

WSCC 2016 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 consistent with the beliefs and responsibilities of their parents.

- Forming Consciences for Faithful Citizenship, USCCB, 2015

K-12 SCHOOLS - BILLS THAT PASSED

Defining Professional Learning - House Bill 1345: The Washington State Institute for Public Policy recently conducted a research project on educator professional development that found general programs for teachers such as workshops, seminars and conferences do not have a positive benefit-to-cost ratio in terms of improving student achievement. Professional development that is focused on improving teaching in a specific academic content area such as mathematics, reading, or science does show benefits. In 2015, the federal Every Student Succeeds Act (ESSA), the reauthorization of the Elementary and Secondary Education Act, was signed into law and provides a formal definition of professional development. These programs are aligned with academic goals, and provide educators with the skills to help all students succeed. **HB 1345** provides a state definition of professional learning as a comprehensive, sustained, job-embedded, and collaborative approach to improving teachers' and principals' effectiveness in raising student achievement. The bill also describes effective professional learning, and specifies content, context, and process standards.

Educational Opportunity Gap - House Bill 1541: Since 2009, the Educational Opportunity Gap Oversight and Accountability Committee (EOGOAC) has been providing the legislature policy recommendations and strategies to close the state's achievement gap. The term “opportunity gap” acknowledges there are still structural issues with institutionalized racism, disparate educational opportunities, and different treatment experienced by students of color. However, opportunity gaps can and have been closed through careful analysis of disaggregated student data, targeted strategies to provide equal opportunities to all students, and meaningful partnerships with communities and families. Though a number of the Committee's recommendations have resulted in policy changes, they continue to review the data and provide further policy options to legislators. **HB 1541** prohibits school districts from suspending educational services and prohibits long-term suspension or expulsion as a form of discretionary discipline, limits all suspension or expulsions, and requires a reengagement meeting that includes the student's family. The bill also requires development of cultural competence training for all school staff and requires teachers assigned to the Transitional Bilingual Instruction Program to be endorsed in Bilingual Education or English Language Learner beginning in 2019-20. The Department of Early Learning (DEL) is required to create a community information and involvement plan to inform early learning providers of the Early Achievers program. **HB 1541** establishes the Washington Integrated Student Services Protocol (WISSP) in OSPI to support a school-based approach to promoting student success by coordinating academic and nonacademic supports to reduce barriers to academic achievement and educational attainment.

Homeless Students - House Bill 1682: In February of this year, OSPI reported that the number of homeless students was continuing to rise as the data from the previous year showed more than 35,000 homeless students in public schools. Specific reasons for the increase are difficult to determine at the state level. Many community factors – lack of affordable housing options, unemployment or under-employment, available local services – may contribute. **HB 1682** establishes a competitive grant pilot program for school districts to increase identification of homeless students and the capacity to provide support. It also establishes a grant program that links homeless

children with stable housing. **HB 1682** also codifies data collection and reporting on homeless children by OSPI and adds inclusion of the number of identified homeless students of color and reporting the number of unaccompanied students per district on the state's report card website.

Tuancy Reduction - House Bill 2449: In “The Silent Epidemic: Perspectives of High School Dropouts” study, commissioned by the Bill and Melinda Gates Foundation, researchers found there is no single reason why students drop out of high school. Respondents reported a number of different reasons, including a lack of connection to the school environment, a perception that school is boring, feeling unmotivated, having academic challenges, and the weight of real world events. But the researchers also concluded that indications are strong these barriers to graduation are not insurmountable. There is a strong link between school unexcused absences and student drop-outs. OSPI’s latest report shows the drop-out rate in Washington is 12.3 percent. The state’s truancy laws were re-written in 1995 in the Becca Bill, a set of laws aimed at addressing truancy, at-risk youth, and children in need of services. State Becca laws and appropriations were designed to keep at-risk kids, including those struggling with school attendance, from falling through the cracks. Since its passage, many school districts and courts have found the truancy law unworkable and expensive, while families and children’s advocates found the law overly punitive. **HB 2449** provides court-based and school-based intervention and prevention efforts to promote attendance and reduce truancy by requiring schools to regularly provide information to parents and students about the benefits of regular attendance, school expectations, resource availability, school responsibilities, and consequences of truancy. School districts must schedule a family conference with elementary school parents with children who have excessive excused absences. The purpose is to identify the barriers to regular attendance and the resources that may be made available to the family so the child is able to regularly attend school. Approaches for unexcused absences must be data-informed and rely on the Washington Assessment of the Risks and Needs of Students (WARNS). By September 2017, juvenile courts and school districts must establish a coordinated and collaborative approach, including the use of Community Truancy Boards, to address truancy.

Sexual Abuse Response Plans - House Bill 2597: According to recent U.S. statistics, over 770,000 children are victims of child abuse and neglect each year. Without protection, support and recovery, victims are often left with life-long negative impacts. Research by the Committee for Children indicates one of the most effective ways to protect and support children is training the adults around them, including school staff and caregivers. Teaching students skills can also support recovery. Legislation adopted in 2013 requires school districts to adopt a plan for the recognition, initial screening, and response to emotional or behavioral distress in students, including but not limited to, indicators of possible substance abuse, violence, and youth suicide. School districts are required to annually provide the plan to all district staff. **HB 2597** modifies the provisions required in the plans for the recognition, initial screening, and response to emotional or behavioral distress in students that school districts must adopt. In addition to recognizing, screening, and responding to emotional or behavioral distress in students for possible substance abuse, violence, and youth suicide, the plan must also include provisions for indicators of possible sexual abuse. The plans must also address protocols and procedures for communication with parents and guardians, including specific parental notification requirements for alleged sexual misconduct by a school employee, and how the district will provide support to students and staff after allegations of sexual abuse. The plan must include how staff should respond when allegations of sexual contact or abuse are made against a staff member, a volunteer, or a parent, guardian, or family member of the student, and how the district will provide staff training on the obligation to report physical abuse or sexual misconduct to the appropriate school administrator.

Professional Educator Workforce - Senate Bill 6455: The Professional Educators Standards Board recently reported the number of public school teachers leaving the profession is higher than ever as the teaching corps ages and as teachers in their first five years find employment with higher salary levels. The annual attrition rate averaged approximately five percent in 2002-2014. However, the 2014-2015 school year attrition is almost seven percent. As enrollment increases and policy changes such as all-day kindergarten are adopted, the pressure to

increase the workforce is growing. Catholic schools have also felt the same pressures, with the addition of attrition due to teachers leaving for public schools. To assist with this shortage of teachers, **SB 6455** will allow recently retired teachers to serve as teachers or substitutes without penalties on pension benefits and will expand the alternative route to teacher certification programs. The bill also requires OSPI to develop and implement a comprehensive initiative to increase the number of qualified individuals who apply for teaching positions in Washington, including recruiting activities and hiring services. **SB 6455** requires the PESB to develop a method to compare the rigor of the Washington professional certificate process with the advanced level teaching certification process of other states and with federal or state teacher certification processes that allow individuals to teach internationally. Out-of-state teachers with at least five years of experience and meeting eligibility requirements, will be provided Washington teacher certification. Legislators recognize the changes made in **SB 6455** may not provide the number of teachers needed, so it is expected the funding task force for the McCleary lawsuit on basic education funding will take up the issue of workforce development.

Charter Schools as Public Non-common Schools - Senate Bill 6194: In 2012 Washington voters approved Initiative 1240, known as the Charter Schools Act. This came after several failed legislative attempts to establish charter schools. I-1240 allowed for up to 40 new public charter “common” schools open to all children free of charge. The schools were to be exempt from most of the statutes and rules public schools are required to follow, but are mandated to meet state learning requirements. Charter schools are authorized and regulated by either the quasi-governmental Washington Charter School Commission (established by the Act) or by local school districts. Funding was provided through the K-12 apportionment, just as public schools are funded. In 2015 the state’s Supreme Court ruled I-1240 unconstitutional, finding that charter schools are not common schools, which triggered a loss of state funding. As a result, it was expected the charter schools would close. **SB 6194** re-establishes a charter schools system in statute, with charters created separately from the common school system, and funded with revenues from the Washington Opportunity Pathways Account, an account funded by lottery revenues. Numerous modifications are made to the court-invalidated charter school statutes, including prohibiting local school levy funds from being used for charter schools, prohibiting the conversion of common schools into charter schools, and adding the Superintendent of Public Instruction and the Chair of the State Board of Education to the membership of the Washington State Charter Commission.

Safe Technology Use in Schools – Senate Bill 6273: According to a Pew Research study, ninety-three percent of teens between the ages of twelve and seventeen go online. The Internet is part of everyday life and the younger generation is experiencing it often without any guidance. . In 2008 OSPI produced the K-12 Educational Technology Learning Standards and assessments for educational technology literacy and technology fluency. The standards are based on student knowledge of integration and digital citizenship. Digital citizenship is defined as appropriate, responsible, and healthy behavior related to technology use, including digital literacy, ethics, etiquette, and security. **SB 6273** requires OSPI to develop best practices on instruction in digital citizenship, internet safety, and media literacy. The best practices must include instruction that guides students in thoughtful, safe, and strategic uses of online and other media resources. OSPI will also develop best practices on how to apply critical thinking skills when consuming and producing information. Beginning in the 2017-2018 school year, districts are required to annually review policy and procedures on electronic resources and internet safety.

Basic Education Obligations/McCleary Funding Plan - Senate Bill 6195: In 2012 the state Supreme Court ruled the state is in violation of its constitutional “paramount duty” and that the state has not complied with its duty to make ample provision for the education of all children in Washington State. Additionally, the court retained jurisdiction over the case to ensure that its ruling is enforced, and the state fully funds K-12 education by 2018. Since the ruling, legislators have provided additional funding for basic education, but they have not fully satisfied the requirements laid out in the opinion. In September 2014, the court held the state in contempt for failing to make the progress it had promised, and in August 2015 fined the state \$100,000 a day until it complied. **SB 6195** creates the Education Funding Task Force (EFTF) to continue the work of implementing the program of basic education. The EFTF will consider key issues impacting both funding and delivery of basic education

programs including compensation, teacher shortages, educator recruitment and retention programs, and local levies. Recommendations must be submitted to the legislature by January 9, 2017.

K-12 SCHOOLS - BILLS THAT DID NOT PASS

School Meal Programs – House Bill 2964: The Department of Social and Health Services (DSHS) Economic Services Administration reported in April 2016 that more than 500,000 Washington families are receiving food assistance. There are two school-based child nutrition programs subsidized by the federal Department of Agriculture and administered by the state to provide healthy food to children. Both the National School Lunch Program and the School Breakfast Program provide nutritionally balanced, low-cost or free meals to eligible students in public and nonprofit private schools. To qualify for free meals, a student's family's income must be at or below 130 percent of the federal poverty level. Students whose families have an income between 130 percent and 185 percent of the federal poverty level are eligible for reduced-price meals (up to 40 cents per lunch). Students whose families earn more than 185 percent of the poverty level pay full price, but the meals in all cases are federally subsidized to some extent. Concerns have been raised by schools that families are struggling to meet the cost of the co-pays, so students in this category are either going hungry or the schools are picking up the costs at a time when school district budgets are tight. **HB 2964** would have eliminated co-pays starting in the 2016-2017 school year for students qualifying for reduced-price meals.

Curriculum for the Prevention of Sexual Abuse - House Bill 2183: In 2015 DSHS Child Protective Services received reports that alleged the sexual abuse or sexual exploitation, or both, of 2,603 children. Youth victimization has been linked with mental health problems and delinquent behavior. For several years the WSCC worked with key legislators to have bills introduced that would have required schools to provide training for all students on the prevention of sexual abuse. More than half of the states have adopted what is being called "Erin's Law," named after a child sexual abuse survivor and activist Erin Merry. The legislation in these states requires the study or development of age-appropriate child sexual abuse identification and prevention. **HB 2183** would have established an Erin's Law Task Force for the purpose of creating and implementing a prevention of sexual abuse curriculum for students in grades K-12. The school districts would have been required to implement this curriculum for students in grades K-12, beginning in the 2017-2018 school year.

School Bus Tolls - Senate Bill 6643: There are five locations in western Washington where the legislature has authorized the collection of tolls. Both the legislature and the State Transportation Commission have established exemptions to the tolls for certain types of vehicles, including transit buses and carpool vehicles in some locations. The Department of Transportation considers school buses exempt from the tolls in some locations but not all. **SB 6643** would have required the Transportation Commission to provide an exemption from all tolled facilities for school buses.

Future Teachers Conditional Scholarship - Senate Bill 6097: The Future Teachers Program was started in 2004 to recruit and support students and paraeducators into the teaching profession and to encourage current teachers to obtain additional endorsements in teacher shortage subjects, such as math, science and special education. The recipients of the conditional scholarships and loan repayments must agree to teach in an approved educational program in Washington public schools. The state will forgive one year of scholarship or loan obligation for every two years a recipient teaches in an approved educational program in Washington State public schools. Legislators have been reluctant to extend the program to private school teachers despite WSCC's advocacy efforts. **SB 6097** would have The Future Teachers program modified to focus exclusively on increasing the number of early elementary teachers teaching in kindergarten through third grade in Washington. In return for the conditional scholarship or loan repayment, recipients agree to teach in any grade, K-3, in Washington State public schools. **SB 6097** would have amended the law to extend the future teachers conditional scholarship and loan repayment program to increase the number of early elementary teachers.

Student Mental Health - Senate Bill 6243: Recent legislative focus on youth suicide has resulted in state laws requiring Educational Service Districts (ESDs) to develop and maintain the capacity to offer training for educators and other school district staff on youth suicide screening and referral. Individuals certified by the Professional Educator Standards Board, such as a school nurse, school social worker, school psychologist, or school counselor must complete a training program on youth suicide screening and referral as a condition of certification. **SB 6243** would have required the ESDs to work with the UW suicide prevention collaboration to develop a two-day youth suicide prevention training program for middle and high school administrators, teachers, counselors, psychologists, social workers, and parents or guardians. The training program would have included developmentally appropriate, evidence-based curriculum and programs, parent and peer education, strategies to create school environments with a focus on social and emotional needs, and basic training for teachers and students in how to recognize and support a student who may be struggling.

Breakfast After the Bell – House Bill 1295: According to the U.S. Department of Agriculture (USDA) 15.3 million children in this country live in households where they are unable to consistently access enough nutritious food. Over half the public school students in the U.S. are from low-income families. For the 2014-15 school year, over 471,000, or forty-four percent, of the state's public school students were reported as eligible for free and reduced price meals, but Washington ranks forty-third in the nation for the number of low-income children who participate in school breakfast. Breakfast After the Bell programs allow breakfast to be directly delivered to classrooms, distributed via kiosks, and/or served during an extended break. **HB 1295**, supported by the WSCC, would have required high-needs schools, those with an enrollment of 70 percent or more students eligible for free and reduced price meals, to offer school breakfast after the beginning of the school day. The period of time students spend eating after the bell would count toward minimum instructional hours, as long as educational activities are provided concurrently with breakfast. Grants would have been provided to these schools for start-up costs.

Retired Teachers as Substitutes - House Bill 1737: A recent survey conducted by OSPI found that ninety percent of principals are struggling to find qualified teachers and substitutes for their classrooms and eighty percent had employed individuals with emergency teaching certificates as classroom teachers or as long-term substitutes. Seventy-four percent of the principals reported they had been required to cover classes because a substitute was not available and twenty-nine percent reported they have teacher positions that are not filled. One of the short-term solutions suggested is increasing the substitute pool by allowing recently retired educators to serve as substitutes. **HB 1737** would have allowed certain retired teachers to receive their pensions while working up to two hundred sixteen hours per year as a substitute teacher in an instructional capacity, even though they retired under early retirement provisions that would otherwise immediately suspend pension benefits upon employment.

Creating Standards and Certification for Paraeducators – Senate Bill 6408: Many Catholic schools have paraeducators working under the supervision of a certificated staff member to support instructional services in the classroom. Currently, there are no required standards on educational qualifications for paraeducators. **SB 6408** would have set a standard definition for paraeducators and provided foundational employment standards for basic education paraeducators, and specialized standards for paraeducators who work in English Language Learners and special education programs. The bill would have also established a paraeducator professional development system and created a permanent paraeducator advisory board in OSPI.

EARLY LEARNING - BILLS THAT PASSED

School-Age Child Care Definition - Senate Bill 6371: For years, the prohibition on accepting custody of children has required before and after-school programs to be licensed. **SB 6371** removes the language prohibiting acceptance of custody, and allows approved schools to run school-age, before and after-school programs for their students without a license from DEL. Schools serving children with state support through Working Connections

Child Care will continue to be required to license their program. Schools may voluntarily license their program and participate in the state's quality rating system.

Child Care Licensing Requirements - House Bill 2511: DEL is responsible for establishing licensing requirements for child care centers. The rules establish a staff to child ratio based on the age of the children. Child care center directors have expressed concerns about the school-age limitation for mixed groups, specifically as it relates to hiring extra staff in order to serve five-year olds enrolled in school in a separate group from the five-year olds not attending elementary school. A waiver may be requested, but directors are concerned about the time required to prepare and submit the waiver, and DEL's processing time. During that time these centers have to employ extra staff to stay in compliance with their license requirements. **HB 2511** requires that for children ages sixty months through six years, DEL must not use school enrollment status as a reason to require a child be placed within a specific mixed-age group. This bill also, modifies the definition of "school-age child" to include children through twelve years of age for the purposes of child care.

EARLY LEARNING - BILLS THAT FAILED

DEL Access to Records and Personal information of Child Care Workers - House Bill 2621: DEL conducts background checks to find and evaluate any history of arrests, convictions, negative actions, or other information that raises concern about an individual's character, suitability, or competence to care for or have unsupervised access to children in care. This is a state law and a requirement to receive federal Child Care and Development Block Grant funds. Currently, DEL accesses DSHS records to use in the background checks. The DSHS Children's Administration (CA) investigates allegations of child abuse and neglect. After receiving a child abuse or neglect report, the CA must determine whether to investigate the allegation. Some reports of child abuse or neglect CA determines to be not credible and are not referred for investigation. In 2007, legislation supported by the WSCC, was adopted that required DSHS to expunge all records relating to child abuse and neglect referrals for screened out referrals within three years from receipt of the report and for unfounded and inconclusive referrals within six years of completion of the investigation. To date, DSHS has failed to expunge these records. **HB 2621** would have given DEL the authority to obtain all records, reports, and personal information concerning child abuse or neglect from DSHS for the purposes of conducting background checks on all individuals who have unsupervised access to children in child care and expanded the definition of juvenile justice or care agency to include the DEL for the purposes of conducting investigations and backgrounds checks. The bill would have also eliminated the requirement that the DSHS destroy records concerning screened out, unfounded, and inconclusive reports of child abuse and neglect. The WSCC raised concerns about **HB 2621** and will participate in an interim work group to address these issues.