
SECOND SUBSTITUTE SENATE BILL 6760

State of Washington

61st Legislature

2010 Regular Session

By Senate Ways & Means (originally sponsored by Senators Oemig, Gordon, McDermott, McAuliffe, Tom, Kauffman, Fairley, Ranker, Hargrove, Kline, Murray, Eide, Franklin, Hobbs, and Shin)

READ FIRST TIME 02/09/10.

1 AN ACT Relating to the basic education instructional allocation
2 distribution formula; amending RCW 28A.150.260, 28A.150.390, and
3 28A.150.410; amending 2009 c 548 s 710 (uncodified); amending 2009 c
4 548 s 804 (uncodified); creating new sections; and providing an
5 effective date.

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

7 NEW SECTION. **Sec. 1.** The legislature intends to continue to
8 refine and provide greater detail to the distribution formula for the
9 basic education instructional allocation, which shall be based on
10 minimum staffing and nonstaff costs that the legislature deems
11 necessary to support instruction and operations in prototypical schools
12 as defined by the legislature. The legislature expects that the
13 detailed prototype school model will bring greater transparency,
14 understanding, and public accountability to the funding system because
15 it displays funding assumptions in understandable terms centered on the
16 operations of school buildings.

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

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

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

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

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

1 to the extent that data is available. The allocations shall be further
2 adjusted from the school prototypes with minimum allocations for small
3 schools and to reflect other factors identified in the omnibus
4 appropriations act.

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

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

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

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

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

	<u>General education</u>
	<u>average</u>
	<u>class size</u>
26 <u>Grades K-3</u>	<u>25.23</u>
27 <u>Grade 4</u>	<u>27.00</u>
28 <u>Grades 5-6</u>	<u>27.00</u>
29 <u>Grades 7-8</u>	<u>28.53</u>
30 <u>Grades 9-12, except in cases when lower average class sizes</u>	
31 <u>are specified for approved career and technical education</u>	
32 <u>programs and skill centers</u>	<u>28.74</u>
33 <u>Approved career and technical education offered at</u>	
34 <u>the middle school and high school level</u>	<u>26.57</u>
35 <u>Skill center programs meeting the standards established</u>	
36 <u>by the office of the superintendent of public instruction</u>	<u>22.76</u>

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

1 ~~((i) Basic average class size;~~
2 ~~(ii) Basic)) (A) A high-poverty average class size in schools where~~
3 more than fifty percent of the students are eligible for free and
4 reduced-price meals; and
5 ~~((iii)) (B) A specialty average class size for ((exploratory and~~
6 ~~preparatory career and technical education,)) laboratory science,~~
7 advanced placement, and international baccalaureate courses(~~(i) and~~
8 ~~(iv) Average class size in grades kindergarten through three)).~~
9 (d) The minimum allocation for each level of prototypical school
10 shall include allocations for the following types of staff in addition
11 to classroom teachers:
12 ~~((i) Principals, including assistant principals, and other~~
13 ~~certificated building-level administrators;~~
14 ~~(ii) Teacher librarians, performing functions including information~~
15 ~~literacy, technology, and media to support school library media~~
16 ~~programs;~~
17 ~~(iii) Student health services, a function that includes school~~
18 ~~nurses, whether certificated instructional or classified employee, and~~
19 ~~social workers;~~
20 ~~(iv) Guidance counselors, performing functions including parent~~
21 ~~outreach and graduation advisor;~~
22 ~~(v) Professional development coaches;~~
23 ~~(vi) Teaching assistance, which includes any aspect of educational~~
24 ~~instructional services provided by classified employees;~~
25 ~~(vii) Office support, technology support, and other~~
26 ~~noninstructional aides;~~
27 ~~(viii) Custodians, warehouse, maintenance, laborer, and~~
28 ~~professional and technical education support employees; and~~
29 ~~(ix) Classified staff providing student and staff safety.~~
30 ~~(4)(a))~~

	<u>Elementary</u>	<u>Middle</u>	<u>High</u>
	<u>School</u>	<u>School</u>	<u>School</u>
<u>Principals, assistant principals, and other certificated building-level</u>			
<u>administrators, except administrators for approved career</u>			
<u>and technical programs and skill centers.....</u>	<u>1.253</u>	<u>1.353</u>	<u>1.880</u>

1	<u>Teacher librarians, a function that includes information literacy,</u>			
2	<u>technology, and media to support school library media programs</u>	<u>0.663</u>	<u>0.519</u>	<u>0.523</u>
3	<u>Health and social services:</u>			
4	<u>School nurses</u>	<u>0.076</u>	<u>0.060</u>	<u>0.096</u>
5	<u>Social workers</u>	<u>0.042</u>	<u>0.006</u>	<u>0.015</u>
6	<u>Psychologists</u>	<u>0.017</u>	<u>0.002</u>	<u>0.007</u>
7	<u>Guidance counselors, a function that includes parent outreach and</u>			
8	<u>graduation advising</u>	<u>0.493</u>	<u>1.116</u>	<u>1.909</u>
9	<u>Professional development coaches</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
10	<u>Teaching assistance, including any aspect of educational instructional</u>			
11	<u>services provided by classified employees</u>	<u>0.917</u>	<u>0.685</u>	<u>0.638</u>
12	<u>Office support and other noninstructional aides</u>	<u>1.971</u>	<u>2.277</u>	<u>3.201</u>
13	<u>Custodians</u>	<u>1.622</u>	<u>1.902</u>	<u>2.903</u>
14	<u>Classified staff providing student and staff safety</u>	<u>0.077</u>	<u>0.090</u>	<u>0.138</u>
15	<u>Parent involvement coordinators</u>	<u>0.000</u>	<u>0.000</u>	<u>0.000</u>

16 (4)(a) For career and technical education programs approved by the
17 superintendent of public instruction, the minimum allocation for
18 administrative staff shall be allocated at 0.410 per one hundred full-
19 time equivalent career and technical education students and for other
20 school-level certificated staff at 0.202 per one hundred full-time
21 equivalent career and technical education students, regardless of the
22 grade level at which the program is delivered.

23 (b) The average annual full-time equivalent student enrollment for
24 career and technical programs used for administrative, classroom
25 teachers, and school-level certificated staff calculations under this
26 subsection (4) shall be excluded from the average annual full-time
27 equivalent student enrollment used for the administrative, classroom
28 teachers, and school-level certificated staff allocations by grade
29 level.

30 (5)(a) For skill center programs meeting the standards for skill
31 center funding established in January 1999 by the superintendent of
32 public instruction, the minimum allocation for administrative staff
33 shall be allocated at 0.490 per one hundred full-time equivalent skill
34 center students and for other school-level certificated staff at 0.236
35 per one hundred full-time equivalent skill center students.

36 (b) The average annual full-time equivalent student enrollment for
37 skill centers used for administrative, classroom teachers, and school-

1 level certificated staff calculations under this subsection (5) shall
2 be excluded from the average annual full-time equivalent student
3 enrollment used for the administrative, classroom teachers, and school-
4 level certificated staff allocations by grade level.

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

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

13 (b) The minimum allocation for each school district to support
14 certificated and classified staffing of central administration shall be
15 5.39 percent of the staff units generated for the prototypical school
16 staff and district-wide support staff in subsections (3) and (4) of
17 this section and (a) of this subsection to provide the following
18 services: Supervisors/finance/personnel/communications; central office
19 clerical; and certificated administrators.

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

	<u>Per annual average</u>
	<u>full-time equivalent student</u>
	<u>in grades K-12</u>
28	
29	
30	
31	<u>Technology \$54.43</u>
32	<u>Utilities and insurance \$147.90</u>
33	<u>Curriculum and textbooks \$58.44</u>
34	<u>Other supplies and library materials \$124.07</u>
35	<u>Instructional professional development for certified and</u>
36	<u>classified staff \$9.04</u>
37	<u>Facilities maintenance \$73.27</u>

1 Security and central office \$50.76

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

15 ~~((+5))~~ (8) In addition to the allocations provided under
16 subsections (3) and ((+4)) (7) of this section shall be ((enhanced as
17 ~~follows to provide))~~ an amount provided for additional allocations for
18 classroom teachers and maintenance, supplies, and operating costs:

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

31 (b) To provide supplemental instruction and services for students
32 whose primary language is other than English, allocations shall be
33 based on the head count number of students in each school who are
34 eligible for and enrolled in the transitional bilingual instruction
35 program under RCW 28A.180.010 through 28A.180.080. The minimum
36 allocation for each level of prototypical school shall provide ~~((for~~
37 ~~supplemental instruction based on percent of the school day a student~~
38 ~~is assumed to receive supplemental instruction and a per student~~

1 ~~allocation for maintenance, supplies, and operating costs))~~ resources
2 to provide 4.7780 hours per week in extra instruction with fifteen
3 transitional bilingual instruction program students per teacher and
4 zero hours per week of instruction during vacation periods.

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

17 ~~((+7))~~ (10) The allocations under subsections (3)(b), (c)(i), and
18 (d), ~~((+4), and (+8))~~ (6), and (7)(a) of this section shall be enhanced
19 as provided under RCW 28A.150.390 on an excess cost basis to provide
20 supplemental instructional resources for students with disabilities.

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

27 ~~(+9))~~ (11)(a) For the purposes of allocations for prototypical high
28 schools and middle schools under subsections (3) and ~~((+5))~~ (8) of
29 this section that are based on the percent of students in the school
30 who are eligible for free and reduced-price meals, the actual percent
31 of such students in a school shall be adjusted by a factor identified
32 in the omnibus appropriations act to reflect underreporting of free and
33 reduced-price meal eligibility among middle and high school students.

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

1 (~~(10)~~) (12)(a) This formula for distribution of basic education
2 funds shall be reviewed biennially by the superintendent and governor.
3 The recommended formula shall be subject to approval, amendment or
4 rejection by the legislature.

5 (b) 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.

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

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

24 **Sec. 3.** RCW 28A.150.390 and 2009 c 548 s 108 are each amended to
25 read as follows:

26 (1) The superintendent of public instruction shall submit to each
27 regular session of the legislature during an odd-numbered year a
28 programmed budget request for special education programs for students
29 with disabilities. Funding for programs operated by local school
30 districts shall be on an excess cost basis from appropriations provided
31 by the legislature for special education programs for students with
32 disabilities and shall take account of state funds accruing through RCW
33 28A.150.260 (3) (b), (c)(i), and (d), (~~(4), and (8) and federal~~
34 ~~medical assistance and private funds accruing under RCW 74.09.5249~~
35 ~~through 74.09.5253 and 74.09.5254 through 74.09.5256)) (6), and (7)(a).~~

36 (2) The excess cost allocation to school districts shall be based
37 on the following:

1 (a) A district's annual average headcount enrollment of students
2 ages birth through four and those five year olds not yet enrolled in
3 kindergarten who are eligible for and enrolled in special education,
4 multiplied by the district's base allocation per full-time equivalent
5 student, multiplied by 1.15; and

6 (b) A district's annual average full-time equivalent basic
7 education enrollment, multiplied by the district's funded enrollment
8 percent, multiplied by the district's base allocation per full-time
9 equivalent student, multiplied by 0.9309.

10 (3) As used in this section:

11 (a) "Base allocation" means the total state allocation to all
12 schools in the district generated by the distribution formula under RCW
13 28A.150.260 (3) (b), (c)(i), and (d), ~~((4), and (8))~~ (6), and (7)(a),
14 to be divided by the district's full-time equivalent enrollment.

15 (b) "Basic education enrollment" means enrollment of resident
16 students including nonresident students enrolled under RCW 28A.225.225
17 and students from nonhigh districts enrolled under RCW 28A.225.210 and
18 excluding students residing in another district enrolled as part of an
19 interdistrict cooperative program under RCW 28A.225.250.

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

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

27 **Sec. 4.** RCW 28A.150.410 and 2007 c 403 s 1 are each amended to
28 read as follows:

29 (1) The legislature shall establish for each school year in the
30 appropriations act a statewide salary allocation schedule, for
31 allocation purposes only, to be used to distribute funds for basic
32 education certificated instructional staff salaries under RCW
33 28A.150.260. For the purposes of this section, the staff allocations
34 for classroom teachers, teacher librarians, professional development
35 coaches, guidance counselors, and student health services staff under
36 RCW 28A.150.260 are considered allocations for certificated
37 instructional staff.

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

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

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

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

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

29 **Sec. 5.** 2009 c 548 s 710 (uncodified) is amended to read as
30 follows:

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

33 (2) RCW 28A.150.060 (Certificated employee) and 2005 c 497 s 212,
34 1990 c 33 s 102, 1977 ex.s. c 359 s 17, 1975 1st ex.s. c 288 s 21, &
35 1973 1st ex.s. c 105 s 1;

36 (3) (~~RCW 28A.150.100 (Basic education certificated instructional~~

1 ~~staff Definition Ratio to students) and 1990 c 33 s 103 & 1987 1st~~
2 ~~ex.s. c 2 s 203;~~

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

6 ((+5)) (4) RCW 28A.150.370 (Additional programs for which
7 legislative appropriations must or may be made) and 1995 c 335 s 102,
8 1995 c 77 s 5, 1990 c 33 s 114, 1982 1st ex.s. c 24 s 1, & 1977 ex.s.
9 c 359 s 7; and

10 ((+6)) (5) RCW 28A.155.180 (Safety net funds--Application--
11 Technical assistance--Annual survey) and 2007 c 400 s 8.

12 **Sec. 6.** 2009 c 548 s 804 (uncodified) is amended to read as
13 follows:

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

16 NEW SECTION. **Sec. 7.** If any part of this act is found to be in
17 conflict with federal requirements that are a prescribed condition to
18 the allocation of federal funds to the state, the conflicting part of
19 this act is inoperative solely to the extent of the conflict and with
20 respect to the agencies directly affected, and this finding does not
21 affect the operation of the remainder of this act in its application to
22 the agencies concerned. Rules adopted under this act must meet federal
23 requirements that are a necessary condition to the receipt of federal
24 funds by the state.

25 NEW SECTION. **Sec. 8.** If any provision of this act or its
26 application to any person or circumstance is held invalid, the
27 remainder of the act or the application of the provision to other
28 persons or circumstances is not affected.

29 NEW SECTION. **Sec. 9.** This act takes effect September 1, 2011.

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