



Legislative Update

Sept. 29, 2013



Jim Kowalkowski
Superintendent - Davenport School
District &
Director - Rural Ed. Center



When Will the Madness End?

- Pending Federal Cuts (Sequestration)
- Fast Track Implementation of Common Core Standards & Smarter Balanced Assessments
- NCLB Waiver
- Fast Track Implementation of New Teacher & Principal Evaluation (TPEP)
- Implementation of ESHB 2261 (Slow Track?)
- State Board of Education's Agenda
- Impacts of McCleary Decision
- Significant Changes in the State Legislature Leadership
- School Safety Issues ???

Changes to Student Expulsions/Suspensions

- Can no longer be “indefinite”
- After 10 days, emergency expulsions must end or be converted to another form of corrective action
- School districts are required to create a reengagement plan tailored to the student’s individual circumstances

Changes to Student Expulsions/Suspensions

- Any suspension or expulsion lasting longer than 10 days **must have an end date no later than one calendar year** from the time of the suspension or expulsion
- A school may petition the supt. of the school district for a longer suspension or expulsion **based on public health or safety reasons.**
- OSPI must adopt policy & procedures outlining the **limited circumstances** for exceeding the one calendar year provision.

Significant Changes to Hi-Cap Program

- Highly Capable and Basic Education—WAC 392-170 Amendment
- [WAC 392-170—Special Service Program—Highly Capable Students](#) has been revised to reflect the 2009 legislative action which redefined basic education to include programs for highly capable students. Changes to [RCW 28A.185—Highly Capable Students](#), effective September 2011, finds that for highly capable students, access to accelerated learning and enhanced instruction **is access to a basic education.**

Significant Changes to Hi-Cap Program

- The 2013–14 school year will be a **transition year** for **all districts to develop a plan** for serving highly capable students in Grades K–12.
- OSPI's BULLETIN NO. 016-13 Title I/LAP and Consolidated Program Review
- There are 14 separate statements in the bulletin that districts **"must"** do...
- ESD's providing assistance and training opportunities

High School Acceleration

HB 1652

- Encourages school boards to adopt an academic acceleration policy for high school students
- Enroll qualifying students in the most rigorous level of advanced courses offered by the high school
- ½ of the \$2.17 million allocated to school districts based on the growth of % of students who earn dual high school & college credit during the prior year
- The other ½ of the \$ allocated to high schools with dual credit enrollment in the lowest 25% quartile..with the goal of improving participation rates

Significant Changes to LAP - (ESSB 5946)

- Basic ed funding for the Learning Assistance Program is **increased significantly**
- **Requires** LAP funds to be used for **research-based interventions & activities that are proven effective** in improving academic achievement
- Highest **priority on early-grade reading** proficiency
- The permissible use of LAP funds are **extended to include interventions for students with behavior issues**

Nav. 101 Funding Cut



Navigation 101—(\$5.03 million cut)

Navigation 101 is part of a comprehensive school guidance and counseling program in Washington state. The purpose of Navigation 101 is to help students make choices for college and career readiness in the areas of course selection, goal setting, career planning, and postsecondary options, including financial aid. **Funding for the Navigation 101 grants is eliminated.** Funding for 2.5 FTEs at OSPI is maintained to support the curriculum where districts elect to continue to utilize the program using other funding Sources.

Moving to Common Core Standards

- Did you know that the 2-13-24 school year is the “3rd year of implementation of CCS”?
- OSPI Website:
 - **By 2014-15 these standards will be fully implemented and student achievement will be measured by a new assessment system.**





- **Summative” tests** are required. **They will take place during the last 12 weeks of the school year.** These computer-based tests will help schools evaluate how well their students performed by comparing them with students from other schools across the nation. The end-of-year assessments also will empower families by providing them with a clear indication of how well their children are progressing toward mastering the academic knowledge and skills necessary for college and career readiness.
- **“Interim” tests are optional.** They are flexible, non-secure periodic assessments to be offered at teachers’ and schools’ discretion throughout the school year. These computer-based tests will provide meaningful feedback that teachers can use to help students succeed.

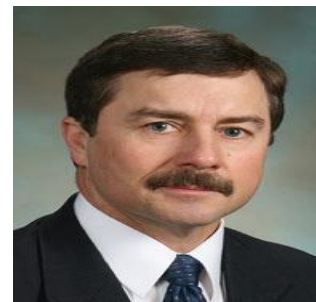
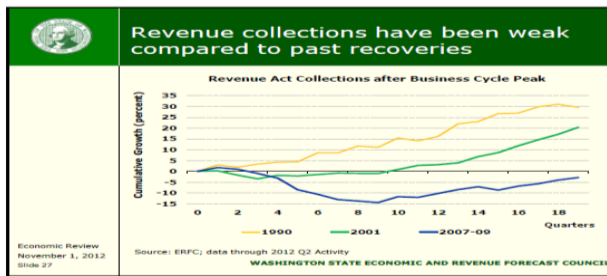
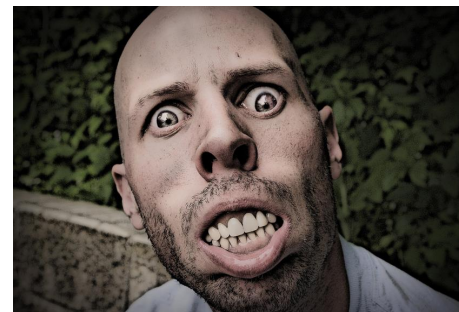


Starting in the 2014-15 school year:

- The new Smarter Balanced tests will replace the math, reading and writing portions of the MSP students in grades 3-8. The science portion of the MSP (tested in grades 5 and 8) will remain the same.
- 11th graders will take the high school level of the new Smarter Balanced tests, but meeting standard on the tests is **not a graduation requirement** until the Class of 2019.
- Students will not take the new Smarter Balanced tests in grades K-2, 9, 10 or 12.



2013 Legislative Session

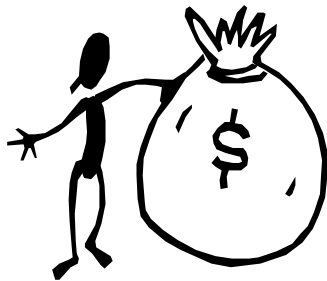




State Budget Challenge

Making Progress Towards McCleary Mandate

- At least \$1 billion “down payment” this session to show progress?



Dealing with Projected Deficit for 2013-15 Budget

- “At least” \$900 million estimated deficit between anticipated revenues and projected expenditures

State Board of Education's Approved Graduation Requirements

Subject	Requirements for Class of 2013	Requirements for the Class of 2016	Career and College Ready Graduation Requirements
English	3	4	4
Math	3	3	3
Science (without lab)	1	1	1
Science (with lab)	1	1	2
Social Studies	2.5	3	3
Occupational Education	1	1	1
Health and Fitness	2	2	2
Arts	1	1	2*
World Language	0	0	2*
Career Concentration	0	0	2*
Electives	5.5	4	2*
Total Credits	20	20	24 (Up to 2 credits can be waived locally for students who have attempted 24 credits)

* **Flexible requirements**—1 arts credit, world language credit, career concentration credit, and electives may be substituted according to a student's High School and Beyond Plan.

Shading indicates a change from the previous requirements

This table pertains only to CREDITS required to graduate. See the [Washington State Graduation Requirements 2012 to 2016](#) to see the **non-credit requirements** and **assessments** needed to graduate.

Washington State Graduation Requirements for Classes of 2013 and 2016, 24-credit Career and College Ready Requirements, and Minimum College Admissions Standards

Credits in **bold red** meet Minimum College Admissions Standards, established by the Washington Student Achievement Council (formerly the Higher Education Coordinating Board).

For more information on College Admission Standards can be found at the Washington Student Achievement Council [website](#).

Subject	Class of 2013	Class of 2016	24-Credit Requirements (Approved but not in rule)	Minimum College Admissions Standards
English	3	4	4	4
Math	3	3	3	3 (including a senior year quantitative course)
Science	2 (including 1 lab)	2 (including 1 lab)	3 (including 2 labs)	2 (including 2 labs)
Social Studies	2.5	3	3	3
Occupational Education	1	1	1	not specified
Health and Fitness	2	2	2	not specified
Arts	1	1	2*	1
World Language	0	0	2*	2
Career Concentration	0	0	2*	not specified
Electives	5.5	4	2*	not specified

2014 Legislative Session



Strengthening the 180-Day School Year:

Priority: Request legislation to strengthen the 180-day school year calendar by seeking a minimum school day definition, and/or limits on half days. Seek funding to support educator professional development, ensuring that such services do not come at the expense of 180 full instructional days. Additionally, seek statutory changes to achieve consistency in what constitutes instructional time for the purposes of satisfying the 180-day and 1,000 hour statutory minimum requirements.

Background: This change seeks greater consistency with the definition of “instructional hours” in the same chapter of law, eliminates the need for districts to seek waivers for this purpose, resolves the conflict between the WaKIDs mandate and the basic

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Dr. Bernal Baca • Amy Bragdon • Kevin Lavery • Phyllis Bunker Frank • Elias Ulmer
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education statute, and recognizes the value of parental involvement to student achievement. This change reduces local incentives to schedule large numbers of partial days, protects the integrity of the minimum 180-day school year, and promotes instructional quality for children.

McCleary Decision

- ✓ The Supreme Court ruled that they would retain jurisdiction over this case...
- ✓ Dec. 21, 2012—Supreme Court Order following the State's Initial Compliance Report...

THE SUPREME COURT OF WASHINGTON

MATHEW and STEPHANIE McCLEARY,
et al.,

Respondent/Cross-Appellant,

v.

STATE OF WASHINGTON,

Appellant/Cross-Respondent.

ORDER

Supreme Court No.
84362-7

King County No.
07-2-02323-2 SEA

FILED
SUPREME COURT
STATE OF WASHINGTON
2012 DEC 20 A 11:42
BY RONALD AL CARPENTER

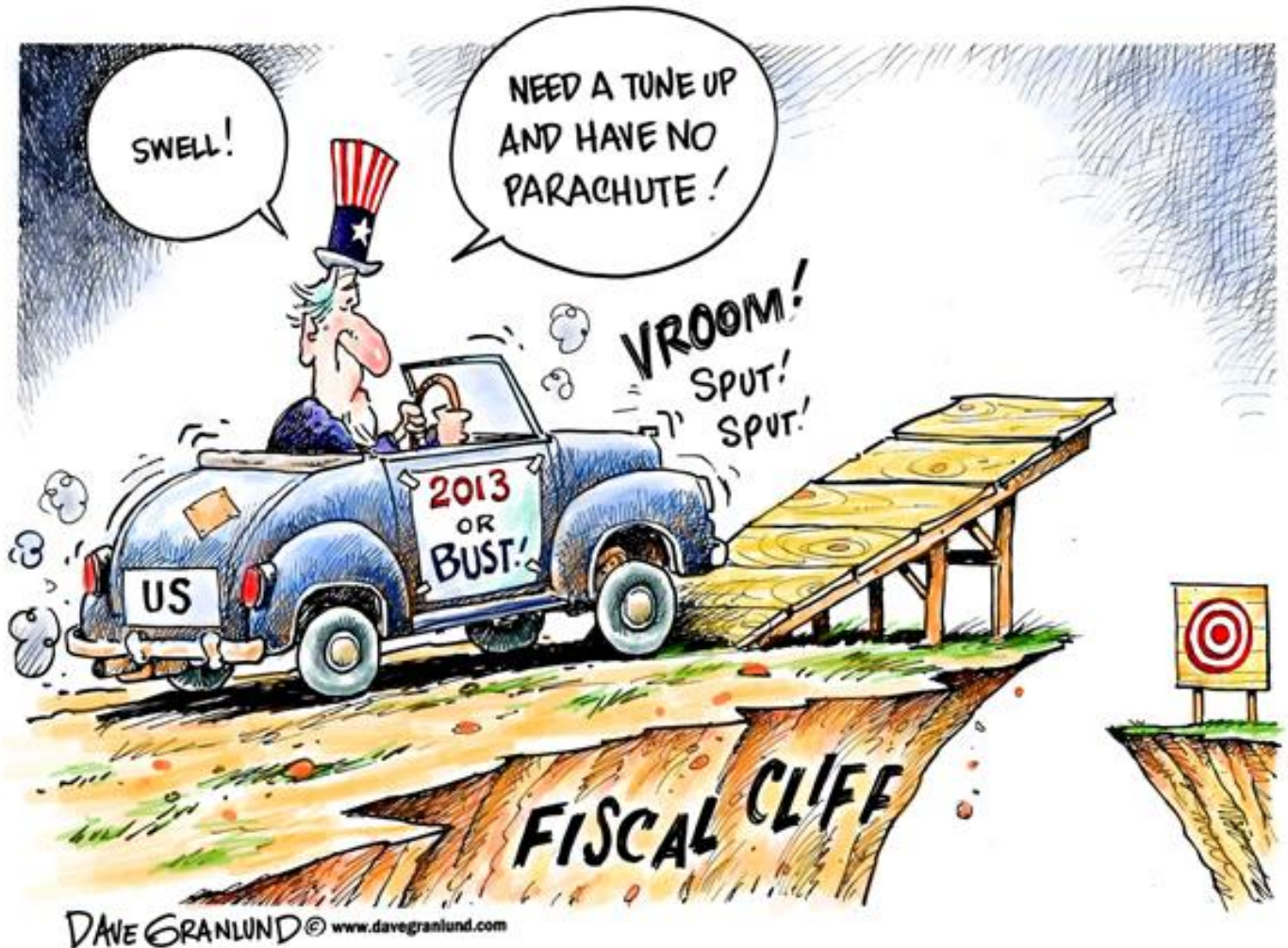
This matter came before the court on its December 6, 2012, en banc conference following the parties' submissions in response to this court's July 18, 2012 order. *See* Report to the Washington State Supreme Court by the Joint Select Committee on Article IX Litigation; Pl./Resp'ts' 2012 Post-Budget Filing. The question before us is whether, in remedying the constitutional violation of the State's paramount duty under article IX, section 1, current actions "demonstrate steady progress according to the schedule anticipated by the enactment of the program of reforms in ESHB 2261." Wash. Supreme Court Order (July 18, 2012) at 3 (Order).

**A few quick thoughts regarding
what we need to remind our
state legislators in regards to the
McCleary Ruling...**

Contact your state legislators

- Follow the mandates from the McCleary Decision
- **Before more “reform” and further mandates are forced on us, realize that we are already dealing with:**
 - Implementation of Common Core Standards and New Assessments
 - Implementation of TPEP
 - Working hard to meet the needs of our students and local community

Federal Funding Cuts



2014 Legislative Session



“Levy Swap”



63rd Washington State Legislature

- 2013 Session Review
 - November 2012 Election
 - 2013-15 Budget
 - Education Policy
- 2014 Session Preview
 - Education Policy Items
- *McCleary* Implementation
 - ▶ WASA 2014 Legislative Platform

Setting the Stage for 2013

- Odd-year “long” session, limited to 105 days
- Major focus: adoption of Biennial Budgets
 - 2011-13 Operating Budget
 - 2011-13 Capital Construction Budget
 - 2011-13 Transportation Budget

Major concern: projected shortfall and compliance
with *McCleary*

...with little-to-no revenue options

Legislative Elections—2012

- Pre-election party strength:
 - House: 56 Democrats, 42 Republicans
 - Senate: 27 Democrats, 22 Republicans
 - Democratic Governor
- Post-election party strength:
 - House: 55 Democrats, 43 Republicans
 - Senate: 26 Democrats, 23 Republicans
 - Democrats retain Governor's mansion

Major Facelift in Olympia!

- Jay Inslee (D), first new Governor in 8 years
- 21 new members in House (total=23 seats)
- 10 new members in Senate (+3 vacancies)
- Over 40 new caucus and/or committee leadership positions

Mayhem in the Senate

- 2 moderate Democrats join with 23 “minority” Republicans to form new “Senate Majority Coalition Caucus”
 - Install Sen. Rodney Tom (D-Medina) as Senate “Majority” Leader
 - Install Sen. Tim Sheldon (D-Potlatch) as Senate President Pro Tempore
- Stated Priorities: Balanced Budget, Education, Jobs
- Major Theme: “Reform before Revenue”

2013-15 Budget Situation

- November forecast: \$900 million shortfall*
- March forecast: \$1.3 billion shortfall*
 - Caseloads: up \$301 million
 - Revenues: up \$40 million
 - *Bracken* decision: \$160 million loss
- June forecast: \$1.0 billion shortfall*
 - Caseload/Revenue: up net \$320 million

*Projections do NOT include \$1.0-2.0 billion required *McCleary* down payment

2013-15 Budget



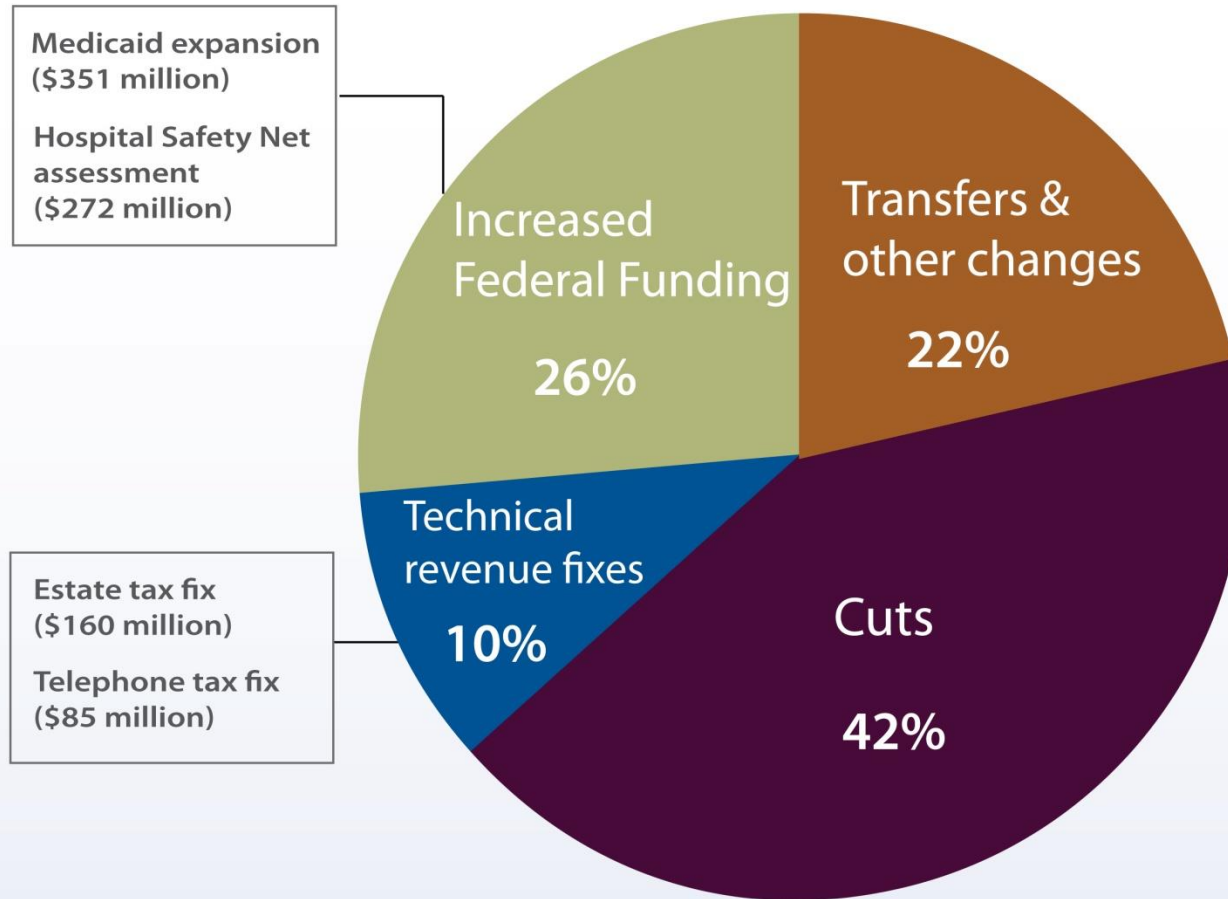
2013-15 Operating Budget

Total Resources	\$33.54 billion (including transfers of \$520 million)
Total Spending	\$33.49 billion
Ending Fund Balance	\$53 million (0.2% of spending)
Budget Stabilization Account	\$578 million
Total Reserves	\$630 million (2.0% of spending)

K-12 Education 2011-13	\$13.65 billion
K-12 Education 2013-15	\$15.21 billion
Total K-12 increase	\$1.56 billion (11.4% increase)
Basic Education Enhancement	\$982.2 million

2013-15 Budget Solution

Balanced on Unsustainable Short-term Actions and Assumptions



2013-15 K-12 Budget – Major Highlights

	(dollars in millions)
All-day Kindergarten	89.8
K-3 Class Size (K-1 only)	103.6
Transportation	131.7
MSOC	374.0
LAP	143.1
TBIP	18.9
Counselors (PIC & Guidance)	24.1
Career & College Ready	97.0
Accountability	15.0
Low-achieving Schools	10.3
Local Effort Assistance	8.3
Suspend I-732 COLAs	(295.5)
Assessment Reform	(25.0)
Hold Harmless	(24.7)
ALE	(12.7)

2013-15 Basic Education Enhancements

Basic Education Program	Maint. Level	SY 2013-14 Policy Level	SY 2014-15 Policy Level	2013-15 State Appropriation
State Funded Full Day Kindergarten (% of Enrollment)	22.0%	43.75%	43.75%	\$89.8 M
Early Elementary Class Size (Students/FTE)	24.10	Gr K-1-20.85 Gr 2-3 - 24.1	Gr K-1 - 20.3 Gr 2-3 - 24.1	\$103.6 M
Pupil Transportation* (SY Funding Expected Cost Model & % of Total Est.)	\$2.8 M 2.6%	\$43.9 M 40.0%	\$109.7 M 100%	\$131.7 M
Materials, Supplies & Op. Costs** (\$/FTE Student & % of Target)	\$560.67	\$737.02 37%	\$781.72 44%	\$374.0 M
Learning Assistance Program (Hours of Additional Instruction)	1.5156 hrs	2.3975 hrs	2.3975 hrs	\$143.1 M
Bilingual Instruction – Exited Student (Hours of Additional Instruction)	N/A	3.0 hrs	3.0 hrs	\$18.9 M
Parent Involvement Coordinators (FTE/Prototypical Elementary School)	0.00	0.0825	0.0825	\$11.9 M
Guidance Counselor (FTE/Prototypical Middle & High Schools)	1.116 1.909	1.216 2.009	1.216 2.009	\$12.2 M
Instructional Hours (Hours of Additional Instruction per Week)	0.00 hrs	2.2222 hrs	2.2222 hrs	\$97.0 M

Additional K-12 Education Enhancements

Enhancement	FY 2014	FY 2015	2013-15 State Appropriation
Teacher Principal Evaluation Training	\$10.0 M	\$5.0 M	\$15.0 M
Persistently Lowest-Achieving Schools	\$3.6 M	\$6.7 M	\$10.3 M
Local Effort Assistance (Levy Equalization)	(\$5.3 M)	\$13.5 M	\$8.3 M
Improved Student Outcomes (SB 5946)	\$2.4 M	\$2.0 M	\$4.4 M
Expansion of Washington Achievers Scholars	\$1.2 M	\$1.2 M	\$2.4 M
High School Acceleration Grants	\$1.1 M	\$1.1 M	\$2.2 M
Longitudinal Data System	\$0.6 M	\$0.6 M	\$1.2 M
Kindergarten Readiness WaKIDS	\$0.7 M	---	\$0.7 M
Charter Schools Initiative	\$0.3 M	\$0.3 M	\$0.6 M
Other Grants & Legislation	\$1.6 M	\$1.2 M	\$2.8 M
Total*	\$16.2 M	\$31.6 M	\$47.9 M

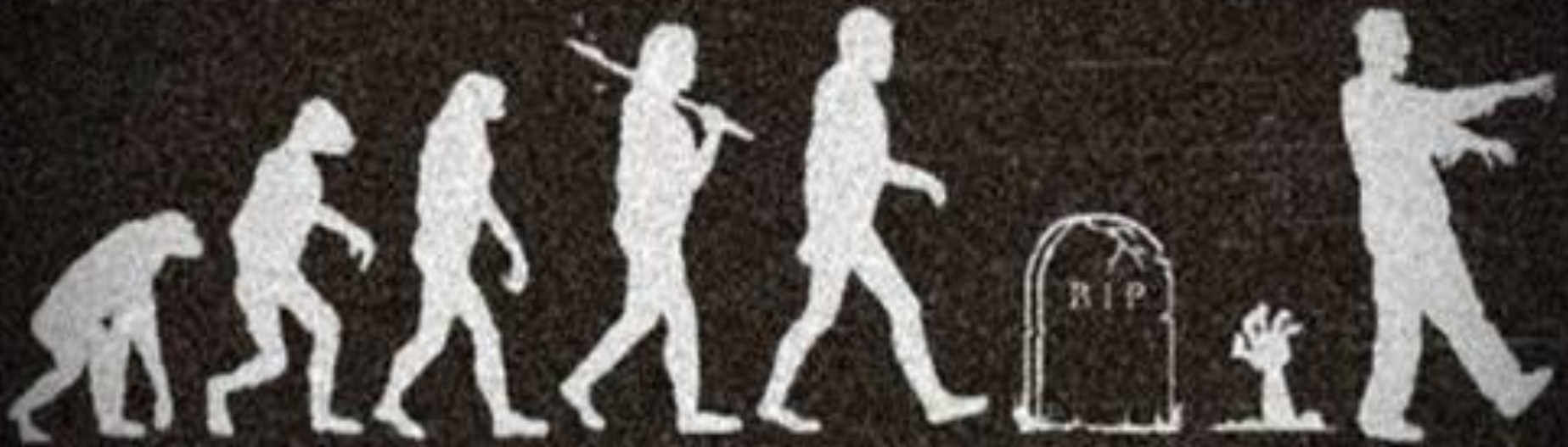
K-12 Education “Savings” and Reductions

Savings & Reductions	FY 2014	FY 2015	2013-15 State Appropriation
Suspend Initiative 732 Cost of Living Adj.	(\$98.6 M)	(\$196.8 M)	(\$295.5M)
Assessment Reforms	(\$0.9 M)	(\$24.1 M)	(\$25.0 M)
Remove Hold Harmless	(\$11.0 M)	(\$13.7 M)	(\$24.7 M)
Alternative Learning Experience (ALE) Audit Recoveries	(\$8.8 M)	(\$2.2 M)	(\$11.1 M)
Suspend Alternative Routes	(\$2.1 M)	(\$2.1 M)	(\$4.2 M)
Suspend National Board Bonus Inflation	---	(\$3.0 M)	(\$3.0 M)
Revise ALE Funding Formula	(\$0.7 M)	(\$0.9 M)	(\$1.6 M)
Consolidate/Eliminate Grants	(\$8.2 M)	(\$8.2 M)	(\$16.5 M)
Total Savings & Reductions*	(\$130.3 M)	(\$251.0 M)	(\$381.6 M)

Education Policy Issues

**THOSE WHO CAN, TEACH.
THOSE WHO CANNOT
PASS LAWS ABOUT TEACHING.**

There Are No “Dead” Bills



ALL un-adopted bills are automatically reintroduced
in the Second Year of the Biennial Session

2014 Session

- Even-year “short” session, limited to 60 days
- Major focus:
 - Policy issues
 - All un-adopted bills reintroduced
 - 2014 Supplemental Budgets
 - Tweaks to 2-year Operating & Capital Budgets
 - Full Transportation Budget & Revenue Package

2014 Education “Reform” Issues

- A-F Letter Grading of Schools
- Staff Assignment—“Mutual Consent”
- Definition of a “School Day” (and SBE waivers)
- Student Growth in Teacher Evaluations
- School Director/Administer Training



2014 Ed Funding “Reform” Issues

- Supplemental Contracts
 - capping/focusing/eliminating TRII pay
- Levy Lids & Local Effort Assistance
- Small School & Small High School Funding
- Levy “Swap”
 - “The swap could be done well or badly, but some version of it is obviously necessary to comply with *McCleary* and the constitutional mandate. Lawmakers – and the governor – should be arguing about how to do it, not whether.” TNT editorial, 7/13



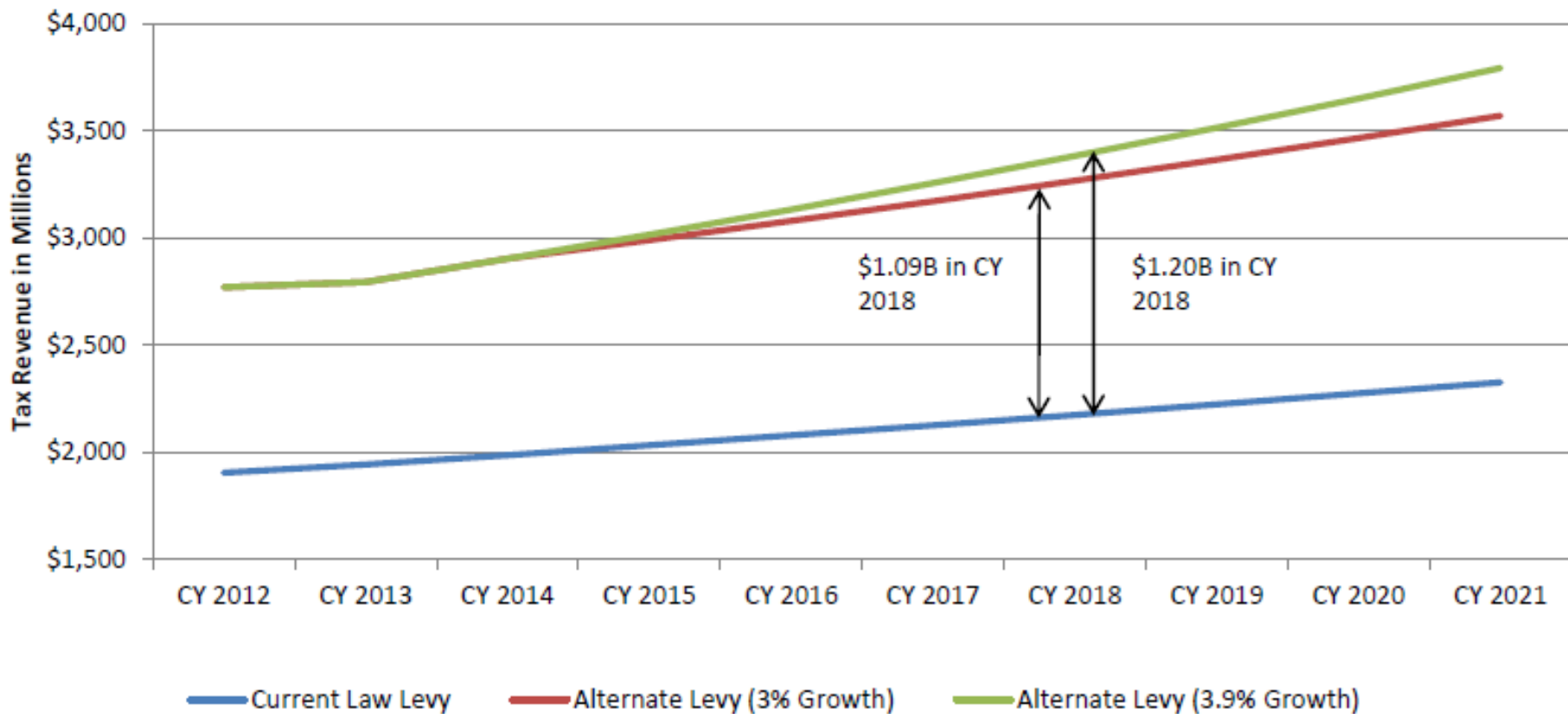
The Levy “Swap”

Basic Concept of a Complicated Funding Plan:

1. Create a revenue-neutral “swap” of local levies for the state Common School Levy (aka State Property Tax)—and use the new BEA model to drive out the new funding to schools
2. Allow growth greater than the current 1% restriction on the Common School Levy
3. Reset local levy caps at \$2500 per student
4. Make local levies reliable by making them permanent (with automatic adjustments for COLAs and enrollment growth)

The Levy “Swap”

Common School Levy
Current Law v. Fixed Rate Levy (\$3.20)
at 3% and 3.9% Growth



McCleary v. State

Implementing *McCleary*

Education Funding Task Force's Adopted *McCleary* Spending Plan

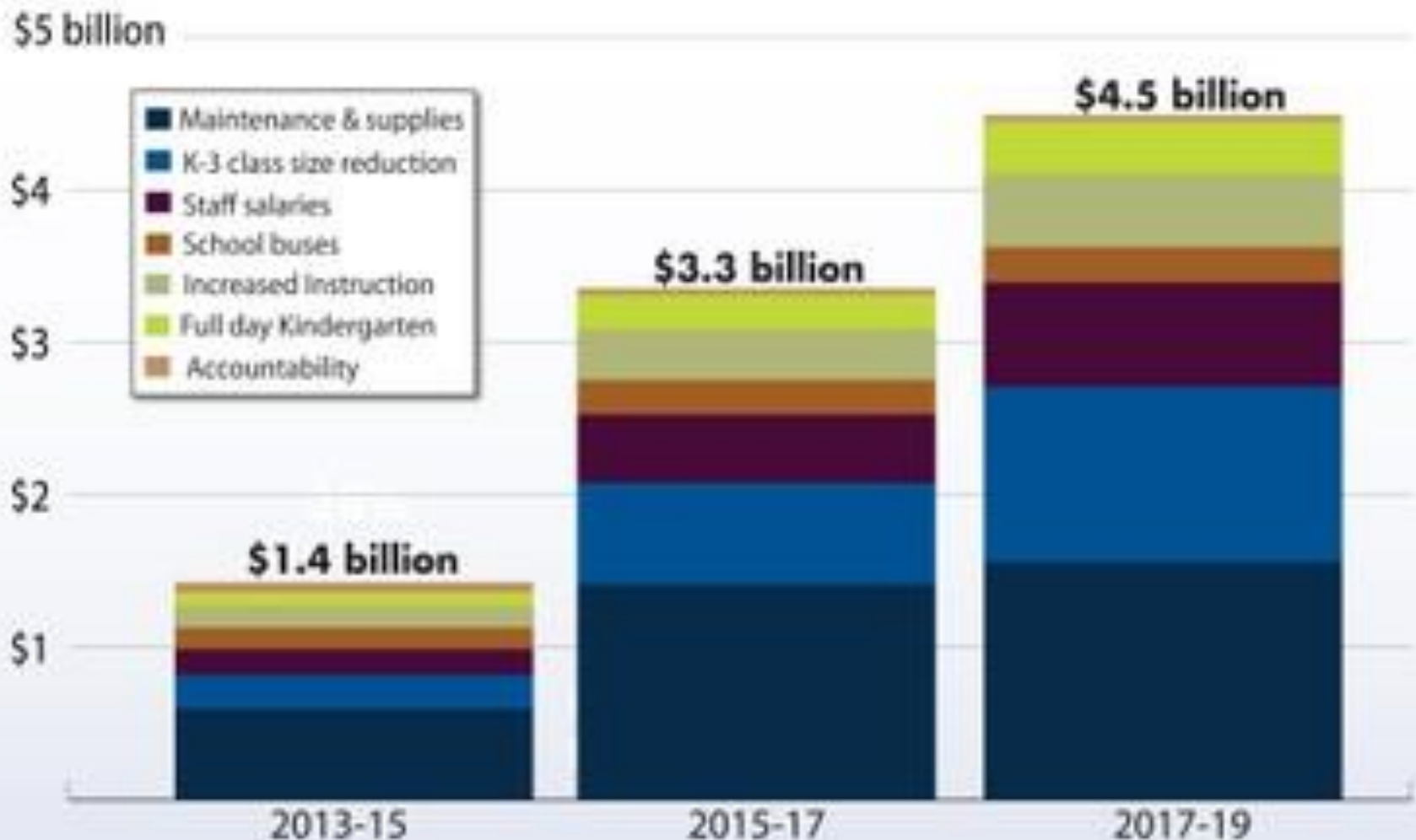
Table 1: Spending Plan
dollars in millions

	2013-15 Biennium	2015-17 Biennium	2017-19 Biennium
Fully fund revised transportation formula	\$141.6	\$225.1	\$232.8
Materials, Supplies, & Operating Costs (MSOC)	597.1	1,410.9	1,554.7
Reduce K-3 class sizes to 17 pupils/teacher	219.2	662.8	1,150.6
Implement full-day kindergarten statewide	89.3	227.4	348.7
Implement Career & College Ready plan	140.4	327.6	473.4
Classified & administrative salary allocations	169.8	450.2	681.5
Accountability, Evaluation, & Common Core	66.5	44.5	42.0
Total	\$1,423.9	\$3,348.5	\$4,483.7

Note: Amounts may vary depending on the phase-in of the components.

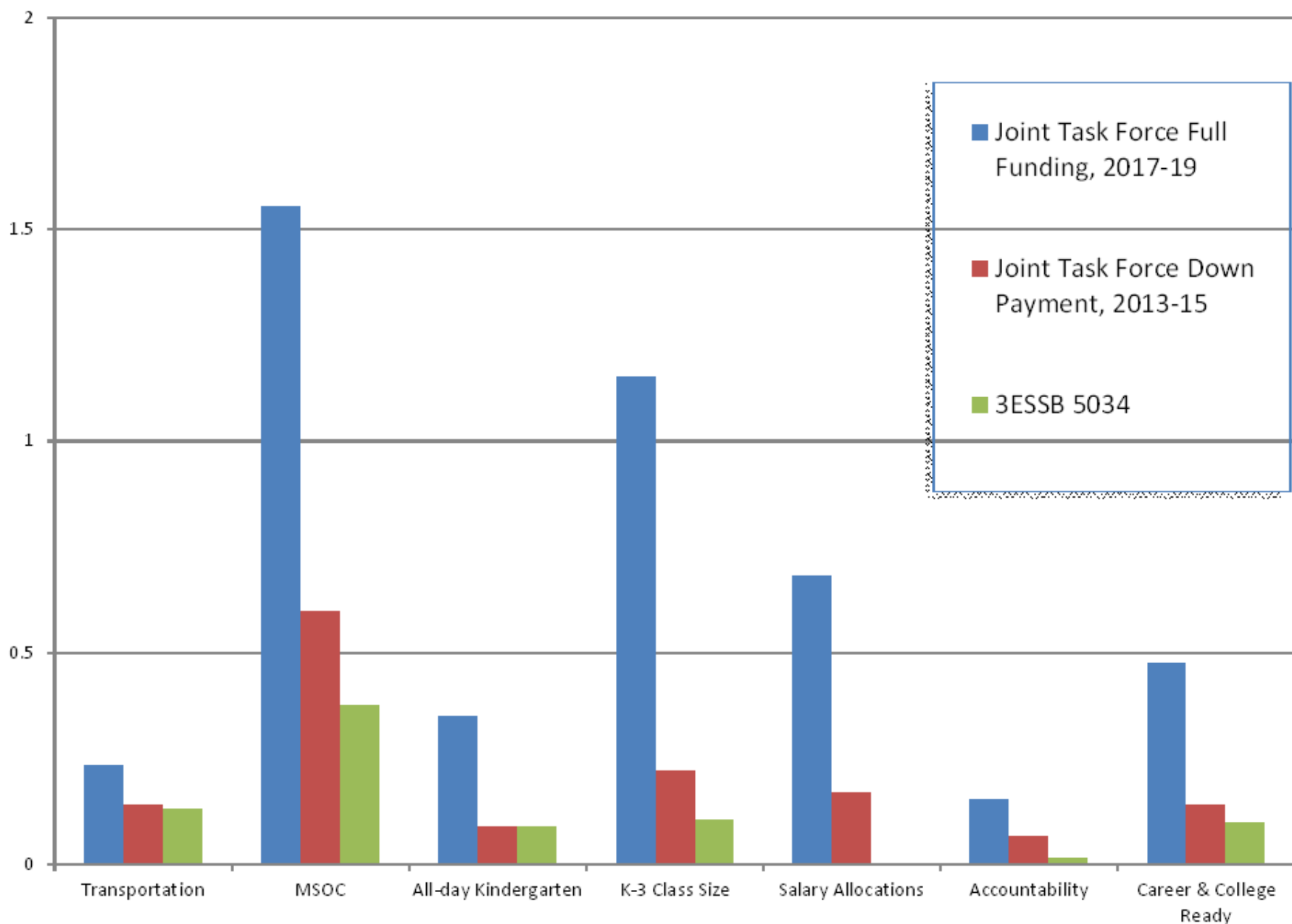
What it Takes to Fund McCleary

Cost to meet McCleary by biennium, according to Joint Task Force on Education Funding



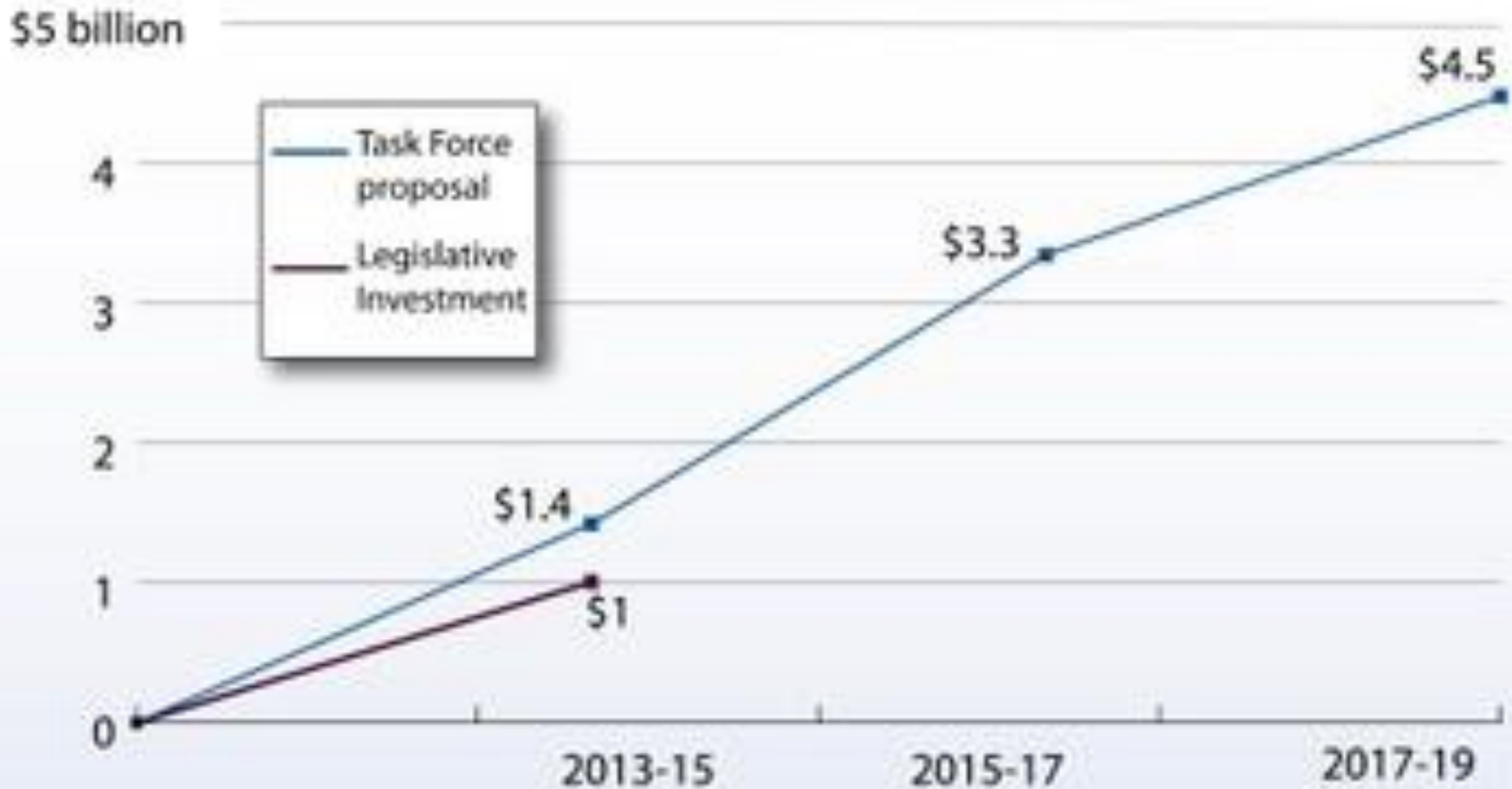
Source: Budget & Policy Center calculations of data from Joint Task Force on Education Funding Final Report, Dec. 2012

2013-15 *McCleary* "Down Payment" vs. Joint Task Force Recommendations

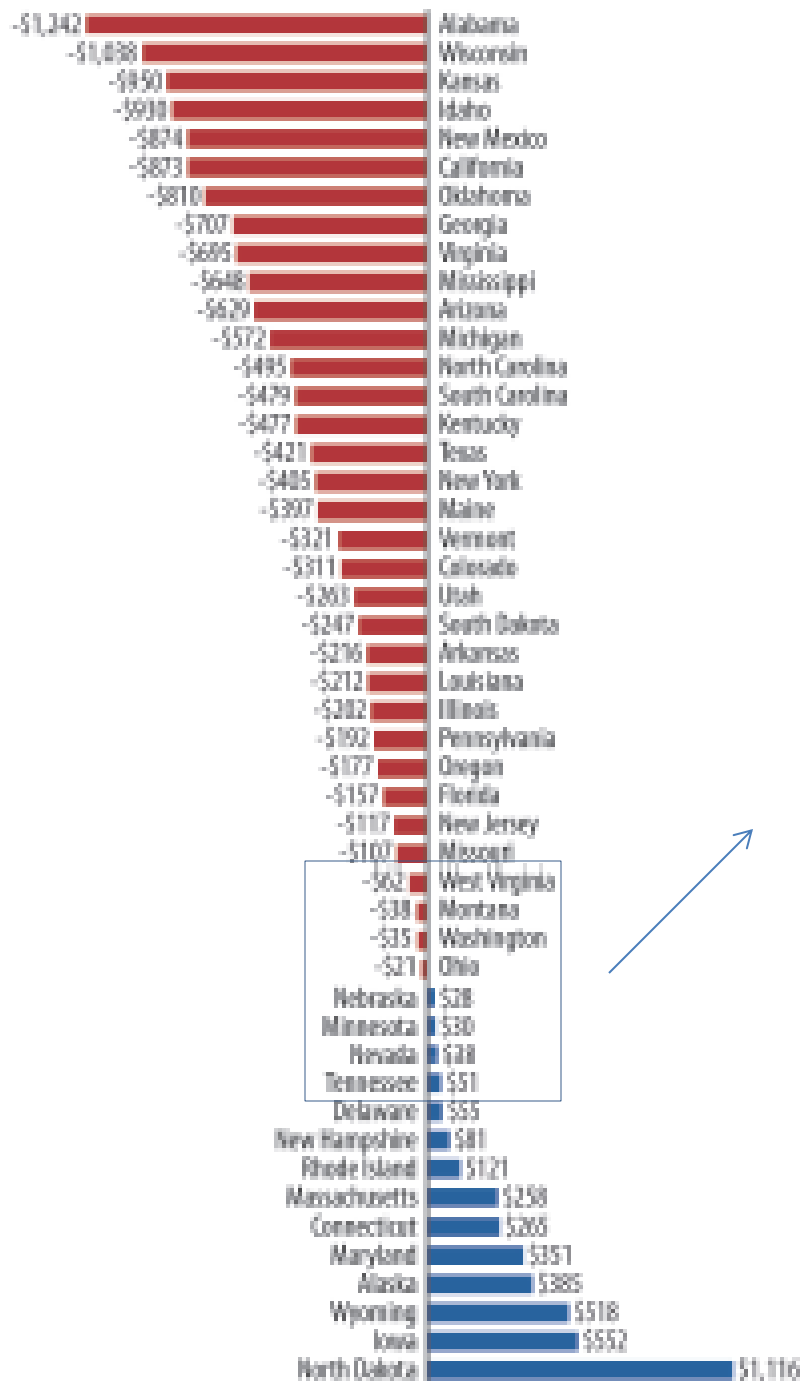


Initial *McCleary* Basic Education Investment

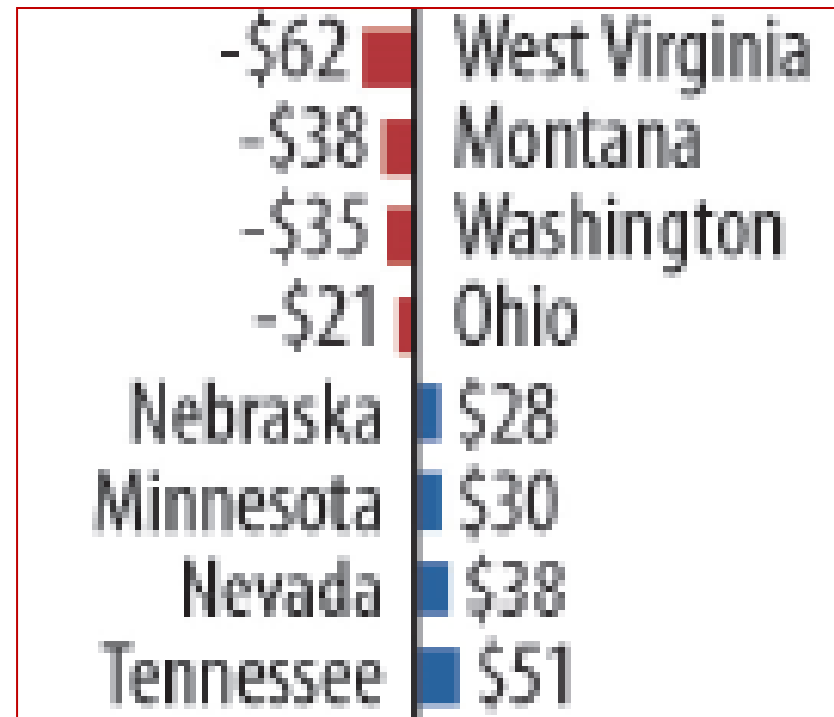
2013-15 Operating Budget



Source: Budget & Policy Center calculations; data from LEAP, JTFEP



Current K-12 Spending is Below Pre-Recession Level



Change in spending per student, inflation-adjusted, FY08 to FY14

McCleary v. State

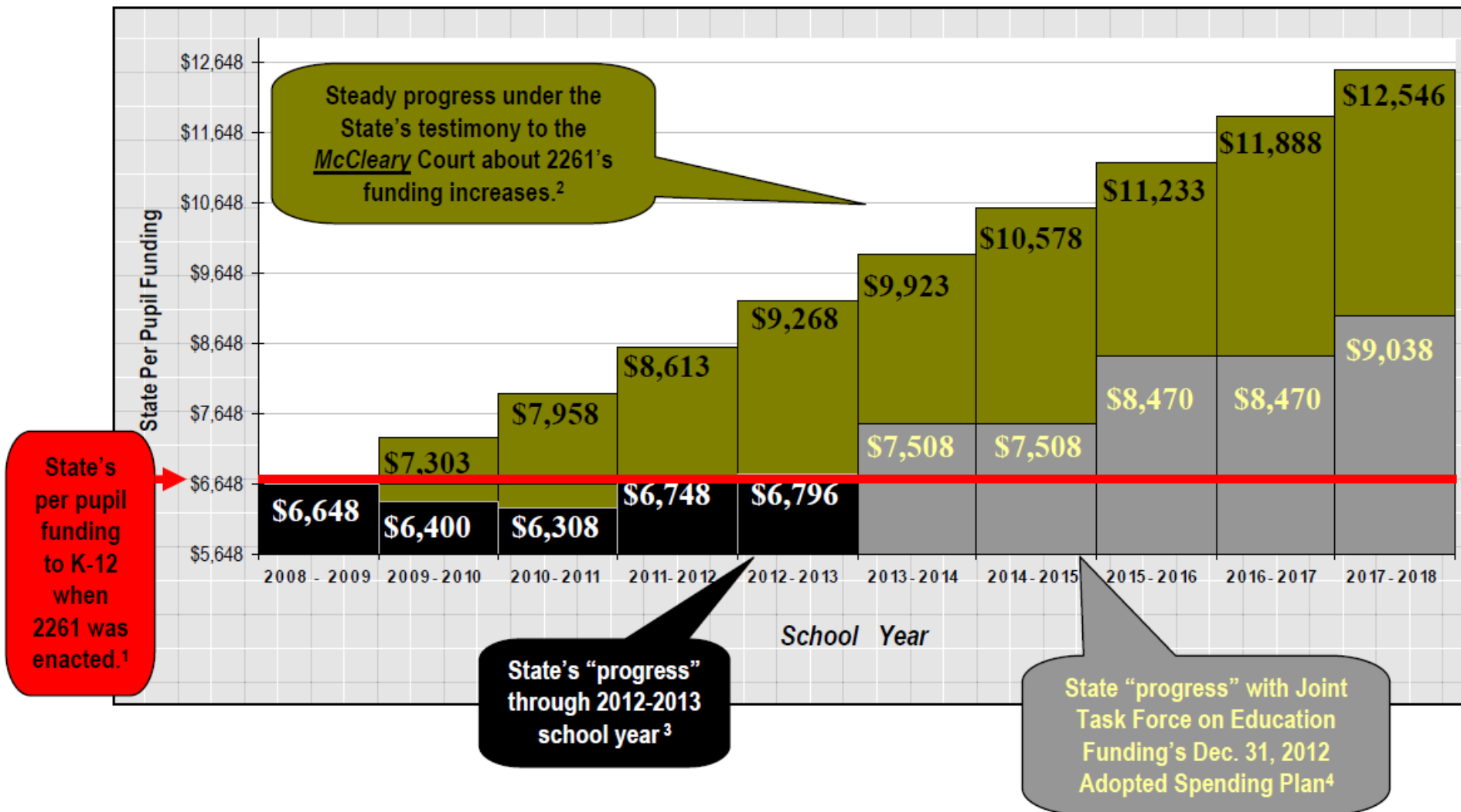
**What are the
REAL
Implementation Costs?**

Real and steady progress towards full funding
--as testified by the State in *McCleary*--

State per pupil funding required for steady progress from \$6,648/pupil at ESHB 2261's enactment to the over \$12,500/pupil amount consistent with State's court testimony on ed reforms' funding increases (*without inflation or capital construction needs*)



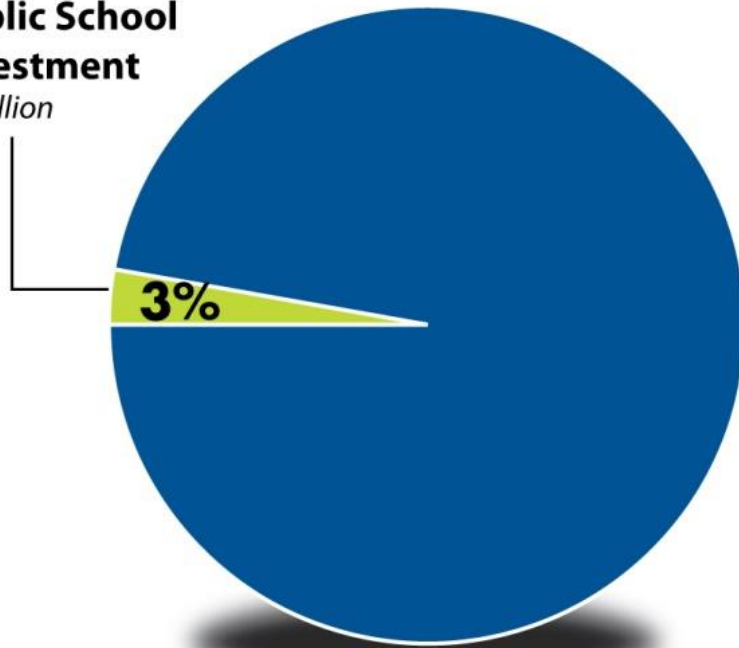
Real and steady progress towards full funding vs. Joint Task Force spending plan



Additional Revenue Necessary to Sustain Investments in Education and Other Priorities

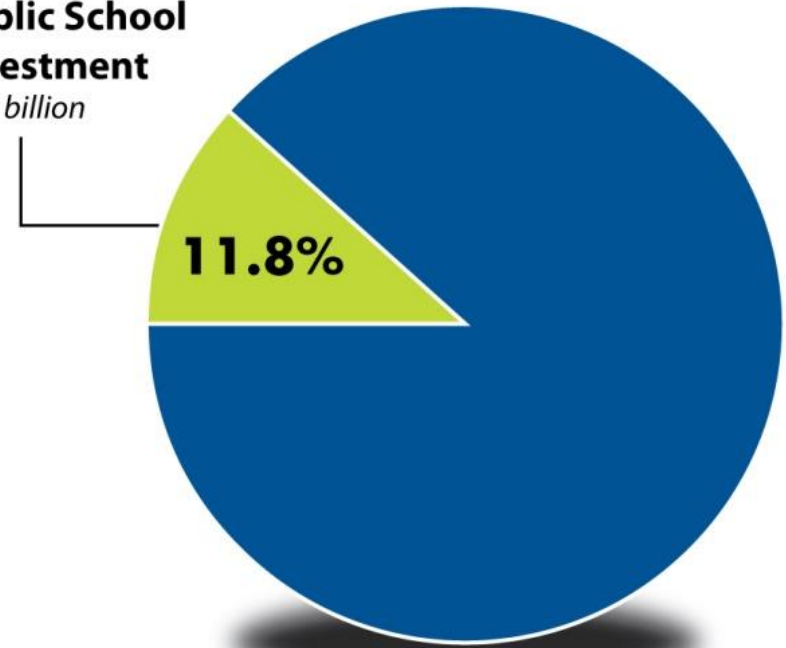
Investment required by the McCleary court decision as a share of projected Near General Fund-State revenues; based on recommendations by Joint Task Force on Education Funding

**2013-15
Public School
Investment**
\$1 billion



2013-15 Biennium

**2017-19
Public School
Investment**
\$4.5 billion



2017-19* Biennium



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2014 Legislative Platform

DRAFT

WASA 2014 Legislative Platform

- WASA asks the Legislature to ensure the state's new basic education finance system is fully implemented by 2018—as directed by the Supreme Court's *McCleary* decision—while maintaining current obligations, such as Local Effort Assistance (LEA).
- WASA supports appropriate school accountability; however, we urge the Legislature to fully fund basic education and satisfy the *McCleary* Court decision before starting any new program. Further, new programs should be not be adopted without adequate funding.

WASA 2014 Legislative Platform

- WASA urges the Legislature to review and take action on the final report submitted by the Compensation Technical Working Group (June 2012) to ensure the state meets its responsibility to establish an equitable and adequate allocation system for public school employee compensation.

WASA's Message

- An educated citizenry is critical to the state's democracy; a well-educated population is the **foundation of our democracy**, our economy, and the American dream
- Public education plays a critical role in promoting equality, operating as **the great equalizer**; public education provides unprivileged citizens with the tools they need to compete on a level playing field with citizens born into wealth or privilege

WASA's Message

- Education plays a critical role in **building and maintaining a strong economy**; public education builds the well-educated workforce necessary to attract more stable and higher wage jobs to the state's economy
- Washington's duty to education is constitutionally declared to be its **paramount duty**
- In summary: Public education is a **wise "investment"** in the future



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NEWASA Member Meeting