

SHB 2776 - S AMD 408

By Senator McAuliffe

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) It is the legislature's intent to
4 continue implementation of chapter 548, Laws of 2009, by adopting the
5 technical details of a new distribution formula for the instructional
6 program of basic education. The legislature intends to continue to
7 review and revise the formulas and may make revisions as necessary for
8 technical purposes and consistency in the event of mathematical or
9 other technical errors.

10 (2) The legislature further intends to adjust the timelines for the
11 working groups created under chapter 548, Laws of 2009, so that their
12 expertise and advice can be received as soon as possible and to make
13 adjustments to the composition of the local finance working group. The
14 legislature further intends to clarify the legislature's intent to
15 fully fund all-day kindergarten by the 2018-19 school year.

16 **Sec. 2.** RCW 28A.150.315 and 2009 c 548 s 107 are each amended to
17 read as follows:

18 (1) Beginning with the 2007-08 school year, funding for voluntary
19 all-day kindergarten programs shall be phased-in beginning with schools
20 with the highest poverty levels, defined as those schools with the
21 highest percentages of students qualifying for free and reduced-price
22 lunch support in the prior school year. The funding shall continue to
23 be phased-in until full statewide implementation of all-day
24 kindergarten is achieved in the 2018-19 school year. Once a school
25 receives funding for the all-day kindergarten program, that school
26 shall remain eligible for funding in subsequent school years regardless
27 of changes in the school's percentage of students eligible for free and
28 reduced-price lunches as long as other program requirements are
29 fulfilled. Additionally, schools receiving all-day kindergarten
30 program support shall agree to the following conditions:

- 1 (a) Provide at least a one thousand-hour instructional program;
- 2 (b) Provide a curriculum that offers a rich, varied set of
- 3 experiences that assist students in:
- 4 (i) Developing initial skills in the academic areas of reading,
- 5 mathematics, and writing;
- 6 (ii) Developing a variety of communication skills;
- 7 (iii) Providing experiences in science, social studies, arts,
- 8 health and physical education, and a world language other than English;
- 9 (iv) Acquiring large and small motor skills;
- 10 (v) Acquiring social and emotional skills including successful
- 11 participation in learning activities as an individual and as part of a
- 12 group; and
- 13 (vi) Learning through hands-on experiences;
- 14 (c) Establish learning environments that are developmentally
- 15 appropriate and promote creativity;
- 16 (d) Demonstrate strong connections and communication with early
- 17 learning community providers; and
- 18 (e) Participate in kindergarten program readiness activities with
- 19 early learning providers and parents.
- 20 (2) Subject to funds appropriated for this purpose, the
- 21 superintendent of public instruction shall designate one or more school
- 22 districts to serve as resources and examples of best practices in
- 23 designing and operating a high-quality all-day kindergarten program.
- 24 Designated school districts shall serve as lighthouse programs and
- 25 provide technical assistance to other school districts in the initial
- 26 stages of implementing an all-day kindergarten program. Examples of
- 27 topics addressed by the technical assistance include strategic
- 28 planning, developing the instructional program and curriculum, working
- 29 with early learning providers to identify students and communicate with
- 30 parents, and developing kindergarten program readiness activities.

31 **Sec. 3.** 2009 c 548 s 302 (uncodified) is amended to read as

32 follows:

- 33 (1) Beginning (~~July~~) April 1, 2010, the office of financial
- 34 management, with assistance and support from the office of the
- 35 superintendent of public instruction, shall convene a technical working
- 36 group to develop options for a new system of supplemental school
- 37 funding through local school levies and local effort assistance.

1 (2) The working group shall consider the impact on overall school
2 district revenues of the new basic education funding system established
3 (~~under this act~~) by the legislature based on prototypical schools and
4 shall recommend a phase-in plan that ensures that no school district
5 suffers a decrease in funding from one school year to the next due to
6 implementation of the new system of supplemental funding.

7 (3) The working group shall also:

8 (a) Examine local school district capacity to address facility
9 needs associated with phasing-in full-day kindergarten across the state
10 and reducing class size in kindergarten through third grade;

11 (b) Provide technical advice to the quality education council
12 including an analysis on the potential use of local funds that may
13 become available for redeployment and redirection as a result of
14 increased state funding allocations for pupil transportation and
15 maintenance, supplies, and operating costs; and

16 (c) Advise the quality education council and the legislature on
17 further development and implementation of the funding formulas under
18 RCW 28A.150.260, as appropriate.

19 (4) The working group shall be composed of the following members:

20 (a) Four members of the house of representatives, with two members
21 representing each of the major caucuses and appointed by the speaker of
22 the house of representatives;

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

25 (c) Representatives from the department of revenue, the legislative
26 evaluation and accountability program committee, school district and
27 educational service district financial managers, and representatives of
28 the Washington association of school business officers, the Washington
29 education association, the Washington association of school
30 administrators, the association of Washington school principals, the
31 Washington state school directors' association, the public school
32 employees of Washington, and other interested stakeholders with
33 expertise in education finance. When choosing the individuals to serve
34 on the working group, the office of financial management and the office
35 of the superintendent of public instruction are encouraged to include,
36 as appropriate, members of the funding formula technical working group
37 convened in accordance with section 112, chapter 548, Laws of 2009.

38 The working group may convene advisory subgroups on specific topics as

1 necessary to assure participation and input from a broad array of
2 diverse stakeholders. In addition to the staff support provided by the
3 office of financial management and the office of the superintendent of
4 public instruction, the department of revenue shall provide technical
5 assistance, including financial and legal analysis, to support the
6 working group's findings and analysis under subsection (3) of this
7 section.

8 ((+4)) (5) The local funding working group shall be monitored and
9 overseen by the legislature and by the quality education council
10 created in ((section 114 of this act)) RCW 28A.290.010. The working
11 group shall submit an initial report to the legislature ((December 1))
12 and the quality education council by November 30, 2010, and a final
13 report by June 30, 2011.

14 **Sec. 4.** RCW 43.41.398 and 2009 c 548 s 601 are each amended to
15 read as follows:

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

29 (2) Beginning July 1, 2011, the office of financial management in
30 collaboration with the office of the superintendent of public
31 instruction, shall convene a technical working group to recommend the
32 details of an enhanced salary allocation model that aligns state
33 expectations for educator development and certification with the
34 compensation system and establishes recommendations for a concurrent
35 implementation schedule. In addition to any other details the
36 technical working group deems necessary, the technical working group
37 shall make recommendations on the following:

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

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

4 (c) How to account for different geographic regions of the state
5 where districts may encounter difficulty recruiting and retaining
6 teachers;

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

8 (e) Ways to accomplish salary equalization over a set number of
9 years; and

10 (f) Initial fiscal estimates for implementing the recommendations
11 including a recognition that staff on the existing salary allocation
12 model would have the option to grandfather in permanently to the
13 existing schedule.

14 (3) As part of its work, the technical working group shall conduct
15 or contract for a preliminary comparative labor market analysis of
16 salaries and other compensation for school district employees to be
17 conducted and shall include the results in any reports to the
18 legislature. For the purposes of this subsection, "salaries and other
19 compensation" includes average base salaries, average total salaries,
20 average employee basic benefits, and retirement benefits.

21 (4) The analysis required under subsection (1) of this section
22 must:

23 (a) Examine salaries and other compensation for teachers, other
24 certificated instructional staff, principals, and other building-level
25 certificated administrators, and the types of classified employees for
26 whom salaries are allocated;

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

30 (c) Include a comparison of salaries and other compensation to the
31 appropriate labor market for at least the following subgroups of
32 educators: Beginning teachers and types of educational staff
33 associates.

34 (5) The working group shall include representatives of the
35 department of personnel, the professional educator standards board, the
36 office of the superintendent of public instruction, the Washington
37 education association, the Washington association of school
38 administrators, the association of Washington school principals, the

1 Washington state school directors' association, the public school
2 employees of Washington, and other interested stakeholders with
3 appropriate expertise in compensation related matters. The working
4 group may convene advisory subgroups on specific topics as necessary to
5 assure participation and input from a broad array of diverse
6 stakeholders.

7 (6) The working group shall be monitored and overseen by the
8 legislature and the quality education council created in RCW
9 28A.290.010. The working group shall make an initial report to the
10 legislature by December 1, 2012, and shall include in its report
11 recommendations for whether additional further work of the group is
12 necessary.

13 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.300
14 RCW to read as follows:

15 The office of the superintendent of public instruction shall
16 implement and maintain an internet-based portal that provides ready
17 public access to the state's prototypical school funding model for
18 basic education under RCW 28A.150.260. The portal must provide
19 citizens the opportunity to view, for each local school building, the
20 staffing levels and other prototypical school funding elements that are
21 assumed under the state funding formula. The portal must also provide
22 a matrix displaying how individual school districts are deploying those
23 same state resources through their allocation of staff and other
24 resources to school buildings, so that citizens are able to compare the
25 state assumptions to district allocation decisions for each local
26 school building.

27 NEW SECTION. **Sec. 6.** The legislature intends to continue to
28 refine and provide greater detail to the distribution formula for the
29 basic education instructional allocation, which shall be based on
30 minimum staffing and nonstaff costs that the legislature deems
31 necessary to support instruction and operations in prototypical schools
32 as defined by the legislature. The legislature expects that the
33 detailed prototype school model will bring greater transparency,
34 understanding, and public accountability to the funding system because
35 it displays funding assumptions in understandable terms centered on the
36 operations of school buildings.

1 **Sec. 7.** RCW 28A.150.260 and 2009 c 548 s 106 are each amended to
2 read as follows:

3 The purpose of this section is to provide for the allocation of
4 state funding that the legislature deems necessary to support school
5 districts in offering the minimum instructional program of basic
6 education under RCW 28A.150.220. The allocation shall be determined as
7 follows:

8 (1) The governor shall and the superintendent of public instruction
9 may recommend to the legislature a formula for the distribution of a
10 basic education instructional allocation for each common school
11 district.

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

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

1 full-time equivalent students in each grade level at each school in the
2 district and not based on the grade-level configuration of the school
3 to the extent that data is available. The allocations shall be further
4 adjusted from the school prototypes with minimum allocations for small
5 schools and to reflect other factors identified in the omnibus
6 appropriations act.

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

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

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

14 (iii) A prototypical elementary school has four hundred average
15 annual full-time equivalent students in grades kindergarten through
16 six.

17 ~~((e))~~ (4)(a) The minimum allocation for each level of
18 prototypical school shall be based on the number of full-time
19 equivalent classroom teachers needed to provide instruction over the
20 minimum required annual instructional hours under RCW 28A.150.220 and
21 provide at least one teacher planning period per school day, and based
22 on ~~((an))~~ the following general education average class size ~~((as~~
23 ~~specified in the omnibus appropriations act.))~~ of full-time equivalent
24 students per teacher:

| | <u>General education</u> |
|---|--------------------------|
| | <u>average</u> |
| | <u>class size</u> |
| 28 <u>Grades K-3</u> | <u>25.23</u> |
| 29 <u>Grade 4</u> | <u>27.00</u> |
| 30 <u>Grades 5-6</u> | <u>27.00</u> |
| 31 <u>Grades 7-8</u> | <u>28.53</u> |
| 32 <u>Grades 9-12, except in cases when lower average class sizes</u> | |
| 33 <u>are specified for approved career and technical education</u> | |
| 34 <u>programs and skill centers</u> | <u>28.74</u> |

35 (b) The minimum allocation for each prototypical middle and high
36 school shall also provide for full-time equivalent classroom teachers
37 based on the following number of full-time equivalent students per
38 teacher in career and technical education:

Career and technical
education average
class size

Approved career and technical education offered at
the middle school and high school level 26.57
Skill center programs meeting the standards established
by the office of the superintendent of public instruction 22.76

(c) According to an implementation schedule adopted by the
legislature, the omnibus appropriations act shall at a minimum specify:

- ~~(i) ((Basic average class size;~~
- ~~(ii) Basic)) A high-poverty average class size in schools where
more than fifty percent of the students are eligible for free and
reduced-price meals; and~~
- ~~((iii)) (ii) A specialty average class size for ((exploratory and
preparatory career and technical education,)) laboratory science,
advanced placement, and international baccalaureate courses((; and~~
- ~~(iv) Average class size in grades kindergarten through three)).~~

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

- ~~((i) Principals, including assistant principals, and other
certificated building level administrators;~~
- ~~(ii) Teacher librarians, performing functions including information
literacy, technology, and media to support school library media
programs;~~
- ~~(iii) Student health services, a function that includes school
nurses, whether certificated instructional or classified employee, and
social workers;~~
- ~~(iv) Guidance counselors, performing functions including parent
outreach and graduation advisor;~~
- ~~(v) Professional development coaches;~~
- ~~(vi) Teaching assistance, which includes any aspect of educational
instructional services provided by classified employees;~~
- ~~(vii) Office support, technology support, and other
noninstructional aides;~~
- ~~(viii) Custodians, warehouse, maintenance, laborer, and
professional and technical education support employees; and~~

1 ~~(ix) Classified staff providing student and staff safety.~~
 2 ~~(4)(a))~~

| | <u>Elementary</u> | <u>Middle</u> | <u>High</u> |
|--|-------------------|---------------|---------------|
| | <u>School</u> | <u>School</u> | <u>School</u> |
| 6 <u>Principals, assistant principals, and other certificated building-level</u> | | | |
| 7 <u>administrators, except administrators for approved career</u> | | | |
| 8 <u>and technical programs and skill centers.....</u> | 1.253 | 1.353 | 1.880 |
| 9 <u>Teacher librarians, a function that includes information literacy,</u> | | | |
| 10 <u>technology, and media to support school library media programs.....</u> | 0.663 | 0.519 | 0.523 |
| 11 <u>Health and social services:</u> | | | |
| 12 <u>School nurses.....</u> | 0.076 | 0.060 | 0.096 |
| 13 <u>Social workers.....</u> | 0.042 | 0.006 | 0.015 |
| 14 <u>Psychologists.....</u> | 0.017 | 0.002 | 0.007 |
| 15 <u>Guidance counselors, a function that includes parent outreach and</u> | | | |
| 16 <u>graduation advising.....</u> | 0.493 | 1.116 | 1.909 |
| 17 <u>Professional development coaches.....</u> | 0.00 | 0.00 | 0.00 |
| 18 <u>Teaching assistance, including any aspect of educational instructional</u> | | | |
| 19 <u>services provided by classified employees.....</u> | 0.917 | 0.685 | 0.638 |
| 20 <u>Office support and other noninstructional aides.....</u> | 1.971 | 2.277 | 3.201 |
| 21 <u>Custodians.....</u> | 1.622 | 1.902 | 2.903 |
| 22 <u>Classified staff providing student and staff safety.....</u> | 0.077 | 0.090 | 0.138 |
| 23 <u>Parent involvement coordinators.....</u> | 0.000 | 0.000 | 0.000 |

24 (b) For career and technical education programs approved by the
 25 superintendent of public instruction, the minimum allocation for
 26 administrative staff shall be allocated at 0.410 per one hundred full-
 27 time equivalent career and technical education students and for other
 28 school-level certificated staff at 0.202 per one hundred full-time
 29 equivalent career and technical education students, regardless of the
 30 grade level at which the program is delivered, in lieu of the
 31 certificated allocations in (a) of this subsection.

32 (c) For skill center programs meeting the standards for skill
 33 center funding established in January 1999 by the superintendent of
 34 public instruction, the minimum allocation for administrative staff
 35 shall be allocated at 0.490 per one hundred full-time equivalent skill

1 center students and for other school-level certificated staff at 0.236
2 per one hundred full-time equivalent skill center students in lieu of
3 the certificated allocations in (a) of this subsection.

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

| | <u>Staff per 1,000</u> |
|---|------------------------|
| | <u>K-12 students</u> |
| 7 <u>Technology</u> | 0.615 |
| 8 <u>Facilities, maintenance, and grounds</u> | 1.776 |
| 9 <u>Warehouse, laborers, and mechanics</u> | 0.325 |

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12 (b) The minimum allocation of staff units for each school district
13 to support certificated and classified staffing of central
14 administration shall be 5.39 percent of the staff units generated under
15 subsections (4)(a) and (5)(a) of this section and (a) of this
16 subsection.

17 (7)(a) Except as provided in subsection (8) of this section, the
18 minimum allocation for each school district shall include allocations
19 per annual average full-time equivalent student for the following
20 materials, supplies, and operating costs: ((Student technology;
21 utilities; curriculum, textbooks, library materials, and instructional
22 supplies; instructional professional development for both certificated
23 and classified staff; other building level costs including maintenance,
24 custodial, and security; and central office administration.))

| | <u>Per annual average</u> |
|--|-------------------------------------|
| | <u>full-time equivalent student</u> |
| | <u>in grades K-12</u> |
| 25 <u>Technology</u> | <u>\$54.43</u> |
| 26 <u>Utilities and insurance</u> | <u>\$147.90</u> |
| 27 <u>Curriculum and textbooks</u> | <u>\$58.44</u> |
| 28 <u>Other supplies and library materials</u> | <u>\$124.07</u> |
| 29 <u>Instructional professional development for certified and</u> | |
| 30 <u>classified staff</u> | <u>\$9.04</u> |
| 31 <u>Facilities maintenance</u> | <u>\$73.27</u> |
| 32 <u>Security and central office</u> | <u>\$50.76</u> |

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36 (b) ((The annual average full-time equivalent student amounts in
37 (a) of this subsection shall be enhanced)) According to an

1 implementation schedule adopted by the legislature and in addition to
2 the amounts provided in (a) of this subsection, the omnibus
3 appropriations act shall provide an amount based on the full-time
4 equivalent student enrollment ((in)) for each of the following: (i)
5 Exploratory career and technical education courses for students in
6 grades seven through twelve; (ii) laboratory science courses for
7 students in grades nine through twelve; (iii) preparatory career and
8 technical education courses for students in grades nine through twelve
9 offered in a high school; and (iv) preparatory career and technical
10 education courses for students in grades eleven and twelve offered
11 through a skill center.

12 ~~((+5))~~ (8) In addition to the allocations otherwise provided under
13 ~~((subsections (3) and (4) of))~~ this section ((shall be enhanced as
14 follows to provide additional allocations for classroom teachers and
15 maintenance, supplies, and operating costs)) amounts shall be provided
16 to support the following programs and services:

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

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 ~~((for~~
36 ~~supplemental instruction based on percent of the school day a student~~
37 ~~is assumed to receive supplemental instruction and a per student~~
38 ~~allocation for maintenance, supplies, and operating costs))~~ resources

1 to provide, on a statewide average, 4.7780 hours per week in extra
2 instruction with fifteen transitional bilingual instruction program
3 students per teacher and zero hours per week of instruction during
4 vacation periods.

5 ~~((6) The allocations provided under subsections (3) and (4) of~~
6 ~~this section shall be enhanced))~~ (c) To provide additional allocations
7 to support programs for highly capable students under RCW 28A.185.010
8 through 28A.185.030, allocations shall be based on two and three
9 hundred fourteen one-thousandths percent of each school district's
10 full-time equivalent basic education enrollment. The minimum
11 allocation for the programs shall provide ~~((an extended school day and~~
12 ~~extended school year for each level of prototypical school and a per~~
13 ~~student allocation for maintenance, supplies, and operating costs))~~
14 resources to provide, on a statewide average, 2.1590 hours per week in
15 extra instruction with fifteen highly capable program students per
16 teacher and zero hours per week of instruction during vacation periods.

17 ~~((7))~~ (9) The allocations under subsections ~~((3)(b), (c)(i), and~~
18 ~~(d), (4), and (8))~~ (4)(a), (5)(a), (6), and (7)(a) of this section
19 shall be enhanced as provided under RCW 28A.150.390 on an excess cost
20 basis to provide supplemental instructional resources for students with
21 disabilities.

22 ~~((8) The distribution formula shall include allocations to school~~
23 ~~districts to support certificated and classified staffing of central~~
24 ~~office administration. The minimum allocation shall be calculated as~~
25 ~~a percentage, identified in the omnibus appropriations act, of the~~
26 ~~total allocations for staff under subsections (3) and (6) of this~~
27 ~~section for all schools in the district.~~

28 ~~(9))~~ (10)(a) For the purposes of allocations for prototypical high
29 schools and middle schools under subsections (3) and ~~((5))~~ (8) of
30 this section that are based on the percent of students in the school
31 who are eligible for free and reduced-price meals, the actual percent
32 of such students in a school shall be adjusted by a factor identified
33 in the omnibus appropriations act to reflect underreporting of free and
34 reduced-price meal eligibility among middle and high school students.

35 (b) Allocations or enhancements provided under subsections ~~((3)~~
36 ~~and))~~ (4), (5), and (7) of this section for exploratory and preparatory
37 career and technical education courses shall be provided only for

1 courses approved by the office of the superintendent of public
2 instruction under chapter 28A.700 RCW.

3 ~~((+10))~~ (11)(a) This formula for distribution of basic education
4 funds shall be reviewed biennially by the superintendent and governor.
5 The recommended formula shall be subject to approval, amendment or
6 rejection by the legislature.

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

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

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

26 **Sec. 8.** RCW 28A.505.210 and 2009 c 479 s 17 are each amended to
27 read as follows:

28 School districts shall have the authority to decide the best use of
29 funds distributed for the student achievement program under RCW
30 28A.505.220 to assist students in meeting and exceeding the new, higher
31 academic standards in each district consistent with the provisions of
32 chapter 3, Laws of 2001, except as provided in subsection (3) of this
33 section.

34 (1) Funds shall be allocated for the following uses:

35 (a) To reduce class size by hiring certificated elementary
36 classroom teachers in grades K-4 and paying nonemployee-related costs
37 associated with those new teachers;

1 (b) To make selected reductions in class size in grades 5-12, such
2 as small high school writing classes;

3 (c) To provide extended learning opportunities to improve student
4 academic achievement in grades K-12, including, but not limited to,
5 extended school year, extended school day, before-and-after-school
6 programs, special tutoring programs, weekend school programs, summer
7 school, and all-day kindergarten;

8 (d) To provide additional professional development for educators,
9 including additional paid time for curriculum and lesson redesign and
10 alignment, training to ensure that instruction is aligned with state
11 standards and student needs, reimbursement for higher education costs
12 related to enhancing teaching skills and knowledge, and mentoring
13 programs to match teachers with skilled, master teachers. The funding
14 shall not be used for salary increases or additional compensation for
15 existing teaching duties, but may be used for extended year and
16 extended day teaching contracts;

17 (e) To provide early assistance for children who need
18 prekindergarten support in order to be successful in school;

19 (f) To provide improvements or additions to school building
20 facilities which are directly related to the class size reductions and
21 extended learning opportunities under (a) through (c) of this
22 subsection.

23 (2) Annually on or before May 1st, the school district board of
24 directors shall meet at the time and place designated for the purpose
25 of a public hearing on the proposed use of these funds to improve
26 student achievement for the coming year. Any person may appear or by
27 written submission have the opportunity to comment on the proposed plan
28 for the use of these funds. No later than August 31st, as a part of
29 the process under RCW 28A.505.060, each school district shall adopt a
30 plan for the use of these funds for the upcoming school year.
31 Annually, each school district shall provide to the citizens of their
32 district a public accounting of the funds made available to the
33 district during the previous school year under chapter 3, Laws of 2001,
34 how the funds were used, and the progress the district has made in
35 increasing student achievement, as measured by required state
36 assessments and other assessments deemed appropriate by the district.
37 Copies of this report shall be provided to the superintendent of public
38 instruction.

1 percent, multiplied by the district's base allocation per full-time
2 equivalent student, multiplied by 0.9309.

3 (3) As used in this section:

4 (a) "Base allocation" means the total state allocation to all
5 schools in the district generated by the distribution formula under RCW
6 28A.150.260 (~~((3)(b), (c)(i), and (d), (4), and (8))~~) (4)(a), (5)(a),
7 (6), and (7)(a), to be divided by the district's full-time equivalent
8 enrollment.

9 (b) "Basic education enrollment" means enrollment of resident
10 students including nonresident students enrolled under RCW 28A.225.225
11 and students from nonhigh districts enrolled under RCW 28A.225.210 and
12 excluding students residing in another district enrolled as part of an
13 interdistrict cooperative program under RCW 28A.225.250.

14 (c) "Enrollment percent" means the district's resident special
15 education annual average enrollment, excluding students ages birth
16 through four and those five year olds not yet enrolled in kindergarten,
17 as a percent of the district's annual average full-time equivalent
18 basic education enrollment.

19 (d) "Funded enrollment percent" means the lesser of the district's
20 actual enrollment percent or twelve and seven-tenths percent.

21 **Sec. 10.** RCW 28A.150.410 and 2007 c 403 s 1 are each amended to
22 read as follows:

23 (1) The legislature shall establish for each school year in the
24 appropriations act a statewide salary allocation schedule, for
25 allocation purposes only, to be used to distribute funds for basic
26 education certificated instructional staff salaries under RCW
27 28A.150.260. For the purposes of this section, the staff allocations
28 for classroom teachers, teacher librarians, professional development
29 coaches, guidance counselors, and student health services staff under
30 RCW 28A.150.260 are considered allocations for certificated
31 instructional staff.

32 (2) Salary allocations for state-funded basic education
33 certificated instructional staff shall be calculated by the
34 superintendent of public instruction by determining the district's
35 average salary for certificated instructional staff, using the
36 statewide salary allocation schedule and related documents, conditions,
37 and limitations established by the omnibus appropriations act.

1 (3) Beginning January 1, 1992, no more than ninety college quarter-
2 hour credits received by any employee after the baccalaureate degree
3 may be used to determine compensation allocations under the state
4 salary allocation schedule and LEAP documents referenced in the omnibus
5 appropriations act, or any replacement schedules and documents, unless:

6 (a) The employee has a master's degree; or

7 (b) The credits were used in generating state salary allocations
8 before January 1, 1992.

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

23 **Sec. 11.** RCW 28A.150.100 and 1990 c 33 s 103 are each amended to
24 read as follows:

25 (1) For the purposes of this section and RCW 28A.150.410 and
26 28A.400.200, "basic education certificated instructional staff"
27 (~~shall~~) means all full-time equivalent classroom teachers, teacher
28 librarians, guidance counselors, certificated student health services
29 staff, and other certificated instructional staff in the following
30 programs as defined for statewide school district accounting purposes:
31 Basic education, secondary vocational education, general instructional
32 support, and general supportive services.

33 (2) (~~In the 1988-89 school year and thereafter,~~) Each school
34 district shall maintain a ratio of at least forty-six basic education
35 certificated instructional staff to one thousand annual average full
36 time equivalent students.

1 **Sec. 12.** 2009 c 548 s 710 (uncodified) is amended to read as
2 follows:

3 (1) RCW 28A.150.030 (School day) and 1971 ex.s. c 161 s 1 & 1969
4 ex.s. c 223 s 28A.01.010;

5 (2) RCW 28A.150.060 (Certificated employee) and 2005 c 497 s 212,
6 1990 c 33 s 102, 1977 ex.s. c 359 s 17, 1975 1st ex.s. c 288 s 21, &
7 1973 1st ex.s. c 105 s 1;

8 (3) (~~RCW 28A.150.100 (Basic education certificated instructional~~
9 ~~staff Definition Ratio to students) and 1990 c 33 s 103 & 1987 1st~~
10 ~~ex.s. c 2 s 203;~~

11 (4)) RCW 28A.150.040 (School year--Beginning--End) and 1990 c 33
12 s 101, 1982 c 158 s 5, 1977 ex.s. c 286 s 1, 1975-'76 2nd ex.s. c 118
13 s 22, & 1969 ex.s. c 223 s 28A.01.020;

14 ((+5)) (4) RCW 28A.150.370 (Additional programs for which
15 legislative appropriations must or may be made) and 1995 c 335 s 102,
16 1995 c 77 s 5, 1990 c 33 s 114, 1982 1st ex.s. c 24 s 1, & 1977 ex.s.
17 c 359 s 7; and

18 ((+6)) (5) RCW 28A.155.180 (Safety net funds--Application--
19 Technical assistance--Annual survey) and 2007 c 400 s 8.

20 **Sec. 13.** 2009 c 548 s 804 (uncodified) is amended to read as
21 follows:

22 Sections 101 through 105, 107 through 110, and 701 through 710 of
23 this act take effect September 1, 2011.

24 NEW SECTION. **Sec. 14.** If any part of this act is found to be in
25 conflict with federal requirements that are a prescribed condition to
26 the allocation of federal funds to the state, the conflicting part of
27 this act is inoperative solely to the extent of the conflict and with
28 respect to the agencies directly affected, and this finding does not
29 affect the operation of the remainder of this act in its application to
30 the agencies concerned. Rules adopted under this act must meet federal
31 requirements that are a necessary condition to the receipt of federal
32 funds by the state.

33 NEW SECTION. **Sec. 15.** If any provision of this act or its
34 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other
2 persons or circumstances is not affected.

3 NEW SECTION. **Sec. 16.** Sections 6 through 14 of this act take
4 effect September 1, 2011.

5 NEW SECTION. **Sec. 17.** Section 3 of this act is necessary for the
6 immediate preservation of the public peace, health, or safety, or
7 support of the state government and its existing public institutions,
8 and takes effect immediately."

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By Senator McAuliffe

9 On page 1, line 2 of the title, after "education;" strike the
10 remainder of the title and insert "amending RCW 28A.150.315, 43.41.398,
11 28A.150.260, 28A.505.210, 28A.150.390, 28A.150.410, and 28A.150.100;
12 amending 2009 c 548 s 302 (uncodified); amending 2009 c 548 s 710
13 (uncodified); amending 2009 c 548 s 804 (uncodified); adding a new
14 section to chapter 28A.300 RCW; creating new sections; providing an
15 effective date; and declaring an emergency."

EFFECT: Maintains all of the basic education values in the
prototypical school model.

Clarifies that all-day kindergarten will be fully implemented by
2018 but does not provide a beginning date for the phase-in.

Does not include any specified phase-in of the class-size or MSOC
enhancements.

Provides that as I-728 funds are restored by the Legislature up to
80% of those funds will be allocated as part of the implementation plan
for K-4 class size reduction or all-day kindergarten and shall be
considered part of basic education funding. The remaining I-728 funds
are not part of basic education.

Maintains the OSPI web-portal to compare actual staffing with the
assumptions from the prototypical school allocation model.

Encourages OSPI and OFM, as appropriate, to include members of the funding formula working group on the local finance working group.

Moves up the start date of the local finance working group to April 1, 2010; an interim report is added and due by November 30, 2010; and a final report is due by June 2011. Department of Revenue staff is added as staff support for the working group.

Maintains the current start date of the compensation working group with the Office of Financial Management as lead staff, in collaboration with OSPI; and an interim report is added and due by November 30, 2010.

Makes technical corrections.

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