

## 2021 Legislative Session Report | Summary of Policy and Budget Changes

Prepared for the Washington State PTA

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When the 2020 legislature adjourned in mid-March, the COVID-19 pandemic was just starting to wreak havoc on public health and the state's economy. In what they thought was a strategic approach, the Legislature appropriated \$200 million for needs associated with the pandemic. Shortly after adjournment, Governor Jay Inslee issued a "Stay Home, Stay Healthy" emergency proclamation, shuttering businesses, closing school buildings to in-person learning except in rare circumstances, and stopping all non-essential travel and public gatherings across the state.

In April, Governor Inslee vetoed nearly \$450 million in new ongoing appropriations out of fiscal prudence. Unemployment skyrocketed, and the state's unemployment system was overwhelmed (as well as hacked). As spring unfolded, the Governor held press conferences at least once a week, and state agencies and associations started regular webinars to share information with large groups of people. At the June economic and revenue council meeting, the state's chief economist announced a pessimistic forecast of a potential \$9 billion shortfall for the upcoming 2021 fiscal year and the 2021-23 biennium.

Month after month, direction and public health requirements from the top continued to shift as more information about the virus became available, and positivity case rates, hospitalizations and morbidity rates rose and fell. Zoom, Teams and other online meeting platforms prevailed as people conducted business and social gatherings over the Internet. Most people accepted the constant hand sanitizing and mandatory facial coverings and 6-foot distancing as doing their part to stop the virus from spreading.

In the fall, many students returned to in-person learning but the majority remained in a remote or hybrid setting, both at the K-12 and higher education levels. Working from home continued for most employees, while some businesses began to open up with capacity restrictions. Emergency proclamations continued to be extended, and large gatherings were still prohibited as the Legislature began planning for a virtual 2021 legislative session. As the economy continued to open up, both the September and November revenue forecasts began turning around and, coupled with federal stimulus packages, legislators stopped talking about budget shortfalls and began talking about using federal funds to shore up gaps in state revenues.

When the 67<sup>th</sup> Legislature convened in January 2021, most legislators remained back in district, with Senate and House rules only allowing a handful of members on the floor for action. Caucus meetings and committee public hearings were conducted remotely, with virtual testimony typically ranging from 60 seconds to two minutes as the norm. TVW upped its game, showing all public hearings live and recorded. The virtual nature of public hearings attracted testifiers who had never set foot in Olympia and the online "position" signup allowed hundreds (or thousands, depending on the topic) of people to voice their opinion on a bill in support or opposition with a few clicks on the computer. A new option to submit written testimony was offered, and committees struggled to ensure legislators had access to the thousands of comments that came in on bills related to police reform, gun violence, climate change, and much more.

While legislative leadership tried to limit the number of bills being considered in committee and on the floor, the 2021 legislative session was especially prolific, with more than 300 bills signed into law. Big ticket items include passage of comprehensive police reform and accountability measures; comprehensive climate action legislation; a 7% capital gains tax on gains above \$250,000, with revenues mainly targeted to

implement the comprehensive early learning and childcare bill, labeled the Fair Start for Kids Act; diversity, equity, and environmental justice legislation; measures designed to improve housing affordability and development; and much more. It was a busy session, despite being virtual.

In addition, with federal funds bolstering the operating and capital budgets, House and Senate Democrats adopted 2021-23 spending plans that far exceeded previous budget highs. For example, the 1,100-page 2021-23 biennial operating budget and 2021 supplemental budget spends roughly \$59 billion, plus billions more in federal funding. The budget also takes \$1.8 billion from the state’s “Rainy Day Fund,” deposits that money into the state general fund, and sets up a new account – the Washington Rescue Plan Transition Account – with \$1 billion from the state general fund. And the \$6.3 billion two-year capital budget is double that of previous biennial budgets, with substantial investments in broadband, housing, mental health facilities, and local community projects.

### *Budget Updates*

On May 18, 2021, the Governor signed ESSB 5092, the 2021-23 operating budget and 2021 supplemental budget, and SHB 1080, the 2021-23 capital budget. Here’s a quick look at what the big items:

### **ESSB 5092 – operating budget (state and federal funding)**

<b>Topic</b>	<b>Amount</b>	<b>Description</b>
<b>Pupil transportation stabilization</b>	\$116.6M FY21 \$33.86M FY22	Funding is provided for any school district that receives less in allocations under the STARs formula in the 2020-21 school year up to an amount equal to the sum of the school district transportation allocations in the 2019-20 and 2020-21 school years, divided by 2.
<b>ESSER “smoothing” for districts</b>	\$16.2M FY22	\$500 per student for any district when amounts from CARES I, ESSER II, and ARPA III combined don’t equal \$500/ per student.
<b>2020-21 enrollment stabilization</b>	\$95.8M FY21 \$27.8M FY22	Funding is provided to districts equal to A minus B, if A minus B is greater than zero. A= 2019-20 enrollment for gen ed, TBIP, SPED, HiCap, dropout re-engagement, CTE/skill centers B= ESSER II dollars
<b>Additional School Counselors</b>	\$51.6M FY23	.5 of a school counselor for all high poverty elementary, middle and high schools. A high-poverty school is defined as 50% or more student FTE is eligible for free and reduced-price lunch.
<b>TRS Plan 1 Fund liability</b>	\$800M (federal)	Reduces the unfunded actuarial accrued liability of the fund.
<b>Learning Loss Recovery</b>	\$200M FY 2021-23	Allowable uses are limited to: one-time contracts; specific professional learning; procuring assessment or data systems; direct supports to students to improve school engagement & accelerate learning.
<b>Summer Enrichment</b>	\$18.5M FY 2021-23	Grants to provide outdoor education and summer enrichment programs to youth.
<b>After School Programming</b>	\$18.5M FY 2021-23	Grants for evidence-based comprehensive after school programs.

<b>Dual Language Classrooms</b>	\$10.0M FY 2021-23	Grants to districts to expand the number of dual language classrooms in early grades and PD to accelerate literacy grants.
<b>Community-based Organizations</b>	\$12.9M FY2021-23	Grants to CBOs to collaborate with school districts to support learning recovery and acceleration.
<b>Homeless Students</b>	\$12.0M FY2021-23	Solely to support students who are homeless with wrap-around services and re-engagement.
<b>Outdoor School (AWSP)</b>	\$10.0M FY 2021-23	Funding for outdoor learning and summer camp experiences.
<b>Special Education Transition</b>	\$17.0M FY 2021-23	Transition services for students with disabilities who turned age 21 during the 2019-20 or 2020-21 school years and did not graduate with a regular diploma.
<b>IDEA</b>	\$57.1M 2021-23	Additional funding for students with disabilities using federal funding.
<b>Emergency Food Reimbursements</b>	\$14.2M FY21-23	One-time support for emergency costs in child nutrition programs.
<b>Summer and Safe School Meals</b>	\$4.0M FY2021-23	One-time funding for grants for supplies, equipment, staffing and services to increase access to summer meals and safe school meals in the 2021-22 school year and summer prior to start of school year.
<b>Inclusionary Practices</b>	\$12.0M FY2021-23	One-time continuation of PD for educators on inclusionary practices for students with disabilities in GenEd classrooms.
<b>Native American Mascot/Logo replacement fund</b>	\$1.6M FY 2021-23	State funding (\$800K/FY) to help districts replace signage, logos, uniforms related to Native American names, logos, mascots.
<b>Technology &amp; Connectivity</b>	\$24.0M FY22 \$23.5M FY23	\$24 million for the devices grant program (HB 1365) \$23.5 million through \$25/student MSOC increase.
<b>Paraeducator Training</b>	\$12.6M FY22 \$15.4M FY23	Funding is provided to reimburse school districts for two days of training for all paraeducators. Funding will be ongoing for two days of training.
<b>Expanding CTE Graduation Pathways</b>	\$4.0M 2021-23	Funding is provided to help districts expand CTE graduation pathway options, including CCL.
<b>Eliminating Lunch Co-Pays</b>	\$8.9M FY 2021-23	Eliminates school lunch copays for students in pre-K – 12 <sup>th</sup> grade who are eligible for reduced-price lunches.
<b>School Safety/Nurse Corps/ESDs</b>	\$3.3M FY21 \$13.6M FY22	School Nurses Corps is expanded to support 1 day a week for all school districts with fewer than 2,000 students; ESD safety center staff increased to 2.5 FTE.
<b>ECEAP Expansion Slots</b>	\$24.9M 2021-23	ECEAP slots are increased by 500 in FY22 and 750 in FY23.
<b>Career-Connected Learning</b>	\$8.0M 2021-23	Funding is provided for new Career Launch and high demand enrollment at SBCTC; increased CCL curricula through grants at the Employment Security Dept; and a new pathway at Federal Way School District and continuation of Marysville School District.

**SHB 1080 – 2021-23 capital budget (state and federal funding)**

<b>Topic</b>	<b>Amount</b>	<b>Description</b>
<b>SCAP</b>	\$730M	School Construction Assistance Program
<b>Lead Remediation</b>	\$3.6M	To replace fixtures
<b>Early Learning Facilities</b>	\$4.7M	Competitive grants program at Dept of Commerce for school districts
<b>Broadband Equity and Affordability Grants</b>	\$5.0M	School districts eligible
<b>Small District Modernization grants</b>	\$42.1M	\$33.7M to school districts for projects; \$1.1M for planning grants
<b>Health &amp; Safety</b>	\$7.2M	\$2M for emergency repair for schools <i>and</i> skill centers to address unexpected and imminent health & safety hazards that impact day-to-day operations. \$4.2M for urgent repair for schools to address one-time, non-recurring repairs, that could affect health & safety of students/staff if not completed. \$1M ADA compliance for schools and skill centers.

*Policy bills*

For a virtual session with direction to limit the number of bills under consideration, nearly 1,200 bills were introduced in the 105-day session. Bills introduced in the 2021 legislative session that don't pass may be considered again in the 2022 session.

*How to Read this Summary*

In addition to summaries of the operating and capital budgets and bills that passed/didn't pass, this end-of-session summary includes a list of required activities, by school year. It also includes a list of new task forces/work groups, reports and when the report is due, and new WSSDA model policies.

Pages 5-17	Bills that Passed, numeric order
Page 18	New Work Groups/Task Forces/Reports
Page 18	New Washington State School Directors' Association Policies and Procedures
Page 19	Bills that Didn't Pass, By Topic (by 2021-22 Legislative Platform and Resolutions)
Page 21	2021-23 Operating Budget – Provisos and Policy Additions
Page 26	2021-23 Capital Budget – Appropriations, Grants, Opportunities

## Bills that Passed in the 2021 Session, Signed into law<sup>1</sup>

### Budget Bills

**SHB 1080 – Relating to the 2021-23 capital budget.** (Chapter 332, Laws of 2021; effective May 18, 2021)

- Appropriates \$6.3 billion in new capital projects in the 2021-23 fiscal biennium, of which \$3.9 billion is financed through new state general obligation bond issuances.
- Reappropriates \$4.5 billion in capital projects authorized in prior biennia, of which \$2.9 billion is from prior bond authorizations.
- Authorizes state agencies and higher education institutions to enter into alternative financing contracts totaling \$255 million.
- Reduces total funding in the 2019-21 fiscal biennium by \$63.6 million, of which \$11.7 million is state general obligation bond authority.

**ESHB 1368 – Responding to the COVID-19 pandemic through state actions supported by federal funding.** (Chapter 3, 2021 Laws; Effective date 2/19/2021)

- Appropriates \$2.2 billion in federal funding from a combination of the federal Consolidated Coronavirus Response and Relief Supplemental Appropriations Act, the Coronavirus Relief Fund under the federal Coronavirus Aid, Relief, and Economic Security Act, and Medicaid for K-12 public schools, public health, healthcare, assistance to individuals and families, housing assistance, and business assistance.

**ESSB 5084 – Concerning state general obligation bonds and related accounts.** (Chapter 331, 2021 Laws; Effective date 5/18/2021) *Full Bill Report*

- The State Finance Committee is authorized to issue up to \$3,971,290,793 in general obligation bonds to finance projects in the 2021-23 capital budget and to pay issuance and bond sale expenses.

**ESSB 5092 – Making 2021-2023 fiscal biennium operating appropriations.** (Chapter 334, 2021 Laws PV; Effective date 5/18/2021) *Full Bill Report*

- Biennial appropriations for the 2021-23 fiscal biennium for the various agencies and programs of the state are enacted, including appropriations for general government agencies, human services programs, natural resources agencies, and educational institutions.

**SSB 5165 – Making transportation appropriations for the 2021-2023 fiscal biennium.** (Chapter 333, 2021 Laws PV; Effective date 5/18/2021) *Full Bill Report*

- Appropriations are provided for certain state transportation agencies and programs for the 2021-23 fiscal biennium and are adjusted for the 2019-2021 biennium. Various appropriations and provisos are modified.

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<sup>1</sup> Bills in this section are in numeric order and include a hyperlink to the bill page. The effective date is July 25, 2021, unless otherwise noted.

## Policy Bills

### **SHB 1016 – Making Juneteenth a state holiday.** (Chapter 295, 2021 Laws)

- Designates June 19, commonly known as Juneteenth, as a state legal Holiday.

### **2SHB 1028 – Concerning evaluation and recommendation of candidates for residency teacher certification.** (Chapter 198, 2021 Laws; Effective date 5/5/2021)

- Revises requirements related to eligibility and recommendation for residency teacher certification, including repealing requirements related to the evidence-based assessment of teaching effectiveness, otherwise known as the edTPA.

### **E2SHB 1050 – Reducing greenhouse gas emissions from fluorinated gases.** (Chapter 315, 2021 Laws)

- Authorizes the Department of Ecology (Ecology) to establish a maximum global warming potential (GWP) threshold for hydrofluorocarbons (HFCs) used in new stationary air conditioning and stationary refrigeration and directs Ecology to establish a GWP threshold for new ice rinks.
- Applies certain existing regulations addressing emissions of ozone depleting substances to HFCs.
- Directs Ecology to establish a refrigerant management program to address refrigerant emissions from large air conditioning and refrigeration systems.
- Requires Ecology to provide recommendations to the Legislature by December 1, 2021, regarding the design of a program to address the end-of-life management and disposal of refrigerants.
- Establishes a state purchasing and procurement preference for recycled refrigerants.
- Encourages the mandatory cost-effective conservation activities of electric utilities to include promoting the adoption of air conditioning equipment that has a GWP below 750 and the replacement of stationary refrigeration systems that contain ozone-depleting substances or high-GWP refrigerants.
- Requires the State Building Code Council to adopt rules that allow the use of low-GWP substitutes to the maximum extent practicable.

### **SHB 1085 – Promoting a safe learning environment for students with seizure disorders.** (Chapter 29, 2021 Laws)

- Requires school districts to provide individual health plans (IHPs) for students with epilepsy or other seizure disorders and establishes related requirements.
- Directs the Washington State School Directors' Association to adopt a model policy and procedure that school districts may use to implement the IHP requirements for students with epilepsy or other seizure disorders.
- Provides criminal and civil immunity provisions for persons who, in good faith, provide assistance or services to students with epilepsy or other seizure disorders.

### **E3SHB 1091 – Reducing greenhouse gas emissions by reducing the carbon intensity of transportation fuel.** (Chapter 317, 2021 Laws)

- Directs the Department of Ecology (Ecology) to adopt rules establishing a Clean Fuels Program (CFP) to limit the aggregate, overall greenhouse gas (GHG) emissions per unit of transportation fuel emission to 20 percent below 2017 levels by 2035.

- Excludes exported fuel, fuel used by vessels, railroad locomotives, and aircraft, and certain other categories of transportation fuel from the CFP's GHG emission intensity reduction requirements.
- Requires the CFP to include processes for registering, reporting, and tracking compliance obligations and to establish bankable, tradeable credits used to satisfy compliance obligations.
- Retains the current distribution of revenue under the 2015 Transportation package.

**ESHB 1113 – Concerning school attendance.** (Chapter 119, 2021 Laws)

- Requires school districts to file a truancy petition after a student's seventh unexcused absence and not later than the fifteenth unexcused absence.
- Directs the Office of the Superintendent of Public Instruction (OSPI) to develop, in consultation with the Educational Opportunity Gap Oversight and Accountability Committee, best practice guidance to eliminate or reduce student absences and meet other specified requirements.
- Changes the term "community truancy board" to "community engagement board."
- Permits the OSPI to adopt rules to implement the compulsory school attendance laws.

**EHB 1121 – Concerning the emergency waiver of graduation requirements.** (Chapter 7, 2021 Laws, Effective date 3/2/2021)

- Authorizes the State Board of Education to permit public and private schools to grant individual student emergency waivers from credit and subject area graduation requirements, graduation pathway requirements, or both, due to a significant disruption from a local, state, or national emergency.
- Makes students in the graduating class of 2020 and subsequent classes eligible for the emergency waiver program.

**E2SHB 1139 – Taking action to address lead in drinking water.** (Chapter 154, 2021 Laws)

- Designates the Department of Health (DOH), rather than community water systems, as the principal agency in regard to lead testing, remediation, and other actions at elementary and secondary schools.
- Requires school districts, charter schools, the state School for the Blind, and the state School for the Deaf to cooperate with the DOH or contract for sampling and testing for lead contamination at drinking water outlets in school buildings built, or with all plumbing replaced, before 2016.
- Directs these school districts and schools to communicate certain information, take mitigation measures, and adopt an action plan if test results reveal lead concentrations that exceed stated thresholds.

**SHB 1166 – Expanding access to the homeless and foster care college students pilot program.** (Chapter 62, 2021 Laws)

- Extends and expands pilot programs at the community and technical colleges and the four-year higher education institutions to help homeless students and students who were in foster care.

**ESHB 1176 – Concerning access to higher education.** (Chapter 120, 2021 Laws)

- Removes the allowance for school districts to withhold the grades and transcripts of students who are responsible for damaging or losing school property, or property belonging to a contractor of the district, an employee, or another student.
- Removes the authority of public and private schools to withhold a transferring student's official transcript due to an unpaid fine or fee for damaging or losing school property or property belonging to other specified parties; or unpaid tuition, fees, or fines at an approved private school.
- Requires school districts to post information on their websites about diplomas that were withheld because of unpaid penalties resulting from damaged or lost property.

**SHB 1208 – Modifying the learning assistance program.** (Chapter 111, 2021 Laws; Effective date 4/21/2021)

- Requires that school districts budget and expend Learning Assistance Program (LAP) funds: (1) immediately and temporarily to identify and address the academic and nonacademic needs of students resulting from and exacerbated by the COVID-19 pandemic; and (2) beginning with the end of the COVID-19 emergency or September 1, 2025, whichever is later, using the framework of the Washington Integrated Student Supports Protocol.
- Makes changes to requirements and restrictions on the use of LAP funds.
- Directs the Center for the Improvement of Student Learning to review and report on programs and practices used in the LAP.
- Expands the Extended Learning Opportunity Program to ninth and tenth grades.

**ESHB 1214 – Providing K-12 public school safety and security services by classified staff or contractors.** (Chapter 38, 2021 Laws)

- Creates the category of safety and security staff for kindergarten through grade 12 public schools.
- Provides requirements for safety and security staff agreements, data collection, and training, for educational service districts, school districts, and charter schools.

**SHB 1225 – Concerning school-based health centers.** (Chapter 68, 2021 Laws)

- Establishes the school-based health center program office within the Department of Health.

**ESHB 1267 – Concerning investigation of potential criminal conduct arising from police use of force, including custodial injuries, and other officer-involved incidents.** (Effective date 7/25/2021)

- Establishes the Office of Independent Investigations within the Office of the Governor for the purpose of investigating deadly force incidents involving peace officers.

**ESHB 1273 – Concerning menstrual products in schools.** (Chapter 163, 2021 Laws)

- Requires school districts, private K-12 schools, charter schools, state-tribal compact schools, and public and private institutions of higher education to make menstrual hygiene products available at no cost by the beginning of the 2022-23 academic year.
- Requires these entities to bear the cost of supplying these products.



**E2SHB 1287 – Concerning preparedness for a zero emissions transportation future.** (Chapter 300, 2021 Laws)

- Requires the Washington State Department of Transportation's Public Private Partnership Office to develop and maintain a publicly available mapping and forecasting tool that provides locations and essential information of charging and refueling infrastructure to support forecasted levels of electric vehicle adoption, travel, and use.
- Requires electric utilities to analyze how their resource plans account for modeled load forecast scenarios that consider anticipated levels of zero-emission vehicle use in the utility's service area, assumed use case scenarios that consider anticipated levels of zero-emission vehicle use, and information from the utilities' transportation electrification plans.
- Requires the State Building Code Council to implement rules for residential R-3 occupancies by July 1, 2024, to require electric vehicle charging capability at all new buildings that provide on-site parking, in an amount that is the greater of at least one parking space, or 10 percent of parking spaces.
- Establishes a goal that all publicly and privately owned passenger and light duty vehicles of model year 2030 or later sold, purchased, or registered in Washington state be electric vehicles, contingent upon vehicle participation in a new road usage charge or equivalent tax or fee policy.

**E2SHB 1295 – Providing public education to youth in or released from institutional education facilities.** (Chapter 164, 2021 Laws)

- Establishes new and modified duties for the Office of the Superintendent of Public Instruction (OSPI), the Department of Children, Youth, and Families (DCYF), and the State Board of Education related to the provision of public education to youth in or released from secure facilities, including duties related to education access and delivery, student supports, data collection and reporting, and facility policies.
- Directs the OSPI and the DCYF to jointly develop recommendations by November 1, 2022, for the establishment, implementation, and funding of a reformed institutional education system.
- Establishes numerous provisions related to the recommendations of the OSPI and the DCYF, including the identification of issues that must be addressed, the creation of an advisory group, and the selection of a third party entity to facilitate the development of the recommendations and staff the advisory group.

**SHB 1302 – Concerning college in the high school programs.** (Chapter 71, 2021 Laws)

- Allows students eligible for the ninth grade to participate in college in the high school (CHS) programs.
- Requires specified information about CHS program courses to be included in the high school catalogue or equivalent.
- Sets the maximum per college credit tuition fee for a CHS program course at \$65, annually adjusted for inflation as specified.

**E2SHB 1320 – Modernizing, harmonizing, and improving the efficacy and accessibility of laws concerning civil protection orders.** (Chapter 215, 2021 Laws; Effective date 7/1/2022\*)

- Consolidates and harmonizes laws governing domestic violence protection orders, sexual assault protection orders, stalking protection orders, anti-harassment protection orders, vulnerable adult protection orders, and extreme risk protection orders under a new chapter governing all protection orders.
- Amends provisions of law addressing the recognition and enforcement of Canadian domestic violence protection orders.
- Revises laws governing orders to surrender and prohibit weapons, revocation of concealed pistol licenses, unlawful possession of firearms, and domestic violence no-contact orders.
- Establishes responsibilities of school districts with respect to students who are subject to protection orders.
- Repeals existing chapters and provisions governing protection orders and makes conforming and technical changes to numerous provisions of law.

**ESHB 1332, Concerning property tax deferral during the COVID-19 pandemic.** (Chapter 73, 2021 Laws; Effective date 4/16/2021)

- Requires county treasurers to grant a deferral of 2021 property tax payments for certain businesses via establishment of a payment plan.

**E2SHB 1335, Concerning review and property owner notification of recorded documents with unlawful racial restrictions.** (Chapter 256, 2021 Laws)

- Requires the University of Washington and Eastern Washington University to review existing deeds and covenants for unlawful racial or other discriminatory restrictions and provide notice of such restrictions to property owners and county auditors.
- Adds to the seller disclosure statement a notice to the buyer of real property that covenant or deed restrictions based on race or other protected classes are unlawful and provides the methods by which such restrictions can be struck.
- Provides a process for striking and removing unlawful provisions from the record and chain of title after a property owner files an action in superior court.

**ESHB 1336 - Creating and expanding unrestricted authority for public entities to provide telecommunications services to end users.** (Chapter 294, Laws of 2021)

- Authorizes public utility districts, port districts, second-class cities, towns, and counties to provide retail telecommunications services.

**EHB 1342, Eliminating lunch copays for students who qualify for reduced-price lunches.** (Chapter 74, 2021 Laws)

- Eliminates lunch copays for K-12 students who qualify for reduced-price lunches under the National School Lunch Program. *Note: this is a program expansion to all grades.*

**SHB 1356, Prohibiting the inappropriate use of Native American names, symbols, or images as public school mascots, logos, or team names.** (Chapter 128, 2021 Laws)

- Prohibits public schools from using Native American names, symbols, or images as school mascots, logos, or team names.
- Establishes exceptions to the prohibition if certain requirements are met, including consultation with and authorization by, the applicable federally recognized tribe or tribes.
- Allows for the phasing out of uniforms or other materials bearing Native American names, symbols, or images as mascots, logos, or team names if specified requirements are met.
- Establishes a temporary grant program to provide grants for schools that incur costs resulting from compliance with the prohibition.

***SHB 1363*** – Addressing secondary trauma in the K-12 workforce. (Chapter 129, 2021 Laws)

- Requires the Office of the Superintendent of Public Instruction to publish on its website links to resources, self-assessments, and best practices for educators and local policymakers to prevent and address secondary traumatic stress in the workforce.
- Directs the Washington State School Directors' Association to develop or revise, and periodically update, a model policy and procedure to prevent and address secondary traumatic stress in the workforce that includes specified elements, for example, establishing a district-wide workforce mental health committee.
- Requires school districts to adopt, by the beginning of the 2021-22 school year, policies and procedures related to secondary traumatic stress that incorporate specified elements.

***E2SHB 1365*** – Procuring and supporting appropriate computers and devices for public school students and instructional staff. (Chapter 301, 2021 Laws)

- Directs the Office of the Superintendent of Public Instruction (OSPI) to develop and administer a technology grant program to help schools attain a universal 1:1 student to learning device ratio and to support staff, students, and families in using technology to support student learning.
- Requires each educational service district to provide technology consultation, procurement, and training to local public schools and school districts, the Washington Center for Deaf and Hard of Hearing Youth, and the state School for the Blind.
- Directs the OSPI to survey school districts and report to the Legislature with technology levy information.
- Requires the OSPI to report to the Legislature biennially with a summary of technology initiative information and recommendations.
- Directs the OSPI to establish a grant program to support media literacy and digital citizenship and to convene two regional conferences on this topic.

***ESHB 1370*** – Concerning grants for early learning facilities. (Chapter 130, 2021 Laws)

- Increases the grant and loan award limits within the Early Learning Facilities (ELF) program.
- Adds program administration and technical assistance as allowable activities eligible for funding through the ELF program.

**SHB 1373 – Promoting student access to information about behavioral health resources.** (Chapter 167, 2021 Laws)

- Requires public schools to post contact information for behavioral health organizations on their website home pages and to post corresponding information on social media websites used by the school district.

**SHB 1411 – Expanding health care workforce eligibility.** (Chapter 219, 2021 Laws)

- Prohibits the Department of Social and Health Services (Department) from automatically disqualifying a person who has a criminal record containing certain crimes from having unsupervised access to, working with, or providing care to vulnerable adults or children.
- Establishes a work group to identify an informed choice process to allow older adults and people with disabilities to hire an individual with a criminal record that would otherwise disqualify the person from providing paid home care services.
- Authorizes the Department to exercise its discretion regarding whether to permit or prohibit a person with a certificate of restoration of opportunity to have unsupervised access to children, vulnerable adults, or individuals with mental illness or developmental disabilities.

**SHB 1425 – Expanding scholarships for community and technical college students.** (Chapter 133, 2021 Laws)

- Modifies student eligibility for the Career and Technical Scholarship and the Rural Jobs Initiative Scholarship under the Washington State Opportunity Scholarship program.

**ESHB 1426 – Specifying minimum continuing education requirements for administrator and teacher certificate renewals that focus on equity-based school and classroom practices.** (Chapter 77, 2021 Laws)

- Specifies the content of, and authorized providers for, some of the continuing education required for teacher and administrator certificate renewal.

**ESHB 1476 - Addressing enrollment declines due to the COVID-19 pandemic.** (Chapter 221, 2021 Laws)

- Revises enrichment levy formulas in the 2022 calendar year, requiring 2019-20 school year enrollments to be used in place of 2020-21 if 2019-20 enrollment is greater and a school district is open for in-person instruction at the beginning of the 2021-22 school year.

**E2SHB 1477 – Implementing the national 988 system to enhance and expand behavioral health crisis response and suicide prevention services.** (Chapter 302, 2021 Laws)

- Directs the Department of Health to designate crisis hotline centers that meet standards related to technology and the ability to identify and deploy community crisis resources for persons experiencing a behavioral health crisis.
- Establishes the Crisis Response Improvement Strategy Committee to develop a comprehensive assessment of the behavioral health crisis services system and a recommended vision for an integrated crisis network throughout Washington.
- Requires that health plans and medical assistance programs provide coverage for next day appointments for enrollees experiencing urgent, symptomatic behavioral health conditions, beginning in 2023.

- Establishes the Statewide 988 Behavioral Health Crisis Response Line Tax on phone lines to fund the crisis hotline centers and response services.
- Makes several appropriations to increase capacity for the existing crisis call centers and begin implementation of the crisis call center hub system and supporting technology.

**SHB 1484 – Building mapping system.** (Chapter 233, 2021 Laws)

- Repeals the requirement to have and update a statewide first responder school mapping system.

**E2SHB 1504 – Modifying the workforce education investment act.** (Chapter 170, 2021 Laws)

- Adds workforce education and career connected learning as allowable uses of the Workforce Education Investment Account.
- Requires the Health Care Authority to establish a behavioral health workforce pilot program and provide training support grants to community mental health and substance use disorder treatment providers.
- Broadens the definition of "agency affiliated counselors" to include student interns.
- Requires that a portion of nonfederal funds in the Health Professional Loan Repayment program be prioritized for demographically underrepresented populations. Increases the cap on state match dollars for the Washington State Opportunity Scholarship Advanced Degrees Pathways Account to \$5 million per biennium.

**SSB 5030 – Developing comprehensive school counseling programs.** (Chapter 174, 2021 Laws) *Full Bill Report*

- Each school district must develop and implement a written plan for a comprehensive school counseling program by the beginning of the 2022-23 school year. The school counseling program must be based on regularly updated standards developed by a national organization representing school counselors.
- Under the plan, 80 percent of a school counselor's time must be spent directly or indirectly with students.
- OSPI will help develop a plan and process for applicability to small school districts.

**ESSB 5044 – Concerning professional learning, equity, cultural competency, and dismantling institutional racism in the public school system.** (Chapter 197, 2021 Laws) *Full Bill Report*

- The Professional Educator Standards Board (PESB) must develop or update cultural competency, diversity, equity, and inclusion (CCDEI) standards of practice for preparation, continuing education, and other training of school district staff and post it on its website. WSSDA must develop CCDEI standards for school director governance and post them on its website at no cost. WSSDA and PESB must collaborate to compare and align CCDEI standards. EOGOAC must, and the Office of Equity may, review the CCDEI standards.

**E2SSB 5051 – Concerning state oversight and accountability of peace officers and corrections officers.**

(Chapter 323, 2021 Laws) [Full Bill Report](#)

- The purpose and first priority of the CJTC is to establish and administer standards and processes for certification, suspension, and decertification of peace officers and corrections officers, with the goal of enhancing the integrity, effectiveness, and professionalism of peace officers and corrections officers, and ensuring that law enforcement and correctional services are delivered to the people of Washington in a manner that fully complies with the constitution and laws of this state and the United States.

**E2SSB 5052 – Concerning the creation of health equity zones.** (Chapter 262, 2021 Laws) [Full Bill Report](#)

- Subject to funding, DOH, in coordination with the Governor's Interagency Council on Health Disparities, local health jurisdictions, and accountable communities of health, must share and review relevant health and population data to identify, or allow communities to self-identify, potential health equity zones in the state and develop projects to meet the unique needs of each zone.

**SSB 5066 – Concerning a peace officer's duty to intervene.** (Chapter 321, 2021 Laws) [Full Bill Report](#)

- An identifiable on-duty peace officer who witnesses another peace officer engaging or attempting to engage in the use of excessive force against another person must intervene when in a position to do so to end the excessive use of force.

**ESSB 5096 – Concerning an excise tax on gains from the sale or exchange of certain capital assets.**

(Chapter 196, 2021 Laws) [Full Bill Report](#)

- Beginning January 1, 2022, an annual state net CGT is imposed on the sale or other voluntary exchange of long-term capital assets by individuals. The tax rate is 7.0 percent.

**E2SSB 5126 – Concerning the Washington climate commitment act.** (Chapter 316, 2021 Laws PV) [Full Bill Report](#)

- Creates a “cap and invest” system to reduce greenhouse gas emissions.
- Establishes a governance structure to implement the state’s climate commitment to provide accountability for achieving the state’s emissions limits, a coordinated and strategic statewide approach to climate resilience, build an equitable and inclusive clean energy economy, and ensure the government provides clear policy and requirements, financial tools, and other mechanisms to support achieving those limits.
- Directs the Department of Ecology to conduct an environmental justice review every two years, beginning in 2023, to ensure the cap and invest program achieves reductions in criteria pollutants as well as GHG emissions in overburdened communities highly impacted by air pollution.
- Sets program, budget and timeline for reducing GHG emissions, and identifies entities for compliance purposes (including exemptions), and an offset credit program.
- Requires Ecology to establish an assistance program for offset projects on federally recognized tribal lands. The assistance may including funding or consultation to assess a project’s technical feasibility, invest requirements, development, and operations costs, expected returns,

administrative and legal hurdles, and project risks and pitfalls. The Legislature intends to provide not less than \$5 million in the operating budget for this purpose.

- Creates the Climate Commitment Account and describes eligible purposes and projects. One of the eligible purposes is capital investments in support of the relocation of tribes located in areas at heightened risk due to anticipated sea level rise, flooding, or other disturbances caused by climate change – for those specific purposes, the Legislature intended to dedicate at least \$50 million per biennium.
- Creates the Natural Climate Solutions Account to increase the resilience of the state’s waters, forests, and other vital ecosystems to the impacts of climate change, conserve working forestlands at the risk of conversion, and increase their carbon pollution reduction capacity through sequestration, storage, and overall ecosystem integrity. Describes eligible projects and activities.
- Creates the Air Quality and Health Disparities Improvement Account to fund the air monitoring network and reduce health disparities in overburdened communities. The Legislature intends to dedicate not less than \$20 million per biennium to the account for these purposes.
- Includes expenditure targets for the Carbon Emissions Reduction Account, the Climate Commitment Account, the Natural Climate Solutions Account, and the Air Quality and Health Disparities Improvement Account:
  - Not less than 35 percent (and a goal of 40 percent) of total investments are provided to direct and meaningful benefits to vulnerable populations within overburdened communities.
  - An additional 10 percent minimum target is established for projects supported by tribal resolution, with priority to projects directly administered or proposed by a tribe.
  - For all of the accounts, “moneys ... may not be used for projects that would violate tribal treaty rights or result in significant long-term damage to critical habitat or ecological functions.”
- Recognizes the siting and placement of new or expanded best-in-class facilities with lower carbon emitting processes is in the economic and environmental interests of the state and applies life-cycle analyses.
- Sets reporting periods, with the first analysis due December 1, 2029 by the Joint Legislative Audit and Review Committee regarding the first five years of the cap and invest program.

***E2SSB 5128 – Concerning student transportation funding during a local, state, or national emergency.***

(Chapter 234, 2021 Laws; Effective date 5/10/2021) [Full Bill Report](#)

- If a charter school, state-tribal compact school, or school district is providing full remote or partial remote instruction due to a local, state, or national emergency that causes a substantial disruption to full in-person instruction, the school or school district may use student transportation allocations to provide expanded services to students, regardless of whether those students would qualify as eligible students.

***ESB 5135 – Concerning unlawfully summoning a police officer.*** (Chapter 330, 2021 Laws) [Full Bill Report](#)

- A person may bring a civil action for damages against any person who knowingly causes a law enforcement officer to arrive at a location to contact another person with the intent to:

**E2SSB 5141 – Implementing the recommendations of the environmental justice task force.** (Chapter 314, 2021 Laws) *Full Bill Report*

- The departments of Agriculture, Commerce, Ecology, Health, Natural Resources, and Transportation and the Puget Sound Partnership (covered agencies) must apply and comply with specified environmental justice requirements with respect to agency activities.
- Creates the Environmental Justice Council; states membership, including four of the members must represent federally recognized Indian tribes.

**SSB 5151 – Concerning foster care and childcare licensing by the department of children, youth, and families.** (Chapter 304, 2021 Laws PV) *Full Bill Report*

- Among other issues, the outdoor nature-based childcare program, which was a pilot, is made permanent.

**SB 5184 – Establishing a building point of contact in all K-12 public schools for students in foster care.** (Chapter 95, 2021 Laws) *Full Bill Report*

- Each K-12 public school must establish a contact in each elementary, middle, and high school building for students in foster care.

**E2SSB 5194 – Providing for equity and access in the community and technical colleges.** (Chapter 272, 2021 Laws) *Full Bill Report*

- Beginning in 2022, all community & technical colleges must submit to the State Board for Community & Technical Colleges strategic plans for achieving diversity, equity, and inclusion on their campuses.

**E2SSB 5227 – Requiring diversity, equity, inclusion, and antiracism training and assessments at institutions of higher education.** (Chapter 275, 2021 Laws) *Full Bill Report*

- A professional development program on diversity, equity, and inclusion (DEI), and antiracism for faculty and staff is established at each public institution of higher education.

**E2SSB 5237 – Expanding accessible, affordable childcare and early childhood development programs.** (Chapter 199, 2021 Laws) *Full Bill Report*

- The Fair Start for Kids Account is created, and expenditures from the account may be used only for childcare and early learning purposes. A non-exhaustive list of spending goals and strategies for the account is specified.

**SSB 5249 – Supporting mastery-based learning.** (Chapter 144, 2021 Laws) *Full Bill Report*

- Expands the Mastery-Based Learning Work Group; by December 10, 2021, the work group shall develop a “Washington State profile of a graduate” describing the skills a student should have developed by the time they graduate high school.



**E2SSB 5259 – Concerning law enforcement data collection.** (Chapter 326, 2021 Laws) *Full Bill Report*

- The Office of the Attorney General (AGO) must establish an advisory group to assist with the design, development, and implementation of a statewide use of force data program.

**SB 5299 – Allowing the use of computer science credits for the purpose of graduation requirements.**

(Chapter 307, 2021 Laws) *Full Bill Report*

- To meet graduation requirements, a student may substitute a computer science course aligned to state computer science learning standards as an alternative to either a third-year mathematics or a third-year science course under certain conditions.

**ESSB 5321 – Expanding access to the college bound scholarship.** (Chapter 283, 2021 Laws; Effective date 5/12/2021) *Full Bill Report*

- The requirement that a student sign a pledge in order to be eligible for the College Bound Scholarship (CBS) is eliminated. The Legislature intends to create a statutory contractual right for students who fulfill the CBS requirements.

**ESSB 5353, Creating a partnership model that facilitates community engagement with law enforcement.**

(Chapter 327, 2021 Laws) *Full Bill Report*

- The Department of Commerce (Commerce) is directed to create and maintain a grant program to foster community engagement through neighborhood organizing, law enforcement and community partnerships, youth mobilization, and business engagement.

**2SSB 5383 – Authorizing a public utility district to provide retail telecommunications services in unserved areas under certain conditions.** (Chapter 293, Laws of 2021) *Full Bill Report*

- Wholesale Telecommunications Services. PUD authority to provide wholesale telecommunications services is expanded to allow a PUD to provide such services:

**ESSB 5405 – Instructing the joint legislative audit and review committee to perform racial equity analyses.** (Chapter 310, 2021 Laws PV) *Full Bill Report*

- JLARC must incorporate a racial equity analysis, or note if a racial equity analysis is not necessary or appropriate, in its performance audits, sunset reviews, and other audits or reports. JLARC may work with the Office of Equity, the Governor's Office of Indian Affairs, the LGBTQ Commission, and the Washington State Women's Commission, and ethnic commissions to design the racial equity analysis.

**SB 5430 – Concerning the advanced college tuition payment program.** (Chapter 248, 2021 Laws) *Full Bill Report*

- The Guaranteed Education Tuition (GET) committee must adopt a GET unit price of no more than 10 percent, including administrative fees, above the current unit payout value, as described.

## Bills that Create Work Groups, Task Forces and Reports

- [SSB 5249](#) – supporting mastery-based learning.  
By December 10, 2021, the Mastery-Based Learning Work Group (which is extended and expanded under this bill) shall develop a “Washington state profile of a graduate,” describing the cross-disciplinary skills a student should have developed by the time they graduate high school. Members of the work group are named; the work group must consult with students, families and educators who have been underserved by the education system; seek guidance from the EOGOAC; and consult with representatives from postsecondary education and training programs, labor, and industry, and seek input from the Council of Presidents and the Washington Association of Colleges for Teacher Education.

## Bills that Require WSSDA Model Policies and Procedures

- [SHB 1085](#) – relating to individual student health plans for epilepsy and other seizure disorders.  
By December 15, 2021, WSSDA, in consultation with OSPI, shall adopt a model policy and procedure that school districts may use to implement the requirements of Section 1 of the act. Section 1 includes the development of policies for students with epilepsy or other seizure disorders and includes development of an individual student health plan and training for staff and parent-designated adults.
- [SHB 1363](#) – relating to policies and resources to address secondary traumatic stress in the K-12 work force.  
By August 1, 2021, WSSDA must develop a model policy and procedure, posted to its website, which includes the following:
  - (a) A commitment to support mental health in the workplace;
  - (b) Promotion of a positive workplace climate with a focus on diversity and inclusion;
  - (c) Establishment of a district-wide workforce mental health committee with the following functions:
    - (i) Share secondary traumatic stress, stress management, and other mental health resources and supports available through the 34 office of the superintendent of public instruction, the educational 35 service districts, and the school employees' benefits board created in RCW 41.05.740;
    - (ii) Share links to a secondary traumatic stress self-assessment tool and any associated resources;
    - (iii) Report to the school district board of directors at least once per year with a summary of committee activities;
  - (d) Regular assessment of district-level and school building level implementation of the policy and procedures that includes input from the workforce; and
  - (e) Provision of appropriate resources and training to schools and staff for continuous improvement.

## Bills that Didn't Pass

### Mental, physical health & SEL

- HB 1392 would have established two emergency crisis assistance teams to support public safety and provide mobile mental health crisis intervention for crises involving mental illness, homelessness, and addiction.
- HB 1444 would have extended counseling and trauma-informed supports to students who were impacted by the COVID-19 pandemic.

### Closing the Digital Divide

- 2SHB 1263 would have created a rural infrastructure program, including access to broadband; school districts would have been eligible for infrastructure grants.

### Special Education & Resources

- SSB 5376 would have required school districts to make information about the Education Ombuds program available prior to and during the school year.

### Preventing Gun Violence & Suicide

- HB 1134 would have allowed the Washington State Patrol to dispose of forfeited firearms.
- HB 1164/SSB 5078 would have limited high capacity magazines.
- HB 1229/SB 5217 would have prohibited the purchase, sales and ownership of assault weapons, with some exceptions.
- 2SHB 1354 would have created a Suicide Review Team analysis, including access to lethal means in youth suicide.

### Mitigating Climate Change

- E2SHB 1099 would have added climate change to the state's Growth Management Act.
- ESHB 1241 would have made comprehensive changes to the state's Growth Management Act, including a requirement for meaningful and timely consultation between local governments and federally recognized Indian tribes on comprehensive plan updates.

### Universal Screening for Highly Capable Students

- HB 1404 would have created a program of universal screening for highly capable students; required updated professional development; and made changes to teacher preparation programs.

### Career-connected, STEM, CTE

- HB 1415 would have increased the skill center class size ratio under the prototypical school funding formula.
- HB 1536 would have created an ESD-based regional apprenticeship program, with at least two industries or professions per ESD.

### COVID-19 Response for Students

- SHB 1336 would have required school districts to prioritize the resumption of in-person instruction to certain students following any emergency.
- SB 5037 would have established transparent school opening metrics tied to COVID-19 prevalence.
- 2SSB 5147 would have established several pilot programs, including the use of an alternative or "balanced" school calendar.

- 2SSB 5265 would have created a “bridge year pilot program” for students in the classes of 2020 or 2021 who wanted an additional year of high school before graduating.

#### Dual Credit & High School Graduation

- SHB 1162 would have decreased the number of credits required to graduate from 24 to 20, as long as the 17 core credits/subjects were earned; and would have added a portfolio pathway to graduation.

#### General Education Watch List

- HB 1149 would have required OSPI to develop a public health knowledge and skills learning standard for students in grades 9-12.
- HB 1446 would have created an outdoor, nature-based education pilot program.
- SB 5043 would have created an option for school districts with more than 2,000 students to provide housing to school district employees.
- SB 5161 would have set a firm date for implementation of Since Time Immemorial curriculum and engagement with Indian tribes and public schools.

#### Higher Education Access & Affordability

- HB 1517 would have expanded the Washington College Grant award program.
- SSB 5288 would have increased access to the Washington opportunity scholarship program.

#### Resolutions (in support)

- HB 1058 would have modified the sales and use tax for cultural access programs by allowing the tax to be imposed by a councilmanic or commission authority defining timelines and priorities for action and funding.
- HB 1195/SB 5443 would have extended the timeframe for establishing charter schools in Washington state.

#### School Construction & Simple Majority

- HB 1226 would have reduced the threshold to pass a school bond from 60 percent to a majority of voters. This was coupled with a Constitutional amendment: HJR 4200.
- HB 1235 would have exempted school districts from the state portion of sales and use taxes on school construction.
- SSB 5181 would have given school districts serving low-income communities alternatives for financing their facilities, including the use of new market tax credits.
- SB 5386 would have reduced the threshold to pass a school bond from 60 percent to 55 percent. This was coupled with a Constitutional amendment: SJR 8204.

## 2021-23 Operating Budget – Provisos

When the Legislature left town on April 25<sup>th</sup>, it passed a two-year spending plan for fiscal years ending June 30<sup>th</sup> in 2022 and 2023, respectively, and an updated 2021 supplemental budget. The following is related to new policy-level appropriations of possible interest beyond budget items on pages 2-4.

[ESSB 5092 hyperlink](#) Session Law.

### Policy-Level Additions

#### **Section 127, Attorney General – Youth Tip Line**

(17) \$1,485,000 of the general fund—state appropriation for fiscal year 2022 and \$958,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for implementation of a program for receiving and responding to tips from the public regarding risks or potential risks to the safety or well-being of youth, called the YES tip line program. Risks to safety or well-being may include, but are not limited to, harm or threats of harm to self or others, sexual abuse, assault, rape, bullying or cyberbullying, substance use, and criminal acts. Any person contacting the YES tip line, whether for themselves or for another person, must receive timely assistance and not be turned away. The program must operate within the guidelines of this subsection. (See Session Law for full details.)

#### **Section 129, Department of Commerce – Childcare and Digital Navigators**

(44) \$500,000 of the general fund—state appropriation for fiscal year 2022 and \$500,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for grants and associated technical assistance and administrative costs to foster collaborative partnerships that expand childcare capacity in communities. **Eligible applicants include** nonprofit organizations, **school districts**, educational service districts, and local governments. These funds may be expended only after the approval of the director of the department of commerce and must be used to support planning and activities that help communities address the shortage of childcare, prioritizing partnerships serving in whole or in part areas identified as childcare access deserts.

(46) \$7,500,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the department to provide grants to **entities that provide digital navigator services, devices, and subscriptions**. These services must include but are not limited to one-on-one assistance for people with limited access to services, including individuals seeking work, families supporting students, English language learners, Medicaid clients, people experiencing poverty, and elders. Of the amounts provided in this subsection, the department must prioritize allocating \$1,500,000 as grants or portions of grants that serve Medicaid clients.

#### **Section 501, OSPI – Diversity, Equity & Inclusion**

(4)(l) \$150,000 of the general fund—state appropriation for fiscal year 2022 and \$150,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for a **tribal liaison** at the office of the superintendent of public instruction to facilitate access to and **support enrollment in career connected learning opportunities for tribal students**, including career awareness and exploration, career preparation, and career launch programs, as defined in RCW 28C.30.020, so that tribal students may receive high school or college credit to the maximum extent possible.

(4)(o) \$200,000 of the general fund—state appropriation for fiscal year 2022 and \$200,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of the superintendent of public instruction to **provide statewide coordination towards multicultural, culturally responsive, and anti-racist education to support academically, socially, and culturally literate learners**. The office must

engage community members and key interested parties to: (i) Develop a clear definition and framework for African American studies to guide instruction in grades seven through twelve; (ii) Develop a plan for aligning African American studies across all content areas; and (iii) Identify professional development opportunities for educators and administrators to build capacity in creating high quality learning environments centered in belonging and racial equity, anti-racist approaches, and asset-based methodologies that pull from all students' cultural funds of knowledge.

### **Section 522, OSPI – Grants and Pass Through Funding**

- (1) \$4,894,000 in FY2022 and \$4,894,000 in FY2023 to administer programs and grants which increase equitable access to **dual credit programs**. By November 2022, OSPI shall submit a report to relevant legislative committees describing options for entering into statewide agreements with dual credit exam companies that will reduce the overall costs for all students and eliminate costs for students who are low income.
  
- (30) Within existing resources, the office shall develop recommendation to the legislature to merge the grant programs and specific appropriations of pass-through funding for certain activities or entities in this section into a competitive grant 33 funding process in future biennia. A competitive process must allocate funding using the following five separate categories:
  - (a) Student supports and safety. Programs under this category will support the mental, social-emotional, and physical safety of students;
  - (b) Educator growth and development. Programs under this category will support the recruitment and retention of educators, and support their continual professional growth;
  - (c) Curricula development, dissemination, and supports. Programs under this category will support the development, implementation, and continuous improvement of curricula and other programs specific to state learning standards and content areas;
  - (d) Eliminating inequitable student outcomes. Programs under this category will increase outcomes for specific student groups, including students experiencing homelessness or foster care; and
  - (e) Graduation success and preparation for postsecondary pathways. Programs under this category will increase access to graduation pathways aligned with students' postsecondary goals and support for each student to graduate ready to achieve those goals. These may include dual credit programs; dropout prevention, intervention, and reengagement programs; core plus programs; and other high demand career and technical education programs.

### **Work Groups, Task Forces, Reports created in the Biennial Budget**

#### **Section 951 – creation of a Salary Review and Rebase Work Group**

- (1) In preparation for the salary review and rebase required in RCW 28A.150.412, the office of the superintendent of public instruction shall convene a K-12 basic education compensation advisory committee to develop recommendations to the governor and the legislature that supports recruiting and retaining a multicultural and multilingual educator workforce, including but not limited to:
  - (a) Compensation updates to K-12 basic education salaries based on a comparable wage data analysis;
  - (b) Updates to regionalization data, including consideration of a hedonic wage model and other improvements to better reflect regional differences, address differences in recruiting and retention, incorporate data from neighboring communities in other states where appropriate, and mitigate boundary effects of regionalization policies;

- (c) Adjustments to inflationary factors used in state budgeting if the inflation documented through the comparable wage analysis is significantly different than the inflation that had been funded in state budgets since the last comparable wage analysis;
- (d) Analysis of workforce needs, including identification of hard to recruit/retain positions and strategies to address those workforce needs;
- (e) Compensation adjustments to promote equity considerations, which could include additional compensation to attract and retain educators in school districts with fewer resources from combined state and local dollars per student, adjustments to institutional education compensation, and additional compensation tied to complex need factors of schools; and
- (f) Additional compensation targeted to recruit and retain a more diverse workforce and to recognize the additional work of educators who serve on multiple committees and assume mentoring responsibilities to support new educators and students.

(2) The advisory committee shall consist of:

- (a) The superintendent of public instruction, or their designee to serve as chair of the committee;
- (b) Twelve members, comprised of representatives from organizations that represent the following groups, appointed by the superintendent of public instruction as follows:

- (i) One representing school administrators;
- (ii) One representing school business officials;
- (iii) One representing school district human resources professionals;
- (iv) Three representing teachers and educational staff associates;
- (v) Three representing classified staff;
- (vi) **One representing parents;**
- (vii) One representing students; and
- (viii) A representative of federally recognized Indian tribes whose traditional lands and territories lie within the borders of Washington state, designated by the federally recognized tribes.

(c) To appoint representatives in (b) of this subsection the office of the superintendent of public instruction must: (i) Consult with the state ethnic commissions, who represent African American, Hispanic American, Asian American, and Pacific Islander American populations to include representation of each population in the advisory committee; and (ii) Include geographic diversity so that at least one district each from the eastern, western, and southern portions of the state are represented in the membership.

(3) The department of revenue, employment security department, and education research and data centers shall make available relevant data and analysis to the superintendent of public instruction in support of the salary rebase and review. The employment security department shall make available information necessary to determine the comparable occupations and wages for each K-12 job category in RCW 28A.150.260.

(4) The advisory committee shall report its recommendations for salary rebase and compensation adjustments to the superintendent of public instruction. The superintendent shall make official recommendations to the governor and the fiscal committees of the legislature by September 30, 2022.

## Education Governance

### Section 607, Washington State University

(22)(a) \$85,000 of the general fund—state appropriation for fiscal year 2022 is provided solely for the William D. Ruckelshaus center to **conduct a situation assessment** to gauge the prospects for a collaborative approach to integration of leadership, aligning roles and responsibilities, and increasing efficiency and responsiveness of the state's K-12 education governance structure. The assessment must:

- (i) Identify issues, challenges, and opportunities related to administration and governance of K-12 education in Washington state;
- (ii) Consist of interviews with representatives of state-funded K-12 education agencies, boards, commissions, and other relevant entities identified by the center;
- (iii) Explore potential opportunities for the integration, alignment, and/or consolidation of roles and responsibilities of entities; and
- (iv) Identify key areas of focus.

(b) The center must report the assessment's findings and recommendations to the education committees of the legislature by March 31, 2022, with a preliminary report by February 1, 2022, as to whether circumstances support the convening and facilitation of a collaborative work group.

## Washington Digital Equity Forum

### Section 129, Department of Commerce

(70) (a) \$51,000 of the general fund—state appropriation for fiscal year 2022 and \$51,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the statewide broadband office to cofacilitate the Washington digital equity forum with the Washington state office of equity. The purpose of the forum is to develop recommendations to advance digital connectivity in Washington state. In developing its recommendations, the forum must:

- (i) Develop goals that are consistent with the goals of the governor's statewide broadband office, as provided in RCW 43.330.536;
- (ii) Strengthen public-private partnerships;
- (iii) Solicit public input through public hearings or informational sessions;
- (iv) Work to increase collaboration and communication between local, state, and federal governments and agencies; and
- (v) Recommend reforms to universal service mechanisms.

(b) The directors of the governor's statewide broadband office and the Washington state office of equity are responsible for appointing participating members of the forum, and appointments require the approval of both directors. In making appointments, the directors must prioritize appointees representing:

- (i) Federally recognized tribes;
- (ii) State agencies involved in digital equity; and
- (iii) Underserved and unserved communities, including historically disadvantaged communities.

(c) The director of the governor's statewide broadband office, or the director's designee, and the director of the Washington state office of equity, or the director's designee, shall serve as administrative cochairs of the forum.



(d) In addition to members appointed by the directors, four legislators may serve on the digital equity forum in an ex officio capacity. Legislative participants must be appointed as follows: (i) The speaker of the house of representatives must appoint one member from each of the two largest caucuses of the house of representatives; and (ii) The president of the senate must appoint one member from each of the two largest caucuses of the senate.

(e) Each member of the digital equity forum shall serve without compensation but may be reimbursed for travel expenses as authorized in RCW 43.03.050 and 43.03.060. Legislative members of the forum are reimbursed for travel expenses in accordance with RCW 44.04.120. (f) The statewide broadband office must provide staff support for the digital equity forum. By January 1, 2023, the statewide broadband office must transmit the recommendations of the digital equity forum developed under (a) of this subsection to the legislature, consistent with RCW 43.01.036.

### **Section 501, OSPI – Services to tribes and Work Group on Tribal consultation training**

(1)(n): \$385,000 of the general fund—state appropriation for fiscal year 2022 and \$385,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the office of native education to increase services to tribes, including but not limited to, providing assistance to tribes and school districts to implement Since Time Immemorial, applying to become tribal compact schools, convening the Washington State Native American Education Advisory Committee, and extending professional learning opportunities to provide instruction in tribal history, culture, and government. Funding in this subsection is sufficient for the office, the Washington State School Directors' Association government-to-government task force, and the Association of Educational Service Districts to collaborate with the Tribal Leaders Congress on Education to develop a tribal consultation training and schedule. The tribal consultation training and schedule must be developed by January 1, 2022.

### **Section 501, OSPI – Language access group**

(3)(g) \$310,000 of the general fund—state appropriation for fiscal year 2022 and \$249,000 of the general fund—state appropriation for fiscal year 2023 are provided solely for the development and implementation of a language access technical assistance program for school districts and to reconvene an expanded work group under section 2, chapter 256, Laws of 2019. The activities of and resources provided by the language access technical assistance program must align with the recommendations in the October 2020 report of the language access work group created by section 2, chapter 256, Laws of 2019 in order to improve awareness and fulfillment of language access rights for families in educational settings. The work group under this subsection shall, by December 1, 2021, report to the appropriate committees of the legislature recommendations for standards, training, testing, and credentialing for spoken and sign language interpreters for students' families and for collecting information related to language access services in schools and school districts. Within the amounts provided in this subsection, the office must provide a report to the appropriate committees of the legislature by December 1, 2021. The report shall include, at a minimum, information regarding the different languages in which students and students' families prefer to communicate by each school district.

### **Section 305, Recreation and Conservation Office**

(10) \$175,000 of the youth athletic facility nonappropriated account—state appropriation is provided solely for a **task force to consider ways to improve equitable access to K-12 schools' fields and athletic facilities** and local parks agency facilities with the goal of increasing physical activity for youth and families. The task force shall be created and managed by the recreation and conservation office. A portion of the funds must be used to inventory K-12 school fields and athletic facilities and park agency facilities, and for joint use agreements for these facilities. The task force participants must represent geographic diversity and

must include representatives from the office of the superintendent of public instruction, the Washington association of school administrators, the association of Washington principals, and the Washington recreation and parks association; participants with a background in public health; and stakeholders who represent diverse communities and communities of color. The task force shall consider joint use agreements, partnerships, improved scheduling practices with local parks agencies including facility rental fees, and other strategies, and submit a report with best practices and policy recommendations to the recreation and conservation funding board. A final report from the board must be submitted to the governor's office and legislature no later than February 1, 2022.

## Operating Budget Provisos that Create New/Carryover Reports

### Section 1123, Office of Financial Management – STARS funding review, report

(13) Within existing resources and in consultation with the Office of the Superintendent of Public Instruction, the office of financial management shall review and report on the **pupil transportation funding system** for K-12 education. The report shall include findings and recommendations and shall be submitted to the governor and the appropriate committees of the legislature by August 1, 2020.

This report shall include review of the following: (a) The formula components and modeling approach in RCW 28A.160.192; (b) The data used in the analysis for completeness, validity, and appropriateness; (c) The timing requirements and whether they could be changed; (d) The STARS model for appropriateness, functionality, and alignment with statute; and (e) The capacity and resources of the office of the superintendent of public instruction to produce the transportation analysis.

## 2021-23 Capital Budget, [SHB 1080](#)

In the 2019-21 biennium, a total of \$3.2 billion in bond proceeds was authorized. For the 2021-23 capital budget, that number doubled for a total of \$6.3 billion in appropriations, through a combination of bond proceeds and federal stimulus funding.

### Public School Construction (Sec. 5015)

In the 2020 session, the School Construction Assistance Program (SCAP) was a little under \$1 billion. For the 2021-23 capital budget, that amount was further reduced to \$730 million. SCAP provides state matching grants to qualifying local school districts for construction, renovation, and modernization of K-12 school facilities.

### School Seismic Safety Retrofit Program (Sec. 5024)

Last session the Legislature appropriated \$13.2 million to start a grant program to retrofit K-12 school buildings for seismic safety improvements. The funded projects were designated as very high risk by OSPI and included: North Beach, Centralia, South Bend, Boisfort, Cosmopolis, and Marysville. In the 2021 session, an additional \$40 million was appropriated; OSPI and DNR have the school district project list, which totals more than \$70 million (thereby exceeding the \$40 million appropriated).

### Small District Modernization Grants (Sec. 5018)

A fairly new program, the biennial appropriation was increased to \$42.1 million. Funding will support 12 public school districts and five tribal compact schools. Here is the [project and planning grants list](#).

## Early Learning (Sec. 1057)

School districts are funded for early learning grants on a two-year budget cycle, applying in the even year for consideration by the Legislature in the odd-year session. For the 2021-23 capital budget, a total of \$4.7 million was appropriated (Sec. 1057, Department of Commerce), and [here is the project list](#).

## Broadband Grant and Loan Programs

- \$326 million: Broadband, State Broadband Office, Department of Commerce (Sec. 1086)
  - \$50 million to match federal appropriations.
  - \$276 million for project-level grants to eligible entities for broadband projects.
  - \$5 million is provided for broadband equity and affordability grants. Grants must be provided to eligible applicants located in areas with existing broadband service with speeds at a minimum of 100 megabits per second download and at a minimum 20 megabits per second upload; and where the State Broadband Office, in consultation with the Department of Equity, determine that access to existing broadband service is not affordable or equitable.
- \$60 million: Broadband, Public Works Board, Department of Commerce (Sec. 1067)
- \$25 million: Broadband, Community Economic Revitalization Board, Department of Commerce (Sec. 1046)
- \$5.0 million: Capital Grant Program Equity, Department of Commerce (Sec. 1093)

This appropriation is provided solely for the department to provide planning, technical assistance, and predesign grants for projects that would directly benefit populations and communities that have been historically underserved by capital grant policies and programs. In awarding grants, the department shall prioritize applications that would directly benefit racially diverse neighborhoods within dense urban areas, and small, rural communities where these grants would redress historic and systemic barriers to these communities' participation in capital grant programs.