
SENATE BILL 6760

State of Washington

61st Legislature

2010 Regular Session

By Senators Oemig, Gordon, McDermott, McAuliffe, Tom, Kauffman, Fairley, Ranker, Hargrove, Kline, Murray, Eide, Franklin, Hobbs, and Shin

Read first time 01/25/10. Referred to Committee on Early Learning & K-12 Education.

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

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

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

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

18 The purpose of this section is to provide for the allocation of

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

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

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

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

1 adjusted from the school prototypes with minimum allocations for small
2 schools and to reflect other factors identified in the omnibus
3 appropriations act.

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

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

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

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

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

	<u>General education</u>
	<u>average</u>
	<u>class size</u>
25 <u>Grades K-3</u>	<u>28.27</u>
26 <u>Grade 4</u>	<u>28.27</u>
27 <u>Grades 5-6</u>	<u>34.32</u>
28 <u>Grades 7-8</u>	<u>36.43</u>
29 <u>Grades 9-12, except in cases when lower average class sizes</u>	
30 <u>are specified for approved career and technical education</u>	
31 <u>programs and skill centers</u>	<u>36.77</u>
32 <u>Approved career and technical education offered at</u>	
33 <u>the middle school level</u>	<u>36.43</u>
34 <u>Approved career and technical education offered at</u>	
35 <u>the high school level</u>	<u>26.58</u>
36 <u>Skill center programs meeting the standards established</u>	
37 <u>by the office of the superintendent of public instruction</u>	<u>22.76</u>

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

33	<u>Elementary</u>	<u>Middle</u>	<u>High</u>
34	<u>School</u>	<u>School</u>	<u>School</u>

1	<u>Principals, assistant principals, and other certificated building-level</u>			
2	<u>administrators, except administrators for approved career</u>			
3	<u>and technical programs and skill centers.....</u>	<u>1.253</u>	<u>1.353</u>	<u>1.880</u>
4	<u>Teacher librarians, a function that includes information literacy,</u>			
5	<u>technology, and media to support school library media programs.....</u>	<u>0.663</u>	<u>0.519</u>	<u>0.523</u>
6	<u>Student health services, a function that includes school nurses and social</u>			
7	<u>workers.....</u>	<u>0.135</u>	<u>0.068</u>	<u>0.118</u>
8	<u>Guidance counselors, a function that includes parent outreach and</u>			
9	<u>graduation advising.....</u>	<u>0.493</u>	<u>1.116</u>	<u>1.909</u>
10	<u>Professional development coaches.....</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
11	<u>Teaching assistance, including any aspect of educational instructional</u>			
12	<u>services provided by classified employees.....</u>	<u>0.936</u>	<u>0.700</u>	<u>0.652</u>
13	<u>Office support and other noninstructional aides.....</u>	<u>2.012</u>	<u>2.235</u>	<u>3.269</u>
14	<u>Custodians.....</u>	<u>1.657</u>	<u>1.942</u>	<u>2.965</u>
15	<u>Classified staff providing student and staff safety.....</u>	<u>0.079</u>	<u>0.092</u>	<u>0.141</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 0.612 per one hundred
19 full-time equivalent career and technical education students,
20 regardless of the grade level at which the program is delivered.

21 (b) The average annual full-time equivalent student enrollment for
22 career and technical programs used for administrative calculations
23 under this subsection (4) shall be excluded from the average annual
24 full-time equivalent student enrollment used for the administrative
25 allocation by grade level.

26 (5)(a) For skill center programs meeting the standards for skill
27 center funding established in January 1999 by the superintendent of
28 public instruction, the minimum allocation for administrative staff
29 shall be allocated at 0.715 per one hundred skill center students.

30 (b) The average annual full-time equivalent student enrollment for
31 skill centers used for administrative calculations under this
32 subsection (5) shall be excluded from the average annual full-time
33 equivalent student enrollment used for the administrative allocation by
34 grade level.

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

1		<u>Staff per 1,000</u>
2		<u>K-12 students</u>
3	<u>Technology</u>	<u>0.628</u>
4	<u>Facilities, maintenance, and grounds</u>	<u>1.813</u>
5	<u>Warehouse, laborers, and mechanics</u>	<u>0.332</u>

6 (b) The minimum allocation for each school district to support
7 certificated and classified staffing of central administration shall be
8 5.30 percent of the staff units generated for the prototypical school
9 staff and district-wide support staff in subsections (3) and (4) of
10 this section and (a) of this subsection to provide the following
11 services:

12		<u>Staff per 1,000</u>
13		<u>K-12 students</u>
14	<u>Supervisors/Finance/Personnel/Communications</u>	<u>0.773</u>
15	<u>Central office clerical</u>	<u>1.765</u>
16	<u>Certificated administrators</u>	<u>0.867</u>

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.))

25		<u>Per annual average</u>
26		<u>full-time equivalent student</u>
27		<u>in grades K-12</u>
28	<u>Technology</u>	<u>\$119.44</u>
29	<u>Utilities and insurance</u>	<u>\$324.52</u>
30	<u>Curriculum and textbooks</u>	<u>\$128.22</u>
31	<u>Other supplies and library materials</u>	<u>\$272.24</u>
32	<u>Instructional professional development for certified and</u>	
33	<u>classified staff</u>	<u>\$19.83</u>
34	<u>Facilities maintenance</u>	<u>\$160.77</u>
35	<u>Security and central office</u>	<u>\$111.38</u>

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

14 (~~(+5)~~) (8) In addition to the allocations provided under
15 subsections (3) and ((+4)) (7) of this section shall be ((enhanced as
16 ~~follows to provide)) an amount provided for additional allocations for~~
17 classroom teachers and maintenance, supplies, and operating costs:

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

28 (i) 1.4733 hours per week in extra instruction with a class size of
29 fifteen learning assistance program students per teacher and zero hours
30 per week of instruction during vacation periods; and

31 (ii) A per-student maintenance, supplies, and operating cost
32 allocation of seven dollars and eighty-three cents, which shall be in
33 addition to the amount provided in subsection (7)(a) of this section.

34 (b) To provide supplemental instruction and services for students
35 whose primary language is other than English, allocations shall be
36 based on the head count number of students in each school who are
37 eligible for and enrolled in the transitional bilingual instruction
38 program under RCW 28A.180.010 through 28A.180.080. The minimum

1 allocation for each level of prototypical school shall provide (~~for~~
2 ~~supplemental instruction based on percent of the school day a student~~
3 ~~is assumed to receive supplemental instruction and a per student~~
4 ~~allocation for maintenance, supplies, and operating costs~~) resources
5 to provide the following:

6 (i) 4.6454 hours per week in extra instruction with fifteen
7 transitional bilingual instruction program students per teacher and
8 zero hours per week of instruction during vacation periods; and

9 (ii) A per-student maintenance, supplies, and operating cost
10 allocation of twenty-four dollars and fifty-eight cents, which shall be
11 in addition to the amount provided in subsection (7)(a) of this
12 section.

13 ~~((+6))~~ (9) The allocations provided under subsections (3) and
14 ~~((+4))~~ (7) of this section shall be enhanced to provide additional
15 allocations to support programs for highly capable students under RCW
16 28A.185.010 through 28A.185.030, based on two and three hundred
17 fourteen one-thousandths percent of each school district's full-time
18 equivalent basic education enrollment. The minimum allocation for the
19 programs shall provide (~~an extended school day and extended school~~
20 ~~year for each level of prototypical school and a per student allocation~~
21 ~~for maintenance, supplies, and operating costs~~) resources to provide
22 the following:

23 (a) 2.0992 hours per week in extra instruction with fifteen highly
24 capable program students per teacher and zero hours per week of
25 instruction during vacation periods; and

26 (b) A per-student maintenance, supplies, and operating cost
27 allocation of eleven dollars and eleven cents, which shall be in
28 addition to the amount provided in subsection (7)(a) of this section.

29 ~~((+7))~~ (10) The allocations under subsections (3)(b), (c)(i), and
30 (d), ~~((+4), and (+8))~~ (6), and (7)(a) of this section shall be enhanced
31 as provided under RCW 28A.150.390 on an excess cost basis to provide
32 supplemental instructional resources for students with disabilities.

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

1 ~~(9))~~ (11)(a) For the purposes of allocations for prototypical high
2 schools and middle schools under subsections (3) and ~~((5))~~ (8) of
3 this section that are based on the percent of students in the school
4 who are eligible for free and reduced-price meals, the actual percent
5 of such students in a school shall be adjusted by a factor identified
6 in the omnibus appropriations act to reflect underreporting of free and
7 reduced-price meal eligibility among middle and high school students.

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

13 ~~((10))~~ (12)(a) This formula for distribution of basic education
14 funds shall be reviewed biennially by the superintendent and governor.
15 The recommended formula shall be subject to approval, amendment or
16 rejection by the legislature.

17 (b) In the event the legislature rejects the distribution formula
18 recommended by the governor, without adopting a new distribution
19 formula, the distribution formula for the previous school year shall
20 remain in effect.

21 (c) The enrollment of any district shall be the annual average
22 number of full-time equivalent students and part-time students as
23 provided in RCW 28A.150.350, enrolled on the first school day of each
24 month, including students who are in attendance pursuant to RCW
25 28A.335.160 and 28A.225.250 who do not reside within the servicing
26 school district. The definition of full-time equivalent student shall
27 be determined by rules of the superintendent of public instruction and
28 shall be included as part of the superintendent's biennial budget
29 request. The definition shall be based on the minimum instructional
30 hour offerings required under RCW 28A.150.220. Any revision of the
31 present definition shall not take effect until approved by the house
32 ways and means committee and the senate ways and means committee.

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

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

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

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

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

18 (b) A district's annual average full-time equivalent basic
19 education enrollment, multiplied by the district's funded enrollment
20 percent, multiplied by the district's base allocation per full-time
21 equivalent student, multiplied by 0.9309.

22 (3) As used in this section:

23 (a) "Base allocation" means the total state allocation to all
24 schools in the district generated by the distribution formula under RCW
25 28A.150.260 (3) (b), (c)(i), and (d), (~~(4), and (8)~~) (6), and (7)(a),
26 to be divided by the district's full-time equivalent enrollment.

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

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

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

1 **Sec. 4.** 2009 c 548 s 804 (uncodified) is amended to read as
2 follows:

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

5 NEW SECTION. **Sec. 5.** If any part of this act is found to be in
6 conflict with federal requirements that are a prescribed condition to
7 the allocation of federal funds to the state, the conflicting part of
8 this act is inoperative solely to the extent of the conflict and with
9 respect to the agencies directly affected, and this finding does not
10 affect the operation of the remainder of this act in its application to
11 the agencies concerned. Rules adopted under this act must meet federal
12 requirements that are a necessary condition to the receipt of federal
13 funds by the state.

14 NEW SECTION. **Sec. 6.** If any provision of this act or its
15 application to any person or circumstance is held invalid, the
16 remainder of the act or the application of the provision to other
17 persons or circumstances is not affected.

18 NEW SECTION. **Sec. 7.** This act takes effect September 1, 2011.

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