\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**ENGROSSED HOUSE BILL 2266**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 64th Legislature 2015 2nd Special Session**

**By** Representative Sullivan

AN ACT Relating to deferring implementation of class size reduction and school employee staffing formula changes; amending RCW 28A.150.261; amending 2015 c 2 s 5 (uncodified); creating a new section; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  At the 2014 general election, the voters approved Initiative No. 1351, which proposed to amend the formulas by which the state allocates funding for state-funded school district employees. Initiative No. 1351 increased the state's obligation to fund teachers for class size reduction in excess of the class size reduction in grades K-3 already enacted by the legislature in chapter 548, Laws of 2009 (ESHB 2261) and chapter 236, Laws of 2010 (SHB 2776). Initiative No. 1351 also increased the state's obligation to provide funding for other types of school district employees beyond teachers.

In 2012, the state supreme court ruled in *McCleary v. State* that the state has failed to comply with its Article IX duty to make ample provision for the state's program of basic education. In its ruling, the court declared that ESHB 2261 constituted a "promising reform" that would bring the state into compliance with Article IX "if fully funded[.]" In the time since the original *McCleary* ruling, the state has continued to implement ESHB 2261 and SHB 2776, with full implementation scheduled for the statutory deadline of 2018.

For two sets of educational reasons, the legislature finds that it is appropriate to delay implementation of Initiative No. 1351 for four years.

First, the legislature finds, based on research reviewed by the basic education funding task force and the quality education council, that the greatest improvements in student outcomes in the common schools can be achieved in the near term by focusing the investment of state fiscal resources in the areas identified in ESHB 2261 and SHB 2776, which emphasize fund class size reduction in early grades. The legislature further finds that the court in its *McCleary* ruling and orders has identified investments in these areas as the funding reforms that are needed to bring the state into compliance with its Article IX obligations, which provides an educational reason for focusing on funding the reforms of ESHB 2261 and SHB 2776 in the 2015-2017 and 2017-2019 fiscal biennia.

Second, the legislature finds that there are practical educational reasons to temporarily defer implementation of increased staffing ratios and the portion of class size reduction that is beyond the reductions called for in SHB 2776. Data from the superintendent of public instruction and the professional educator standards board indicate that Washington's teacher education programs are not estimated to produce sufficient teachers to achieve the class size reductions on the schedule established by Initiative No. 1351. Further, the experience of other states indicates that the need to hire teachers quickly for rapid implementation of class size reductions may exacerbate recruiting difficulties for schools or districts that are at a relative disadvantage in attracting staff. Finally, implementing class size reduction requires time to plan and build new classrooms.

For these reasons, the legislature intends to temporarily defer implementation of Initiative No. 1351.

**Sec.**  RCW 28A.150.261 and 2015 c 2 s 3 (Initiative Measure No. 1351) are each amended to read as follows:

In order to make measurable progress toward implementing the provisions of section 2, chapter 2, Laws of 2015 by September 1, ((~~2017~~)) 2021, the legislature shall increase state funding allocations under RCW 28A.150.260 according to the following schedule:

(1) For the ((~~2015-2017~~)) 2019-2021 biennium, funding allocations shall be no less than fifty percent of the difference between the funding necessary to support the numerical values under RCW 28A.150.260 as of September 1, 2013, and the funding necessary to support the numerical values under section 2, chapter 2, Laws of 2015, with priority for additional funding provided during this biennium for the highest poverty schools and school districts;

(2) By the end of the ((~~2017-2019~~)) 2021-2023 biennium and thereafter, funding allocations shall be no less than the funding necessary to support the numerical values under section 2, chapter 2, Laws of 2015.

**Sec.**  2015 c 2 s 5 (Initiative Measure No. 1351) (uncodified) is amended to read as follows:

Section 2 of this act takes effect September 1, ((~~2018~~)) 2022.

NEW SECTION. **Sec.**  This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

**--- END ---**