

## WSSC 2011 LEGISLATIVE REPORT CATHOLIC SCHOOLS

### PRINCIPLES

Parents—the first and most important educators—have a fundamental right to choose the education best suited to the needs of their children, including public, private, and religious schools. Government, through such means as tax credits and publicly funded scholarships, should help provide resources for parents, especially those of modest means, to exercise this basic right without discrimination. Students in all educational settings should have opportunities for moral and character formation.

Forming Consciences for Faithful Citizenship, USCCB, 2007

### WSSC SUPPORTS:

- Mandating child abuse prevention education programs for all students in public and private schools
- Monitoring policy proposals relating to early learning programs (child care, pre-school, before and after-school)

The Washington Constitution states “It is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex” (Article IX, Section 1). This duty requires the Legislature to define a basic education and amply fund the public school system so all students receive that basic education. In 2010, the state lost an important school funding case based on that duty in Superior Court, *McCleary et al v. State of Washington*. The state has appealed and the Supreme Court will hear oral arguments in June. Nevertheless, in order to balance a budget, the Legislature made deep budget reductions in K-12 education and early learning and care. Catholic students in public schools and early learning and care programs in our schools, as well as Charities will be impacted.

**Child Abuse Prevention:** The large deficit in the operating budget kept legislators from introducing the bill requested by the WSSC to mandate child abuse prevention programs in both public and private schools. The bill as drafted would have required that programs have age-appropriate curriculum that is research-based and effective. After the 2010 legislative session, WSSC began working with the Committee For Children to produce a DVD on child abuse prevention. Taking Action, Preventing Abuse, was prepared specifically for legislators, but is appropriate for the general public. It will be available for use in the 2012 legislative session. Following the 2011 session, there will be efforts to develop an accurate fiscal note to the bill and broaden the coalition that supports mandatory prevention training.

**State Board of Health’s New Environmental Health and Safety Rules Delayed:** The WSSC has been monitoring the potential implementation of the new *Environmental Health and Safety Standards for Primary and Secondary Schools* that were adopted by the State Board of Health (BOH) on August 12, 2009. Private schools are required to implement the standards as part of the school approval process. The BOH has again delayed the implementation date another two years to July 1, 2013. The delay in the effective date is necessary because of legislative prohibition (in the biennial operating budget) against implementation of these new rules due to continuing weakness in the economy impacting state, local, and school budgets.

### Bills That Passed

**Recognizing Catholic Schools:** House Resolution 4617 and Senate Resolution 8617 passed the House and the Senate respectively, each recognizing the 2011 Catholic Schools Week. Senator Rosemary McAuliffe (D-Bothell), chair of the Senate Early Learning and K-12 Education Committee and

Representative Sharon Tomiko Santos (D-Seattle), chair of the House Education Committee graciously sponsored the resolutions. Both resolutions resolved that their respective bodies "recognize the Catholic schools of Washington State and honor their academic excellence and faith-based instruction during the celebration of Catholic Schools Week".

**Math Assessments:** In the 2009-2010 school year, the math section of the Washington Assessment of Student Learning (WASL) was replaced with a series of end-of-course math assessments. Students must pass two assessments or a comprehensive assessment to graduate from high school. **HB 1412**, which the Legislature passed and the Governor has signed, changes the requirement to indicate a student must meet the state standard on one math end-of-course assessment instead of two and the student may use results from retake assessments to graduate.

**Elementary Math Specialists:** Teachers are required to have an endorsement with their teaching certificate. High school teachers have endorsements based on specific subject areas, such as science or English. Teachers in primary schools have an elementary education endorsement and teach any academic subject in grades K-8. The Professional Educators Standards Board (PESB) has approved five specialty endorsements that may be added to a regular endorsement. Policymakers have recently been quite concerned about the quality of math instruction in schools. **SHB 1600**, passed and signed by the Governor, encourages the PESB to develop standards and adopt a specialty endorsement for an Elementary Mathematics Specialist. A specialist is a certificated teacher who has demonstrated knowledge and skills in teaching math in the elementary grades.

**Assessing Students With Cognitive Disabilities:** High school students with severe cognitive disabilities are allowed to complete an alternative assessment in the form of a portfolio that is evaluated by OSPI to determine if the student passes. Catholic schools serving students with disabilities work with the public schools to develop an Individualized Educational Program (IEP) for each student. Since the implementation of the alternate assessment, educators have been concerned about its utility, the time required to create and evaluate the portfolio and its lack of alignment with IEP provisions. The Legislature has passed and the Governor has signed **2SHB 1519**, which requires OSPI to align assessment measures with the IEP, develop an improved process to evaluate the assessments, and work with teachers and special education programs to move from the alternate assessment to a performance task-based assessment.

**Release of Offenders:** **SSB 5428** expands the notification law when an offender is released to include youth under the age of 21 years who have been in the Department of Corrections (DOC) system. Currently, a registered offender (sex or kidnapping crimes) is required to give notice to the county sheriff when there will be some contact with schools or higher education, the sheriff then notifies the schools. The Juvenile Rehabilitation Administration must notify law enforcement and schools, including private schools, in the area where an adjudicated offender will live. **SSB 5428** expands the law to require DOC to notify the school district board of directors at least 30 days before release of a youth where the offender last attended school. The youth must be 21 years old or younger, must have committed a violent offense, sex offense, or stalking offense, and last attended school in the state. The bill was signed by the Governor in May. Because the new law does not specifically reference private schools, WSSC will work to have them added to this section of the law next session.

**Bullying Prevention:** The issue of bullying in schools has recently been highlighted in the media. **2SHB 1163**, which has been signed by the Governor, requires the creation of a workgroup to develop and implement strategies that will improve school climate and create respectful learning environments by focusing on the prevention of bullying, intimidation, and harassment in public schools. It also requires the state's higher education leadership to review the policies of the colleges and universities and provide recommendations for improvement. This bill is of interest to Catholic schools, as our schools are not

immune from occurrences of bullying. The product of the work group may assist in the formation of Catholic school policies. In addition, the legislation adds the issues of mental health and suicide prevention to the health and fitness standards for purposes of classroom-based assessments.

**Immunization Exemptions:** Immunizations are required before a student can attend either public or private school and licensed child care. In current law, a child can be exempted if a physician so advises, if there is a conflict with religious beliefs, or if the parents have a philosophical or personal objection to the immunization. **ESB 5005** modifies the certification for these exemptions by requiring that a health care practitioner sign the certification form indicating the parents have been informed of the risks and benefits of the immunization. The bill was signed by the Governor on May 10<sup>th</sup>.

**Basic Education Funding Delay:** **ESSB 5919** removes the 2018 deadline for the phase-in of full funding for education reform. Of importance to Catholic schools are provisions that: 1) remove all start and end dates for phasing in the basic education expanded definition and funding enhancements; 2) require that the phase in will be according to an implementation schedule adopted by the Legislature; and 3) clarify that the number of instructional hours and the minimum number of credits for high school graduation will be increased no sooner than the 2014-15 school year. The bill passed the Legislature and was sent to the Governor.

**Science Assessments:** In current law, students in the graduating class of 2013 are required to meet the state standard on high school assessments in science, in addition to reading, writing and math. **ESHB 1410** changes the date to 2014 and allows those students in the graduating classes of 2014 through 2016 who do not pass the science assessment to graduate, if they earn one credit in science or an equivalent. Beginning with the class of 2017, students must meet the state standard in science for graduation. It is estimated that delay of the science requirement will save the state \$20 million in the 2011-2013 biennium. The bill was sent to the Governor.

#### **Bills That Failed**

**Alternative Route for Principals:** **E2SHB 1593**, which did not pass, would have allowed the Professional Educators Standards Board to create a process to allow individuals to be appointed school principal without having been previously certified as a teacher and principal. The intent is to allow school districts to appoint individuals who have professional managerial and leadership experiences outside the school system and to enlarge the pool of potential candidates.

**Education Flexibility:** **SSB 5191** would have repealed, suspended or amended portions of school law in an attempt to reduce administrative burdens and reduce costs. In a number of instances, requirements of the Office of Superintendent of Public Instruction (OSPI) to provide information to schools, usually including private schools, would have been changed to allow internet notice. Some of the other school law changes would have included the requirements 1) to provide information to schools on child abuse and neglect prevention curriculum, and 2) to provide information to parents and guardians on meningococcal and human papillomavirus diseases and their vaccinations. Despite our efforts to bring attention to the issue of child abuse, the bill would have changed the required annual training for child abuse and neglect to every four years. Even though this is the third time the bill has been introduced, it died again in the Senate.

**Concerning Education Reforms:** In the 2009 session, the Legislature adopted an omnibus education reform bill. The bill phased in the changes to basic education and its funding system. **E2SHB 1443** amends that law in a number of areas. Of particular importance to Catholic schools are provisions that: 1) require each school district that grants high school diplomas to adopt a policy defining a high school credit and specifying how the district will assure that students have gained the knowledge and skills to earn a credit; 2) authorize OSPI to repeal the seat-time based definition of a credit by May 31, 2012,

allowing for high school credits to be based on competency by providing more options for students to demonstrate subject-matter mastery; 3) delay the implementation of the comprehensive science assessment as a graduation requirement until 2017; and, 4) authorize OSPI to require use of the kindergarten readiness assessment in low-performing schools receiving federal school improvement grants. Even though the bill was considered necessary to implement the budget, it died in the House Rules Committee. A similar bill, **HB 2111**, was introduced in the Special Session, but it too died.

**Creating Education Vouchers: SB 5346** would have established a voucher system for parents who choose to educate their children outside the public school system. The voucher would have been worth \$3,500 per student per school year, about half the average cost of educating a public school student. The bill never received a hearing.

**Creating a Student-Focused Education Governance System: SSB 5639/HB 1973** are gubernatorial request bills introduced in the Senate and the House to establish a state Department of Education that would be responsible for early learning through career training. The bills would have abolished the Higher Education Coordinating Board, the Department of Early Learning, the State Board of Education and the Quality Education Council as well as many other education-related entities to place their responsibilities into the new department. Both bills died.

## **EARLY LEARNING/CHILD CARE/BEFORE AND AFTER SCHOOL PROGRAMS**

### **Bills That Passed**

**Licensing Requirements for Child Care Centers: E2SHB 1776** addresses an issue school-age child care programs have faced in collaborating with schools to offer services. Presently, the health and safety rules required for a building in which students are taught are different when the same building is used to provide students before and after-school child care programming. The child care programming is regulated by DEL licensing rules. Oftentimes these rules require expensive changes to the building. E2SHB 1776 directs DEL to address licensing requirements for school-age child care programs operated in buildings that contain public or private schools. DEL is to consult with the State Fire Marshal's Office and use an interagency process to address the licensing requirements. The WSSC was responsible for the amendment that included private schools in the legislation. The bill was signed by the Governor on May 16<sup>th</sup>.

**Public Disclosure of Early Learning Information:** When DEL was created and early learning and child care programs were transferred from DSHS to DEL, the confidentiality protections provided under the DSHS were made obsolete. Child care and early learning program records contain personal information about individuals involved in these systems. Currently, DEL is required to release this personal information. **ESSB 5098** makes exempt the personal information from public inspection and copying under the Public Records Act for a participant in a public or non-profit program serving children, adolescents, or students, including but not limited to early learning or child care services, youth development programs, and after-school programs. Personal information includes, but is not limited to, addresses, telephone numbers, personal e-mail addresses, social security numbers, emergency contact and date of birth. The bill signed by the Governor takes effect on July 22, 2011.

**Short-Term Child Care for Employees: SB 5172**, signed by the Governor, exempts from licensing requirements any facility operated by a nonprofit agency that provides child care for less than 24 hours and the parent remains on the premises for employment of up to two hours a day. In addition, the agency must also operate a licensed child care program in the same facility, in another location or at another facility.

**WaKIDS Assessment Program:** At the beginning of the 2011-2012 school year within funds available, **2SSB 5427** requires schools receiving all-day kindergarten support to identify the skills, knowledge, and characteristics of kindergarten students in order to support social-emotional, physical, and cognitive development of individual children. In 2012-2013 all students in state-funded all-day kindergarten must take the WaKIDS assessment, if funds are available. This bill, signed by the Governor, is important to the Pre-K early learning and child care programs offered by Catholic schools and Charities as they prepare children for their school years.

**Unlicensed Child Care:** In Washington State, anyone providing child care outside a child's home must be licensed by the DEL. There are a number of exemptions. After notification and no less than 30 days, DEL may impose fines against an agency or family home that is not properly licensed. **SSB 5504** increases the penalties to \$150 per day for family child care and \$250 a day for center care. It also requires the DEL to post on its public website the agencies subject to licensure that have failed to initiate the licensing process. The bill was signed by the Governor on May 10<sup>th</sup>.

**Non-Expiring Licenses for Child Care Providers:** Currently child care providers are required to reapply for their license every three years. The process requires a great deal of paperwork and time with the Department of Licensing staff. **SB 5625**, signed by the Governor, changes the requirement to allow fully licensed child care providers to obtain a non-expiring license as long as an annual license fee and an annual declaration indicating the intent to either continue or cease operating a licensed child care program are submitted to DEL. In addition, background checks must be completed, according to the current DEL schedule. Failure to submit these items will result in loss of the license and an entire new licensing process must be completed.

**Background Check Information:** **HB 1419** authorizes DSHS and DEL to examine background check information of any person who may have unsupervised access to children or vulnerable adults in licensed care. HB 1419, which was passed and signed by the Governor, requires the departments to share federal fingerprint-based background check results to fulfill this responsibility. In addition, the bill clarifies the definition of "unsupervised contact" for peer counselors.

**Child Care Background Checks:** **2SHB 1903** changes the procedures for child care background checks by requiring all first-time applicants to obtain a background check which will be paid for by the applicant, the agency, or a combination of both. Successful applicants are to be issued a background check clearance card by the DEL, which will develop a background check clearance registry. The card will be valid for three years, unless DEL determines there is a problem. The background check cost will be fees set by both the State Patrol and DEL to pay for the processing and the registry. The bill was signed by the Governor.

**Early Learning Advisory Council Membership:** The Early Learning Council has 23 members, 7 of which are appointed by the Governor. To meet federal requirements, **SB 5389**, signed by the Governor, mandates that of the seven gubernatorial appointees, one must be the director of the Head Start Collaboration Office, one must represent the Head Start, Early Head Start, Migrant/Seasonal Head Start, or the Tribal Head Start program, one must represent a local education agency and one must represent the agency responsible for early intervention services under the federal Individuals with Disabilities Education Act (IDEA).

#### **Bills That Failed**

**Child Care Subsidy Rates:** Currently child care subsidy rates are at 37 percent of the state's overall market rate. The federal Department of Health and Human Services recommends that child care subsidy payments should be set at or above 75 percent of the market rate. Providers are concerned about the ability to care for children with subsidies as costs increase and the subsidies decrease. **EHB 1364** was introduced to provide a stable and positive means of supporting subsidy rates. Originally, EHB 1364

would have increased subsidy rates 5 percent on July 1, 2014 and adjust for inflation beginning with the 2015-2017 biennium and every two years after. It also would have required DEL to review rates and provide recommendations. DEL would consider the results of the voluntary quality improvement rating system pilot and the impacts of the variable subsidy structure rate on quality when developing recommendations. An amendment to the bill required DEL to review the subsidy rates currently paid to child care centers whose average daily population includes more than 50 percent state-subsidized children to and recommend whether increases should occur. It also required DEL to consider potential impacts to the quality of care through the results of the state's voluntary quality improvement rating system pilots and a tiered reimbursement rate structure when developing its recommendations. WSSC was involved in the creation of this legislation and supported it through the process. The bill passed the House, but died in the Senate.

**Early Learning Staff Core Competencies:** In the past few years as more research regarding the value of early education has become available, the state-created the Department of Early Learning (DEL) and adopted policies that would strengthen the child care centers and family homes that serve children. **SSB 5715** would have required DEL to adopt a set of core competencies for early learning and child and youth development professionals, thus improving the current preparation and professional development system. The core competencies would be used for licensing. SSB 5715 passed out of the Early Learning Committee, but did not pass the House.