

# SENATE BILL REPORT

## SB 6048

---

---

As Reported by Senate Committee On:  
Early Learning & K-12 Education, February 23, 2009

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

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

**Sponsors:** Senators Oemig, Jarrett, McAuliffe, Hobbs, McDermott, Franklin, Kohl-Welles and Haugen.

**Brief History:**

**Committee Activity:** Early Learning & K-12 Education: 2/23/09 [DP, DNP, w/oRec].

---

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

**Majority Report:** Do pass.

Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; Hobbs, Jarrett and McDermott.

**Minority Report:** Do not pass.

Signed by Senators King, Ranking Minority Member; Brandland.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Holmquist.

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

**Background:** 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 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 is required to 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.

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

In 2007 the Legislature created a 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. The task force issued its final report on January 14, 2009, which included five minority reports.

**Summary of Bill:** The Legislature finds ample evidence of a need for continuing to refine the program of basic education that is funded by the state and delivered by the school districts. The Legislature intends to continue to fulfill the state's constitutional obligation to define and fund a program of basic education and to establish a general and uniform system of public schools. However, the Legislature finds that in some instances this requires tailoring basic education to reflect certain needs and circumstances of each school district, which provides a rational basis for differences in order to promote equity and uniformity of educational opportunity. The Legislature further finds that a successful system of public education must provide the opportunity for local communities to support local schools and enrich education programs even though local levy authority remains outside the state's obligation for basic education.

The Legislature intends to build upon previous efforts of the Legislature and the work of others; however, an implementation strategy must be determined for the instructional program; financial experts must develop the details of the funding formulas that are based on prototypical schools; changes to the systems of educator certification, evaluation, mentoring, and compensation must be established; a data and reporting system must be designed; the capacity of districts to help schools improve student achievement must be increased; and a system in which the state and school districts share accountability for achieving the state educational standards requires new mechanisms that will clearly define the relationship of expectations for the state, school districts, and schools. The Legislature intends to monitor the development progress and begin a schedule for implementation in the 2011-12 school year. It is the Legislature's intent that when the system has the capacity to fully implement these enhancements they will be included in a definition of basic education.

The Legislature further intends to address additional issues that are of importance to the Legislature but are not part of a basic education.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: The genesis for this bill originated from two other bills that addressed redefining and funding basic education. There was much to appreciate in the earlier bills but this new bill will provide a good and solid base for building a new definition of basic education for our students. Too many people became entrenched either for or against each of those bills so now we are starting from a clean slate, which

hopefully will allow everyone to work together. The reality is that we will always want to have more money for education but in the resource-constrained legislative environment that we face this year how can we do something of value for the kids. We need an implementation plan and we need a revenue package so that the plan can be implemented. The task force had a deliberate focus on putting the best possible educators before our students and we urge the Legislature to reinsert the frameworks from the previous bills for the Professional Educators Standards Board to develop a new continuum of educator preparation and certification system and come back with the fiscal implications of the new system. If the state embarks on redefining basic education then it should include a goal that all high school students should graduate career and college ready, a data system, and a clear and transparent system of accountability. It is important to have goals in the legislation and then we can listen to a variety of means to get there. Most important is having a high quality education that reaches from early learning through K-12 and into post-secondary. The task force found that including early learning in basic education was warranted because of the good return on investment of targeting early learning for at-risk kids. A clear definition of basic education and the funding will be necessary to gain the public's support, which will be vital to achieving this goal through new revenue. A flexible allocation based on a prototypical model levels the playing field for all students and the taxpayers that support them. An oversight group can aid change in a system that is too often called unresponsive. It is important that you clearly define each step in the process to get to a new definition and full funding. We think you should fix the classified employees and the administrators salaries first to show the way for the rest of the changes.

CON: Washington has been declining in the ranking of states based on the amount of per pupil funding and is near the bottom. The Legislature is facing devastating cuts to education. This bill is a distraction from our real priority of protecting funding for education. This bill is too vague. It potentially will make extensive changes but without funding; the changes to teacher certification, evaluation, compensation, and school accountability will make little difference. We support funding based on prototypical schools because it is more transparent and should be adopted this year. This is not the solution. Teachers are shocked that these things are being addressed by the Legislature when there is such a large deficit. The Legislature should be concentrating on fully funding education. This bill will actually increase class size making teachers' jobs harder. We are already dealing with underfunding and with the projected cuts it will not be doable. With increased certification requirements it will drive teachers from the profession because you are asking for so much more. The focus should be on funding because funding is important. We encourage you to consider the Full Funding Coalition revenue proposal, which would dedicate to education 50 percent of any future state revenue increases over 5 percent.

OTHER: We support putting in place a blueprint for funding the redesigned definition of basic education. Education reform was adopted without the funding to make significant changes. School districts will experience massive cuts and are already using local resources to supplement state funding. There is too much in the comprehensive measures that were put forth by the task force and the Full Funding Coalition to start to work from just intent now. Because our children of color and children of poverty are scoring lower on state assessments than others and they are not continuing on to higher education the Legislature needs to act this session. Washington is one of three states that require nothing for low performing high schools so the Legislature needs to move forward with an accountability system. We hope

this bill will let the State Board of Education (SBE) know if the board is moving in the right direction on CORE 24 and accountability. We urge you to provide funding for a new basic education definition that includes early learning. Not to many years ago K-12 use to be more than 50 percent of the state budget and now it is only 41 percent, and while inputs are not the only thing it is important. It is clear that we must have a revenue plan because we can't cut back on what is being done now. We can not do this without new revenue. One option would be a moratorium on the WASL because it costs a lot to administer the assessment and all the alternatives – and because it is a graduation requirement.

**Persons Testifying:** PRO: Senator Oemig, prime sponsor; David Spring, parent; Jennifer Wallace, Professional Education Standards Board; Nancy Hiteshue, Washington Roundtable; Judith Turpin, Association of University Women of Washington; Martha Rice, Washington State School Directors Association; Mitch Denning, Alliance of Education Association; Barbara Mertens, Washington Association of School Administrators; Doug Nelson, PSE SEIU 1948; Jon Gould, Children's Alliance and Early Learning Action Alliance.

CON: Mary Lindquist, Washington Education Association; Shari Ludden, first grade teacher; Jared Kink, secondary school teacher.

OTHER: Ken Kanikeberg, Office of the Superintendent of Public Instruction; Edie Harding, SBE; Christie Perkins, Washington State Special Education Coalition.