

## WSCC 2010 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

#### WSCC SUPPORTS:

- Mandating and funding child abuse prevention education programs for all students in K-12 public schools
- Changing the background check process to provide access to law enforcement reports
- Monitoring the State's eligibility and reimbursement system for state-subsidized child care
- Monitoring policy proposals relating to early learning programs (child care: pre-school, before and after-school)
- Monitoring legislation and rule-making relating to health and safety rules for all K-12 schools

The Legislature made minor changes to public policy affecting schools in 2010, as last year's primary focus was basic education and a major reform bill. During this session, the State lost an important school funding case, *McCleary et al v. State of Washington*. In the decision the King County Superior Court answered the case's fundamental question: "Is the State fulfilling its constitutional duty to amply provide for the education of all Washington students?" with a resounding "NO." This added additional pressure to a budget that already required significant reductions. This meant that previously adopted school policy changes requiring funding were delayed.

**RACE TO THE TOP: E2SSB 6696** was introduced to enhance the State's application for "Race to the Top" funds, the federal government's \$4 billion grant program to improve schools. The bill changes teacher/principal evaluations, changes tenure provisions, expands options for educator certification, and implements an accountability and data system. The Governor has signed the bill into law.

**SCHOOL LEVIES: SHB 2893** increases the current levy lid for all school districts by 4 percentage points – from 24 percent to 28 percent. Some districts will be even higher as their rates were grandfathered in when levy lids were first established. This was after the first Doran school funding court decision. Levy equalization will also be increased – from 12 percent to 14 percent. The increases will expire in 2017. The Governor signed the bill, but vetoed one section.

**REDESIGNING TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF):** TANF is the federal program that is administered in Washington as "Work First" by the Department of Social and Health Services. The Governor vetoed the majority of **E2SHB 3141**. The bill, as

passed by the Legislature, shifted the intent of the WorkFirst program to focus on moving recipients into sustainable long term jobs with wages that lead to self-sufficiency. It also would have directed the WorkFirst subcommittee to conduct a review of the WorkFirst program to apply evidence based approaches to moving families from welfare to sustainable employment, with particular emphasis on education and training. Both these sections were vetoed. The bill, as signed by the Governor, mandated 12 month eligibility authorizations for Working Connections Child Care (WCCC) for families with children enrolled in Head Start, Early Childhood Education Assistance Program (ECEAP) and Early Head Start programs, providing more stability for the children in care and saving State funds. This provision is intended to be expanded to all children in the WCCC program. Although the Governor vetoed the WorkFirst subcommittee's review, she did direct them to, "examine the best practices to meet the needs of WorkFirst families to obtain employment and achieve family self-sufficiency." She also asked them to provide a report.

**DROPOUT RE-ENGAGEMENT PROGRAM:** In **E2SHB 1418**, signed by the Governor, a statewide dropout re-engagement system is created to provide education and services to older youth who have dropped out of school or students not expected to graduate from high school by age 21. OSPI will develop model contracts and inter-local agreements for school districts to use with community and technical colleges, community-based organization or other entities to deliver drop-out programs.

**ANTI HARRASMENT STRATEGIES IN SHCOOLS:** **SHB 2801**, signed by the Governor, requires OSPI to revise and update the model harassment, intimidation, and bullying prevention policy and procedures, initially developed in 2002. School districts would then be required to adopt or amend policies to incorporate the revisions developed by OSPI. The bill was signed by the Governor.

**SCHOOL AND PLAYGROUND CROSSWALK VIOLATIONS:** State law requires vehicles not to exceed 20 mph when passing through any marked school or playground crosswalk when such marked crosswalk is fully posted with standard school or playground speed limit signs. The speed zone at the crosswalk extends three hundred feet in either direction from the marked crosswalk. **SSB 6363**, signed by the Governor, doubles the penalty if a driver commits an infraction by failing to stop for a pedestrian or bicyclist. Penalties are deposited into the School Zone Safety Account to be used to fund community projects that improve safety around schools.

**BUILDING BRIDGES GRANT PROGRAM:** In 2007 OSPI was directed to create the Building Bridges grant program. The program's goal is to prevent students from dropping out of school. If they had already dropped out, the goal is to retrieve them into an educational program. **ESSB 6403** requires OSPI to develop and report recommendations to the Legislature and the Quality Education Council on a comprehensive K-12 dropout reduction initiative. Vetoing the intent section, the Governor signed **ESSB 6403**.

**EDUCATION PROGRAMS FOR JUVENILES IN ADULT JAILS:** Currently, State law requires educational programs for juveniles in State adult prisons, juvenile rehabilitation facilities, and county juvenile detention facilities. There are no specific statutory provisions for educational programs for juveniles confined in adult jails. **2SSB 6702** requires school districts, with an adult jail in their boundaries to provide a program of education for any juvenile who may be confined in the jail. The bill was signed by the Governor.

**SCHOOL COMPLIANCE WITH CIVIL RIGHTS LAWS:** **HB 3026**, signed by the Governor, provides OSPI the legal authority to take affirmative steps to ensure that school districts comply with federal and state civil rights laws. In addition, it requires that the State's

sex equity law be updated to include other federal and state protected classes. **HB 3026** adds a new chapter to the school code paralleling the current Sexual Equality chapter, and prohibits discrimination on the basis of race, creed, religion, color, national origin, sexual orientation including gender expression or identity, veteran or military status, disability, or the use of a trained guide or service animal by a person with a disability. The bill also tasks OSPI with developing rules and guidelines to eliminate such discrimination, and authorizes OSPI to enforce compliance with the law. Finally, it allows private court actions to be brought for violations and permits the recovery of damages and equitable relief.

**ACCESS TO RECORD CHECKS:** State law relating to teacher certification requires record checks for applicants. The law also authorizes private schools to require employees to undergo a record check through both the Washington State Patrol (WSP) and the FBI. However, there is no statutory provision that authorizes OSPI to provide private schools access to the record check database. **HB 2996**, requested by WSSC, and now signed into law, requires OSPI to allow access to record checks to approved private schools.

**FUNDING DISTRIBUTION FORMULAS FOR K-12 EDUCATION:** The Quality Education Council, established in 2009, recommended to the Legislature transparent funding formulas based on the prototypical schools model which are to be implemented at current funding levels. **SHB 2776** adopts the recommendations and also requires a phase-in of all-day kindergarten, reduced class sizes for grades K-3, and a phase-in of the transportation funding formula. There is an expectation that the Legislature will appropriate significant financial support in the 2011-2013 biennial operating budget to fund the changes. The Governor signed the bill, but vetoed one section.

**EARLY LEARNING:** The Department of Early Learning (DEL) has the responsibility to implement the State's early learning policy, and to coordinate all child care/early learning programs. In **2SHB 2867**, DEL is required to develop a comprehensive birth-to-three plan, which may include home visiting, quality incentives for infant and toddler child care subsidies, and quality improvements for child care serving these ages. The bill was signed by the Governor.

**EARLY LEARNING FOR EDUCATIONALLY AT-RISK CHILDREN:** **2SHB 2731** was originally written to include early learning programs in the State's definition of "basic education". WSSC expressed grave concerns about this, as it would impede the delivery of early learning by Catholic schools and Catholic Charities. In its final version, the bill does not include the programs in the definition of "basic education"; rather it establishes a voluntary early learning program to provide developmentally appropriate and comprehensive services to eligible 3- and 4-year olds and their families. The Governor signed the bill with a partial veto.

**DEVELOPING VOLUNTARY PROGRAM OF EARLY LEARNING:** The Department of Early Learning works closely with the non-profit public-private organization, Thrive by Five, to help implement early learning goals in Washington State. Policy leaders believe early learning programs improve student outcomes in the K-12 education system. They would like to secure funding by including early learning in the definition of basic education. To date they have been unsuccessful, primarily because of the millions of dollars it would cost. **SSB 6759**, partially vetoed by the Governor, establishes a working group under the Quality Education Council to develop a comprehensive plan for a voluntary program of early learning.

**CREATING JOBS BY FUNDING CONSTRUCTION IN PUBLIC FACILITIES:** **EHB 2561**, authorizes \$861 million in general obligation bonds, to be used for capital improvements in public facilities, including public schools. The Legislature referred this bill to the people. The

Governor has until the first week of May to sign it. If she does, it will appear on the ballot in November for adoption or rejection. The ballot title would read: *"The legislature has passed House Bill 2561, concerning job creation through school and other public capital projects. This bill would promote job creation by authorizing bonds to construct energy operational cost savings improvements and related projects to schools and other public facilities."*

**UNIONIZATION OF CHILD CARE CENTERS: SHB 1329**, a controversial bill opposed by WSCC, came back for consideration in 2010. The intent of the legislation was to establish a collective bargaining unit of child care center directors and child care center employees that would negotiate with the State to set the child care subsidy rates for low-income families. The union would receive a percentage of the bargained rates. The Legislature would be limited to either approving or not approving the agreement. The final version of the bill considered this session had an opt-in clause for child care centers. The bill did not pass.

**SOCIAL EMOTIONAL LEARNING IN SCHOOLS: 2SHB 1162** would have created a Social Emotional Learning Public-Private Partnership Account to promote and encourage incorporation of emotional learning into basic education instruction in public schools. Social emotional learning is defined as age-appropriate culturally responsive behavioral and emotional management, relationship skills, conflict resolution, interpersonal communication, cooperation, decision making, and planning. The bill failed to pass the House.

**TRUANCY MODIFICATIONS: ESHB 3182** would have included modifications to the State's truancy laws. Currently, the requirements that a school provide notice, schedule conferences, and take other steps when a student over age 7 has unexcused absences are limited to students in the sixth grade or above. The duties of a school district in responding to a student who has exceeded the limit of unexcused absences would have been made discretionary rather than mandatory, including the filing of truancy petitions. The bill passed the House, but died in the Senate.

**TEACHER SALARY BONUSES:** Currently, teachers who achieve certification under the National Board for Professional Teaching Standards, receive a bonus of \$5,000 a year. **HB 3193** would have reduced the bonus for these certified teachers teaching in high poverty schools from \$5,000 to \$2,500 during the 2010-11 school year and required persons receiving the bonus to be in "instructional assignments" in a Washington public school. The bill died in the Rules Committee.

**INDIVIDUALS WITH DISABILITY ACT (IDEA):** The House and Senate each introduced a Memorial (**HJM 4020/SJM 8023**) that would have petitioned Congress, the President and the U.S. Secretary of Education to increase funding for special education to 40 percent of the total special education costs experienced by states. The federal contribution to Washington is currently estimated to be approximately 18 percent. The Memorial was not adopted.

**HIGH SCHOOL CREDIT FOR LEARNING EXPERIENCES: ESSB 6533** would have required school districts to adopt a policy for granting high school credit for educational experiences selected by students or parents, including physical education, visual and performing arts, and other extracurricular activities. The bill passed the Senate, but died in the House.

**CHILD ABUSE PREVENTION:** Originally introduced in 2009, **SSB 5935** would have required public schools to incorporate research-based, age appropriate and effective child abuse prevention programs into regular educational programming at all grade levels. The bill, a top priority for WSCC, died in the Senate Ways and Means Committee again this year, because the

Office of the Superintendent of Public Instruction (OSPI) stated that they did not have funding for the legislation.

**CRIMINAL BACKGROUND CHECKS:** **SB 5936**, introduced in 2009, was initiated by WSCC. The bill would have allowed a third party, such as the consumer reporting agency used by the Archdiocese, to provide additional background information to the potential employer. Presently there exists a loophole in the law that does not allow certain information to be reported to the hiring organization. The bill did not pass.

**FEES ON WSP BACKGROUND CHECKS:** Currently, nonprofit organizations may request fingerprint-based criminal background checks from the WSP without being charged fees. **SSB 6878** would establish a fee for these record checks of \$1 per check for organizations requesting 50 or more in a fiscal year. Those with fewer than 50 checks per year would be charged \$5 per check. The bill did not pass the Legislature.