
Education Appropriations Committee

HB 2261

Brief Description: Concerning the state's education system.

Sponsors: 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 Summary of Bill

- States the Legislature's intent to continue to review, evaluate, and revise the definition and funding of Basic Education.
- States that the Legislature intends to monitor the progress of developing formulas, processes, and systems and to begin a schedule of implementation in the 2011-12 school year.

Hearing Date: 2/25/09, 2/25/09, 3/2/09

Staff: Barbara McLain (786-7383) and Ben Rarick (786-7349)

Background:

Article IX, Sections 1 and 2 of the state Constitution declare that: (1) it is the paramount duty of the state to make ample provision for the education of the state's children; and (2) the Legislature is required to provide for a general and uniform system of public schools.

In response to a Superior Court ruling holding that the state had not expressly defined, determined the substantive content of, or funded a Program of Basic Education (School Funding I), the Legislature adopted the Basic Education Act (BEA) of 1977. Subsequent court decisions (School Funding II in 1983 and *Tunstall v Bergeson* in 2000) have held that other educational programs are also part of the state's constitutional obligations. Through this combination of statutory law and judicial decisions, these programs have come to be collectively referred to as

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"Basic Education," signifying a constitutional obligation by the state under Article IX to provide the programs.

The courts have also established various principles that are associated with the Basic Education designation. For example, under the School Funding II Superior Court ruling, 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 School Funding I decision also found that local voter-approved property tax levies can only be used to fund enrichment programs and programs outside the Program of Basic Education. The Levy Lid Act (enacted along with the BEA) limits the amount of revenue that can be raised through maintenance and operations levies.

In 2007, the Legislature established the Joint Task Force on Basic Education Finance (Task Force). The Task Force was charged with reviewing the definition of Basic Education, developing options for a new funding structure and funding formulas, and proposing a new definition of Basic Education realigned with the expectations for the state's public education system. The Task Force's final report was issued on January 14, 2009.

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 review, evaluate, and revise the definition and funding of Basic Education. The Legislature also intends to fulfill the state's obligation 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 and to address these differences using a rational basis in order to promote equity and uniformity of educational opportunity.

The Legislature further finds that a successful system of public education must permit some variation among school districts outside the Basic Education program in order to reflect the unique desires of local communities. Therefore, local levy authority remains an important component of the overall finance system even though it is outside the state's obligation for a Basic Education.

The Legislature intends to build upon previous efforts and the work of other entities. However, an implementation strategy must be determined for the instructional program; financial experts must develop the details of funding formulas that are based on prototypical schools; changes to 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 progress of developing these formulas, processes, and systems and to begin a schedule of 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 but are not part of a Basic Education.

Appropriation: None.

Fiscal Note: Requested on February 27, 2009.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.