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**SUBSTITUTE HOUSE BILL 1960**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** House Appropriations (originally sponsored by Representatives Stonier, Santos, Pollet, Doglio, Hackney, Callan, Riccelli, Berg, Street, Farivar, Rule, Shavers, Reeves, Ortiz-Self, Harris, Reed, Ryu, Leavitt, Berry, Duerr, Senn, Ramel, Slatter, Morgan, Fey, Timmons, Fosse, Goodman, Thai, Alvarado, Lekanoff, and Davis)

READ FIRST TIME 02/05/24.

1 AN ACT Relating to increasing prototypical school staffing to  
2 better meet student needs; amending RCW 28A.150.260 and 28A.400.007;  
3 creating new sections; and providing an effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** Youth mental and behavioral health has  
6 been a rising crisis for a decade. As youth grapple with new  
7 pressures from social media and impacts of a pandemic, their needs  
8 can manifest as disruptive behaviors in the school environment.  
9 Teachers, counselors, administrators, and education support  
10 professionals have identified the need to have more caring and  
11 committed education staff in schools to meet the needs of students.

12 Education support professionals are vital team members in a  
13 school and often directly support students. Educational staff  
14 professionals drive students safely to school, provide one-on-one  
15 individualized instruction for special education students, run small  
16 group instruction for English language learners and for students  
17 struggling with certain academic concepts, supervise and monitor  
18 students before and after school, at lunch, and during recess,  
19 provide physical and behavioral health services in schools, serve  
20 lunches, keep buildings clean and maintained, and many other support

1 services that are essential to school operations and student  
2 learning.

3 Therefore, to improve the individualized support for student  
4 learning and behavioral needs, the legislature intends to increase  
5 staffing allocations for paraprofessionals in instructional roles.

6 **Sec. 2.** RCW 28A.150.260 and 2023 c 379 s 6 are each amended to  
7 read as follows:

8 The purpose of this section is to provide for the allocation of  
9 state funding that the legislature deems necessary to support school  
10 districts in offering the minimum instructional program of basic  
11 education under RCW 28A.150.220. The allocation shall be determined  
12 as follows:

13 (1) The governor shall and the superintendent of public  
14 instruction may recommend to the legislature a formula for the  
15 distribution of a basic education instructional allocation for each  
16 common school district.

17 (2)(a) The distribution formula under this section shall be for  
18 allocation purposes only. Except as may be required under subsections  
19 (4)(b) and (c), (5)(b), and (9) of this section, chapter 28A.155,  
20 28A.165, 28A.180, or 28A.185 RCW, or federal laws and regulations,  
21 nothing in this section requires school districts to use basic  
22 education instructional funds to implement a particular instructional  
23 approach or service. Nothing in this section requires school  
24 districts to maintain a particular classroom teacher-to-student ratio  
25 or other staff-to-student ratio or to use allocated funds to pay for  
26 particular types or classifications of staff. Nothing in this section  
27 entitles an individual teacher to a particular teacher planning  
28 period.

29 (b) To promote transparency in state funding allocations, the  
30 superintendent of public instruction must report state per-pupil  
31 allocations for each school district for the general apportionment,  
32 special education, learning assistance, transitional bilingual,  
33 highly capable, and career and technical education programs. The  
34 superintendent must report this information in a user-friendly format  
35 on the main page of the office's website. School districts must  
36 include a link to the superintendent's per-pupil allocations report  
37 on the main page of the school district's website. In addition, the  
38 budget documents published by the legislature for the enacted omnibus  
39 operating appropriations act must report statewide average per-pupil

1 allocations for general apportionment and the categorical programs  
2 listed in this subsection.

3 (3) (a) To the extent the technical details of the formula have  
4 been adopted by the legislature and except when specifically provided  
5 as a school district allocation, the distribution formula for the  
6 basic education instructional allocation shall be based on minimum  
7 staffing and nonstaff costs the legislature deems necessary to  
8 support instruction and operations in prototypical schools serving  
9 high, middle, and elementary school students as provided in this  
10 section. The use of prototypical schools for the distribution formula  
11 does not constitute legislative intent that schools should be  
12 operated or structured in a similar fashion as the prototypes.  
13 Prototypical schools illustrate the level of resources needed to  
14 operate a school of a particular size with particular types and grade  
15 levels of students using commonly understood terms and inputs, such  
16 as class size, hours of instruction, and various categories of school  
17 staff. It is the intent that the funding allocations to school  
18 districts be adjusted from the school prototypes based on the actual  
19 number of annual average full-time equivalent students in each grade  
20 level at each school in the district and not based on the grade-level  
21 configuration of the school to the extent that data is available. The  
22 allocations shall be further adjusted from the school prototypes with  
23 minimum allocations for small schools and to reflect other factors  
24 identified in the omnibus appropriations act.

25 (b) For the purposes of this section, prototypical schools are  
26 defined as follows:

27 (i) A prototypical high school has 600 average annual full-time  
28 equivalent students in grades nine through 12;

29 (ii) A prototypical middle school has 432 average annual full-  
30 time equivalent students in grades seven and eight; and

31 (iii) A prototypical elementary school has 400 average annual  
32 full-time equivalent students in grades kindergarten through six.

33 (4) (a) (i) The minimum allocation for each level of prototypical  
34 school shall be based on the number of full-time equivalent classroom  
35 teachers needed to provide instruction over the minimum required  
36 annual instructional hours under RCW 28A.150.220 and provide at least  
37 one teacher planning period per school day, and based on the  
38 following general education average class size of full-time  
39 equivalent students per teacher:

1		General education	
2		average class size	
3	Grades K-3. . . . .		17.00
4	Grade 4. . . . .		27.00
5	Grades 5-6. . . . .		27.00
6	Grades 7-8. . . . .		28.53
7	Grades 9-12. . . . .		28.74

8 (ii) The minimum class size allocation for each prototypical high  
9 school shall also provide for enhanced funding for class size  
10 reduction for two laboratory science classes within grades nine  
11 through 12 per full-time equivalent high school student multiplied by  
12 a laboratory science course factor of 0.0833, based on the number of  
13 full-time equivalent classroom teachers needed to provide instruction  
14 over the minimum required annual instructional hours in RCW  
15 28A.150.220, and providing at least one teacher planning period per  
16 school day:

17		Laboratory science	
18		average class size	
19	Grades 9-12. . . . .		19.98

20 (b)(i) Beginning September 1, 2019, funding for average K-3 class  
21 sizes in this subsection (4) may be provided only to the extent of,  
22 and proportionate to, the school district's demonstrated actual class  
23 size in grades K-3, up to the funded class sizes.

24 (ii) The office of the superintendent of public instruction shall  
25 develop rules to implement this subsection (4)(b).

26 (c)(i) The minimum allocation for each prototypical middle and  
27 high school shall also provide for full-time equivalent classroom  
28 teachers based on the following number of full-time equivalent  
29 students per teacher in career and technical education:

30		Career and technical	
31		education average	
32		class size	
33	Approved career and technical education offered at		
34	the middle school and high school level. . . . .		23.00
35	Skill center programs meeting the standards established		
36	by the office of the superintendent of public		
37	instruction. . . . .		19.00

1 (ii) Funding allocated under this subsection (4)(c) is subject to  
2 RCW 28A.150.265.

3 (d) In addition, the omnibus appropriations act shall at a  
4 minimum specify:

5 (i) A high-poverty average class size in schools where more than  
6 50 percent of the students are eligible for free and reduced-price  
7 meals; and

8 (ii) A specialty average class size for advanced placement and  
9 international baccalaureate courses.

10 (5)(a) The minimum allocation for each level of prototypical  
11 school shall include allocations for the following types of staff in  
12 addition to classroom teachers:

	Elementary School	Middle School	High School
13 Principals, assistant principals, and other certificated building-level			
14 administrators.....	1.253	1.353	1.880
15 Teacher-librarians, a function that includes information literacy, technology,			
16 and media to support school library media programs.....	0.663	0.519	0.523
17 Teaching assistance, including any aspect of educational instructional services			
18 provided by classified employees.....	<del>((0.936))</del>	<del>((0.700))</del>	<del>((0.652))</del>
19	<u>1.036</u>	<u>0.800</u>	<u>0.752</u>
20 Office support and other noninstructional aides.....	2.012	2.325	3.269
21 Custodians.....	1.657	1.942	2.965
22 Nurses.....	0.585	0.888	0.824
23 Social workers.....	0.311	0.088	0.127
24 Psychologists.....	0.104	0.024	0.049
25 Counselors.....	0.993	1.716	3.039
26 Classified staff providing student and staff safety.....	0.079	0.092	0.141
27 Parent involvement coordinators.....	0.0825	0.00	0.00

30 (b)(i) The superintendent may only allocate funding, up to the  
31 combined minimum allocations, for nurses, social workers,  
32 psychologists, counselors, classified staff providing student and  
33 staff safety, and parent involvement coordinators under (a) of this  
34 subsection to the extent of and proportionate to a school district's  
35 demonstrated actual ratios of: Full-time equivalent physical, social,  
36 and emotional support staff to full-time equivalent students.

1 (ii) The superintendent must adopt rules to implement this  
2 subsection (5)(b) and the rules must require school districts to  
3 prioritize funding allocated as required by (b)(i) of this subsection  
4 for physical, social, and emotional support staff who hold a valid  
5 educational staff associate certificate appropriate for the staff's  
6 role.

7 (iii) For the purposes of this subsection (5)(b), "physical,  
8 social, and emotional support staff" include nurses, social workers,  
9 psychologists, counselors, classified staff providing student and  
10 staff safety, parent involvement coordinators, and other school  
11 district employees and contractors who provide physical, social, and  
12 emotional support to students as defined by the superintendent.

13 (6)(a) The minimum staffing allocation for each school district  
14 to provide district-wide support services shall be allocated per one  
15 thousand annual average full-time equivalent students in grades K-12  
16 as follows:

	Staff per 1,000 K-12 students
17 Technology. . . . .	0.628
18 Facilities, maintenance, and grounds. . . . .	1.813
19 Warehouse, laborers, and mechanics. . . . .	0.332

22 (b) The minimum allocation of staff units for each school  
23 district to support certificated and classified staffing of central  
24 administration shall be 5.30 percent of the staff units generated  
25 under subsections (4)(a) and (5) of this section and (a) of this  
26 subsection.

27 (7) The distribution formula shall include staffing allocations  
28 to school districts for career and technical education and skill  
29 center administrative and other school-level certificated staff, as  
30 specified in the omnibus appropriations act.

31 (8)(a) Except as provided in (b) of this subsection, the minimum  
32 allocation for each school district shall include allocations per  
33 annual average full-time equivalent student for the following  
34 materials, supplies, and operating costs as provided in the 2017-18  
35 school year, after which the allocations shall be adjusted annually  
36 for inflation as specified in the omnibus appropriations act:

37 Per annual average  
38 full-time equivalent student  
39 in grades K-12

1	Technology. . . . .	\$130.76
2	Utilities and insurance. . . . .	\$355.30
3	Curriculum and textbooks. . . . .	\$140.39
4	Other supplies . . . . .	\$278.05
5	Library materials. . . . .	\$20.00
6	Instructional professional development for certificated and	
7	classified staff. . . . .	\$21.71
8	Facilities maintenance. . . . .	\$176.01
9	Security and central office administration. . . . .	\$121.94

10 (b) In addition to the amounts provided in (a) of this  
11 subsection, beginning in the 2014-15 school year, the omnibus  
12 appropriations act shall provide the following minimum allocation for  
13 each annual average full-time equivalent student in grades nine  
14 through 12 for the following materials, supplies, and operating  
15 costs, to be adjusted annually for inflation:

16		Per annual average
17		full-time equivalent student
18		in grades 9-12
19	Technology. . . . .	\$36.35
20	Curriculum and textbooks. . . . .	\$39.02
21	Other supplies . . . . .	\$77.28
22	Library materials. . . . .	\$5.56
23	Instructional professional development for certificated and	
24	classified staff. . . . .	\$6.04

25 (9) In addition to the amounts provided in subsection (8) of this  
26 section and subject to RCW 28A.150.265, the omnibus appropriations  
27 act shall provide an amount based on full-time equivalent student  
28 enrollment in each of the following:

- 29 (a) Exploratory career and technical education courses for
- 30 students in grades seven through 12;
- 31 (b) Preparatory career and technical education courses for
- 32 students in grades nine through 12 offered in a high school; and
- 33 (c) Preparatory career and technical education courses for
- 34 students in grades 11 and 12 offered through a skill center.

35 (10) In addition to the allocations otherwise provided under this  
36 section, amounts shall be provided to support the following programs  
37 and services:

- 38 (a) (i) To provide supplemental instruction and services for
- 39 students who are not meeting academic standards through the learning

1 assistance program under RCW 28A.165.005 through 28A.165.065,  
2 allocations shall be based on the greater of either: The district  
3 percentage of students in kindergarten through grade 12 who were  
4 eligible for free or reduced-price meals for the school year  
5 immediately preceding the district's participation, in whole or part,  
6 in the United States department of agriculture's community  
7 eligibility provision, or the district percentage of students in  
8 grades K-12 who were eligible for free or reduced-price meals in the  
9 prior school year. The minimum allocation for the program shall,  
10 except as provided in (a)(iii) of this subsection, provide for each  
11 level of prototypical school resources to provide, on a statewide  
12 average, 2.3975 hours per week in extra instruction with a class size  
13 of 15 learning assistance program students per teacher.

14 (ii) In addition to funding allocated under (a)(i) of this  
15 subsection, to provide supplemental instruction and services for  
16 students who are not meeting academic standards in qualifying  
17 schools. A qualifying school, except as provided in (a)(iv) of this  
18 subsection, means a school in which the three-year rolling average of  
19 the prior year total annual average enrollment that qualifies for  
20 free or reduced-price meals equals or exceeds 50 percent or more of  
21 its total annual average enrollment. A school continues to meet the  
22 definition of a qualifying school if the school: Participates in the  
23 United States department of agriculture's community eligibility  
24 provision; and met the definition of a qualifying school in the year  
25 immediately preceding their participation. The minimum allocation for  
26 this additional high poverty-based allocation must provide for each  
27 level of prototypical school resources to provide, on a statewide  
28 average, 1.1 hours per week in extra instruction with a class size of  
29 15 learning assistance program students per teacher, under RCW  
30 28A.165.055, school districts must distribute the high poverty-based  
31 allocation to the schools that generated the funding allocation.

32 (iii) For the 2024-25 and 2025-26 school years, allocations under  
33 (a)(i) of this subsection for school districts providing meals at no  
34 charge to students under RCW 28A.235.135 that are not participating,  
35 in whole or in part, in the United States department of agriculture's  
36 community eligibility provision shall be based on the school district  
37 percentage of students in grades K-12 who were eligible for free or  
38 reduced-price meals in school years 2019-20 through 2022-23 or the  
39 prior school year, whichever is greatest.



1 (iv) For the 2024-25 and 2025-26 school years, a school providing  
2 meals at no charge to students under RCW 28A.235.135 that is not  
3 participating in the department of agriculture's community  
4 eligibility provision continues to meet the definition of a  
5 qualifying school under (a)(ii) of this subsection if the school met  
6 the definition during one year of the 2019-20 through 2022-23 school  
7 years, or in the prior school year.

8 (b)(i) To provide supplemental instruction and services for  
9 students whose primary language is other than English, allocations  
10 shall be based on the head count number of students in each school  
11 who are eligible for and enrolled in the transitional bilingual  
12 instruction program under RCW 28A.180.010 through 28A.180.080. The  
13 minimum allocation for each level of prototypical school shall  
14 provide resources to provide, on a statewide average, 4.7780 hours  
15 per week in extra instruction for students in grades kindergarten  
16 through six and 6.7780 hours per week in extra instruction for  
17 students in grades seven through 12, with 15 transitional bilingual  
18 instruction program students per teacher. Notwithstanding other  
19 provisions of this subsection (10), the actual per-student allocation  
20 may be scaled to provide a larger allocation for students needing  
21 more intensive intervention and a commensurate reduced allocation for  
22 students needing less intensive intervention, as detailed in the  
23 omnibus appropriations act.

24 (ii) To provide supplemental instruction and services for  
25 students who have exited the transitional bilingual program,  
26 allocations shall be based on the head count number of students in  
27 each school who have exited the transitional bilingual program within  
28 the previous two years based on their performance on the English  
29 proficiency assessment and are eligible for and enrolled in the  
30 transitional bilingual instruction program under RCW  
31 28A.180.040(1)(g). The minimum allocation for each prototypical  
32 school shall provide resources to provide, on a statewide average,  
33 3.0 hours per week in extra instruction with 15 exited students per  
34 teacher.

35 (c) To provide additional allocations to support programs for  
36 highly capable students under RCW 28A.185.010 through 28A.185.030,  
37 allocations shall be based on 5.0 percent of each school district's  
38 full-time equivalent basic education enrollment. The minimum  
39 allocation for the programs shall provide resources to provide, on a

1 statewide average, 2.1590 hours per week in extra instruction with  
2 fifteen highly capable program students per teacher.

3 (11) The allocations under subsections (4)(a), (5), (6), and (8)  
4 of this section shall be enhanced as provided under RCW 28A.150.390  
5 on an excess cost basis to provide supplemental instructional  
6 resources for students with disabilities.

7 (12)(a) For the purposes of allocations for prototypical high  
8 schools and middle schools under subsections (4) and (10) of this  
9 section that are based on the percent of students in the school who  
10 are eligible for free and reduced-price meals, the actual percent of  
11 such students in a school shall be adjusted by a factor identified in  
12 the omnibus appropriations act to reflect underreporting of free and  
13 reduced-price meal eligibility among middle and high school students.

14 (b) Allocations or enhancements provided under subsections (4),  
15 (7), and (9) of this section for exploratory and preparatory career  
16 and technical education courses shall be provided only for courses  
17 approved by the office of the superintendent of public instruction  
18 under chapter 28A.700 RCW.

19 (13)(a) This formula for distribution of basic education funds  
20 shall be reviewed biennially by the superintendent and governor. The  
21 recommended formula shall be subject to approval, amendment or  
22 rejection by the legislature.

23 (b) In the event the legislature rejects the distribution formula  
24 recommended by the governor, without adopting a new distribution  
25 formula, the distribution formula for the previous school year shall  
26 remain in effect.

27 (c) The enrollment of any district shall be the annual average  
28 number of full-time equivalent students and part-time students as  
29 provided in RCW 28A.150.350, enrolled on the first school day of each  
30 month, including students who are in attendance pursuant to RCW  
31 28A.335.160 and 28A.225.250 who do not reside within the servicing  
32 school district. The definition of full-time equivalent student shall  
33 be determined by rules of the superintendent of public instruction  
34 and shall be included as part of the superintendent's biennial budget  
35 request. The definition shall be based on the minimum instructional  
36 hour offerings required under RCW 28A.150.220. Any revision of the  
37 present definition shall not take effect until approved by the house  
38 ways and means committee and the senate ways and means committee.

1 (d) The office of financial management shall make a monthly  
 2 review of the superintendent's reported full-time equivalent students  
 3 in the common schools in conjunction with RCW 43.62.050.

4 **Sec. 3.** RCW 28A.400.007 and 2022 c 109 s 5 are each amended to  
 5 read as follows:

6 (1) In addition to the staffing units in RCW 28A.150.260, the  
 7 superintendent of public instruction must provide school districts  
 8 with allocations for the following staff units if and to the extent  
 9 that funding is specifically appropriated and designated for that  
 10 category of staffing unit in the omnibus operating appropriations  
 11 act.

12 (a) Additional staffing units for each level of prototypical  
 13 school in RCW 28A.150.260:

	Elementary	Middle	High
	School	School	School
16 Principals, assistant principals, and other certificated building-level			
17 administrators.....	0.0470	0.0470	0.0200
18 Teacher-librarians, a function that includes information literacy, technology,			
19 and media to support school library media programs.....	0.3370	0.4810	0.4770
20 Teaching assistance, including any aspect of educational instructional services			
21 provided by classified employees.....	<del>((1.0640))</del>	<del>((0.3000))</del>	<del>((0.3480))</del>
22	<u>0.9640</u>	<u>0.2000</u>	<u>0.2480</u>
23 Office support and other noninstructional aides.....	0.9880	1.1750	0.2310
24 Custodians.....	0.0430	0.0580	0.0350
25 Classified staff providing student and staff safety.....	0.0000	0.6080	1.1590
26 Parent involvement coordinators.....	0.9175	1.0000	1.0000

27 (b) Additional certificated instructional staff units sufficient  
 28 to achieve the following reductions in class size in each level of  
 29 prototypical school under RCW 28A.150.260:

	General education certificated instructional staff units sufficient to achieve class size reduction of:
34 Grades K-3 class size. . . . .	0.00
35 Grade 4. . . . .	2.00
36 Grades 5-6. . . . .	2.00

1	Grades 7-8. . . . .	3.53
2	Grades 9-12. . . . .	3.74
3	CTE. . . . .	4.00
4	Skills. . . . .	3.00
5		
6		High poverty
7		certificated instructional
8		staff units sufficient to
9		achieve class size reduction of:
10	Grades K-3 class size. . . . .	2.00
11	Grade 4. . . . .	5.00
12	Grades 5-6. . . . .	4.00
13	Grades 7-8. . . . .	5.53
14	Grades 9-12. . . . .	5.74

14 (2) The staffing units in subsection (1) of this section are an  
15 enrichment to and are beyond the state's statutory program of basic  
16 education in RCW 28A.150.220 and 28A.150.260. However, if and to the  
17 extent that any of these additional staffing units are funded by  
18 specific reference to this section in the omnibus operating  
19 appropriations act, those units become part of prototypical school  
20 funding formulas and a component of the state funding that the  
21 legislature deems necessary to support school districts in offering  
22 the statutory program of basic education under Article IX, section 1  
23 of the state Constitution.

24 NEW SECTION. **Sec. 4.** This act takes effect September 1, 2024.

25 NEW SECTION. **Sec. 5.** If specific funding for the purposes of  
26 this act, referencing this act by bill or chapter number, is not  
27 provided by June 30, 2024, in the omnibus appropriations act, this  
28 act is null and void.

--- END ---