
SENATE BILL 5038

State of Washington

63rd Legislature

2013 Regular Session

By Senators McAuliffe, Chase, Shin, Keiser, Rolfes, Nelson, Kohl-
Welles, Kline, and Hobbs; by request of Governor Gregoire

1 AN ACT Relating to enhancing the basic education allocation formula
2 for principals, assistant principals, and other certificated
3 building-level administrators to support the teacher evaluation program
4 requirements of RCW 28A.405.100; amending RCW 28A.150.260; creating a
5 new section; and providing an effective date.

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

7 NEW SECTION. **Sec. 1.** (1) The legislature finds that providing an
8 effective basic education program includes the fundamental task of
9 conducting thorough teacher evaluations.

10 (2) The legislature also finds that:

11 (a) The teacher evaluation program required in RCW 28A.405.100 was
12 significantly strengthened in the 2010 legislative session and further
13 refined in the 2012 legislative session. The new teacher evaluation
14 criteria now clearly sets forth expectations for teaching practice by
15 establishing levels of performance and the use of multiple measures to
16 demonstrate evidence of practice.

17 (b) The new teacher evaluation program requires additional duties
18 for school principals, including but not limited to: Attention to new
19 evaluation processes, deep analysis of instructional and learning data

1 related to each teacher, precise ratings of teacher performance, and
2 the provision of meaningful programs of improvement for teachers
3 needing to improve their practice to be retained in teaching positions
4 as well as to assist other teachers in reaching distinguished levels of
5 performance.

6 (c) Due to the ongoing development and piloting of the new teacher
7 evaluation system, principal responsibilities related to the new
8 teacher evaluation were not considered when the principal, assistant
9 principal and other certificated building level administrator staffing
10 ratios were adopted in the basic education prototypical school models.

11 (3) Therefore, the legislature intends to assure implementation of
12 the new teacher evaluation system by providing additional capacity for
13 school principals and assistant principals to carry out their
14 responsibilities to professionally conduct teacher evaluations by
15 adjusting the principal staffing ratios in the prototypical school
16 models.

17 **Sec. 2.** RCW 28A.150.260 and 2011 1st sp.s. c 27 s 2 are each
18 amended to read as follows:

19 The purpose of this section is to provide for the allocation of
20 state funding that the legislature deems necessary to support school
21 districts in offering the minimum instructional program of basic
22 education under RCW 28A.150.220. The allocation shall be determined as
23 follows:

24 (1) The governor shall and the superintendent of public instruction
25 may recommend to the legislature a formula for the distribution of a
26 basic education instructional allocation for each common school
27 district.

28 (2) The distribution formula under this section shall be for
29 allocation purposes only. Except as may be required under chapter
30 28A.155, 28A.165, 28A.180, or 28A.185 RCW, or federal laws and
31 regulations, nothing in this section requires school districts to use
32 basic education instructional funds to implement a particular
33 instructional approach or service. Nothing in this section requires
34 school districts to maintain a particular classroom teacher-to-student
35 ratio or other staff-to-student ratio or to use allocated funds to pay
36 for particular types or classifications of staff. Nothing in this

1 section entitles an individual teacher to a particular teacher planning
2 period.

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

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

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

29 (ii) A prototypical middle school has four hundred thirty-two
30 average annual full-time equivalent students in grades seven and eight;
31 and

32 (iii) A prototypical elementary school has four hundred average
33 annual full-time equivalent students in grades kindergarten through
34 six.

35 (4)(a) The minimum allocation for each level of prototypical school
36 shall be based on the number of full-time equivalent classroom teachers
37 needed to provide instruction over the minimum required annual
38 instructional hours under RCW 28A.150.220 and provide at least one

1 teacher planning period per school day, and based on the following
2 general education average class size of full-time equivalent students
3 per teacher:

	General education average class size
7 Grades K-3	25.23
8 Grade 4	27.00
9 Grades 5-6	27.00
10 Grades 7-8	28.53
11 Grades 9-12	28.74

12 (b) During the 2011-2013 biennium and beginning with schools with
13 the highest percentage of students eligible for free and reduced-price
14 meals in the prior school year, the general education average class
15 size for grades K-3 shall be reduced until the average class size
16 funded under this subsection (4) is no more than 17.0 full-time
17 equivalent students per teacher beginning in the 2017-18 school year.

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

	Career and technical education average class size
25 Approved career and technical education offered at 26 the middle school and high school level	26.57
27 Skill center programs meeting the standards established 28 by the office of the superintendent of public 29 instruction	22.76

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

32 (i) A high-poverty average class size in schools where more than
33 fifty percent of the students are eligible for free and reduced-price
34 meals; and

35 (ii) A specialty average class size for laboratory science,
36 advanced placement, and international baccalaureate courses.

1 (5) The minimum allocation for each level of prototypical school
 2 shall include allocations for the following types of staff in addition
 3 to classroom teachers:
 4
 5

	Elementary	Middle	High
	School	School	School
6 Principals, assistant principals, and other certificated building-level			
7 administrators	((1.253))	((1.353))	((1.880))
8	<u>1.403</u>	<u>1.503</u>	<u>2.030</u>
9 Teacher librarians, a function that includes information literacy, technology,			
10 and media to support school library media programs	0.663	0.519	0.523
11 Health and social services:			
12 School nurses	0.076	0.060	0.096
13 Social workers	0.042	0.006	0.015
14 Psychologists	0.017	0.002	0.007
15 Guidance counselors, a function that includes parent outreach and graduation			
16 advising	0.493	1.116	1.909
17 Teaching assistance, including any aspect of educational instructional			
18 services provided by classified employees	0.936	0.700	0.652
19 Office support and other noninstructional aides	2.012	2.325	3.269
20 Custodians	1.657	1.942	2.965
21 Classified staff providing student and staff safety	0.079	0.092	0.141
22 Parent involvement coordinators	0.00	0.00	0.00

23
 24
 25 (6)(a) The minimum staffing allocation for each school district to
 26 provide district-wide support services shall be allocated per one
 27 thousand annual average full-time equivalent students in grades K-12 as
 28 follows:

	Staff per 1,000
	K-12 students
29 Technology	0.628
30 Facilities, maintenance, and grounds	1.813
31 Warehouse, laborers, and mechanics	0.332

32
 33
 34 (b) The minimum allocation of staff units for each school district
 35 to support certificated and classified staffing of central

1 administration shall be 5.30 percent of the staff units generated under
2 subsections (4)(a) and (b) and (5) of this section and (a) of this
3 subsection.

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

8 (8)(a) Except as provided in (b) of this subsection, the minimum
9 allocation for each school district shall include allocations per
10 annual average full-time equivalent student for the following
11 materials, supplies, and operating costs, to be adjusted for inflation
12 from the 2008-09 school year:

	Per annual average full-time equivalent student in grades K-12
13 Technology	\$54.43
14 Utilities and insurance	\$147.90
15 Curriculum and textbooks	\$58.44
16 Other supplies and library materials	\$124.07
17 Instructional professional development for certified and 18 classified staff	\$9.04
19 Facilities maintenance	\$73.27
20 Security and central office	\$50.76

21 (b) During the 2011-2013 biennium, the minimum allocation for
22 maintenance, supplies, and operating costs shall be increased as
23 specified in the omnibus appropriations act. The following
24 allocations, adjusted for inflation from the 2007-08 school year, are
25 provided in the 2015-16 school year, after which the allocations shall
26 be adjusted annually for inflation as specified in the omnibus
27 appropriations act:

	Per annual average full-time equivalent student in grades K-12
28 Technology	\$113.80
29 Utilities and insurance	\$309.21
30 Curriculum and textbooks	\$122.17
31 Other supplies and library materials	\$259.39

1 Instructional professional development for certificated and
2 classified staff \$18.89
3 Facilities maintenance \$153.18
4 Security and central office administration \$106.12

5 (9) In addition to the amounts provided in subsection (8) of this
6 section, the omnibus appropriations act shall provide an amount based
7 on full-time equivalent student enrollment in each of the following:

8 (a) Exploratory career and technical education courses for students
9 in grades seven through twelve;

10 (b) Laboratory science courses for students in grades nine through
11 twelve;

12 (c) Preparatory career and technical education courses for students
13 in grades nine through twelve offered in a high school; and

14 (d) Preparatory career and technical education courses for students
15 in grades eleven and twelve offered through a skill center.

16 (10) In addition to the allocations otherwise provided under this
17 section, amounts shall be provided to support the following programs
18 and services:

19 (a) To provide supplemental instruction and services for
20 underachieving students through the learning assistance program under
21 RCW 28A.165.005 through 28A.165.065, allocations shall be based on the
22 district percentage of students in grades K-12 who were eligible for
23 free or reduced-price meals in the prior school year. The minimum
24 allocation for the program shall provide for each level of prototypical
25 school resources to provide, on a statewide average, 1.5156 hours per
26 week in extra instruction with a class size of fifteen learning
27 assistance program students per teacher.

28 (b) To provide supplemental instruction and services for students
29 whose primary language is other than English, allocations shall be
30 based on the head count number of students in each school who are
31 eligible for and enrolled in the transitional bilingual instruction
32 program under RCW 28A.180.010 through 28A.180.080. The minimum
33 allocation for each level of prototypical school shall provide
34 resources to provide, on a statewide average, 4.7780 hours per week in
35 extra instruction with fifteen transitional bilingual instruction
36 program students per teacher. Notwithstanding other provisions of this
37 subsection (10), the actual per-student allocation may be scaled to
38 provide a larger allocation for students needing more intensive

1 intervention and a commensurate reduced allocation for students needing
2 less intensive intervention, as detailed in the omnibus appropriations
3 act.

4 (c) To provide additional allocations to support programs for
5 highly capable students under RCW 28A.185.010 through 28A.185.030,
6 allocations shall be based on two and three hundred fourteen one-
7 thousandths percent of each school district's full-time equivalent
8 basic education enrollment. The minimum allocation for the programs
9 shall provide resources to provide, on a statewide average, 2.1590
10 hours per week in extra instruction with fifteen highly capable program
11 students per teacher.

12 (11) The allocations under subsections (4)(a) and (b), (5), (6),
13 and (8) of this section shall be enhanced as provided under RCW
14 28A.150.390 on an excess cost basis to provide supplemental
15 instructional resources for students with disabilities.

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

23 (b) Allocations or enhancements provided under subsections (4),
24 (7), and (9) of this section for exploratory and preparatory career and
25 technical education courses shall be provided only for courses approved
26 by the office of the superintendent of public instruction under chapter
27 28A.700 RCW.

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

32 (b) In the event the legislature rejects the distribution formula
33 recommended by the governor, without adopting a new distribution
34 formula, the distribution formula for the previous school year shall
35 remain in effect.

36 (c) The enrollment of any district shall be the annual average
37 number of full-time equivalent students and part-time students as
38 provided in RCW 28A.150.350, enrolled on the first school day of each

1 month, including students who are in attendance pursuant to RCW
2 28A.335.160 and 28A.225.250 who do not reside within the servicing
3 school district. The definition of full-time equivalent student shall
4 be determined by rules of the superintendent of public instruction and
5 shall be included as part of the superintendent's biennial budget
6 request. The definition shall be based on the minimum instructional
7 hour offerings required under RCW 28A.150.220. Any revision of the
8 present definition shall not take effect until approved by the house
9 ways and means committee and the senate ways and means committee.

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

13 NEW SECTION. **Sec. 3.** This act takes effect September 1, 2013.

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