

# SENATE BILL REPORT

## ESHB 2261

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As of April 26, 2009

**Title:** An act relating to education.

**Brief Description:** Concerning the state's education system.

**Sponsors:** House Committee on Education Appropriations (originally sponsored by Representatives Sullivan, Priest, Hunter, Anderson, Maxwell, White, Quall, Lias, Dammeier, Rodne, Wallace, Pedersen, Kelley, Goodman, Springer, Hope, Nelson, Miloscia, Carlyle, Hunt, Morris, Morrell, Probst, Pettigrew, Eddy, Simpson, Kenney, Moeller, Smith, Condotta, McCoy, Kagi, Chase, Rolfes, Clibborn, Ormsby, Haler and Cox).

**Brief History:** Passed House: 3/12/09, 71-26.

**Committee Activity:** Early Learning & K-12 Education: 3/25/09.

### Brief Summary of Engrossed Substitute Bill

- Beginning with the 2011-12 school year, an expanded program of basic education and the funding to support it is phased in over a six-year period.
- A steering committee and three work groups are created to assist and oversee the phased in implementation.
- The State Board of Education (SBE) is directed to develop a voluntary support and assistance system for schools and districts and a proposal for schools and districts that do not make sufficient improvement through the voluntary system.
- The Professional Educator Standards Board (PESB) must adopt performance standards for effective teaching, recommend other modifications for educator certification, and take specified actions to create an adequate supply of well-qualified mathematics and science teachers.

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### SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Staff:** Susan Mielke (786-7422)

**Background:** Paramount Duty of the State. Under article IX, section 1 of the Washington State Constitution, "It is the paramount duty of the state to make ample provision for the education of all children residing within its borders ...." The courts have interpreted this to

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mean that the state must define a program of basic education and amply fund it from a regular and dependable source. The courts have found that local levies are not regular or dependable and may only be used for enrichment programs beyond basic education. The courts have concluded that once the Legislature has established full funding for the program of basic education it may not reduce such funding, even in periods of fiscal crisis. However, the Legislature must review, evaluate, and revise the program of education and its funding in order to meet the current needs of the children in the state. The state must also provide a general and uniform system of public schools under article IX, section 2 of the Constitution.

Basic Education Goal. The stated goal for basic education, among other things, is to provide students the opportunity to become responsible and respectful citizens. The stated goal for Washington State is the intent to provide a public school system that gives students the opportunity to achieve personal and academic success. The stated goal for school districts is to provide opportunities for every student to develop knowledge and skills in specified subject areas.

Definition of Basic Education. In order to carry out its constitutional responsibility and in response to court decisions, the Legislature passed the Basic Education Act of 1977 (BEA), defining a basic education by establishing goals, minimum program hours, teacher-student contact hours, and a mix of course offerings for school districts to provide. The courts have found that a basic education also includes the education program for students with disabilities who need specialized instruction due to the disability; the Learning Assistance Program (LAP), which provides assistance to underachieving students; the Transitional Bilingual Instruction Program (TBIP), which assists students to achieve competency in English when they are from homes where the primary language is other than English; the educational program for students in residential schools and detention facilities and students under the age of 18 incarcerated in adult correctional facilities; and portions of the student transportation program.

Basic Education Instructional Program. School districts must make the Instructional Program accessible to all students aged five to 21; offer a district-wide average of 1,000 instructional hours in grades one through 12 and 450 hours for kindergarten; provide a minimum school year of 180 days; and provide instruction in the Essential Academic Learning Requirements.

Kindergarten. School districts must offer 450 hours of instruction for kindergarten. In 2007 the Legislature began phasing in voluntary all-day kindergarten programs consisting of at least 1,000 instructional hours and meeting other specified criteria, starting with schools with the highest percentages of students qualifying for free and reduced meals (FRM).

Highly Capable. The courts have declined to include supplemental instruction for highly capable (gifted) students under the basic education. In accordance with the Highly Capable Program statutes, if state funds are provided then they are based on a per-student amount not to exceed 3 percent of a district's full-time equivalent (FTE) student enrollment. The 2007-09 Appropriations Act allocates funding at 2.314 percent of FTE enrollment.

Graduation Requirements. The Legislature has delegated the establishment of the high school graduation requirements to the SBE. The SBE has created a proposed credit

framework called CORE 24, intended to represent the essential high school graduation requirements all students should have to prepare for life after high school. SBE has formed a 20-member Task Force to create a phase in and implementation strategy for CORE 24.

State Funding Allocation for Basic Education. Basic education is funded by appropriations from the state General Fund. The funding allocation for the basic education instructional program is based on instructional, administrative, and classified staff per student ratios, staff compensation factors, and nonemployee-related costs. Additionally, school districts receive funding for LAP, TBIP, and Special Education. In accordance with statute, LAP funding is based on the percent of students eligible for free and reduced-price meals, with the formula specified in the Appropriations Act. TBIP funding is based on an amount per student enrolled in the program and specified in the budget. Special education for students with disabilities is funded on an "excess cost" basis. The formula, which appears in the Appropriations Act, is a percentage (1.15 percent for children aged birth to five that are not in kindergarten and .9309 for students in grades kindergarten through 12) of the Instructional Program allocation. The allocation is based on a maximum of 12.7 percent of total FTE student enrollment in grades kindergarten through 12. The Appropriations Act also establishes a Special Education Safety Net process which allows school districts to apply for additional funds if the district can demonstrate needs for special education funding beyond the amounts provided through the excess cost allocation.

Compensation. State allocations for salaries for certificated instructional staff (CIS) are provided through a salary schedule adopted by the Legislature in the Appropriations Act. The current schedule is based on years of experience and academic degrees and credits attained by the individual. Some districts receive higher salary allocations for CIS. The state does not require school districts to pay CIS in accordance with the state allocation schedule. However, most school districts have adopted a salary schedule the same as, or similar to, the state allocation schedule. Actual salaries are determined through collective bargaining, subject to certain minimum and maximum requirements.

School districts may provide one-year supplemental contracts for CIS for additional time, responsibilities, and incentives (TRI). TRI contracts are not part of basic education and cannot be considered for provision of basic education services. The funding for these contracts is typically from local revenues. TRI contracts must not cause the state to incur any future funding obligation.

There is not a state salary allocation schedule for administrators or classified staff. Each school district receives an allocation from the state based on historical salary allocations adjusted for cost-of-living increases. Actual salary levels are determined through the local collective bargaining process.

Student Transportation. Current law provides that funds allocated for student transportation costs are in addition to the basic education allocation. Generally, a district is not required to transport students, except some students, but if a district provides student transportation then the state funds the program through a categorical allocation, not a cost reimbursement, based on rates that are set by the Legislature each year:

- a rate for each K-5 public school student living within one mile of the school; and

- a rate determined by the number of students (the count is taken over a one-week period during the school year), number of trips, and distance from the school using a weighted mileage factor for students that live more than one mile from the school. The allocation is not based on the actual bus routes but on a radius mile (the distance in a straight line as the crow flies) from the bus stop to the school.

In 2007 the Legislature directed the Office of Financial Management (OFM) to contract for a study recommending two alternative student transportation funding formula options. The final report was presented to the Legislature in December 2008.

Early Learning. Early learning is not currently considered to be part of the basic education program. State and federally-supported preschool programs are overseen by the Department of Early Learning (DEL). The Legislature provides funding to support the Early Childhood Education and Assistance Program (ECEAP), which is similar to the federally-funded Head Start program. The programs are delivered under contract with DEL, and providers include school districts, Educational Service Districts (ESDs), community colleges, and nonprofit sectarian and nonsectarian community organizations. The level of funding and programmatic requirements differ between the two programs. In 2008 DEL was directed to propose a Washington Head Start program to align the eligibility criteria, program requirements, and funding for early learning programs in the state, but work on the report was suspended for budget reasons.

Achievement Gap Studies. The 2008 Legislature commissioned five studies that analyzed the differences in academic achievement and educational outcomes among various subgroups of students. These differences are referred to as the achievement gap. The commissioned studies drew from research, best practices, and personal, professional, and cultural experiences and included recommendations to close the achievement gap. One study recommended establishing an achievement gap oversight committee to monitor the implementation of efforts to close the gap.

Education Data. Since 2002 the Office of the Superintendent of Public Instruction (OSPI) has been developing a data system that assigns each student a unique student identification number and collects demographic and other information to comply with the federal No Child Left Behind Act. OSPI is in the process of creating a comprehensive education data and research system (CEDARS). CEDARS is expected to be completed by June 2009 and implemented for the 2009-10 school year.

Accountability. SBE has responsibility for implementing a statewide accountability system that includes identification of successful schools and districts, those in need of assistance, and those in which state intervention measures are needed. Intervention strategies may be implemented only after authorization by the Legislature, which has not occurred. On January 15, 2009, the SBE adopted a resolution to:

- develop an accountability index to identify schools and districts based on student achievement;
- work to build the capacity of districts to help their schools improve, including an Innovation Zone program to provide improvement assistance;

- establish a process for placing schools and districts on Academic Watch if no significant improvement occurs, which would include a binding performance contract between the state and the district; and
- continue to refine the details of the accountability system.

Teacher Preparation and Certification. The PESB is responsible for the policy and oversight of Washington's system of educator preparation and certification. There are currently two levels of certification for teachers and educational staff associates (ESAs) – which include school counselors, psychologists, social workers, nurses, physical therapists, occupational therapists, and speech/language pathologists or audiologists. For teachers the two levels are residency and professional. To receive a residency certificate, teachers must complete an approved teacher preparation program. Approved programs must require the candidates to demonstrate competencies based on standards adopted by PESB, including evidence of positive impact on student learning. Candidates must also pass a state-administered basic skills and content knowledge test. A residency certificate is valid until the holder has completed two years of successful teaching in Washington and may be renewed once with a five-year expiration date.

To obtain a professional certificate, teachers may enroll in an approved professional certification or ProCert program or earn a certificate from the National Board for Professional Teaching Standards (NBPTS). Professional certificates can be renewed every five years based on continuing education credits. In 2007 the Legislature directed the PESB to implement a uniform and externally-administered assessment of teaching skill for professional certification by 2010.

The Alternative Routes to Teacher Certification Program is operated by the PESB with the Higher Education Coordinating Board as fiscal agent. The program is aimed at experienced paraeducators and midcareer professionals with expertise in subject areas in which Washington has shortages, such as math, science, and special education. The programs are typically more intensive and shorter in length than traditional teacher certification routes and include mentored internships and school-based training.

Local Levies and Local Effort Assistance (LEA). The Washington State Constitution gives school districts the authority to collect property tax revenues in excess of 1 percent of the assessed value of county property for transportation, capital or operating purposes, and to assume excess debt when voters approve a levy or bond issue. These school levy dollars are retained by the school district and do not go into the state General Fund. The courts have found local levy funds may only be used for enrichment programs and not for basic education obligations.

In 1987 a program of state-provided levy equalization or LEA was created by statute to mitigate the effect that above-average property tax rates might have on the ability of a school district to raise local revenues to supplement the state's basic program of education. Districts are eligible for levy equalization if they have passed a local maintenance and operations levy, and their 12 percent levy rate is higher than the statewide average. LEA funds are not part of a district's basic education allocation.

Basic Education Finance Task Force. In 2007 the Legislature created the task force to review the definition of basic education, review all current basic education funding formulas, develop options for a new funding structure and all the necessary formulas, propose a new definition of basic education, and make recommendations to the Legislature by December 1, 2008.

**Summary of Bill:** This bill addresses an expanded program of basic education and the funding to support it beginning with the 2011-12 school year and phased in over a six-year period; a new student transportation funding formula; legislative intent for data systems for financial, student, and educator data; a system of voluntary support and assistance for schools and a proposal for schools that do make sufficient improvement through the voluntary system; educator certification and supply; the creation of working groups to develop details and proposals in the areas of finance and compensation, early learning, and the achievement gap; and the transfer of new revenue to a new basic education account.

Paramount Duty of the State. The Legislature's intent is to fulfill its obligation under the State Constitution to define and fund a Program of Basic Education and to establish a general and uniform system of public schools. For practical and educational reasons, wholesale change cannot occur instantaneously. The Legislature intends to adopt a schedule for the concurrent implementation of the redefined Program of Basic Education and the resources necessary to support it, beginning in the 2011-12 school year and phased in over a six-year period. It is also the Legislature's intent not to revise or delay this implementation other than for educational reasons. However, the Legislature may make revisions to the formulas and schedules for technical purposes and consistency.

Basic Education Goal. Added to the goal is that a basic education must provide students with the opportunity to graduate from high school with a meaningful high school diploma, ready for success in postsecondary education, gainful employment, and citizenship.

Definition of Basic Education. Effective September 1, 2011, the Program of Basic Education that complies with Article IX of the State Constitution is:

- the Instructional Program of Basic Education provided by public schools;
- the education program for students in residential schools and juvenile detention facilities;
- the education program for individuals under age 18 who are in adult correctional facilities; and
- transportation and transportation services to and from school for eligible students.

Basic Education Instructional Program (adding all-day Kindergarten and Highly Capable Program). Effective September 1, 2011, school districts must provide instruction of sufficient quantity and quality and give students the opportunity to complete graduation requirements and the minimum instructional program offered. The minimum instructional program must include the Essential Academic Learning Requirements; the phase in of all-day kindergarten; an opportunity to complete 24 credits for high school graduation, subject to phase in by the SBE; supplemental instruction through LAP and TBIP; the program for highly capable students; and special education for students with disabilities. The minimum instruction offered by school districts must be:

- 180 school days per school year (with 180 half-days for kindergarten, increased to 180 full days as all-day kindergarten is phased in;
- a districtwide average of 1,000 instructional hours across all grade levels, to be increased according to an implementation schedule adopted by the Legislature to 1,080 hours in grades seven through 12 and 1,000 instructional hours in grades one through six; and
- 450 instructional hours in kindergarten, to be increased to 1,000 hours as full-day kindergarten is phased in.

Kindergarten. All-day kindergarten is added to the instructional program of basic education and is phased in beginning with schools with the highest percentages of students qualifying for FRM.

Highly Capable. The Legislature finds that, for highly capable students, access to accelerated learning and enhanced instruction is access to a basic education. The Legislature does not intend to prescribe a single method to identify highly capable students. Instead, the Legislature intends to allocate funding based on 2 percent of each school district's population and authorize districts to identify through multiple, objective criteria those students eligible to receive accelerated learning and enhanced instruction through the Highly Capable Program of the district. Access to the Highly Capable Program does not constitute an individual entitlement for any particular student.

Graduation Requirements. The SBE must forward any proposed changes to minimum high school graduation requirements to the legislative education committees so the Legislature can act before changes are adopted. Changes with a fiscal impact on school districts take effect only if formally authorized by the Legislature.

State Funding Allocation for Basic Education. Beginning September 1, 2011, a new distribution formula is created for the allocation of state funds to school districts to support the minimum instructional program of basic education. The allocation is based on minimum staffing and nonstaff costs to support prototypical schools as defined in the bill. Prototypes illustrate the level of resources needed to operate a school of a particular size with particular types and grade levels of students using commonly understood terms and inputs. Allocations to school districts will be adjusted from the prototypes based on actual FTE student enrollment in each grade in each school in the district, adjusted for small schools and to reflect other factors in the Appropriations Act.

The school prototypes are defined as:

- high school: 600 FTE students in grades nine through 12;
- middle school: 432 FTE students in grades seven and eight; and
- elementary school: 400 FTE students in grades kindergarten through six.

For each school prototype, the core allocation consists of four parts:

1. *Class Size.* An allocation based on the number of FTE teachers calculated using the following factors: the minimum instructional hours required for the grade span, one teacher planning period per day, and average class sizes of various types as specified in the Appropriations Act;

2. *Other Building Staff.* An allocation for principals, teacher-librarians, student health services, guidance counselors, professional development coaches, office support, custodians, and classified staff providing student/staff safety;
3. *Maintenance, Supplies, and Operating Costs (MSOC).* A per-FTE student allocation for student technology, utilities, curriculum, instructional professional development, other building costs, and central office administration. The allocation would be enhanced for student enrollment in certain career and technical education and science courses; and
4. *Central Office Administrative Staff.* A staffing allocation calculated as a percentage of the allocations for teachers and other building staff for all schools in the district, with the percentage specified in the Appropriations Act.

The funding enhancements provided in statute for the categorical programs are as follows:

- *Learning Assistance Program.* An enhancement based on the percent of FRM students in each school to provide an extended school day and school year, plus an allocation for MSOC;
- *Transitional Bilingual Instruction Program.* An enhancement for students eligible for and enrolled in the TBIP based on the percent of the school day a student is assumed to receive supplemental instruction, plus an allocation for MSOC;
- *Highly Capable Program.* An enhancement based on 2 percent of each district's FTE student enrollment to provide an extended school day and school year, plus an allocation for MSOC; and
- *Special Education.* An enhancement using the excess cost based on current percentages (1.15 percent for children aged birth to five that are not in kindergarten and .9309 for students in grades kindergarten through 12) of the core allocation for classroom teachers, other building staff, and MSOC, plus the allocation for the LAP and the TBIP. The excess cost allocation is based on districtwide enrollment not to exceed 12.7 percent of total FTE enrollment in grades kindergarten through 12.

The Special Education Safety Net is placed into statute. Federal impact aid must be included when districts demonstrate that the district is maximizing all state and federal revenues. When the safety net committee considers extraordinary costs it may consider the proximity of the district to group homes, military bases, and regional hospitals.

Allocations for middle and high schools that are based on the number of students eligible for FRM will be adjusted to reflect underreporting of eligibility for FRM among these students. Clarifications and corrections are made to other statutes to align with the new distribution formulas.

Compensation. Beginning September 1, 2011, salary allocations based on the statewide salary allocation schedule are calculated using the staffing allocations under the new formula. Allocations for CIS will include classroom teachers, librarians, professional development coaches, student health services staff, and guidance counselors.

Pupil Transportation. A new pupil transportation allocation formula is authorized using a regression analysis of the average predicted costs to school districts. The previous funding based on the radius mile is discontinued. The formula will be phased in beginning with the 2011-12 school year. Beginning September 1, 2013, OSPI must compare school district



transportation operations and if a district's operation is less than 90 percent efficient then the regional transportation coordinators, located at five of the ESDs, will review and determine measures to improve efficiency. The OSPI will annually summarize the efficiency reviews and resulting changes and submit to the Legislature.

Steering Committee. A Basic Education Steering Committee (Steering Committee) is created to monitor and oversee implementation of the new definition of basic education. Members include eight legislators and representatives of the Governor's Office, the SBE, the Superintendent of Public Instruction (SPI), the PESB, and the DEL.

The Steering Committee will receive reports from the three working groups by November 15, 2009, and September 1, 2010; may request reports from OSPI, SBE, PESB, DEL; and must request reports from groups or agencies developing data education systems. The Steering Committee will report recommendations from the working groups and a recommended schedule for the concurrent phase in of any changes. Subsequent reports will be made annually in November until 2016. The steering committee's authority expires June 30, 2017.

Finance and Compensation Working Group. OFM and OSPI must convene a working group with specified membership and report to the Steering Committee by November 15, 2009, and September 1, 2010, on the following:

- the development of the details of the new funding formulas and a recommended implementation schedule for concurrent phase in of increased program requirements and increased funding;
- options for possible sources of revenue to support the funding increases;
- cost estimates and recommended options for a compensation system for CIS that supports effective teaching, recruitment and retention of high quality staff, and aligns with the educator certification system; and cost estimates and options for allocations for administrative and classified staff. The work must include updating a comparable wage and regional wage analysis for school staff and analyzing data on TRI contracts; and
- options for a new system of supplemental school funding through local levies and levy equalization.

Early Learning Working Group. The Legislature intends to establish a Program of Early Learning for at-risk children and intends to include it within the overall Program of basic education. DEL and OSPI must convene a working group with specified membership to develop a proposal for a statewide Washington Head Start Program and report to the Steering Committee by November 15, 2009, and September 1, 2010, on the following:

- recommendations for eligibility criteria focusing on children aged three and four considered most at-risk;
- options for a mixed service delivery system, including school districts ESDs, community and technical colleges, and public and private nonsectarian organizations;
- options for shared governance that includes both DEL and OSPI;
- recommendations on parameters and minimum standards for the program; and
- continued development of a statewide kindergarten assessment process.

Achievement Gap Working Group. The Legislature finds compelling evidence from the five commissioned studies that additional progress must be made to address the achievement gap.

An Achievement Gap working group is created to provide oversight and accountability in the development of policies to close the gap. The working group is composed of three members appointed by the SPI and 12 members appointed by the Governor representing different groups. The working group reports to the Steering Committee by November 15, 2009, and September 1, 2010, and is directed to synthesize the recommendations from the 2008 achievement gap studies into a single implementation plan with specific policies and strategies in a number of areas.

Education Data. The Legislature intends to establish comprehensive data accountability systems for financial, student, and educator data. The Steering Committee must monitor and request updates from agencies developing education data systems.

Accountability/Continuous School Improvement. The Legislature finds that comprehensive finance reform must be accompanied by an equally comprehensive system of continuous school and district improvement. The Legislature also finds that the state and school districts share responsibility for continuous improvement and achieving state educational standards. It is the state's responsibility to provide the tools necessary for continuous improvement and to take into account the capacity of the school system to implement changes, and adjust expectations accordingly.

The SBE must use multiple indicators to identify successful schools and districts, those in need of assistance, and those in which state intervention measures are needed, and recommend ways for exemplary schools to be recognized. In consultation with OSPI, the SBE must:

- develop a comprehensive system of voluntary support and assistance, to be implemented by the SPI to the extent funds are available;
- develop a proposal for schools and districts that have not demonstrated sufficient improvement through a voluntary system, to be implemented only if authorized by the Legislature;
- develop a methodology for using the prototypical school funding model as an analytical tool;
- examine opportunities for incorporating a system such as the Baldrige National Quality Program into the overall system of continuous school improvement;
- seek federal approval for using the state system of support, assistance, and intervention to replace the federal accountability system; and
- report to the legislative education committees by December 1, 2009, and by December 1, 2010.

Teacher Preparation and Certification. By January 1, 2010, the PESB must adopt performance standards for effective teaching that are articulated on a career continuum. The PESB must also submit to the Governor and the education and fiscal committees of the Legislature:

- an update on implementation of a uniform assessment for professional certification;
- a proposal for a classroom-based means of evaluating teacher effectiveness for residency certification using multiple performance measures and including a role for state-trained evaluators;
- estimated costs to implement the assessments; and
- recommendations for other modifications to certification.

By January 1, 2011, the PESB must recommend definitions for voluntary master-level certification for teachers and ESAs. The definition must include certification by the National Board for Professional Teaching Standards.

The PESB must serve as the lead agency and is directed to take specified actions in a coordinated approach with specified partners to create an adequate supply of well-qualified mathematics and science teachers. Each public four-year institution of higher education with a teacher preparation program must develop and implement a plan for recruiting and developing mathematics and science teachers from within the students at the institution and among high school students in partnering school districts. A preliminary plan must be submitted to the PESB by October 30, 2009, and an updated plan by October 31, 2010, including how the institution will reduce the enrollment of students seeking elementary education endorsements and increase enrollment capacity for students seeking middle or high school mathematics or science endorsements.

Local Funding. The Legislature finds that the value of permitting local levies to support public schools must be balanced with the value of equity and fairness to students and taxpayers. Local finance through levies and the LEA are key components of the overall system of financing public schools even though they are outside the definition of basic education.

Revenue. Beginning September 30, 2011, if general state revenues grow more than 5 percent over a biennium compared to the biennium immediately prior then 50 percent of the growth over 5 percent is transferred to a new Basic Education Account.

**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on March 17, 2009.

**Committee/Commission/Task Force Created:** Yes.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed, except for sections 101-110, 402-408, and 501-510, which take effect September 1, 2011; and section 409, which takes effect September 1, 2013.

**Staff Summary of Public Testimony:** PRO: The state faces great challenges with the budget this year but that should not be an excuse not to invest in our future. We ask that you set a bold vision. It is urgent, essential, and a priority to pass this bill this session. If you do not act this year, you will not be able to recapture the missed opportunity in spite of the budget deficit. This bill sends a message that the Legislature is committed to fixing a definition and funding system of basic education that is outdated and broken. We need to better prepare our students for their future. Increasing funding alone will not fix the system. We need a broader, more inclusive definition, with CORE-24, increasing the instructional hours, smaller class sizes, all-day Kindergarten, a basic education program for early learning, and the Highly Capable Program. A student's access to quality education must not be based on their zip code. Frequently we talk about accountability for schools, teachers, and students but not for the Legislature. The Legislature needs to be accountable to teachers by providing

resources for them to be successful and to the students by providing them an equitable opportunity to learn in the classroom. School districts should not have to depend on local levies or private donations to fund basic education. The state needs to amply fund it. This is the year to commit to a new structure for funding basic education in order to be prepared to move forward when the money is available. Scientific research shows that the investments in the bill addressing early learning and full-day kindergarten will pay huge dividends by adequately preparing our at-risk children to be successful in school. The devil is in the details but the largest devil is delay. The Legislature should at least provide a road map by adopting the prototypical school funding model for when the money comes in the future and have a phase in plan. The Highly Capable Program is necessary to the basic education of those children and their interests need to be protected too. There is federal money that is available to fund this bill. If you clearly define basic education and can show how much it will cost then you will be able to get people to support a new tax to support education.

CON: Why would you introduce a bill that cannot be funded in this budget crisis? There are pieces of this bill that we could support but first you need to fund the system you have before you add requirements on to it. This is the wrong message to send. Basic education is currently underfunded and the funding is dwindling. The system is being stretched beyond capacity. Teachers work longer days and weekends that they are not paid to work. We work harder and are paid less than teachers in other states. Schools have unfunded mandates. Our district is closing schools because the state does not fully fund them. This bill does not provide how basic education under this bill will be fully funded. It solves nothing. The issues addressed in the bill are not the problems, such as merit pay, teacher certification, teacher evaluation, etc. Changes in these things will not improve teacher quality or student learning. The problem is the state is failing our students by not fully funding education which is what the focus of the Legislature should be this year. Washington continues to drop when compared to the level of funding that other states provide for teacher compensation and per-student funding of education. If we do not invest and fully fund education now then there will be no economic recovery because we will not have an adequately prepared workforce to dig us out of the hole. Faith in the system is fraying. There is no confidence that money will be provided to follow through on these promises. If CORE-24 is adopted then it leaves no room for failing – not all children learn at the same speed. This bill is a giant step backwards.

OTHER: Education and the ample funding of education is the state's paramount duty. This bill addresses funding but does not commit to specific funding amounts. It is shocking how many local levy funds are being used to fund the state's obligation of basic education. The Superintendent of Public Instruction offers the numerical values for the funding formulas. If this bill continues to include revenue then, because of Initiative 960, it requires two-thirds vote of the Legislature and a vote of the people. If it does not include revenue then the Legislature should at least provide a road map by adopting the prototypical school funding model for when the money comes in the future and have a phase in plan. We request that there be tribal leaders on the oversight Steering Committee that monitors the implementation of the bill. We recommend that you include the details from the Native American Achievement Gap study in the bill and make additional changes to the section addressing the achievement gap which we will submit. While we support more money for early learning, do not label the money for at-risk children and do not link it to a kindergarten assessment. Such an assessment would label tribal children in a negative way. Do not increase the length of

the school day or number of credits required to graduate because it takes away from local control and forces schools to become less focused on the whole child. More school and longer days is doing the same thing but expecting different results, which you will not achieve. We support tribal representation in the development of teacher standards regarding cultural competency. We recommend caution in promoting National Board Certification for master teachers because there is no research in the tribal community that shows these teachers do better with our youth.

**Persons Testifying:** PRO: Representative Sullivan, prime sponsor; Representative Priest, sponsor; Mary Jean Ryan, State Board of Education; Michelle Sripranaratanakul, Brooke Valentine, Tracy Marander, Stand for Children; Bonnie Kayla, Mother and Parent Teacher Association (PTA) member; Nancy Cartwright, Tukwila Schools; Carol Porka, teacher; Michelle Alten-Kahler, Krista Cpodanno, Corinne Patten, Anne Moore, Jody Mull, Tricia Jerue, Julie Wright, parents; Mary Alice Heuschel, Superintendent of Renton School District; Kim Golding, Tacoma School Board; Barbara Billingshurst, school finance researcher/parent; Sarah Powers, parent/Stand for Children; Michael Teal, college student; Pam Deming, PTA/Parent; Lacey Deming, Harrison Linsey, students; Frank Ordway, League of Education Voters (LEV); Pat Montgomery, self; Molly Wakeling, Washington Library Media Association; Janis Traven, parent.

CON: Danny Waldo, Snohomish Education Association; Liam Renner, student; Margaret Richards, Jenny Zamanillo, Crystal Affolter, Melissa Chalfant, Nathaniel Shepherd, Suzanne Wisenburg, Rod Snyder, Debbie Stalder, Tracie Cannon, teachers; Anita Coats, Educator; Grace Beeler, Mariane Brotsanos, Seattle Schools; Olga Addae, Seattle School District/Seattle Education Association; Donna Raymond, Special Education Teacher; Catherine Kernan, Mukilteo Education Association.

OTHER: Randy Dorn, Superintendent of Public Instruction; Marie Zackuse, Tulalip Tribe; Karen Condon, Colville Tribes; Teresa Jackson, Stand for Children; and Kerste Helms, parent/Stand for Children.