

VSSDA 2019 Legislative Update

"When you reach the end of your rope, tie a knot in it and hang on."

~Franklin D. Roosevelt

Session Context—Weekly Recap & the Week Ahead

Today marks day 98 of the 105-day Legislative Session. While the end of the Regular Session is in sight, it is anyone's guess as to whether a special session is in the works. There are many sticking points that have yet to be unstuck in the coming 7 days...from funding SEBB and special education to addressing levy, LEA, and hold harmless policies; to the stickiest question of all: How will it all be fund-

This past Wednesday (4/17) marked the final major cut-off of the session: the Opposite House Cut-off. 5pm was the time all policy-specific House bills need to have passed out of the Senate and vice versa. In general most bills that did not make it out of the opposite house are now considered "dead", however in some cases these bills are named in one of the budget proposals and the argument could be made that they are "Necessary to Implement the Budget", or NTIB. That decision is largely left up to budget writers. For sure, the budgets and key budget-related bills are considered NTIB.

While most of the Legislature's time was spent in their chambers debating and voting on bills, WSSDA's week 14 schedule provides a summary of mostly NTIB bills heard and acted on in the Senate Ways & Means and House Finance Committees on Thursday and Friday. In addition, there was a joint hearing of the Senate State Government and House Civil Rights/Judiciary Committees on House Initiative 1000 which would amend several components of I-200 and restore aspects of affirmative action back into state law. In January the NW News Network published a helpful article describing the background and context of the initiative. In addition, the Governor began signing bills in full-force, as technically he must take action within 5 days on bills delivered to his desk more than 5 days before adjournment. In contrast, he has 20 days to act on those delivered less than 5 days before adjournment. To stay apprised of which bills are scheduled, check out the Governor's Bill Action Web page.

To see which bills kept moving, check out WSSDA's comprehensive Bill Watch and check out the "WSSDA Priorities: Bill Status Updates" section of this report. Also, in addition to providing more indepth narrative on bills that did and didn't move past Wednesday's cut-off, WSSDA's weekly Legislative Update webinar (presentation // recording) from this past Friday provides an overview of how to track bill signings and the process by which the Governor may veto or partially veto a bill.

This coming week and through Sine Die (4/28), most bill activity will take place in the House and Senate Chambers. In some cases committees may meet to hear testimony and take action on NTIB bills. Here's a link to the next week's schedule where you can find links to currently scheduled meetings and to where you can watch floor debate live or check out archived recordings. The web page for each chamber also provides a full listing of the bills on the floor and their status. Except for NTIB bills on the "floor" calendars, bills to be discussed are on the House and Senate "concurrence" calendars. Now that policy bills are back in their original "homes" the original chamber must decide whether or not to accept any changes made by the opposite house. When the house of origin does not "concur", a "conference committee" is formed of members from both chambers to come up with a compromise bill that can be agreed upon. In most cases there is concurrence and bills move forward to the Gover-

Throughout the session I've used several sports analogies. As many of you know I'm in the midst of training for the Chelanman Triathlon this July and there are many similarities that can be drawn between the last legs of an athletic event and the final days of the legislative session. One of the most important things to remember in the final stages, with 7 days to go, is to NOT LET UP! We are tired and just want to go home, however this is when the training and perseverance pays off. Imagine if Virginia let up in the final minutes of the recent NCAA men's basketball championship...or if Michigan State (my home state team) had let up in the last minutes of the NCAA final four. Neither team would have made it to the elite level that they did this season.

If the K-12 community lets up now because we are tired, what does this say for our endurance and commitment to our 1.1 million students? Hang in there and check out the "Take Action" section of this report for some ideas.

2019 Legislative Session

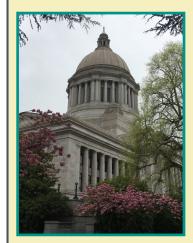
Week 14 — April 21

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Spring has spring in Olympia as Sine Die nears

WEEK FOURTEEN WSSDA Priorities: Bill Status Updates

The primary purpose of the Legislature's cut-off calendar is as a "weeding" mechanism that retains important and widely supported issues throughout the process. This session, out of the approximately 2,900 total bills introduced, WSSDA has been "watching" 296 of them. Of those, about 30% viably made it past the "House of Origin" cut-off. Today, following Wednesday's "Opposite House" cut-off, less than 20% remain. As was mentioned earlier, check out <a href="https://www.wsspa.ni.nlm.ni.nl

Funding Model Equity

- ⇒ Special education funding and policy (2SSB 5091) This bill now has two versions (Senate & House) and a couple newly proposed amendments waiting on the House Floor Calendar. Check out the "Deeper Dive: Special Ed Funding" section of this report for more details on the current proposals being considered, and WSSDA's at -a-glance summary of bills introduced this session on this topic.
- ⇒ Levy and LEA policy (SSB 5313, SHB 2140) These two bills currently include the different policy proposals related to levy and LEA policies. Of the two, SB 5313 currently resides on the Senate's Floor Calendar with several amendments proposed. Since this is a clear "end game" issue, the final policy may reside in one of them, or another broad policy bill yet-to-be determined. Check out the "Deeper Dive: Levies & LEA" section of this report for more details.
- ⇒ School employee healthcare benefits In the flurry of Wednesday's cut-off, HB 1813 that would have required districts to include SEB-level funding in transportation contacts died. While most discussions regarding next steps with the ratifying and funding the negotiated Tentative Agreement for SEBB are taking place behind closed doors, a new bill was introduced last week. SB 6011 would incorporate school employees into the Public Employees Benefit Board (PEBB) system starting in January 2020, instead of SEBB. Because of the different benefit rates and hours-eligibility thresholds, this move may alleviate some of the financial concerns related to moving school employees to a state-level benefit system. It would however, necessitate denial of the Tentative Agreement currently bargained for SEBB. More on this in the coming week!

Student/School Health & Safety

Bills that stayed alive this week:

- ⇒ Comprehensive safety supports (2SHB 1216) This bill includes funding for school safety centers in the nine regional ESDs, and was amended by the Senate to include components from SSB 5141 regarding school resource officers and training.
- ⇒ Social emotional learning (2SSB 5082) This bill take several steps to create a mental health support system starting in the early years. Most notably for K-12 the bill requires one of the professional learning days for teachers to focus on one or more social emotional learning topics as specified in the bill starting in the 2020-21 school year. The House Bill Report provides a good synopsis of the overall bill.
- ⇒ Of interest: This week's TVW program, <u>Inside Olympia</u> featured interviews with Representatives Laurie Dolan and Mike Steele where they discuss efforts the Legislature has taken on to address mass school shootings and student/school safety, and the major limitations in the proposed budgets.

Check out our <u>at-a-glance summary</u> of all of the bills WSSDA has tracked this session regarding student/school health and safety. Specifically note the limited progress made on additional student mental and behavioral health support staffing resources that we've advocated for (school counselors, nurses, social workers, psychologists, etc.).

Promote Student Success

Bills of note this week:

- → Modified graduation requirements & student pathways (E2SHB 1599) This bill was adopted Monday by the Senate unanimously and moves back to the House for their agreement. Once this happens the bill will proceed to the Governor for signature. Check out the Senate's discussion and vote (skip to 4:27:03) and the "Deeper Dive: Unpacking Modified Graduation Requirements (HB 1599)" section of this report for more details.
- ⇒ Current and future educator workforce supply (2SHB 1139) This bill was adopted Monday by the Senate and now goes back to the House for their agreement. This bill has evolved over the past three sessions and is important for moving statewide efforts forward to recruit and retain educators, including those who better reflect the state's student population. Click here to watch the Senate's floor debate and vote on the bill (skip to 4:12:52).
- ⇒ Extracurricular activity participation (HB 1660) This bill did not make it past Wednesday's cut-off and is technically considered "dead". Some funding for it is provided in the House's proposed budget so it could still end up as a required budget proviso. Stay tuned.

Check out our <u>at-a-glance summary</u> of bills WSSDA has tracked this session on this topic.

Invest in Public School Facilities

Bill action this week:

- ⇒ Energy efficiency (ESHB 1257) This bill focuses on improved energy efficiency in state and local building projects and phases-in renewable energy measures. This bill could have implications for school districts as facilities are modernized and/or newly built.

 Check out the bill report for more info including the projected phase-in of new requirements. WSSDA was instrumental in advocating for adjustments in the bill and in future rule-making that acknowledge challenges school districts may have in meeting some of the new requirements.
- ⇒ Of note: While <u>SB 5572</u> (Rural school preservation / modernization) and <u>SSB 5853</u> (school construction assistance program funding) are technically dead, some progress will likely be made on them in the final capital budget.

Check out the $\underline{\text{side-by-side comparison}}$ of House and Senate capital budget proposals and our $\underline{\text{at-a-glance summary}}$ of the bills WSSDA tracked this session on this topic.

Unpacking 2019-21 Operating Budget Proposals

Check out these resources:

- A <u>comparative summary</u> of the operating budget spending and revenue/tax proposals from the <u>Washington Research Council</u>.
- <u>Side-by-side operating budget comparison</u> of proposed investments related to WSSDA's legislative priorities.
- OSPI's 2019 Budget Preparations web page includes many resources including the "Multi-year planning tool" that provides state- and district -level analyses that compare the three budget proposals.
- League of Education Voters has a high level <u>side-by-side</u> comparative narrative on key K-12 policy issues.

HOMEWORK Take Action

Key messages/actions to consider as you reach out to legislators this week include:

- ⇒ Push for progress to fully fund special education. While neither the House nor Senate proposals reach the almost \$300 million annual funding gap, the Senate's approach gets closer. Reach out to members of the House and Senate education committees, especially Senator Wellman, Representative Dolan; and leadership of the House and Senate budget committees.
 - Share impacts continued lack of funding will have on special education services in your district and on your local budgets, as well
 as implementation considerations associated with moving to a two-tiered funding model that provides more funding for special
 education students who spend 80% or more of their time in general education classrooms.
- Advocate for increased access to local levies and funding for Local Effort Assistance, as well as a broader hold harmless. Continue to share your district's story, especially as the window nears for identifying which staffing positions may need to be eliminated or adjusted based on the dip in local funding available.
- ⇒ Implore delay of K-3 class-size compliance. Reach out to your legislators, especially in the Senate to share the status of your district in reaching the 17:1 student/teacher ratio requirements. Specifically what the barriers are and the financial impact on your district if compliance is not delayed for another year or two.
- ⇒ Encourage continued and swift progress for HB 1599, graduation requirements & pathways. Reach out to your legislators, House Leadership, and the Governor's Office to express how important this bill is for students in the Class of 2019 and for districts in the midst of master schedule planning for next year.

Unpacking Modified Graduation Requirements (HB 1599)

The Senate's unanimous adoption of HB 1599 this week was significant. While efforts to "delink" state tests from high school graduation have been a vibrant policy debate for the past several sessions, there was never enough momentum to get past concerns expressed in the Senate. This bill has been months in the working and this session, after much work done to build stakeholder understanding and buy-in during the interim, prior challenges it faced were surmounted. As stated earlier the bill now moves back to the House for assured concurrence and then to the Governor's desk for his signature which we hope will happen quickly. Check out the current bill report for information regarding:

- Details of changes the bill makes to high school graduation requirements related to testing (it removes the requirement that students receive a certificate of academic achievement (CAA) beginning with the class of 2020), additional flexibility with credits, high school and beyond plans, and a master-based learning work group (pp. 4-6); and
- Legislative vote counts and public testimony regarding the bill (pp. 1-2, 6-7).

Assuming it is passed and signed by the Govenor, there are two components of the bill that impact this year's graduating class and master schedule planning for the 2019-20 school year:

- ⇒ Extension of the expedited appeal process for waiving assessment requirements for the classes of 2019 and 2020; and
- ⇒ Addition of a new pathway framework that replaces stand-alone testing requirements and is in addition to HSBP and credit requirements starting with the class of 2020. In order to earn a high school diploma, students must successfully complete one or more of the following pathway options:
 - meet or exceed the graduation standard established by the SBE on the statewide high school assessments in ELA and mathematics;

- complete and qualify for college credit in dual credit courses in ELA and mathematics;
- earn high school credit in a high school transition course that meets specific requirements in ELA and mathematics;
- earn high school credit, with a C+ grade, or receiving a 3 or higher on the AP exam, or equivalent, in specified AP, IB, or Cambridge international courses in ELA and mathematics, or earning a 4 or higher on IB exams;
- meet or exceed the scores established by the SBE for the mathematics portion and the reading, English, or writing portion of the SAT or ACT;
- meet any combination of at least one ELA option and at least one mathematics option established in the previous bullets;
- meet standards in the Armed Services Vocational Aptitude Battery (ASVAB); and
- complete a sequence of career and technical education courses, including those leading to workforce entry, state or nationally approved apprenticeships, or postsecondary education, that meet specific criteria.

The bill also notes that school districts are encouraged to make all graduation pathway options available to their students, and to expand their list of options until all are offered, but they are granted discretion in determining which options they offer to students.

Look for communications coming soon from OSPI regarding the most time-sensitive pieces that need to be addressed sooner than later.

Levies & Local Effort Assistance (LEA)

Now that we're rounding the final bend of the session, it is worth a refresher on where things stand (publically) with improving school district access to increased levy authority, LEA, and hold harmless. While it is not clear where the Legislature will land, we expect something will happen on this front in the coming days.

Proposals	House	Senate
Provisions		 Enrichment levies: Allows a district to levy at the lesser of \$2.50 per \$1,000 of assessed value or \$2,500 per pupil for school districts with fewer than 40,000 FTE students. Allows a district to levy at the lesser of \$2.50 per \$1,000 of assessed value or \$3,000 per pupil for school districts with 40,000 FTE students or more. Local effort assistance: Provides local effort assistance to school districts that do not generate an enrichment levy of at least \$1,500 per student when levying
		 at a rate of \$1.50 per \$1,000 of assessed value. Provides that districts that are eligible for local effort assistance (LEA) but do not levy \$1.50 receive LEA in proportion to the lesser of \$1.50 or the school district's actual levy. Other components of the current bill to note: Bases the definition of inflation on the implicit price deflator for personal consumption expenditures. Limits growth in supplemental contracts for teacher salaries. Provides enrichment funding for charter schools based on the local enrichment levy collected by school districts. Title change: The previous bill title was "an act relating to school levies" however among their other amendments, the Senate change the title to "an act relating to K-12 education". This important change makes the bill a possible vehicle for other endgame K-12 policy issues that need a horse to hitch to.
Proposed funding	Proposed budget assumes: Increased LEA payments of \$77,417,000 Hold harmless payments of \$58,424,000	The current proposed budget provides no additional LEA funding, however here are links to levy estimates based on SSB 5313: Calendar year 2020 Calendar year 2021 Max levy authority by district for CY 2021

Both chambers are deep in negotiations on this topic, however it is now all behind closed doors. Since <u>2SSB 5313</u> is clearly alive on the <u>Senate's Regular/Floor Calendar</u>, indications of discussions underway can be found in the <u>proposed amendments</u> "on the bar". At press three Senators have proposed amendments (Wellman, Palumbo, and Mullet). Now that there are different versions of the bill with different titles, legislators proposing amendments need to be prepared for any version to be advanced for floor debate. Thus the multiple amendments that you see from Senators Wellman and Palumbo (at this point) – don't worry, they're all basically the same. Here's a summary:

Senator Wellman's amendments (600, 670, 671) would:

- Maintain the levy threshold and proposed changes to LEA within the current bill:
- Adjust the year in which the IPD replaces the CPI as the inflationary index to 2021 instead of 2020;
- Remove current bill language regarding limits on supplemental contracts and levy funds for charter schools and replace it with new provisions regarding district reporting and state audits.

- Require school districts to provide a supplemental expenditure schedule by revenue source, which identifies the amount expended by object for a specific list of supplementary enrichment activities beyond the state funded amount starting in the 2019-20 school year.
- Require school districts to maintain a record describing how salary and related benefit costs for certain supplementary enrichment activities are documented, and to demonstrate enrichment of the state's program of basic education.
- Require that review of local revenue expenditures by the State Auditor also include a review of the expenditure schedule for certain supplementary enrichment activities. And, if there is a finding that a school district has used local revenues for non-enrichment activities, the school district's maximum enrichment levy collection authorized under law must be reduced by the unauthorized expenditure amount in the following calendar year.

Continued...

CONTINUED.... Levies & LEA Deeper Dive

Senator Palumbo's amendments (759, 760, 761) would:

- Provide LEA to charter schools and state-tribal compact schools at a
 rate that would have to be equal to the actual enrichment levy per
 student in the prior school year for the school district in which the
 school is located, multiplied by the school's prior year enrollment.
- Eliminate the maximum per-student amount of \$1,500 for LEA.
- Require school district to establish a series of funds and subfunds to segregate district revenues.
- Direct the State Auditor to review whether school districts are using local revenues solely for the purposes of enriching the state's statutory program of basic education.

Senator Mullet's amendment (453) would:

- Clarify that, until 9/1/2021, the average supplemental contract for additional duties, responsibilities, or incentives may not be higher than the average supplemental contract from the previous year, reduced by annual inflationary increases by the state.
- Require that average supplemental contracts can be no more than 3% of the average basic education salary of the district starting 9/1/2021.
- Require districts that exceed the 3% threshold submit a four-year budget plan to OSPI that includes steps to reach the threshold.
- Clarify that the restrictions on supplemental contracts shall not result in decreased total compensation for certificated instructional staff.

 Clarifies that none of the new language limits bonuses for National Board certification.

In addition, throughout the session, WSSDA and WASA have advocated for greater controls or guidelines established to protect any of the new levy money that is collected; as well as language that would clarify the duties and responsibilities of staff under the program of basic education. In his week 14 report, WASA's Dan Steele provides a helpful analysis of the proposed amendments to SSB 5313 regardless of the final levy/LEA policy that is adopted, "Sen. Wellman's striking amendment to SSB 5313 provides a bit of protection of levy dollars; however, it basically reiterates current law, while requiring additional reporting requirements, along with more rigorous audits. Sen. Mullet's amendment also would potentially provide some protection; however, it would establish an arbitrary financial limit on supplemental contracts. We have argued supplemental contracts with additional pay should only be provided to staff for extra time or responsibilities that are specifically tied to an assignment above and beyond what all other teachers do. Simply abolishing blanket supplemental contracts for all teachers in the district—so called "universal TRI"—would go a long way to protecting levy funds."

In addition, continued advocacy for defining duties and responsibilities of certificated instructional staff—the definition of a school day is needed to assist help provide clear parameters. Proposed "school day" language is contained in a couple of places - PSSB 5933 proposed by Senator Mullet and as an amendment proposed by Senator Braun in the Ways & Means committee during their early morning debate and vote on SSB 5313 a couple of weeks ago. Both of these proposals are based on Superintendent Reykdal's School Day Task Force recommendations and could be incorporated into any bill related to K-12 education.

Special Education Funding

Technically there are only two bills "alive" that contain provisions necessary to address special education funding and policy:

1. <u>ESHB 1109</u> (2019-21 operating budget)

- ⇒ The House's budget proposal funds the special education excess cost multiplier at a rate of .9925 (up from .9609) as was originally proposed (and then removed) from PSHB 2140. Funding provided in the proposed budget for this increase is approximately \$69.6 million
- ⇒ The <u>Senate's budget proposal</u> funds the special education excess cost multiplier at an increased rate of 1.0 (up from .9609). Funding provided in the budget for special education includes approximately \$85.7 million for the increased multiplier; and about \$63.8 million for safety net-related activities.

District-level estimated funding can be found in <u>OSPI's Multi-year Planning Tool</u> that was updated on 4/18.

- E2SSB 5091 (concerning special education funding) Like the proposed operating budget, the Senate and House have different proposals on the table regarding this bill. In addition, since it is also alive on the House Floor Calendar, there are currently two amendments "on the bar" that may also be considered. Here's a summary of the current publically available proposals:
 - ⇒ The <u>Senate's proposal</u> increases the special education excess cost multiplier from 0.9609 to 1.00; removes federal funding from the special education safety net in fiscal year 2020; and makes changes to safety net eligibility thresholds.
 - ⇒ The House's Appropriations Committee proposal changes the current single excess cost multiplier (.9609) to a two-tiered approach based on the amount of time students with IEPs spend in the "general education classroom". Students spending 80% or more of their time in a general education classroom would be funded based on a multiplier of 1.0; while students spending less than 80 percent of their time in a general education classroom would be funded based on a multiplier of 0.9823. Additionally, it reinstates the use of

federal funds for safety net and adjusts the threshold for high cost individuals for state-funded safety net awards to be 2.2 times the average per-pupil expenditure defined in federal law.

- Proposed House floor amendment 689 by Rep. Caldier most notably increases the special education multiplier from a tiered multiplier of 1.00 and 0.9823 in the Appropriations amendment to 1.07; removes the 13.5 percent funded enrollment percent limit for special education excess cost funding; and removes federal funding from the special education safety net, similar to the Senate's proposal.
- ⇒ Proposed House floor amendment 677 by Rep. Stokesbary removes mention of a specific excess cost multiplier funding level and reinstates policy language similar to that found in SB 5532 (which is largely presumed dead) that addresses specific special education professional development topics and specifies roles for the Office of the Education Omsbud and OSPI.

Districts represented on WSSDA's legislative committee have reiterated WSSDA's position that the focus now must be on increasing funding for every student based on their individual needs and that any of the current funding proposals **fall far short of closing the actual funding gap** for special education. They have also expressed caution about using the funding formula as a lever to change implementation policy without more substantial deliberation. While there is more understanding and support for the <u>multitiered implementation and funding model for special education</u> proposed by OSPI and the Governor in <u>HB 1093/SB 5312</u>, the committee thought that the significant change to the proposed two-tiered structure has not been deliberated sufficiently.

Regardless of the funding approach that is adopted, legislators close to the negotiations have been clear that the "box" of available funding is not large and that we should not expect funding for the excess cost multiplier to be more than has been proposed in the Senate's "high water" mark. In fact, we are hearing new funding could be closer to that which has been proposed by the House. Definitely more to come next week...

2019 Session Dates Remaining

April 28 — Sine Die. Last day of regular session

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Stay Connected

WSSDA and other education partners in the state are committed to developing and sharing resources to help our members learn about these issues and to communicate about them effectively.

WSSDA Resources:

- ⇒WSSDA Legislative Updates Includes weekly committee schedules, bill watch lists, and WSSDA's legislative updates during the legislative session.
- ⇒School Board Legislative Representatives—This is an informational web page for Leg Reps with web links to help you navigate the legislative process, including weekly webinars during session.
- ⇒WSSDA's 2019 Legislative Committee is eager to engage school board Legislative Representatives in active outreach, education, and relationship-building with local legislators.
- ⇒WSSDA's Government Relations staff are here to serve you! Director: Jessica Vavrus (<u>i.vavrus@wssda.org</u>, 360-890-5867) Legislative Coordinator: Logan Endres (I.endres@wssda.org, 360-252-3011)

WA State Legislature

- \Rightarrow 2019 Legislative Contact Roster (updated 2/4/19)
- ⇒Find your Legislative District
- ⇒Legislative Information Center
- ⇒Weekly Committee Schedules
- ⇒Bill Information and Tracking From these pages you can follow the bills you are most interested in and also provide comments on bills.
- ⇒TVW TVW is a great resource where you can watch hearings live, or go to the Archives to view past hearings of interest, just select the date and committee.

AND....if you want to dig deeper check out the 2019 session priorities of other K-12 education associations. Knowing this information will help inform our collective advocacy priorities and strategies.

Upcoming Events

January 14—April 28—2019 Legislative Session

Every Friday at noon through April 26—Weekly Legislative Update webinars for school board Leg. Reps. Register here.

March 29—May 10—WSSDA position solicitation process (permanent & legislative positions)

April —May—WSSDA Spring Regional Meetings

May 22nd—WSSDA/WASA/AWSP Equity Conference. Registration opens in March.

September 27 & 28—WSSDA's Legislative Assembly

November 21-24—WSSDA's <u>Annual Conference</u> and <u>Delegate Assembly</u>

Calling all school boards: Have your voices heard!

- 1. WSSDA Position proposal window opens! On March 29th the window opened for permanent and legislative position proposals. Check out our new informational web pages to learn more: Permanent & Legislative Positions // Amending & Proposing Positions
- Join us at WSSDA's spring regional meetings! Meetings will take place in mid-April through May. <u>Click here</u> to learn more and to register!