



# Legislative Update

March 2, 2013

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## Numbers narrow slightly at fiscal cutoff

The number of bills under active consideration this session got a little bit smaller after Friday's fiscal committee deadline. That's the good news. The bad news is that most bills are still in the system. For the next week and a half, the Legislature will work towards a March 13<sup>th</sup> 5 p.m. deadline to pass bills out of the chamber where they originated.

To keep an eye on the latest bills, watch the [floor activity calendars](#) on the right side of the page – that's where you'll see amendments offered to "perfect" bills or to keep them from passing. Bills with a large number of amendments eat up valuable floor time and, the thinking goes, will be more difficult to get passed as the clock ticks down.

## Staying alive

In order to keep moving in the process, many bills with big fiscal impacts were stripped of costly sections or found themselves amended with "null and void" clauses or "subject to funds appropriated for this purpose." This is a common occurrence in fiscal committees.

With operating budget proposals nearly three weeks off, legislators haven't decided how to fund the \$1.4 billion to \$1.7 billion for a 2013-15 down payment on McCleary, let alone all the new programs and ideas legislators want funded this year. Trimming the fiscal note is no guarantee that the bill, if passed, would be fully funded either. And in this session, education advocates will be watching those "unfunded mandates" closely.

Here's a look at some of the changes in fiscal committees this week (unless otherwise noted):

<i>Bill number</i>	<i>Topic/changes</i>
<a href="#">2SHB 1134</a>	Would authorize OSPI to enter into compacts with Tribal nations to operate Tribal compact schools separate from a school district. The bill was amended to require any approved Tribal compact school to use approved accounting principles, be subject to state auditor audits required for public school districts, and allow state allocations to the Tribal compact school to continue to count as part of the district's levy base through January 1, 2018. The latter aligns with when other "ghost" funds expire.
<a href="#">SHB 1177</a>	Would create a comprehensive state system of accountability. No changes.
<a href="#">SHB 1252</a>	Would create online professional development for teachers and principals. As amended, the bill wouldn't go into effect unless funded.
<a href="#">SHB 1276</a>	Would create two "dropout prevention through farm engagement" pilot projects for a three-year period beginning in the 2013-14 school year. Changed in House Education Appropriations Committee.
<a href="#">2SHB 1424</a>	Would create dropout prevention and re-engagement programs. Due to a large fiscal note, the bill

**Bill number**    **Topic/changes**

was scaled back. The following elements will not go into effect unless funded: graduation coaches and school success coaches in struggling high schools and “feeder” elementary and middle schools; a higher allocation rate for students in approved contracted dropout re-engagement programs; and intervention specialists at the ESDs.

[SHB 1526](#)    As amended, would require school districts that have more than 50 students participating in Running Start to meet with participating colleges in the district and identify a plan for increasing the enrollment of under-represented students in the Running Start program. Second class and non-high school districts are exempt. The district and college must submit their plan to OSPI by August 1, 2014.

[2SHB 1566](#)    Would create educational liaisons for foster youth to support higher levels of achievement. The bill included regular meetings with school staff. The amended bill removed a demonstration site referenced in the bill.

[2SHB 1642](#)    Would allow school districts to create an academic acceleration policy whereby students who pass the high school statewide assessments or receive a certain score on the PSAT would be automatically enrolled in the next level of rigorous courses offered at the high school.

The bill was made permissive in the House Education Committee. Bill sponsor Rep. Eric Pettigrew, D-Seattle, had indicated he hoped to make it mandatory again, but did not pursue an amendment in the House Appropriations Committee to that effect. However, a null and void clause was added to the grant program that created an incentive and rewarded schools achieving higher levels of participation of low-income students and students of color.

The companion in the Senate, [2SSB 5243](#) would **require** every school district that operates a high school to adopt an academic acceleration policy, and to automatically enroll students in the next level of rigorous courses. The Senate Ways & Means Committee amended the bill to clarify how the incentive/reward program would work.

While the House version works for districts, the Senate version would create an unfunded mandate for school districts and could have serious timing issues.

2SSB 5243, as written, would take effect for the 2013-14 school year, after hiring and class schedules have been set. According to Federal Way’s superintendent, who argued that all school districts should have to follow this practice, their district automatically enrolls students who have an A, B or C in the class tied to the assessment in the next level of coursework for the upcoming year. If the student fails to pass the assessment in the spring, then the schedule for the student is adjusted when they arrive in the fall. With no phase in for this bill, it is unclear how many high schools would be adjusting their schedules and staffing to make the bill work, and what the unintended consequences and costs may be for implementation. WSSDA’s position is that the bill should leave the decision to adopt this type of program up to local school boards and that seed money should be available to school districts that adopt the policy.

Upon passage, Sen. Jim Hargrove, D-Hoquiam, said he was hoping to add funding for small rural schools to participate in Running Start.

[2SHB 1680](#)    Would implement a number of recommendations from the Education Opportunity Gap Oversight & Accountability Committee. The most significant amendment for school districts is the elimination of a section requiring disaggregated and subgroup data beginning in the 2015-16 school year. The requirement to provide educational services to students who are suspended or expelled remains; OSPI estimated an additional \$33 million per year would be needed to meet this requirement.

[SHB 1692](#)    Would begin to implement ESHB 2261’s increased instructional hours (from 1,000 to 1,080 for 7<sup>th</sup>-12<sup>th</sup> grade) beginning in 2014-15; would adopt the 24-credit diploma for the class of 2019; would increase support for the Transitional Bilingual Instruction Program including funding for students who exit the program; and would require school districts to allocate Learning Assistance Program funding to schools with 50% Free and Reduced Price Lunch (FRPL) eligibility, and spend a greater amount per student in schools with 75% FRPL.

[SHB 1817](#)    Would allow students who are not U.S. citizens but meet Deferred Action for Childhood Arrival (DACA) status to be eligible for the State Need Grant.

[SHB 1872](#)    Would create a STEM-focused approach for education; Gov. Jay Inslee request legislation. As amended in House Appropriations, the robotics grants would be subject to funds appropriated, and the third credit of science (which was adopted in the House Education Committee) was removed

**Bill number**    **Topic/changes**

due to the potential impact on capital budget/ school capacity issues requiring additional lab space.

[SHB 1968](#)    Would allow the State Fire Marshall to adopt licensing minimum standard requirements to allow children who attend classes in a school building during school hours to remain in the same building to participate in before-school or after-school care. According to bill sponsor Rep. Ruth Kagi, D-Shoreline, before- and after-school care offered by groups like the YMCA or Boys & Girls Club is not allowed at some of Seattle Public Schools' older buildings. This bill is an attempt to fix that situation.

[2SSB 5329](#)    Originally the state "takeover" bill, as passed by the Senate education committee the bill would have appropriated \$10 million and signaled a clear intention to use state funds to support schools identified as the 10 most persistently lowest-achieving to be subjected to the Required Action District process.

Among other changes, the Senate Ways & Means Committee amended the bill on March 1 to remove the \$10 million appropriation and the language in the intent section that referenced "state funding" to support schools identified as RADs.

While stripping appropriations from bills in fiscal committees is common, the removal of intent for state funds to support RAD schools is worrisome. As passed out of the committee, OSPI would identify the 10 schools by June 1, 2013, and the RADs would be in effect starting in the 2013-14 school year – potentially with no new funding.

Another significant change to the bill is for schools who fail to improve after three years. Basically, OSPI would become the hiring authority for these schools for certificated and classified employees, and would make personnel decisions. Several Senate Democrats balked at this addition. Sen. Bruce Dammeier, R-Puyallup, said the bill was still in progress, but encouraged members to pass the bill out of the fiscal committee.

Also of policy concern is that the bill continues to include a requirement for school closure, unless no other viable option for students is available.

[2SSB 5330](#)    Would make certain changes to the Learning Assistance Program, including extending it for behavioral issues; target Building Bridges dropout prevention programs to schools with high levels of truancy or schools that get Readiness to Learn grants or to nonprofits with successful dropout re-engagement programs; allow up to three days (we'd like five) for the WaKIDS assessment of kindergartners at the beginning of the school year; create a mentor program for beginning and probationary teachers; support the TBIP program, as specified in the operating budget, including students who exit the program; and funding, based on the prototypical schools funding formula, for parent involvement coordinators which must be used to hire parent involvement coordinators.

As amended in the Senate Ways & Means Committee, in addition to being required to spend the allocation for parent involvement coordinators to employ individuals or on parent involvement programs, the state auditor would be required to audit school districts to determine if funds were spent in this manner.

This is a slippery slope. State funding to public schools, for the most part, is on an allocation basis, allowing school boards of directors to determine where to spend the funding that best meets the needs of the schools and students. To tie new funding to specific expenditures may be problematic for school districts that might believe the allocation should be spent differently based on evidence or school and student needs.

[SSB 5365](#)    Would require training and school plans to address youth who are in distress, including identification of students at risk of suicide. No changes in Senate budget committee.

[SSB 5624](#)    Would require the statewide director for STEM to work with the State Board of Community & Technical Colleges to develop high-demand applied baccalaureate programs that align with high-quality secondary STEM programs and CTE programs. As amended, the requirement would be subject to available funding, and the new programs would only go forward if funds were appropriated.

[SSB 5709](#)    Would allow a WSU pilot project to use densified biomass to heat a school. As amended in the budget committee, the pilot project would move forward only if private or federal funds were provided.

[SSB 5754](#)    As amended in Senate Ways & Means, the bill was significantly changed from the broad dropout

**Bill number      Topic/changes**

re-engagement programs envisioned in the underlying legislation. As written, the bill would allow the Workforce Board to designate up to eight Workforce Development Councils as pilot regional coordinators rather than all WDCs and would make the bill subject to appropriations. The bill was introduced at the request of Gov. Jay Inslee.

The companion bill, [HB 1871](#), did not pass out of House Appropriations.

[2SSB 5794](#)

Would create a new system of Alternative Learning Experience courses, including new designations of Hybrid, Remote and Online (instead of Online, Parent Partnerships or Contract-based). The designations would be determined based on the level of contact time at a physical location. All instruction would need to be taught by a certificated teacher. As amended, the bill made modifications to the funding references, and changed the study convener from OSPI to OFM, added members to the task force, and broadened the scope from just funding to ways to make ALE courses more outcome-based.

**Missed the cutoff**

The following bills failed to make it out of the budget committees and are considered “dead.” For a review of bills that failed to pass out of policy committees, please see the [February 24 Legislative Update](#). Check the legislative web site for the status of other bills you may have been tracking.

*Bill number      Topic/changes*

[HB 1174](#)

Would have created an “education first” operating budget.

[HB 1248](#)

Would have created a music program for kindergarten students.

[SHB 1452](#)

Would have required most students who fail their 3<sup>rd</sup> grade reading assessment to be retained or have additional reading interventions.

A companion bill, [2SSB 5237](#) is on the Senate floor calendar. The bill has several policy and fiscal challenges, including offering only retention or summer reading programs as options to a student who scores a Level 1 on the 3<sup>rd</sup> grade reading assessment, and prioritizing Learning Assistance Program funding to reading for grades K-3. WSSDA supports smaller class sizes, full-day kindergarten, and increased funding for early intervention as a better approach to helping students get to standard.

[SHB 1650](#)

Would have placed additional emphasis on career and technical education, as well as career exploration for students in 8<sup>th</sup> grade and high school.

[SSB 5588](#)

Would have authorized a JLARC study of a school day and how early releases, late starts and half days are used by districts. Watch if this appears as a budget proviso in the Senate majority budget proposal.

[SB 5852](#)

Among other provisions, this bill would have replaced TRI with district authority to spend up to 10 percent of the state-allocated salary amount in local funds for salary enhancements for non-basic education functions unique to the school.

The bill was introduced by Sen. Steve Litzow, R-Mercer Island, after the policy deadline and was referred to Senate Ways & Means. Interestingly, the title “An act relating to improved student achievement and student outcomes” is the same as the title in [2SSB 5330](#), sponsored by Sen. Jim Hargrove, D-Hoquiam. The Hargrove bill passed out of Senate Ways and Means March 1<sup>st</sup>. Will we see elements of SB 5852 inserted on the floor into 2SSB 5330? Anything is possible.

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