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HOUSE BILL 1502

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State of Washington

61st Legislature

2009 Regular Session

By Representatives Green, Kenney, Morrell, Appleton, Blake, Pettigrew, Sequist, Ormsby, Chase, Haigh, Lias, Quall, Cody, Roberts, Goodman, White, Santos, Conway, and Simpson

Read first time 01/22/09. Referred to Committee on Education.

1 AN ACT Relating to school nurses; amending RCW 28A.150.260; adding  
2 a new section to chapter 28A.210 RCW; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that schools are  
5 increasingly required to play an expanding role in protecting our  
6 children's health and that school nurses play a pivotal role in  
7 improving the health and education success of school-age children.  
8 Current data from the office of the superintendent of public  
9 instruction indicates the statewide average ratio of nurses to students  
10 is one to two thousand six hundred fifty.

11 Certificated school nurses are increasingly responsible for the  
12 health and well-being of students including medically fragile students.  
13 The Legislature finds that:

14 (1) Peanut allergies in children have doubled in the five-year  
15 period covering 1997-2002;

16 (2) The number of asthmatic students has increased over four  
17 percent per year; and

18 (3) Diabetes type 2 is currently described as a new epidemic

1 affecting the American pediatric population with a thirty-three percent  
2 increase in prevalence in the past ten years.

3 The legislature further finds that the need for injections,  
4 administering prescription medicines, creating and maintaining safe  
5 school environments, providing mandatory health education, health  
6 screening, and immunizations, delivering early intervention services,  
7 designing wellness-driven programs, and providing vital medical  
8 services to students with chronic and acute illnesses are crucial to  
9 the health and well-being of all students. This is in addition to the  
10 increasing list of duties and responsibilities school nurses are  
11 required to perform. Current nurse staffing must be improved in order  
12 to ensure the safety and health of all students.

13 The legislature finds that each school district has unique  
14 challenges to provide the level of support needed to safely meet the  
15 needs of students with special health care needs. Smaller, rural,  
16 isolated communities may be challenged to obtain or keep a nurse when  
17 offering only a part-time position. In addition, districts need  
18 additional support and technical assistance at a regional level as  
19 individual student health needs increase and policies regarding the  
20 care of those students change.

21 The legislature finds that unless students are healthy, they cannot  
22 learn to their maximum potential. Studies show that an adequate nurse-  
23 to-student staffing ratio requires one nurse per seven hundred fifty  
24 students. Therefore, in order to adequately attend to the increasing  
25 health care needs of students, the legislature intends to create a  
26 nurse-to-student ratio of one to seven hundred fifty by the 2015-16  
27 school year, phased-in as follows: One to fifteen hundred during the  
28 2009-2011 biennium; one to twelve hundred fifty during the 2011-2013  
29 biennium; one to one thousand during the 2013-2015 biennium; and one to  
30 seven hundred fifty during the 2015-2017 biennium.

31 **Sec. 2.** RCW 28A.150.260 and 2006 c 263 s 322 are each amended to  
32 read as follows:

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

36 (1) The governor shall and the superintendent of public instruction  
37 may recommend to the legislature a formula based on a ratio of students

1 to staff for the distribution of a basic education allocation for each  
2 annual average full time equivalent student enrolled in a common  
3 school. The distribution formula shall have the primary objective of  
4 equalizing educational opportunities and shall provide appropriate  
5 recognition of the following costs among the various districts within  
6 the state:

7 (a) Certificated instructional staff and their related costs;

8 (b) Certificated administrative staff and their related costs;

9 (c) Classified staff and their related costs;

10 (d) Nonsalary costs;

11 (e) Extraordinary costs, including school facilities, of remote and  
12 necessary schools as judged by the superintendent of public  
13 instruction, with recommendations from the school facilities citizen  
14 advisory panel under RCW 28A.525.025, and small high schools, including  
15 costs of additional certificated and classified staff; and

16 (f) The attendance of students pursuant to RCW 28A.335.160 and  
17 28A.225.250 who do not reside within the servicing school district.

18 (2)(a) This formula for distribution of basic education funds shall  
19 be reviewed biennially by the superintendent and governor. The  
20 recommended formula shall be subject to approval, amendment or  
21 rejection by the legislature. The formula shall be for allocation  
22 purposes only. While the legislature intends that the allocations for  
23 additional instructional staff be used to increase the ratio of such  
24 staff to students, nothing in this section shall require districts to  
25 reduce the number of administrative staff below existing levels.

26 (b) The formula adopted by the legislature shall reflect the  
27 following ratios at a minimum: (i) Forty-nine certificated  
28 instructional staff to one thousand annual average full time equivalent  
29 students enrolled in grades kindergarten through three; (ii) forty-six  
30 certificated instructional staff to one thousand annual average full  
31 time equivalent students in grades four through twelve; (iii) four  
32 certificated administrative staff to one thousand annual average full  
33 time equivalent students in grades kindergarten through twelve; ~~((and))~~  
34 (iv) sixteen and sixty-seven one-hundredths classified personnel to one  
35 thousand annual average full time equivalent students enrolled in  
36 grades kindergarten through twelve; and (v) by the 2015-16 school year,  
37 a ratio of one certificated nurse per seven hundred fifty full-time  
38 equivalent students provided solely for that purpose, phased-in as

1 follows: One to fifteen hundred during the 2009-2011 biennium; one to  
2 twelve hundred fifty during the 2011-2013 biennium; one to one thousand  
3 during the 2013-2015 biennium; and one to seven hundred fifty during  
4 the 2015-2017 biennium.

5 (c) In the event the legislature rejects the distribution formula  
6 recommended by the governor, without adopting a new distribution  
7 formula, the distribution formula for the previous school year shall  
8 remain in effect: PROVIDED, That the distribution formula developed  
9 pursuant to this section shall be for state apportionment and  
10 equalization purposes only and shall not be construed as mandating  
11 specific operational functions of local school districts other than  
12 those program requirements identified in RCW 28A.150.220 and  
13 28A.150.100 and (b)(v) of this subsection. The enrollment of any  
14 district shall be the annual average number of full time equivalent  
15 students and part time students as provided in RCW 28A.150.350,  
16 enrolled on the first school day of each month and shall exclude full  
17 time equivalent students with disabilities recognized for the purposes  
18 of allocation of state funds for programs under RCW 28A.155.010 through  
19 28A.155.100. The definition of full time equivalent student shall be  
20 determined by rules of the superintendent of public instruction:  
21 PROVIDED, That the definition shall be included as part of the  
22 superintendent's biennial budget request: PROVIDED, FURTHER, That any  
23 revision of the present definition shall not take effect until approved  
24 by the house appropriations committee and the senate ways and means  
25 committee: PROVIDED, FURTHER, That the office of financial management  
26 shall make a monthly review of the superintendent's reported full time  
27 equivalent students in the common schools in conjunction with RCW  
28 43.62.050.

29 (3)(a) Certificated instructional staff shall include those persons  
30 employed by a school district who are nonsupervisory employees within  
31 the meaning of RCW 41.59.020(8): PROVIDED, That in exceptional cases,  
32 people of unusual competence but without certification may teach  
33 students so long as a certificated person exercises general  
34 supervision: PROVIDED, FURTHER, That the hiring of such classified  
35 people shall not occur during a labor dispute and such classified  
36 people shall not be hired to replace certificated employees during a  
37 labor dispute.

1 (b) Certificated administrative staff shall include all those  
2 persons who are chief executive officers, chief administrative  
3 officers, confidential employees, supervisors, principals, or assistant  
4 principals within the meaning of RCW 41.59.020(4).

5 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.210  
6 RCW to read as follows:

7 In order to provide for the health and safety of students, public  
8 school districts must provide for professional registered nurse  
9 services to manage the student and school health services, as  
10 established in RCW 28A.150.260.

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