status

The WSSDA supports a period of three years before a teacher is considered to have a continuing contract in the educational system of Washington State (Continuing Contract Act, RCW 28A.405.210). A continuing-contract teacher who transfers from one school district in the state to another shall be deemed to be a provisional employee for one year.

(Adopted 2001)

Action:

No action was taken on this issue.

Alternative routes to teacher certification

The WSSDA shall initiate and/or support legislation that maintains or increases funding for alternative routes to teacher certification in state-identified shortage areas, particularly for those routes that allow paraeducators and other classified instructional employees to attain a teaching certificate.

Action:

Unfortunately, due to the state's budget deficit, funding for this program was reduced rather than enhanced. The final 2009-11 Operating Budget reduces funding for the alternative route programs by 40 percent (\$1.7 million).

7.4.3 Building improvements

The WSSDA shall initiate and/or support legislation to permit school districts in the state of Washington

to make limited improvements of not more than 10 percent of the current value of the facility, such as energy retrofits, in existing facilities without requiring a review and/or upgrading of the entire building to meet current codes in other areas.

(Adopted 1992)

Action:

No action was taken on this issue.

Non-renewal deadline

The WSSDA shall initiate and/or support legislation to allow school districts to non-renew certificated staff up to 45 days after state budget becomes law and/or 45 days after teachers ratify local collective bargaining agreements with financial impact.

Action:

This issue is another step closer to being implemented with the adoption of SB 5487. The bill extends the May 15 non-renewal deadline to June 15 (from the current deadline of June 1), if the state's Operating Budget has not passed the Legislature by May 15.

7.2.13 Sick leave cash out

The WSSDA shall initiate and/or support legislation which would fund the sick leave cash-out program to the full extent of financial impact to the school districts of Washington state.

(Adopted 1987)

Action:

No action was taken on this issue.

Enrichment programs

The WSSDA shall initiate and/or support legislation that supports full funding of enrichment programs, such as the AVID program, in all middle schools.

Action:

No action was taken on this issue.

Tax exemptions (2)

The WSSDA shall initiate and/or support legislation to exempt all school district operations and the labor portion of construction expenditures from sales and use taxes.

Action:

The Joint Legislative Task Force on School Construction Funding discussed this issue in the last two years — no legislation was introduced, however.

Students of incarcerated parents

The WSSDA shall initiate and/or support legislation to improve programs and services to students with parents in prison.

Action:

The Legislature recently established the Incarcerated Family Program to provide assistance to school districts to better understand how to support students with an incarcerated parent. Unfortunately, due to the state budget crisis, funding for this program was eliminated in the final 2009-11 Operating Budget.

State student ID

The WSSDA shall initiate and/or support legislation to ensure that all Washington students have only one unique student identifier (or "State Student ID").

Action:

No action was taken on this issue.

Truancy Becca funding

The WSSDA shall initiate and/or support legislation that: (1) provides

adequate state compensation to school districts for additional secretarial and administrative time to monitor truan-
cies, send letters, prepare court docu-
ments and truancy petitions, attend
court hearings and provide follow-up
supervision for Becca compliance; or,
(2) eliminate the Becca law if the fund-
ing is not continually forthcoming.

Action:

The final 2009-11 Operating Budget includes funding (\$3.6 million) for school districts to file petitions with the juvenile court for truant students. Although it is questionable whether this funding is “adequate,” it should cover the expenses of school districts to serve petitions (but not compen-
sation for additional secretarial or administrative time).

Student newspapers

The WSSDA supports local school districts’ offering of journalism classes or clubs and student newspapers to enhance students’ knowledge and understanding of journalism and the principles of freedom of the press. However, student newspapers are not independent papers but school-spon-
sored papers — they are paid for by the school, written and edited in class or an after-school setting, and dis-
tributed to school staff and students. Therefore, WSSDA will oppose any legislation that would eliminate the ability of school staff to review, super-
vise, direct or edit a school-sponsored newspaper.

Action:

SB 5946 would have prohibited public high schools from “censoring” school-sponsored student media except in limited circumstances. The bill received a perfunctory hearing in the Senate Judiciary Committee and failed to move.

7.8.1 Bargaining exclusions

The WSSDA shall initiate and/or support legislation which makes nonnegotiable under RCW 41.59 (the Collective Bargaining Law) the final responsibilities of boards of directors found in RCW 28A.150.230 (the Basic Education Act).

(Adopted 1989)

Action:

No action was taken on this issue.

7.2.10 Desegregation funding

The WSSDA shall initiate and/or sup-
port legislation which will provide funds to assist local school districts’ efforts to desegregate their schools through voluntary strategies to meet the laws and regulations of the state of Washington.

(Adopted 1990)

Action:

No action was taken on this issue.

7.6.1 Diversity training

The WSSDA shall initiate and/or sup-
port legislation and/or regulations that include an academic experience of diversity requirements of certification for all new teachers, administrators and educational staff associate prepa-
ration programs.

Additionally, continuing education programs will offer diversity training classes.

(Adopted 1995; Amended 2003)

Action:

2SSB 5973, establishing an Achievement Gap Oversight and Accountability Committee, directs the Professional Educator Standards Board to identify model standards for cultural competency and make recom-
mendations to the Legislature about

the standards. Additionally, OSPI is to identify school districts that have the largest achievement gaps and should receive priority for assistance in ad-
vancing cultural competency skills.

7.8.5 Fiscal nonrenewal date

The WSSDA shall initiate and/or sup-
port legislation to change the May 15 deadline for staff nonrenewal notifi-
cation, due to fiscal reasons (such as enrollment decline or loss of revenue), to June 15 or 30 days after the governor signs the budget, whichever occurs last.

(Adopted 1993)

Action:

This proposal was partially achieved. SB 5487 extends the May 15 non-
renewal deadline to June 15 (from the current deadline of June 1), if the state’s Operating Budget has not passed the Legislature by May 15.

7.8.6 Principals, transfer to subordinate positions

The WSSDA shall initiate and/or sup-
port legislation which would permit districts to transfer principals to sub-
ordinate certificated positions on the same terms as other administrators.

(Adopted 1994)

Action:

No action was taken on this issue.

7.9.1 Fiscal note

The WSSDA supports requiring identi-
fication of the local cost of compliance (fiscal notes) for any proposed state laws or administrative rules which would affect educational programs or services, as a means of avoiding unfunded mandates.

(Adopted 1978; Amended 2002)

Action:

HB 1458 would have required fiscal notes to be made available prior to the Legislature's final vote on any bill that would increase local government expenditures or increase or decrease local government revenues.

HB 2336 would have established a new Joint Legislative Fiscal Note process to ensure fiscal notes are timely, accurate, impartial and partisan.

HB 1458 was discussed in a courtesy work session, but failed to move. HB 2336 was never acted upon.

Election dates

The WSSDA shall initiate and/or support legislation which eliminates the current requirement that school levy/bond elections must be held on the same date as a state Presidential Preference Primary election whenever that election is held in February, March, April or May. Additionally, the WSSDA shall support legislation that would reduce the number of special election dates currently available for school levy/bond elections, provided that the remaining dates are suitable to school districts.

Action:

ESHB 1018 accomplishes this proposal. The bill breaks the linkage between special election dates and the Presidential Preference Primary. The bill also makes changes to spring special election dates: the February special election date is moved from the first Tuesday after the first Monday in February to the second Tuesday; and the March special election date is

eliminated. The May special election date will become a "contingency" date that can only be used for levies that failed previously in the calendar year and for new bond issues. This May date will be eliminated after 2011.

NCLB assessments

The WSSDA shall initiate and/or support legislation providing for alternative assessments for off-grade level WASLs that will be useful to diagnostically inform instruction.

Action:

ESSB 5414, as adopted, directs OSPI and the State Board of Education to begin redesigning the state's assessment system. OSPI is also specifically directed to revise the WASL to reduce open-ended questions, as well as revisit alternative assessments.

Superintendent Randy Dorn wants to move to an on-line, diagnostic test rather than the current, expensive paper-and-pencil WASL. Presumably OSPI will include this as a part of its required report and recommendations that will be forwarded to the Legislature.

School breakfast/lunch programs

The WSSDA shall initiate and/or support legislation or budget provisions to eliminate the reduced price lunch co-pay for pre-K and grade 4-12 students, as the state has done for students in grades K-3.

Action:

Because of the state's large budget deficit, it was a struggle just to maintain the eliminated co-pays for students in kindergarten through third grade. The newly established Washington Grown Fresh Fruits and Vegetables Program, which provides funding to schools to purchase Washington-grown produce was even cut in the budget.

HB 1416/SB 5361 would have eliminated the reduced-price co-pay for breakfast for all students and would have eliminated the reduced-price lunch co-pay for students in preschool through grade six. Neither bill moved very far.

WASL accommodations

The WSSDA shall initiate and/or support legislation requiring math and science WASL assessments in the six most common non-English languages to be available for Limited English speaking students. Such assessments shall be fully funded by the Legislature, and school district staff shall be adequately trained in both the administration and evaluation of the assessments. Priority for administration and use shall be in the 10th grade WASL, and such assessments shall satisfy the academic assessment requirements for graduation.

Action:

Funding was provided in the 2008 Supplemental Operating Budget to translate the math and science WASL into six languages other than English. No further action was taken on this issue during the 2009 session.

Bills Passed

During the 2009 Legislative session, more than 2,500 bills, resolutions and memorials were introduced. Of those, almost 500 were adopted by the Legislature. WSSDA monitored almost 400 bills, resolutions or memorials that had a direct or potentially indirect impact on K-12 education. Ultimately, 79 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.

ESHB 1018 – Special election dates

(Representative Appleton)

Current law provides local governments, including school districts, six opportunities per year to seek voter approval on local ballot measures. Special elections can be held in February, March, April and May. The August primary election and the November general election may also be used for local ballot measures. ESHB 1018, as adopted, changes the date of the February special election from the first Tuesday after the first Monday in February to the second Tuesday and eliminates the March special election date. The May special election date, which would have been eliminated in earlier versions of the bill, is temporarily reinstated as a “contingency” date that can only be used for levies that failed previously in the calendar year and for new bond issues. The May special election date will be eliminated after 2011.

ESHB 1018 also changes the deadline for when a local government resolution calling for a special election must be submitted to the county auditor. Currently, resolutions must be presented to the auditor at least 52 days prior to the scheduled special election date. This bill changes that deadline to 45 days prior to the scheduled election.

Finally, ESHB 1018 breaks the current linkage between special election dates and the Presidential Preference Primary. Current law states that if the Presidential Preference Primary is conducted in a month when a special election is held, the special election must be held on the same date as the Presidential Preference Primary. This bill strikes this provision from current law.

-Chapter 413, Laws of 2009

SHB 1110 – Home-based instruction

(Representative Sullivan)

Introduced at the request of home-school organizations, this bill prohibits school districts from disseminating advertising, marketing, or other unsolicited information regarding learning programs to students and their parents who have filed a declaration of intent regarding home-based instruction. “Learning programs” are defined to include, but not be limited to, digital learning programs, part-time enrollment opportunities and other alternative learning programs.

General mailings or newsletters sent to all households in a district are specifically exempted from the prohibition. Additionally, school districts are specifically allowed to respond to requests

for information that are initiated by a parent.

-Chapter 190, Laws of 2009

HB 1113 – School construction grants

(Representative Driscoll)

The state's two-year Capital Construction Budget provides funding for the School Construction Assistance Grant Program (SCAGP) to assist eligible school districts with funding for limited facility planning and “matching” funds (see SB 5980, Bills Passed) for school construction and renovations. Although the 2007-09 Capital Budget “fully funded” the projected need for school construction assistance, school districts requested funds more quickly than predicted, causing a potential shortfall in the Grant Program.

HB 1113, adopted and signed early in the 2009 session, authorizes the issuance of \$133 million in state general fund bonds to support cash flow needs of current projects in the School Construction Assistance Grant Program. The bill appropriates \$130 million in bonds made to OSPI for the Grant Program in a second 2007-09 Supplemental Capital Construction Budget. Passage of this bill allows currently funded projects to be completed on time, on budget and without work shortages.

- Chapter 6, Laws of 2009

HB 1155 – Special education billing

(Representative Hinkle, by request of Department of Social and Health Services)

School districts are eligible to receive Medicaid reimbursement for medical services they provide to special education students. In 1993, the Legislature created a system through which school districts could seek the reimbursement. Under the system, all Medicaid payments would be made directly to OSPI. OSPI would then disburse the funds, including reimbursement to the Department of Social and Health Services (DSHS) for the state-funded portion of the Medicaid payments, reimbursement for the billing agent's fees, incentive payments to school districts and disbursements to school districts for special education programs.

Following a federal audit, DSHS was ordered to change the way in which it calculates reimbursement rates and end involvement with OSPI by reimbursing school districts directly. In 2007, DSHS complied with the directive and abandoned the 1993 statutory system. HB 1155 brings the state into compliance with federal law by repealing outdated statutory provisions relating to billing for medical services provided through special education programs. The state has been operating under this new system since 2007, so adoption of this bill will have no adverse effect on school districts.

- Chapter 73, Laws of 2009

HB 1156 – Alternative route program

(Representative Anderson)

This bill creates a preference in admission and for scholarships in the alternative route teacher certification programs for eligible veterans and National Guard members, if they otherwise meet the entry requirements for the program in which application is made. For purposes of the preference,

eligible veteran or National Guard member is defined as a Washington domiciliary who was an active or reserve member of the United States military or naval forces, or a National Guard member called to active duty, who served in active federal service, in the Army, Navy, Marines, Air Force, Reserve, or National Guard in a war or conflict fought on foreign soil or in international waters or in another location in support of those serving on foreign soil or in international waters. If discharged from service, the person must have received an honorable discharge.

-Chapter 192, Laws of 2009

HB 1195 – Undisputed claims

(Representative Haigh, by request of Capital Projects Advisory Review Board)

This bill requires the state or a municipality — including school districts — to issue a change order to a public works contract for the full dollar amount of the work not in dispute within 30 days of satisfactory completion of the additional work. Failure to do so will result in interest paid by the state or municipality on the undisputed amount at a rate of one percent per month.

- Chapter 193, Laws of 2009

HB 1196 – Small works projects

(Representative Haigh, by request of Capital Projects Advisory Review Board)

Currently, state agencies and local governments are allowed to use a small works roster process to award contracts for public works estimated to cost \$200,000 or less. This bill increases the maximum dollar amount allowed for use of a small works roster process to \$300,000. Further, the dollar

amount requiring notification of all contractors on the roster is increased from between \$100,000 and \$200,000 to between \$150,000 and \$300,000.

-Chapter 74, Laws of 2009

HB 1197 – Alternative public works

(Representative Haigh, by request of Capital Projects Advisory Review Board)

Alternative methods for constructing public works were first used on a very limited basis and then adopted in statute in 1994 for certain pilot projects. These alternative procedures include a design-build process, a general contractor/construction manager (GCCM) process, and job order contracting process. Originally, the use of these alternative methods was limited to a handful of public entities.

In 2005, the Capital Projects Advisory Review Board (CPARB) was established to monitor and evaluate the use of traditional and alternative public works contracting procedures and to evaluate potential future use of other alternative contracting procedures. In 2007, the CPARB presented recommendations for the expanded use of these procedures and processes that the Legislature enacted into law. A project review committee was created to certify public bodies to use either design-build, the GCCM, or both procedures, or to approve projects on a project-by-project basis. The use of the procedures is generally limited to projects with a total project cost of \$10 million or more. However, the GCCM process may be used on projects with a total project cost of less than \$10 million with the approval of the project review committee.

HB 1197 requires the CPARB to develop guidelines to be used by the review

committee for review and approval of design-build demonstration projects that include procurement of operations and maintenance services. In turn, the review committee may authorize two design-build demonstration projects that include operations and maintenance services for a period of longer than three years.

The review committee may approve up to 10 demonstration projects using the design-build process for projects with a total project cost between \$2 and \$10 million. Public bodies certified to use design-build must seek approval from the review committee for these projects. The review committee must report to the CPARB on recommendations for continued use of the design-build procedure for projects estimated under \$10 million. The bill makes changes to clarify that public bodies seeking certification for the design-build procedure must demonstrate successful management of at least one design-build project within the previous five years, and those seeking certification for the GCCM process must demonstrate successful management of at least one GCCM project within the previous five years.

Honorarium payments for design-build projects are made to the finalists submitting responsive proposals rather than those submitting a “best and final” proposal. Sealed bids on final proposals for the GCCM projects must be opened and read in public and all previous scoring must be made available to the public.

-Chapter 75, Laws of 2009

HB 1199 – Public works retainage

(Representative Haigh, by request of Capital Projects Advisory Review Board)

In most instances, the general contractor on a public works project is required to post a performance bond to faithfully perform all work under the contract and to pay laborers, material suppliers, and subcontractors. Also, in most instances, a retainage of up to five percent of the contract amount is required on public works contracts to be paid to the contractors 45 days after the completion of the project. The amount serves as a trust fund for payment of laborers, subcontractors, material suppliers, and excise taxes that are imposed on the contract.

HB 1199 is a technical clean-up bill that removes obsolete references relating to retainage of funds on public works contracts entered into prior to September 1, 1992. Additionally, statutes related to timely payment of interest on unpaid public contracts; public works retainage; excess over lien claims to contractor; and duties of the disbursing officer upon final acceptance of contract are each repealed.

- Chapter 219, Laws of 2009

ESHB 1216 – Capital Budget

(Representative Dunshee, by request of Governor Gregoire)

This is the 2009-11 Capital Construction Budget. Included is the 2009 Supplemental Capital Budget. (For details, see Budget Section earlier in this Summary.)

**- Chapter 497, Laws of 2009
Partial veto**

ESHB 1244 – Operating Budget

(Representative Linville, by request of Governor Gregoire)

This is the 2009-11 Operating Budget. Included is the 2009 Supplemental Operating Budget. (For details,

see Budget Section earlier in this Summary.)

**- Signed by Governor
Partial veto**

ESHB 1272 – General obligation bonds

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

This is the bill to authorize the issuance of state general obligation bonds to support the 2009 Supplemental and the 2009-11 Capital Construction Budgets. The State Finance Committee is authorized to issue general obligation bonds to finance \$2.219 billion for capital construction projects.

ESHB 1272 also authorizes the issuance of \$1.95 billion in bonds to support the State Route 520 transportation project.

- Chapter 498, Laws of 2009

HB 1288 – Home school declaration

(Representative Upthegrove)

Children in Washington are allowed to receive home-based instruction instead of attending a public school, an approved private school or an education center. However, each parent whose child is receiving home-based instruction has specific legal obligations, including the filing of an annual declaration of intent that he or she is planning to cause his or her child to receive home-based education. The annual declaration of intent must include the name and age of the child, shall specify whether a certificated person will be supervising the instruction and shall be in the written format prescribed by OSPI.

Because home-based students are not enrolled in an educational agency or institution, the annual declaration of

intent is not a protected student record under the Federal Educational Rights and Privacy Act or other current law. HB 1288 specifically exempts the annual declaration of intent to provide home-based instruction filed by a parent from disclosure under the Public Records Act.

- Chapter 191, Laws of 2009

SHB 1292 – 180-day school year (Representative Newhouse)

Current law requires a school district's basic educational program to consist of a minimum of 180 school days per year in such grades from one through 12 as are offered by the district. For kindergarten, a district must offer 180 half-days or its equivalent of instruction. Hourly instructional requirements are also set in law: at least 450 hours for kindergarten and a district-wide annual average of 1,000 hours for grades one through 12. The State Board of Education has the authority to grant waivers from these requirements, but its authority is limited and does not include the authority to grant waivers for purposes of economy and efficiency.

As introduced, this bill would have authorized the State Board to grant waivers of the 180-day requirement for districts that propose to operate one of more schools on a four-day school week for purposes of economy and efficiency. (Similar legislation introduced in the Senate would have simply eliminated the 180-day requirement, rather than provide the State Board with additional waiver authority; see SB 5112, Bills Not Passed.) As amended and adopted, waivers may be granted to school districts that propose to operate one or more schools on a flexible calendar (not necessarily four-day school weeks) for purposes

of economy and efficiency. The final bill also limits the number of allowable waivers to five. Two of the school districts granted waivers must have student populations under 150; three of the school districts granted waivers must have student populations of between 151 and 500 students. The requirement of an annual average of at least 1,000 instructional hours shall not be waived.

School districts seeking such a waiver must submit:

- A proposed calendar showing how the instructional hour requirement will be met;
- An explanation and estimate of the economies and efficiencies to be gained;
- An explanation of how the monetary savings will be redirected to support student learning;
- A summary of public comments received at public hearing on the proposal together with an explanation of how the concerns will be addressed;
- An explanation of the impact upon students who rely on free and reduced lunch and the impact on the ability of the child nutrition program to operate an economically independent program;
- An explanation of impact upon employee recruitment;
- an explanation of the impact on students whose parents work during the missed school day; and
- Other information as requested by the SBE to assure that the proposal will not adversely affect student learning.

The SBE must adopt criteria to evaluate these waiver requests. A waiver may be granted for up to three years with

an opportunity to reapply for an extension. All such waivers expire August 31, 2014, as does the section of law creating the waiver authority.

By December 15, 2013 the SBE shall examine these waivers and make a recommendation to the education committees of the Legislature as to whether this program should be continued, modified, or allowed to terminate. This recommendation should focus on whether the waiver program resulted in improved student learning as demonstrated by empirical evidence.

-Chapter 543, Laws of 2009

SHB 1319 – School employee ethics

(Representative Sullivan)

Under the current Ethics in Public Service law, state officers and employees are prohibited from using state property under their official control or direction for their own, or another's, private benefit or gain. The ethics boards for each of the three branches of state government are authorized to adopt rules providing exceptions for occasional use, of de minimis cost and value, if the activity does not result in interference with the proper performance of public duties. There are not currently comparable laws specifically applicable to school district employees.

SHB 1319 clarifies that school district employees are prohibited from using property, money or persons under their official control, direction, or custody, without authorization, for their own, or another's, private benefit or gain. Each school district board of directors may adopt policies permitting occasional use, of de minimis cost and value, if the activity does not interfere with the proper performance of public duties. Like the similar provision in the Ethics in Public Service law, the use of

public resources to benefit others as part of the employee's official duties is not prohibited.

Additionally, OSPI is directed to adopt disciplinary guidelines for violations of this new law.

- Chapter 224, Laws of 2009

HB 1322 – Scoliosis screening
(Representative Green)

Under current law and rules adopted by the State Board of Health, OSPI must require school districts to screen public school students for scoliosis at least three times: once in fifth grade, once in seventh grade, and once in ninth grade. Recognizing that removing scoliosis screening as a responsibility of school districts will result in more reliable diagnoses and allow school health personnel to focus their efforts on improving the health of their unique student populations, HB 1322 repeals current statutes that establish the scoliosis screening program for public school students.

-Chapter 41, Laws of 2009

SHB 1347 – Financial education
(Representative Santos)

The Financial Literacy Public-Private Partnership (FLPPP) was created in 2004 to adopt a definition of financial literacy and identify strategies to increase financial literacy of public school students. The FLPPP is made up of four legislators, four representatives from the financial services sector, four educators, and one designee from OSPI and the Department of Financial Institutions. The FLPPP is scheduled to expire June 30, 2009.

SHB 1347 establishes the Financial Education Public-Private Partnership (Partnership) to replace the FLPPP and repeals the termination date.

The new Partnership is composed of four members of the Legislature; four representatives from the financial services sector appointed by the Governor; four teachers appointed by the Superintendent of Public Instruction; one representative from the Department of Financial Institutions; and two representatives from OSPI, one from curriculum development and one from teacher professional development. Members are to be appointed by August 1, 2009, and the chair is selected from among the legislative members. To the extent funds are available, the Partnership can hire a staff person, who would be housed in the OSPI only for administrative purposes.

The current duties of the FLPPP are repealed and the following duties are assigned to the new Partnership, to be conducted to the extent funds are available:

- Communicate financial education standards and strategies for improving financial education to school districts;
- Review financial education curriculum;
- Develop evaluation standards and a procedure for endorsing financial education curriculum;
- Identify assessments and outcome measures that schools can use to determine whether students meet financial education standards;
- Monitor and provide guidance for professional development;
- Work with the OSPI and the Professional Educator Standards Board to create professional development that leads to a certification in financial education;

- Develop guidelines and protocols for classroom volunteers providing financial education; and
- Submit an annual report by December 1 of each year.

If funds are appropriated, the OSPI and the new Partnership will provide technical assistance and grants to support up to four school districts conducting demonstration projects for district-wide adoption and implementation of the JumpStart Coalition National Standards in K-12 Personal Finance Education. The selected districts must integrate financial education at all grades in all schools in the district, establish local partnerships in the community to promote financial education, and conduct pre- and post-testing of students' financial literacy.

The final 2009-11 Operating Budget includes \$50,000 for the purposes of this bill.

- Chapter 443, Laws of 2009

2SHB 1355 – Opportunity internship

(Representative Probst)

This bill creates the Opportunity Internship Program to provide incentives for local consortia to build educational and employment pipelines for low income high school students in high demand occupations in targeted industries. The Program will be administered by the Workforce Training and Education Coordinating Board. Consortia are composed of the local Workforce Development Council (WDC), Economic Development Council, high schools, community or technical colleges, public and private four-year institutions of higher education, apprenticeship councils, private vocational schools, employers, and labor organizations.

Under the program, consortia commit to the following activities, using existing federal, state, and private resources:

- Identify high demand occupations in targeted industries for which internships and pre-apprenticeships will be developed and provided for low income students;
- Develop paid or unpaid internships and pre-apprenticeships of at least 90 hours in length;
- Provide mentoring, guidance, and assistance with college applications and financial aid;
- Guarantee a job interview if a participating student completes a postsecondary program of study;
- Conduct outreach efforts to inform students about the program and high demand occupations in targeted industries;
- Maintain communication with program graduates who enroll in postsecondary programs of study; and
- Submit an annual report to the Workforce Board.

Consortia are encouraged to: designate the WDC as fiscal agent; provide summer internships and pre-apprenticeships; work with area high schools to incorporate the Opportunity Internship Program into counseling programs and make the internships count as worksite learning experiences for high school credit; and coordinate with other workforce education and financial aid programs.

For purposes of this bill, a low income student is defined as a student in 10th, 11th, or 12th grade in a public high school who qualifies for federal free and reduced price meals at the time of entry into the program. A high demand occupation is defined as one with a substantial number of employment op-

portunities. A postsecondary program of study is defined as a program that leads to an undergraduate or graduate certificate, apprenticeship, or degree.

The Workforce Board is required to select up to ten consortia with the strongest commitment, readiness, capacity, and experience to operate a program. The Workforce Board is directed to attempt to select consortia representing a geographic distribution across the state and a variety of targeted industries. Each consortium may select no more than 100 low income students per year to participate.

Each year, the consortia will submit lists of program graduates to the Workforce Board, which will send the lists to the Higher Education Coordinating Board. Those Opportunity Internship Program graduates who enroll in a postsecondary program of study within one year of high school graduation are eligible to receive a State Need Grant for up to one year. Program graduates must be enrolled in an approved institution of higher education, which may include related and supplemental instruction for apprentices that is provided through a community or technical college. Program graduates who are in an apprenticeship program can use the State Need Grant award to pay for instruction, tools, and other program costs.

Subject to funds provided for this purpose, a consortium receives a \$2,000 payment for each Program graduate who completes a postsecondary program of study and then obtains and retains employment in a high demand occupation that pays a starting salary or wages of at least \$30,000 per year for at least six months. If there are not sufficient funds, the Workforce Board prorates the payment across the consortia and informs the Governor

and Legislature of the amount of the shortfall. Payments must be used to continue operating internship programs.

The Workforce Board conducts an outcome evaluation of the financial benefits of the Program. A preliminary analysis is due December 1, 2012, and a final analysis is due by December 1, 2014.

The final 2009-11 Operating Budget appropriates \$230,000 of federal stimulus funds to implement 2SHB 1355. The Workforce Board will transfer \$110,000 of this appropriation to the Higher Education Coordinating Board to offset new costs it will incur in developing and administering the special State Need Grant provisions incorporated in the new Opportunity Internship Program.

- Chapter 238, Laws of 2009

EHB 1385 – Sexual misconduct (Representative Haler)

Currently, a school employee is guilty of sexual misconduct with a minor in the first degree when the employee has sexual intercourse with a registered student of the school who is at least 16 years old, if the employee is at least 60 months older than the student. Sexual misconduct with a minor in the second degree involves the same age qualifications, but applies where there is sexual contact instead of sexual intercourse. Earlier this year, Division II of the Washington Court of Appeals interpreted the sexual misconduct with a minor statute in the case of *State v. Hirschfelder*. In that case, a high school choir teacher was alleged to have had sexual intercourse with an 18-year-old member of the high school choir shortly before the student graduated from high school. The teacher was

charged with one count of first degree sexual misconduct with a minor.

The Court of Appeals dismissed the case, holding that the statute is ambiguous and did not appear to have been intended to apply when the student is 18 years of age or older.

EHB 1385 modifies the crime of sexual misconduct with a minor in the first degree is to specifically criminalize sexual intercourse between a school employee and an enrolled student of the school who is at least 16 years old and not more than 21 years old. The crime of sexual misconduct with a minor in the second degree is also modified to criminalize sexual contact between a school employee and an enrolled student of the school who is at least 16 years old and not more than 21 years old.

The bill also clarifies the term “enrolled student” is defined to mean: (1) any student enrolled at or attending a program hosted or sponsored by a common school; (2) a student enrolled at or attending a program hosted or sponsored by a private school; or (3) any person who receives home-based instruction.

-Chapter 324, Laws of 2009

HB 1394 – Workforce Board plan

(Representative White, by request of Workforce Training and Education Coordinating Board)

The Workforce Training and Education Coordinating Board is a body representing a partnership of 12 members from business, labor, and government. The state Superintendent of Public Instruction serves as a Board member. The Workforce Board advises the Governor on workforce development policy, ensures that the state’s workforce preparation services and

programs work together, and evaluates performance. The Workforce Board also advocates for the non-baccalaureate training and education needs of the workers who account for about 75 percent of Washington’s workforce.

Currently, the Workforce Board is required to develop a comprehensive plan, meant to serve as the roadmap for the workforce development system, and update the plan every two years. The Legislature is required to approve or make changes to the plan updates by way of a concurrent resolution (see SSCR 8404, Bills Passed). Once approved, the plan becomes the state’s workforce training policy unless legislation is enacted to alter the policies set forth in the plan. Every year, by December 1, the Workforce Board is required to report to the appropriate legislative policy committees on progress in implementing the comprehensive plan.

HB 1394 requires the Workforce Board to continue to plan for a 10-year period; however, the plan will be required to be updated every four years rather than every two years. The Workforce Board will continue to submit annual progress reports to the Legislature by December 1.

-Chapter 92, Laws of 2009

HB 1548 – Interruptive military service

(Representative Bailey, by request of Select Committee on Pension Policy and LEOFF Plan 2 Retirement Board)

This bill allows a member the various state retirement systems (Law Enforcement Officers’ and Fire Fighters’ Retirement System Plan 2, Public Employees’ Retirement System Plan 2 or 3, Public Safety Employees’ Retirement System Plan 2, School Employees’ Retirement System Plan

2 or 3, Teachers’ Retirement System Plan 2 or 3, or the Washington State Patrol Retirement System Plan 2) to receive up to five years of free service credit for interruptive military service during a “period of war;” as defined in law (RCW 41.04.005). Employers are still required to pay the employer contributions on the service. HB 1548 also provides refunds to members who have already made payments for such service. In the case of a military death, the survivor would also be relieved of paying the member cost for interruptive military service credit.

-Chapter 205, Laws of 2009

HB 1551 – Military death benefits

(Representative Conway, by request of Select Committee on Pension Policy and LEOFF Plan 2 Retirement Board)

This bill provides an unreduced joint and survivor annuity to qualifying survivors of members of the various state retirement systems (Law Enforcement Officers’ and Fire Fighters’ Retirement System Plan 2, Public Employees’ Retirement System Plan 2, School Employees’ Retirement System, Teachers’ Retirement System, or Washington State Patrol Retirement System Plan 2) who leave public employment due service in the National Guard or Military Reserves and die while serving honorably during a “period of war” (as defined in RCW 41.04.005). This increased survivor benefit is equal to those provided to survivors of members that die in the line of duty or course of state retirement system-covered employment.

-Chapter 226, Laws of 2009

SHB 1552 – Rule-making hearings

(Representative Kretz)

Rules are adopted by state agencies through a process mandated by the Washington Administrative Procedures Act. The Act sets out exactly what steps an agency must follow to adopt rules. When an agency believes it has developed a final rule proposal, it publishes a notice of proposed rule-making and schedules a public hearing. At the public hearing, interested parties can make comments or submit written comments about the proposal. In recent years, some agencies have been gathering public input on proposed rules through the use of information booths or kiosks. While considered to technically be in compliance with the law, there is a concern that these methods do not provide a meaningful interaction for the public.

SHB 1552 clarifies that during an agency rule-making hearing, all interested parties are required to have the opportunity to comment individually. Additionally, all comments by all the public shall be done orally in the presence and hearing of all other hearing attendees, unless an individual chooses to submit written or electronic comments. If written or electronic comments are provided, they must be accepted and included in the record.

-Chapter 336, Laws of 2009

HB 1562 – Graduating without CAA

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

Current law requires high school students, starting with the class of 2008, to meet the state standard on the 10th grade Washington Assessment of Student Learning or an approved alternative assessment in reading,

writing, and mathematics to receive a Certificate of Academic Achievement (CAA). Students in special education who are not appropriately assessed using the WASL can earn a Certificate of Individual Achievement (CIA). The CAA or CIA were to be required for high school graduation starting with the class of 2008, but the 2007 Legislature enacted a temporary exception for students who do not meet the state standard in mathematics.

Through the graduating Class of 2012, students may graduate from high school without a CAA or CIA if they:

- Have not met the state standard in mathematics on the WASL, an approved alternative assessment, or an alternative for eligible special education students;
- Have met the state standard in the other required content areas;
- Have met all other state and local graduation requirements;
- Continue to take the appropriate mathematics assessment annually; and
- Successfully earn two additional high school mathematics credits or a career and technical course equivalent after their sophomore year, designed to increase their proficiency on the WASL. This requirement was one additional credit after their junior year for students in the Class of 2008.

Because of confusion regarding these new requirements, HB 1562 was introduced. The bill, as introduced and adopted, revises the conditions for students through the graduating Class of 2012 to be eligible for high school graduation without earning a CAA or CIA. Students, through the Class of 2012, are no longer required to continue taking the appropriate mathematics

assessment annually until graduation. Students are still required to take two mathematics credits after their sophomore year (one credit after their junior year for the Class of 2008), but these credits are no longer required to be “additional” credits. The provisions of this bill are effective immediately and are retroactive to the Class of 2008.

-Chapter 17, Laws of 2009

ESHB 1619 – Capital projects funds

(Representative White)

Under current law, school districts must have a capital projects fund and a general fund. The capital projects fund gets its money from bond sales, capital fund investments, state forest revenues, and two- to six-year levies for construction, modernization, or remodeling of school facilities. These are capital levies, not subject to a levy lid. Money in the capital projects fund can be used for specific purposes, including major renovation and repairs to school buildings, purchasing equipment (except vehicles), and modernizing technology systems. The general fund — which uses money from Maintenance & Operations levies that are subject to a levy lid — pays for maintenance and other technology costs.

As recommended by the Joint Legislative Task Force on School Construction Funding and adopted by the Legislature, ESHB 1619 expands the type of activities that may be funded with school districts’ capital projects funds. Expanded authorized uses of capital projects funds and allowable uses of capital levy funds include major equipment repair, replacement and refurbishing of roofing, painting of facilities, or other major preventative maintenance purposes.

The bill requires that a school district using capital projects funds for these purposes must transfer the funds to the district's general fund. OSPI is required to develop accounting guidelines for these transfers. Finally, the bill stipulates that the new uses of capital projects funds may not replace school districts' routine annual preventative maintenance expenditures from the districts' general funds.

- Chapter 460, Laws of 2009

HB 1675 – Alternative route program

(Representative Sells)

Established in 2001, the Alternative Routes Partnership Grant Program is operated by the Professional Educator Standards Board; the Higher Education Coordinating Board acts as the program's fiscal agent. The program provides support for the formation of partnerships between school districts and higher education teacher preparation programs to offer one or more of four school-based alternative routes to teacher certification. The programs are aimed at experienced paraeducators and mid-career professionals with expertise in subject areas in which Washington has shortages, such as math, science, and special education.

There are nine alternative route programs that serve mid-career professionals, paraeducators, classified instructional staff, and conditional certificate holders in the following areas of the state: Mt. Vernon, Skagit Valley, and Everett; Seattle/Tacoma; Olympia/South Sound; Yakima Valley; and a new alternative route program that will open in the Tri Cities area in June of 2009.

Programs geared toward experienced paraeducators (Routes One and Two) currently require that candidates have

three years of "successful student interaction" before entry into the program. Programs aimed at "career changers" (Routes Three and Four) currently require five years of work experience for entry into the program. HB 1675 makes changes to these requirements. Work experience requirements for teacher candidates pursuing residency teacher certification through alternative certification Routes One and Two are decreased from three years to one year, while work experience requirements for candidates pursuing residency teacher certification through alternative certification Routes Three and Four are removed.

-Chapter 166, Laws of 2009

ESHB 1694 – Fiscal savings

(Representative Linville)

The bill, technically a preliminary 2009 Supplemental Operating Budget, reduces Near General Fund appropriations in the 2007-09 biennium by \$635 million.

Considered an "early action" bill, ESHB 1694 was introduced and adopted early in the session in order to make some immediate cuts to state government in an effort to ward off steeper cuts later. (See also ESSB 5460, Bills Passed.)

-Chapter 4, Laws of 2009

ESHB 1741 – School employee misconduct

(Representative Darneille)

Currently, a school district must immediately terminate the employment of any certificated or classified employee upon conviction or a guilty plea to certain specified crimes against minors, such as physical injury or death of a child, sexual exploitation of a child and promoting prostitution of a child. OSPI must permanently revoke a certificate

upon a guilty plea or the conviction of any of the same crimes against children for which a certificated employee must be terminated.

ESHB 1741 expands the list of crimes for which convictions or guilty pleas result in mandatory termination to include crimes such as any felony with sexual motivation, felony indecent exposure, incest, kidnapping, and robbery. The victim of the crime need not be a child or minor. Attempts, conspiracies, or solicitations to commit any of the crimes on the list are also cause for mandatory termination. The new provisions apply to convictions or guilty pleas which occur on or after the effective date of the act.

If a classified or certificated employee is terminated by reason of a plea or conviction for the specified felony crimes, a school district board of directors is entitled to recover from the employee any salary or other compensation that may have been paid to the employee for the period between such time as the employee was placed on administrative leave, following criminal charges being filed, and the time that the termination becomes final.

Certificates must be revoked upon a guilty plea or conviction for any of the crimes on the expanded list. Contractor's employees who have been convicted of any of these crimes are prohibited from working at a public school. The bill also requires mandatory certificate revocation upon a finding that the certificate holder obtained the certificate through fraudulent means, including misrepresentation of required academic credentials or prior criminal record.

The list of crimes which must be reported by the prosecutor to the Washington State Patrol, and by the State Patrol to OSPI, are also expanded

to include the new crimes as well as the crimes against children already specified in law. OSPI must review the information provided by the State Patrol on at least a quarterly basis.

Upon termination of a certificated employee on grounds of a guilty plea or conviction for any of the enumerated felony crimes, a school district superintendent must notify OSPI. OSPI is required to keep a record of such notices. School superintendents and administrators are also permitted to file complaints with OSPI regarding certificated individuals, regardless of whether the certificated individual is employed by the complainant. Such written complaints must state the grounds and summarize the factual basis upon which a determination has been made that an OSPI investigation is warranted.

Finally, ESHB 1741 also specifically prohibits school districts from reaching agreements which are in conflict with the termination and notice provisions enacted.

-Chapter 396, Laws of 2009

SHB 1758 – High school diploma options

(Representative Quall)

This bill expands the options for students to earn high school diplomas. In addition to high school completion diplomas currently issued under rules adopted by the State Board of Education, community and technical colleges are authorized to issue high school diplomas, on written request of the student, to: individuals enrolled in Running Start who enroll in the college and complete an Associate's Degree; and individuals over 21 who enroll in the college for the purpose of obtaining an Associate's Degree and who complete the degree. The bill requires

school districts to include these options in various required notifications to students about available educational options.

SHB 1758 clarifies that individuals over 21 are not eligible for state K-12 funding.

-Chapter 524, Laws of 2009

SHB 1793 – Alternative student transportation

(Representative Williams)

Since 2005, Washington's biennial Transportation Budget has provided state funds for a Safe Routes to Schools Program. The program is administered by the Department of Transportation (DOT).

SHB 1793 places the Washington State Department of Transportation Safe Routes to Schools Program in statute with the purpose to: enable and encourage children to walk and bicycle to school; make bicycling and walking to school safer and more appealing; and facilitate the planning, development, and implementation of projects and activities that improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity of schools.

DOT is required to:

- Administer a competitive grant program for the Safe Routes to Schools Program;
- Use grant funds to award non-infrastructure grants, which emphasize education, encouragement, and enforcement efforts, only if the grant applicant can establish that the current engineered infrastructure of the school provides adequate safe walking and biking routes within the relevant school walk boundary;

- Provide information, resources, outreach, training, and program evaluation support to grantees;
- Contract with a nonprofit or a consortium of nonprofits that demonstrate an expertise in alternative transportation programs and policies, including implementation of the safe routes to school program; and
- Coordinate evaluation methods and findings with those of the national center for safe routes to school in order to standardize program evaluation, measure Washington's progress to that of other states, and learn from safe routes to school programs across the country.

-Chapter 392, Laws of 2009

EHB 1824 – Concussions and head injuries

(Representative Rodne)

Named after a student athlete who sustained a serious — but potentially avoidable — head injury, the Zackery Lystedt Law requires the adoption of policies for the management of concussion and head injury in youth sports.

In order for a school district to maintain immunity for acts of a private nonprofit youth program, the school district must, in addition to requiring proof of insurance, also require a statement of compliance from the program with respect to policies for the management of concussion and head injury in youth sports.

Each school district's board of directors must work in concert with the Washington Interscholastic Activities Association to develop guidelines and inform coaches, athletes, and parents of the dangers of concussions and head injuries. Annually, youth athletes

and their parents or guardians must sign and return a concussion and head injury information form prior to the initiation of practice or competition.

A youth athlete who is suspected of sustaining a concussion or head injury must be removed from the practice or game. The athlete cannot return to play until the athlete has been evaluated by a licensed health care provider and received a written clearance to play. The licensed health care provider, from whom clearance to return to play is received, may be a volunteer. A volunteer who authorizes return to play is not liable for civil damages unless the volunteer's actions constitute gross negligence or willful or wanton misconduct.

-Chapter 475, Laws of 2009

HB 1852 – Background checks

(Representative Appleton, by request of Washington State Patrol)

School districts require new applicants who will have regularly scheduled unsupervised access to children to obtain a background record check through the Washington State Patrol (WSP) using fingerprints. Other employees, such as school secretaries and janitorial and maintenance staff, are not required to obtain such a check; however, as a practical matter many school districts conduct background checks on all applicants.

There is an incremental fee schedule for record checks for classified and non-classified school employees. Under this fee schedule, private school employees, contractors, classified employees, and certification applicants are charged one fee while school district and ESD employees are charged another fee.

As recommended by the Joint Task Force on Criminal Background Check

Processes, HB 1852 provides consistency into the system by eliminating incremental fees for fingerprint-based background checks. As a result, all school employees, contractors, and school district and ESD employee will pay the same fee.

-Chapter 170, Laws of 2009

HB 1878 – Transfer of leave

(Representative Jacks, by request of Washington State School for the Blind)

Currently, state and school district employees earn leave time for illness and other purposes. Accumulated leave of certificated and classified employees is transferrable to and from one school district to another, OSPI and ESDs.

HB 1878 authorizes the transfer of accumulated leave for illness or injury of K-12 and ESD employees to and from the Washington State School for the Blind and School for the Deaf.

-Chapter 47, Laws of 2009

E2SHB 1879 – Deaf and hearing impaired children

(Representative Jacks)

The current Washington School for the Deaf (WSD) is abolished and its powers, duties, and functions are transferred to a newly established Washington State Center for Childhood Deafness and Hearing Loss. The Center is to provide statewide leadership for the coordination and delivery of educational services to children who are deaf or hard of hearing. The Center's governing board (currently the WSD Board of Trustees) and the Center's Director (currently the Superintendent of WSD) are directed to:

- Implement a process for gathering information from stakeholders to examine service availability and gaps and to identify service deliv-

ery options, resources, and policy changes for the implementation and operation of two demonstration sites for regionally-based deaf education programs; and

- Develop a structure and plan for implementing regional education programs at the demonstration sites.

-Chapter 381, Laws of 2009

SHB 1943 – Early learning workforce

(Representative Kagi)

This bill requires the Professional Development Consortium — convened in 2008 by the Department of Early Learning's (DEL) Early Learning Council for the purpose of engaging multiple stakeholders in discussions for mapping the process of creating an integrated professional development system — to develop recommendations for a statewide system of preparation and continuing professional development for the early learning and school-age program workforce.

The membership of the Consortium must include representatives from the following:

- The DEL;
- The Department of Health;
- School districts and educational service districts;
- The State Board for Community and Technical Colleges;
- The OSPI;
- Washington Indian Tribes;
- Thrive by Five Washington;
- The Washington Resource and Referral Network; and
- Other organizations representing, researching, or providing profes-

sional development to the early learning and school-age workforce.

In developing its recommendations, the Consortium is directed to:

- Map current professional development resources and strategies to identify gaps and recommend improved coordination;
- Define the core competencies or knowledge areas for the workforce; and recommend a plan for implementation of a statewide comprehensive and integrated pathway of preparation and continuing professional development for the early learning and school-age program workforce.

The DEL and the Consortium is required to report back to the Legislature and the Governor with a status update on September 15, 2009, and provide a final report with recommendations by December 31, 2010.

-Chapter 406, Laws of 2009

EHB 1986 – Peer mentoring

(Representative Hasegawa)

EHB 1986 requires Western Washington University to establish a mentoring pilot project in partnership with a community or technical college identified by the State Board for Community and Technical Colleges. The goals of the mentoring program are to: encourage elementary students to complete high school and pursue college; provide positive role models; and develop a model that is scalable.

In establishing the pilot project, institutions must:

- Recruit college students to serve as mentors and identify an elementary school or schools;
- Develop a curriculum to train mentors;

- Solicit grants, awards, and gifts;
- Develop appropriate outcome measures;
- Provide community outreach and publicity of the program; and
- Submit two reports to the Legislature; the first preliminary report is due by December 1, 2010, and the final report is due December 1, 2011.

The pilot project must be implemented within existing resources; no funding is provided for this project in the 2009-11 Operating Budget.

-Chapter 446, Laws of 2009

SHB 2003 – PESB provisions

(Representative Orwall, by request of Governor Gregoire)

The Professional Educator Standards Board (PESB) was created in 2000 as an advisory board to the Governor, the Legislature, the State Board of Education (SBE) and OSPI on policy issues related to certificated education professionals. The PESB was also directed to create alternative routes to teacher certification and administer new basic skills and subject knowledge assessments for teacher certification. Later, the PESB was given responsibility and authority for policy and oversight of Washington's system of educator preparation, certification, continuing education, and assignment. The PESB also serves as an advisory body to OSPI on issues related to educator recruitment, hiring, mentoring and support, professional growth, retention, evaluation, and revocation and suspension of licensure.

The PESB is currently comprised of 20 governor-appointed members and the Superintendent of Public Instruction. Members are subject to confirmation by the Senate, serve four-year terms,

and are prohibited from serving more than two consecutive full terms. The chair is appointed by the Governor to a one-year term. No board member may serve as chair for more than two consecutive years.

SHB 2003 changes the composition of the PESB and its duties. The PESB is specifically charged with:

- Developing and maintaining a research base of educator preparation best practices;
- Developing and coordinating initiatives for educator preparation in high-demand fields as well as outreach and recruitment initiatives for underrepresented populations;
- Providing program improvement technical assistance to educator preparation programs;
- Assuring educator preparation program compliance; and
- Preparing and maintaining a cohesive educator development policy framework.

The number of governor appointed members is reduced from 20 to 12. The Superintendent of Public Instruction continues to serve on the PESB, members continue to serve four-year terms, and the current term limits remain in place. The term of the chair is increased from one year to two years; no board member may serve as chair for more than four consecutive years. A majority of the members must be active practitioners with the majority being classroom-based. The PESB shall also include individuals possessing experience with: providing or leading a state-approved teacher or educator preparation program; mentoring and coaching education professionals or others; or education-related community experience. The requirement that

the Senate confirm appointments to the PESB remains.

Finally, the PESB is authorized to create informal advisory groups as needed to inform the board's work.

- Chapter 531, Laws of 2009

ESHB 2072 – Special needs transportation

(Representative Wallace)

There are over 600 organizations and agencies in Washington that provide some level of service to persons with special transportation needs. To help facilitate a statewide approach to coordinated special needs transportation and to develop community-based coordinated transportation systems, the 1998 Legislature created the Agency Council on Coordinated Transportation (ACCT). The Council is comprised of state agencies (including OSPI), transportation providers, consumer advocates and legislators. In 2007, the Legislature reauthorized the ACCT until June 30, 2010.

ESHB 2072 establishes the ACCT as a statewide authority and strengthens its role. Membership on the ACCT is expanded to include four new voting members, increasing total membership from 14 to 18. The new members include a representative of regional transportation planning organizations; transportation brokers who provide nonemergency medically necessary trips to persons with special transportation needs; the state Department of Veterans Affairs; and the Washington State Association of Counties. The ACCT is also reauthorized until June 30, 2011.

This comprehensive bill provides new duties to the ACCT, and takes several actions in the effort to advance effec-

tive transportation for persons with special transportation needs, including: the creation of two pilot projects in two regions for the purpose of testing cost sharing and cost-saving opportunities; the creation of a work group to address inconsistent federal definitions and reporting requirements; and the creation of a work group to consider implementation of certain recommendations in the 2009 report on special needs transportation.

ESHB 2072 also includes specific impacts on K-12 education. The bill directs OSPI, by December 31, 2010, to develop a uniform process designed to track additional expenditures related to transporting homeless students, including expenditures required under the federal McKinney-Vento Homeless Education Assistance Act. (The McKinney-Vento Act provides that state educational agencies must ensure that each homeless child and youth has equal access to the same public education as other children. The Act, without providing additional funding to states or school districts to comply, requires that homeless children be transported to and from the child's choice of school, in any school district, regardless of the school district in which the child resides.) OSPI is required to provide information annually to the ACCT on total expenditures related to the transportation of homeless students.

- Chapter 515, Laws of 2009
Partial veto

SHB 2095 – Driver training schools

(Representative Orwall)

The Department of Licensing (DOL) oversees driver training schools and is assisted in this oversight by a Driver Instructor's Advisory Committee. The Committee is comprised of five mem-

bers: a representative of driver training schools, a representative of the driving instructors, a representative of the Superintendent of Public Instruction, a representative of the Department of Licensing, and a representative from the Washington State Traffic Safety Commission. The Committee is charged with advising on DOL proposed policy and rules pertaining to driver training schools; reviewing and updating driver training curriculum; reviewing and updating instructor certification standards; and preparing the examination for a driver instructor's certificate.

SHB 2095 increases the membership of the Driver Instructor's Advisory Committee from five to seven. In an effort to save state funding, travel reimbursement for all committee members is eliminated.

The bill also makes various changes to driver instructor eligibility standards and adjusts the length of the validity of an instructor's license. Currently required background checks are narrowed to include only those individuals who have regularly scheduled unsupervised contact with students.

-Chapter 101, Laws of 2009

2SHB 2119 – Dual credit opportunities

(Representative Wallace)

A variety of education programs — including, Running Start, College in the High School, Tech Prep, Advanced Placement and International Baccalaureate, and Running Start for the Trades — allow high school students to earn post-secondary course credit while also earning credit toward high school graduation. Students who participate in these dual credit programs have the opportunity to graduate from high school with all or a

portion of college course work already completed as well as to enhance their chances of entry into a chosen trade or profession.

2SHB 2119 establishes new dual credit reporting requirements. By September 1, 2010, and annually thereafter, the OSPI, in collaboration with the State Board for Community and Technical Colleges, the Workforce Training and Education Coordinating Board, the Apprenticeship Council, the Higher Education Coordinating Board, and the public baccalaureate institutions must report to the higher education committees in the Legislature regarding participation in dual credit programs. The report must include the following data, disaggregated by race, ethnicity, gender, and receipt of free or reduced-price lunch:

- Student participation rates and academic performance;
- The total unduplicated head count of students enrolled in at least one dual credit program; and
- The percentage of students who enrolled in at least one dual credit program as a percent of all students enrolled in grades nine through 12.

The bill codifies College in the High School and requires OSPI, the State Board for Community and Technical Colleges, the Higher Education Coordinating Board and the public baccalaureate institutions to jointly develop, and each adopt, rules governing College in the High School. The Association of Washington School Principals must be consulted in developing these rules. The rules are required to be written to encourage the maximum use of the program and may not narrow or limit enrollment options. College in the High School programs are to be governed by a local

contract between a school district and an institution of higher education. The bill establishes the following requirements:

- Student eligibility is determined by the high school and the institution of higher education.
- Tuition may be charged.
- No student may be reported as more than one full-time equivalent.
- Funds received by the institution of higher education may not be deemed tuition or operating fees; they may be retained by the institution.
- Enrollment information must be maintained separately from other information and may not be included in official enrollment reports, and high school students so enrolled may not be considered in any enrollment statistics that would affect higher education budgetary determinations.
- School districts must award high school credit for successful completion, and these credits must be applied toward graduation and subject area requirements.
- Institutions of higher education must grant college credit for successful completion and apply such credit toward general education or major requirements.
- Eleventh and 12th grade students, as well as those who have not yet received a high school diploma and are eligible to be in these grades, may participate.
- Participating school districts must provide information about the College in the High School program to the parents and guardians of 10th, 11th, and 12th graders.

- Full-time and part-time faculties at the institutions of higher education are eligible to teach courses in the program.

OSPI and the Higher Education Coordinating Board are required to develop advising guidelines to assure that students and parents understand that college credits earned in high school dual credit programs may impact eligibility for financial aid.

The bill also makes several changes to the Running Start program. Statutes are amended to reflect that Running Start programs are not found just at the community and technical colleges but also may be offered by some of the four-year public institutions, as well as public tribal colleges located in Washington that meet accreditation requirements. Running Start students attending community and technical colleges will be required to pay mandatory fees as established by the community and technical college, prorated based upon credit load. Four-year institutions may charge technology fees only. Institutions of higher education must make available fee waivers for low-income students. A Running Start student must be considered low-income, and eligible for a fee waiver, upon proof that the student is currently qualified to receive free or reduced-price lunch.

Following the adoption of this bill, students enrolled in Running Start will now be counted for the purpose of meeting enrollment targets imposed by the state on the institution of higher education in accordance with the terms and conditions specified in the biennial Operating Budget.

Many of the Running Start provisions in this bill are considered short-term solutions. To that end, 2SHB 2119 also tasks the State Board for Community

and Technical Colleges, in collaboration with the OSPI and institutions of higher education that offer Running Start, with developing long-term funding proposals for Running Start and report recommendations to the Legislature by September 1, 2010.

-Chapter 450, Laws of 2009

HB 2132 – Civics instruction

(Representative Quall)

The State Board of Education is charged with adopting minimum high school graduation requirements. As part of its work to update graduation requirements, the State Board has recommended (but not yet adopted) that minimum credits necessary for graduation be increased from 19 to 24. One aspect of the recommendation is to increase requirements in Social Studies from 2.5 to 3.0 credits.

HB 2132 stipulates that if the State Board increases the number of Social Studies credits required for high school graduation, at least one-half credit must be coursework in civics. The content of the civics requirement would have to include: federal, state, and local government organizations and procedures; rights and responsibilities of citizens addressed in the state and federal Constitutions; current issues addressed at each level of government; and electoral issues.

-Chapter 223, Laws of 2009

ESHB 2245 – PEBB eligibility

(Representative Cody, by request of Governor Gregoire)

This comprehensive bill dealing with health care benefits eligibility from the Public Employees Benefits Board (PEBB) includes modifications to the requirements in PEBB programs for K-12 school districts and ESDs.

ESHB 2245 allows the state Health Care Authority to charge school districts and ESDs that purchase employee benefits through the PEBB program in accordance with the school year (which is the school districts' fiscal year), rather than the state's fiscal year. Further, the bill strikes the current requirement that K-12 and ESD employees must pay the same employee premiums by plan and family size as state employees pay.

- Chapter 537, Laws of 2009

ESHB 2261 – Basic Education finance reform

(Representative Sullivan)

This is the bill that makes changes in the way the state defines and pays for Basic Education. ESHB 2261 redefines and expands Basic Education to include: expanded minimum instructional hours; instruction for 24 credits for high school graduation; pupil transportation (using a new formula); full-day kindergarten; highly capable; and early learning. A new prototypical funding model is proposed. A permanent Quality Education Council is established to provide oversight in the implementation of the bill. Several workgroups are established to continue development of policies and formulas. The Professional Educator Standards Board is charged with continuing to develop performance-based assessments for professional and residency teacher certification. The State Board of Education is charged with continuing to develop a comprehensive system of school and district accountability and seeking approval for use of the system for purposes of federal accountability. Full implementation of the provisions of ESHB 2261 is to be in place by 2018.

For more details on this comprehensive education reform measure, please see "Special Focus: Basic Education Finance Reform" earlier in this Summary.

**- Signed by Governor
Partial veto**

SHB 2343 – Reducing education costs

(Representative Haigh)

This bill makes OSPI's duty to implement several K-12 education programs subject to available funding in the budget. Those programs are:

- Diagnostic assessments tools (RCW 28A.655.200);
- Classified staff training (RCW 28A.415.315);
- Certain professional development programs (RCW 28A.415.350);
- Conditional scholarship programs (RCW 28A.660.050);
- Certain teacher mentorship and assistance activities (RCW 28A.415.250); and
- National Board certification bonuses for the 2009-11 biennium (RCW 28A.405.415)

The bill also specifies that the inflationary adjustments to the base National Board bonuses must be made up by the beginning of the 2014-2015 school year, so that the bonus amounts in that school year are what they would have been if the inflationary adjustments had not been temporarily suspended.

- Chapter 539, Laws of 2009

SHB 2356 – Student Achievement Fund

(Representative Haigh)

Initiative 728, approved by the voters in November 2000, provides Student Achievement Funds on a per-student basis to all school districts. The allocation rate per student was \$450 in the 2007-08 school year and is required to be adjusted for inflation in each subsequent year (allocated at approximately \$458 per student for the 2008-09 school year).

SHB 2356 requires that disbursements from the Student Achievement Fund be subject to the per student rates established in the state's Operating Budget for the 2009-10 and 2010-11 school years. For the 2011-12 school year and thereafter, amounts allocated shall be adjusted by implicit price deflator and further adjusted so that the allocations are equal to what they would have been if allocations had not been reduced for the 2009-10 and 2010-11 school years.

- Chapter 541, Laws of 2009

SHB 2363 – I-732 COLAs

(Representative Linville)

Initiative 732 was approved by voters in the November 2000 general election and requires the state to provide an annual cost-of-living adjustment for K-12 teachers and other public school employees, as well as community college and technical college academic employees and classified employees at technical colleges. The COLA is based on the Seattle-area Consumer Price Index from the most recently completed calendar year. Initiative 732 COLA adjustments assumed in the 2009-11 maintenance level budget were 4.2 percent for the 2009-10 school year, and no adjustment for the 2010-11 school year.

SHB 2363 suspends I-732 cost-of-living increases during the 2009-11 biennium for education employee salary rates used in state formulas.

Additionally, COLAs not provided in the 2009-11 biennium are required to be "caught up" in the ensuing biennia. State salary rates must be adjusted such that, by the end of the 2014-15 school year, base salaries used in state allocation formulas are, at a minimum, what they would have otherwise been if COLAs had not been suspended during the 2009-11 biennium.

- Signed by Governor

SSB 5043 – College information

(Senator Kilmer)

This bill requires the Higher Education Coordinating Board to convene a work group to develop a plan to create a one-stop, web-based portal for students and families planning, preparing, and applying for, as well as those attending, postsecondary education. The purpose of the portal is to provide comprehensive information and applications regarding financial, academic, and career planning.

The work group, which is to include representatives of OSPI, is to investigate similar ongoing efforts in other states including what information and services are typically offered, what planning stages and budgets are associated with portals, and whether the states' efforts are increasing postsecondary participation. The portal must be student-centered and must not presuppose a sophisticated understanding of postsecondary education. The portal must utilize existing infrastructure whenever possible. A final report of the work group along with proposed enabling legislative and administrative solutions is due to the Legislature by December 1, 2009.

-Chapter 23, Laws of 2009

SB 5071 – State endemic mammal

(Senator Jacobsen)

This bill, requested by a group of fourth-grade students from Wedgwood Elementary School in Seattle, designates the Olympic marmot the official endemic mammal of the state of Washington.

- Chapter 464, Laws of 2009

SSB 5229 – Legislative Youth Advisory Council

(Senator McAuliffe)

The 2005 Legislature established the Washington State Legislative Youth Advisory Council to examine issues of importance to youth and to advise the Legislature on these issues and related legislation. The Council, coordinated by OSPI, is comprised of 22 members between the ages of 14 and 18. Originally, the Council was to expire June 30, 2007. Legislation adopted in 2007 extended the expiration date of the Council until June 30, 2009 and made various changes to the Council's membership selection process.

SSB 5229 eliminates the expiration date of the Council and makes changes to the operations of the Council. The Council is now authorized to solicit, not merely accept, grants and donations from public and private sources to support the activities of the LYAC. The Lieutenant Governor's selection process of the Council members must be done within existing staff and resources. Further, OSPI administration of the program and the duties of the Council, including meetings and travel reimbursement, are contingent on sufficient funds being available from any source.

-Chapter 410, Laws of 2009

ESSB 5238 – Retirement mailings

(Senator Keiser)

This bill authorizes the Department of Retirement Systems to assist with mailing information to retiree members of the various state retirement systems. Only organizations that exclusively provide representation or services to retirees are eligible for this assistance. The Department must provide the requested retiree data for addressing the envelopes to a mail center under a secure data share agreement with the mail center. The agreement must provide that the retiree organization or any other entity does not have direct access to the retirees' names or addresses.

-Chapter 30, Laws of 2009

SSB 5248 – Military children

(Senator Hobbs)

Legislation was introduced last session to enact the Interstate Compact on Educational Opportunity for Military Children; the Compact will become effective once at least ten states have adopted it. The Compact, developed by a group that included the U.S. Department of Defense (DOD), the U.S. Department of Education, national education associations, and representatives of several states, addresses issues affecting students in military families, specifically school enrollment, eligibility, course placement and graduation. As ultimately adopted, the 2008 legislation created a task force to review and make recommendations regarding the Compact.

SSB 5248 enacts the Compact with changes recommended by the task force. The Compact and the corresponding state law changes apply only to children from military families in transition. The stated purpose of

the Compact is to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents.

The bill makes changes to the Compact and/or state law regarding the following issues:

- Transfer of education records
- Immunization documentation requirements
- Kindergarten and first grade entrance age
- Program placement, including Highly Capable and English as a Second Language
- Course placement, including Advanced Placement, International Baccalaureate, Honors, vocational, technical, and career pathways courses
- Tuition
- Residency requirements
- Extracurricular activities
- Graduation

SSB 5248 also addresses various administrative issues, including the creation of a State Council to coordinate the state's participation in, and compliance with, the Compact. Membership must include at least the OSPI, a superintendent of a school district with a high concentration of military children, representatives from a military installation and the Governor's Office, two legislators, and other members that the State Council deems appropriate. The State Council must appoint a military family education liaison to assist military families and the state in facilitating the implementation of this Compact. The Governor must appoint a Compact commissioner who is the voting member on a new Interstate Commission (established by the

Compact to create and enforce rules governing the Compact's operation). The Compact is amended to encourage the Governor to appoint a practicing K-12 educator as the commissioner.

The Compact allows member states to withdraw from the Compact by repealing the Compact; however, the Compact provides that the withdrawal must not take effect until one year after the effective date of the repeal and written notice by the Governor to each member state. SSB 5248 amends state law to require the State Council to review the Compact's implementation, and by December 1, 2014, recommend whether Washington should continue to be a member of the Compact.

-Chapter 380, Laws of 2009

ESSB 5263 – Electric shock devices

(Senator Hargrove)

Current law provides that it is unlawful for anyone (with limited exceptions) to carry onto, or possess on, school premises, school provided transportation, or areas used exclusively by schools, certain dangerous weapons, including firearms, nun-chu-ka sticks, throwing stars, or air guns.

ESSB 5263 adds stun guns and portable devices used to provide electric shock, charge, or impulse to the list of items that are deemed unlawful for students to carry onto or possess on school premises, school provided transportation, or areas used exclusively by schools.

A school security officer who is not a commissioned law enforcement officer is also prohibited from possessing a stun gun or other electric shock device on school property unless the person has successfully completed training in the use of the device that is equivalent

to the training received by commissioned law enforcement officers.

-Chapter 453, Laws of 2009

SB 5303 – Transferring retirement systems

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

This bill discontinues the current automatic transfer of prior service in the Public Employees' Retirement System (PERS) Plan 2 to the School Employees' Retirement System (SERS) Plan 2 upon SERS-eligible employment. A three-month window is also created for Plan 2 members who were auto-transferred after September 1, 2001, who had no prior education experience in PERS to restore their transferred service to PERS Plan 2.

-Chapter 209, Laws of 2009

SB 5305 – Obsolete retirement statutes

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

This bill repeals two Teachers' Retirement System funds that have been unused since 1992: the Disability Reserve Fund and the Death Benefit Fund.

-Chapter 110, Laws of 2009

SB 5315 – Survivor annuity

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

The Public Employees' Retirement System (PERS) Plan 1 provides an optional survivor annuity for active members who die prior to retirement. SB 5315 provides the same optional survivor annuity for inactive members of PERS Plan 1 who die prior to retirement.

-Chapter 111, Laws of 2009

SSB 5327 – Six-year director terms

(Senator Oemig, by request of Secretary of State)

In 2003, the Legislature reorganized and streamlined the election procedures statutes that were in Title 29. As part of that reorganization, election statutes that allowed certain school districts (first-class school districts containing a first-class city, located in a county with a population of at least 210,000) to elect school board members for terms of six years were inadvertently deleted.

SSB 5327 makes technical corrections to the election code and restores statutory language clarifying that school directors in certain school districts may be elected for six-year, rather than four-year, terms. Currently only school directors in Everett, Tacoma and Spokane have six-year terms. This bill allows them to maintain those six-year terms.

-Chapter 107, Laws of 2009

SSB 5410 – Online learning

(Senator Oemig)

Current law allows "digital programs" to be offered to students primarily away from the classroom. OSPI has the authority to adopt and implement various rules regarding digital programs.

SSB 5410 places into statute a series of definitions relating specifically to online learning and establishes an improved system of oversight and quality assurance of online programs. OSPI, in collaboration with the State Board of Education is required to develop and implement approval criteria and a process for approving online providers by December 1, 2009. The criteria must include accreditation through the Northwest Association of Accredited

Schools or another accreditation program approved by OSPI.

An Office of Online Learning is created within OSPI which will initially be comprised of staff employed by Digital Learning Commons. The Office is required to: develop and maintain a Web site that provides objective information regarding online learning opportunities; develop model agreements with approved multidistrict online providers; and, in collaboration with ESDs, provide technical assistance and support to school district personnel.

The bill also requires OSPI to provide model policies and procedures, in consultation with WSSDA, that may be used by school boards in the development of local school district policies and procedures. OSPI must disseminate its model policy and procedures to school districts by February 1, 2010 and individual school districts must adopt online policies — with specific components outlined in the bill — by August 31, 2010 and submit them to OSPI. OSPI is then required to summarize the submitted policies and present a report to the Legislature by December 1, 2010.

Finally, OSPI is required to conduct a review of online courses and programs offered in 2008-09 to create baseline information about student enrollment, how programs are offered, contract terms and funding, fiscal impact on levy bases and levy equalization from interdistrict enrollment, staffing ratios, course completion and success rates, and other issues. OSPI must also assess funding provided for online enrollment relating to the basic education allocation, including nonemployee related costs, facility requirements, and the share of allocations between resident and serving districts. This report is due to the education and

fiscal committees of the Legislature by December 1, 2009.

- Chapter 542, Laws of 2009

ESSB 5414 – Statewide assessments

(Senator McAuliffe)

The 2008 Legislature created a work group on the WASL to review and evaluate the current assessment system and make recommendations to improve it. The work group developed both long-term and short-term recommendations.

ESSB 5414 implements a number of the work group recommendations, including legislative intent that describes the desired principles and components of the statewide assessment system; directing OSPI and the State Board of Education to begin redesigning the system; and directing OSPI to make additional revisions to the WASL to reduce open-ended questions.

Beginning December 1, 2009, OSPI and the State Board must annually report to the Legislature regarding the assessment system, including a cost analysis of any changes and costs to expand availability and use of instructionally supportive formative assessments. OSPI is directed to revise the number of open-ended questions and extended responses in the WASL in grades three through eight and ten while retaining the validity and reliability of the assessment. OSPI is also required to revisit the alternative assessments, the appeals process, and the alternative assessment for students with the most significant cognitive disabilities, and make recommendations for improvements to the Legislature.

OSPI, along with the State Board and the Professional Educators Standards Board, is required to develop an implementation plan to ensure that all

students have the opportunity to learn the new science and mathematics standards. The plan must include strategies to help districts improve alignment of curriculum and teacher instruction to the new standards; identify effective programs for struggling students; and assess the feasibility of implementing the current timelines for students to demonstrate that they have met state mathematics and science standards on the statewide high school assessments for the purpose of graduation. By December 1, 2009, OSPI must report the plan to the Governor and the Legislature.

The bill also amends the statutory timelines for implementation of new End-of-Course (EOC) assessments in mathematics. The current requirement to implement the mathematics EOCs at the high school level in the 2010-2011 school year is maintained. The graduating classes of 2013 and 2014 may use either the EOC results or the results from the high school mathematics WASL to obtain a Certificate of Academic Achievement and graduate. Beginning with the graduating class of 2015, the EOCs will replace the mathematics WASL for the purposes of obtaining a Certificate of Academic Achievement. OSPI is also directed to develop subtests that cover mathematics standards unique to the four courses, with results that are reported but not required for graduation.

Finally, the timeline is extended for OSPI to present science curricula to the State Board and for the State Board to provide comment. OSPI must present no more than three curricula for each of the major high school courses in the domains of earth and space science, physical science, and life science.

Prior to signing ESSB 5414, Governor Gregoire vetoed a section of the bill which required OSPI, along with the

State Board and the Professional Educators Standards Board, to develop an implementation plan to ensure that all students have the opportunity to learn the new science and mathematics standards. The plan would have been required to: include strategies to help districts improve alignment of curriculum and teacher instruction to the new standards; identify effective programs for struggling students; and assess the feasibility of implementing the current timelines for students to demonstrate that they have met state mathematics and science standards on the statewide high school assessments for the purpose of graduation. Also vetoed was a requirement that OSPI recommend whether to use a comprehensive assessment or End-of-Course assessments to determine whether high school students have met the state science standards.

-Chapter 310, Laws of 2009

Partial Veto

ESSB 5460 – Reducing state government costs

(Senator Tom)

Referred to as the “Belt-tightening Bill,” this law continues hiring and spending freezes ordered by Governor Gregoire in August 2008 and adds provisions to increase state budget savings. All legislative agencies, judicial and executive branches are prohibited from:

- Filling new or vacant positions;
- Entering into personal service contracts or agreements;
- Purchasing equipment costing more than \$5,000; and
- Out-of-state travel or training.

Considered an “early action” bill, ESSB 5460 was introduced and adopted early in the session in order to limit spending in an effort to ward off unnecessary

ily steep cuts in the 2009-11 Operating Budget. (See also ESHB 1694, Bills Passed.)

-Chapter 5, Laws of 2009

SB 5487 – Non-renewal deadline

(Senator Brandland)

Current law requires school employees for whom it has been determined that there is probable cause or causes that their employment contract should not be renewed by the district for the next ensuing term to be notified in writing. These “Reduction in Force” (or RIF) notices must be delivered on or before May 15. If the state’s Operating Budget has not passed the Legislature by May 15, then the notification deadline moves to June 1.

SB 5487 stipulates that if the state’s Operating Budget has not passed the Legislature by May 15, RIF notices must be provided to employees by June 15.

NOTE: SB 5487 included an emergency clause, making the new law effective immediately upon the governor’s signature, just in case the 2009 Legislature failed to adopt the budget by May 15. As it turned out, a change in the law was not necessary this year, as the Legislature successfully adopted the state budget on April 26.

-Chapter 57, Laws of 2009

SSB 5537 – Statutory debt limit

(Senator Fraser, by request of Office of Financial Management)

The Washington Constitution and state laws allow for the issuance of general obligation bonds to finance projects included in the Capital and Transportation Budgets. The amount of state general obligation debt that may be incurred is limited by both the

Constitution and statutory restrictions. The Constitution debt limit restricts debt service in any year from exceeding nine percent of general state revenues, averaged over the previous three years. The statutory debt limit is seven percent of general state revenues.

SSB 5537 repeals the existing statutory debt limit and adds a new statutory debt limit that is the same as the Constitutional debt limit (that is, nine percent).

- Chapter 500, Laws of 2009

SSB 5551 – Elementary recess

(Senator Franklin)

School districts are required to provide a certain number of instructional hours to students. Instructional hours may include recess; however, school districts are not specifically required to provide a recess.

SSB 5551 directs OSPI, with the assistance of the Washington State PTA, to conduct a survey of elementary schools regarding the availability and perceptions of the importance of recess. A report with the results of the survey must be submitted to the Legislature by December 1, 2009. The bill includes a series of specific questions which must be included in the survey; however, the survey is not limited to the provided questions.

- Chapter 182, Laws of 2009

SB 5580 – Impact fees

(Senator Pridemore)

Counties, cities and towns that plan under the major provisions of the Growth Management Act are authorized to impose impact fees on development activity as a part of the financing of public facilities, which include school facilities. Under current law impact fees must generally be

expended or encumbered for a permissible use within six years of receipt.

As recommended by the Joint Legislative Task Force on School Construction Funding and adopted by the Legislature, SB 5580 extends, from six to ten years, the amount of time that local governments have to expend or encumber impact fees collected for school facilities. If extraordinary or compelling reasons exist, and if the governing body of the local government identifies those reasons in written findings, the collected fees may be held longer than ten years. OSPI is required to develop criteria for extending the use of school facility impact fees from six to ten years. This extension also requires an evaluation by the applicable school board of the appropriateness of the extension.

- Chapter 263, Laws of 2009

ESSB 5601 – Speech-language pathologists

(Senator Franklin)

This bill stipulates that the designation of certified Speech-Language Pathologist (SLP) assistant can only be used by a certified SLP assistant. Minimum qualifications include an associate degree or a bachelor degree or certificate of proficiency from a speech-language pathology assistant program approved by the Board of Hearing and Speech (BHS). As an alternative, within one year of this act’s enactment, requirements for certification as an SLP assistant may be met by submitting a competency checklist to BHS and by being employed under the supervision of an SLP for a minimum of 600 hours within the last three years.

The Department of Health has authority to discipline SLP assistants. An SLP assistant may only perform tasks delegated by an SLP and must follow

the individualized education program and treatment plan. BHS is given authority to develop rules which outline tasks permitted under the direct and indirect supervision of an SLP. SLP assistants are not permitted to diagnose, evaluate, or provide clinical interpretation. OSPI is required to report to the Department of Health: complaints and disciplinary actions taken against certified educational staff associates providing SLP services in schools; and complaints received against certified SLP assistants.

-Chapter 301, Laws of 2009

2SSB 5676 – Middle school CTE

(Senator McAuliffe, by request of Superintendent of Public Instruction)

Current state funding formulas for public schools provide an enhancement for high school students enrolled in career and technical education courses approved by OSPI. Legislation enacted in 2007 authorized the same enhancement, to the extent that funds are provided in the state Operating Budget, for middle school career and technology education programs. A middle school providing a hands-on experience in math and science with an integrated curriculum of academic content and CTE exploration also qualifies for the enhanced funding.

2SSB 5676 removes the limitation that a middle school offering career and technology education receives an enhanced funding allocation only within funds appropriated for this purpose. The CTE program must be in science, technology, engineering or mathematics to qualify for the enhancement.

A null and void clause was added to the bill, making its provisions invalid if funding was not provided in the 2009-11 Operating Budget. The final budget

does provide funding to implement this bill.

-Chapter 212, Laws of 2009

SSB 5738 – OSPI compliance reviews

(Senator King)

This bill requires OSPI to review all annual compliance reports required of school districts. Following the review, OSPI must make recommendations about which reports should be discontinued; integrated into the longitudinal student data system (the Comprehensive Education Data and Research System, known as CEDARS); or maintained in their current form. OSPI must also recommend which federal reporting requirements may be used to meet state reporting requirements in order to avoid duplication of reports. By December 1, 2009, OSPI must provide a final report to the Legislature on the status of the annual compliance reports.

-Chapter 317, Laws of 2009

E2SSB 5854 – Climate pollution

(Senator Kilmer)

This comprehensive bill intends to reduce energy use by 70 percent by the year 2031 by promoting super efficient low-energy building codes and by making public buildings models of energy efficiency.

Among other things, state agencies and public colleges and universities must create energy benchmarks and report the national energy performance rating for each of the entity's public facilities. For each public facility that receives a low performance rating, the entity must undertake a preliminary energy audit. If cost-effective energy savings are identified, an investment grade energy audit must be completed

within the next two years and implementation of cost-effective energy conservation measures are required within the next five years. Public school districts do not have to comply with this new law; however, they are strongly encouraged to follow the provisions set forth in E2SSB 5854.

-Chapter 423, Laws of 2009

SSB 5881 – Truancy

(Senator McAuliffe)

In 1995, the Legislature adopted the "Becca Bill," establishing new requirements and procedures for compulsory school attendance. SSB 5881 makes various changes to current truancy laws.

If the child or parent is not fluent in English, the bill declares that it is the preferred practice to provide a notice of a child's unexcused absence, or a notice of a truancy hearing, in a language in which the parent, parents, or guardian is fluent. A truancy petition must state whether the child and parent are fluent in English, and whether there is an existing individualized education program for the child. If the child is in a special education program, or has a diagnosed mental disorder, the court must inquire as to what efforts the school district has made to assist the child in attending school.

If a child is not provided with counsel at a truancy hearing, the court must conduct a colloquy on the record advising the child and parents of the child's rights before entering a truancy order.

Detention as a sanction for truancy must be limited to seven days. A warrant of arrest relating to truancy must not be served on a child inside a school during school hours in a place where other students are present.

Finally, SSB 5881 encourages the use of community truancy boards and other diversion units which are effective in promoting school attendance and preventing the need for more intrusive court intervention. The time that a community truancy board has to respond to a truancy referral is shortened from 30 days after referral to 20 days. An agreement with a community truancy board does not have to be sent back to court for approval unless the child or parent has not complied with the agreement.

-Chapter 266, Laws of 2009

ESSB 5889 – Education system flexibility

(Senator Hobbs)

One of three “education flexibility” bills (see also SB 5880 and SB 5890, Bills Not Passed), this bill as originally introduced would have repealed, suspended or amended a whole laundry list of current education statutes relating to information, notice and reporting requirements, and curriculum and assessment mandates. As amended and ultimately adopted, ESSB 5889 makes changes to a small handful of education mandates, resulting in little savings.

The following programs or requirements established by law are each repealed:

- Any course in Washington State history and government must include content areas such as commerce, the Constitution, state geography, and state history and culture.
- OSPI must require districts to annually inform high school students that employers may request transcripts.

- Each school district is encouraged to adopt curriculum for a family preservation education program.
- On or before January 1, 2002, OSPI must report to the Legislature on the types of grants awarded under the Washington Civil Liberties Public Education Program.
- OSPI must encourage school districts to use community service as an alternative to suspension and distribute information on programs.
- The Washington Award for Excellence in Education Program Act.
- The Washington Award for Excellence in Teacher Preparation Act.
- OSPI must submit an application to the U.S. Department of Education for flexibility in the state’s assessment and conduct a pilot project with certain districts.
- School-to-work transition projects must meet certain requirements.

The following programs or requirements established by law are suspended until July 1, 2011:

- OSPI must provide an annual aggregate report to the Legislature on the educational experiences and progress of students in foster care.
- School districts must provide all high school students with the option to take the math college readiness test.
- OSPI must develop technology essential academic learning requirements and by the 2010-11 school year, OSPI must develop and make available assessments for those technology EALRs.

Several other notice requirements and curriculum/assessment are amended,

including the allowance of online posting of contagious disease information; access to truancy information; the suspension of classroom-based civics assessments; and limiting collection of work samples as an alternative assessment to the high school WASL to content areas required for graduation.

- Signed by Governor

ESSB 5967 – Discrimination in athletics

(Senator Kohl-Welles)

Federal Title IX and Washington laws that mirror Title IX prohibit inequality in the educational opportunities afforded women and girls at all levels of public schools. ESSB 5967 extends the protections of Title IX to opportunities in community athletic programs. The law prohibits any local government from discriminating against any person in a community athletics program on the basis of sex. Further, third parties who lease property from any local government or from a school district may not discriminate against any person on the basis of sex in the operation, conduct or administration of the program.

School districts issuing permission to a third party for the operation of a community athletics program on its facilities must provide the district’s nondiscrimination policy to the entity. The bill, however, specifically clarifies that school districts are not required to monitor compliance, investigate complaints, or otherwise enforce school district policies as to third parties using school district facilities.

-Chapter 467, Laws of 2009

2SSB 5973 – Achievement gap

(Senator Kauffman)

The 2008 Legislature commissioned five studies that analyzed the achievement gap among various subgroups of students. The studies drew from research, best practices, and personal, professional, and cultural experiences and came up with various recommendations to close the achievement gap.

2SSB 5973 creates a new Achievement Gap Oversight and Accountability Committee to synthesize findings and recommendations from the 2008 studies into an implementation plan, and recommend policies and strategies in specified areas to OSPI, the Professional Educator Standards Board, and the State Board of Education to close the achievement gap. The Committee will be comprised of six legislators, a representative of federally recognized tribes in Washington to be designated by the tribes, and four members appointed by the Governor in consultation with the state ethnic commissions and representing African Americans, Hispanic Americans, Asian Americans, and Pacific Islander Americans. The Committee is required to report annually to the Legislature on the strategies to address the achievement gap and improvement of education performance measures for groups of students.

All student data-related reports required of OSPI must be disaggregated by at least the following subgroups: White, Black, Hispanic, American Indian/Alaskan Native, Asian, Pacific Islander/Hawaiian Native, Low Income, Transitional Bilingual, Migrants, Special Education, and students covered by Section 504 of the Federal Rehabilitation Act.

The Professional Educator Standards Board, in consultation with the Committee, must identify model standards for cultural competency

and make recommendations to the Legislature regarding the strengths and weaknesses of those standards.

Finally, OSPI must identify school districts that have the largest achievement gaps and should receive priority for assistance in advancing cultural competency skills. The Professional Educator Standards Board is directed to provide assistance to the identified districts to develop partnerships with teacher preparation programs to offer alternative route certification programs and to recruit paraeducators and other individuals in the local community to become certified as teachers.

-Chapter 468, Laws of 2009

SB 5980 – School construction funding

(Senator Oemig)

As recommended by the Joint Task Force on School Construction Funding, SB 5980 renames various components of the School Construction Assistance Grant Program to increase formula transparency and more clearly communicate the state's funding formula and grant program.

The following elements of the School Construction Assistance Grant Program funding formula are renamed as follows:

- “State matching funds” to “State funding assistance;”
- “State matching percentage” to “State funding assistance percentage;”
- “Percentage of state assistance” to “State funding assistance percentage;”
- “State assistance” to “State funding assistance;”
- (School district) “matching requirement” to (School district)

“local requirement for state funding assistance;” and

- (School district) “matching funds” to (School district) “local funds.”

-Chapter 129, Laws of 2009

SSB 6016 – Students with dyslexia

(Senator Benton)

Since 2005, the Legislature has provided funding for up to five school districts to pilot a research-based, multi-sensory literacy intervention for students with dyslexia. In December 2008, OSPI issued a report, with recommendations, to the Legislature regarding the dyslexia pilots. SSB 6016 implements some of those recommendations.

The bills state the Legislature's intent to sustain the work of the dyslexia pilot projects and expand the implementation to a level of statewide support. Within available resources, OSPI is required to develop an educator training program to enhance the academic skills of students with dyslexia by implementing the findings of the dyslexia pilot program. The training program must be posted on the OSPI Web site and may be regionally delivered through ESDs. Beginning September 1, 2009, the ESDs must annually report to OSPI the number of individuals who participate in the ESD training, which OSPI in turn must report to the Legislature.

OSPI must develop a dyslexia handbook to be used as a reference for teachers and parents of students with dyslexia. The handbook must be modeled after other state dyslexia handbooks. The completed handbook must be posted on OSPI's Web site.

- Chapter 546, Laws of 2009

ESB 6137 – Fund transfers

(Senator Prentice)

The 2007-09 Operating Budget provided transfer authority among various appropriations to OSPI for the support of K-12 common schools.

Given the potential volatility around caseloads and other cost drivers in various programs the 2009-11 Operating Budget allows OSPI authority to transfer these specific program appropriations: general apportionment; employee compensation adjustments; pupil transportation; special education programs; institutional education programs; transitional bilingual programs; and learning assistance programs. The purpose of this transfer authority is to provide additional flexibility to OSPI in managing its overall appropriation level.

ESB 6137 expands the list of OSPI appropriations that may be transferred to cover under or over expenditures in other programs to include the I-728 Student Achievement Fund allocations.

- Chapter 547, Laws of 2009

SB 6157 – Calculating compensation

(Senator Prentice)

In the Public Employees' Retirement System (PERS) Plans 1 and 2 benefits are calculated by multiplying a member's years of eligible service multiplied by 2 percent of their final average compensation. For members of the PERS Plan 1, final average compensation is the average level of annual pay received from plan-eligible employment over the last two years before the member retires. For members of the PERS Plan 2, final average compensation is calculated in a similar fashion but over the final five years of plan-eligible employment rather than two years. The PERS Plan 3 is a "hybrid" plan design

in which employer contributions are made to support a defined benefit, and employee contributions are made into individual defined contribution accounts. A Plan 3 member's defined benefit is based upon the number of qualified years of service the member has worked multiplied by 1 percent of the average final compensation. A member's final average compensation in the PERS Plan 3 is computed using the same formula used for members of the PERS Plan 2.

SB 6157 directs the Department of Retirement Systems to include in a member's salary for the purpose of calculating final average compensation any compensation that is foregone by the member during the 2009-11 biennium as a result of reduced work hours, voluntary leave without pay or temporary furloughs, provided that the reduced compensation is part of the employer's efforts to reduce expenditures.

- Chapter 430, Laws of 2009

SSB 6161 – Funding of pension systems

(Senator Prentice)

This bill makes various changes to actuarial assumptions and methods used for the various state retirement systems. The changes are: reduction of the assumed rate of salary growth from 4.25 percent to 4 percent; delay of the adoption of new mortality tables until the 2011-13 fiscal biennium; suspension of contribution rate minimums for the 2009-11 fiscal biennium in all plans except for the Washington State Patrol Retirement System (WSPRS); modification of the total contribution rate minimum in WSPRS; and the phased adoption of a new funding method for the Plan 1 unfunded liabilities.

These changes result in approximately \$450 million in General Fund-State savings and another \$91 million in other funds.

- Signed by Governor

ESB 6166 – Trust land timber sales

(Senator Hargrove)

Under current law, the Department of Natural Resources is allowed to sell up to 10 percent of timber through the contract harvesting program. This bill increases the total annual volume of timber allowed to be offered for sale through contract harvesting to 20 percent. In addition, the maximum total amount of money allowed to be held in the Department's Revolving Account prior to distribution is increased from one million dollars at the end of any fiscal year to five million dollars at the end of any calendar year. These increases are only in effect until the end of 2013, at which time the original caps on contract harvesting and maximum balances in the Revolving Account again will apply.

ESB 6166 requires the Department, by December 1, 2009, to report to the Legislature on the status of existing timber contracts, contract extensions, contract defaults, and must provide a timber market forecast for 2010 and 2011. The final adopted bill also would have required the Department to report to the Legislature by December 1, 2013, on the effectiveness of the 20 percent contract harvesting program; however, this section was vetoed by Governor Gregoire before she signed the bill.

**-Chapter 418, Laws of 2009
Partial Veto**

SB 6168 – Reducing education costs

(Senator Tom)

This bill makes certain K-12 education programs that are currently established in statute subject to available funding in the budget. Those programs are:

- Mathematics and Science Instructional Coach Program (RCW 28A.415.380);
- Extended Learning Opportunities Program for English-language learners (RCW 28A.320.190);
- Leadership Academy for school administrators (RCW 28A.415.340);
- Statewide coordination for Science, Technology, Engineering, and Math (RCW 28A.300.515);

- Civics education (RCW 28A.630.035);
- Center for the Improvement of Student Learning (RCW 28A.300.130);
- Director of Skills Centers at OSPI (RCW 28A.245.060);
- Employee Award Program at OSPI (RCW 28A.625.020);
- Incarcerated Family Contacts Program (RCW 28A.300.520); and
- School safety plans (RCW 28A.320.125)

(For additional information, see Budget Section earlier in this Summary.)

**- Signed by Governor
Partial veto**

SSCR 8404 – Workforce training plan

(Senator Kilmer, by request of Workforce Training and Education Coordinating Board)

This Concurrent Resolution provides the Legislature's approval of the Workforce Training and Education Coordinating Board's state comprehensive plan for workforce training. The plan focuses on employee education and training needs that provide transferrable skills that are generally marketable and lead to advancement for low-skilled workers. The Legislature recommends that the next state comprehensive workforce plan include jobs that build a green economy and the renewable energy industry.

-Filed with Secretary of State

Bills Not Passed

"Somebody loves each bill filed in the state Legislature. Sometimes it's hard to see why."

~ Peter Callaghan
The News Tribune – Tacoma

Following are the many education-related bills that were introduced, but were not passed by the Legislature. These bills are listed for several reasons: an enormous amount of time is spent fighting for — or against — these bills; the content of these bills gives you a flavor for the type of ideas legislators will support; and most issues tend to be revisited in subsequent years. On that last point, it is important to remember that the Washington Legislature operates on a biennial basis and 2009 is the first of a two-year legislative cycle. While these bills failed to be adopted, they will all be revived when the 2010 Legislature convenes.

HB 1017 – Open Public Meetings Act Board

(Representative Kessler)

and SB 5339

(Senator Kilmer)

Would have created a committee to study and make recommendations related to the creation of an administrative board to oversee and administer the Public Records Act and the Open Public Meetings Act. (See also HB 1784, Bills Not Passed.)

HB 1023 – Educational Staff Associates

(Representative Sullivan)

Would have allowed five years of non-school professional experience to be

recognized when calculating years of service for ESAs.

HB 1027 – State property tax levy

(Representative Armstrong)

Would have eliminated the state property tax levy.

HB 1057 – Ballot titles

(Representative Orcutt)

and SB 5098

(Senator Pridemore)

Would have required all local property tax levies to include in the ballot title a comparison of the aggregate financial impact between a taxing district's levy of the preceding year and that proposed on the current ballot, both in terms of dollar and percentage change terms. (See also SB 6099, Bills Not Passed.)

HB 1105 – Attorney-client privilege

(Representative Williams)

Would have lifted the current attorney-client privilege exemption regarding public disclosure of records if the records requested were created prior to the filing of litigation.

HB 1106 – Public disclosure of agency records

(Representative Williams)

Would have repealed the current ability of an agency to enjoin the examination of a specific public record.

HB 1107 – Self-insurance programs

(Representative Williams)

Would have prohibited local government self-insurance programs to pay the cost of liability or defense costs for claims brought under the Public Records Act.

HB 1162 – Social emotional learning

(Representative Dickerson)

Would have provided grants to pilot school districts to implement a model program of Social Emotional Learning instruction. (See also HB 1632, Bills Not Passed.)

HB 1168 – Facility cleaning

(Representative Simpson)

Would have required all state agencies to purchase and use cleaning products that minimize potential impacts to human health and the environment. Local governments and school districts would have been encouraged to purchase products that minimize potential impacts to human health and the environment.

HB 1185 – Siting wireless facilities

(Representative Chase)

Would have prohibited school districts from renting or leasing school district property to a telecommunications company for the siting or placement of personal wireless service facilities.

HB 1245 – Collective bargaining

(Representative Ericks)

Would have modified a provision in the Public Employees' Collective Bargaining Act that allows an employer to unilaterally implement an agree-

ment if a bargaining impasse lasts longer than one year. An employer would have been prohibited from unilateral implementation if an unfair labor practice complaint was pending before the Public Employment Relations Commission.

HB 1262 – Video monitoring in schools

(Representative Sells)

Would have established a series of actions that would be required to be taken before video monitoring would be allowed in public schools.

HB 1282 – Influenza vaccination

(Representative White)

and SB 5372

(Senator Jacobsen)

Would have established a school-based influenza vaccination pilot program.

HB 1316 – Public records requests

(Representative Kessler)

Would have authorized an injunction for the production of public records if a court finds the request was made for the purpose of harassment.

HB 1410 – Education finance reform

(Representative Sullivan)

and SB 5444

(Senator Jarrett)

Would have implemented the recommendations of the Joint Task Force on Basic Education Finance. (See also ESHB 2261, Bills Passed and HB 1817, Bills Not Passed.)

HB 1416 – Feeding hungry children

(Representative Sullivan)

and SB 5361

(Senator McDermott)

Would have required funds to be appropriated to eliminate the reduced-price copayment for breakfast for all students and eliminate the reduced-price lunch copayment for all students in schools with any of grades Preschool through 6.

HB 1418 – Dropout reengagement system

(Representative Kagi)

and SB 5618

(Senator Kauffman)

Would have created a statewide dropout reengagement system for youth aged 16 to 21 who have dropped out of school or are not expected to graduate by age 21.

HB 1427 – School bus stop signal cameras

(Representative Hunt)

Would have established a pilot program using automated school bus stop signal cameras.

HB 1428 – Field of Dreams program

(Representative Chandler)

Would have created the Field of Dreams program to provide college tuition in the form of Guaranteed Education Tuition credits to students, age 16 to 21 years old, who work for agricultural employers.

HB 1458 – Fiscal notes

(Representative Bailey)

Would have required fiscal notes to be made available prior to the Legislature's final vote on any bill that would increase state spending or would increase or decrease state revenues. Additionally, fiscal notes would have been required to be available prior to the Legislature's final vote on any bill that would increase local government expenditures or increase or decrease local government revenues.

HB 1473 – Sexual health education

(Representative Orcutt)

Would have required public school sexual health education programs to include information about the legal elements of and consequences of conviction for sexual offenses where a minor is the victim.

HB 1497 – Boards and commissions

(Representative Hunter)

Would have eliminated a series of state boards, commissions, councils and committees, including some education-related entities, such as the School Facilities Citizen Advisory Panel. (See also SB 5588, Bills Not Passed.)

HB 1502 – School nurses

(Representative Green)

Would have provided basic education funding to increase the number of school nurses to a ratio of one school nurse for every 750 students.

HB 1541 – Half-time educational employment

(Representative Seaquist, by request of Select Committee on Pension Policy)

and SB 5302

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

Would have granted half-time service credit for half-time educational employment prior to January 1, 1987, in Plans 2 and 3 of the School Employees' Retirement System and the Public Employees' Retirement System.

HB 1543 – Actuarial funding of salary increases

(Representative Crouse, by request of Select Committee on Pension Policy)

and SB 5304

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

Would have lowered the general salary increase assumption for the actuarial funding of all state retirement plans except the Law Enforcement Officers' and Firefighters' Retirement System Plan 2.

HB 1544 – Actuarial assumptions

(Representative Crouse, by request of Select Committee on Pension Policy)

and SB 5310

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

Would have clarified how the State Actuary studies salary growth and other assumptions used in the actuarial funding of the state retirement systems.

HB 1547 – Duty-related death benefit

(Representative Bailey, by request of Select Committee on Pension Policy and LEOFF Plan 2 Retirement Board)

and SB 5312

(Senator Delvin, by request of Select Committee on Pension Policy and LEOFF Plan 2 Retirement Board)

Would have increased from \$150,000 to \$175,000 the lump-sum death

benefit that is paid to survivors of state, school district, higher education, or other Washington State Retirement Systems-covered employees who die as a result of injuries sustained in the course of employment.

HB 1549 – Disability benefit options

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

and SB 5306

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

Would have directed the Washington State Institute for Public Policy to study the disability benefits provided to the Plan 2 and 3 members of the Public Employees' Retirement System, the Teachers' Retirement System, and the School Employees' Retirement System.

HB 1558 – K-12 enrollment calculations

(Representative Haigh)

Would have changed the calculation for full-time equivalent student enrollments used for school funding allocations from a current year enrollment count to a three-year rolling average, effective the 2009-10 school year.

HB 1572 – Mail elections

(Representative Hunt)

Would have required all counties to conduct all elections entirely by mail ballot.

HB 1600 – Retirement vesting

(Representative Simpson)

Would have allowed employees to vest after five years of service in the defined benefit portion of the Public Employees' Retirement System, the

School Employees' Retirement System, and the Teachers' Retirement System Plan 3.

HB 1618 – Community schools

(Representative White)

Would have required the Department of Community, Trade, and Economic Development to establish a competitive grant program to assist entities in acquiring, constructing, rehabilitating, or improving facilities — including surplus schools — to be used for coordinated services for children and families.

HB 1630 – Energy conservation

(Representative Eddy)

Would have required public schools to turn off electrical lights when facilities are unoccupied.

HB 1632 – School performance reporting

(Representative Seaquist)

Would have required currently required annual reports issued by school districts to include information regarding district-wide and school-level student health and social-emotional well-being, along with information on efforts to coordinate health and social support services, curricula, and school building policies and practices to remove nonacademic barriers to student learning. (See also HB 1162, Bills Not Passed.)

HB 1645 – English language

(Representative McCune)

Would have designated English as the official language of the state of Washington. Requiring governmental entities, including public schools, to provide any written materials in any

language other than English would have been prohibited.

HB 1646 – Math and Science WASL

(Representative Sullivan)

Would have made adjustments pertaining to the high school Washington Assessment of Student Learning in mathematics and science, including a postponement of the requirement to meet standards on the high school mathematics and science WASL in order to graduate.

HB 1649 – Financial education

(Representative Hope)

Would have required high school graduation requirements to include instruction in financial literacy and personal financial education. (See also SHB 1347, Bills Passed.)

HB 1676 – Open Public Meetings Act

(Representative Kessler, by request of Attorney General and State Auditor)

Would have required all elected and appointed officials of governing bodies subject to the Open Public Meetings Act to complete certified training regarding the responsibilities of governing bodies and its members under the OPMA within 90 days of assuming office. Additionally, would have required a court to order governing bodies that violate provisions of the OPMA to record all executive sessions conducted by the governing body for a period of two years.

HB 1690 – Alternative public works

(Representative Hasegawa)

Would have clarified that, unless otherwise specifically provided for in law,

public entities — including school districts — that want to use an alternative public works contracting procedure may use only those procedures specified under the statutes for alternative public works or those approved for use as a demonstration project by the Capital Projects Advisory Review Board.

HB 1718 – Greenhouse gases

(Representative Upthegrove)

This comprehensive bill, intended to reduce greenhouse gases, would have had impacts on public schools. Among other things: OSPI would have been required to review school-siting practices and report on recommended changes that would result in reduced vehicle miles traveled to and from school; all school districts would have been required to develop transportation plans that identify strategies to encourage nonsingle-occupancy vehicle driving to school; and school districts would have been encouraged to prioritize property disposals based on future land uses that advance increase housing densities, mixed land uses and transit-oriented development.

HB 1722 – Retirement membership

(Representative Crouse, by request of Select Committee on Pension Policy)

and SB 5307

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

Would have changed the default retirement plan for new members of the Public Employees' Retirement System who do not select a plan upon being hired from Plan 3 to Plan 2.

HB 1757 – Small school fund

(Representative Haigh)

Would have created a small school district contingency fund to provide assistance in the form of a loan to small school districts facing a short-term and temporary shortfall in budgeted operating funds.

HB 1762 – Parental and community involvement

(Representative Santos)

Would have attempted to ensure that parental and community involvement in public education is increased by requiring school districts to: afford certain rights to students and their parents or guardians and annually inform students and their parents/guardians of those rights. The Office of the Education Ombudsman would have then been required to report on school districts' implementation.

HB 1774 – State forest land revenues

(Representative Haigh)

and SB 5722

(Senator Sheldon)

Would have prohibited the deduction of revenues generated from the sale of timber on state-owned land from the state's general apportionment allocations to school districts.

HB 1776 – Levy provisions

(Representative Ericks)

As originally introduced, would have: removed a sunset of current law provisions that inflate school district levy bases, based on the amount of funding school districts should have received if I-732 COLAs and I-728 Student Achievement Funds were not reduced by the Legislature; and allowed school districts that are mid-way through an adopted M&O levy to return to the voters to request a "supplemental"

M&O levy if the Legislature had taken actions that would allow a higher levy (See also SB 5721, Bills Not Passed). In the last days of the session, amendments would have also increased school district levy lids by four percent, and would have amended current law to implement a \$60 million cut in levy equalization.

HB 1784 – Open Public Meetings Act

(Representative Liias)

Would have expanded the authority of the Public Disclosure Commission to investigate, review and adjudicate complaints alleging violations of the Open Public Meetings Act and the Public Records Act. (See also HB 1017, Bills Not Passed.)

HB 1799 – Mercury reduction

(Representative Campbell)

and SB 5813

(Senator Hatfield)

Would have required all state-funded public agency facilities, including public schools, to recycle any existing mercury-added general purpose lights.

HB 1813 – Graduation and reengagement goals

(Representative Hunt)

and SB 5449

(Senator McAuliffe)

Would have established graduation and reengagement goals for the year 2020 and would have directed the State Board of Education to establish annual targets for schools and school districts in order to meet the goals.

HB 1817 – Education finance reform

(Representative Hunt)

and SB 5607

(Senator McAuliffe)

Would have implemented education financing recommendations developed by the Full Funding Coalition. (See also ESHB 2261, Bills Passed and HB 1410, Bills Not Passed.)

HB 1889 – Paraeducator tutors

(Representative Sullivan)

and SB 5918

(Senator Kauffman)

Would have directed OSPI to establish paraeducator tutor certification requirements.

HB 1944 – Kindergarten assessment

(Representative Kagi)

Would have directed the Early Learning Advisory Council and OSPI to collaborate and convene a work group for the development and implementation of a kindergarten assessment. (See also SB 5619, Bills Not Passed.)

HB 1969 – Residential education

(Representative Haigh)

Would have promoted predictable funding for school districts that provide residential education by requiring that allocations to school districts for institutional education programs not be less than 90 percent of allocations from the prior year.

HB 1976 – Student assessment system

(Representative Santos)

Would have directed OSPI and the State Board of Education to begin redesigning the statewide student assessment system according to the principles and components outlined in the bill.

HB 2000 – Math and science teachers

(Representative Priest)

Would have directed the Professional Educator Standards Board to coordinate current and new initiatives to create an adequate supply of well-qualified mathematics and science teachers.

HB 2011 – Firearms safety education

(Representative Chase)

Would have required OSPI to develop a program of instruction for firearms accident prevention for students in kindergarten through grade twelve.

HB 2015 – Antiharassment strategies

(Representative Liias)

Would have directed OSPI to revise and update the model harassment, intimidation, and bullying prevention policy and procedure.

HB 2041 – Pupil transportation

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

and SB 5914

(Senator Rockefeller, by request of Superintendent of Public Instruction)

Would have implemented a new student transportation funding formula in the 2011-12 school year. The new formula would have: eliminated the radius mile; changed ridership counts to three times per year; and added an allowable to-from trip for extended day academic programs, effective within the 2011-12 school year.

HB 2048 – Dangerous weapons

(Representative Klippert)

Would have clarified that it is unlawful for a person on school premises, school-provided transportation, or areas of facilities being used exclusively by schools to possess certain nonfirearm-related weapons that have the capacity to inflict death or substantial bodily harm. (See also ESSB 5263, Bills Passed.)

HB 2058 – Sales tax holiday

(Representative Hope)

Would have exempted various personal property, including clothing, school art supplies, school computer supply items, school instructional materials and other school supplies, from the state's sales and use tax if purchased during a two-day "tax holiday" in August.

HB 2088 – Special needs transportation

(Representative Darneille)

Would have established a work group to develop criteria and guidelines for the purpose of improving coordination between state-funded facility siting determinations and access to those facilities by persons with special transportation needs. OSPI would have been represented on the work group.

HB 2094 – Capital levy proceeds

(Representative Carlyle)

Would have authorized the Seattle School District to spend no more than three percent of the proceeds from a capital levy, that is expressly authorized for technology purposes, on the costs of training or other salary costs.

HB 2108 – Unfunded mandates

(Representative Kagi)

Would have relieved school districts from some of the administrative and

regulatory burdens that have been placed on them. Specifically, the bill would have: required the State Auditor to reimburse school districts and ESDs for costs of required performance audits; prohibited OSPI, as part of its development and implementation of a K-12 Education Technology Plan, from imposing any new requirements on school districts; suspended for two years the required classroom-based assessment in civics; and suspended for two years required Student Learning Plans. Additionally, the State Board of Health would have been prohibited from adopting its proposed new school environmental health and safety rules unless authorized by the Legislature (see also SB 5779, Bills Not Passed).

HB 2111 – GET Ready for College Program

(Representative Hasegawa)

Would have established the GET (Guaranteed Education Tuition) Ready for College Program to provide "seed" money for college saving. The Higher Education Coordinating Board would have been required to purchase GET units for children in Washington when they pass certain milestones, including: entry into kindergarten; completion of the fourth grade WASL; completion of fifth grade; completion of eighth grade; and completion of the high school WASL.

HB 2113 – Students in RHCs

(Representative Kagi)

Would have created Residential Habilitation Center (RHC) impact assistance. School districts would have been able to apply to OSPI for financial assistance to recover actual costs associated with educational services provided to students who are RHC residents.

HB 2133 – Sick leave use

(Representative White)

Would have allowed state employees, school district employees and ESD employees to use up to twenty-four hours of sick leave per year to perform volunteer services.

HB 2143 – Retire/rehire program

(Representative Cox)

Would have reinstated the availability of limited (432 hours rather than 867 hours) public post-retirement employment for Teachers' Retirement System, School Employees' Retirement System and Public Employees' Retirement System Plan 2 and Plan 3 members who take advantage of early retirement.

HB 2149 – Millennium schools

(Representative McCoy)

Would have directed OSPI to award a planning grant for the implementation of up to three Millennium Schools — which focus on science, technology, engineering, and mathematics and showcase best practices in instruction and community involvement — in areas with high concentrations of students who statistically lag behind in achievement.

HB 2207 – Education Ombudsman

(Representative Santos)

Would have exempted records relating to the conflict resolution process of the Office of the Education Ombudsman from public disclosure.

HB 2244 – Education finance system

(Representative Haigh)

Would have established a framework to redefine Basic Education and restruc-

ture the state's K-12 education finance system.

HB 2251 – School facility leases
(Representatives Sullivan)

Would have provided school districts with additional options and flexibility to secure necessary facilities by the use of leases.

HB 2276 – School construction assistance

(Representative Short)

Would have created a School Construction Safety Net Grant Program for school districts that do not qualify for the existing School Construction Assistance Grant Program and have low property valuation per student in relation to the state average.

HB 2334 – School construction bonds

(Representative Dunshee)

Would have sent a referendum to the voters requesting they authorize the issuance of \$3 billion in bonds for the purpose of creating jobs by funding construction of safety, health and energy-saving improvements to public facilities. The majority of the funding would have been provided to school districts based on a per-student allocation.

HB 2336 – Fiscal notes

(Representative Campbell)

Would have established a Joint Legislative Fiscal Note process to ensure that fiscal notes, including local government fiscal notes, are timely, accurate, impartial and nonpartisan.

HB 2378 – Levy lid increase

(Representative Haigh, by request of Governor Gregoire)

Would have temporarily increased the maximum levy lid, by four percentage points, for school districts that have a levy approved by the voters prior to May 1, 2009.

HB 2384 – ESA bonuses

(Representative Quall)

Would have provided salary bonuses for Educational Staff Associates that have been nationally certified.

HJM 4002 – Health and fitness

(Representative Sullivan)

This Memorial would have requested Congress to amend the federal No Child Left Behind Act to include health and fitness, including physical education, as a core academic subject area to be taught by highly qualified teachers.

HJR 4203 – Basic Education expenditures

(Representative Anderson)

This constitutional amendment would have required the Legislature to enact a K-12 education budget before taking action on other omnibus appropriations legislation.

SB 5018 – Historic preservation

(Senator Honeyford)

Would have established the Historic Preservation Grant Program for the purpose of maintaining, preserving, stabilizing, and restoring properties and structures of historic interest, including schools.

SB 5049 – Fiscal resource study

(Senator Franklin)

Would have established a citizen's Committee on Washington's Finances to study the state's fiscal resources, structure and needs.

SB 5080 – Leaves of absence

(Senator Jacobsen)

Would have required school districts to grant leaves of absence without pay to any full-time certificated or classified employee who serves as a volunteer in the Peace Corps.

SB 5112 – 180-day school year

(Senator Honeyford)

Would have eliminated the current 180-day school year requirement, while maintaining the current 1,000 instructional hour requirement. (See also SHB 1292, Bills Passed.)

SB 5119 – Sunshine Committee

(Senator Fairley)

Would have eliminated the Public Records Exemptions Accountability Committee, also known as the "Sunshine Committee."

SB 5163 – Art for public buildings

(Senator Hobbs)

SB 5693

(Senator Hobbs)

and HB 1376

(Representative Hope)

For the 2009-11 biennium, this bill would have suspended the current law requirement that .5 percent of the total capital project cost of school facilities and other public buildings be used to purchase art.

SB 5176 – Visually impaired students

(Senator Shin)

and HB 2181

(Representative Moeller)

Would have created a bi-state partnership, between WSU-Vancouver and Portland State University, for teachers of children with visual impairments.

SB 5188 – Remedial education
(Senator Stevens)

Would have required school districts which provide high school diplomas to students who later need remedial education to either provide the necessary remedial education or pay for the cost of providing state-supported remedial classes.

SB 5249 – Public records requests
(Senator Fairley)

Would have allowed governmental entities to deny a public records request if the requesting party has an outstanding balance with the entity for unpaid charges for records previously provided.

SB 5250 – Public records charges
(Senator Fairley)

Would have increased the maximum per-page cost an agency/government can charge for copies under the Public Records Act from the current 15 cents to 25 cents.

SB 5251 – Public records charges
(Senator Fairley)

Would have allowed governmental entities to recover the full cost of copying under the Public Records Act regardless of whether the photocopies were taken by a requester.

SB 5260 – Student incentives
(Senator McAuliffe)

and HB 1341
(Representative Santos)

Would have repealed the requirement that students must earn a Certificate of Academic Achievement by meeting the state standard on the high school WASL for high school graduation. Additionally, the bill would have required a review of incentive programs in other states that are intended to increase the number of students meeting state standards and/or motivate students to pursue postsecondary education.

SB 5293 – Public records requests
(Senator Kline)

Would have allowed in-camera reviews of denials of public records.

SB 5371 – Driver training
(Senator Swecker)

Would have broadened the statutory definition of “qualified teacher of traffic safety education” to include parents or guardians that teach their own children.

SB 5378 – Digital learning programs
(Senator Eide)

Would have required digital learning programs provided by public schools to be accredited.

SB 5379 – Salary equalization
(Senator Eide)

and HB 1383
(Representative Miloscia)

Would have begun a six-year phase-in, equalizing the salary allocations to school districts for state-funded certificated instructional staff, certificated administrative staff and classified staff.

All school districts would have reached the highest allocation in all three salary allocation categories in 2014-15.

SB 5459 – WASL multiple measures
(Senator Hobbs)

Would have provided an additional way for students to graduate from high school without achieving a Certificate of Academic Achievement: a weighted, multiple measures process.

SB 5489 – Access to PEBB
(Senator Keiser)

and HB 1601
(Representative Cody)

Would have allowed Plan 2 members of the Teachers’ Retirement System, School Employees’ Retirement System and Public Employees’ Retirement System to access the Public Employee Benefit Board health plans upon separation from service at age 55 with at least 20 years of service.

SB 5490 – Retire/rehire program
(Senator Fraser)

and HB 1602
(Representative Conway)

Currently, Plan 2 and Plan 3 members of the state’s retirement systems that take advantage of newly available alternate early retirement provisions are prohibited from participating in the retire/rehire program until reaching age 65. This bill would have eliminated this restriction.

SB 5491 – Health benefits
(Senator Brandland)

HB 2177
(Representative Wallace)

and HB 1940
(Representative Bailey)

Would have required school districts and ESDs to purchase employee health insurance coverage through the Public Employee Benefits Board program.

SB 5515 – Health savings accounts

(Senator Parlette)

and HB 1842
(Representative Condotta)

Would have modified definitions related to school district employee benefits to specifically authorize school districts to offer health reimbursement arrangements and health savings accounts as part of their basic benefits.

SB 5588 – Boards and commissions

(Senator Pridemore)

Would have suspended 158 boards, commissions or task forces until June 1, 2011. Several education-related were included, such as: the School Facilities Citizen Advisory Panel, the School Bus Equipment and Specifications Committee, and the Career and Technical Education Curricula Advisory Committee. (See also 1497, Bills Not Passed.)

SB 5593 – Career and technical education

(Senator McAuliffe)

and HB 1697
(Representative Liias)

Would have established requirements on what a career and technical organization must offer in order to receive state support.

SB 5606 – Lottery revenues

(Senator Kastama)

Beginning July 1, 2009, would have transferred lottery revenues currently dedicated to education purposes to fully fund the Washington College Bound Scholarship and to fund a new Washington Investment in Student Excellence Scholarship Account.

SB 5617 – Early Learning Council

(Senator Kauffman)

Would have changed provisions relating to the Early Learning Advisory Council and clarified that the Council is to advise the Department of Early Learning on statewide early learning issues that would build a comprehensive system of quality early learning programs and services for Washington's children and families by aligning resources, establishing key performance measures, and ensuring children are ready for school.

SB 5619 – Kindergarten assessment

(Senator Kauffman)

Would have directed the Department of Early Learning and OSPI to collaborate and recommend six kindergarten entry assessments for statewide implementation. (See also HB 1944, Bills Not Passed.)

SB 5624 – Student discipline

(Senator Kauffman)

Would have limited the use of physical force and mechanical or chemical restraints and would have required each school district to adopt a written policy regarding the use of restraints. Additionally, school districts would have been required to provide annual reports to OSPI regarding the use of restraints.

SB 5658 – Spanish/Chinese language

(Senator Roach)

Would have created a pilot program for Spanish and Chinese language instruction in elementary schools.

SB 5660 – Saleable skills

(Senator Roach)

Would have encouraged each school district and community in Washington to inform students and parents about programs in the school and community that will help students learn saleable skills.

SB 5714 – National Board certification

(Senator Tom)

Would have provided conditional funding for teachers to pursue certification from the National Board for Professional Teaching Standards. Although this bill failed to be adopted, the final 2009-11 Operating Budget includes funding for this purpose.

SB 5715 – Juvenile gang members

(Senator Honeyford)

Would have provided funding for educational programs serving juveniles found to be criminal street gang associates or members for 220 school days per year.

SB 5721 – Levy provisions

(Senator Tom)

Would have: removed a sunset of current law provisions that inflate school district levy bases, based on the amount of funding school districts should have received if I-732 COLAs and I-728 Student Achievement Funds were not reduced by the Legislature; and allowed school districts that are

mid-way through an adopted M&O levy to return to the voters to request a “supplemental” M&O levy if the Legislature had taken actions that would allow a higher levy. (See also 1776, Bills Not Passed.)

SB 5774 – Local Effort Assistance

(Senator Schoesler)

Would have made Local Effort Assistance funding a part of Basic Education. Additionally, would have reduced the per-student allocation provided to school districts from the Student Achievement Fund (I-728) and would have further restricted the allowable uses of Student Achievement Funds.

SB 5779 – School health rules

(Senator McAuliffe)

and HB 2070

(Representative Sullivan)

Would have prohibited the State Board of Health from implementing its proposed new school environmental health and safety rules until the Board presented the rules and related cost estimates to the Legislature for approval. While this bill failed to pass, similar provisions are contained in the final 2009-11 Capital Construction Budget (See also ESHB 1216, Bills Passed).

SB 5801 – Tribal school funding

(Senator Kauffman)

and HB 1890

(Representative Sullivan)

Would have required Basic Education allocations generated for students enrolled in federally recognized Indian tribal schools to be allocated by OSPI to the serving tribe rather than the school district.

SB 5805 – School district incentives

(Senator Jarrett)

Would have provided a financial incentive to school districts for high school students who complete postsecondary credits earned through Running Start, College in the High School, Advance Placement/International Baccalaureate, Tech Prep, or other programs that provide high school students with the opportunity to earn college credit.

SB 5828 – School district treasurer

(Senator Jarrett)

and HB 1971

(Representative Hunter)

Would have authorized ESDs and the state’s larger school districts to designate a District Treasurer with the same powers, duties and responsibilities for financial matters as the County Treasurer.

SB 5865 – Early learning services

(Senator Kauffman)

Would have required the Joint Legislative Audit and Review Committee to review and report on early learning services for low-income families.

SB 5880 – Unfunded mandates

(Senator McAuliffe)

Would have repealed, suspended or partially amended current education statutes relating to training, task forces and health mandates. Also would have changed WSSDA’s membership structure by repealing current law provisions that school directors automatically become members of the Association. (See also ESSB 5889, Bills Passed, and SB 5890, Bills Not Passed.)

SB 5890 – Unfunded mandates

(Senator McDermott)

Would have repealed, suspended or delayed education statutes relating to policy and program mandates.

Several of the mandates would have become optional or only required to the extent that funding was provided to carry out the mandates. (See also ESSB 5889, Bills Passed, and SB 5880, Bills Not Passed.)

SB 5900 – Innovation education

(Senator Kastama)

Would have required OSPI to develop model youth innovation education curricula providing educational opportunities in entrepreneurial training, financial literacy and innovation that integrate innovative vocational and traditional academic education.

SB 5924 – Running Start

(Senator McAuliffe)

and HB 1915

(Representative Sullivan)

Would have required Running Start students to pay to the institution of higher education all mandatory fees, other than tuition and fees, established by each community and technical college. Additionally, the State Board of Community and Technical Colleges would have been required to make recommendations for long-term funding proposals to support Running Start.

SB 5927 – Special meetings

(Senator Morton)

Would have required any public agency, including school districts, that have less than 1,000 registered voters within its boundaries to provide notice of special meetings to any individual

residing in the district who has made a written request to be so notified.

SB 5935 – Child abuse prevention

(Senator McDermott)

Would have required OSPI to establish a statewide child abuse prevention program to be incorporated into existing programs at each public school.

SB 5941 – Education data

(Senator Oemig)

Would have established a comprehensive education data improvement system for financial, student, and educator data. Although this bill failed to pass, much of the bill's language was imbedded in the Basic Education finance reform bill. (See also ESHB 2261, Bills Passed).

SB 5946 – Freedom of student press

(Senator McDermott)

Would have prohibited public high schools from censoring school-sponsored student media except in limited circumstances.

SB 5957 – DNR authority

(Senator Jacobsen)

Would have prohibited the Department of Natural Resources (DNR) from purchasing commercial urban properties and would have required a long-term plan for the divestiture of urban properties. The sales proceeds of the urban properties would have been required to be used to purchase working natural resources lands at risk of conversion.

SB 5958 – Vision screening

(Senator Oemig)

Would have stated the Legislature's intent that students who from one semester to the next exhibit striking behavior or discipline changes or a sudden drop in academic performance be given additional vision screening beyond the currently required vision and auditory acuity screenings.

SB 6073 – Divergent students

(Senator Oemig)

With the intent to recognize students' unique needs and to provide an appropriate education for all children, this bill would have created a classification of "profoundly divergent children" as measured by those demonstrating an intelligence quotient of three standard deviations below or above the mean. These students would have been required to be provided with educational opportunities in accordance with Special Education laws.

SB 6098 – Public information

(Senator Roach)

Would have required public agencies and local governments — including school boards — to promptly post certain information on their Web sites, including agendas of all regular meetings and minutes of all regular and special meetings.

SB 6099 – Ballot titles

(Senator Roach)

Would have required all local ballot propositions to include in the ballot title a statement describing the amount the measure would increase or decrease taxes if the measure had tax implications. (See also HB 1057, Bills Not Passed.)

SB 6120 – State property tax

(Senator Haugen)

Would have dedicated a portion of the state property tax — currently collected exclusively for the support of the common schools — to state parks.

SB 6147 – Fiscal reform

(Senator Kohl-Welles)

Would have established a new state income tax on individuals who earn more than \$500,000 a year. All receipts from the tax would have been deposited in a new Education Enrichment Account for the support of the common schools and the state's higher education institutions.

SJM 8015 – US education system

(Senator McAuliffe)

This Memorial would have requested President Obama and the Secretary of Education to commence proceedings to engage the nation with an awakening dialogue about our education system.

SJR 8205 – Fiscal reform

(Senator Franklin)

Would have established a new state income tax with the intent to provide the necessary revenues for the support of vital state services on a more stable and equitable basis.

SJR 8213 – School levy timing

(Senator Parlette)

Would have amended the Constitution allowing school districts to submit a levy to voters not more than 18 months, rather than the current 12 months, prior to the inception of the levy tax.

SCR 8405 – Evaluation of the Legislature

(Senator Kohl-Welles)

Would have established the Washington State Commission on the Evaluation of the Legislature to evaluate and make recommendations regarding the Legislature's decision-making.

WSSDA and the Legislative Process

Local board action

Local boards debate legislative needs for WSSDA legislative action and submit legislative proposals to the WSSDA Legislative Committee, usually by the last Friday in May.

WSSDA study

The Legislative Committee studies the issues/proposals submitted and prepares recommendations for the Legislative Assembly; this occurs during Committee meetings in June and July.

WSSDA action

The Legislative Assembly, comprised of a legislative representative (LR) from each school district, acts upon the proposals. The Assembly meets this year at the Hilton Vancouver Washington Hotel, September 25-26.

Prioritization

The WSSDA staff, Legislative Committee and Board of Directors study the actions and recommendations of the Legislative Assembly, and the Board sets the priorities for staff to take to the January legislative session in Olympia.

WSSDA Annual Conference

The Annual Conference, taking place November 19-21 at the Seattle Westin Hotel, is an opportunity for the entire WSSDA membership to address ongoing WSSDA policies at the annual Delegate Assembly.

Sponsors

The WSSDA advocates meet with key legislators (committee chairs, leadership and former school directors) to develop sponsorship for our bills. Individual local boards wishing to pursue proposals that were not prioritized

should obtain sponsorships from local legislators; WSSDA assists as much as possible. Sponsors then introduce bills in the Legislature.

Bill referrals

After introduction, bills are assigned to committees (usually the House or Senate Education Committee) by the leadership in the respective house.

Hearings/discussions

WSSDA advocates, along with the bills' sponsors, work with the committee chairs to schedule hearings on our bills. Private discussions and public hearings debate the bills' merits.

Floor debate/passage

If a bill is given a "do pass" recommendation by the committee of the Legislature, the bill comes before the entire House or Senate for discussion and vote. If passed by a majority, the bill is sent to the opposite house.

Opposite house action

Once sent from the House to the Senate or from the Senate to the House, the bill follows the same procedure as in the house of origin, i.e., assignment to committee, hearing and debate, passage to the floor for further debate and passage. If amended by the opposite house, a bill must return to its original chamber for concurrence with any such amendment.

Governor's office

All bills passed in the same form by both houses must be signed by the governor in order to become law. WSSDA advocates communicate with the governor's office regarding requests to sign, partially veto or fully veto any bill of importance.

WSSDA member lobbying

At several points in the process, individual boards or directors may communicate with legislators, committees or the governor regarding the merits of any bill. This is especially true for district legislative representatives (LRs), the WSSDA Legislative Committee and the WSSDA Board of Directors and officers — but is also true for any school director. Of course, coordinated lobbying is more effective. The most effective lobbying is prior to the legislative session. Personally taking your legislators on tours of your schools is one method of establishing a personal relationship in an informal yet professional setting.

Key Dates

May 29, 2009

Deadline to submit legislative proposals for the 2010 session

June 19-20, 2009

WSSDA Legislative Committee reviews legislative proposals

July 24-25, 2009

WSSDA Legislative Committee reviews legislative proposals

September 25-26, 2009

WSSDA Legislative Assembly adopts legislative proposals for 2010 (Vancouver, WA)

October 10, 2009

WSSDA Legislative Committee proposes 2010 Legislative Package

November 18, 2009

WSSDA Board of Directors adopts 2010 Legislative Package

January 11, 2010

2010 Legislative session begins

February 7-8, 2010

2010 WSSDA/WASA Legislative Conference (Olympia)

Procedures Relating to WSSDA's Legislative Advocacy Program

WSSDA Procedure 2082P

General Procedures:

Any school board or county or regional unit or standing committee or task force of the WSSDA, including the WSSDA Board of Directors or the Legislative Committee, or any individual local school board member may initiate additions or amendments to Washington State and/or federal law or rule relating to education by submitting a concern and/or proposal, written in the format described by the Legislative Committee, to the Association staff or to the chair of the Association's Legislative Committee. Similarly, any organization interested in the improvement of Washington State or federal law or rule relating to education may make suggestions for change. Specific proposals by local school boards or committees or county/regional units of the WSSDA, shall, unless they are withdrawn, be referred to the floor of the Legislative Assembly for action (although some may bear a "do not pass" recommendation by the Legislative Committee). Specific proposals by individual directors or by other organizations may be presented to or withheld from the Legislative Assembly by the Legislative Committee.

Submitter(s) may:

- A. Describe an issue of concern and ask that an appropriate solution be developed; or
- B. Propose a specific solution to that issue or concern.

In response, if the Legislative Committee agrees that an expressed concern is of sufficient statewide importance to warrant action, it may, on

its own initiative and/or working with the submitter(s), develop a proposed solution to the concern for submission to the Legislative Assembly.

The Legislative Committee will recommend "do pass" or "do not pass" on specific proposals. Recommendations are submitted to, but are not binding upon, the Legislative Assembly.

If the Legislative Committee feels that a specific proposal responds to an important concern, but does not agree with the wording and/or the proposed solution to the problem, the Committee may develop an alternative proposal and offer the submitter(s) the opportunity to concur with the change(s). The Committee's version will be brought before the Legislative Assembly with a "do pass" recommendation, indicating that it was submitted by the Legislative Committee and the original submitter(s) that have agreed to the change(s). If a submitter(s) does not concur with the Committee's version it shall follow the practices and procedures for a proposal which has received a "do not pass" recommendation (see below).

The Legislative Committee shall inform each board submitting a concern or making a specific proposal of its action and/or recommendation. When it recommends "do not pass" on a specific proposal, the following practices and procedures are followed:

- A. The Committee requests the board to withdraw its proposal for the reason(s) that the Committee determined in recommending "do not pass:"
- B. The submitting board may then do the following:

1. Withdraw its proposal;
 2. Send a representative to the next meeting of the Legislative Committee in an attempt to persuade it to reverse its recommendation;
 3. Direct that its proposal be submitted to the Legislative Assembly despite the Committee's "do not pass" recommendation; and/or
 4. Sign on to a proposal from another district.
- C. If the board directs that its proposal be submitted to the Legislative Assembly notwithstanding the Committee's recommendation, it may submit a brief written argument to be printed in the Legislative Assembly materials. The Legislative Committee will review those "arguments for" the proposal and have the right, in the "arguments against," to respond.

The Legislative Committee shall request to be notified, preferably in writing, of the course of action that a school board wishes to follow regarding the specific proposal it has made for action.

Following the Legislative Assembly, the Legislative Committee, with staff input, shall recommend the priorities of the Association's legislative advocacy program to the Board of Directors. It will consider advice provided by delegates at the Legislative Assembly regarding priorities. To assist in that, delegates at the Legislative Assembly shall be provided with an advisory ballot to indicate the recommended order of priority for the proposals for the coming year. The Board of Directors shall

act upon the Legislative Committee's recommendation and report its action to the Legislative Committee and the membership as soon as possible.

After the end of a session of the Legislature, a report shall be made to all districts indicating action, if any, taken by the Legislature on each proposal during the legislative session.

The Legislative Advocacy Program is an annual function. Unless proposals become standing Legislative positions, they must be resubmitted annually to be considered part of the following year's legislative program.

Adopted 5/87

Amended 11/90; 7/91; 4/93; 7/97;
11/08

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