

Comparison of Major Elements of Current Law, House Bill 1817 and House Bill 1410

The Washington State Constitution provides: "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 Legislature must define a Program of Basic Education and amply fund it from a regular and dependable source. The courts have also established that once the Legislature has defined and fully funded the Program of Basic Education it may not reduce that level of funding, even in periods of fiscal crisis. However, the definitions and funding formulas are subject to review, evaluation, and revision by the Legislature to meet the current needs of the children in the state. The Constitution also requires the Legislature to "provide for a general and uniform system of public schools."

	Current Law/ Court Interpretation	House Bill 1817	House Bill 1410
Program of Basic Education	<ul style="list-style-type: none"> • Opportunity to learn Basic Education Goal, EALRs • Minimum of 180 days <i>(may be waived by the State Board)</i> • Minimum instructional hours <i>(averaged across all grade levels in a school district)</i> <ul style="list-style-type: none"> ○ 450 hours in Kindergarten ○ 1000 hours in K-12 • Special education program <i>(for students with disabilities who need specialized instruction due to the disability)</i> • Learning Assistance Program (LAP) <i>(assistance for underachieving students)</i> • Transitional Bilingual Instruction Program (TBIP), <i>(assistance for English language learners)</i> • The educational program in residential schools and juvenile detention facilities & for students under 18 in adult prisons. • Portions of the student transportation program. 	<ul style="list-style-type: none"> • Opportunity to learn Basic Education Goal, EALRs in social studies, the arts, health & fitness • Minimum of 180 days <i>(maintains waiver by the State Board)</i> • 1000 hours, averaged across grade levels • Special education • LAP • TBIP • The educational program in residential schools and juvenile detention facilities & for students under 18 in adult prisons. • Adds student transportation • Adds all-day Kindergarten 	<ul style="list-style-type: none"> • Opportunity to learn Basic Education Goal, all EALRs, Graduation requirements by SBE (Core 24) • Minimum of 180 days <i>(State Board waivers up to 2% of students, must have educational advantages, 1000 hrs must be maintained)</i> • By 2016-17, Increases hours: <ul style="list-style-type: none"> ▪ 1000 in Kindergarten ▪ 1000 in grades 1-6 ▪ 1080 hours in grades 7-12 • Special education • LAP • TBIP • The educational program in residential schools and juvenile detention facilities (increases hours to 1320) & for students under 18 in adult prisons. • Adds student transportation • Adds all-day Kindergarten • Adds Program of Early Learning for at-risk children age 3-5

	Current Law/ Court Interpretation	House Bill 1817	House Bill 1410
All-day Kindergarten	<ul style="list-style-type: none"> • All-day K is not basic education. • In 2007, began phasing-in voluntary all-day K starting with schools with the highest percentages of students qualifying for a free or reduced lunch. • 1/2 day K: 450 hours All-day K: 1000 hours • Instruction in <i>all</i> the EALR subjects. • Program requirements for all-day K: <ul style="list-style-type: none"> ○ <i>rich and varied experiences</i> ○ <i>develop initial academic skills</i> ○ <i>motor & social/emotional skills</i> ○ <i>hands-on learning, etc.</i> 	<p>By 2012-13:</p> <ul style="list-style-type: none"> • All-day K must be fully implemented and is basic education. • Continues to phase-in all-day K. • All-day K: 1000 hours • Instruction in social studies, the arts, & health & fitness EALRs. • Maintains program requirements 	<p>By 2016-17:</p> <ul style="list-style-type: none"> • All-day K must be fully implemented and is basic education. • Continues to phase-in all-day K. • All-day K: 1000 hours • Instruction in <i>all</i> the EALR subjects. • Maintains program requirements
Program of Early Learning	<ul style="list-style-type: none"> • <u>Headstart:</u> <ul style="list-style-type: none"> ○ A federal program providing services to low-income 3, 4, & 5 year olds not eligible for kindergarten and their families. ○ 80% federal funding; 20% required state match. ○ In 2009: 9,702 Head Start slots at average cost of \$8,758 per child. • <u>Early Childhood Education and Assistance Program (ECEAP):</u> <ul style="list-style-type: none"> ○ State administered (DEL) program providing services generally to low-income 3, 4 & 5 year olds not eligible for kindergarten & their families. ○ Modeled after Head Start. ○ In 2009: 8,226 ECEAP slots funded at \$6,674 per child. 	Not Addressed.	<p>Beginning 2011-12: (<i>subject to phase-in and fully implemented for all eligible children by 2016-17</i>)</p> <ul style="list-style-type: none"> • Program of Early Learning for at-risk children is Basic Education. <ul style="list-style-type: none"> ○ Basis for the program is a statewide Washington Headstart program. ○ Will replace ECEAP for at-risk children. ○ "At risk children" means children aged 3, 4 & 5 not eligible for kindergarten with family income at or below 130% of federal poverty level. ○ Participation is voluntary. ○ Funds are distributed to school districts that may provide program directly or contract with public or private nonsectarian organizations. ○ All programs must be approved by DEL.

	Current Law/ Court Interpretation	House Bill 1817	House Bill 1410
<p>Basic Education Funding Allocation</p>	<ul style="list-style-type: none"> • <u>Minimum staff to 1,000 student ratios:</u> <ul style="list-style-type: none"> ○ 4 administrators in K-12 ○ 49 CIS in K-3 ○ 46 CIS in 4-12 ○ <i>Budgeted ratio is 53.2 CIS in K-4, but enhancement is non-Basic Ed</i> ○ 16.67 classified staff in K-12 (<i>Budgeted ratio is 17.02</i>) • <u>Nonemployee-related costs (NERC)</u> <ul style="list-style-type: none"> ○ <i>Amount per CIS specified in budget, annually increased for inflation</i> • <u>LAP</u> <ul style="list-style-type: none"> ○ Based on percent of FRL students in the district, <i>formula specified in budget</i> • <u>Small schools</u> receive an enhanced allocation • <u>TBIP</u> <ul style="list-style-type: none"> ○ <i>Amount per student enrolled in program specified in budget</i> • <u>Special Education</u> <ul style="list-style-type: none"> ○ Based on an excess cost basis ○ <i>Specified in budget as percent of the district's basic education allocation per student:</i> <ul style="list-style-type: none"> ▪ <i>Birth through 5: 1.15 times base</i> ▪ <i>K-12: .9309 times base</i> ○ <i>Funding provided for up to 12.7% of a district's basic education population</i> ○ <i>Budget creates Safety Net funding for districts that can demonstrate financial need due to high-cost individual students, communities that draw large numbers of special education students</i> 	<p>2009-10:</p> <ul style="list-style-type: none"> • <u>Minimum staff to 1,000 student ratios:</u> <ul style="list-style-type: none"> ○ Maintain 4 administrators ○ Increase CIS to 56.37 in K-3 ○ Increase CIS 47.07 in 4-12 ○ Increase classified staff to 17.21 in K-12 • <u>NERC</u> increased 12.4 % • <u>LAP</u> per-student allocation increases to 5.26 CIS per 1,000 students. • <u>Small schools</u> enhancement increased based on ratio changes <p>2010-11:</p> <ul style="list-style-type: none"> • <u>Minimum staff to 1,000 student ratios:</u> <ul style="list-style-type: none"> ○ Increase CIS to 59.56 in K-3 ○ Increase CIS to 48.14 in 4-12 ○ Increase classified staff to 17.41 in K-12 • <u>NERC</u> increased 23.7 % • <u>LAP</u> per student allocation increases to 7.06 CIS per 1,000 students • <u>Small schools</u> enhancement increased based on ratio changes • <u>Special Education</u> No change. <p>Beginning 2011-12:</p> <ul style="list-style-type: none"> • Legislature adopts a new basic education allocation formula. (Current one expires) <ul style="list-style-type: none"> ○ Based on recommendations of CQEW ○ Using prototype schools ○ May use separate categorical appropriations for LAP, TBIP or combine with the regular basic education allocation to create a foundation formula. ○ May incorporate the I-728 Student Achievement Fund into a new foundation formula 	<p>Beginning 2011-12 <i>(subject to phase-in and fully implemented by 2016-17)</i></p> <ul style="list-style-type: none"> • <u>Based on prototypical schools:</u> <ul style="list-style-type: none"> ○ Does not use minimum staffing ratios ○ Number of teachers to achieve specified class sizes <i>(includes a planning period)</i> ○ Administrative, other CIS, & classified staff allocations at building-level ○ Central office administration as a % of staffing allocation ○ May be adjusted for small schools • <u>Maintenance, Supplies & Operating Costs (MSOC):</u> <ul style="list-style-type: none"> ○ Amount per FTE specified by category. • <u>LAP</u> <ul style="list-style-type: none"> ○ Based on percent of FRL students in each school. <ul style="list-style-type: none"> ▪ Extended school day of 2 hours per week with class size of 5 ▪ Extended school year of 10 hours per week for 4 weeks with class size of 5 ▪ Per student allocation for MSOC • <u>TBIP</u> <ul style="list-style-type: none"> ○ Based on number of ELL enrolled <ul style="list-style-type: none"> ▪ Percent of school day in supplemental instruction specified by level of school ▪ Per student allocation for MSOC • <u>Special Education</u> <ul style="list-style-type: none"> ○ Excess cost allocation: <ul style="list-style-type: none"> ▪ Birth through 5: 1.15 times base allocation ▪ K-12: .9309 times base ○ Funding provided for up to 12.7% of district's basic education population ○ Creates Safety Net in statute <p>Beginning 2012-13:</p> <ul style="list-style-type: none"> ○ Allocation for a teacher mentoring program, based on teachers with fewer than 5 years experience

	Current Law/ Court Interpretation	House Bill 1817	House Bill 1410
<p>Salary Schedule</p>	<ul style="list-style-type: none"> • CIS salary schedule: (part of Basic Ed) <ul style="list-style-type: none"> ○ <i>Established in appropriations act:</i> ○ <i>Based on education level & teaching experience.</i> ○ <i>Additional funds for each additional year of experience up to 16 years.</i> ○ <i>Additional funds for each additional 15 credits of approved education acquired up to a Ph.D.</i> ○ <i>State funding provided for CIS salaries is subject to collective bargaining within specified limitations.</i> • Administrator/Classified Staff: <ul style="list-style-type: none"> ○ <i>No state salary allocation schedule.</i> ○ <i>Allocation based on historical salary allocations adjusted for cost of living.</i> ○ <i>Actual salary determined through local collective bargaining process.</i> • CIS Supplemental Contracts <ul style="list-style-type: none"> ○ Not part of Basic Education. ○ <i>For additional time, responsibilities, and incentives (TRI).</i> ○ <i>1-year contract.</i> • Bonuses <ul style="list-style-type: none"> ○ <i>Annual \$5000 salary bonus (adjusted for inflation) for NBPTS certification for the life of the 10-year certificate.</i> ○ <i>Additional \$5000 bonus for NBPTS certified teachers in a school with 70% or more students eligible for free & reduced-price lunch</i> <ul style="list-style-type: none"> • <i>2008 budget has different thresholds for low income schools</i> 	<p>Not specified. Beginning 2011-12, Legislature adopts a new basic education allocation formula.</p>	<p>Beginning 2012-13:</p> <ul style="list-style-type: none"> • New CIS salary schedule. <ul style="list-style-type: none"> ○ <i>Based on 3 tiers of performance aligned with certification: residency, professional, master (NBPTS)</i> ○ <i>To be established in appropriations act</i> ○ <i>Collective bargaining on salaries limited by salary schedule.</i> ○ <i>Applies only to new CIS or those who transfer to new schedule.</i> ○ <i>CIS not transferred by Nov 15, 2021 are automatically transferred Sept 1, 2022.</i> Beginning 2011-12: • Administrator/Classified Staff: <ul style="list-style-type: none"> ○ <i>Based on actual 2008-09 statewide average salaries for positions in prototypical school formula, increased by any across-the-board increases authorized by Legislature.</i> • CIS Supplemental Contracts Beginning 2012-13: <ul style="list-style-type: none"> ○ <i>Limited to additional "time" worked outside the regular school day/year.</i> ○ <i>Required reporting on contract content</i> • Bonuses Beginning in 2012-13: <i>(for teachers on new salary schedule)</i> <ul style="list-style-type: none"> ○ <i>State-certified mentors receive a bonus, specified in the budget.</i> ○ <i>State-certified evaluators receive a bonus, specified in the budget.</i> ○ <i>NBPTS-certified staff receive \$5,000 bonus for instructional assignment in low-income school. (definition revised to match 2008 budget)</i> <i>(for teachers on old salary schedule)</i> <ul style="list-style-type: none"> ○ <i>\$1,000 one-time bonus for professional level certification.</i>

	Current Law/ Court Interpretation	House Bill 1817	House Bill 1410
I-732 Cost-of-living adjustment (COLA)	<ul style="list-style-type: none"> An annual COLA is provided to school employees based on the Puget Sound area Consumer Price Index. <ul style="list-style-type: none"> Not Basic Education. 2009-10: 4.1 % 2010-11: 0.0 % 	<ul style="list-style-type: none"> Salary increases are provided to CIS, certificated administrative staff and classified staff above the COLA adjustments. <ul style="list-style-type: none"> 2009-10: 3% over COLA 2010-11: 2% over COLA Subsequently: Adjustments over COLA based on the recommendations of CQEW, if adopted by the Legislature and Governor. 	<ul style="list-style-type: none"> Maintains current.
Learning Improvement Days (LID) & I-728 Student Achievement Fund	<p><u>LID</u></p> <ul style="list-style-type: none"> <i>Established in appropriations act.</i> Not Basic Education. <i>2008-09: 2-days</i> <i>Must add LID to the 180-day contract</i> <i>Limited to specific activities identified in the school improvement plan, approved by principal & district superintendent.</i> <i>Must be for professional development.</i> <i>Must be the length of a full-day under the base contract.</i> <p><u>Student Achievement Fund :</u></p> <ul style="list-style-type: none"> May be used for: <ul style="list-style-type: none"> Class size reductions Extended learning opportunities Teacher professional development Pre-K Related facilities improvements Increases annually by inflation. 	<p><u>LID</u></p> <ul style="list-style-type: none"> Current budget language put in statute Removes limitation that LID are not Basic Education <ul style="list-style-type: none"> 2009-10: Minimum of 3.2 LID 2010-11: Minimum of 4.3 LID Subsequently: Additional LID and amounts available under I-728 must be phased-in considering the recommendations of CQEW <p><u>Student Achievement Fund :</u></p> <ul style="list-style-type: none"> Amounts available must be phased-in considering recommendations of CQEW. May incorporate the Student Achievement Fund into a new foundation formula beginning in 2011-12. 	<p><u>LID</u></p> <ul style="list-style-type: none"> Current budget language put in statute Removes limitation that LID are not Basic Education. <p>By 2016-17:</p> <ul style="list-style-type: none"> Salary schedule includes 10 LID <p><u>Student Achievement Fund :</u></p> <ul style="list-style-type: none"> Repealed as of 2011-12
Salary Survey/ Regional Wage Adjustment	Department of Personnel regularly conducts salary surveys for state employee positions.	<ul style="list-style-type: none"> CQEW conducts a comparative labor market analysis every 2 years of salaries & other compensation of school employees. 	<ul style="list-style-type: none"> DOP conducts a comparative labor market survey every 4 years of salaries & other compensation of school employees. OFM uses information to create regional wage adjustment schedule, which could be applied to CIS salary schedule and administrator/classified allocations

	Current Law/ Court Interpretation	House Bill 1817	House Bill 1410
Oversight over Program of Basic Education and Funding	<p>Legislature establishes definition of Program of Basic Education and full funding of that Program and makes appropriations.</p> <p>SPI and Governor make funding recommendations. Governor approves enacted legislation and budgets.</p> <p>Superintendent of Public Instruction has supervision over all matters pertaining to public schools.</p> <p>Legislature has assigned responsibility for implementation of Program of Basic Education to local school districts, with elected governing boards.</p>	<p>Commission for Quality Education in Washington is created (CQEW).</p> <ul style="list-style-type: none"> • <u>11 members:</u> <ul style="list-style-type: none"> ○ SPI ○ 10 Governor appointees, 5 representing the educational system • <u>Duties:</u> <ul style="list-style-type: none"> ○ Determine resources to amply provide education based on prototypical schools, adjusted for various factors. ○ Review the Legislature's actions & incorporate sufficient resources into the prototypical school model for schools to comply with all laws and rules. ○ Conduct a comparative labor market analysis. ○ Issue annual report to the public highlighting progress or issues in funding and explaining why schools might not be reaching desired performance levels. <p>Annual Legislative Report.</p> <ul style="list-style-type: none"> • If the Legislature funds differently than the commission recommendations the Legislature must issue a report. 	<p>Basic Education Steering Committee is created. (<i>Terminates June 30, 2017.</i>)</p> <ul style="list-style-type: none"> • <u>13 members:</u> <ul style="list-style-type: none"> ○ 8 legislators ○ Representatives of Governor, SPI, SBE, PESB, DEL. • <u>Oversees 5 work groups:</u> (<i>Reports due November 15, 2009 and September 1, 2010</i>) <ul style="list-style-type: none"> ○ Funding Formulas Working Group develops financial model & funding formulas for Basic Education allocation. ○ Compensation Working Group develop options for new SAM & bonuses. ○ Early Learning Working Group develops proposal for statewide Washington Head Start program. ○ Local Finance Working Group develops options for new system of local levies and levy equalization. ○ Data Working Group proposes design for comprehensive data systems • <u>Makes recommendations</u> to 2010 Legislature and submits annual report on progress through 2016.
Accountability	<ul style="list-style-type: none"> • State Board of Education is directed to develop 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. 	<ul style="list-style-type: none"> • Does not amend current SBE authority or remove prohibition on intervention. <p>By December 2010:</p> <ul style="list-style-type: none"> • SBE, SPI, & PESB report on ways to measure & implement various accountability measures for: <ul style="list-style-type: none"> ▪ Students ▪ Classroom practices ▪ Teachers ▪ Schools ▪ Central administration ▪ Local school boards ▪ Executive branch ▪ Legislature 	<ul style="list-style-type: none"> • Removes prohibition on state intervention • <u>SBE required to:</u> <ul style="list-style-type: none"> ○ Adopt Accountability Index using multiple measures to identify schools/ districts for recognition, support, assistance, intervention. ○ Propose system of Team-Based Recognition Bonuses for staff in exemplary schools by Dec 1, 2009. Beginning September 2011, SBE must: <ul style="list-style-type: none"> ○ Designate persistently struggling schools/ districts as Priority. ○ With SPI, create Innovation Zone for

Current Law/ Court Interpretation	House Bill 1817	House Bill 1410
<p>continuing education credits.</p> <ul style="list-style-type: none"> ▪ PESB currently developing a uniform and externally-administered assessment of teaching skill for professional certification for 2010. <ul style="list-style-type: none"> • <u>Teacher Evaluation/Employment</u> <ul style="list-style-type: none"> ○ Some criteria for principal evaluation of teachers are specified in statute and some established by OSPI. ○ During the first two years teachers are provisional employees and subject to nonrenewal of employment contracts without a finding of probable cause. ○ After a teacher has 4-years of satisfactory evaluations the principal may use a short-form evaluation. • <u>Teacher Assistance Program (TAP)</u> <ul style="list-style-type: none"> ○ Funding for TAP provides stipends for mentor and beginning teachers, substitutes, and workshops. SPI offers training and resources. ○ 2007-09 budget sufficient to provide \$880 per first-year teacher. 	<p>Not Addressed.</p> <p>Not Addressed.</p>	<ul style="list-style-type: none"> ▪ Complete an approved certification program & meet the minimum level on new performance evaluation. ▪ Valid for five years. ○ Professional: <ul style="list-style-type: none"> ▪ At least 2-years teaching & meeting the minimum level of performance for the professional certificate on new evaluation. ○ Master: <ul style="list-style-type: none"> ▪ PESB must define as NBPTS certified. <p>By January 1, 2011: PESB must adopt ESA master-level certification & submit to the Legislature.</p> <ul style="list-style-type: none"> • <u>Teacher Evaluation/Employment</u> <ul style="list-style-type: none"> ○ Criteria for principal evaluations of teachers must be modified based on PESB effective teaching standards. ○ All evaluations of a teacher must include an evaluation of effective teaching. ○ Beginning September 1, 2012, a teacher is a provisional employee until the next school year after the employee attains professional-level certification. ○ Short-form evaluations may be used after 5 years, rather than 4. <p><u>Mentor Program</u> By Jan 1, 2010:</p> <ul style="list-style-type: none"> • SPI submits proposal for mentoring and support system for new teachers: <ul style="list-style-type: none"> ○ Rigorous and structured program of professional development ○ Intensive support in first year, graduated levels based on need for up to 5 years. ○ State-certified mentors. ○ Minimum standards for release time and contact for mentors and new teachers. <p>2012-13:</p> <ul style="list-style-type: none"> • First year teachers must participate in mentoring program.

	Current Law/ Court Interpretation	House Bill 1817	House Bill 1410
Levies/Levy Equalization	<p>Districts may seek voter approval for a property tax levy for enrichment programs. Not Basic Education.</p> <ul style="list-style-type: none"> • Capped at 24% of federal/state revenues, except 91 districts have levy lid above 24% <p>State provides levy equalization (LEA) to mitigate above-average property tax rates for levies up to 12%. Not Basic Education.</p>	<p>Effective 2010-11, SPI changes accounting manual to require separate accounting for levy expenditures.</p>	<p>Creates Local Finance work group to develop new system of non-Basic Education supplemental funding through levies and LEA, to be implemented in 2012.</p> <p>Effective January 1, 2012:</p> <ul style="list-style-type: none"> • Sets levy lid at 24% for all districts • Repeals LEA
Funding	<p>Basic Education is funded by appropriations from the State General Fund.</p>	<p>Beginning September 2009: (<i>& in odd number years after that</i>)</p> <ul style="list-style-type: none"> • If the previous biennium's general state revenues grow more than 5 % above revenues compared to biennium before that, 50 % of the amount that is over 5 % is transferred to the Full Funding of Basic Education account. • General state property levy authority is reduced 25¢ from \$3.60 per \$1,000 of assessed value to \$3.35 per \$1,000. • Creates new regular 25¢ levy per \$1,000. <ul style="list-style-type: none"> ○ Exempt from 1% property tax growth limit. ○ Must be used for Full Funding of Basic Education Account. • Creates Full Funding of Basic Education Account, to be used exclusively for: <ul style="list-style-type: none"> ▪ Improvements in CIS & classified staff per-student ratios. ▪ Increased funding for NERC ▪ Phase-in all-day kindergarten ▪ Increased funding for a new pupil transportation formula ▪ Increase the % of levy equalization over the 12 % rate ▪ May not be used for maintenance-level budgeting <p><i>Note: OFM has designated the Senate Companion to HB 1817 subject to I-960 review and is conducting a ten-year cost projection.</i></p>	<p>Not Addressed.</p>