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How Special Interests and Entrenched Bureaucracy Drove the COVID-19 Response to Education: The Case of Washington State

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KEY TAKEAWAYS

Washington's public school system, driven by bureaucrats more concerned about "equity" issues than consistent learning, failed children during the COVID-19 lockdown.

Private and public charter schools quickly turned to online instruction, but public schools want to move on without addressing three months of missed learning.

Parents cannot wait for the public school system to get its act together. They deserve more options, like Education Savings Accounts, for educating their children.

When Governor Jay Inslee (D) closed the public and private schools of Washington State's 1.1 million students on March 13, 2020, state education leaders made several key decisions that influenced the state's attempt to deliver education services during the COVID-19 crisis. These decisions reflected the political priorities of the large, unwieldy, and inflexible bureaucracies and unions that run the public schools, not the needs of the parents whose children saw one-third of their 2019–2020 school year cancelled.

State education leaders relied on Washington State's rigid school funding formula to protect their own financial interests. This funding formula controls the spending of public funds in the schools. This formula does not require districts to provide any credits or savings during school closures to the state. This formula does not direct resources to parents or students.

This *Backgrounder* is a case study of Washington State's response to COVID-19, and maps an alternative path forward that would serve students and parents better. Providing direct aid to parents would help to shift control over public funding to families, and increase the capacity and the flexibility of the state to respond to emergencies, such as COVID-19. Such a change would loosen the control that school bureaucracies and unions enjoy over public school funding. Providing parents with direct aid would also help children to maintain their learning progress after COVID-19 by enabling them to access learning environments that are the right fit for them.

How the Washington State School System Responded to COVID-19

Following is a timeline of official announcements that affected K–12 schools during the initial months of the COVID-19 pandemic. They include notices from the Governor's office and from the Office of the Superintendent of Public Instruction (OSPI).[1]

February 28, 2020. State Superintendent Chris Reykdal (D), the elected leader of the OSPI, tells districts that their funding will not be reduced due to short-term or long-term emergency closure specifically related to COVID-19. He says he will write rules to waive instructional-hour requirements in state law. He discourages districts from providing online instruction, citing "concerns about equity." He tells district officials who wish to provide online instruction that they must comply with onerous Alternative Learning Requirements to receive funding.[2] His decisions create a major barrier to children accessing lessons online.

February 29, 2020. Governor Inslee issues Declaration of Emergency due to COVID-19.

March 3, 2020. State Superintendent Reykdal tells district officials that they will not be required to make up missed days of instruction due to COVID-19 closures beyond the last day of school, June 19.

March 13, 2020. Governor Inslee and State Superintendent Reykdal cancel school until April 24.

March 21–25. District officials change school employee contracts to continue to pay salaries and benefits while schools are closed. For example, the April 10, 2020, collective bargaining agreement negotiated by the Bellevue School district with the Bellevue Education Association (BEA), the local affiliate of the Washington Education Association (WEA), illustrates the union's fear that online instruction could be a success:

> **17. Educational materials generated during this period:** Any educational materials generated during this time of emergency school closure to address student learning will not be used after the 2019–2020 school year for the development of distance learning programs, summer school, or any other courses and programs that would have an impact on employee FTE [full-time equivalent] unless expressly agreed to between BEA and the District.[3]

This provision bars children from continuing to learn online without getting union permission first.

March 21, 2020. U.S. Department of Education informs Superintendent Reykdal that "equity concerns" should not prevent districts from offering online instruction to students.

March 23, 2020. Superintendent Reykdal requires districts, by March 30, to begin providing students "opportunities to continue their learning during this pandemic." He also says:

> We should avoid assuming that continuity of education outside of a typical school building can only occur through online means. Districts will provide instruction using printed learning materials, phone contact, email, technology-based virtual instruction, or a combination to meet student needs.[4]

April 6, 2020. Governor Inslee and Superintendent Reykdal close schools for the rest of the year, effectively cancelling one-third of the 2019–2020 school year.

May 10, 2020. Superintendent Reykdal threatens to deny funding for students whose parents transferred them to Washington's public online schools after the COVID-19 closure.[5]

June 11, 2020. Superintendent Reykdal publishes a "District Planning Guide" for re-opening schools suggesting a hybrid model of part in-person instruction, part online instruction, with students attending school in shifts, and with six-foot social distancing and mask requirements.

June 11, 2020. Governor Inslee says, "[W]e cannot guarantee that schools will open next year."[6]

June 11, 2020. President of the WEA state teacher union Larry Delaney responds to the OSPI's re-opening plan by observing that the health and safety of its members, not children, are the union's top priority, that the social distancing requirements are impractical, and demanding additional funding.[7]

June 25, 2020. Eighty percent of teachers say they need more training in online instruction.[8]

Washington's Restrictive "Prototype School" Funding Model

Washington State has 2,400 traditionally run public schools in 295 districts, serving 1.1 million school children. Washington also has a very limited, strictly capped, school-choice sector, with 12 public charter schools serving about 4,000 students and two public online schools serving about 7,300 students. In addition, private schools serve 82,000 students, and the number of students homeschooled is about 21,000.[9]

Districts receive 79 percent of their funding from the state, 7 percent from the federal government, 10 percent on average from local levies, and 4 percent from other funds.[10]

Washington uses the "prototype school" funding formula to calculate the level of funding provided to districts. State funds are provided to districts based on student enrollment and the cost of the level of staff needed to operate schools of a particular size with particular types and grade levels of students. It includes class-size expectations and certain ratios of staff to students.

Staff include classroom teachers, specialist teachers, administrators, teaching assistants, librarians, psychologists, nurses, therapists, social workers, custodians, secretaries, and professional and other support staff.[11] Typically, fewer than half of school employees provide classroom instruction to children.

Districts are theoretically free to deviate from the prototype school model, but this is true only on paper. In reality, the many unions representing school employees use the prototype school model to support their demands that local school administrators provide smaller class sizes, higher pay and benefits, and additional staff. The Seattle Public Schools district, for example, has 24 unions and 13 collective bargaining agreements.[12] These unions include the principals union, the operating engineers union, the building construction union, the teamsters, machinists and carpenters unions, and the largest and most powerful, the teachers union. The teachers union represents teachers, paraprofessional staff, bus drivers, secretaries, and clerks.

Washington's "prototype school" funding formula gives budget decision-making power to local district bureaucracies led by superintendents. In theory, Washington state is a "local control" state, with elected school boards responsible for hiring superintendents and the financial management of each school district. Yet local control in Washington has been steadily eroded by the expansion of federal and state control over local education decisions. Regulations from the OSPI and the State Board of Education also exert control over spending decisions at the local level.

The elected leader of the OSPI, Superintendent Chris Reykdal, is responsible for administering the state's monthly "apportionment" payments to local districts, plus a number of state and federal grants and categorial funding programs. He enjoys statutory power to "make adjustments in the allocation of funds" to districts in order to "meet emergencies."[13]

The legislature adopted the "prototype school" formula in response to the 2012 ruling of the state supreme court in *McCleary v. State of Washington*. The McCleary lawsuit was filed in 2007 and paid for by the WEA teachers union and a coalition of school districts and activists.

In response to the *McCleary* ruling, the legislature doubled state funding to K–12 schools, from $13.5 billion in the 2011–2013 biennium to $27.3 billion in the 2019–2021 biennium.[14] Total per student spending grew from under $10,000 in the 2013–2014 academic year to $15,800 for 2019–2020, and average teacher pay grew from around $65,000 to $84,000 a year.[15]

In the 2019–2020 academic year, K–12 schools received $17 billion in total state, federal, and local operating revenue.[16] After Governor Inslee's March 13 order to close the schools for one-third of the school year, the OSPI approved the allocation to districts of one-third of this sum, a total of $5.3 billion.

Official state records show, however, that only 48 percent of school employees in Washington State are classroom teachers.[17] With schools closed during the COVID-19 pandemic, the bulk of the work of the schools fell on teachers, yet only 60 percent of the $5.3 billion, or $3.2 billion, was spent in operating funds on the accounting category "Teaching."[18]

The balance of $2.1 billion was paid to maintain the pay and benefits for the remaining half of school employees during the pandemic, despite the fact that the COVID-19 shutdown made most school support functions impossible.

The Prototype School Funding Formula Funds Staff, Not Education of Students

Public schools rely heavily on the work of teachers, administrators, and various types of support staff. Eighty-two percent of school funding is spent on the salaries and benefits of school employees.[19] The various duties that school personnel are assigned are strictly defined and limited by prescriptive contracts negotiated by unions.

Even before COVID-19, efforts to reallocate spending to more effective education practices were resisted by groups of school employees whose job assignments were threatened.

Washington's prototype school funding formula has made this problem worse. This formula defines a set of restrictive staffing assignments based on student enrollment, making districts even more inflexible and resistant to change than in the past. For example, an elementary school of 400 students receives funding for class sizes of 17 students in kindergarten through third grade, and of 27 students for grades four to six. Elementary schools this size also receive funding for 1.25 principals/administrators, 0.66 librarian/media specialists, 0.076 school nurses, 0.042 social workers, 0.017 psychologists, 0.49 guidance counselors, 0.93 instructional aides, 2.2 office support staff, 1.6 custodians, 0.07 classified staff, and 0.08 parent-involvement coordinators. Middle schools and high schools are funded based on a formula assuming 432 and 600 students, respectively, with class sizes of 28 students and comparable ratios for funding non-teaching support staff.[20]

After the Governor closed schools due to COVID-19, the prototype school funding model maintained the salaries and benefits of all school employees, without reference to whether they were still performing their duties. One half of school employees are non-teachers. Most of them were released from duty and stayed home, but they still collected their tax-funded salaries.

Another, related problem of the "prototype school" funding formula is its susceptibility to being captured by central government bureaucracies like the OSPI and Washington's 295 local school districts, and to the political influence of the WEA union.

The prototype school formula makes no provision for health emergencies, such as COVID-19, imposing no requirement on school districts to generate budget savings during government-ordered school closures.

More important, the prototype school formula makes no provision to help families who need specialized tutoring services or would like to enroll their children in public online, public charter, or private schools when traditional public schools are closed.

The Influence of the WEA Union over School Spending and Policy

The WEA union and its local affiliates exert a powerful influence over the spending decisions made by local school superintendents. The WEA is one of the most powerful political associations in the state, with a $41 million annual budget from dues.[21]

The WEA union exerts control over school spending by calling illegal strikes at the beginning of the school year. Washington law provides that strikes by public employees, including teachers, are illegal.[22] Nevertheless,

the WEA routinely ignores this law. Because of the union's power in the state, districts are reluctant to get an order from a court requiring the union to open the schools. These strikes place enormous public pressure on superintendents to provide pay raises and increased benefits for school employees, even if the increases exceed the district's funding revenue.[23] Reports from the Bureau of Labor Statistics show that children in Washington State are more likely to have their education disrupted by a teacher strike than children in any other state.[24]

The WEA also influences policy decisions made by the OSPI and contributes to the election of the executive director of this office, the State Superintendent of Public Instruction, and to the Governor.

The WEA opposes the expansion of online instruction. If online instruction were to serve families and students successfully during the COVID-19 emergency, this success could ultimately lead to the expansion of online learning in Washington State. As revealed by the April 10, 2020, collective bargaining agreement negotiated by the Bellevue School district with the BEA, the union fears that online instruction would reduce the need for school support staff required by the current brick-and-mortar school model.[25] As such, Superintendent of Public Instruction Reykdal, who was elected with strong political support from the WEA, took immediate action to discourage districts from providing online instruction, even though learning online benefits children.[26]

Success of online instruction during COVID-19 measures would represent a threat to the power of the union within the current system. The union's power depends on protecting the current "prototype school" funding formulas.

How Districts Failed Their Students During the COVID-19 Crisis

The first major decision of Superintendent Reykdal during the COVID-19 pandemic was to maintain school funding within the system of schools. His decision was facilitated by Washington's rigid school staffing formula.

Reykdal's second major decision was to discourage districts from providing online instruction, due to "concerns about equity." His rationale was that since some students do not have access to the Internet, those students who do have access should be denied instruction. He issued no "guidance" to encourage districts to provide laptops and Internet access to all students, nor did he urge districts to gain expertise and knowledge in the delivery of online instruction.

Instead, the U.S. Department of Education was forced to intervene, and to direct State Superintendent Reykdal to allow districts to provide online instruction. His response was to tell districts that online instruction is "not the only means" of continuing the education of children, and that providing packets of curriculum material to families would be sufficient.

Many of Washington's school districts stopped taking attendance, giving students assignments, or tracking student progress in learning. Some districts, though, rose to the challenge, and many individual teachers worked hard to keep their students on track. Yet, as a whole, the state's public school system took weeks to face the reality of COVID-19, and then did not act to provide quality online instruction to all students.

The decision to provide families with the minimum of assistance placed the work of teaching their children on the shoulders of working parents. In this way, the state placed an additional tax on families.

Superintendent Reykdal's hostility to online instruction was met with dismay by parents of students in the Northshore School District. This district, just north of Seattle with 34 schools serving 22,900 students, had prepared to deliver online instruction during COVID-19 school closures. The district's superintendent, Michelle Reid, had trained her teachers and delivered 2,500 laptops and Internet access to families in need.[27]

By contrast, Washington's private schools and public charter schools, whose funding depends on satisfying the expectations of parents, quickly converted their programs to online instruction, without delay.[28]

Students attending one of Washington's two public online schools were also successful under COVID-19—Insight Schools, which serves 2,800 students, and Washington Virtual Academy (WAVA), which serves 4,500 students. These schools have been in operation for over 10 years in Washington State, and have deep experience in the provision of online instruction. They have helped thousands of students graduate from high school, and to pursue higher and vocational education.

The experience of Insight and WAVA illustrates that the public school system is fully capable of providing quality online instruction. Online instruction can take many forms, through live video lessons, recorded lectures, regular and frequent one-on-one support over the phone, and feedback to students through an online platform.

Unfortunately, under COVID-19 most districts across the country did not take steps to provide students with online instruction. Research from the University of Washington's Center for Reinventing Public Education (CRPE) studied a representative sample of districts across the country, and found that two-thirds of districts set the bar for instruction very low,

requiring teachers to provide families only with curriculum material, either in paper packets or in assignments posted online, and not much else.[29] Only one-third of districts required their teachers to engage and interact with their students on the content of the curriculum provided, and to monitor their students' academic progress.[30]

The CRPE's general finding, that most districts in the U.S. fell seriously short of meeting the COVID-19 challenge, appears to be true for Washington State as well. The CRPE database includes two districts in Washington State: Seattle Public Schools, the largest district in the state with 55,844 students, and Everett Public Schools, the 14th-largest district with 21,205 students.[31] This database shows that Seattle Public Schools did not track student attendance, had not delivered laptops to all students, and did not require teachers to provide instruction to students, either in real time, or by providing feedback to student work.[32] The database shows that while Everett Public Schools did require teachers to take attendance, they did not require teachers to collect or grade student assignments, or monitor student progress online.[33]

The COVID-19 crisis exposed the incompetence of the bureaucracy running Seattle Public Schools, the wealthiest district in the state with a budget of over $1 billion, $20,000 per student. While claiming to "prioritize the needs of students furthest from educational justice," the 650 administrators in the district's central offices failed to deliver laptops quickly to the neediest students in the district.

In 2016 and 2019, Seattle's taxpayers passed levies providing Seattle Public Schools with a $16 million and $150 million fund, respectively, for the technology needs of Seattle families. Yet, despite having the needed funds, six weeks into the COVID-19 crisis the Seattle district had still not delivered laptops to all families in need.[34] When the public learned of this failure, Amazon donated 8,200 laptops, and other private companies provided technology assistance to expand online access to Seattle's families.[35]

Not Preparing for the Fall

Washington's schools are not preparing to open to students this fall. The state's education leaders, influenced by the powerful WEA teachers union, appear to have decided to put the education of Washington's children on hold until a vaccine is developed and the health crisis is over.

And, for online learning, districts are now discussing going right into the fall curriculum.[36] This means that the system as a whole is not planning to make up for the three months of learning that students lost in the spring.

Students already behind in learning will fall even further behind. Robin Lake, director of the CRPE, calls this the "academic death spiral. I don't know how you do algebra without pre-algebra."[37]

Families cannot wait until the schools decide to fully open. COVID-19 has shown that the public and families need more flexibility and control over school funding.

Impact of COVID-19 Closures on Students

Parents with children who have special education needs have been severely affected by the COVID-19 school closures. Federal law guarantees students with special needs access to school and appropriate services. Districts in several states have arguably violated federal law by applying pressure on parents to waive these rights under COVID-19.[38] Parents in Washington State have filed a lawsuit against Governor Inslee for these school closures, citing the federal law giving special needs students the right to a "free and appropriate" public education.[39]

Other parents have also been critical of the school system's response to COVID-19. Parents complained that they felt abandoned when their districts provided paper learning packets or posted materials online, with little or no follow-up by teachers.

Parents complained that schools were disorganized and that they were using a wide variety of different and difficult-to-manage online learning platforms. Parents with three children, for example, found themselves contending with Google Classroom, Canvas, Schoology, or other platform, each with different formats and passwords.

Parents said, "They feel that the online learning provided by public schools, especially in the Seattle area, was 'a joke' and a 'waste of time.'"[40] Parents are looking for options so that their children will not fall further behind in their education under COVID-19.

Parents are right to be worried about school closures continuing into the fall. As the NWEA, a non-profit education services organization, estimates:

> students will return in fall 2020 with roughly 70% of the learning gains in reading relative to a typical school year. In mathematics, students are likely to show much smaller learning gains, returning with less than 50% of the learning gains and in some grades, nearly a full year behind what we would observe in normal conditions.[41]

Low-income minority parents have been severely affected by the school closures under COVID-19. Many of their children are already behind in

school. Washington State has a well-documented, long-standing academic gap between white and minority children. Results on the 2019 National Assessment of Educational Progress, the "nations' report card," show that minority children have fallen significantly behind their white peers in academic learning.[42]

Washington has 118 state-identified failing schools, politely called "priority" schools by state education officials. These schools have a disproportionate impact on children of color. The 44,000 students that administrators send to "priority" schools are most at risk of dropping out of school.[43] Yet school administrators assign children to these schools every year, knowing that they fail to provide children a quality education.

Parents do not want to send their children to unsafe and failing public schools. Washington's prototype school funding formula, and the policy of forcing children to attend failing schools, are formidable obstacles to allowing families to choose a better school. The experience in Washington State should be instructive for other state leaders across the country.

Recommendations for State Policymakers

The experience in Washington State has implications for the rest of the country. Washington State, and states across the country, have an opportunity to rebuild a better education model in the wake of COVID-19. They can do so by moving away from rigid school funding formulas and toward delivery mechanisms that fund students directly. State legislatures should:

1. **Update school staffing formulas** to require local school districts to reduce spending and provide savings to the state during emergencies that close schools.

2. **Redirect these savings** to help families educate their children.

3. **Deposit 90 percent of public student funding (at least $11,000 per student) into an Education Savings Account** for each family for use in hiring tutors, buying technology, curricula, or paying tuition at a private school. Washington state provides, on average, $15,800 per student from all federal, state, and local revenue sources for the education of each student. The state's portion of this sum is $12,200 per student.

Conclusion

Washington State's inflexible prototype school staffing formula and the influence of bureaucracies and unions have led to the failure of Washington's public school system as a whole to respond appropriately to the COVID-19 crisis. The state is not alone in this regard. Public school leaders around the country made key decisions to keep the money flowing to politically connected adults, not to deliver quality online instruction to children.

Giving parents a portion of the funding the state provides would shift control over public funds to parents, and away from bureaucracies and unions. Providing direct aid to parents would introduce needed flexibility in the use of these public funds during emergencies, such as COVID-19, and also provide education assistance to families after the emergency is over.

One popular model for delivering education aid to parents are Education Savings Accounts. Giving parents an Education Savings Account with at least $11,000 for each child would help students to regain the knowledge they lost under COVID-19 lockdowns and help to maintain student progress once schools re-open.

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