



# *This Week in Olympia*

## Washington Association of School Administrators

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## Week 8

**March 6, 2009**

**This is the 54th day of  
the  
Jan. 12 through April 26  
2009 Regular Session  
(51 to go).**

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### THIS WEEK IN REVIEW

#### THE WEEK IN REVIEW

The legislature passed its half-way mark for the 105-day regular session this week. Activity shifted from policy committees to fiscal committees early in the week and then to closed door caucus meetings and floor action. The House heard its new version of the “education finance bill” in Education Appropriations and Ways and Means. Rep. Pat Sullivan introduced the bill (HB 2261) saying that while “...there are some areas of common agreement, this bill in no way reflects a level of satisfaction with the bill as it stands now. It is a work in progress.” Most groups testifying agreed. (More information on the K-12 finance bills is provided below.)

About ninety education-related bills are still alive ([Click to see Bills on the Move.](#)) The next cut-off is March 12—when bills need to be out of their house of origin. (For more information on some of the bills that are moving, see below.)

AASA will be providing state governmental liaisons with the latest information on the federal stimulus package on a conference call next Tuesday. If specific details are provided that relate to school districts and will help in your planning, we will send out an update.

Governor Gregoire’s [www.recovery.wa.gov](http://www.recovery.wa.gov) website provides Washingtonians an opportunity to review the entire federal stimulus package for Washington State. “While the federal economic recovery package will pump billions of

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(Cont'd)

dollars into our state and local economies to support and create jobs, (it) is not a cure-all for our economy or closing the state's budget shortfall."

OSPI's website provides information relating specifically to the K-12 portion of the stimulus package. Go to [www.k12.wa.us](http://www.k12.wa.us). "Federal Stimulus Q & A" is in the middle of the page.

Resources for superintendents and administrators are provided on WASA's website to use as **Reductions in Force (RIF)** are discussed in your districts—including selected statutes, a board resolution form, some contract language with procedures, and staffing decision timelines.

Our Senate is scheduled to roll out its budget sometime the week after the March 19th Economic and Revenue Forecast Council's report. The House will follow with its budget shortly after that. The legislature's scheduled date to pass a conference budget is April 17th. A number of legislators continue to say they have every intention of ending this session on time (April 26). However, others say that with so many unknown factors including those relating to the stimulus funding—which will impact the final budget—we could very well be headed into a special session, or sessions, before it's all over.

The Network for Excellence in Washington Schools (NEWS) lawsuit was scheduled to go to trial on June 1, 2009. This week, the trial was delayed for 90 days at the request of NEWS and the state—primarily because of the uncertainty of timelines surrounding the state's current budget situation. For more information about NEWS visit their website [www.waschoolexcellence.org](http://www.waschoolexcellence.org).

### TOWN HALL MEETINGS

Many legislators will be back in their districts during the next two weeks. It's your chance to meet and talk to them. Watch for announcements in your local press or visit **Town Hall meetings** on the League of Education Voters' website.

For some interesting points you might want to discuss with them, read "**School District Finance Crisis - 2009**" on WASA's website.

### BILLS!

A brief summary of many of the bills that are still alive is provided below. Some words of caution: even if a bill is now "dead," it can be revived in a number of ways. If it is a part of the budget discussions, it can be deemed "necessary to pass the budget" and pulled from the committee or floor calendar and acted upon. Or, it could end up embedded in the budget as a "proviso." (There were 89 provisos relating to K-12 in the 2007-09 operating budget.) Another word of caution: bills can be amended many places along their journey. A substitute "or striker" can be completely different from what was originally proposed.

### K-12 FINANCE

SHB 2261 - is the new version of the House's attempt to do something this session "to fulfill the state's obligation under Article IX of the Washington State Constitution to define and fund a program of basic education for children residing in the state and attending public schools." The major difference between HB 2261 and the legislators' original bill, HB 1410, are:

1. It removes added basic education instructional program requirements like CORE 24 and early learning.
2. The new formulas for prototype schools are phased in over a six-year period beginning in 2011.

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3. It removes specific references to regional wage adjustment, bonuses, a salary survey, certification, evaluation, and compensations for classified and administrative mentoring that uses an intent statement directing a workgroup to develop a system of compensation.

4. It does not repeal levy equalization and grandfathered levy lids, but directs a work group to develop options.

5. It does not implement an accountability system but directs the SBE to propose one to the Legislature by December, 2009.

We see all of these changes as moving in the right direction and will be working with Rep. Sullivan, Senator Oemig (SB 6048 with an intent section only), Superintendent of Public Instruction Randy Dorn, the governor's staff, and other stakeholders on a final version.

### LEVIES/SCHOOL BUDGETS/CAPITAL PROJECTS

ESHB 1018 is a compromise bill worked out with county auditors and stakeholders to address the problem of the overlapping **spring special election** returns and validation processes. The bill eliminates the March special elections. The special election day in February is the second Tuesday. A special election day can be held on the third Tuesday in May for levies that failed previously in the calendar year. The presidential primary becomes a separate election day. Resolutions must be submitted to the county auditor 45 days prior to the special election date.

HB 1113 - authorizes the issuance of \$133M in the state general obligation bonds for the **School Assistance Grant Program** and appropriates \$130M in bonds in a second 07-09 supplemental capital budget. This bill has already been signed by the governor - C 6 L 09.

HB 1197 - requires the Capital Projects Advisory Review Board to develop guidelines for the review and approval of **design-build demo projects** that include M & O services, allow 10 projects between \$2 and \$10M (two projects can include procurement of M & O for longer than 3 years), requires public bid openings for a general contractor/construction manager contracting method, and expands the use of job order contracting.

HB 1292 - allows the SBE to grant waivers from the 180 day school year to five districts under 500 FTE for purposes of economy and efficiency.

HB 1757 - creates a **small school district contingency fund** to provide loans to small school districts in financial distress, to be repaid within three years and establishes an oversight committee composed of ESD superintendents to administer the account and establish application procedures and eligibility maximums.

HB 1776 and SB 5721 specify that I-728 and I-732 funding levels are included in the **levy base** as approved by the voters if each were fully implemented by the legislature in the previous and subsequent years. The bill repeals a 2012 sunset provision in current law. It also allows districts to return to voters for additional levy authority in the middle of a levy period if the levy base is expanded by state or federal legislation.

SHB 1774 - allows 70 percent of revenues generated from the **sale of timber on state-owned land** to be deducted from the state's general apportionment allocations to school districts.

2SHB 1618 - creates the **community schools program** in CTED to: (1) provide capital grant funds for the development of community schools and convert empty school buildings into community facilities; (2) improve services for children and families; (3) assist children's readiness to learn; (4) assist families in school participation; (5)

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enable more efficient use of federal, state, local and private resources that serve families and children. It requires OSPI to coordinate inventories, studies and surveys to facilitate the program.

HB 1619 - **expands** the types of activities funded with **school district capital projects** generated by two to six-year levies, adding major equipment repair, painting of facilities, and/or other major preventative maintenance purposes. Clarifies the definition of major renovation and replacement and adds major repairs, replacement and refurbishment of roofing, exterior walls and windows, and plumbing systems. Directs OSPI to develop accounting guidelines.

SHB 1940 and 2SSB 5491 - **PEBB** (see Retirement/Health)

SHB 1971 - authorizes **ESD and school districts** with 10,000 or more students in counties with one million or more people to designate a **District Treasurer** to act with the same powers and under the same restrictions as the County Treasurer acting as ex officio treasurer for the district. The district treasurer may be an employee or another person with expertise. Authorizes the ESD or district to adopt a policy to pay financial obligations by warrant or check and to indemnify employees. Allows the district treasurer to delegate management of investments of the district, subject to an investment policy approved by the board of directors.

HB 1975 and SB 5580 - allows **school district impact fees** to be spent within ten years of receipt rather than the current six years.

HB 2142 and SB 5980 - renames components of the **School Construction Assistance Grant Program** funding formula as follows: matching funds are now "funding assistance" (for the state contribution) and "local funds" (for the local contribution); matching percentage is now "funding assistance percentage"; matching requirement is now "local requirement"; and state assistance is clarified as "state funding assistance." The changes were recommended by the Joint Legislative Task Force on School Construction Funding for the purpose of transparency.

SSB 5738 - OSPI must review all **annual compliance reports** required of school districts and make recommendations about which records should be discontinued, integrated into CEDARS, or maintained in current form, and determine which federal reporting requirements may be used to meet state reporting requirements. The CEDARS work group may be reconvened.

### STUDENTS

HB 1075 and SB 5248 - enacts the Interstate Compact on Education Opportunity for **Military Children (Compact)**. Amends state statutes to align with compact requirements and requires the State Council to review and make recommendations by December, 2014 about continuing membership.

HB 1282 - establishes a pilot **school-based influenza vaccination program**.

SHB 1703 - requires parents or guardians to provide specific information on requests for **exemptions from school immunization requirements** when the request is based on philosophical or personal objections.

HB 1793 - places the WSDOT **Safe Routes to School Program** in statute and establishes grant application guidelines and requires the WSDOT to provide information, resources, training and grant evaluation.

SHB 1824 and SB 5763 - requires the development and dissemination of information and forms regarding the nature and **risk of concussion and head injury** in athletic programs. School districts are required to have a statement of compliance from youth

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sports programs using school facilities. Requires youth athletes and parents to sign information forms, requires the removal of youth suspected of sustaining a concussion or head injury and written clearance from a licensed health care provider before returning to play.

2SHB 2113 - creates the **Residential Habilitation Center impact assistance** for certain districts to apply for and requires DSHS to provide notice of student placement to an affected school district no later than 24 hours and requires cooperation and collaboration between DSHS and school districts for a smooth transition.

SB 5175 - **Promise Scholarship** eligibility requirements include that the student be a "resident student," a graduate of a public or private school in the 10th percentile of the class or, if home-schooled, must be in the 90th percentile on the SAT or ACT.

SSB 5551 - OSPI and WSPTA must conduct a **survey of recess** in elementary schools.

2SSB 5624 - limits the use of **physical force, mechanical restraints and chemical sprays** in schools. Districts must establish a written policy and report annually to OSPI.

SSB 5881 - states that the preferred practice to provide an unexcused absence notice to parents for **truancy** is in the language in which the parent is fluent and that a petition must state if the child has an IEP. Detention as a sanction must be limited to seven days. The use of truancy boards and other diversion units are encouraged.

SSB 5967 - **Community athletics programs** are prohibited from discriminating on the basis of sex. School districts issuing permission to a third party for the operation of a community athletics program must comply.

### [GRADUATION/ASSESSMENTS/PROGRAMS](#)

SHB 1347 - OSPI and the reconstituted Financial Education Public Private Partnership may implement demonstration projects for improving **financial education** in public schools.

2SHB 1355 - creates the **opportunity internship program** to provide incentives to use existing resources to build educational and employment pipelines to high demand occupations in targeted industries for low-income high school students.

SHB 1418 and SB 5618 - creates a statewide **dropout reengagement** system. Requires ESDs to manage model contracts and interlocal agreements and requires school districts to make high quality reengagement programs available to eligible students either directly under contract or through the ESD. OSPI must adopt rules and allows state per-student funding to go directly to the ESD.

HB 1562 - removes the requirement that a student must continue to take the **Math WASL**, or another assessment, each year in order to qualify for a temporary exemption that allows graduation without a Certificate of Academic Achievement and removes the expectation that math courses these students are required to take be considered "additional" courses.

2SHB 1646 - Adjustments are made to the **high school WASL for math and science**. OSPI must, in consultation with the SBB and PESB, identify strategies and develop an implementation plan to assure that all students have the opportunity to learn the new standards. OSPI must recommend whether to use a comprehensive assessment or end-of-course assessment for science and identify the costs for developing and implementing EOC for science. Eliminates the expiration of the graduation without certificate of academic achievement or certificate of individual achievement RCW 28A.655.0611.

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SHB 1758 - provides that an individual, including Running Start students, who enrolls in a community or technical college and completes an associates degree is awarded a **high school diploma from the college**. Provides that individuals who have completed at least an equivalent of 10th grade, and complete a professional-technical certificate program of 45 credits or more, may also be awarded a high school diploma from the college.

HB 2132 - requires that if the SBE increases graduation requirements in social studies, at least one-half credit must be in **civics**.

SHB 2342 - establishes an **Achievement Gap** Oversight and Accountability Committee with OSPI to advise and make recommendations on closing the achievement gap. OSPI must design or create a plan for three Innovation Academies which focus on science, technology, engineering, and mathematics and showcase best practices in instruction and community involvement.

SB 5378 - Public school programs that provide **digital learning programs** must be accredited through the NW Association of Accredited Schools, a national accreditation program, or listed by OSPI with an endorsement of the Washington Coalition for Online Learning.

SB 5410 - Creates an **approval process for multidistrict online course providers**. Requires districts to develop policies and procedures for student access to online learning. Designates the Digital Learning Commons to work with OSPI on these issues.

ESSB 5414 - During the interim, **the WASL Workgroup** met and provided a final report to the legislature on recommended changes to the assessment system. This bill enacts some of those recommendations which can be reviewed by clicking on the bill number in the Bills on the Move.

SSB 5449 - This bill is similar to HB 1418, **dropout reengagement**, however, sections pertaining to Building Bridges Advisory Committee are removed. There are still goals for graduation (95%) and reengagement (60%) and SBE is directed to set targets for school districts.

2SSB 5676 - Provides that a **middle school** that receives approval from OSPI to provide a **career and technical program** in science, technology, engineering or mathematics directly to students shall receive funding at the same rate as a high school operating a similar program. Additionally, a middle school that provides a hands-on experience in these areas with an integrated curriculum of academic content and career and technical education and includes a career and technical exploratory component shall also qualify for the career and technical education funding.

### EMPLOYEES

SHB 1319 - **prohibits school employees** from using school district property for **personal gain** and directs OSPI to adopt disciplinary guidelines for violators.

HB 1385 - A **school employee** is guilty of **sexual misconduct** with a minor in the first degree when he or she has sexual intercourse with a registered student of the school who is 16 but less than 20 years old if the employee is 60 months or more older than the student and in the second degree if he or she has sexual contact.

SHB 1741 - adds **additional crimes** which can result in **mandatory dismissal of certificated and classified school employees**, revocation and the barring of contractor's employees from school grounds. In the event of a final termination for certain felony crimes, districts may seek to recover salary for administrative leave. Also requires mandatory revocation when a certificate is obtained fraudulently. OSPI must review State Patrol information quarterly. School districts must notify OSPI of terminations.

**THIS WEEK  
IN REVIEW**

**(Cont'd)**

Allows school districts to file complaints with OSPI regarding certificated individuals, regardless of whether he or she is employed by the district.

HB 1852 and SB 5694 - eliminate the requirement that the Washington State Patrol charge school districts and ESDs for only incremental **costs** associated with checking **fingerprints**.

SHB 1889 and SB 5918 - OSPI to establish voluntary **paraeducator tutor certification** standards, prices and requirements, approve professional development for certified tutors and submit a proposal for incentives to pursue certification by December, 2009.

SB 5189 - the Senate's version of the House's **expanded list of crimes for dismissal** bill SHB 1741.

SB 5232 - the Senate's version of the House's **sexual misconduct** bill HB 1385.

SB 5487 - extends the required date for notice of **nonrenewal or transfer** to June 15 if the Operating Budget has not been passed by May 15.

SB 5714 - Eligible teachers may receive a **conditional advance of their \$2,500** bonus but must repay the money if they fail to receive NBCT certification after three years.

**BOARD OF HEALTH RULES**

SSB 5779 and HB 2070 - During the period between January 1, 2009 and January 1, 2015, before the **Board of Health** implements any **rules** pertaining to primary and secondary school facilities, the Board must present rules and a final cost estimate to the legislature. Encourages school districts to review Board rules and to consider implementing ones that have no fiscal impact.

**DEREGULATION/FLEXIBILITY**

SHB 2167, SSB 5880, SSB 5889 and SSB 5890 - All of these bills repeal, suspend, or make permissive a number of statutes applying to schools. Go to the bill numbers in the **Bills on the Move** to review the current list. HB 1322 and SB 5074 repeal the requirement that schools must provide scoliosis screening.

**HOUSE OF REPRESENTATIVES**

**FLOOR SESSION  
SCHEDULE  
Week of March 9 - 13**

Monday - Friday	House Session/Caucus	10:00 a.m.
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**SENATE**

Monday - Thurs.	Senate Session/Caucus	9:00 a.m.
Monday - Weds.	Possible Senate Session/Caucus	6:00 p.m.

**COMMITTEE  
HEARING SCHEDULE  
Week of March 9 - 13**

**HOUSE CAPITAL BUDGET**

JLOB C

3/13/09

8:00 - 10:00 a.m.

**PUBLIC HEARING:** Bills previously heard in committee.

**EXECUTIVE SESSION:** Bills previously heard in committee.

**HOUSE EDUCATION**

JLOB A

3/13/09

8:00 - 10:00 a.m.

**WORK SESSION:** Washington Youth Academy - National Guard Youth Challenge Program

**PUBLIC HEARING:** Senate bills referred to committee.

**HOUSE EDUCATION APPROPRIATIONS**

NO MEETINGS SCHEDULED

**HOUSE WAYS & MEANS**

NO MEETINGS SCHEDULED

**SENATE EARLY LEARNING & K-12 EDUCATION**

NO MEETINGS SCHEDULED

**SENATE WAYS & MEANS**

NO MEETINGS SCHEDULED

**CUT-OFF CALENDAR**

*Click [HERE](#) to see the 2009 Session Cut-off Calendar.*

**RETIREMENT/HEALTH  
BENEFITS**

Almost all the Select Committee on Pension Policy (SCPP) recommended issues, either in the form of a House or Senate bill, continue to move toward passage in their house of origin. The only issue that is not moving is within SB5306 and its companion HB1549. This issue deals with requesting a disability benefits study. We have been told that the study would be included in the session's operating budget.

We were disappointed that HB 1601, (Plan 2 Access to the PEBB), which did receive a hearing, did not move out of the House Ways and Means Committee by Monday's cut-off. We will continue to push for this bill and the Plan 2 and 3 postretirement employment bills to possibly be a part of the session end-game.

Health benefit bills have taken front seat this past week. Senator Brandland's 2SSB 5491 (K-12/ESD Employees Required into the HCA) moved out of Senate Ways and Means Committee in the form of a work group study. The results of the work group are to end up in legislation to implement its findings by January 1, 2010. Representative Bailey's bill, SHB 1940, (K-12 into HCA), passed the House Ways and Means Committee also on Monday with a 15 yea and 6 nay vote. It should see floor action early next week.

Senator Keiser's SSB 5945, WA Health Partnership Plan, which is alive, creates the Washington health partnership and directs it to produce a plan to provide every resident of this state with access to affordable comprehensive health services by 2012.

Additional [information on pension and health benefit legislation](#) can be found on our association's web site.

## AEA

On Monday AEA testified in support of PSHB 2261, the basic education “intent” bill, to which Rep. Sullivan had added some basic concepts from HB 1410. We told the House Education Appropriations Committee that we are supporting the bill as well as their continual efforts to come up with a final product that fully funds basic education. We offered support of a new definition of basic education, the prototype school allocation model and some system of two-way oversight. We also urged the committee to include the maintenance of the small school factor in their final bill. AEA also testified similarly on Friday on SHB 2261 in House Ways and Means.

WAMOA and WASBO representatives completed their work for Rep. Sullivan’s request for detailed information on the implementation of the State Board of Health’s Environmental Health and Safety Rule, including which, if any, of the rule would be implemented soon without funding and other parts of the rule which require additional funding.

WSNA’s Meals for Kids Legislative Committee worked with Rep. Sullivan and Sen. McDermott this week in attempting to determine an appropriate strategy for the two feeding hungry kids bills, SBH 1416 and SSB 5361, both having failed to receive a public hearing in their respective Ways and Means Committees by the March 2 cut-off. By Thursday, our champions had decided not move any budget provisos forward to seek additional funding, but to work to maintain our present funding of the K-12 reduced price breakfast co-pay as well as the K-3 reduced price lunch co-pay.

WASBO was pleased that the Senate Ways and Means Committee moved out 2SSB 5941, the school data governance bill, with a provision to establish the comprehensive educator data system to the extent that funds are available. On Feb. 27, AEA testified with concern re: the \$37M cost to K-12 stated in the original bill’s fiscal note necessary to implement the system Sen. Oemig is proposing.

## KEEPING UP WITH THE LEGISLATIVE SESSION

You can contact legislators using the Legislative Hotline  
1-800-562-6000 or by going to the legislature’s website:  
<http://www.leg.wa.gov>

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