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<u>SHB 2261</u> - H AMD TO H AMD (H-2636.1/09) **388**By Representative Cox

NOT ADOPTED 03/12/2009

On page 1, line 3 of the striking amendment, after "Sec. 1." strike 1 all material through "2013." on page 48, line 29 and insert "The 2 3 legislature finds that the fundamental methods of allocating funding to support basic education do not require wholesale revision. The overall 4 finance structure is sound to the extent that it is driven by student 5 enrollment and staffing ratios and attempts to address special needs. 6 7 However, there is a need to correct some structural flaws that have been identified and to update the funding formulas to reflect how 8 9 schools operate in terms of the costs of doing business and the types 10 of staff that are needed. Allocations must also be adjusted to improve 11 equity among districts and, in some cases, to create a rational basis 12 for the amounts provided. Therefore, the legislature intends to make 13 necessary adjustments and implement them beginning with the 2009-10 14 school year.

- Sec. 2. RCW 28A.150.220 and 1993 c 371 s 2 are each amended to read as follows:
 - (1) In order for students to have the opportunity to develop the basic education knowledge and skills under RCW 28A.150.210, school districts must provide instruction of sufficient quantity and quality and give students the opportunity to complete graduation requirements that are intended to prepare them for postsecondary education, gainful employment, and citizenship. Satisfaction of the basic education ((program requirements)) goal identified in RCW 28A.150.210 shall be considered to be implemented by the following instructional program:
 - (a) Each school district shall make available to students enrolled in kindergarten at least a total instructional offering of four hundred fifty hours. The program shall include instruction in the essential academic learning requirements under RCW ((28A.630.885)) 28A.655.070 and such other subjects and such activities as the school district

shall determine to be appropriate for the education of the school district's students enrolled in such program;

- (b) Each school district shall make available to students enrolled in grades one through ((twelve)) eight, at least a district-wide annual average total instructional hour offering of one thousand hours. Each school district shall make available to students enrolled in grades nine through twelve, at least a district-wide annual average total instructional hour offering of one thousand eighty hours. The state board of education may define alternatives to classroom instructional time for students in grades nine through twelve enrolled in alternative learning experiences. The state board of education shall establish rules to determine annual average instructional hours for districts including fewer than twelve grades. The program shall include the essential academic learning requirements under RCW ((28A.630.885)) 28A.655.070 and such other subjects and such activities as the school district shall determine to be appropriate for the education of the school district's students enrolled in such group;
 - (c) If the essential academic learning requirements include a requirement of languages other than English, the requirement may be met by students receiving instruction in one or more American Indian languages.
 - (2) Nothing contained in subsection (1) of this section shall be construed to require individual students to attend school for any particular number of hours per day or to take any particular courses.
- (3) Each school district's kindergarten through twelfth grade basic educational program shall be accessible to all students who are five years of age, as provided by RCW 28A.225.160, and less than twenty-one years of age and shall consist of a minimum of one hundred eighty school days per school year in such grades as are conducted by a school district, and one hundred eighty half-days of instruction, or equivalent, in kindergarten((: PROVIDED, That)). However, effective May 1, 1979, a school district may schedule the last five school days of the one hundred and eighty day school year for noninstructional purposes in the case of students who are graduating from high school, including, but not limited to, the observance of graduation and early release from school upon the request of a student, and all such students may be claimed as a full time equivalent student to the extent

- they could otherwise have been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260.
 - (4) The state board of education shall adopt rules to implement and ensure compliance with the program requirements imposed by this section, RCW 28A.150.250 and 28A.150.260, and such related supplemental program approval requirements as the state board may establish.
- **Sec. 3.** RCW 28A.150.260 and 2006 c 263 s 322 are each amended to 8 read as follows:

The basic education allocation for each annual average full time equivalent student shall be determined in accordance with the following procedures:

- (1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula based on a ratio of students to staff for the distribution of a basic education allocation for each annual average full time equivalent student enrolled in a common school. The distribution formula shall have the primary objective of equalizing educational opportunities and shall provide appropriate recognition of the following costs among the various districts within the state:
 - (a) Certificated instructional staff and their related costs;
 - (b) Certificated administrative staff and their related costs;
 - (c) Classified staff and their related costs;
 - (d) Nonsalary costs;

- (e) Extraordinary costs, including school facilities, of remote and necessary schools as judged by the superintendent of public instruction, with recommendations from the school facilities citizen advisory panel under RCW 28A.525.025, and small high schools, including costs of additional certificated and classified staff; and
- (f) The attendance of students pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district.
- (2)(((a))) This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. <u>In addition</u>, the superintendent of public instruction shall review and analyze the various funding formulas as compared to trends in school district expenditures and staffing patterns and report biennially to the legislature on the results of the analysis. The recommended formula shall be subject to approval, amendment or rejection by the

legislature. The formula shall be for allocation purposes only. While the legislature intends that the allocations for additional instructional staff be used to increase the ratio of such staff to students, nothing in this section shall require districts to reduce the number of administrative staff below existing levels.

- (c)), which are stated as the number of staff units allocated per one thousand annual average full-time equivalent students:
 - (a) Certificated instructional staff units:

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- 20 <u>(i) Thirty-nine and seventy-five one-hundredths classroom teachers</u>
 21 <u>for students enrolled in grades kindergarten through three, calculated</u>
 22 <u>as provided under subsection (4) of this section;</u>
 - (ii) Thirty-six and seventy-five one-hundredths classroom teachers for students enrolled in grades four through twelve, calculated as provided under subsection (4) of this section;
 - (iii) Four counselors for students in grades kindergarten through twelve;
- 28 <u>(iv) Four teacher-librarians for students in grades kindergarten</u> 29 through twelve;
- 30 (v) One and twenty-five one-hundredths school nurses for students
 31 in grades kindergarten through twelve;
- 32 <u>(b) Four certificated administrative staff units for students in</u> 33 <u>grades kindergarten through twelve; and</u>
- 34 <u>(c) Seventeen and two one-hundredths classified staff units for</u> 35 students in grades kindergarten through twelve.
- 36 <u>(4) The legislature intends to incorporate into the distribution</u>
 37 <u>formula an assumption of one teacher planning period per day and</u>
 38 <u>sufficient funds for school districts to increase instructional hours</u>

- to the levels required under this section. Solely for purposes of 1 calculating certificated instructional staff units for classroom 2 teachers, the formula shall assume that one unit equals eight hundred 3 thirty-five hours of instruction per year. The formula shall allocate 4 a sufficient number of units to provide the minimum instructional hour 5 6 requirements under this section, provide one teacher planning period per day, and result in the ratio of classroom teachers per one thousand 7 full-time equivalent students specified under subsection (3)(a)(i) and 8 9 (ii) of this section.
 - (5) The formula shall include an allocation for nonemployee-related costs of at least twenty-seven percent of the allocation for salary costs for the staff allocated under subsection (3) of this section.

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- (6) The formula shall include additional funds for twelve substitute days for each certificated instructional staff unit, which shall be calculated using the salary allocation schedule of the district under RCW 28A.150.410.
- (7) 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: PROVIDED, That the distribution formula developed pursuant to this section shall be for state apportionment and equalization purposes only and shall not be construed as mandating specific operational functions of local school districts other than those program requirements identified in RCW 28A.150.220 The enrollment of any district shall be the annual 28A.150.100. 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 and shall exclude full time equivalent students with disabilities recognized for the purposes of allocation of state funds for programs under RCW 28A.155.010 through 28A.155.100. The definition of full time equivalent student shall be determined by rules of the superintendent of public instruction: PROVIDED, That the definition shall be included as part of the superintendent's biennial budget PROVIDED, FURTHER, That any revision of the present request: definition shall not take effect until approved by the house appropriations committee and the senate ways and means committee: PROVIDED, FURTHER, That the office of financial management shall make

a monthly review of the superintendent's reported full time equivalent students in the common schools in conjunction with RCW 43.62.050.

- ((\(\frac{(3)}{)}\)) (8)(a) Certificated instructional staff shall include those persons employed by a school district who are nonsupervisory employees within the meaning of RCW 41.59.020(8): PROVIDED, That in exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision: PROVIDED, FURTHER, That the hiring of such classified people shall not occur during a labor dispute and such classified people shall not be hired to replace certificated employees during a labor dispute.
- 12 (b) Certificated administrative staff shall include all those 13 persons who are chief executive officers, chief administrative 14 officers, confidential employees, supervisors, principals, or assistant 15 principals within the meaning of RCW 41.59.020(4).
- **Sec. 4.** RCW 28A.150.410 and 2007 c 403 s 1 are each amended to read as follows:
 - (1) The legislature shall establish for each school year in the appropriations act a statewide salary allocation schedule, for allocation purposes only, to be used to distribute funds for basic education certificated instructional staff salaries under RCW 28A.150.260.
 - (2) Salary allocations for state-funded basic education certificated instructional staff shall be calculated by the superintendent of public instruction by determining the district's average salary for certificated instructional staff, using the statewide salary allocation schedule and related documents, conditions, and limitations established by the omnibus appropriations act.
 - (3) Beginning January 1, 1992, no more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in the omnibus appropriations act, or any replacement schedules and documents, unless:
 - (a) The employee has a masters degree; or
- 35 (b) The credits were used in generating state salary allocations 36 before January 1, 1992.

(4) Beginning in the 2007-08 school year, the calculation of years of service for occupational therapists, physical therapists, speech-language pathologists, audiologists, nurses, social workers, counselors, and psychologists regulated under Title 18 RCW may include experience in schools and other nonschool positions as occupational therapists, physical therapists, speech-language pathologists, audiologists, nurses, social workers, counselors, or psychologists. The calculation shall be that one year of service in a nonschool position counts as one year of service for purposes of this chapter, up to a limit of two years of nonschool service. Nonschool years of service included in calculations under this subsection shall not be applied to service credit totals for purposes of any retirement benefit under chapter 41.32, 41.35, or 41.40 RCW, or any other state retirement system benefits.

- (5) The legislature shall establish in the omnibus appropriations act for each school year a salary allocation per certificated administrative staff unit allocated under RCW 28A.150.260. The allocation for the 2009-10 school year shall be not less than seventy thousand dollars and shall be annually adjusted as provided under RCW 28A.400.205. If a school district's allocation exceeds the minimum allocation under this section, the provisions of RCW 28A.400.205(3) apply.
- (6) The legislature shall establish in the omnibus appropriations act for each school year a salary allocation per classified staff unit allocated under RCW 28A.150.260. The allocation for the 2009-10 school year shall be not less than thirty-four thousand dollars and shall be annually adjusted as provided under RCW 28A.400.205. If a school district's allocation exceeds the minimum allocation under this section, the provisions of RCW 28A.400.205(3) apply.
- **Sec. 5.** RCW 28A.400.205 and 2003 1st sp.s. c 20 s 1 are each 31 amended to read as follows:
 - (1) School district employees shall be provided an annual salary cost-of-living increase in accordance with this section.
 - (a) The cost-of-living increase shall be calculated by applying the rate of the yearly increase in the cost-of-living index to any state-funded salary base used in state funding formulas for teachers and other school district employees. Beginning with the 2001-02 school

year, and for each subsequent school year, except for the 2003-04 and 2004-05 school years, each school district shall be provided a cost-of-living allocation sufficient to grant this cost-of-living increase, except as provided in subsection (3) of this section.

- (b) A school district shall distribute its cost-of-living allocation for salaries and salary-related benefits in accordance with the district's salary schedules, collective bargaining agreements, and compensation policies. No later than the end of the school year, each school district shall certify to the superintendent of public instruction that it has spent funds provided for cost-of-living increases on salaries and salary-related benefits.
- (c) Any funded cost-of-living increase shall be included in the salary base used to determine cost-of-living increases for school employees in subsequent years. For teachers and other certificated instructional staff, the rate of the annual cost-of-living increase funded for certificated instructional staff shall be applied to the base salary used with the statewide salary allocation schedule established under RCW 28A.150.410 and to any other salary models used to recognize school district personnel costs.
- (2) For the purposes of this section, "cost-of-living index" means, for any school year, the previous calendar year's annual average consumer price index, using the official current base, compiled by the bureau of labor statistics, United States department of labor for the state of Washington. If the bureau of labor statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the cost-of-living index in this section. The cost-of-living index used in any fiscal biennium for the purposes of this section shall be the estimated index as of the adoption of the omnibus appropriations act establishing the state budget for the next fiscal biennium. The index shall not be adjusted thereafter during the biennium.
- (3) For school districts that have historically received teacher salary allocations in excess of the statewide salary schedule under RCW 28A.150.410 or whose salary allocations for certificated administrative and classified staff exceed the minimums established under RCW 28A.150.410, the legislature shall provide a cost-of-living increase

- 1 <u>under this section at fifty percent of the amount that would otherwise</u>
- 2 be calculated under this section until salary allocations have been
- 3 equalized across all districts.

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- 4 <u>NEW SECTION.</u> **Sec. 6.** A new section is added to chapter 28A.400 5 RCW to read as follows:
 - (1) The legislature shall provide funding for ten learning improvement days through the salary schedule under RCW 28A.150.410 as provided in this section. The additional days shall not be part of basic education.
 - (2) A school district is eligible to receive the additional funds if the learning improvement days have been added to the one hundred eighty day contract year established by the district. If fewer days are added, the additional learning improvement allocation shall be adjusted accordingly. The length of a learning improvement day shall not be less than the length of a full school day under the base contract.
 - (3) The additional days shall be limited to specific activities identified in the state-required school improvement plan related to improving student learning that are consistent with education reform implementation. The principal in each school shall assure that the days are used to provide schoolwide professional development for all teachers and other instructional staff that is tied directly to the school improvement plan. The principal of each school and the superintendent of the school district shall maintain documentation of their approval of the activities.
 - (4) The superintendent of public instruction shall adopt rules and take such other steps as necessary to assure that school districts comply with the intent and purposes of this section.
- 29 **Sec. 7.** RCW 28A.400.200 and 2002 c 353 s 2 are each amended to 30 read as follows:
- 31 (1) Every school district board of directors shall fix, alter, 32 allow, and order paid salaries and compensation for all district 33 employees in conformance with this section.
- 34 (2)(a) Salaries for certificated instructional staff shall not be 35 less than the salary provided in the appropriations act in the

statewide salary allocation schedule for an employee with a baccalaureate degree and zero years of service; and

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- (b) Salaries for certificated instructional staff with a masters degree shall not be less than the salary provided in the appropriations act in the statewide salary allocation schedule for an employee with a masters degree and zero years of service;
- (3)(a) The actual average salary paid to certificated instructional staff shall not exceed the district's average certificated instructional staff salary used for the state basic education allocations for that school year as determined pursuant to RCW 28A.150.410.
- (b) Fringe benefit contributions for certificated instructional staff shall be included as salary under (a) of this subsection only to the extent that the district's actual average benefit contribution exceeds the amount of the insurance benefits allocation provided per instructional staff unit the in state appropriations act in effect at the time the compensation is payable. For purposes of this section, fringe benefits shall not include ((payment for unused leave for illness or injury under RCW 28A.400.210;)) employer contributions for old age survivors insurance, workers' compensation, unemployment compensation, and retirement benefits under the Washington state retirement system; or employer contributions for health benefits in excess of the insurance benefits allocation provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable. A school district may not use state funds to provide employer contributions for such excess health benefits.
- (c) Salary and benefits for certificated instructional staff in programs other than basic education shall be consistent with the salary and benefits paid to certificated instructional staff in the basic education program.
- (4)(a) Salaries and benefits for certificated instructional staff may exceed the limitations in subsection (3) of this section only by separate contract for additional time((, additional responsibilities, or incentives)) worked outside the regular school day or school year.
- (b) Supplemental contracts shall specify the minimum amount of additional time required and the purpose or purposes of the additional time using standard terms and definitions established by the office of

- the superintendent of public instruction. Nothing in this section 1 2 prohibits a supplemental contract that pays a stipend rather than a per-unit amount for the additional time. School districts shall 3 annually submit the information required under this subsection to the 4 office of the superintendent of public instruction in a common 5 6 reporting format established by the office and disaggregated for each 7 individual receiving a supplemental contract.
- 8 (c) Supplemental contracts shall not cause the state to incur any present or future funding obligation. Supplemental contracts shall be 9 subject to the collective bargaining provisions of chapter 41.59 RCW 10 and the provisions of RCW 28A.405.240, shall not exceed one year, and 11 12 if not renewed shall not constitute adverse change in accordance with 13 RCW 28A.405.300 through 28A.405.380. No district may enter into a supplemental contract under this subsection for the provision of 14 services which are a part of the basic education program required by 15 Article IX, section 3 of the state Constitution. 16
- 17 (5) Employee benefit plans offered by any district shall comply 18 with RCW 28A.400.350 and 28A.400.275 and 28A.400.280.
- 19 NEW SECTION. Sec. 8. A new section is added to chapter 41.59 RCW 20 to read as follows:
- Nothing in chapter . . ., Laws of 2009 (this act) is intended to 21 22 alter or affect existing collective bargaining agreements. 23 . . ., Laws of 2009 (this act) applies only to collective bargaining agreements ratified on or after the effective date of this section. 24
- 25 **Sec. 9.** RCW 84.52.067 and 2001 c 3 s 7 are each amended to read as 26 follows:
- 27 All property taxes levied by the state for the support of common 28 schools shall be paid into the general fund of the state treasury as provided in RCW 84.56.280((, except for the amounts collected under RCW 29 30 84.52.068 which shall be directly deposited into the student achievement fund and distributed to school districts as provided in RCW 31
- 32 84.52.068)).
- 33 Sec. 10. RCW 83.100.230 and 2008 c 329 s 924 are each amended to 34 read as follows:
- 35 The education legacy trust account is created in the state

- 1 treasury. Money in the account may be spent only after appropriation.
- 2 Expenditures from the account may be used only for ((deposit into the
- 3 student achievement fund and for)) supporting K-12 basic education,
- 4 expanding access to higher education through funding for new
- 5 enrollments and financial aid, and other <u>K-12 or higher</u> educational
- 6 improvement efforts. ((During the 2007-2009 fiscal biennium,)) <u>M</u>oneys
- 7 in the account may also be transferred into the state general fund.
- 8 <u>NEW SECTION.</u> **Sec. 11.** The following acts or parts of acts are 9 each repealed:
- 10 (1) RCW 28A.505.210 (Student achievement funds--Use and accounting of funds--Public hearing--Report) and 2005 c 497 s 105 & 2001 c 3 s 3;
- 12 (2) RCW 28A.505.220 (Student achievement funds--Allocations) and 2009 c 4 s 901, 2008 c 170 s 401, & 2005 c 514 s 1103;
- 14 (3) RCW 28A.150.380 (Appropriations by legislature) and 2001 c 3 s 10, 1995 c 335 s 103, 1990 c 33 s 115, 1980 c 6 s 3, & 1969 ex.s. c 223 s 28A.41.050;
- 17 (4) RCW 84.52.068 (State levy--Distribution to school districts)
 18 and 2005 c 514 s 1104, 2003 1st sp.s. c 19 s 1, & 2001 c 3 s 5;
- 19 (5) RCW 28A.400.210 (Employee attendance incentive program-20 Remuneration or benefit plan for unused sick leave) and 2000 c 231 s 1,
 21 1997 c 13 s 9, 1992 c 234 s 12, 1991 c 92 s 2, 1989 c 69 s 2, & 1983 c
 22 275 s 2; and
- 23 (6) RCW 28A.400.212 (Employee attendance incentive program--Effect 24 of early retirement) and 1993 c 519 s 14, 1993 c 86 s 8, & 1992 c 234 25 s 13.
- NEW SECTION. Sec. 12. Sections 9 through 11 of this act take effect September 1, 2009."
- 28 Renumber the remaining section consecutively and correct the title.

EFFECT: Replaces all provisions of the underlying bill.

Declares that the overall finance structure to support Basic Education is sound but there is a need to correct some structural flaws and adjust allocations to improve equity among districts.

Includes in the Instructional Program of Basic Education the opportunity for students to complete graduation requirements to prepare them for postsecondary education, gainful employment, and citizenship.

Increases minimum instructional hours for students in grades 9 through 12 to 1,080 hours per year.

Divides the current staffing ratios for Certificated Instructional Staff (CIS) into categories, with specific ratios for each but without changing the total allocation: Classroom teachers, counselors, teacher-librarians, and school nurses.

Directs that the calculation for the allocation of classroom teachers reflect an assumption of a teacher planning period and sufficient funds for school districts to increase instructional hours as required.

Increases the classified staffing ratio from 16.67 per 1,000 students to 17.02 per 1,000 students.

Specifies that the allocation for nonemployee-related costs is calculated as 27 percent of the allocation for salary costs allocated in the formula.

Includes in the formula funding for 12 substitute days for each CIS unit.

Directs the Superintendent of Public Instruction (SPI) to analyze the formulas compared to trends in school district expenditures and staffing patterns and report to the Legislature biennially on the analysis.

Specifies a minimum salary allocation for certificated administrative staff of \$70,000 and for classified staff of \$34,000 beginning in 2009-10, to be annually adjusted by a cost-of-living factor.

Provides that school districts with salary allocations that exceed the statewide salary schedule for CIS or exceed the minimum allocations for administrative and classified staff receive a cost-of-living factor at 50 percent of the amount that would otherwise be calculated, until allocations have been equalized across all districts.

Provides funds for 10 Learning Improvement Days, which are not considered part of Basic Education.

Limits supplemental contracts for additional time, responsibilities, and incentives (TRI) to additional time worked outside the regular school day or year and requires reports to SPI for all supplemental contracts.

Repeals the Student Achievement Fund.

Repeals the Employee Attendance Incentive Program in school districts (remuneration for unused sick leave).

--- END ---