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SENATE BILL 5369

State of Washington

69th Legislature

2025 Regular Session

By Senator Orwall

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AN ACT Relating to enhancing youth mental health and well-being through advanced training and expansion of the workforce in schools; amending RCW 28A.410.044, 28A.320.280, and 28A.310.235; reenacting and amending RCW 28A.150.260; adding a new section to chapter 28A.310 RCW; and creating a new section.

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

7 NEW SECTION. Sec. 1. The legislature finds that Washington youth require additional support in order to thrive. Washington has 8 the ninth highest school refusal rate in the country, with 30 percent 9 10 of K-12 students missing more than 10 percent of the school year. A 11 significant number of Washington's youth experience high rates of 12 emotional, developmental, or behavioral distress, or thoughts 13 suicide.

The legislature further finds that school social workers are uniquely positioned to contribute to K-12 student safety, address student behavioral health care needs, and support students with individualized education programs. School social workers collaborate with school personnel, families, and community organizations to reduce absenteeism, support student mental health, and create inclusive learning environments that prepare students for success in a diverse society.

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The legislature further finds that the national association of school social workers recommends a ratio of one school social worker to every 250 students, but that Washington has only one school social worker for every 3,798 students. Washington would need to increase this ratio by 93 percent to meet the national standard.

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It is therefore the intent of the legislature to increase student access to school social workers through workforce development, collaboration with community organizations, and increased funding.

- Sec. 2. RCW 28A.410.044 and 2018 c 200 s 3 are each amended to read as follows:
- (1) A school psychologist is a professional educator who holds a valid school psychologist certification as defined by the professional educator standards board. Pursuant to the national association of school psychologists' model for comprehensive and integrated school psychological services, school deliver services across ten domains of practice. Two domains permeate all areas of service delivery: Data-based decision making; and consultation and collaboration. Five domains encompass direct and indirect services to children and their families: Student-level services, interventions, and instructional supports to develop academic skills; student-level interventions and mental health services to develop social and life skills; systems-level school-wide practices to promote learning; systems-level preventive responsive services; and systems-level family school collaboration services. The three foundational domains include: Knowledge and skills related to diversity in development and learning; research and program evaluation; and legal and ethical practice.
- (2) (a) A school social worker is a professional in the fields of social work and education who holds a valid school social worker certification as defined by the professional educator standards board. The purpose and role of the school social worker is to ((provide)) serve as an integral link between school, home, and community ((in)), helping students achieve academic and social success. This is accomplished by removing barriers and providing services that may include: Mental health ((and academic counseling, support for students and parents, crisis prevention and intervention, professional case management, collaboration with other professionals, organizations, and community agencies, and advocacy for students and parents. School social workers work directly with school

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administrators as well as students and families, at various levels and as part of an interdisciplinary team in the educational system, including at the building, district, and state level. School social workers provide leadership and professional expertise regarding the formation of school discipline policies and procedures, and through school-based mental health services, crisis management, the implementation of social-emotional learning, and other support services that impact student academic and social-emotional success. School social workers also facilitate community involvement in the schools while advocating for student success)) counseling; crisis intervention; behavioral consultation; trauma-informed care; support and advocacy for students and families; professional case management; and developing and implementing individualized education programs and plans developed under section 504 of the federal rehabilitation act of 1973.

(b) School social workers provide leadership and professional expertise in the development of school discipline policies and procedures, emphasizing best practices. School social workers also leverage data to track trends, monitor student progress, and assess the effectiveness of interventions. As trained mental health clinicians, school social workers support implementation of social-emotional learning and foster supportive school environments for all students.

Sec. 3. RCW 28A.320.280 and 2018 c 200 s 2 are each amended to read as follows:

The school counselor works with developing and leading a comprehensive guidance and counseling program to focus on the academic, career, personal, and social needs of all students. School psychologists carry out special education evaluation duties, among other things. School social workers ((promote and support students' health, academic, and social success with counseling and support, and by providing and coordinating specialized services and resources)) have the role and scope explicated in RCW 28A.410.044(2). All of these professionals are also involved in multitiered systems of support for academic and behavioral skills. These professionals focus on student mental health, work with at-risk and marginalized students, perform risk assessments, and collaborate with mental health professionals to promote student achievement and create a safe learning environment. In order that school counselors, school social

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- 1 workers, and $\underline{\text{school}}$ psychologists have the time available to
- 2 prioritize these functions, in addition to other activities requiring
- 3 direct student contact, responsibilities such as data input and data
- 4 tracking should be handled by nonlicensed, noncertified staff, where
- 5 possible.

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- 6 <u>NEW SECTION.</u> **Sec. 4.** A new section is added to chapter 28A.310 7 RCW to read as follows:
- 8 Subject to the availability of amounts appropriated for this 9 specific purpose, each educational service district may coordinate 10 with:
 - (1) Local mental health agencies and local school districts to arrange for in-school placements of social worker associates licensed under RCW 18.225.145 and to coordinate clinical supervision for approved supervisors that meet the requirements as defined in rule by the department of health to provide the necessary supervision to the social worker associates;
 - (2) Local school districts and accredited university programs to support masters of social work candidates in obtaining an in-school placement and a conditional educational staff associate certificate as provided by the professional educator standards board; and
 - (3) Local school districts, accredited university programs, and behavioral health agencies to support postmasters of social work professionals in obtaining an in-school placement. These positions must be coordinated between the educational service district and behavioral health agencies.
- 26 **Sec. 5.** RCW 28A.310.235 and 2019 c 295 s 102 are each amended to read as follows:
 - (1) For the purpose of this section, "educator" means a paraeducator, teacher, principal, administrator, superintendent, school counselor, school psychologist, school social worker, school nurse, school physical therapist, school occupational therapist, or school speech-language pathologist or audiologist.
 - (2) An educational service district may employ a person whose duties are to provide to local school districts the following services related to educator recruitment:
 - (a) Serve as a liaison between local school districts and educator preparation programs, between their region and other regions in the state, and between the local school districts and agencies

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that may be helpful in educator recruitment efforts, including the office of the superintendent of public instruction, the Washington professional educator standards board, the paraeducator board, the student achievement council, the state board for community and technical colleges, the state department of veterans affairs, the state military department, and the workforce training and education coordinating board;

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- (b) Encourage and support local school districts to develop or expand a recruiting Washington teachers program under RCW 28A.415.370, a career and technical education careers in education program, or an alternative route teacher certification program under chapter 28A.660 RCW;
- 13 (c) Provide outreach to community members who may be interested 14 in becoming educators, including high school and college students, 15 subject matter experts, and former military personnel and their 16 spouses;
- (d) Support persons interested in becoming educators by providing resources and assistance with navigating transition points on the path to a career in education; ((and))
- 20 (e) Provide resources and technical assistance to local school districts on best hiring processes and practices; and
- 22 <u>(f) Support the coordination efforts prescribed under section 4</u> 23 of this act.
- 24 (3) A person employed to provide the services described in 25 subsection (2) of this section must be reflective of, and have an 26 understanding of, the local community.
- 27 **Sec. 6.** RCW 28A.150.260 and 2024 c 262 s 2 and 2024 c 191 s 2 28 are each reenacted and amended to read as follows:
 - The purpose of this section is to provide for the allocation of state funding that the legislature deems necessary to support school districts in offering the minimum instructional program of basic education under RCW 28A.150.220. The allocation shall be determined as follows:
 - (1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula for the distribution of a basic education instructional allocation for each common school district.
- 38 (2)(a) The distribution formula under this section shall be for 39 allocation purposes only. Except as may be required under subsections

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1 (4) (b) and (c), (5) ($\frac{(b)}{and}$)) (c) and (d), (8), and (9) of this section, chapter 28A.155, 28A.165, 28A.180, or 28A.185 RCW, or 2 federal laws and regulations, nothing in this section requires school 3 districts to use basic education instructional funds to implement a 4 particular instructional approach or service. Nothing in this section 5 6 requires school districts to maintain a particular classroom teacherto-student ratio or other staff-to-student ratio or to use allocated 7 funds to pay for particular types or classifications of staff. 8 Nothing in this section entitles an individual teacher to a 9 particular teacher planning period. 10

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- (b) To promote transparency in state funding allocations, the superintendent of public instruction must report state per-pupil allocations for each school district for the general apportionment, special education, learning assistance, transitional bilingual, highly capable, and career and technical education programs. The superintendent must report this information in a user-friendly format on the main page of the office's website. School districts must include a link to the superintendent's per-pupil allocations report on the main page of the school district's website. In addition, the budget documents published by the legislature for the enacted omnibus operating appropriations act must report statewide average per-pupil allocations for general apportionment and the categorical programs listed in this subsection.
- (3) (a) To the extent the technical details of the formula have been adopted by the legislature and except when specifically provided as a school district allocation, the distribution formula for the basic education instructional allocation shall be based on minimum staffing and nonstaff costs the legislature deems necessary to support instruction and operations in prototypical schools serving high, middle, and elementary school students as provided in this section. The use of prototypical schools for the distribution formula does not constitute legislative intent that schools should be operated or structured in a similar fashion as the prototypes. Prototypical schools illustrate the level of resources needed to operate a school of a particular size with particular types and grade levels of students using commonly understood terms and inputs, such as class size, hours of instruction, and various categories of school staff. It is the intent that the funding allocations to school districts be adjusted from the school prototypes based on the actual number of annual average full-time equivalent students in each grade

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- level at each school in the district and not based on the grade-level configuration of the school to the extent that data is available. The allocations shall be further adjusted from the school prototypes with minimum allocations for small schools and to reflect other factors identified in the omnibus appropriations act.
 - (b) For the purposes of this section, prototypical schools are defined as follows:

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- 8 (i) A prototypical high school has 600 average annual full-time 9 equivalent students in grades nine through 12;
- 10 (ii) A prototypical middle school has 432 average annual full-11 time equivalent students in grades seven and eight; and
- 12 (iii) A prototypical elementary school has 400 average annual 13 full-time equivalent students in grades kindergarten through six.
- (4) (a) (i) The minimum allocation for each level of prototypical school shall be based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual instructional hours under RCW 28A.150.220 and provide at least one teacher planning period per school day, and based on the following general education average class size of full-time equivalent students per teacher:

21	General educ	cation
22	average class	s size
23	Grades K-3	17.00
24	Grade 4	27.00
25	Grades 5-6	27.00
26	Grades 7-8	28.53
27	Grades 9-12	28.74

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

37		Laboratory science
38		average class size
39	Grades 9-12	19.98

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

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- 5 (ii) The office of the superintendent of public instruction shall develop rules to implement this subsection (4)(b).
- 7 (c)(i) The minimum allocation for each prototypical middle and 8 high school shall also provide for full-time equivalent classroom 9 teachers based on the following number of full-time equivalent 10 students per teacher in career and technical education:

11	Career and technical
12	education average
13	class size
14	Approved career and technical education offered at
15	the middle school and high school level
16	Skill center programs meeting the standards established
17	by the office of the superintendent of public
18	instruction

- 19 (ii) Funding allocated under this subsection (4)(c) is subject to 20 RCW 28A.150.265.
- 21 (d) In addition, the omnibus appropriations act shall at a 22 minimum specify:
 - (i) A high-poverty average class size in schools where more than 50 percent of the students are eligible for free and reduced-price meals; and
- 26 (ii) A specialty average class size for advanced placement and 27 international baccalaureate courses.
- 28 (5)(a) The minimum allocation for each level of prototypical 29 school shall include allocations for the following types of staff in 30 addition to classroom teachers:

31		Elementary	Middle	High
32		School	School	School
33	Principals, assistant principals, and other certificated building-level			
34	administrators	1.253	1.353	1.880
35	Teacher-librarians, a function that includes information literacy, technology,			
36	and media to support school library media programs	0.663	0.519	0.523

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1	Paraeducators, including any aspect of educational instructional services			
2	provided by classified employees.	1.012	0.776	0.728
3	Office support and other noninstructional aides.	2.088	2.401	3.345
4	Custodians	1.657	1.942	2.965
5	Nurses.	0.585	0.888	0.824
6	Social workers.	0.311	0.088	0.127
7	Psychologists	0.104	0.024	0.049
8	Counselors	0.993	1.716	3.039
9	Classified staff providing student and staff safety	0.079	0.092	0.141
10	Parent involvement coordinators	0.0825	0.00	0.00

(b) In addition to the allocations provided under (a) of this subsection, the following staffing units must be provided to qualifying schools, as defined under subsection (10)(a)(ii) of this section:

15		<u>Elementary</u>	<u>Middle</u>	<u>High</u>
16		School	<u>School</u>	School
17	Social workers.	0.060	0.060	0.060

- (c)(i) The superintendent may only allocate funding, up to the combined minimum allocations, for nurses, social workers, psychologists, counselors, classified staff providing student and staff safety, and parent involvement coordinators under (a) and (b) of this subsection to the extent of and proportionate to a school district's demonstrated actual ratios of: Full-time equivalent physical, social, and emotional support staff to full-time equivalent students.
- (ii) The superintendent must adopt rules to implement this subsection $(5)((\frac{b}{b}))$ (c) and the rules must require school districts to prioritize funding allocated as required by $((\frac{b}{b}))$ (c) (i) of this subsection for physical, social, and emotional support staff who hold a valid educational staff associate certificate appropriate for the staff's role.
- (iii) For the purposes of this subsection $(5)((\frac{b}{b}))$ (c), "physical, social, and emotional support staff" include nurses, social workers, psychologists, counselors, classified staff providing student and staff safety, parent involvement coordinators, and other school district employees and contractors who provide physical,

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1 social, and emotional support to students as defined by the 2 superintendent.

- (((c))) <u>(d)</u> The superintendent shall develop rules that require school districts to use the additional funding provided under (a) of this subsection to support increased staffing, prevent layoffs, or increase salaries for the following staff types in the 2024-25 school year: Paraeducators, office support, and noninstructional aides. The superintendent shall collect data from school districts on how the increased allocations are used.
- 10 (6)(a) The minimum staffing allocation for each school district 11 to provide district-wide support services shall be allocated per one 12 thousand annual average full-time equivalent students in grades K-12 13 as follows:

14	Staff per 1,000
15	K-12 students
16	Technology
17	Facilities, maintenance, and grounds
18	Warehouse, laborers, and mechanics

- (b) The minimum allocation of staff units for each school district to support certificated and classified staffing of central administration shall be 5.30 percent of the staff units generated under subsections (4)(a) and (5) of this section and (a) of this subsection.
- (7) The distribution formula shall include staffing allocations to school districts for career and technical education and skill center administrative and other school-level certificated staff, as specified in the omnibus appropriations act.
- (8)(a) Except as provided in (b) of this subsection, the minimum allocation for each school district shall include allocations per annual average full-time equivalent student for the following materials, supplies, and operating costs as provided in the 2023-24 school year, after which the allocations shall be adjusted annually for inflation as specified in the omnibus appropriations act:

34	Per annual	average
35	full-time equivalent	student
36	in grac	des K-12
37	Technology	\$178.98
38	Utilities and insurance	\$430.26
39	Curriculum and textbooks	\$164.48

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1	Other supplies
2	Library materials
3	Instructional professional development for certificated and
4	classified staff
5	Facilities maintenance
6	Security and central office administration \$146.37
7	(b) In addition to the amounts provided in (a) of this
8	subsection, beginning in the 2023-24 school year, the omnibus
9	appropriations act shall provide the following minimum allocation for
10	each annual average full-time equivalent student in grades nine
11	through 12 for the following materials, supplies, and operating
12	costs, to be adjusted annually for inflation:
13	Per annual average
14	full-time equivalent student
14 15	full-time equivalent student in grades 9-12
15	in grades 9-12
15 16	in grades 9-12 Technology
15 16 17	in grades 9-12 Technology\$44.05 Curriculum and textbooks\$48.06
15 16 17 18	in grades 9-12 Technology
15 16 17 18 19	in grades 9-12 Technology \$44.05 Curriculum and textbooks \$48.06 Other supplies
15 16 17 18 19 20	in grades 9-12 Technology
15 16 17 18 19 20 21	Technology
15 16 17 18 19 20 21	Technology
15 16 17 18 19 20 21 22 23	Technology
15 16 17 18 19 20 21 22 23 24	Technology

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

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- (a) Exploratory career and technical education courses for students in grades seven through 12;
- (b) Preparatory career and technical education courses for students in grades nine through 12 offered in a high school; and
- 35 (c) Preparatory career and technical education courses for 36 students in grades 11 and 12 offered through a skill center.
- 37 (10) In addition to the allocations otherwise provided under this 38 section, amounts shall be provided to support the following programs 39 and services:

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(a)(i) To provide supplemental instruction and services for students who are not meeting academic standards through the learning assistance program under RCW 28A.165.005 through 28A.165.065, allocations shall be based on the greater of either: The district percentage of students in kindergarten through grade 12 who were eligible for free or reduced-price meals for the school immediately preceding the district's participation, in whole or part, United States department of agriculture's community eligibility provision, or the district percentage of students in grades K-12 who were eligible for free or reduced-price meals in the prior school year. The minimum allocation for the program shall, except as provided in (a)(iii) of this subsection, provide for each level of prototypical school resources to provide, on a statewide average, 2.3975 hours per week in extra instruction with a class size of 15 learning assistance program students per teacher.

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- (ii) In addition to funding allocated under (a)(i) of this subsection, to provide supplemental instruction and services for students who are not meeting academic standards in qualifying schools. A qualifying school, except as provided in (a)(iv) of this subsection, means a school in which the three-year rolling average of the prior year total annual average enrollment that qualifies for free or reduced-price meals equals or exceeds 50 percent or more of its total annual average enrollment. A school continues to meet the definition of a qualifying school if the school: Participates in the United States department of agriculture's community eligibility provision; and met the definition of a qualifying school in the year immediately preceding their participation. The minimum allocation for this additional high poverty-based allocation must provide for each level of prototypical school resources to provide, on a statewide average, 1.1 hours per week in extra instruction with a class size of learning assistance program students per teacher, under RCW 28A.165.055, school districts must distribute the high poverty-based allocation to the schools that generated the funding allocation.
- (iii) For the 2024-25 and 2025-26 school years, allocations under (a)(i) of this subsection for school districts providing meals at no charge to students under RCW 28A.235.135 that are not participating, in whole or in part, in the United States department of agriculture's community eligibility provision shall be based on the school district percentage of students in grades K-12 who were eligible for free or

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reduced-price meals in school years 2019-20 through 2022-23 or the prior school year, whichever is greatest.

- (iv) For the 2024-25 and 2025-26 school years, a school providing meals at no charge to students under RCW 28A.235.135 that is not participating in the department of agriculture's community eligibility provision continues to meet the definition of a qualifying school under (a) (ii) of this subsection if the school met the definition during one year of the 2019-20 through 2022-23 school years, or in the prior school year.
- (b)(i) To provide supplemental instruction and services for students whose primary language is other than English, allocations shall be based on the head count number of students in each school who are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080. The minimum allocation for each level of prototypical school shall provide resources to provide, on a statewide average, 4.7780 hours per week in extra instruction for students in grades kindergarten through six and 6.7780 hours per week in extra instruction for students in grades seven through 12, with 15 transitional bilingual instruction program students per teacher. Notwithstanding other provisions of this subsection (10), the actual per-student allocation may be scaled to provide a larger allocation for students needing more intensive intervention and a commensurate reduced allocation for students needing less intensive intervention, as detailed in the omnibus appropriations act.
- (ii) To provide supplemental instruction and services for students who have exited the transitional bilingual program, allocations shall be based on the head count number of students in each school who have exited the transitional bilingual program within the previous two years based on their performance on the English proficiency assessment and are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.040(1)(g). The minimum allocation for each prototypical school shall provide resources to provide, on a statewide average, 3.0 hours per week in extra instruction with 15 exited students per teacher.
- (c) To provide additional allocations to support programs for highly capable students under RCW 28A.185.010 through 28A.185.030, allocations shall be based on 5.0 percent of each school district's full-time equivalent basic education enrollment. The minimum

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allocation for the programs shall provide resources to provide, on a statewide average, 2.1590 hours per week in extra instruction with fifteen highly capable program students per teacher.

- (11) The allocations under subsections (4)(a), (5), (6), and (8) of this section shall be enhanced as provided under RCW 28A.150.390 on an excess cost basis to provide supplemental instructional resources for students with disabilities.
- (12)(a) For the purposes of allocations for prototypical high schools and middle schools under subsections (4) and (10) of this section that are based on the percent of students in the school who are eligible for free and reduced-price meals, the actual percent of such students in a school shall be adjusted by a factor identified in the omnibus appropriations act to reflect underreporting of free and reduced-price meal eligibility among middle and high school students.
- (b) Allocations or enhancements provided under subsections (4), (7), and (9) of this section for exploratory and preparatory career and technical education courses shall be provided only for courses approved by the office of the superintendent of public instruction under chapter 28A.700 RCW.
- (13)(a) This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature.
- (b) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect.
- (c) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the first school day of each month, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. The definition of full-time equivalent student shall be determined by rules of the superintendent of public instruction and shall be included as part of the superintendent's biennial budget request. The definition shall be based on the minimum instructional hour offerings required under RCW 28A.150.220. Any revision of the present definition shall not take effect until approved by the house ways and means committee and the senate ways and means committee.

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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.

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