

February 14, 2022

## 3<sup>rd</sup> down on the 23<sup>rd</sup> yard line

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Tuesday, February 15, is the 37<sup>th</sup> day of the 60-day session and a major cutoff for bills to have passed out of the chamber in which they started. The schedule will continue to compress as the Legislature advances towards the goal line of March 10 and sine die. Last week saw some late nights in both the House and the Senate, both chambers worked Saturday and, after pulling a very late night, the House worked on Sunday.

One of the bills the House passed over the weekend was [EHB 1942](#). The bill was amended on the floor by Rep. Monica Stonier, who added a “hardship” provision for districts who needed more time to train paraeducators who are hired after September 1. Those districts with a particular challenge or hardship meeting the 30-day deadline will have up to 60 days to provide the first day of training in the Fundamental Course of Study. The amendment also returned one day to current law, allowing the second day of training to be within six months after the hiring date. The proposed legislation would require two of the days of training to be in person and would allow two of the days to be provided through online synchronous instruction.

Two bills to address gun violence caused the Legislature to work late into the night last week. [ESSB 5078](#) would limit high capacity magazines capable of holding more than 10 rounds of ammunition, while [ESHB 1705](#) would restrict the manufacture, assembly, sale, transfer, purchase, possession, transport, and receipt of untraceable guns (informally called ghost guns).

Gearing up for budget releases, the Caseload Forecast Council met mid-week. While this group usually doesn’t get as much attention as the revenue forecast, because of pandemic-related impacts on state services and significant school enrollment declines, this session legislators are paying very close attention to projections. Of specific note is the February 2022 Caseload Forecast compared to the November 2021 forecast, which continues to demonstrate declines in all areas due to the pandemic.

On education, the forecast for common schools was tracking closely with the November forecast. Caseload forecast staff project that the students who have left the K12 system **will not return** and are projecting the traditional year over year growth pattern of a 0.6 percent growth rate for the 2022-23 school year.

Paula Moore, lead analyst, said this projection is based on the fact that instead of bouncing back this school year, student enrollment declined, with most of these students absorbed by private schools; homeschooling remained steady at about 10,000 students above normal. Drilling down, they are seeing a drop of about 4,000 students who usually would choose Running Start, and higher rates of early learning special education services.

Watch the 7-minute report on education [here](#). For the ECEAP report, listen [here](#).

## *Watching the clock run out*

Here's a list of the bills we've been tracking that failed to pass out of the fiscal committee by the cutoff:

- HB 1226 would have reduced the threshold to pass bonds from 60 percent to simple majority.
- HB 1601 would have made permanent the “students experiencing homelessness and foster youth program.”
- HB 1607 would have diverted funding from the operating budget to the transportation budget to support the Safe Routes to Schools program.
- HB 1775 would have created a capital budget grant program for small school districts.
- HB 1898 would have reduced property taxes for state school levies.
- HB 1969 would have authorized the limited use of automated traffic safety cameras for speed violations outside of school speed zones.
- HJR 4200 would have authorized the Secretary of State to place on the next general election a constitutional amendment to change the threshold to pass school bonds from 60 percent to simple majority.
- SB 5537 would have reduced the age by which students must enroll in school from age 8 to age 6.
- SB 5719 would have subsidized dual credit programs, specifically regarding College in the High School and Running Start. A similar bill, HB 1760, would subsidize Running Start programs for low-income students.

## *What we're watching this week*

### **Kick off**

The state revenue forecast will be announced February 16. Usually that's a signal that budget writers in both the House and Senate bill will begin to unveil their proposed supplemental budgets. Typically, legislators don't like to release the operating budget and let it sit over the weekend, so expect to see supplemental operating budgets released Monday, February 21.

However, the Senate Ways & Means Committee has scheduled a public hearing on proposed substitute [SB 5651](#) for Thursday, February 17, at 4:00 pm. That means an announcement about the 2022 supplemental capital budget earlier in the day. Interestingly enough, the House Capital Budget Committee cancelled its 10:00 am Thursday meeting that day; their next formally scheduled committee meeting is Monday, February 21.

### **Starting players**

- Enrollment stabilization: The House passed a stripped down version of enrollment stabilization, maintaining the levy and LEA provisions for calendar years 2023 and 2024. [SHB 1590](#) passed the House 77-18 (Voting No: Boehnke, Caldier, Chandler, Chase, Corry, Dent, Dye, Eslick, Graham, Klippert, Kraft, Orcutt, Schmick, Stokesbary, Sutherland, Walsh, Ybarra, Young).

The Senate Ways & Means Committee adopted a striking amendment that would provide an enrollment stabilization amount equal to 50 percent of the low enrollment impact rather than the proportional enrollment stabilization assumed in the underlying bill. It also would limit the 2019-20 enrollment values to calculate enrichment levy limits and LEA to the 2023 calendar year

only. [2SSB 5563](#) is in Senate Rules. To stay under consideration, it needs to pass the Senate by February 15.

- Transportation funding: [HB 1808](#) passed the House February 2, by a vote of 95-1. The bill was unchanged and continues many provisions that create hardship on districts, not to mention a disconnect with a requirement of monthly reporting of expenditures. The bill has been referred to the Senate Early Learning & K-12 Education Committee but has not been scheduled for a public hearing.

The Senate version of the bill, [SSB 5581](#), was modified in the policy committee and then significantly modified in the Senate Ways & Means Committee on February 7. The bill passed the Senate unanimously. Changes from the underlying bill included:

- removing the reference to “state” when describing the average per pupil cost for transportation and requiring OSPI to develop rules to categorize districts of similar geographic size;
- requiring OSPI to notify the state auditor when a review is required of expenditures for these specific categories of students;
- removing the word “necessary” in relation to costs a state auditor may review; and
- requiring OSPI to adopt rules to streamline reporting requirements for small school districts to account for their unique needs.

The bill has been referred to the House Education Committee.

- School staffing ratios: The House passed, by a vote of 73-23, a bill to increase the minimum prototypical school funding ratios for nurses, social workers, psychologists, and counselors over three years, beginning in the 2022-23 school year. (Members voting No included: Boehnke, Dent, Dye, Klicker, Klippert, Schmick, Volz)

[2SHB 1664](#) also would define “physical, social, and emotional support staff” to include nurses; social workers; psychologists; counselors; classified staff who provide student and staff safety; parent involvement coordinators; and other school district employees and contractors who provide physical, social, and emotional support to students as defined by OSPI; and would link the allocation of funding to the extent of and proportionate to a school district’s demonstrated actual ratios of these staff.

In addition, the House bill would direct OSPI to adopt rules that require school districts to prioritize funding for these positions to staff with a valid Educational Staff Associate certificate.

[2SSB 5595](#) also relates to school staffing ratios, however the ratios are higher starting in the 2022-23 school year than the House version. The bill passed out of the Senate Ways & Means Committee but remains in the Senate Rules Committee.

Here are the proposed ratio changes under [2SSB 5595](#):

	Nurses	Social workers	Psychologists	Guidance Counselors
<i>Current</i>				
Elementary	0.076	0.042	0.017	0.493
Middle	0.060	0.006	0.002	1.216
High School	0.096	0.015	0.007	2.539
<i>Proposed for 2022-23 and 2023-24 school years</i>				
Elementary	0.246	0.311	0.104	0.993
Middle	0.336	0.088	0.024	1.716
High School	0.339	0.127	0.049	3.039
<i>For the 2023-24 school year only, in addition to the ratios above:</i>				
Elementary	0.170	0.0	0.0	0.0
Middle	0.276	0.0	0.0	0.0
High School	0.243	0.0	0.0	0.0
<i>Proposed for 2024-25 school year and beyond (NEW ratios)</i>				
Elementary	0.585	0.311	0.104	0.993
Middle	0.888	0.088	0.024	1.716
High School	0.824	0.127	0.049	3.039

[2SHB 1664](#) takes a similar approach but doesn't increase staff as much as the Senate's. Like 2SSB 5595, the bill restricts the allocation to a new category of "Physical, social, and emotional staff."

Here are the proposed ratios under 2SHB 1664 that passed the House:

	Nurses	Social workers	Psychologists	Guidance Counselors
<i>Current</i>				
Elementary	0.076	0.042	0.017	0.493
Middle	0.060	0.006	0.002	1.216
High School	0.096	0.015	0.007	2.539
<i>For the 2022-23 school year, minimum allocations are increased to:</i>				
Elementary	0.246	0.132	0.046	0.660
Middle	0.336	0.033	0.009	1.383
High School	0.339	0.052	0.021	2.706
<i>For the 2023-24 school year, minimum allocations are increased to:</i>				
Elementary	0.416	0.222	0.075	0.827
Middle	0.612	0.060	0.016	1.550
High School	0.582	0.089	0.035	2.882
<i>Proposed for 2024-25 school year and beyond:</i>				
Elementary	0.585	0.311	0.104	0.993
Middle	0.888	0.088	0.024	1.716
High School	0.824	0.127	0.049	3.039

Both bills seek to amend RCW 28A.150.260 (the state’s prototypical school funding formula for staffing units, class sizes, MSOC and categorical programs) and RCW 28A.400.007, which was passed in the 3<sup>rd</sup> special session of 2017 under the McCleary “fix” and begins increasing all of the ratios, starting in the 2024-25 school year.

### *Keeping our eye on the ball*

- [ESHB 1699](#) would expand the hours from 867 to 1,040 for retired classified and certificated school staff to return to schools and classrooms. A floor amendment offered by Rep. Sharon Tomiko Santos added school district administrators and building-level administrators in Class 2 districts, as long as the retiree had retired before January 1, 2022. The bill passed the House 93-3, and has been referred to Senate Ways & Means.
- [E2SHB 1153](#) would direct OSPI to implement a Language Access Technical Assistance program, subject to state funding, and would require school districts, starting in the 2022-23 school year, to collect data on language access and language access services and implement language access programs to meet stated requirements. Included in the new activities are: adopt a language access plan; administer a self-assessment for evaluating the provision of language access services; engage staff, students’ families, and other community members to develop a language access policy, procedures, and plan; adopt language access policy and procedures; and conduct an annual review. Any district with at least 50 percent ELL enrollment or with more than 75 languages must have a full-time language access coordinator. The bill is a holdover from the 2021 legislative session and is scheduled for a public hearing in the Senate education committee February 16 at 10:30 am.
- [SSB 5933](#) passed the Senate 49-0 and has been referred to the House Capital Budget Committee. The bill would establish a school seismic safety grant program for school districts and state tribal compact schools for remediation of seismic or tsunami hazards in qualifying buildings.
- Already scheduled for a public hearing in the Senate education committee on February 18, [HB 1611](#) passed the House unanimously last week. The bill would require universal screening for students to participate in the Highly Capable program.
- Passing the House by a 60 percent margin, [SHB 1759](#) has been scheduled for a public hearing in the Senate education committee February 16 at 10:30 am. The bill would direct the Department of Health to develop culturally and geographically appropriate messaging for safe storage of firearms and medications and would require school districts to use the messaging on web sites and social media.

### **Advocacy in Action**

- Parent Advocacy Liz Nord [shared her support](#) for [HB 1226](#), a bill that would authorize simple majority for bonds if Washington state voters approved a constitutional amendment in the next general election.

Quite a discussion was had regarding the concept that HJR 4200 could run prior to the policy bill. Listen [here](#). Unfortunately, the bill failed to pass out of the committee by the Monday fiscal cutoff, but not without a vigorous argument by House Education Chair Sharon Tomiko Santos. TVW ended the hearing early, so her remarks are not available as a clip.

## The Week Ahead

*(Schedule subject to change)*

### **Tuesday, February 15**

#### **Behavioral Health Subcommittee to Health & Long Term Care (Senate) - Virtual - 2/15 @ 8:00am**

- [SHB 1074](#) - Public Hearing - Concerning overdose and suicide fatality reviews. (Remote testimony.) (If measure is referred to committee.) (Support/Monitoring)

### **Wednesday, February 16**

#### **Health Care & Wellness (House) - Virtual - 2/16 @ 8:00am**

- [SSB 5892](#) - Public Hearing - Establishing pilot projects for utilizing high school student nursing assistant-certified programs to address the nursing workforce shortage and promote nursing careers in rural hospitals. (Remote testimony.)

#### **State Government & Elections (Senate) - Virtual - 2/16 @ 8:00am**

- [EHB 1453](#) - Exec Session - Concerning voters' pamphlets.

#### **Civil Rights & Judiciary (House) - Virtual - 2/16 @ 10:00am**

- [ESSB 5078](#) - Public Hearing - Addressing firearm safety measures to increase public safety. (REVISED FOR ENGROSSED: Establishing firearms-related safety measures to increase public safety by prohibiting the manufacture, importation, distribution, selling, and offering for sale of large capacity magazines, and by providing limited exemptions applicable to licensed firearms manufacturers and dealers for purposes of sale to armed forces branches and law enforcement agencies for purposes of sale or transfer outside the state.) (Remote testimony.) (Support/High)

#### **Early Learning & K-12 Education (Senate) - Virtual - 2/16 @ 10:30am**

- [E2SHB 1153](#) - Public Hearing - Addressing language access in public schools. (Remote testimony.)
- [SHB 1617](#) - Public Hearing - Aligning state and school holidays. (Remote testimony.)
- [SHB 1759](#) - Public Hearing - Requiring school districts and other public education entities to make information from the department of health about substance use trends, overdose symptoms and response, and the secure storage of prescription drugs, over-the-counter medications, and firearms and ammunition, available through their websites and other communication resources. (Remote testimony.)
- [HB 1834](#) - Public Hearing - Concerning student excused absences for mental health reasons. (Remote testimony.)
- [SHB 1867](#) - Public Hearing - Concerning dual credit program data. (Remote testimony.)
- [SHB 1955](#) - Public Hearing - Creating uniformity in education requirements for students who are the subject of a dependency proceeding. (Remote testimony.) (Support/Low)

#### **Behavioral Health Subcommittee to Health & Long Term Care (Senate) - Virtual - 2/16 @ 6:00pm**

- [SHB 1074](#) - Exec Session - Concerning overdose and suicide fatality reviews. (If measure is referred to committee.) (Support/Monitoring)
- [SHB 1800](#) - Public Hearing - Increasing access to behavioral health services for minors. (Remote testimony.) (If measure is referred to committee.)

- [2SHB 1890](#) - Public Hearing - Concerning the children and youth behavioral health work group. (Remote testimony.) (If measure is referred to committee.)

#### ***Thursday, February 17***

##### **Housing & Local Government (Senate) - Virtual - 2/17 @ 8:00am**

- [E2SHB 1099](#) - Exec Session - Improving the state's climate response through updates to the state's comprehensive planning framework. (Support/Monitoring)

##### **Law & Justice (Senate) - Virtual - 2/17 @ 10:30am**

- [SHB 1735](#) - Exec Session - Modifying the standard for use of force by peace officers.

##### **Education (House) - Virtual - 2/17 @ 1:30pm**

- [SSB 5181](#) - Public Hearing - Providing school districts serving low-income communities with flexibility in financing their facilities. (Remote testimony.)
- [SSB 5376](#) - Public Hearing - Promoting awareness of the governor's office of the education ombuds. (Remote testimony.) (Support/Monitoring)

##### **Environment & Energy (House) - Virtual - 2/17 @ 1:30pm**

- [SSB 5722](#) - Public Hearing - Reducing greenhouse gas emissions in buildings. (Remote testimony.) (If measure is referred to committee.)

##### **Ways & Means (Senate) - Virtual - 2/17 @ 4:00pm**

- [SB 5651](#) - Public Hearing - Concerning the capital budget. (Hearing is on the Proposed Substitute.) (Remote testimony.)

#### ***Friday, February 18***

##### **Early Learning & K-12 Education (Senate) - Virtual - 2/18 @ 8:00am**

- [HB 1611](#) - Public Hearing - Advancing equity in programs for highly capable students. (Remote testimony.)
- [SHB 1644](#) - Public Hearing - Permitting funds in the transportation vehicle fund to be used for electric and other clean pupil transportation vehicle feasibility planning and fueling station infrastructure. (Remote testimony.)
- [HB 1833](#) - Public Hearing - Establishing an electronic option for the submission of household income information required for participation in school meals and programs. (Remote testimony.)
- [SHB 1941](#) - Public Hearing - Prohibiting active shooter scenarios for school safety-related drills. (Remote testimony.)

##### **Environment & Energy (House) - Virtual - 2/18 @ 10:00am**

- [E2SSB 5842](#) - Public Hearing - Concerning state laws that address climate change. (Remote testimony.) (If measure is referred to committee.)

##### **Behavioral Health Subcommittee to Health & Long Term Care (Senate) - Virtual - 2/18 @ 10:30am**

- [SHB 1800](#) - Exec Session - Increasing access to behavioral health services for minors. (If measure is referred to committee.)

- [2SHB 1890](#) - Exec Session - Concerning the children and youth behavioral health work group. (If measure is referred to committee.)

**Civil Rights & Judiciary (House) - Virtual - 2/18 @ 3:30pm**

- [ESSB 5078](#) - Exec Session - Addressing firearm safety measures to increase public safety. (REVISED FOR ENGROSSED: Establishing firearms-related safety measures to increase public safety by prohibiting the manufacture, importation, distribution, selling, and offering for sale of large capacity magazines, and by providing limited exemptions applicable to licensed firearms manufacturers and dealers for purposes of sale to armed forces branches and law enforcement agencies for purposes of sale or transfer outside the state.) (Support/High)