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**SUBSTITUTE SENATE BILL 5475**

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**State of Washington**

**62nd Legislature**

**2011 Regular Session**

**By** Senate Early Learning & K-12 Education (originally sponsored by Senator Murray; by request of Office of Financial Management)

READ FIRST TIME 02/17/11.

1        AN ACT Relating to education funding; amending RCW 28A.150.198,  
2        28A.150.200, 28A.150.220, 28A.150.260, 28A.150.315, 28A.160.150,  
3        28A.160.192, and 28A.400.201; reenacting and amending RCW 28A.290.010;  
4        adding a new section to chapter 43.79 RCW; creating a new section;  
5        repealing 2010 c 236 s 1 (uncodified); providing an effective date; and  
6        declaring an emergency.

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

8        NEW SECTION.    **Sec. 1.** In 2009, the legislature took the first step  
9        in the process of redefining the instructional program of a basic  
10       education and the new funding allocation model to be phased-in  
11       according to an implementation schedule adopted by the legislature. In  
12       that legislation, several working groups of experienced educators,  
13       school professionals, and representatives of key educational  
14       stakeholders were established to encourage considerable dialogue about  
15       the detailed and complicated issues necessary to achieve education  
16       reform. The intent was that each group's recommendations would provide  
17       informed guidance to the legislature and recommendations for a phase-in  
18       plan. Having a comprehensive set of recommendations from all of the  
19       working groups will better enable the legislature to identify common

1 priorities and develop a reasonable and rational implementation  
2 schedule that uses all of the information available, not just the early  
3 information. Only by having an understanding of the entire package of  
4 recommendations for the reform efforts can the legislature implement a  
5 schedule that has the greatest positive impact on student achievement  
6 and takes into realistic account the system's capacity to implement the  
7 necessary changes.

8 **Sec. 2.** RCW 28A.150.198 and 2009 c 548 s 1 are each amended to  
9 read as follows:

10 (1) Public education in Washington state has evolved since the  
11 enactment of the Washington basic education act of 1977. Decisions by  
12 the courts have played a part in this evolution, as have studies and  
13 research about education practices and education funding. The  
14 legislature finds ample evidence of a need for continuing to refine the  
15 program of basic education that is funded by the state and delivered by  
16 school districts.

17 (2) The legislature reaffirms the work of Washington Learns and  
18 other educational task forces that have been convened over the past  
19 four years and their recommendations to make bold reforms to the entire  
20 educational system in order to educate all students to a higher level;  
21 to focus on the individualized instructional needs of students; to  
22 strive towards closing the achievement gap and reducing dropout rates;  
23 and to prepare students for a constantly evolving workforce and  
24 increasingly demanding global economy. In enacting this legislation,  
25 the legislature intends to continue to review, evaluate, and revise the  
26 definition and funding of basic education in order to continue to  
27 fulfill the state obligation under Article IX of the state  
28 Constitution. The legislature also intends to continue to strengthen  
29 and modify the structure of the entire K-12 educational system,  
30 including nonbasic education programmatic elements, in order to build  
31 the capacity to anticipate and support potential future enhancements to  
32 basic education as the educational needs of our citizens continue to  
33 evolve.

34 (3) The legislature recognizes that the first step in revising the  
35 definition and funding of basic education is to create a transparent  
36 funding system for both allocations and expenditures so that not only  
37 policymakers and educators understand how the state supports basic

1 education but also taxpayers. An adequate data system that enables the  
2 legislature to make rational, data-driven decisions on which  
3 educational programs impact student learning in order to more  
4 effectively and efficiently deliver the resources necessary to provide  
5 an ample program of basic education is also a necessity. A new  
6 prototypical funding system will allow the legislature to better  
7 understand how current resources are being used. A more complete and  
8 accurate educational data system will allow the legislature to  
9 understand whether current basic education programs are supporting  
10 student learning. Only with both of these systems in place can the  
11 legislature make informed decisions on how to best implement a dynamic  
12 and evolving system of basic education.

13 (4) For practical and educational reasons, major changes of the  
14 program of basic education and the funding formulas to support it  
15 cannot occur instantaneously. The legislature intends to build upon  
16 the previous efforts of the legislature and the basic education task  
17 force in order to develop a realistic implementation strategy for a new  
18 instructional program after technical experts develop the details of  
19 the prototypical schools funding formulas and the data and reporting  
20 system that will support a new instructional program. The legislature  
21 also intends to establish a formal structure for monitoring the  
22 implementation by the legislature of an evolving program of basic  
23 education and the financing necessary to support such a program. ((The  
24 legislature intends that the redefined program of basic education and  
25 funding for the program be fully implemented by 2018.))

26 (5) It is the further intent of the legislature to also address  
27 additional issues that are of importance to the legislature but are not  
28 part of basic education.

29 **Sec. 3.** RCW 28A.150.200 and 2009 c 548 s 101 are each amended to  
30 read as follows:

31 (1) The program of basic education established under this chapter  
32 is deemed by the legislature to comply with the requirements of Article  
33 IX, section 1 of the state Constitution, which states that "It is the  
34 paramount duty of the state to make ample provision for the education  
35 of all children residing within its borders, without distinction or  
36 preference on account of race, color, caste, or sex," and is adopted

1 pursuant to Article IX, section 2 of the state Constitution, which  
2 states that "The legislature shall provide for a general and uniform  
3 system of public schools."

4 (2) The legislature defines the program of basic education under  
5 this chapter as that which is necessary to provide the opportunity to  
6 develop the knowledge and skills necessary to meet the state-  
7 established high school graduation requirements that are intended to  
8 allow students to have the opportunity to graduate with a meaningful  
9 diploma that prepares them for postsecondary education, gainful  
10 employment, and citizenship. Basic education by necessity is an  
11 evolving program of instruction intended to reflect the changing  
12 educational opportunities that are needed to equip students for their  
13 role as productive citizens and includes the following:

14 (a) The instructional program of basic education the minimum  
15 components of which are described in RCW 28A.150.220, which shall be  
16 phased-in according to an implementation schedule adopted by the  
17 legislature;

18 (b) The program of education provided by chapter 28A.190 RCW for  
19 students in residential schools as defined by RCW 28A.190.020 and for  
20 juveniles in detention facilities as identified by RCW 28A.190.010;

21 (c) The program of education provided by chapter 28A.193 RCW for  
22 individuals under the age of eighteen who are incarcerated in adult  
23 correctional facilities; and

24 (d) Transportation and transportation services to and from school  
25 for eligible students as provided under RCW 28A.160.150 through  
26 28A.160.180, which shall be phased-in according to an implementation  
27 schedule adopted by the legislature.

28 **Sec. 4.** RCW 28A.150.220 and 2009 c 548 s 104 are each amended to  
29 read as follows:

30 (1) In order for students to have the opportunity to develop the  
31 basic education knowledge and skills under RCW 28A.150.210, school  
32 districts must provide instruction of sufficient quantity and quality  
33 and give students the opportunity to complete graduation requirements  
34 that are intended to prepare them for postsecondary education, gainful  
35 employment, and citizenship. The program established under this  
36 section shall be the minimum instructional program of basic education  
37 offered by school districts.

1 (2) Each school district shall make available to students the  
2 following minimum instructional offering each school year:

3 (a) For students enrolled in grades one through twelve, at least a  
4 district-wide annual average of one thousand hours, which shall be  
5 increased to at least one thousand eighty instructional hours for  
6 students enrolled in each of grades seven through twelve and at least  
7 one thousand instructional hours for students in each of grades one  
8 through six according to an implementation schedule adopted by the  
9 legislature; and

10 (b) For students enrolled in kindergarten, at least four hundred  
11 fifty instructional hours, which shall be increased to at least one  
12 thousand instructional hours according to the implementation schedule  
13 under RCW 28A.150.315.

14 (3) The instructional program of basic education provided by each  
15 school district shall include:

16 (a) Instruction in the essential academic learning requirements  
17 under RCW 28A.655.070;

18 (b) Instruction that provides students the opportunity to complete  
19 twenty-four credits for high school graduation, subject to a phased-in  
20 implementation of the twenty-four credits as established by the  
21 legislature. Course distribution requirements may be established by  
22 the state board of education under RCW 28A.230.090;

23 (c) If the essential academic learning requirements include a  
24 requirement of languages other than English, the requirement may be met  
25 by students receiving instruction in one or more American Indian  
26 languages;

27 (d) Supplemental instruction and services for underachieving  
28 students through the learning assistance program under RCW 28A.165.005  
29 through 28A.165.065;

30 (e) Supplemental instruction and services for eligible and enrolled  
31 students whose primary language is other than English through the  
32 transitional bilingual instruction program under RCW 28A.180.010  
33 through 28A.180.080;

34 (f) The opportunity for an appropriate education at public expense  
35 as defined by RCW 28A.155.020 for all eligible students with  
36 disabilities as defined in RCW 28A.155.020; and

37 (g) Programs for highly capable students under RCW 28A.185.010

1 through 28A.185.030, according to an implementation schedule adopted by  
2 the legislature.

3 (4) Nothing contained in this section shall be construed to require  
4 individual students to attend school for any particular number of hours  
5 per day or to take any particular courses.

6 (5) Each school district's kindergarten through twelfth grade basic  
7 educational program shall be accessible to all students who are five  
8 years of age, as provided by RCW 28A.225.160, and less than twenty-one  
9 years of age and shall consist of a minimum of one hundred eighty  
10 school days per school year in such grades as are conducted by a school  
11 district, and one hundred eighty half-days of instruction, or  
12 equivalent, in kindergarten, to be increased to a minimum of one  
13 hundred eighty school days per school year according to the  
14 implementation schedule under RCW 28A.150.315. However, effective May  
15 1, 1979, a school district may schedule the last five school days of  
16 the one hundred and eighty day school year for noninstructional  
17 purposes in the case of students who are graduating from high school,  
18 including, but not limited to, the observance of graduation and early  
19 release from school upon the request of a student, and all such  
20 students may be claimed as a full-time equivalent student to the extent  
21 they could otherwise have been so claimed for the purposes of RCW  
22 28A.150.250 and 28A.150.260.

23 (6) Nothing in this section precludes a school district from  
24 enriching the instructional program of basic education, such as  
25 offering additional instruction or providing additional services,  
26 programs, or activities that the school district determines to be  
27 appropriate for the education of the school district's students.

28 (7) The state board of education shall adopt rules to implement and  
29 ensure compliance with the program requirements imposed by this  
30 section, RCW 28A.150.250 and 28A.150.260, and such related supplemental  
31 program approval requirements as the state board may establish.

32 **Sec. 5.** RCW 28A.150.260 and 2010 c 236 s 2 are each amended to  
33 read as follows:

34 The purpose of this section is to provide for the allocation of  
35 state funding that the legislature deems necessary to support school  
36 districts in offering the minimum instructional program of basic

1 education under RCW 28A.150.220. The allocation shall be determined as  
2 follows:

3 (1) The governor shall and the superintendent of public instruction  
4 may recommend to the legislature a formula for the distribution of a  
5 basic education instructional allocation for each common school  
6 district.

7 (2) The distribution formula under this section shall be for  
8 allocation purposes only. Except as may be required under chapter  
9 28A.155, 28A.165, 28A.180, or 28A.185 RCW, or federal laws and  
10 regulations, nothing in this section requires school districts to use  
11 basic education instructional funds to implement a particular  
12 instructional approach or service. Nothing in this section requires  
13 school districts to maintain a particular classroom teacher-to-student  
14 ratio or other staff-to-student ratio or to use allocated funds to pay  
15 for particular types or classifications of staff. Nothing in this  
16 section entitles an individual teacher to a particular teacher planning  
17 period.

18 (3)(a) To the extent the technical details of the formula and an  
19 implementation schedule have been adopted by the legislature and except  
20 when specifically provided as a school district allocation, the  
21 distribution formula for the basic education instructional allocation  
22 shall be based on minimum staffing and nonstaff costs the legislature  
23 deems necessary to support instruction and operations in prototypical  
24 schools serving high, middle, and elementary school students as  
25 provided in this section. The use of prototypical schools for the  
26 distribution formula does not constitute legislative intent that  
27 schools should be operated or structured in a similar fashion as the  
28 prototypes. Prototypical schools illustrate the level of resources  
29 needed to operate a school of a particular size with particular types  
30 and grade levels of students using commonly understood terms and  
31 inputs, such as class size, hours of instruction, and various  
32 categories of school staff. It is the intent that the funding  
33 allocations to school districts be adjusted from the school prototypes  
34 based on the actual number of annual average full-time equivalent  
35 students in each grade level at each school in the district and not  
36 based on the grade-level configuration of the school to the extent that  
37 data is available. The allocations shall be further adjusted from the

1 school prototypes with minimum allocations for small schools and to  
2 reflect other factors identified in the omnibus appropriations act.

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

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

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

10 (iii) A prototypical elementary school has four hundred average  
11 annual full-time equivalent students in grades kindergarten through  
12 six.

13 (4)(a) The minimum allocation for each level of prototypical school  
14 shall be based on the number of full-time equivalent classroom teachers  
15 needed to provide instruction over the minimum required annual  
16 instructional hours under RCW 28A.150.220 and provide at least one  
17 teacher planning period per school day, and based on the following  
18 general education average class size of full-time equivalent students  
19 per teacher:

	General education average class size
23 Grades K-3 . . . . .	25.23
24 Grade 4 . . . . .	27.00
25 Grades 5-6 . . . . .	27.00
26 Grades 7-8 . . . . .	28.53
27 Grades 9-12 . . . . .	28.74

28 (b) (~~During the 2011-2013 biennium and~~) Beginning with schools  
29 with the highest percentage of students eligible for free and reduced-  
30 price meals in the prior school year, the general education average  
31 class size for grades K-3 shall be reduced until the average class size  
32 funded under this subsection (4) is no more than 17.0 full-time  
33 equivalent students per teacher ((beginning in the 2017-18 school  
34 year)), which shall be phased-in according to an implementation  
35 schedule adopted by the legislature.

36 (c) The minimum allocation for each prototypical middle and high  
37 school shall also provide for full-time equivalent classroom teachers



1 based on the following number of full-time equivalent students per  
 2 teacher in career and technical education:

	Career and technical education average class size
6 Approved career and technical education offered at 7 the middle school and high school level . . . . .	26.57
8 Skill center programs meeting the standards established 9 by the office of the superintendent of public 10 instruction . . . . .	22.76

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

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

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

18 (5) The minimum allocation for each level of prototypical school  
 19 shall include allocations for the following types of staff in addition  
 20 to classroom teachers:

	Elementary School	Middle School	High School
24 Principals, assistant principals, and other certificated building-level 25 administrators . . . . .	1.253	1.353	1.880
26 Teacher librarians, a function that includes information literacy, technology, 27 and media to support school library media programs . . . . .	0.663	0.519	0.523
28 Health and social services:			
29 School nurses . . . . .	0.076	0.060	0.096
30 Social workers . . . . .	0.042	0.006	0.015
31 Psychologists . . . . .	0.017	0.002	0.007
32 Guidance counselors, a function that includes parent outreach and 33 graduation advising . . . . .	0.493	1.116	1.909
34 Teaching assistance, including any aspect of educational instructional 35 services provided by classified employees . . . . .	0.936	0.700	0.652

1	Office support and other noninstructional aides .....	2.012	2.325	3.269
2	Custodians .....	1.657	1.942	2.965
3	Classified staff providing student and staff safety .....	0.079	0.092	0.141
4	Parent involvement coordinators .....	0.00	0.00	0.00

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

9			Staff per 1,000
10			K-12 students
11	Technology . . . . .		0.628
12	Facilities, maintenance, and grounds . . . . .		1.813
13	Warehouse, laborers, and mechanics . . . . .		0.332

14 (b) The minimum allocation of staff units for each school district  
15 to support certificated and classified staffing of central  
16 administration shall be 5.30 percent of the staff units generated under  
17 subsections (4)(a) and (b) and (5) of this section and (a) of this  
18 subsection.

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

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

28			Per annual average
29			full-time equivalent student
30			in grades K-12
31	Technology . . . . .		\$54.43
32	Utilities and insurance . . . . .		\$147.90
33	Curriculum and textbooks . . . . .		\$58.44
34	Other supplies and library materials . . . . .		\$124.07
35	Instructional professional development for certified and		
36	classified staff . . . . .		\$9.04

1 Facilities maintenance . . . . . \$73.27  
2 Security and central office . . . . . \$50.76

3 (b) During the 2011-2013 biennium, the minimum allocation for  
4 maintenance, supplies, and operating costs shall be (~~increased as~~)  
5 specified in the omnibus appropriations act. The following  
6 allocations, adjusted for inflation from the 2007-08 school year, are  
7 provided (~~in the 2015-16 school year~~) according to a phased-in  
8 implementation schedule adopted by the legislature, after which the  
9 allocations shall be adjusted annually for inflation as specified in  
10 the omnibus appropriations act:

	Per annual average full-time equivalent student in grades K-12
14 Technology . . . . .	\$113.80
15 Utilities and insurance . . . . .	\$309.21
16 Curriculum and textbooks . . . . .	\$122.17
17 Other supplies and library materials . . . . .	\$259.39
18 Instructional professional development for certificated and 19 classified staff . . . . .	\$18.89
20 Facilities maintenance . . . . .	\$153.18
21 Security and central office administration . . . . .	\$106.12

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

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

27 (b) Laboratory science courses for students in grades nine through  
28 twelve;

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

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

33 (10) In addition to the allocations otherwise provided under this  
34 section, amounts shall be (~~provided~~) phased-in according to an  
35 implementation schedule adopted by the legislature to support the  
36 following programs and services:

1 (a) To provide supplemental instruction and services for  
2 underachieving students through the learning assistance program under  
3 RCW 28A.165.005 through 28A.165.065, allocations shall be based on the  
4 district percentage of students in grades K-12 who were eligible for  
5 free or reduced-price meals in the prior school year. The minimum  
6 allocation for the program shall provide for each level of prototypical  
7 school resources to provide, on a statewide average, 1.5156 hours per  
8 week in extra instruction with a class size of fifteen learning  
9 assistance program students per teacher.

10 (b) To provide supplemental instruction and services for students  
11 whose primary language is other than English, allocations shall be  
12 based on the head count number of students in each school who are  
13 eligible for and enrolled in the transitional bilingual instruction  
14 program under RCW 28A.180.010 through 28A.180.080. The minimum  
15 allocation for each level of prototypical school shall provide  
16 resources to provide, on a statewide average, 4.7780 hours per week in  
17 extra instruction with fifteen transitional bilingual instruction  
18 program students per teacher.

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

27 (11) The allocations under subsections (4)(a) and (b), (5), (6),  
28 and (8) of this section shall be enhanced as provided under RCW  
29 28A.150.390 on an excess cost basis to provide supplemental  
30 instructional resources for students with disabilities.

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

1 (b) Allocations or enhancements provided under subsections (4),  
2 (7), and (9) of this section for exploratory and preparatory career and  
3 technical education courses shall be provided only for courses approved  
4 by the office of the superintendent of public instruction under chapter  
5 28A.700 RCW.

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

10 (b) In the event the legislature rejects the distribution formula  
11 recommended by the governor, without adopting a new distribution  
12 formula, the distribution formula for the previous school year shall  
13 remain in effect.

14 (c) The enrollment of any district shall be the annual average  
15 number of full-time equivalent students and part-time students as  
16 provided in RCW 28A.150.350, enrolled on the first school day of each  
17 month, including students who are in attendance pursuant to RCW  
18 28A.335.160 and 28A.225.250 who do not reside within the servicing  
19 school district. The definition of full-time equivalent student shall  
20 be determined by rules of the superintendent of public instruction and  
21 shall be included as part of the superintendent's biennial budget  
22 request. The definition shall be based on the minimum instructional  
23 hour offerings required under RCW 28A.150.220. Any revision of the  
24 present definition shall not take effect until approved by the house  
25 ways and means committee and the senate ways and means committee.

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

29 **Sec. 6.** RCW 28A.150.315 and 2010 c 236 s 4 are each amended to  
30 read as follows:

31 (1) Beginning with the 2007-08 school year, funding for voluntary  
32 all-day kindergarten programs shall be phased-in beginning with schools  
33 with the highest poverty levels, defined as those schools with the  
34 highest percentages of students qualifying for free and reduced-price  
35 lunch support in the prior school year. ~~((During the 2011-2013~~  
36 ~~biennium,))~~ Funding shall continue to be phased-in ~~((each year))~~  
37 according to an implementation schedule adopted by the legislature

1 until full statewide implementation of all-day kindergarten is achieved  
2 (~~in the 2017-18 school year~~). Once a school receives funding for the  
3 all-day kindergarten program, that school shall remain eligible for  
4 funding in subsequent school years regardless of changes in the  
5 school's percentage of students eligible for free and reduced-price  
6 lunches as long as other program requirements are fulfilled.  
7 Additionally, schools receiving all-day kindergarten program support  
8 shall agree to the following conditions:

9 (a) Provide at least a one thousand-hour instructional program;

10 (b) Provide a curriculum that offers a rich, varied set of  
11 experiences that assist students in:

12 (i) Developing initial skills in the academic areas of reading,  
13 mathematics, and writing;

14 (ii) Developing a variety of communication skills;

15 (iii) Providing experiences in science, social studies, arts,  
16 health and physical education, and a world language other than English;

17 (iv) Acquiring large and small motor skills;

18 (v) Acquiring social and emotional skills including successful  
19 participation in learning activities as an individual and as part of a  
20 group; and

21 (vi) Learning through hands-on experiences;

22 (c) Establish learning environments that are developmentally  
23 appropriate and promote creativity;

24 (d) Demonstrate strong connections and communication with early  
25 learning community providers; and

26 (e) Participate in kindergarten program readiness activities with  
27 early learning providers and parents.

28 (2) Subject to funds appropriated for this purpose, the  
29 superintendent of public instruction shall designate one or more school  
30 districts to serve as resources and examples of best practices in  
31 designing and operating a high-quality all-day kindergarten program.  
32 Designated school districts shall serve as lighthouse programs and  
33 provide technical assistance to other school districts in the initial  
34 stages of implementing an all-day kindergarten program. Examples of  
35 topics addressed by the technical assistance include strategic  
36 planning, developing the instructional program and curriculum, working  
37 with early learning providers to identify students and communicate with  
38 parents, and developing kindergarten program readiness activities.

1           **Sec. 7.** RCW 28A.160.150 and 2009 c 548 s 304 are each amended to  
2 read as follows:

3           Funds allocated for transportation costs, except for funds provided  
4 for transportation and transportation services to and from school in  
5 accordance with an implementation schedule adopted by the legislature,  
6 shall be in addition to the basic education allocation. The  
7 distribution formula developed in RCW 28A.160.150 through 28A.160.180  
8 shall be for allocation purposes only and shall not be construed as  
9 mandating specific levels of pupil transportation services by local  
10 districts. Operating costs as determined under RCW 28A.160.150 through  
11 28A.160.180 shall be funded at one hundred percent or as close thereto  
12 as reasonably possible for transportation of an eligible student to and  
13 from school as defined in RCW 28A.160.160(3). In addition, funding  
14 shall be provided for transportation services for students living  
15 within the walk area as determined under RCW 28A.160.160(5).

16           **Sec. 8.** RCW 28A.160.192 and 2010 c 236 s 8 are each amended to  
17 read as follows:

18           (1) The superintendent of public instruction shall phase-in ((~~the~~  
19 ~~implementation of~~)) the distribution formula under this chapter for  
20 allocating state funds to school districts for the transportation of  
21 students to and from school in accordance with an implementation  
22 schedule adopted by the legislature. ((~~The phase in shall begin no~~  
23 ~~later than the 2011-2013 biennium and be fully implemented by the 2013-~~  
24 ~~2015 biennium.~~))

25           (a) The formula must be developed and revised on an ongoing basis  
26 using the major cost factors in student transportation, including basic  
27 and special student loads, school district land area, average distance  
28 to school, roadway miles, and number of locations served. Factors must  
29 include all those site characteristics that are statistically  
30 significant after analysis of the data required by the revised  
31 reporting process.

32           (b) The formula must allocate funds to school districts based on  
33 the average predicted costs of transporting students to and from  
34 school, using a regression analysis.

35           (2) During the phase-in period, funding provided to school  
36 districts for student transportation operations shall be distributed on  
37 the following basis:

1 (a) Annually, each school district shall receive the lesser of the  
2 previous school year's pupil transportation operations allocation, or  
3 the total of allowable pupil transportation expenditures identified on  
4 the previous school year's final expenditure report to the state plus  
5 district indirect expenses using the state recovery rate identified by  
6 the superintendent; and

7 (b) Annually, any funds appropriated by the legislature in excess  
8 of the maintenance level funding amount for student transportation  
9 shall be distributed among school districts on a prorated basis using  
10 the difference between the amount identified in (a) of this subsection  
11 and the amount determined under the formula in RCW 28A.160.180.

12 **Sec. 9.** RCW 28A.290.010 and 2010 c 236 s 15 and 2010 c 234 s 4 are  
13 each reenacted and amended to read as follows:

14 (1) The quality education council is created to recommend and  
15 inform the ongoing implementation by the legislature of an evolving  
16 program of basic education and the financing necessary to support such  
17 program. The council shall develop strategic recommendations on the  
18 program of basic education for the common schools. The council shall  
19 take into consideration the capacity report produced under RCW  
20 28A.300.172 and the availability of data and progress of implementing  
21 the data systems required under RCW 28A.655.210. Any recommendations  
22 for modifications to the program of basic education shall be based on  
23 evidence that the programs effectively support student learning. The  
24 council shall update the statewide strategic recommendations every four  
25 years. The recommendations of the council are intended to:

26 (a) Inform future educational policy and funding decisions of the  
27 legislature and governor;

28 (b) Identify measurable goals and priorities for the educational  
29 system in Washington state for a ten-year time period, including the  
30 goals of basic education and ongoing strategies for coordinating  
31 statewide efforts to eliminate the achievement gap and reduce student  
32 dropout rates; and

33 (c) Enable the state of Washington to continue to implement an  
34 evolving program of basic education.

35 (2) The council may request updates and progress reports from the  
36 office of the superintendent of public instruction, the state board of



1 education, the professional educator standards board, and the  
2 department of early learning on the work of the agencies as well as  
3 educational working groups established by the legislature.

4 (3) The chair of the council shall be selected from the  
5 councilmembers. The council shall be composed of the following  
6 members:

7 (a) Four members of the house of representatives, with two members  
8 representing each of the major caucuses and appointed by the speaker of  
9 the house of representatives;

10 (b) Four members of the senate, with two members representing each  
11 of the major caucuses and appointed by the president of the senate;

12 (c) One representative each from the office of the governor, office  
13 of the superintendent of public instruction, state board of education,  
14 professional educator standards board, and department of early  
15 learning; and

16 (d) One nonlegislative representative from the achievement gap  
17 oversight and accountability committee established under RCW  
18 28A.300.136, to be selected by the members of the committee.

19 (4) In the 2009 fiscal year, the council shall meet as often as  
20 necessary as determined by the chair. In subsequent years, the council  
21 shall meet no more than four times a year.

22 (5)(a) The council shall submit an initial report to the governor  
23 and the legislature by January 1, 2010, detailing its recommendations,  
24 including recommendations for resolving issues or decisions requiring  
25 legislative action during the 2010 legislative session, and  
26 recommendations for any funding necessary to continue development and  
27 implementation of chapter 548, Laws of 2009.

28 (b) The initial report shall, at a minimum, include:

29 (i) Consideration of how to establish a statewide beginning teacher  
30 mentoring and support system;

31 (ii) Recommendations for a program of early learning for at-risk  
32 children;

33 (iii) A recommended schedule for the concurrent phase-in of the  
34 changes to the instructional program of basic education and the  
35 implementation of the funding formulas and allocations to support the  
36 new instructional program of basic education as established under  
37 chapter 548, Laws of 2009(~~(. The phase in schedule shall have full~~  
38 ~~implementation completed by September 1, 2018))~~); and

1 (iv) A recommended schedule for phased-in implementation of the new  
2 distribution formula for allocating state funds to school districts for  
3 the transportation of students to and from school, with phase-in  
4 beginning no later than September 1, 2013.

5 (6) The council shall submit a report to the legislature by January  
6 1, 2012, detailing its recommendations for a comprehensive plan for a  
7 voluntary program of early learning. Before submitting the report, the  
8 council shall seek input from the early learning advisory council  
9 created in RCW 43.215.090.

10 (7) The council shall submit a report to the governor and the  
11 legislature by December 1, 2010, that includes:

12 (a) Recommendations for specific strategies, programs, and funding,  
13 including funding allocations through the funding distribution formula  
14 in RCW 28A.150.260, that are designed to close the achievement gap and  
15 increase the high school graduation rate in Washington public schools.  
16 The council shall consult with the achievement gap oversight and  
17 accountability committee and the building bridges work group in  
18 developing its recommendations; and

19 (b) Recommendations for assuring adequate levels of state-funded  
20 classified staff to support essential school and district services.

21 (8)(a) By January 1, 2013, the council shall synthesize the  
22 recommendations and reports from the working groups and entities in (b)  
23 of this subsection to develop a concurrent phase-in schedule for the  
24 legislature to fully implement the changes to the instructional program  
25 of basic education and the enhancements of the funding formulas.

26 (b) Recommendations from the following shall be considered in  
27 developing the phase-in schedule under this subsection (8):

28 (i) The funding formula technical working group;

29 (ii) The local funding technical working group;

30 (iii) The compensation technical working group;

31 (iv) The highly capable program technical working group;

32 (v) The learning assistance program technical working group;

33 (vi) The transitional bilingual instruction program technical  
34 working group;

35 (vii) The state board of education, regarding high school  
36 graduation requirements; and

37 (viii) The office of the superintendent of public instruction's  
38 capacity report.

1        (c) The council is encouraged to also consider other major policy  
2 changes that schools and districts are being required to implement,  
3 such as the new common core standards, the new assessments of the  
4 common core, the new high school graduation requirements, and the new  
5 teacher and principal evaluation pilot programs when developing the  
6 recommendations due by January 1, 2013.

7        (9) The council shall be staffed by the office of the  
8 superintendent of public instruction and the office of financial  
9 management. Additional staff support shall be provided by the state  
10 entities with representatives on the council. Senate committee  
11 services and the house of representatives office of program research  
12 may provide additional staff support.

13        ((+9)) (10) Legislative members of the council shall serve without  
14 additional compensation but may be reimbursed for travel expenses in  
15 accordance with RCW 44.04.120 while attending sessions of the council  
16 or on official business authorized by the council. Nonlegislative  
17 members of the council may be reimbursed for travel expenses in  
18 accordance with RCW 43.03.050 and 43.03.060.

19        **Sec. 10.** RCW 28A.400.201 and 2010 c 236 s 7 are each amended to  
20 read as follows:

21        (1) The legislature recognizes that providing students with the  
22 opportunity to access a world-class educational system depends on our  
23 continuing ability to provide students with access to world-class  
24 educators. The legislature also understands that continuing to attract  
25 and retain the highest quality educators will require increased  
26 investments. The legislature intends to enhance the current salary  
27 allocation model and recognizes that changes to the current model  
28 cannot be imposed without great deliberation and input from teachers,  
29 administrators, and classified employees. Therefore, it is the intent  
30 of the legislature to begin the process of developing an enhanced  
31 salary allocation model that is collaboratively designed to ensure the  
32 rationality of any conclusions regarding what constitutes adequate  
33 compensation.

34        (2) Beginning July 1, 2011, the office of the superintendent of  
35 public instruction, in collaboration with the office of financial  
36 management, shall convene a technical working group to recommend the  
37 details of an enhanced salary allocation model that aligns state

1 expectations for educator development and certification with the  
2 compensation system and establishes recommendations for a concurrent  
3 implementation schedule. In addition to any other details the  
4 technical working group deems necessary, the technical working group  
5 shall make recommendations on the following:

6 (a) How to reduce the number of tiers within the existing salary  
7 allocation model;

8 (b) How to account for labor market adjustments;

9 (c) How to account for different geographic regions of the state  
10 where districts may encounter difficulty recruiting and retaining  
11 teachers;

12 (d) The role of and types of bonuses available;

13 (e) Ways to accomplish salary equalization over a set number of  
14 years; (~~and~~)

15 (f) Whether Initiative 732 should be removed as a separate funding  
16 source but the funds folded into the basic education allocations; and

17 (g) Initial fiscal estimates for implementing the recommendations  
18 including a recognition that staff on the existing salary allocation  
19 model would have the option to grandfather in permanently to the  
20 existing schedule.

21 (3) As part of its work, the technical working group shall conduct  
22 or contract for a preliminary comparative labor market analysis of  
23 salaries and other compensation for school district employees to be  
24 conducted and shall include the results in any reports to the  
25 legislature. For the purposes of this subsection, "salaries and other  
26 compensation" includes average base salaries, average total salaries,  
27 average employee basic benefits, and retirement benefits.

28 (4) The analysis required under subsection (1) of this section  
29 must:

30 (a) Examine salaries and other compensation for teachers, other  
31 certificated instructional staff, principals, and other building-level  
32 certificated administrators, and the types of classified employees for  
33 whom salaries are allocated;

34 (b) Be calculated at a statewide level that identifies labor  
35 markets in Washington through the use of data from the United States  
36 bureau of the census and the bureau of labor statistics; and

37 (c) Include a comparison of salaries and other compensation to the

1 appropriate labor market for at least the following subgroups of  
2 educators: Beginning teachers and types of educational staff  
3 associates.

4 (5) The working group shall include representatives of the  
5 department of personnel, the professional educator standards board, the  
6 office of the superintendent of public instruction, the Washington  
7 education association, the Washington association of school  
8 administrators, the association of Washington school principals, the  
9 Washington state school directors' association, the public school  
10 employees of Washington, and other interested stakeholders with  
11 appropriate expertise in compensation related matters. The working  
12 group may convene advisory subgroups on specific topics as necessary to  
13 assure participation and input from a broad array of diverse  
14 stakeholders.

15 (6) The working group shall be monitored and overseen by the  
16 legislature and the quality education council created in RCW  
17 28A.290.010. The working group shall make an initial report to the  
18 legislature by June 30, 2012, and shall include in its report  
19 recommendations for whether additional further work of the group is  
20 necessary.

21 NEW SECTION. **Sec. 11.** A new section is added to chapter 43.79 RCW  
22 to read as follows:

23 (1) The education stabilization account is created in the state  
24 treasury. Moneys in the account may be spent only after appropriation  
25 and solely for the purpose of implementing the basic education program  
26 as established in chapter 548, Laws of 2009. All receipts from  
27 subsection (2) of this section shall be deposited into the account.

28 (2) By September 30, 2013, and by September 30th of each odd-  
29 numbered year thereafter, at least sixty percent of all general state  
30 revenues that exceed the state revenues from the previous fiscal  
31 biennium shall be transferred to the account to be used solely for the  
32 purpose of implementing the basic education program established in  
33 chapter 548, Laws of 2009.

34 (3) For the purposes of this section, "general state revenues"  
35 shall be as defined by Article VIII, section 1 of the state  
36 Constitution.

1        NEW SECTION.   **Sec. 12.**   2010 c 236 s 1 (uncodified) is repealed.

2        NEW SECTION.   **Sec. 13.**   Sections 3 through 8 of this act take  
3 effect September 1, 2011.

4        NEW SECTION.   **Sec. 14.**   Sections 9 and 10 of this act are necessary  
5 for the immediate preservation of the public peace, health, or safety,  
6 or support of the state government and its existing public  
7 institutions, and take effect immediately.

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