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SENATE BILL 6438

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State of Washington

63rd Legislature

2014 Regular Session

By Senators Lias, McAuliffe, Rolfes, Hasegawa, Billig, Conway, and McCoy

1 AN ACT Relating to enhancing the basic education allocation formula  
2 to adopt the staffing resources recommended by the quality education  
3 council; amending RCW 28A.150.260; adding a new section to chapter  
4 28A.150 RCW; creating a new section; and providing an effective date.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that Washington ranks  
7 forty-seventh out of fifty states in the nation in students per  
8 teacher. Further, the legislature finds that reducing class sizes are  
9 critical for students to learn technical skills such as math, science,  
10 technology, and other skills critical for success in the new economy.

11 Chapter 548, Laws of 2009 and chapter 236, Laws of 2010 revised the  
12 definition of the program of basic education, established new methods  
13 for distributing state funds to school districts to support this  
14 program of basic education, and established a process where the quality  
15 education council and technical working groups would make  
16 recommendations as to the level of resources that would be required to  
17 achieve the state's defined program of basic education by 2018. It is  
18 the intent of the legislature to implement these laws with fidelity in

1 order to comply with the constitutional requirement to amply fund basic  
2 education and comply with the Washington supreme court decision in  
3 *McCleary v. the State of Washington*.

4 It is the intent of the legislature to define a fully implemented  
5 prototypical school model for the 2017-18 school year. The legislature  
6 intends to achieve this vision through annual improvements in staffing  
7 levels, with a priority on staffing schools with a high level of  
8 poverty students first. The legislature further intends that these  
9 annual improvements serve as benchmarks for investments in basic  
10 education that may be used to assist the Washington supreme court to  
11 determine the adequacy of progress in addressing the state's paramount  
12 duty in accordance with the *McCleary* decision.

13 It is the intent of the legislature that these annual investments  
14 to lower class sizes and increase school staffing will increase student  
15 opportunities to receive a basic education as well as improve student  
16 performance and graduation rates.

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<br>average<br>class size               |
|----|--|
| 4  |  |
| 5  |  |
| 6  |  |
| 7  | Grades K-3 . . . . . (( <del>25.23</del> )) <u>17.0</u>  |
| 8  | Grade 4 . . . . . (( <del>27.00</del> )) <u>25.0</u>     |
| 9  | Grades 5-6 . . . . . (( <del>27.00</del> )) <u>25.0</u>  |
| 10 | Grades 7-8 . . . . . (( <del>28.53</del> )) <u>25.0</u>  |
| 11 | Grades 9-12 . . . . . (( <del>28.74</del> )) <u>25.0</u> |

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<br>education average<br>class size                              |
|----|--|
| 22 |  |
| 23 |  |
| 24 |  |
| 25 | Approved career and technical education offered at                                   |
| 26 | the middle school and high school level . . . . . (( <del>26.57</del> )) <u>19.0</u> |
| 27 | Skill center programs meeting the standards established                              |
| 28 | by the office of the superintendent of public  |
| 29 | instruction . . . . . (( <del>22.76</del> )) <u>16.0</u>                             |

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.

(e) For each level of prototypical school at which more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year, the superintendent shall allocate funding based on the following average class size of full-time equivalent students per teacher:

|                       | <u>General education average</u> |
|-----------------------|----------------------------------|
|                       | <u>class size in</u>             |
|                       | <u>high poverty</u>              |
| Grades K-3 . . . . .  | 15.0                             |
| Grade 4 . . . . .     | 22.0                             |
| Grades 5-6 . . . . .  | 23.0                             |
| Grades 7-8 . . . . .  | 23.0                             |
| Grades 9-12 . . . . . | 23.0                             |

(f)(i) Funding for average class sizes in this subsection (4) shall be provided only to the extent of, and proportionate to, the school district's demonstrated actual average class size, up to the funded class sizes.

(ii) Districts that demonstrate capital facility needs that prevent them from reducing actual class sizes to funded levels, may use funding in this subsection (4) for school based-personnel who provide direct services to students. Districts that use this funding for purposes other than reducing actual class sizes must annually report the number and dollar value for each type of personnel funded by school and grade level.

(iii) The office of the superintendent of public instruction shall develop rules to implement this subsection (4).

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

|            |        |        |
|------------|--------|--------|
| Elementary | Middle | High   |
| School     | School | School |

|    |  |              |              |              |
|----|--|--------------|--------------|--------------|
| 1  | Principals, assistant principals, and other certificated building-level        |              |              |              |
| 2  | administrators .....   | ((1.253))    | ((1.353))    | ((1.880))    |
| 3  |  | <u>1.3</u>   | <u>1.4</u>   | <u>1.9</u>   |
| 4  | Teacher librarians, a function that includes information literacy, technology, |              |              |              |
| 5  | and media to support school library media programs .....                       | ((0.663))    | ((0.519))    | ((0.523))    |
| 6  |  | <u>1.0</u>   | <u>1.0</u>   | <u>1.0</u>   |
| 7  | Health and social services:  |              |              |              |
| 8  | School nurses .....  | ((0.076))    | ((0.060))    | ((0.096))    |
| 9  |  | <u>0.585</u> | <u>0.888</u> | <u>0.824</u> |
| 10 | Social workers .....   | ((0.042))    | ((0.006))    | ((0.015))    |
| 11 |  | <u>0.311</u> | <u>0.088</u> | <u>0.127</u> |
| 12 | Psychologists .....  | ((0.017))    | ((0.002))    | ((0.007))    |
| 13 |  | <u>0.104</u> | <u>0.024</u> | <u>0.049</u> |
| 14 | Guidance counselors, a function that includes parent outreach and graduation   |              |              |              |
| 15 | advising .....   | ((0.493))    | ((1.116))    | ((1.909))    |
| 16 |  | <u>0.50</u>  | <u>2.0</u>   | <u>3.5</u>   |
| 17 | Teaching assistance, including any aspect of educational instructional         |              |              |              |
| 18 | services provided by classified employees .....                                | ((0.936))    | ((0.700))    | ((0.652))    |
| 19 |  | <u>2.0</u>   | <u>1.0</u>   | <u>1.0</u>   |
| 20 | Office support and other noninstructional aides .....                          | ((2.012))    | ((2.325))    | ((3.269))    |
| 21 |  | <u>3.0</u>   | <u>3.5</u>   | <u>3.5</u>   |
| 22 | Custodians .....   | ((1.657))    | ((1.942))    | ((2.965))    |
| 23 |  | <u>1.7</u>   | <u>2.0</u>   | <u>3.0</u>   |
| 24 | Classified staff providing student and staff safety .....                      | ((0.079))    | ((0.092))    | ((0.141))    |
| 25 |  | <u>0.0</u>   | <u>0.7</u>   | <u>1.3</u>   |
| 26 | Parent involvement coordinators .....  | ((0.00))     | ((0.00))     | ((0.00))     |
| 27 |  | <u>1.0</u>   | <u>1.0</u>   | <u>1.0</u>   |

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

|    |  |                      |
|----|--|----------------------|
| 32 |  | Staff per 1,000      |
| 33 |  | K-12 students        |
| 34 | Technology . . . . .                           | ((0.628)) <u>2.8</u> |
| 35 | Facilities, maintenance, and grounds . . . . . | ((1.813)) <u>4.0</u> |
| 36 | Warehouse, laborers, and mechanics . . . . .   | ((0.332)) <u>1.9</u> |

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

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

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

|  | Per annual average<br>full-time equivalent student<br>in grades K-12 |
|--|--|
| 15 Technology . . . . .  | \$54.43  |
| 16 Utilities and insurance . . . . .   | \$147.90   |
| 17 Curriculum and textbooks . . . . .  | \$58.44  |
| 18 Other supplies and library materials . . . . .  | \$124.07   |
| 19 Instructional professional development for certified and<br>20 classified staff . . . . . | \$9.04   |
| 21 Facilities maintenance . . . . .  | \$73.27  |
| 22 Security and central office . . . . .   | \$50.76  |

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

|                                      | Per annual average<br>full-time equivalent student<br>in grades K-12 |
|--------------------------------------|--|
| 30 Technology . . . . .              | \$113.80   |
| 31 Utilities and insurance . . . . . | \$309.21   |

|   |   |          |
|---|---|----------|
| 1 | Curriculum and textbooks . . . . .                          | \$122.17 |
| 2 | Other supplies and library materials . . . . .              | \$259.39 |
| 3 | Instructional professional development for certificated and |          |
| 4 | classified staff . . . . .                                  | \$18.89  |
| 5 | Facilities maintenance . . . . .                            | \$153.18 |
| 6 | Security and central office administration . . . . .        | \$106.12 |

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

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

12 (b) Laboratory science courses for students in grades nine through  
13 twelve;

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

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

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

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

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



1 subsection (10), the actual per-student allocation may be scaled to  
2 provide a larger allocation for students needing more intensive  
3 intervention and a commensurate reduced allocation for students needing  
4 less intensive intervention, as detailed in the omnibus appropriations  
5 act.

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

14 (11) The allocations under subsections (4)(a) and (b), (5), (6),  
15 and (8) of this section shall be enhanced as provided under RCW  
16 28A.150.390 on an excess cost basis to provide supplemental  
17 instructional resources for students with disabilities.

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

25 (b) Allocations or enhancements provided under subsections (4),  
26 (7), and (9) of this section for exploratory and preparatory career and  
27 technical education courses shall be provided only for courses approved  
28 by the office of the superintendent of public instruction under chapter  
29 28A.700 RCW.

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

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

1 (c) The enrollment of any district shall be the annual average  
2 number of full-time equivalent students and part-time students as  
3 provided in RCW 28A.150.350, enrolled on the first school day of each  
4 month, including students who are in attendance pursuant to RCW  
5 28A.335.160 and 28A.225.250 who do not reside within the servicing  
6 school district. The definition of full-time equivalent student shall  
7 be determined by rules of the superintendent of public instruction and  
8 shall be included as part of the superintendent's biennial budget  
9 request. The definition shall be based on the minimum instructional  
10 hour offerings required under RCW 28A.150.220. Any revision of the  
11 present definition shall not take effect until approved by the house  
12 ways and means committee and the senate ways and means committee.

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

16 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.150  
17 RCW to read as follows:

18 In order to make measurable progress toward implementing the  
19 provisions of section 2, chapter ..., Laws of 2014 (section 2 of this  
20 act) by September 1, 2017, the legislature shall increase state funding  
21 allocations under RCW 28A.150.260 according to the following schedule:

22 (1) For the 2015-2017 biennium, funding allocations shall be no  
23 less than fifty percent of the difference between the funding necessary  
24 to support the numerical values under RCW 28A.150.260 as of September  
25 1, 2013, and the funding necessary to support the numerical values  
26 under section 2, chapter ..., Laws of 2014 (section 2 of this act),  
27 with priority for additional funding provided during this biennium for  
28 the highest poverty schools and school districts;

29 (2) By the end of the 2017-2019 biennium and thereafter, funding  
30 allocations shall be no less than the funding necessary to support the  
31 numerical values under section 2, chapter ..., Laws of 2014 (section 2  
32 of this act).

33 NEW SECTION. **Sec. 4.** Section 2 of this act takes effect September  
34 1, 2018.

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